



1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; revising the date on which the Department
4 of Economic Opportunity and Enterprise Florida, Inc.,
5 are required to report on the business climate and
6 economic development in the state; specifying reports
7 and information that must be included; amending s.
8 201.15, F.S.; revising the distribution of funds in
9 the Grants and Donations Trust Fund; amending s.
10 212.08, F.S.; revising definitions; amending s.
11 213.053, F.S.; authorizing the Department of Revenue
12 to make certain information available to the director
13 of the Office of Program Policy Analysis and
14 Government Accountability and the coordinator of the
15 Office of Economic and Demographic Research;
16 authorizing the offices to share certain information;
17 amending s. 220.194, F.S.; requiring the annual report
18 for the Florida Space Business Incentives Act to be
19 included in the annual incentives report; deleting
20 certain reporting requirements; amending s. 288.001,
21 F.S.; providing a network purpose; providing
22 definitions; requiring the statewide director and the
23 network to operate the program in compliance with
24 federal laws and regulations and a Board of Governors
25 regulation; requiring the statewide director to
26 consult with the Board of Governors, the Department of
27 Economic Opportunity, and the network's statewide
28 advisory board to establish certain policies and



29 | goals; requiring the network to maintain a statewide
30 | advisory board; providing for advisory board
31 | membership; providing for terms of membership;
32 | providing for certain member reimbursement; requiring
33 | the director to develop support services; specifying
34 | support service requirements; requiring businesses
35 | that receive support services to participate in
36 | certain assessments; requiring the network to provide
37 | a match equal to certain state funding; providing
38 | criteria for the match; requiring the statewide
39 | director to coordinate with the host institution to
40 | establish a pay-per-performance incentive; providing
41 | for pay-per-performance incentive funding and
42 | distribution; providing a distribution formula
43 | requirement; requiring the statewide director to
44 | coordinate with the advisory board to distribute funds
45 | for certain purposes and develop programs to
46 | distribute funds for those purposes; requiring the
47 | network to announce available funding, performance
48 | expectations, and other requirements; requiring the
49 | statewide director to present applications and
50 | recommendations to the advisory board; requiring
51 | applications approved by the advisory board to be
52 | publicly posted; providing minimum requirements for a
53 | program; prohibiting certain regional small business
54 | development centers from receiving funds; providing
55 | that match funding may not be reduced for regional
56 | small business development centers receiving



57 additional funds; requiring the statewide director to
58 regularly update the Board of Governors, the
59 department, and the advisory board with certain
60 information; requiring the statewide director, in
61 coordination with the advisory board, to annually
62 report certain information to the President of the
63 Senate and the Speaker of the House of
64 Representatives; amending s. 288.005, F.S.; revising
65 definitions; amending s. 288.012, F.S.; requiring each
66 State of Florida international office to submit a
67 report to Enterprise Florida, Inc., for inclusion in
68 its annual report; deleting a reporting date; amending
69 s. 288.0656, F.S.; requiring the Rural Economic
70 Development Initiative to submit a report to
71 supplement the department's annual report; deleting
72 certain reporting requirements; amending s. 288.061,
73 F.S.; providing for the evaluation of economic
74 development incentive applications; requiring an
75 applicant to provide a surety bond to the department
76 before the applicant receives incentive awards through
77 the Quick Action Closing Fund or the Innovation
78 Incentive Program; requiring the contract or agreement
79 to provide that the bond remain in effect until all
80 conditions have been satisfied; providing that the
81 department may require the bond to cover the entire
82 contracted amount or allow for bonds to be renewed
83 upon completion of certain performance measures;
84 requiring the contract or agreement to provide that



85 funds are contingent upon receipt of the surety bond;
86 requiring the contract or agreement to provide that up
87 to half of the premium payment on the bond may be paid
88 from the award up to a certain amount; requiring an
89 applicant to notify the department of premium
90 payments; providing for certain notice requirements
91 upon cancellation or nonrenewal by an insurer;
92 providing that the cancellation of the surety bond
93 violates the contract or agreement; providing an
94 exception; providing for a waiver if certain
95 information is provided; providing that if the
96 department grants a waiver, the contract or agreement
97 must provide for securing the award in a certain form;
98 requiring the contract or agreement to provide that
99 the release of funds is contingent upon satisfying
100 certain requirements; requiring the irrevocable letter
101 of credit, trust, or security agreement to remain in
102 effect until certain conditions have been satisfied;
103 providing for a waiver of the surety bond or other
104 security if certain information is provided and the
105 department determines it to be in the best interest of
106 the state; providing that the waiver of the surety
107 bond or other security, for funding in excess of \$5
108 million, must be approved by the Legislative Budget
109 Commission; prohibiting the executive director from
110 approving an economic development incentive
111 application unless a specified written declaration is
112 received; requiring an awardee to provide a signed



113 | written declaration in specified years; providing that
114 | the state may bring suit upon default or upon a
115 | violation of this section; providing that the
116 | department may adopt rules to implement this section;
117 | creating s. 288.076, F.S.; providing definitions;
118 | requiring the department to publish on a website
119 | specified information concerning state investment in
120 | economic development programs; requiring the
121 | department to work with the Office of Economic and
122 | Demographic Research to provide a description of
123 | specified methodology and requiring the department to
124 | publish such description on its website; providing
125 | procedures and requirements for reviewing, updating,
126 | and supplementing specified published information;
127 | requiring the department to annually publish
128 | information relating to the progress of Quick Action
129 | Closing Fund projects; requiring the department to
130 | publish certain confidential information pertaining to
131 | participant businesses upon expiration of a specified
132 | confidentiality period; requiring the department to
133 | publish certain reports concerning businesses that
134 | fail to complete tax refund agreements under the tax
135 | refund program for qualified target industry
136 | businesses; providing for construction and legislative
137 | intent; authorizing the department to adopt rules;
138 | creating s. 288.0761, F.S.; establishing the Economic
139 | Development Programs Evaluation; requiring the Office
140 | of Economic and Demographic Research and the Office of



141 Program Policy Analysis and Government Accountability
142 to present the evaluation; requiring the offices to
143 develop and submit a work plan for completing the
144 evaluation by a certain date; requiring the offices to
145 provide an analysis of certain economic development
146 programs and specifying a schedule; requiring the
147 Office of Economic and Demographic Research to make
148 certain evaluations in its analysis; limiting the
149 office's evaluation for the purposes of tax credits,
150 tax refunds, sales tax exemptions, cash grants, and
151 similar programs; requiring the office to use a
152 certain model to evaluate each program; requiring the
153 Office of Program Policy Analysis and Government
154 Accountability to make certain evaluations in its
155 analysis; providing the offices access to all data
156 necessary to complete the evaluation; repealing s.
157 288.095(3)(c), F.S., relating to the annual report by
158 Enterprise Florida, Inc., of programs funded by the
159 Economic Development Incentives Account; amending s.
160 288.106, F.S.; revising provisions relating to the
161 application and approval process of the tax refund
162 program for qualified target industry businesses;
163 requiring the department to include information on
164 qualified target industry businesses in the annual
165 incentives report; deleting certain reporting
166 requirements; amending s. 288.107, F.S.; revising
167 definitions; revising provisions to conform to changes
168 made by the act; revising the minimum criteria for



169 participation in the brownfield redevelopment bonus
170 refund; amending s. 288.1081, F.S.; requiring the use
171 of loan funds from the Economic Gardening Business
172 Loan Pilot Program to be included in the department's
173 annual report; deleting certain reporting
174 requirements; amending s. 288.1082, F.S.; requiring
175 the progress of the Economic Gardening Technical
176 Assistance Pilot Program to be included in the
177 department's annual report; deleting certain reporting
178 requirements; amending s. 288.1088, F.S.; requiring
179 the department to validate contractor performance for
180 the Quick Action Closing Fund and include the
181 performance validation in the annual incentives
182 report; deleting certain reporting requirements;
183 amending s. 288.1089, F.S.; requiring that certain
184 projects in the Innovation Incentive Program provide a
185 cumulative break-even economic benefit; requiring the
186 department to report information relating to the
187 Innovation Incentive Program in the annual incentives
188 report; deleting certain reporting requirements;
189 deleting provisions that require the Office of Program
190 Policy Analysis and Government Accountability and the
191 Auditor General's Office to report on the Innovation
192 Incentive Program; amending s. 288.1253, F.S.;
193 revising a reporting date; requiring expenditures of
194 the Office of Film and Entertainment to be included in
195 the annual entertainment industry financial incentive
196 program report; amending s. 288.1254, F.S.; revising a



197 reporting date; requiring the annual entertainment
198 industry financial incentive program report to include
199 certain information; amending s. 288.1258, F.S.;
200 revising a reporting date; requiring the report
201 detailing the relationship between tax exemptions and
202 incentives to industry growth to be included in the
203 annual entertainment industry financial incentive
204 program report; amending s. 288.714, F.S.; requiring
205 the department's annual report to include a report on
206 the Black Business Loan Program; deleting certain
207 reporting requirements; amending s. 288.7771, F.S.;
208 requiring the Florida Export Finance Corporation to
209 submit a report to Enterprise Florida, Inc.; amending
210 s. 288.903, F.S.; requiring Enterprise Florida, Inc.,
211 with the department, to prepare an annual incentives
212 report; repealing s. 288.904(6), F.S., relating to
213 Enterprise Florida, Inc., which requires the
214 department to report the return on the public's
215 investment; amending s. 288.906, F.S.; requiring
216 certain reports to be included in the Enterprise
217 Florida, Inc., annual report; amending s. 288.907,
218 F.S., relating to the annual incentives report of
219 Enterprise Florida, Inc; deleting a provision
220 requiring the Division of Strategic Business
221 Development to assist Enterprise Florida, Inc., with
222 the report; amending s. 288.92, F.S.; requiring each
223 division of Enterprise Florida, Inc., to submit a
224 report; amending s. 288.95155, F.S.; requiring the



225 financial status of the Florida Small Business
226 Technology Growth Program to be included in the annual
227 incentives report; amending 288.9918, F.S.; revising
228 reporting requirements related to community
229 development entities, amending 290.0055, F.S.;
230 providing for the expansion of the boundaries of
231 enterprise zones that meet certain requirements;
232 providing an application deadline; amending s.
233 290.0056, F.S.; revising a reporting date; requiring
234 the enterprise zone development agency to submit
235 certain information for the department's annual
236 report; amending s. 290.014, F.S.; revising a
237 reporting date; requiring certain reports on
238 enterprise zones to be included in the department's
239 annual report; amending s. 290.0455, F.S.; providing
240 for the state's guarantee of certain federal loans to
241 local governments; requiring applicants for such loans
242 to pledge a specified amount of revenues to guarantee
243 the loans; revising requirements for the department to
244 submit recommendations to the Federal Government for
245 such loans; revising the maximum amount of the loan
246 guarantee commitment that a local government may
247 receive and providing exceptions; providing for
248 reduction of a local government's future community
249 development block grants if the local government
250 defaults on the federal loan; providing procedures if
251 a local government is granted entitlement community
252 status; amending s. 331.3051, F.S.; revising a



253 reporting date; requiring Space Florida's annual
254 report to include certain information; amending s.
255 331.310, F.S.; requiring the Board of Directors of
256 Space Florida to supplement Space Florida's annual
257 report with operations information; deleting certain
258 reporting requirements; amending s. 443.036, F.S.;
259 providing examples of misconduct; amending s. 443.091,
260 F.S.; providing for online work registration and
261 providing exceptions; limiting a claimant's use of the
262 same prospective employer to meet work search
263 requirements; providing an exception, providing that
264 work search requirements do not apply to individuals
265 required to participate in reemployment services;
266 amending s. 443.101, F.S.; providing for
267 disqualification in any week with respect to which the
268 department finds that his or her unemployment is due
269 to failure without good cause to maintain a license,
270 registration, or certification required by applicable
271 law necessary for the employee to perform her or his
272 assigned job duties; providing examples of "good
273 cause"; amending s. 443.1113, F.S., relating to the
274 Reemployment Assistance Claims and Benefits
275 Information System; revising timeframe for deployment
276 of a certain Internet portal as part of such system;
277 amending s. 443.131, F.S.; revising requirements for
278 the estimate of interest due on advances received from
279 the Federal Government to the Unemployment
280 Compensation Trust Fund; revising the calculation of



281 additional assessments to contributing employers to
282 repay the interest; providing an exemption from such
283 additional assessments; amending s. 443.151 F.S.;
284 revising provisions to conform to changes made to
285 benefit eligibility; providing that an employer or its
286 agent may not be relieved of benefit charges for
287 failure to timely and adequately respond to notice of
288 claim or request for information; imposing a penalty
289 against a claimant who is overpaid reemployment
290 assistance benefits due to fraud by the claimant;
291 requiring appeals referees appointed on or after a
292 specified date to be attorneys in good standing or
293 admitted to The Florida Bar within a specified period
294 after appointment; amending s. 443.1715, F.S.;
295 prohibiting the unlawful disclosure of certain
296 confidential information relating to employing units
297 and individuals under the Reemployment Assistance
298 Program Law; providing penalties; amending s. 443.191,
299 F.S.; providing for deposit of moneys collected for
300 certain penalties in the Unemployment Compensation
301 Trust Fund; amending s. 446.50, F.S.; requiring the
302 department's annual report to include a plan for the
303 displaced homemaker program; deleting certain
304 reporting requirements; providing for applicability;
305 providing effective dates.

306

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

308



309 Section 1. Subsection (10) of section 20.60, Florida
310 Statutes, is amended to read:

311 20.60 Department of Economic Opportunity; creation; powers
312 and duties.—

313 (10) The department, with assistance from Enterprise
314 Florida, Inc., shall, by November 1 ~~January 1~~ of each year,
315 submit an annual report to the Governor, the President of the
316 Senate, and the Speaker of the House of Representatives on the
317 condition of the business climate and economic development in
318 the state. The report shall include the identification of
319 problems and a prioritized list of recommendations. The report
320 shall also include the following information from reports of
321 other programs, including:

322 (a) Information from the displaced homemaker program plan
323 required under s. 446.50.

324 (b) Information provided by enterprise zone development
325 agencies under s. 290.0056 and an analysis of the activities and
326 accomplishments of each enterprise zone.

327 (c) Information from the report on the use of loan funds
328 awarded pursuant to the Economic Gardening Business Loan Pilot
329 Program required under s. 288.1081(8) and from the report on the
330 progress of the Economic Gardening Technical Assistance Pilot
331 Program required under s. 288.1082(8).

332 (d) Information from the report of the performance of the
333 Black Business Loan Program and a cumulative summary of
334 quarterly report data required under s. 288.714.

335 (e) Information from the report of all Rural Economic
336 Development Initiative activities required under s. 288.0656.



337 (f) Information provided by the Department of Revenue
338 under s. 290.014.

339 Section 2. Paragraph (c) of subsection (1) of section
340 201.15, Florida Statutes, is amended to read:

341 201.15 Distribution of taxes collected.—All taxes
342 collected under this chapter are subject to the service charge
343 imposed in s. 215.20(1). Prior to distribution under this
344 section, the Department of Revenue shall deduct amounts
345 necessary to pay the costs of the collection and enforcement of
346 the tax levied by this chapter. Such costs and the service
347 charge may not be levied against any portion of taxes pledged to
348 debt service on bonds to the extent that the costs and service
349 charge are required to pay any amounts relating to the bonds.
350 After distributions are made pursuant to subsection (1), all of
351 the costs of the collection and enforcement of the tax levied by
352 this chapter and the service charge shall be available and
353 transferred to the extent necessary to pay debt service and any
354 other amounts payable with respect to bonds authorized before
355 January 1, 2013, secured by revenues distributed pursuant to
356 subsection (1). All taxes remaining after deduction of costs and
357 the service charge shall be distributed as follows:

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

360 (c) After the required payments under paragraphs (a) and
361 (b), the remainder shall be paid into the State Treasury to the
362 credit of:

363 1. The State Transportation Trust Fund in the Department
364 of Transportation in the amount of the lesser of 38.2 percent of



365 the remainder or \$541.75 million in each fiscal year. Out of
366 such funds, the first \$50 million for the 2012-2013 fiscal year;
367 \$65 million for the 2013-2014 fiscal year; and \$75 million for
368 the 2014-2015 fiscal year and all subsequent years, shall be
369 transferred to the State Economic Enhancement and Development
370 Trust Fund within the Department of Economic Opportunity. The
371 remainder is to be used for the following specified purposes,
372 notwithstanding any other law to the contrary:

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

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

380 c. For the purposes of the Strategic Intermodal System
381 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
382 of these funds after allocating for the New Starts Transit
383 Program described in sub-subparagraph a. and the Small County
384 Outreach Program described in sub-subparagraph b.; and

385 d. For the purposes of the Transportation Regional
386 Incentive Program specified in s. 339.2819, 25 percent of these
387 funds after allocating for the New Starts Transit Program
388 described in sub-subparagraph a. and the Small County Outreach
389 Program described in sub-subparagraph b. Effective July 1, 2014,
390 the first \$60 million of the funds allocated pursuant to this
391 sub-subparagraph shall be allocated annually to the Florida Rail
392 Enterprise for the purposes established in s. 341.303(5).



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

398 3. The Ecosystem Management and Restoration Trust Fund in
399 the amount of the lesser of 2.12 percent of the remainder or \$30
400 million in each fiscal year, to be used for the preservation and
401 repair of the state's beaches as provided in ss. 161.091-
402 161.212.

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

407
408 Moneys distributed pursuant to this paragraph may not be pledged
409 for debt service unless such pledge is approved by referendum of
410 the voters.

411 Section 3. Paragraph (o) of subsection (5) of section
412 212.08, Florida Statutes, is amended to read:

413 212.08 Sales, rental, use, consumption, distribution, and
414 storage tax; specified exemptions.—The sale at retail, the
415 rental, the use, the consumption, the distribution, and the
416 storage to be used or consumed in this state of the following
417 are hereby specifically exempt from the tax imposed by this
418 chapter.

419 (5) EXEMPTIONS; ACCOUNT OF USE.—

420 (o) Building materials in redevelopment projects.—



421 1. As used in this paragraph, the term:

422 a. "Building materials" means tangible personal property
423 that becomes a component part of a housing project or a mixed-
424 use project.

425 b. "Housing project" means the conversion of an existing
426 manufacturing or industrial building to a housing unit which is
427 ~~units~~ in an urban high-crime area, an enterprise zone, an
428 empowerment zone, a Front Porch Community, a designated
429 brownfield site for which a rehabilitation agreement with the
430 Department of Environmental Protection or a local government
431 delegated by the Department of Environmental Protection has been
432 executed under s. 376.80 and any abutting real property parcel
433 within a brownfield area, or an urban infill area, and in which
434 the developer agrees to set aside at least 20 percent of the
435 housing units in the project for low-income and moderate-income
436 persons or the construction in a designated brownfield area of
437 affordable housing for persons described in s. 420.0004(9),
438 (11), (12), or (17) or in s. 159.603(7).

439 c. "Mixed-use project" means the conversion of an existing
440 manufacturing or industrial building to mixed-use units that
441 include artists' studios, art and entertainment services, or
442 other compatible uses. A mixed-use project must be located in an
443 urban high-crime area, an enterprise zone, an empowerment zone,
444 a Front Porch Community, a designated brownfield site for which
445 a rehabilitation agreement with the Department of Environmental
446 Protection or a local government delegated by the Department of
447 Environmental Protection has been executed under s. 376.80 and
448 any abutting real property parcel within a brownfield area, or



449 an urban infill area, and the developer must agree to set aside
450 at least 20 percent of the square footage of the project for
451 low-income and moderate-income housing.

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

454 2. Building materials used in the construction of a
455 housing project or mixed-use project are exempt from the tax
456 imposed by this chapter upon an affirmative showing to the
457 satisfaction of the department that the requirements of this
458 paragraph have been met. This exemption inures to the owner
459 through a refund of previously paid taxes. To receive this
460 refund, the owner must file an application under oath with the
461 department which includes:

462 a. The name and address of the owner.

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

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

466 d. A certification by the local building code inspector
467 that the project is substantially completed.

468 e. A sworn statement, under penalty of perjury, from the
469 general contractor licensed in this state with whom the owner
470 contracted to construct the project, which statement lists the
471 building materials used in the construction of the project and
472 the actual cost thereof, and the amount of sales tax paid on
473 these materials. If a general contractor was not used, the owner
474 shall provide this information in a sworn statement, under
475 penalty of perjury. Copies of invoices evidencing payment of
476 sales tax must be attached to the sworn statement.



477 3. An application for a refund under this paragraph must
478 be submitted to the department within 6 months after the date
479 the project is deemed to be substantially completed by the local
480 building code inspector. Within 30 working days after receipt of
481 the application, the department shall determine if it meets the
482 requirements of this paragraph. A refund approved pursuant to
483 this paragraph shall be made within 30 days after formal
484 approval of the application by the department.

485 4. The department shall establish by rule an application
486 form and criteria for establishing eligibility for exemption
487 under this paragraph.

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

490 Section 4. Paragraph (bb) is added to subsection (8) of
491 section 213.053, Florida Statutes, to read:

492 213.053 Confidentiality and information sharing.—

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

495 (bb) Information to the director of the Office of Program
496 Policy Analysis and Government Accountability or his or her
497 authorized agent, and to the coordinator of the Office of
498 Economic and Demographic Research or his or her authorized
499 agent, for purposes of completing the Economic Development
500 Programs Evaluation. Information obtained from the department
501 pursuant to this paragraph may be shared by the director and the
502 coordinator, or the director's or coordinator's authorized
503 agent, for purposes of completing the Economic Development
504 Programs Evaluation.



505
506 Disclosure of information under this subsection shall be
507 pursuant to a written agreement between the executive director
508 and the agency. Such agencies, governmental or nongovernmental,
509 shall be bound by the same requirements of confidentiality as
510 the Department of Revenue. Breach of confidentiality is a
511 misdemeanor of the first degree, punishable as provided by s.
512 775.082 or s. 775.083.

513 Section 5. Subsection (9) of section 220.194, Florida
514 Statutes, is amended to read:

515 220.194 Corporate income tax credits for spaceflight
516 projects.—

517 (9) ANNUAL REPORT.—Beginning in 2014, the Department of
518 Economic Opportunity, in cooperation with Space Florida and the
519 department, shall include in the ~~submit an~~ annual incentives
520 report required under s. 288.907 a summary of ~~summarizing~~
521 activities relating to the Florida Space Business Incentives Act
522 established under this section ~~to the Governor, the President of~~
523 ~~the Senate, and the Speaker of the House of Representatives by~~
524 ~~each November 30.~~

525 Section 6. Section 288.001, Florida Statutes, is amended
526 to read:

527 288.001 The Florida Small Business Development Center
528 Network; ~~purpose.~~—

529 (1) PURPOSE.—The Florida Small Business Development Center
530 Network is the principal business assistance organization for
531 small businesses in the state. The purpose of the network is to
532 serve emerging and established for-profit, privately held



533 businesses that maintain a place of business in the state.

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

535 (a) "Board of Governors" is the Board of Governors of the
536 State University System.

537 (b) "Host institution" is the university designated by the
538 Board of Governors to be the recipient organization in
539 accordance with 13 C.F.R. s. 130.200.

540 (c) "Network" means the Florida Small Business Development
541 Center Network.

542 (3) OPERATION; POLICIES AND PROGRAMS.—

543 (a) The network's statewide director shall operate the
544 network in compliance with the federal laws and regulations
545 governing the network and the Board of Governors Regulation
546 10.015.

547 (b) The network's statewide director shall consult with
548 the Board of Governors, the department, and the network's
549 statewide advisory board to ensure that the network's policies
550 and programs align with the statewide goals of the State
551 University System and the statewide strategic economic
552 development plan as provided under s. 20.60.

553 (4) STATEWIDE ADVISORY BOARD.—

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

557 (b) The statewide advisory board shall consist of 19
558 members from across the state. At least 12 members must be
559 representatives of the private sector who are knowledgeable of
560 the needs and challenges of small businesses. The members must



561 represent various segments and industries of the economy in this
562 state and must bring knowledge and skills to the statewide
563 advisory board which would enhance the board's collective
564 knowledge of small business assistance needs and challenges.
565 Minority and gender representation must be considered when
566 making appointments to the board. The board must include the
567 following members:

568 1. Three members appointed from the private sector by the
569 President of the Senate.

570 2. Three members appointed from the private sector by the
571 Speaker of the House of Representatives.

572 3. Three members appointed from the private sector by the
573 Governor.

574 4. Three members appointed from the private sector by the
575 network's statewide director.

576 5. One member appointed by the host institution.

577 6. The President of Enterprise Florida, Inc., or his or
578 her designee.

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

580 8. The President of the Florida Chamber of Commerce or his
581 or her designee.

582 9. The Small Business Development Center Project Officer
583 from the U.S. Small Business Administration at the South Florida
584 District Office or his or her designee.

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

587 11. The executive director of the Florida United Business
588 Association or his or her designee.



589 (c) The term of an appointed member shall be for 4 years,
590 beginning August 1, 2013, except that at the time of initial
591 appointments, two members appointed by the Governor, one member
592 appointed by the President of the Senate, one member appointed
593 by the Speaker of the House of Representatives, and one member
594 appointed by the network's statewide director shall be appointed
595 for 2 years. An appointed member may be reappointed to a
596 subsequent term. Members of the statewide advisory board may not
597 receive compensation but may be reimbursed for per diem and
598 travel expenses in accordance with s. 112.061.

599 (5) SMALL BUSINESS SUPPORT SERVICES; AGREEMENT.—

600 (a) The statewide director, in consultation with the
601 advisory board, shall develop support services that are
602 delivered through regional small business development centers.
603 Support services must target the needs of businesses that employ
604 fewer than 100 persons and demonstrate an assessed capacity to
605 grow in employment or revenue.

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

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

613 2. Developing and implementing strategic or business
614 plans. Such activities include analyzing a business' mission,
615 vision, strategies, and goals; critiquing the overall plan; and
616 creating performance measures.



617 3. Developing the financial literacy of existing
618 businesses related to their business cash flow and financial
619 management plans. Such activities include conducting financial
620 analysis health checks, assessing cost control management
621 techniques, and building financial management strategies and
622 solutions.

623 4. Developing and implementing plans for existing
624 businesses to access or expand to new or existing markets. Such
625 activities include conducting market research, researching and
626 identifying expansion opportunities in international markets,
627 and identifying opportunities in selling to units of government.

628 5. Supporting access to capital for business investment
629 and expansion. Such activities include providing technical
630 assistance relating to obtaining surety bonds; identifying and
631 assessing potential debt or equity investors or other financing
632 opportunities; assisting in the preparation of applications,
633 projections, or pro forma or other support documentation for
634 surety bond, loan, financing, or investment requests; and
635 facilitating conferences with lenders or investors.

636 6. Assisting existing businesses to plan for a natural or
637 manmade disaster, and assisting businesses when such an event
638 occurs. Such activities include creating business continuity and
639 disaster plans, preparing disaster and bridge loan applications,
640 and carrying out other emergency support functions.

641 (c) A business receiving support services must agree to
642 participate in assessments of such services. The agreement, at a
643 minimum, must request the business to report demographic
644 characteristics, changes in employment and sales, debt and



645 equity capital attained, and government contracts acquired. The
646 host institution may require additional reporting requirements
647 for funding described in subsection (7).

648 (6) REQUIRED MATCH.—The network must provide a match equal
649 to the total amount of any direct legislative appropriation that
650 is received directly by the host institution and is specifically
651 designated for the network. The match may include funds from
652 federal or other nonstate funding sources designated for the
653 network. At least 50 percent of the match must be cash. The
654 remaining 50 percent may be provided through any allowable
655 combination of additional cash, in-kind contributions, or
656 indirect costs.

657 (7) ADDITIONAL STATE FUNDS; USES; PAY-PER-PERFORMANCE
658 INCENTIVES; STATEWIDE SERVICE; SERVICE ENHANCEMENTS; BEST
659 PRACTICES; ELIGIBILITY.—

660 (a) The statewide director, in coordination with the host
661 institution, shall establish a pay-per-performance incentive for
662 regional small business development centers. Such incentive
663 shall be funded from half of any state appropriation received
664 directly by the host institution which is specifically
665 designated for the network. These funds shall be distributed to
666 the regional small business development centers based upon data
667 collected from the businesses as provided under paragraph
668 (5)(c). The distribution formula must provide for the
669 distribution of funds in part on the gross number of jobs
670 created annually by each center and in part on the number of
671 jobs created per support service hour. The pay-per-performance
672 incentive must supplement the operations and support services of



673 each regional small business development center.

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

678 1. Ensuring that support services are available statewide,
679 especially in underserved and rural areas of the state, to
680 assist eligible businesses.

681 2. Enhancing participation in the network among state
682 universities and colleges.

683 3. Facilitating the adoption of innovative small business
684 assistance best practices by the regional small business
685 development centers.

686 (c) The statewide director, in coordination with the
687 advisory board, shall develop annual programs to distribute
688 funds for each of the purposes described in paragraph (b). The
689 network shall announce the annual amount of available funds for
690 each program, performance expectations, and other requirements.
691 For each program, the statewide director shall present
692 applications and recommendations to the advisory board. The
693 advisory board shall make the final approval of applications.
694 Approved applications must be publicly posted. At a minimum,
695 programs must include:

696 1. New regional small business development centers.

697 2. Awards for the top six regional small business
698 development centers that adopt best practices, as determined by
699 the advisory board. Detailed information about best practices
700 must be made available to regional small business development



701 centers for voluntary implementation.

702 (d) A regional small business development center that has
703 been found by the statewide director to perform poorly, to
704 engage in improper activity affecting the operation and
705 integrity of the network, or to fail to follow the rules and
706 procedures set forth in the laws, regulations, and policies
707 governing the network, is not eligible for funds under this
708 subsection.

709 (e) Funds awarded under this subsection may not reduce
710 matching funds dedicated to the regional small business
711 development centers.

712 (8) REPORTING.—

713 (a) The statewide director shall quarterly update the
714 Board of Governors, the department, and the advisory board on
715 the network's progress and outcomes, including aggregate
716 information on businesses assisted by the network.

717 (b) The statewide director, in coordination with the
718 advisory board, shall annually report, on October 1, to the
719 President of the Senate and the Speaker of the House of
720 Representatives on the network's progress and outcomes for the
721 previous fiscal year. The report must include aggregate
722 information on businesses assisted by the network; network
723 services and programs; the use of all federal, state, local, and
724 private funds received by the network and the regional small
725 business development centers, including any additional funds
726 specifically appropriated by the Legislature for the purposes
727 described in subsection (7); and the network's economic benefit
728 to the state. The report must contain specific information on



729 performance-based metrics and contain the methodology used to
730 calculate the network's economic benefit to the state.

731 Section 7. Subsection (4) is added to section 288.005,
732 Florida Statutes, to read:

733 288.005 Definitions.—As used in this chapter, the term:

734 (4) "Jobs" means full-time equivalent positions,
735 including, but not limited to, positions obtained from a
736 temporary employment agency or employee leasing company or
737 through a union agreement or coemployment under a professional
738 employer organization agreement, which result directly from a
739 project in this state. This number does not include temporary
740 construction jobs involved with the construction of facilities
741 for the project.

742 Section 8. Subsection (3) of section 288.012, Florida
743 Statutes, is amended to read:

744 288.012 State of Florida international offices; state
745 protocol officer; protocol manual.—The Legislature finds that
746 the expansion of international trade and tourism is vital to the
747 overall health and growth of the economy of this state. This
748 expansion is hampered by the lack of technical and business
749 assistance, financial assistance, and information services for
750 businesses in this state. The Legislature finds that these
751 businesses could be assisted by providing these services at
752 State of Florida international offices. The Legislature further
753 finds that the accessibility and provision of services at these
754 offices can be enhanced through cooperative agreements or
755 strategic alliances between private businesses and state, local,
756 and international governmental entities.



757 (3) ~~By October 1 of each year,~~ Each international office
758 shall annually submit to Enterprise Florida, Inc., ~~the~~
759 ~~department~~ a complete and detailed report on its activities and
760 accomplishments during the previous ~~preceding~~ fiscal year for
761 inclusion in the annual report required under s. 288.906. In the
762 a format and by the annual date prescribed ~~provided~~ by
763 Enterprise Florida, Inc., the report must set forth information
764 on:

765 (a) The number of Florida companies assisted.

766 (b) The number of inquiries received about investment
767 opportunities in this state.

768 (c) The number of trade leads generated.

769 (d) The number of investment projects announced.

770 (e) The estimated U.S. dollar value of sales
771 confirmations.

772 (f) The number of representation agreements.

773 (g) The number of company consultations.

774 (h) Barriers or other issues affecting the effective
775 operation of the office.

776 (i) Changes in office operations which are planned for the
777 current fiscal year.

778 (j) Marketing activities conducted.

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

781 (l) Activities conducted with Florida's other
782 international offices.

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



785 Section 9. Present subsections (2) and (3) of section
786 288.061, Florida Statutes, are amended and renumbered as
787 subsections (3) and (7), respectively, and new subsections (2),
788 (4), (5), (6), and (8) are added to that section, to read:

789 288.061 Economic development incentive application
790 process.—

791 (2) Beginning July 1, 2013, the department shall review
792 and evaluate each economic development incentive application for
793 the economic benefits of the proposed award of state incentives
794 for the project. The term "economic benefits" has the same
795 meaning as provided in s. 288.005. The Office of Economic and
796 Demographic Research shall establish the methodology and model
797 used to calculate the economic benefits. For purposes of this
798 subsection, an amended definition of "economic benefits" may be
799 developed by the Office of Economic and Demographic Research.

800 (3)-(2) Within 10 business days after the department
801 receives the submitted economic development incentive
802 application, the executive director shall approve or disapprove
803 the application and issue a letter of certification to the
804 applicant which includes a justification of that decision,
805 unless the business requests an extension of that time.

806 (a) The contract or agreement with the applicant must
807 ~~shall~~ specify the total amount of the award, the performance
808 conditions that must be met to obtain the award, the schedule
809 for payment, and sanctions that would apply for failure to meet
810 performance conditions. The department may enter into one
811 agreement or contract covering all of the state incentives that
812 are being provided to the applicant. The contract must provide



813 that release of funds is contingent upon sufficient
814 appropriation of funds by the Legislature.

815 (b) The release of funds for the incentive or incentives
816 awarded to the applicant depends upon the statutory requirements
817 of the particular incentive program, except as provided in
818 subsection (4).

819 (4) (a) In order to receive an incentive under s. 288.1088
820 or s. 288.1089, an applicant must provide the department with a
821 surety bond, issued by an insurer authorized to do business in
822 this state, for the amount of the award under the incentive
823 contract or agreement. Funds may not be paid to an applicant
824 until the department certifies compliance with this subsection.

825 1. The contract or agreement must provide that the bond
826 remain in effect until all performance conditions in the
827 contract or agreement have been satisfied. The department may
828 require the bond to cover the entire amount of the contract or
829 agreement or allow for a bond to be renewed upon the completion
830 of scheduled performance measurements specified in the contract
831 or agreement. The contract or agreement must provide that the
832 release of any funds is contingent upon receipt by the
833 department of the surety bond.

834 2. The contract or agreement must provide that up to half
835 of the premium payment on the surety bond may be paid from the
836 award amount, not to exceed 3 percent of the award.

837 3. The applicant shall notify the department at least 10
838 days before each premium payment is due.

839 4. Any notice of cancellation or nonrenewal issued by an
840 insurer must comply with the notice requirements of s. 626.9201.



841 If the applicant receives a notice of cancellation or
842 nonrenewal, the applicant must immediately notify the
843 department.

844 5. The cancellation of the surety bond is a violation of
845 the contract or agreement between the applicant and the
846 department. The department is released from any obligation to
847 make future scheduled payments unless the applicant is able to
848 secure a new surety bond or comply with the requirements of
849 paragraphs (b) and (c) within 90 days before the effective date
850 of the cancellation.

851 (b) If an applicant is unable to secure a surety bond or
852 can demonstrate that obtaining a bond is unreasonable in cost,
853 the department may waive the requirements specified in paragraph
854 (a) by certifying in writing to the Governor, the President of
855 the Senate, and the Speaker of the House of Representatives the
856 following information:

857 1. An explanation stating the reasons why the applicant
858 could not obtain a bond, to the extent such information is not
859 confidential under s. 288.075.

860 2. A description of the economic benefits expected to be
861 generated by the incentive award which indicates that the
862 project warrants waiver of the requirement.

863 3. An evaluation of the quality and value of the applicant
864 which supports the selection of the alternative securitization
865 under paragraph (c). The department's evaluation must consider
866 the following information when determining the form for securing
867 the award amount:

868 a. A financial analysis of the company, including an



869 evaluation of the company's short-term liquidity ratio as
870 measured by its assets to liability, the company's profitability
871 ratio, and the company's long-term solvency as measured by its
872 debt-to-equity ratio.

873 b. The historical market performance of the company.

874 c. Any independent evaluations of the company.

875 d. The latest audit of the company's financial statement
876 and the related auditor's management letter.

877 e. Any other types of reports that are related to the
878 internal controls or management of the company.

879 (c)1. If the department grants a waiver under paragraph
880 (b), the incentives contract or agreement must provide for
881 securing the award amount in one of the following forms:

882 a. An irrevocable letter of credit issued by a financial
883 institution, as defined in s. 655.005;

884 b. Cash or securities held in trust by a financial
885 institution, as defined in s. 655.005, and subject to a control
886 agreement; or

887 c. A secured transaction in collateral under the control
888 or possession of the applicant for the value of the award
889 amount. The department is authorized to negotiate the terms and
890 conditions of the security agreement.

891 2. The contract or agreement must provide that the release
892 of any funds is contingent upon the receipt of documentation by
893 the department which satisfies all of the requirements found in
894 this paragraph. Funds may not be paid to the applicant until the
895 department certifies compliance with this subsection.

896 3. The irrevocable letter of credit, trust, or security



897 agreement must remain in effect until all performance conditions
898 specified in the contract or agreement have been satisfied.
899 Failure to comply with this provision results in a violation of
900 the contract or agreement between the applicant and the
901 department and releases the department from any obligation to
902 make future scheduled payments.

903 (d) The department may waive the requirements of
904 paragraphs (a) through (c) by certifying to the Governor and the
905 chair and vice chair of the Legislative Budget Commission the
906 following information:

907 1. The applicant demonstrates the financial ability to
908 fulfill the requirements of the contract and has submitted an
909 independently audited financial statement for the previous 5
910 years.

911 2. If applicable, the applicant was previously a recipient
912 of an incentive under an economic development program, was
913 subject to clawback requirements, and timely complied with those
914 provisions.

915 3. The department has determined that waiver of the
916 requirements of paragraphs (a) through (c) is in the best
917 interest of the state.

918 (e) For waivers granted under paragraph (d), the
919 department shall provide a written description and evaluation of
920 the waiver to the chair and vice chair of the Legislative Budget
921 Commission. Such information may be provided at the same time
922 that the information for the project consultation is provided to
923 the Legislative Budget Commission under s. 288.1088 or s.
924 288.1089. If the chair or vice chair of the Legislative Budget



925 Commission timely advises the department that such action or
926 proposed action exceeds delegated authority or is contrary to
927 legislative policy or intent, the department shall void the
928 waiver until the Legislative Budget Commission or the
929 Legislature addresses the issue. A waiver granted by the
930 department for any project exceeding \$5 million must be approved
931 by the Legislative Budget Commission.

932 (f) The provisions of this subsection shall apply to any
933 contract entered into on or after July 1, 2013.

934 (5) (a) The executive director may not approve an economic
935 development incentive application unless the application
936 includes a signed written declaration by the applicant which
937 states that the applicant has read the information in the
938 application and that the information is true, correct, and
939 complete to the best of the applicant's knowledge and belief.

940 (b) After an economic development incentive application is
941 approved, the awardee shall provide, in each year that the
942 department is required to validate contractor performance, a
943 signed written declaration. The written declaration must state
944 that the awardee has reviewed the information and that the
945 information is true, correct, and complete to the best of the
946 awardee's knowledge and belief.

947 (6) In the event of default on the performance conditions
948 specified in the contract or agreement, or violation of any
949 provision in this section, the state may, in addition to any
950 other remedy provided by law, bring suit to enforce its
951 interest.

952 (7)-(3)- The department shall validate contractor



953 performance. Such validation shall be reported in the annual
954 incentive report required under s. 288.907.

955 (8) The department is authorized to adopt rules to
956 implement this section.

957 Section 10. Subsection (8) of section 288.0656, Florida
958 Statutes, is amended to read:

959 288.0656 Rural Economic Development Initiative.—

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

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

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

972 (c) ~~The report shall also include~~ Information as to the
973 economic impact of the projects coordinated by REDI. ~~7~~ ~~and~~

974 (d) Recommendations based on the review and evaluation of
975 statutes and rules having an adverse impact on rural
976 communities, ~~7~~ and proposals to mitigate such adverse impacts.

977 Section 11. Effective October 1, 2013, section 288.076,
978 Florida Statutes, is created to read:

979 288.076 Return on investment reporting for economic
980 development programs.—



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

982 (a) "Jobs" has the same meaning as provided in s.
983 288.106(2) (i).

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

987 (c) "Project" has the same meaning as provided in s.
988 288.106(2) (m).

989 (d) "Project award date" means the date a participant
990 business enters into an agreement with the department to receive
991 a state investment.

992 (e) "State investment" means any state grants, tax
993 exemptions, tax refunds, tax credits, or other state incentives
994 provided to a business under a program administered by the
995 department, including the capital investment tax credit under s.
996 220.191.

997 (2) The department shall maintain a website for the
998 purpose of publishing the information described in this section.
999 The information required to be published under this section must
1000 be provided in a format accessible to the public which enables
1001 users to search for and sort specific data and to easily view
1002 and retrieve all data at once.

1003 (3) Within 48 hours after expiration of the period of
1004 confidentiality for project information deemed confidential and
1005 exempt pursuant to s. 288.075, the department shall publish the
1006 following information pertaining to each project:

1007 (a) Projected economic benefits.—The projected economic
1008 benefits at the time of the initial project award date.



- 1009 (b) Project information.—
- 1010 1. The program or programs through which state investment
- 1011 is being made.
- 1012 2. The maximum potential cumulative state investment in
- 1013 the project.
- 1014 3. The target industry or industries, and any high impact
- 1015 sectors implicated by the project.
- 1016 4. The county or counties that will be impacted by the
- 1017 project.
- 1018 5. For a project that requires local commitment, the total
- 1019 cumulative local financial commitment and in-kind support for
- 1020 the project.
- 1021 (c) Participant business information.—
- 1022 1. The location of the headquarters of the participant
- 1023 business or, if a subsidiary, the headquarters of the parent
- 1024 company.
- 1025 2. The firm size class of the participant business, or
- 1026 where owned by a parent company the firm size class of the
- 1027 participant business's parent company, using the firm size
- 1028 classes established by the United States Department of Labor
- 1029 Bureau of Labor Statistics, and whether the participant business
- 1030 qualifies as a small business as defined in s. 288.703.
- 1031 3. The date of the project award.
- 1032 4. The expected duration of the contract.
- 1033 5. The anticipated dates when the participant business
- 1034 will claim the last state investment.
- 1035 (d) Project evaluation criteria.—The economic benefits
- 1036 generated by the project.



- 1037 (e) Project performance goals.—
- 1038 1. The incremental direct jobs attributable to the
- 1039 project, identifying the number of jobs generated and the number
- 1040 of jobs retained.
- 1041 2. The number of jobs generated and the number of jobs
- 1042 retained by the project, and for projects commencing after
- 1043 October 1, 2013, the average annual wage of persons holding such
- 1044 jobs.
- 1045 3. The incremental direct capital investment in the state
- 1046 generated by the project.
- 1047 (f) Total state investment to date.—The total amount of
- 1048 state investment disbursed to the participant business to date
- 1049 under the terms of the contract, itemized by incentive program.
- 1050 (4) The department shall calculate and publish on its
- 1051 website the economic benefits of each project within 48 hours
- 1052 after the conclusion of the agreement between each participant
- 1053 business and the department. The department shall work with the
- 1054 Office of Economic and Demographic Research to provide a
- 1055 description of the methodology used to calculate the economic
- 1056 benefits of a project, and the department must publish the
- 1057 information on its website.
- 1058 (5) At least annually, from the project award date, the
- 1059 department shall:
- 1060 (a) Publish verified results to update the information
- 1061 described in paragraphs (3)(b)-(f) to accurately reflect any
- 1062 changes in the published information since the project award
- 1063 date.
- 1064 (b) Publish on its website the date on which the



1065 information collected and published for each project was last
1066 updated.

1067 (6) Annually, the department shall publish information
1068 relating to the progress of Quick Action Closing Fund projects,
1069 including the average number of days between the date the
1070 department receives a completed application and the date on
1071 which the application is approved.

1072 (7) Publication of documents.-

1073 (a) Within 48 hours after expiration of the period of
1074 confidentiality provided under s. 288.075, the department shall
1075 publish the contract or agreement described in s. 288.061,
1076 redacted to protect the participant business from disclosure of
1077 information that remains confidential or exempt by law.

1078 (b) Within 48 hours after submitting any report of
1079 findings and recommendations made pursuant to s. 288.106(7)(d)
1080 concerning a business's failure to complete a tax refund
1081 agreement pursuant to the tax refund program for qualified
1082 target industry businesses, the department shall publish such
1083 report.

1084 (8) For projects completed before October 1, 2013, the
1085 department shall compile and, by October 1, 2014, shall publish
1086 the information described in subsections (3), (4), and (5), to
1087 the extent such information is available and applicable.

1088 (9) The provisions of this section that restrict the
1089 department's publication of information are intended only to
1090 limit the information that the department may publish on its
1091 website and shall not be construed to create an exemption from
1092 public records requirements under s. 119.07(1) or s. 24(a), Art.



1093 I of the State Constitution.

1094 (10) The department may adopt rules to administer this
1095 section.

1096 Section 12. Section 288.0761, Florida Statutes, is created
1097 to read:

1098 288.0761 Economic Development Programs Evaluation.—The
1099 Office of Economic and Demographic Research and the Office of
1100 Program Policy Analysis and Government Accountability (OPPAGA)
1101 shall develop and present the Economic Development Programs
1102 Evaluation to the Governor, the President of the Senate, the
1103 Speaker of the House of Representatives, and the chairs of the
1104 legislative appropriations committees.

1105 (1) The Office of Economic and Demographic Research and
1106 OPPAGA shall coordinate the development of a work plan for
1107 completing the Economic Development Programs Evaluation and
1108 shall submit the work plan to the President of the Senate and
1109 the Speaker of the House of Representatives by July 1, 2013.

1110 (2) The Office of Economic and Demographic Research and
1111 OPPAGA shall provide a detailed analysis of economic development
1112 programs as provided in the following schedule:

1113 (a) By January 1, 2014, and every 3 years thereafter, an
1114 analysis of the following programs:

1115 1. The capital investment tax credit established under s.
1116 220.191.

1117 2. The qualified target industry tax refund established
1118 under s. 288.106.

1119 3. The Brownfield redevelopment bonus tax refund
1120 established under s. 288.107.



1121 4. High-impact sector performance grants established under
 1122 s. 288.108.

1123 5. The Quick Action Closing Fund established under s.
 1124 288.1088.

1125 6. The Innovation Incentive Program established under s.
 1126 288.1089.

1127 7. Enterprise zone program incentives established under
 1128 ss. 212.08(5) and(15), 212.096, 220.181, and 220.182.

1129 (b) By January 1, 2015, and every 3 years thereafter, an
 1130 analysis of the following programs:

1131 1. The entertainment industry financial incentive program
 1132 established under s. 288.1254.

1133 2. The entertainment industry sales tax exemption
 1134 established under s. 288.1258.

1135 3. VISIT Florida and its programs established or funded
 1136 under ss. 288.122, 288.1226, 288.12265, and 288.124.

1137 4. The Florida Sports Foundation and programs established
 1138 under ss. 288.1162, 288.11621, 288.1166, 288.1167, 288.1168,
 1139 288.1169, and 288.1171.

1140 (c) By January 1, 2016, and every 3 years thereafter, an
 1141 analysis of the following programs:

1142 1. The qualified defense contractor and space flight
 1143 business tax refund program established under s. 288.1045.

1144 2. The tax exemption for semiconductor, defense, or space
 1145 technology sales established under s. 212.08(5)(j).

1146 3. The Military Base Protection Program established under
 1147 s. 288.980.

1148 4. The Manufacturing and Spaceport Investment Incentive



1149 Program established under s. 288.1083.

1150 5. The Quick Response Training Program established under
1151 s. 288.047.

1152 6. The Incumbent Worker Training Program established under
1153 s. 445.003.

1154 7. International trade and business development programs
1155 established under s. 288.826.

1156 (3) Pursuant to the schedule established in subsection
1157 (2), the Office of Economic and Demographic Research shall
1158 evaluate and determine the economic benefits of each program
1159 over the previous 3 years. The analysis must also evaluate the
1160 number of jobs created, the increase or decrease in personal
1161 income, and the impact on state gross domestic product from the
1162 direct, indirect, and induced effects of the state's investment
1163 in each program over the previous 3 years.

1164 (a) For the purpose of evaluating tax credits, tax
1165 refunds, sales tax exemptions, cash grants, and similar
1166 programs, the Office of Economic and Demographic Research shall
1167 evaluate data only from those projects in which businesses
1168 received state funds during the evaluation period. Such projects
1169 may be either fully complete, partially completed with future
1170 fund disbursal possible pending performance measures, or
1171 partially completed with no future fund disbursal possible as a
1172 result of a business's inability to meet performance measures.

1173 (b) The analysis must use the model developed by the
1174 Office of Economic and Demographic Research, as required in s.
1175 216.138, to evaluate each program. The office shall provide a
1176 written explanation of the key assumptions of the model and how



1177 it is used. If the office finds that another evaluation model is
 1178 more appropriate to evaluate a program, it may use another
 1179 model, but it must provide an explanation as to why the selected
 1180 model was more appropriate.

1181 (4) Pursuant to the schedule established in subsection
 1182 (2), OPPAGA shall evaluate each program over the previous 3
 1183 years for its effectiveness and value to the taxpayers of this
 1184 state and include recommendations on each program for
 1185 consideration by the Legislature. The analysis may include
 1186 relevant economic development reports or analyses prepared by
 1187 the department, Enterprise Florida, Inc., or local or regional
 1188 economic development organizations; interviews with the parties
 1189 involved; or other relevant data.

1190 (5) The Office of Economic and Demographic Research and
 1191 OPPAGA must be given access to all data necessary to complete
 1192 the Economic Development Programs Evaluation, including any
 1193 confidential data. The offices may collaborate on data
 1194 collection and analysis.

1195 Section 13. Paragraph (c) of subsection (3) of section
 1196 288.095, Florida Statutes, is repealed.

1197 Section 14. Paragraph (c) of subsection (4) and paragraph
 1198 (d) of subsection (7) of section 288.106, Florida Statutes, are
 1199 amended to read:

1200 288.106 Tax refund program for qualified target industry
 1201 businesses.—

1202 (4) APPLICATION AND APPROVAL PROCESS.—

1203 (c) Each application meeting the requirements of paragraph
 1204 (b) must be submitted to the department for determination of



1205 | eligibility. The department shall review and evaluate each
 1206 | application based on, but not limited to, the following
 1207 | criteria:

1208 | 1. Expected contributions to the state's economy,
 1209 | consistent with the state strategic economic development plan
 1210 | prepared by the department.

1211 | 2. The economic benefits of the proposed award of tax
 1212 | refunds under this section ~~and the economic benefits of state~~
 1213 | ~~incentives proposed for the project. The term "economic~~
 1214 | ~~benefits" has the same meaning as in s. 288.005. The Office of~~
 1215 | ~~Economic and Demographic Research shall review and evaluate the~~
 1216 | ~~methodology and model used to calculate the economic benefits~~
 1217 | ~~and shall report its findings by September 1 of every 3rd year,~~
 1218 | ~~to the President of the Senate and the Speaker of the House of~~
 1219 | ~~Representatives.~~

1220 | 3. The amount of capital investment to be made by the
 1221 | applicant in this state.

1222 | 4. The local financial commitment and support for the
 1223 | project.

1224 | 5. The expected effect of the project on the unemployed
 1225 | and underemployed ~~unemployment rate~~ in the county where the
 1226 | project will be located.

1227 | 6. The expected effect of the award on the viability of
 1228 | the project and the probability that the project would be
 1229 | undertaken in this state if such tax refunds are granted to the
 1230 | applicant.

1231 | 7. ~~The expected long-term commitment of the applicant to~~
 1232 | ~~economic growth and employment in this state resulting from the~~



1233 ~~project.~~

1234 ~~7.8.~~ A review of the business's past activities in this
 1235 state or other states, including whether the ~~such~~ business has
 1236 been subjected to criminal or civil fines and penalties. This
 1237 subparagraph does not require the disclosure of confidential
 1238 information.

1239 (7) ADMINISTRATION.—

1240 (d) Beginning with tax refund agreements signed after July
 1241 1, 2010, the department shall attempt to ascertain the causes
 1242 for any business's failure to complete its agreement and ~~shall~~
 1243 ~~report~~ its findings and recommendations must be included in the
 1244 annual incentives report under s. 288.907 ~~to the Governor, the~~
 1245 ~~President of the Senate, and the Speaker of the House of~~
 1246 ~~Representatives. The report shall be submitted by December 1 of~~
 1247 ~~each year beginning in 2011.~~

1248 Section 15. Paragraphs (c) and (d) of subsection (1),
 1249 subsections (2) and (3), and paragraphs (a), (b), and (f) of
 1250 subsection (4) of section 288.107, Florida Statutes, are amended
 1251 to read:

1252 288.107 Brownfield redevelopment bonus refunds.—

1253 (1) DEFINITIONS.—As used in this section:

1254 (c) "Brownfield area eligible for bonus refunds" means a
 1255 brownfield site for which a rehabilitation agreement with the
 1256 Department of Environmental Protection or a local government
 1257 delegated by the Department of Environmental Protection has been
 1258 executed under s. 376.80 and any abutting real property parcel
 1259 within a brownfield ~~contiguous area of one or more brownfield~~
 1260 ~~sites, some of which may not be contaminated, and which has been~~



1261 designated by a local government by resolution under s. 376.80.
 1262 ~~Such areas may include all or portions of community~~
 1263 ~~redevelopment areas, enterprise zones, empowerment zones, other~~
 1264 ~~such designated economically deprived communities and areas, and~~
 1265 ~~Environmental Protection Agency-designated brownfield pilot~~
 1266 ~~projects.~~

1267 (d) "Eligible business" means:

1268 1. A qualified target industry business as defined in s.
 1269 288.106(2); or

1270 2. A business that can demonstrate a fixed capital
 1271 investment of at least \$2 million in mixed-use business
 1272 activities, including multiunit housing, commercial, retail, and
 1273 industrial in brownfield areas eligible for bonus refunds, ~~or at~~
 1274 ~~least \$500,000 in brownfield areas that do not require site~~
 1275 ~~cleanup,~~ and that provides benefits to its employees.

1276 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
 1277 shall be approved by the department as specified in the final
 1278 order and allowed from the account as follows:

1279 (a) A bonus refund of \$2,500 shall be allowed to any
 1280 qualified target industry business as defined in s. 288.106 for
 1281 each new Florida job created in a brownfield area eligible for
 1282 bonus refunds which ~~that~~ is claimed on the qualified target
 1283 industry business's annual refund claim authorized in s.
 1284 288.106(6).

1285 (b) A bonus refund of up to \$2,500 shall be allowed to any
 1286 other eligible business as defined in subparagraph (1)(d)2. For
 1287 each new Florida job created in a brownfield area eligible for
 1288 bonus refunds which ~~that~~ is claimed under an annual claim



1289 procedure similar to the annual refund claim authorized in s.
 1290 288.106(6). The amount of the refund shall be equal to 20
 1291 percent of the average annual wage for the jobs created.

1292 (3) CRITERIA.—The minimum criteria for participation in
 1293 the brownfield redevelopment bonus refund are:

1294 (a) The creation of at least 10 new full-time permanent
 1295 jobs. Such jobs shall not include construction or site
 1296 rehabilitation jobs associated with the implementation of a
 1297 brownfield site agreement as described in s. 376.80(5).

1298 (b) The completion of a fixed capital investment of at
 1299 least \$2 million in mixed-use business activities, including
 1300 multiunit housing, commercial, retail, and industrial in
 1301 brownfield areas eligible for bonus refunds, ~~or at least~~
 1302 ~~\$500,000 in brownfield areas that do not require site cleanup,~~
 1303 by an eligible business applying for a refund under paragraph
 1304 (2)(b) which provides benefits to its employees.

1305 ~~(c) That the designation as a brownfield will diversify~~
 1306 ~~and strengthen the economy of the area surrounding the site.~~

1307 ~~(d) That the designation as a brownfield will promote~~
 1308 ~~capital investment in the area beyond that contemplated for the~~
 1309 ~~rehabilitation of the site.~~

1310 ~~(e) A resolution adopted by the governing board of the~~
 1311 ~~county or municipality in which the project will be located that~~
 1312 ~~recommends that certain types of businesses be approved.~~

1313 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1314 (a) To be eligible to receive a bonus refund for new
 1315 Florida jobs created in a brownfield area eligible for bonus
 1316 refunds, a business must have been certified as a qualified



1317 target industry business under s. 288.106 or eligible business
1318 as defined in paragraph (1)(d) and must have indicated on the
1319 qualified target industry business tax refund application form
1320 submitted in accordance with s. 288.106(4) or other similar
1321 agreement for other eligible business as defined in paragraph
1322 (1)(d) that the project for which the application is submitted
1323 is or will be located in a brownfield area eligible for bonus
1324 refunds and that the business is applying for certification as a
1325 qualified brownfield business under this section, and must have
1326 signed a qualified target industry business tax refund agreement
1327 with the department that indicates that the business has been
1328 certified as a qualified target industry business located in a
1329 brownfield area eligible for bonus refunds and specifies the
1330 schedule of brownfield redevelopment bonus refunds that the
1331 business may be eligible to receive in each fiscal year.

1332 (b) To be considered to receive an eligible brownfield
1333 redevelopment bonus refund payment, the business meeting the
1334 requirements of paragraph (a) must submit a claim once each
1335 fiscal year on a claim form approved by the department which
1336 indicates the location of the brownfield site for which a
1337 rehabilitation agreement with the Department of Environmental
1338 Protection or a local government delegated by the Department of
1339 Environmental Protection has been executed under s. 376.80, the
1340 address of the business facility's brownfield location, the name
1341 of the brownfield in which it is located, the number of jobs
1342 created, and the average wage of the jobs created by the
1343 business within the brownfield as defined in s. 288.106 or other
1344 eligible business as defined in paragraph (1)(d) and the



1345 administrative rules and policies for that section.

1346 (f) Applications shall be reviewed and certified pursuant
 1347 to s. 288.061. The department shall review all applications
 1348 submitted under s. 288.106 or other similar application forms
 1349 for other eligible businesses as defined in paragraph (1)(d)
 1350 which indicate that the proposed project will be located in a
 1351 brownfield area eligible for bonus refunds and determine, with
 1352 the assistance of the Department of Environmental Protection,
 1353 that the project location is within a brownfield area eligible
 1354 for bonus refunds as provided in this act.

1355 Section 16. Subsection (8) of section 288.1081, Florida
 1356 Statutes, is amended to read:

1357 288.1081 Economic Gardening Business Loan Pilot Program.—

1358 (8) The annual report required under s. 20.60 must
 1359 describe ~~On June 30 and December 31 of each year, the department~~
 1360 ~~shall submit a report to the Governor, the President of the~~
 1361 ~~Senate, and the Speaker of the House of Representatives which~~
 1362 ~~describes~~ in detail the use of the loan funds. The report must
 1363 include, at a minimum, the number of businesses receiving loans,
 1364 the number of full-time equivalent jobs created as a result of
 1365 the loans, the amount of wages paid to employees in the newly
 1366 created jobs, the locations and types of economic activity
 1367 undertaken by the borrowers, the amounts of loan repayments made
 1368 to date, and the default rate of borrowers.

1369 Section 17. Subsection (8) of section 288.1082, Florida
 1370 Statutes, is amended to read:

1371 288.1082 Economic Gardening Technical Assistance Pilot
 1372 Program.—



1373 (8) The annual report required under s. 20.60 must
1374 describe ~~On December 31 of each year, the department shall~~
1375 ~~submit a report to the Governor, the President of the Senate,~~
1376 ~~and the Speaker of the House of Representatives which describes~~
1377 in detail the progress of the pilot program. The report must
1378 include, at a minimum, the number of businesses receiving
1379 assistance, the number of full-time equivalent jobs created as a
1380 result of the assistance, if any, the amount of wages paid to
1381 employees in the newly created jobs, and the locations and types
1382 of economic activity undertaken by the businesses.

1383 Section 18. Paragraph (e) of subsection (3) of section
1384 288.1088, Florida Statutes, is amended to read:

1385 288.1088 Quick Action Closing Fund.—

1386 (3)

1387 (e) The department ~~Enterprise Florida, Inc.,~~ shall
1388 validate contractor performance and report- such validation in
1389 the annual incentives report required under s. 288.907 ~~shall be~~
1390 ~~reported within 6 months after completion of the contract to the~~
1391 ~~Governor, President of the Senate, and the Speaker of the House~~
1392 ~~of Representatives.~~

1393 Section 19. Paragraphs (b) and (d) of subsection (4), and
1394 subsections (9) and (11) of section 288.1089, Florida Statutes,
1395 are amended to read:

1396 288.1089 Innovation Incentive Program.—

1397 (4) To qualify for review by the department, the applicant
1398 must, at a minimum, establish the following to the satisfaction
1399 of the department:

1400 (b) A research and development project must:



- 1401 | 1. Serve as a catalyst for an emerging or evolving
1402 | technology cluster.
- 1403 | 2. Demonstrate a plan for significant higher education
1404 | collaboration.
- 1405 | 3. Provide the state, at a minimum, a cumulative break-
1406 | even economic benefit ~~return on investment~~ within a 20-year
1407 | period.
- 1408 | 4. Be provided with a one-to-one match from the local
1409 | community. The match requirement may be reduced or waived in
1410 | rural areas of critical economic concern or reduced in rural
1411 | areas, brownfield areas, and enterprise zones.
- 1412 | (d) For an alternative and renewable energy project in
1413 | this state, the project must:
- 1414 | 1. Demonstrate a plan for significant collaboration with
1415 | an institution of higher education;
- 1416 | 2. Provide the state, at a minimum, a cumulative break-
1417 | even economic benefit ~~return on investment~~ within a 20-year
1418 | period;
- 1419 | 3. Include matching funds provided by the applicant or
1420 | other available sources. The match requirement may be reduced or
1421 | waived in rural areas of critical economic concern or reduced in
1422 | rural areas, brownfield areas, and enterprise zones;
- 1423 | 4. Be located in this state; and
- 1424 | 5. Provide at least 35 direct, new jobs that pay an
1425 | estimated annual average wage that equals at least 130 percent
1426 | of the average private sector wage.
- 1427 | (9) The department shall validate the performance of an
1428 | innovation business, a research and development facility, or an



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1429 alternative and renewable energy business that has received an
1430 award. At the conclusion of the innovation incentive award
1431 agreement, or its earlier termination, the department shall
1432 include in the annual incentives report required under s.
1433 288.907 a detailed description of, ~~within 90 days, submit a~~
1434 ~~report to the Governor, the President of the Senate, and the~~
1435 ~~Speaker of the House of Representatives detailing~~ whether the
1436 recipient of the innovation incentive grant achieved its
1437 specified outcomes.

1438 (11) ~~(a)~~ The department shall include in ~~submit to the~~
1439 ~~Governor, the President of the Senate, and the Speaker of the~~
1440 ~~House of Representatives, as part of the annual~~ incentives
1441 report required under s. 288.907, a report summarizing the
1442 activities and accomplishments of the recipients of grants from
1443 the Innovation Incentive Program during the previous 12 months
1444 and an evaluation of whether the recipients are catalysts for
1445 additional direct and indirect economic development in Florida.

1446 ~~(b) Beginning March 1, 2010, and every third year~~
1447 ~~thereafter, the Office of Program Policy Analysis and Government~~
1448 ~~Accountability, in consultation with the Auditor General's~~
1449 ~~Office, shall release a report evaluating the Innovation~~
1450 ~~Incentive Program's progress toward creating clusters of high-~~
1451 ~~wage, high-skilled, complementary industries that serve as~~
1452 ~~catalysts for economic growth specifically in the regions in~~
1453 ~~which they are located, and generally for the state as a whole.~~
1454 ~~Such report should include critical analyses of quarterly and~~
1455 ~~annual reports, annual audits, and other documents prepared by~~
1456 ~~the Innovation Incentive Program awardees; relevant economic~~



1457 ~~development reports prepared by the department, Enterprise~~
1458 ~~Florida, Inc., and local or regional economic development~~
1459 ~~organizations; interviews with the parties involved; and any~~
1460 ~~other relevant data. Such report should also include legislative~~
1461 ~~recommendations, if necessary, on how to improve the Innovation~~
1462 ~~Incentive Program so that the program reaches its anticipated~~
1463 ~~potential as a catalyst for direct and indirect economic~~
1464 ~~development in this state.~~

1465 Section 20. Subsection (3) of section 288.1253, Florida
1466 Statutes, is amended to read:

1467 288.1253 Travel and entertainment expenses.—

1468 (3) The Office of Film and Entertainment ~~department~~ shall
1469 include in the annual report for the entertainment industry
1470 financial incentive program required under s. 288.1254(10) a
1471 ~~prepare an annual~~ report of the office's expenditures ~~of the~~
1472 ~~Office of Film and Entertainment and provide such report to the~~
1473 ~~Legislature no later than December 30 of each year for the~~
1474 ~~expenditures of~~ the previous fiscal year. The report shall
1475 consist of a summary of all travel, entertainment, and
1476 incidental expenses incurred within the United States and all
1477 travel, entertainment, and incidental expenses incurred outside
1478 the United States, as well as a summary of all successful
1479 projects that developed from such travel.

1480 Section 21. Subsection (10) of section 288.1254, Florida
1481 Statutes, is amended to read:

1482 288.1254 Entertainment industry financial incentive
1483 program.—

1484 (10) ANNUAL REPORT.—Each November 1 ~~October 1~~, the Office



1485 of Film and Entertainment shall submit ~~provide~~ an annual report
 1486 for the previous fiscal year to the Governor, the President of
 1487 the Senate, and the Speaker of the House of Representatives
 1488 which outlines the incentive program's return on investment and
 1489 economic benefits to the state. The report shall also include an
 1490 estimate of the full-time equivalent positions created by each
 1491 production that received tax credits under this section and
 1492 information relating to the distribution of productions
 1493 receiving credits by geographic region and type of production.
 1494 The report shall also include the expenditures report required
 1495 under s. 288.1253(3) and the information describing the
 1496 relationship between tax exemptions and incentives to industry
 1497 growth required under s. 288.1258(5).

1498 Section 22. Subsection (5) of section 288.1258, Florida
 1499 Statutes, is amended to read:

1500 288.1258 Entertainment industry qualified production
 1501 companies; application procedure; categories; duties of the
 1502 Department of Revenue; records and reports.—

1503 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 1504 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
 1505 and Entertainment shall keep annual records from the information
 1506 provided on taxpayer applications for tax exemption certificates
 1507 beginning January 1, 2001. These records also shall reflect a
 1508 ratio of the annual amount of sales and use tax exemptions under
 1509 this section, plus the incentives awarded pursuant to s.
 1510 288.1254 to the estimated amount of funds expended by certified
 1511 productions. In addition, the office shall maintain data showing
 1512 annual growth in Florida-based entertainment industry companies



1513 and entertainment industry employment and wages. The employment
1514 information shall include an estimate of the full-time
1515 equivalent positions created by each production that received
1516 tax credits pursuant to s. 288.1254. The Office of Film and
1517 Entertainment shall include ~~report~~ this information in the
1518 annual report for the entertainment industry financial incentive
1519 program required under s. 288.1254(10) ~~to the Legislature no~~
1520 ~~later than December 1 of each year.~~

1521 Section 23. Subsection (3) of section 288.714, Florida
1522 Statutes, is amended to read:

1523 288.714 Quarterly and annual reports.—

1524 (3) ~~By August 31 of each year,~~ The department shall
1525 include in its annual report required under s. 20.60 ~~provide to~~
1526 ~~the Governor, the President of the Senate, and the Speaker of~~
1527 ~~the House of Representatives~~ a detailed report of the
1528 performance of the Black Business Loan Program. The report must
1529 include a cumulative summary of the quarterly report data
1530 compiled pursuant to ~~required by~~ subsection (2) ~~(1)~~.

1531 Section 24. Section 288.7771, Florida Statutes, is amended
1532 to read:

1533 288.7771 Annual report of Florida Export Finance
1534 Corporation.—The corporation shall annually prepare and submit
1535 to Enterprise Florida, Inc., ~~the department~~ for inclusion in its
1536 annual report required under s. 288.906 ~~by s. 288.095~~ a complete
1537 and detailed report setting forth:

1538 (1) The report required in s. 288.776(3).

1539 (2) Its assets and liabilities at the end of its most
1540 recent fiscal year.



1541 Section 25. Subsections (3), (4), and (5) of section
1542 288.903, Florida Statutes, are amended to read:

1543 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1544 Florida, Inc., shall have the following duties:

1545 (3) Prepare an annual report pursuant to s. 288.906.

1546 (4) Prepare, in conjunction with the department, and an
1547 annual incentives report pursuant to s. 288.907.

1548 (5)~~(4)~~ Assist the department with the development of an
1549 annual and a long-range strategic business blueprint for
1550 economic development required in s. 20.60.

1551 (6)~~(5)~~ In coordination with Workforce Florida, Inc.,
1552 identify education and training programs that will ensure
1553 Florida businesses have access to a skilled and competent
1554 workforce necessary to compete successfully in the domestic and
1555 global marketplace.

1556 Section 26. Subsection (6) of section 288.904, Florida
1557 Statutes, is repealed.

1558 Section 27. Subsection (3) is added to section 288.906,
1559 Florida Statutes, to read:

1560 288.906 Annual report of Enterprise Florida, Inc., and its
1561 divisions; audits.—

1562 (3) The following reports must be included as supplements
1563 to the detailed report required by this section:

1564 (a) The annual report of the Florida Export Finance
1565 Corporation required under s. 288.7771.

1566 (b) The report on international offices required under s.
1567 288.012.

1568 Section 28. Section 288.907, Florida Statutes, is amended



1569 to read:

1570 288.907 Annual incentives report.—

1571 ~~(1)~~ In addition to the annual report required under s.
1572 288.906, Enterprise Florida, Inc., by December 30 of each year,
1573 shall provide the Governor, the President of the Senate, and the
1574 Speaker of the House of Representatives a detailed incentives
1575 report quantifying the economic benefits for all of the economic
1576 development incentive programs marketed by Enterprise Florida,
1577 Inc.

1578 (1)~~(a)~~ The annual incentives report must include for each
1579 incentive program:

1580 (a)~~1.~~ A brief description of the incentive program.

1581 (b)~~2.~~ The amount of awards granted, by year, since
1582 inception.

1583 (c)~~3.~~ The economic benefits, as defined in s. 288.005,
1584 based on the actual amount of private capital invested, actual
1585 number of jobs created, and actual wages paid for incentive
1586 agreements completed during the previous 3 years.

1587 (d)~~4.~~ The report shall also include the actual amount of
1588 private capital invested, actual number of jobs created, and
1589 actual wages paid for incentive agreements completed during the
1590 previous 3 years for each target industry sector.

1591 (2)~~(b)~~ For projects completed during the previous state
1592 fiscal year, the report must include:

1593 (a)~~1.~~ The number of economic development incentive
1594 applications received.

1595 (b)~~2.~~ The number of recommendations made to the department
1596 by Enterprise Florida, Inc., including the number recommended



1597 for approval and the number recommended for denial.

1598 (c)~~3.~~ The number of final decisions issued by the

1599 department for approval and for denial.

1600 (d)~~4.~~ The projects for which a tax refund, tax credit, or

1601 cash grant agreement was executed, identifying:

1602 1.a. The number of jobs committed to be created.

1603 2.b. The amount of capital investments committed to be

1604 made.

1605 3.e. The annual average wage committed to be paid.

1606 4.d. The amount of state economic development incentives

1607 committed to the project from each incentive program under the

1608 project's terms of agreement with the Department of Economic

1609 Opportunity.

1610 5.e. The amount and type of local matching funds committed

1611 to the project.

1612 (3)~~(e)~~ For economic development projects that received tax

1613 refunds, tax credits, or cash grants under the terms of an

1614 agreement for incentives, the report must identify:

1615 (a)~~1.~~ The number of jobs actually created.

1616 (b)~~2.~~ The amount of capital investments actually made.

1617 (c)~~3.~~ The annual average wage paid.

1618 (4)~~(d)~~ For a project receiving economic development

1619 incentives approved by the department and receiving federal or

1620 local incentives, the report must include a description of the

1621 federal or local incentives, if available.

1622 (5)~~(e)~~ The report must state the number of withdrawn or

1623 terminated projects that did not fulfill the terms of their

1624 agreements with the department and consequently are not



1625 receiving incentives.

1626 (6)~~(f)~~ The report must include an analysis of the economic
 1627 benefits, as defined in s. 288.005, of tax refunds, tax credits,
 1628 or other payments made to projects locating or expanding in
 1629 state enterprise zones, rural communities, brownfield areas, or
 1630 distressed urban communities.

1631 (7)~~(g)~~ The report must identify the target industry
 1632 businesses and high-impact businesses.

1633 (8)~~(h)~~ The report must describe the trends relating to
 1634 business interest in, and usage of, the various incentives, and
 1635 the number of minority-owned or woman-owned businesses receiving
 1636 incentives.

1637 (9)~~(i)~~ The report must identify incentive programs not
 1638 utilized.

1639 ~~(2) The Division of Strategic Business Development within~~
 1640 ~~the department shall assist Enterprise Florida, Inc., in the~~
 1641 ~~preparation of the annual incentives report.~~

1642 Section 29. Subsection (3) of section 288.92, Florida
 1643 Statutes, is amended to read:

1644 288.92 Divisions of Enterprise Florida, Inc.—

1645 (3) ~~By October 15 each year,~~ Each division shall draft and
 1646 submit an annual report for inclusion in the report required
 1647 under 288.906 which details the division's activities during the
 1648 previous ~~prior~~ fiscal year and includes ~~any~~ recommendations for
 1649 improving current statutes related to the division's ~~related~~
 1650 area of responsibility.

1651 Section 30. Subsection (5) of section 288.95155, Florida
 1652 Statutes, is amended to read:



1653 288.95155 Florida Small Business Technology Growth
1654 Program.—

1655 (5) Enterprise Florida, Inc., shall include in the annual
1656 incentives report required under s. 288.907 ~~prepare for~~
1657 ~~inclusion in the annual report of the department required by s.~~
1658 ~~288.095~~ a report on the financial status of the program. The
1659 report must specify the assets and liabilities of the program
1660 within the current fiscal year and must include a portfolio
1661 update that lists all of the businesses assisted, the private
1662 dollars leveraged by each business assisted, and the growth in
1663 sales and ~~in~~ employment of each business assisted.

1664 Section 31. Section 288.9918, Florida Statutes, is amended
1665 to read:

1666 288.9918 Annual reporting by a community development
1667 entity.—

1668 (1) A community development entity that has issued a
1669 qualified investment shall submit an annual report to the
1670 department by January 31 ~~April 30~~ after the end of each year
1671 which includes a credit allowance date. The report shall include
1672 information on investments made during the preceding calendar
1673 year, including, but not limited to, the following:

1674 ~~(1) The entity's annual financial statements for the~~
1675 ~~preceding tax year, audited by an independent certified public~~
1676 ~~accountant.~~

1677 (a) ~~(2)~~ The identity of the types of industries, identified
1678 by the North American Industry Classification System Code, in
1679 which qualified low-income community investments were made.

1680 (b) ~~(3)~~ The names of the counties in which the qualified



1681 active low-income businesses are located which received
1682 qualified low-income community investments.

1683 (c)~~(4)~~ The number of jobs created and retained by qualified
1684 active low-income community businesses receiving qualified low-
1685 income community investments, including verification that the
1686 average wages paid meet or exceed 115 percent of the federal
1687 poverty income guidelines for a family of four.

1688 (d)~~(5)~~ A description of the relationships that the entity
1689 has established with community-based organizations and local
1690 community development offices and organizations and a summary of
1691 the outcomes resulting from those relationships.

1692 (e)~~(6)~~ Other information and documentation required by the
1693 department to verify continued certification as a qualified
1694 community development entity under 26 U.S.C. s. 45D.

1695 (2) By April 30 after the end of each year that includes a
1696 credit allowance date, a community development entity shall
1697 submit annual financial statements for the preceding tax year,
1698 audited by an independent certified public accountant.

1699 Section 32. Subsection (6) of section 290.0055, Florida
1700 Statutes, is amended to read:

1701 290.0055 Local nominating procedure.—

1702 (6) (a) The department may approve a change in the boundary
1703 of any enterprise zone which was designated pursuant to s.
1704 290.0065. A boundary change must continue to satisfy the
1705 requirements of subsections (3), (4), and (5).

1706 (b) Upon a recommendation by the enterprise zone
1707 development agency, the governing body of the jurisdiction which
1708 authorized the application for an enterprise zone may apply to



1709 the department for a change in boundary once every 3 years by
1710 adopting a resolution that:

1711 1. States with particularity the reasons for the change;
1712 and

1713 2. Describes specifically and, to the extent required by
1714 the department, the boundary change to be made.

1715 (c) At least 90 days before adopting a resolution seeking
1716 a change in the boundary of an enterprise zone, the governing
1717 body shall include in a notice of the meeting at which the
1718 resolution will be considered an explanation that a change in
1719 the boundary of an enterprise zone will be considered and that
1720 the change may result in loss of enterprise zone eligibility for
1721 the area affected by the boundary change.

1722 (d)1. The governing body of a jurisdiction which has
1723 nominated an application for an enterprise zone that is at least
1724 15 square miles and less than 20 square miles ~~no larger than 12~~
1725 ~~square miles~~ and includes a portion of the state designated as a
1726 rural area of critical economic concern under s. 288.0656(7) may
1727 apply to the department to expand the boundary of the existing
1728 enterprise zone by not more than 3 square miles. ~~An application~~
1729 ~~to expand the boundary of an enterprise zone under this~~
1730 ~~paragraph must be submitted by December 31, 2012.~~

1731 2. The governing body of a jurisdiction that has nominated
1732 an application for an enterprise zone that is at least 20 square
1733 miles and includes a portion of the state designated as a rural
1734 area of critical economic concern under s. 288.0656(7) may apply
1735 to the department to expand the boundary of the existing
1736 enterprise zone by not more than 5 square miles.



1737 3. An application to expand the boundary of an enterprise
1738 zone under this paragraph must be submitted by December 31,
1739 2013.

1740 ~~4.2.~~ Notwithstanding the area limitations specified in
1741 subsection (4), the department may approve the request for a
1742 boundary amendment if the area continues to satisfy the
1743 remaining requirements of this section.

1744 ~~5.3.~~ The department shall establish the initial effective
1745 date of an enterprise zone designated under this paragraph.

1746 Section 33. Subsection (11) of section 290.0056, Florida
1747 Statutes, is amended to read:

1748 290.0056 Enterprise zone development agency.—

1749 (11) Before October 1 ~~December 1~~ of each year, the agency
1750 shall submit to the department for inclusion in the department's
1751 annual report required under s. 20.60 a complete and detailed
1752 written report setting forth:

1753 (a) Its operations and accomplishments during the fiscal
1754 year.

1755 (b) The accomplishments and progress concerning the
1756 implementation of the strategic plan or measurable goals, and
1757 any updates to the strategic plan or measurable goals.

1758 (c) The number and type of businesses assisted by the
1759 agency during the fiscal year.

1760 (d) The number of jobs created within the enterprise zone
1761 during the fiscal year.

1762 (e) The usage and revenue impact of state and local
1763 incentives granted during the calendar year.

1764 (f) Any other information required by the department.



1765 Section 34. Section 290.014, Florida Statutes, is amended
 1766 to read:

1767 290.014 Annual reports on enterprise zones.—

1768 ~~(1) By October 1 February 1~~ of each year, the Department
 1769 of Revenue shall submit a an annual report to the department for
 1770 inclusion in the department's annual report required under s.
 1771 20.60 which details detailing the usage and revenue impact by
 1772 county of the state incentives listed in s. 290.007.

1773 ~~(2) By March 1 of each year, the department shall submit~~
 1774 ~~an annual report to the Governor, the Speaker of the House of~~
 1775 ~~Representatives, and the President of the Senate.~~ The report
 1776 shall also include ~~the information provided by the department of~~
 1777 ~~Revenue pursuant to subsection (1) and the information provided~~
 1778 ~~by the~~ enterprise zone development agencies pursuant to s.
 1779 290.0056(11) 290.0056. In addition, the report shall include an
 1780 analysis of the activities and accomplishments of each
 1781 enterprise zone.

1782 Section 35. Section 290.0455, Florida Statutes, is amended
 1783 to read:

1784 290.0455 Small Cities Community Development Block Grant
 1785 Loan Guarantee Program; Section 108 loan guarantees.—

1786 (1) The Small Cities Community Development Block Grant
 1787 Loan Guarantee Program is created. The department shall
 1788 administer the loan guarantee program pursuant to Section 108 s-
 1789 ~~108~~ of Title I of the Housing and Community Development Act of
 1790 1974, as amended, and as further amended by s. 910 of the
 1791 Cranston-Gonzalez National Affordable Housing Act. The purpose
 1792 of the Small Cities Community Development Block Grant Loan



1793 Guarantee Program is to guarantee, or to make commitments to
 1794 guarantee, notes or other obligations issued by public entities
 1795 for the purposes of financing activities enumerated in 24 C.F.R.
 1796 s. 570.703.

1797 (2) Activities assisted under the loan guarantee program
 1798 must meet the requirements contained in 24 C.F.R. ss. 570.700-
 1799 570.710 and may not otherwise be financed in whole or in part
 1800 from the Florida Small Cities Community Development Block Grant
 1801 Program.

1802 (3) The department may pledge existing revenues on deposit
 1803 or future revenues projected to be available for deposit in the
 1804 Florida Small Cities Community Development Block Grant Program
 1805 in order to guarantee, ~~in whole or in part,~~ the payment of
 1806 principal and interest on a Section 108 loan ~~made under the loan~~
 1807 ~~guarantee program.~~

1808 (4) An applicant approved by the United States Department
 1809 of Housing and Urban Development to receive a Section 108 loan
 1810 shall enter into an agreement with the Department of Economic
 1811 Opportunity which requires the applicant to pledge half of the
 1812 amount necessary to guarantee the loan in the event of default.

1813 (5) The department shall review all Section 108 loan
 1814 applications that it receives from local governments. The
 1815 department shall review the applications ~~must submit all~~
 1816 ~~applications it receives to the United States Department of~~
 1817 ~~Housing and Urban Development for loan approval,~~ in the order
 1818 received, subject to a determination by the department
 1819 ~~determining~~ that each ~~the~~ application meets all eligibility
 1820 requirements contained in 24 C.F.R. ss. 570.700-570.710, and has



1821 been deemed financially feasible by a loan underwriter approved
1822 by the department. If the statewide maximum available for loan
1823 guarantee commitments established in subsection (6) has not been
1824 committed, the department may submit the Section 108 loan
1825 application to the United States Department of Housing and Urban
1826 Development with a recommendation that the loan be approved,
1827 with or without conditions, or be denied ~~provided that the~~
1828 ~~applicant has submitted the proposed activity to a loan~~
1829 ~~underwriter to document its financial feasibility.~~

1830 (6)-(5) The maximum amount of an individual loan guarantee
1831 commitment that an ~~commitments that any~~ eligible local
1832 government may receive is ~~may be~~ limited to \$5 ~~\$7~~ million
1833 ~~pursuant to 24 C.F.R. s. 570.705,~~ and the maximum amount of loan
1834 guarantee commitments statewide may not exceed an amount equal
1835 to two ~~five~~ times the amount of the most recent grant received
1836 by the department under the Florida Small Cities Community
1837 Development Block Grant Program. The \$5 million loan guarantee
1838 limit does not apply to loans guaranteed before July 1, 2013,
1839 that may be refinanced.

1840 (7)-(6) Section 108 loans guaranteed by the Small Cities
1841 Community Development Block Grant Program ~~loan guarantee program~~
1842 must be repaid within 20 years.

1843 (8)-(7) Section 108 loan applicants must demonstrate
1844 ~~guarantees may be used for an activity only if the local~~
1845 ~~government provides evidence to the department that the~~
1846 applicant investigated alternative financing services ~~were~~
1847 ~~investigated~~ and the services were unavailable or insufficient
1848 to meet the financing needs of the proposed activity.



1849 (9) If a local government defaults on a Section 108 loan
1850 received from the United States Department of Housing and Urban
1851 Development and guaranteed through the Florida Small Cities
1852 Community Development Block Grant Program, thereby requiring the
1853 department to reduce its annual grant award in order to pay the
1854 annual debt service on the loan, any future community
1855 development block grants that the local government receives must
1856 be reduced in an amount equal to the amount of the state's grant
1857 award used in payment of debt service on the loan.

1858 (10) If a local government receives a Section 108 loan
1859 guaranteed through the Florida Small Cities Community
1860 Development Block Grant Program and is granted entitlement
1861 community status as defined in subpart D of 24 C.F.R. part 570
1862 by the United States Department of Housing and Urban Development
1863 before paying the loan in full, the local government must pledge
1864 its community development block grant entitlement allocation as
1865 a guarantee of its previous loan and request that the United
1866 States Department of Housing and Urban Development release the
1867 department as guarantor of the loan.

1868 ~~(8) The department must, before approving an application~~
1869 ~~for a loan, evaluate the applicant's prior administration of~~
1870 ~~block grant funds for community development. The evaluation of~~
1871 ~~past performance must take into account the procedural aspects~~
1872 ~~of previous grants or loans as well as substantive results. If~~
1873 ~~the department finds that any applicant has failed to~~
1874 ~~substantially accomplish the results proposed in the applicant's~~
1875 ~~last previously funded application, the department may prohibit~~
1876 ~~the applicant from receiving a loan or may penalize the~~



1877 ~~applicant in the rating of the current application.~~

1878 Section 36. Subsection (11) of section 331.3051, Florida
1879 Statutes, is amended to read:

1880 331.3051 Duties of Space Florida.—Space Florida shall:

1881 (11) Annually report on its performance with respect to
1882 its business plan, to include finance, spaceport operations,
1883 research and development, workforce development, and education.
1884 The report shall be submitted to the Governor, the President of
1885 the Senate, and the Speaker of the House of Representatives by
1886 November 30 ~~no later than September 1~~ for the previous ~~prior~~
1887 fiscal year. The annual report shall include operations
1888 information as required under s. 331.310(2)(e).

1889 Section 37. Paragraph (e) of subsection (2) of section
1890 331.310, Florida Statutes, is amended to read:

1891 331.310 Powers and duties of the board of directors.—

1892 (2) The board of directors shall:

1893 (e) Prepare an annual report of operations as a supplement
1894 to the annual report required under s. 331.3051(11). The report
1895 shall include, but not be limited to, a balance sheet, an income
1896 statement, a statement of changes in financial position, a
1897 reconciliation of changes in equity accounts, a summary of
1898 significant accounting principles, the auditor's report, a
1899 summary of the status of existing and proposed bonding projects,
1900 comments from management about the year's business, and
1901 prospects for the next year, ~~which shall be submitted each year~~
1902 ~~by November 30 to the Governor, the President of the Senate, the~~
1903 ~~Speaker of the House of Representatives, the minority leader of~~
1904 ~~the Senate, and the minority leader of the House of~~



1905 ~~Representatives.~~

1906 Section 38. Paragraphs (a) and (e) of subsection (30) of
 1907 section 443.036, Florida Statutes, are amended to read:

1908 443.036 Definitions.—As used in this chapter, the term:

1909 (30) "Misconduct," irrespective of whether the misconduct
 1910 occurs at the workplace or during working hours, includes, but
 1911 is not limited to, the following, which may not be construed in
 1912 pari materia with each other:

1913 (a) Conduct demonstrating conscious disregard of an
 1914 employer's interests and found to be a deliberate violation or
 1915 disregard of the reasonable standards of behavior which the
 1916 employer expects of his or her employee. Such conduct may
 1917 include, but is not limited to, willful damage to an employer's
 1918 property that results in damage of more than \$50, or theft of
 1919 employer property or property of a customer or invitee of the
 1920 employer.

1921 (e)1. A violation of an employer's rule, unless the
 1922 claimant can demonstrate that:

1923 ~~a.1.~~ He or she did not know, and could not reasonably
 1924 know, of the rule's requirements;

1925 ~~b.2.~~ The rule is not lawful or not reasonably related to
 1926 the job environment and performance; or

1927 ~~c.3.~~ The rule is not fairly or consistently enforced.

1928 2. Such conduct may include, but is not limited to,
 1929 committing criminal assault or battery on another employee, or
 1930 on a customer or invitee of the employer; or committing abuse or
 1931 neglect of a patient, resident, disabled person, elderly person,
 1932 or child in her or his professional care.



1933 Section 39. Paragraphs (b), (c), and (d) of subsection (1)
1934 of section 443.091, Florida Statutes, are amended to read:

1935 443.091 Benefit eligibility conditions.—

1936 (1) An unemployed individual is eligible to receive
1937 benefits for any week only if the Department of Economic
1938 Opportunity finds that:

1939 (b) She or he has completed the department's online work
1940 registration ~~registered with the department for work~~ and
1941 subsequently reports to the one-stop career center as directed
1942 by the regional workforce board for reemployment services. This
1943 requirement does not apply to persons who are:

1944 1. Non-Florida residents;
1945 2. On a temporary layoff;
1946 3. Union members who customarily obtain employment through
1947 a union hiring hall; ~~or~~

1948 4. Claiming benefits under an approved short-time
1949 compensation plan as provided in s. 443.1116; or

1950 5. Unable to complete the online work registration due to
1951 illiteracy, physical or mental impairment, a legal prohibition
1952 from using a computer, or a language impediment. If a person is
1953 exempted from the online work registration under this
1954 subparagraph, then the filing of his or her claim constitutes
1955 registration for work.

1956 (c) To make continued claims for benefits, she or he is
1957 reporting to the department in accordance with this paragraph
1958 and department rules, and participating in an initial skills
1959 review, as directed by the department. Department rules may not
1960 conflict with s. 443.111(1)(b), which requires that each



1961 claimant continue to report regardless of any pending appeal
1962 relating to her or his eligibility or disqualification for
1963 benefits.

1964 1. For each week of unemployment claimed, each report
1965 must, at a minimum, include the name, address, and telephone
1966 number of each prospective employer contacted, or the date the
1967 claimant reported to a one-stop career center, pursuant to
1968 paragraph (d).

1969 2. The administrator or operator of the initial skills
1970 review shall notify the department when the individual completes
1971 the initial skills review and report the results of the review
1972 to the regional workforce board or the one-stop career center as
1973 directed by the workforce board. The department shall prescribe
1974 a numeric score on the initial skills review that demonstrates a
1975 minimal proficiency in workforce skills. The department,
1976 workforce board, or one-stop career center shall use the initial
1977 skills review to develop a plan for referring individuals to
1978 training and employment opportunities. The failure of the
1979 individual to comply with this requirement will result in the
1980 individual being determined ineligible for benefits for the week
1981 in which the noncompliance occurred and for any subsequent week
1982 of unemployment until the requirement is satisfied. However,
1983 this requirement does not apply if the individual ~~is able to~~
1984 ~~affirmatively attest to being unable to complete such review due~~
1985 ~~to illiteracy or a language impediment or~~ is exempt from the
1986 work registration requirement as set forth in paragraph (b).

1987 3. Any individual who falls below the minimal proficiency
1988 score prescribed by the department in subparagraph 2. on the



1989 | initial skills review shall be offered training opportunities
 1990 | and encouraged to participate in such training at no cost to the
 1991 | individual in order to improve his or her workforce skills to
 1992 | the minimal proficiency level.

1993 | 4. The department shall coordinate with Workforce Florida,
 1994 | Inc., the workforce boards, and the one-stop career centers to
 1995 | identify, develop, and utilize best practices for improving the
 1996 | skills of individuals who choose to participate in training
 1997 | opportunities and who have a minimal proficiency score below the
 1998 | score prescribed in subparagraph 2.

1999 | 5. The department, in coordination with Workforce Florida,
 2000 | Inc., the workforce boards, and the one-stop career centers,
 2001 | shall evaluate the use, effectiveness, and costs associated with
 2002 | the training prescribed in subparagraph 3. and report its
 2003 | findings and recommendations for training and the use of best
 2004 | practices to the Governor, the President of the Senate, and the
 2005 | Speaker of the House of Representatives by January 1, 2013.

2006 | (d) She or he is able to work and is available for work.
 2007 | In order to assess eligibility for a claimed week of
 2008 | unemployment, the department shall develop criteria to determine
 2009 | a claimant's ability to work and availability for work. A
 2010 | claimant must be actively seeking work in order to be considered
 2011 | available for work. This means engaging in systematic and
 2012 | sustained efforts to find work, including contacting at least
 2013 | five prospective employers for each week of unemployment
 2014 | claimed. The department may require the claimant to provide
 2015 | proof of such efforts to the one-stop career center as part of
 2016 | reemployment services. A claimant's proof of work search efforts



2017 may not include the same prospective employer at the same
2018 location in consecutive claimed weeks, unless the employer has
2019 indicated since the time of the initial contact that the
2020 employer is hiring. The department shall conduct random reviews
2021 of work search information provided by claimants. As an
2022 alternative to contacting at least five prospective employers
2023 for any week of unemployment claimed, a claimant may, for that
2024 same week, report in person to a one-stop career center to meet
2025 with a representative of the center and access reemployment
2026 services of the center. The center shall keep a record of the
2027 services or information provided to the claimant and shall
2028 provide the records to the department upon request by the
2029 department. However:

2030 1. Notwithstanding any other provision of this paragraph
2031 or paragraphs (b) and (e), an otherwise eligible individual may
2032 not be denied benefits for any week because she or he is in
2033 training with the approval of the department, or by reason of s.
2034 443.101(2) relating to failure to apply for, or refusal to
2035 accept, suitable work. Training may be approved by the
2036 department in accordance with criteria prescribed by rule. A
2037 claimant's eligibility during approved training is contingent
2038 upon satisfying eligibility conditions prescribed by rule.

2039 2. Notwithstanding any other provision of this chapter, an
2040 otherwise eligible individual who is in training approved under
2041 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
2042 determined ineligible or disqualified for benefits due to
2043 enrollment in such training or because of leaving work that is
2044 not suitable employment to enter such training. As used in this



2045 | subparagraph, the term "suitable employment" means work of a
 2046 | substantially equal or higher skill level than the worker's past
 2047 | adversely affected employment, as defined for purposes of the
 2048 | Trade Act of 1974, as amended, the wages for which are at least
 2049 | 80 percent of the worker's average weekly wage as determined for
 2050 | purposes of the Trade Act of 1974, as amended.

2051 | 3. Notwithstanding any other provision of this section, an
 2052 | otherwise eligible individual may not be denied benefits for any
 2053 | week because she or he is before any state or federal court
 2054 | pursuant to a lawfully issued summons to appear for jury duty.

2055 | 4. Union members who customarily obtain employment through
 2056 | a union hiring hall may satisfy the work search requirements of
 2057 | this paragraph by reporting daily to their union hall.

2058 | 5. The work search requirements of this paragraph do not
 2059 | apply to persons who are unemployed as a result of a temporary
 2060 | layoff or who are claiming benefits under an approved short-time
 2061 | compensation plan as provided in s. 443.1116.

2062 | 6. In small counties as defined in s. 120.52(19), a
 2063 | claimant engaging in systematic and sustained efforts to find
 2064 | work must contact at least three prospective employers for each
 2065 | week of unemployment claimed.

2066 | 7. The work search requirements of this paragraph do not
 2067 | apply to persons required to participate in reemployment
 2068 | services under paragraph (e).

2069 | Section 40. Subsection (13) is added to section 443.101,
 2070 | Florida Statutes, to read:

2071 | 443.101 Disqualification for benefits.—An individual shall
 2072 | be disqualified for benefits:



2073 (13) For any week with respect to which the department
 2074 finds that his or her unemployment is due to a discharge from
 2075 employment for failure without good cause to maintain a license,
 2076 registration, or certification required by applicable law
 2077 necessary for the employee to perform her or his assigned job
 2078 duties. For purposes of this paragraph, the term "good cause"
 2079 includes, but is not limited to, failure of the employer to
 2080 submit information required for a license, registration, or
 2081 certification; short-term physical injury which prevents the
 2082 employee from completing or taking a required test; and
 2083 inability to take or complete a required test that is outside
 2084 the employee's control.

2085 Section 41. Paragraph (b) of subsection (4) of section
 2086 443.1113, Florida Statutes, is amended to read:

2087 443.1113 Reemployment Assistance Claims and Benefits
 2088 Information System.—

2089 (4) The project to implement the Reemployment Assistance
 2090 Claims and Benefits Information System shall be comprised of the
 2091 following phases and corresponding implementation timeframes:

2092 (b) The Reemployment Assistance Claims and Benefits
 2093 Internet portal that replaces the Florida Unemployment Internet
 2094 Direct and the Florida Continued Claims Internet Directory
 2095 systems, the Call Center Interactive Voice Response System, the
 2096 Benefit Overpayment Screening System, the Internet and Intranet
 2097 Appeals System, and the Claims and Benefits Mainframe System
 2098 shall be deployed to full operational status no later than the
 2099 end of fiscal year 2013-2014 ~~2012-2013~~.

2100 Section 42. Subsection (5) of section 443.131, Florida



2101 Statutes, is amended to read:

2102 443.131 Contributions.—

2103 (5) ADDITIONAL RATE FOR INTEREST ON FEDERAL ADVANCES.—

2104 (a) When the Unemployment Compensation Trust Fund has
 2105 received advances from the Federal Government under the
 2106 provisions of 42 U.S.C. s. 1321, each contributing employer
 2107 shall be assessed an additional rate solely for the purpose of
 2108 paying interest due on such federal advances. The additional
 2109 rate shall be assessed no later than February 1 in each calendar
 2110 year in which an interest payment is due.

2111 (b) The Revenue Estimating Conference shall estimate the
 2112 amount of ~~such~~ interest due on federal advances by no later than
 2113 December 1 of the calendar year before ~~preceding~~ the calendar
 2114 year in which an interest payment is due. The Revenue Estimating
 2115 Conference shall, at a minimum, consider the following as the
 2116 basis for the estimate:

- 2117 1. The amounts actually advanced to the trust fund.
- 2118 2. Amounts expected to be advanced to the trust fund based
 2119 on current and projected unemployment patterns and employer
 2120 contributions.
- 2121 3. The interest payment due date.
- 2122 4. The interest rate that will be applied by the Federal
 2123 Government to any accrued outstanding balances.

2124 (c) ~~(b)~~ The tax collection service provider shall calculate
 2125 the additional rate to be assessed against contributing
 2126 employers. The additional rate assessed for a calendar year
 2127 shall be determined by dividing the estimated amount of interest
 2128 to be paid in that year by 95 percent of the taxable wages as



2129 described in s. 443.1217 paid by all employers for the year
2130 ending June 30 of the previous ~~immediately preceding~~ calendar
2131 year. The amount to be paid by each employer shall be the
2132 product obtained by multiplying such employer's taxable wages as
2133 described in s. 443.1217 for the year ending June 30 of the
2134 previous ~~immediately preceding~~ calendar year by the rate as
2135 determined by this subsection. An assessment may not be made if
2136 the amount of assessments on deposit from previous years, plus
2137 any earned interest, is at least 80 percent of the estimated
2138 amount of interest.

2139 (d) The tax collection service provider shall make a
2140 separate collection of such assessment, which may be collected
2141 at the time of employer contributions and subject to the same
2142 penalties for failure to file a report, imposition of the
2143 standard rate pursuant to paragraph (3)(h), and interest if the
2144 assessment is not received on or before June 30. Section
2145 443.141(1)(d) and (e) does not apply to this separately
2146 collected assessment. The tax collection service provider shall
2147 maintain those funds in the tax collection service provider's
2148 Audit and Warrant Clearing Trust Fund until the provider is
2149 directed by the Governor or the Governor's designee to make the
2150 interest payment to the Federal Government. Assessments on
2151 deposit shall be available to pay the interest on advances
2152 received from the Federal Government under 42 U.S.C. s. 1321.
2153 Assessments on deposit may be invested and any interest earned
2154 shall be part of the balance available to pay the interest on
2155 advances received from the Federal Government under 42 U.S.C. s.
2156 1321.



2157 (e) Four months after ~~In the calendar year that~~ all
2158 advances from the Federal Government under 42 U.S.C. s. 1321 and
2159 associated interest are repaid, ~~if there are assessment funds in~~
2160 ~~excess of the amount required to meet the final interest~~
2161 ~~payment,~~ any ~~such~~ excess assessed funds in the Audit and Warrant
2162 Clearing Trust Fund, including associated interest, shall be
2163 transferred to ~~credited to employer accounts in~~ the Unemployment
2164 Compensation Trust Fund. Any assessment amounts subsequently
2165 collected shall also be transferred to the Unemployment
2166 Compensation Trust Fund in an amount equal to the employer's
2167 ~~contribution to the assessment for that year divided by the~~
2168 ~~total amount of the assessment for that year, the result of~~
2169 ~~which is multiplied by the amount of excess assessed funds.~~

2170 (f) If ~~However,~~ if the state is permitted to defer
2171 interest payments due during a calendar year under 42 U.S.C. s.
2172 1322, payment of the interest assessment shall not be due. If a
2173 deferral of interest expires or is subsequently disallowed by
2174 the Federal Government, either prospectively or retroactively,
2175 the interest assessment shall be immediately due and payable.
2176 Notwithstanding any other provision of this section, if interest
2177 due during a calendar year on federal advances is forgiven or
2178 postponed under federal law and is no longer due during that
2179 calendar year, no interest assessment shall be assessed against
2180 an employer for that calendar year, and any assessment already
2181 assessed and collected against an employer before the
2182 forgiveness or postponement of the interest for that calendar
2183 year shall be credited to such employer's account in the
2184 Unemployment Compensation Trust Fund. However, such funds may be



2185 used only to pay benefits or refunds of erroneous contributions.

2186 (g) This subsection expires July 1, 2014.

2187 Section 43. Paragraph (b) of subsection (2), paragraph (a)
2188 of subsection (3), and paragraph (a) of subsection (6) of
2189 section 443.151, Florida Statutes, are amended to read:

2190 443.151 Procedure concerning claims.—

2191 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
2192 CLAIMANTS AND EMPLOYERS.—

2193 (b) Process.—When the Reemployment Assistance Claims and
2194 Benefits Information System described in s. 443.1113 is fully
2195 operational, the process for filing claims must incorporate the
2196 process for registering for work with the workforce information
2197 systems established pursuant to s. 445.011. Unless exempted
2198 under s. 443.091(1)(b)5., a claim for benefits may not be
2199 processed until the work registration requirement is satisfied.
2200 The department may adopt rules as necessary to administer the
2201 work registration requirement set forth in this paragraph.

2202 (3) DETERMINATION OF ELIGIBILITY.—

2203 (a) Notices of claim.—The Department of Economic
2204 Opportunity shall promptly provide a notice of claim to the
2205 claimant's most recent employing unit and all employers whose
2206 employment records are liable for benefits under the monetary
2207 determination. The employer must respond to the notice of claim
2208 within 20 days after the mailing date of the notice, or in lieu
2209 of mailing, within 20 days after the delivery of the notice. If
2210 a contributing employer or its agent fails to timely or
2211 adequately respond to the notice of claim or request for
2212 information, the employer's account may not be relieved of



2213 benefit charges as provided in s. 443.131(3) (a), notwithstanding
 2214 paragraph (5) (b). The department may adopt rules as necessary to
 2215 implement the processes described in this paragraph relating to
 2216 notices of claim.

2217 (6) RECOVERY AND RECOUPMENT.—

2218 (a) Any person who, by reason of her or his fraud,
 2219 receives benefits under this chapter to which she or he is not
 2220 entitled is liable for repaying those benefits to the Department
 2221 of Economic Opportunity on behalf of the trust fund or, in the
 2222 discretion of the department, to have those benefits deducted
 2223 from future benefits payable to her or him under this chapter.
 2224 In addition, the department shall impose upon the claimant a
 2225 penalty equal to 15 percent of the amount overpaid. To enforce
 2226 this paragraph, the department must find the existence of fraud
 2227 through a redetermination or decision under this section within
 2228 2 years after the fraud was committed. Any recovery or
 2229 recoupment of benefits must be commenced within 7 years after
 2230 the redetermination or decision.

2231 Section 44. Effective January 1, 2014, paragraph (a) of
 2232 subsection (4), of section 443.151, Florida Statutes, is amended
 2233 to read:

2234 (4) APPEALS.—

2235 (a) Appeals referees.—

2236 1. The Department of Economic Opportunity shall appoint
 2237 one or more impartial salaried appeals referees in accordance
 2238 with s. 443.171(3) to hear and decide appealed claims.

2239 2. An appeals referee must be an attorney in good standing
 2240 with The Florida Bar or be successfully admitted to The Florida



2241 Bar within 8 months after her or his date of appointment. This
 2242 subparagraph does not apply to an appeals referee appointed
 2243 before January 1, 2014.

2244 3. A person may not participate on behalf of the
 2245 department as an appeals referee in any case in which she or he
 2246 is an interested party.

2247 4. The department may designate alternates to serve in the
 2248 absence or disqualification of any appeals referee on a
 2249 temporary basis. These alternates must have the same
 2250 qualifications required of appeals referees.

2251 5. The department shall provide the commission and the
 2252 appeals referees with proper facilities and assistance for the
 2253 execution of their functions.

2254 Section 45. Subsection (1) of section 443.1715, Florida
 2255 Statutes, is amended to read:

2256 443.1715 Disclosure of information; confidentiality.—

2257 (1) RECORDS AND REPORTS.—Information revealing an
 2258 employing unit's or individual's identity obtained from the
 2259 employing unit or any individual under the administration of
 2260 this chapter, and any determination revealing that information,
 2261 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 2262 I of the State Constitution. This confidential information may
 2263 be released in accordance with the provisions in 20 C.F.R. part
 2264 603. A person receiving confidential information who violates
 2265 this subsection commits a misdemeanor of the second degree,
 2266 punishable as provided in s. 775.082 or s. 775.083. The
 2267 Department of Economic Opportunity or its tax collection service
 2268 provider may, however, furnish to any employer copies of any



2269 | report submitted by that employer upon the request of the
 2270 | employer and may furnish to any claimant copies of any report
 2271 | submitted by that claimant upon the request of the claimant. The
 2272 | department or its tax collection service provider may charge a
 2273 | reasonable fee for copies of these reports as prescribed by
 2274 | rule, which may not exceed the actual reasonable cost of the
 2275 | preparation of the copies. Fees received for copies under this
 2276 | subsection must be deposited in the Employment Security
 2277 | Administration Trust Fund.

2278 | Section 46. Subsection (1) of section 443.191, Florida
 2279 | Statutes, is amended to read:

2280 | 443.191 Unemployment Compensation Trust Fund;
 2281 | establishment and control.—

2282 | (1) There is established, as a separate trust fund apart
 2283 | from all other public funds of this state, an Unemployment
 2284 | Compensation Trust Fund, which shall be administered by the
 2285 | Department of Economic Opportunity exclusively for the purposes
 2286 | of this chapter. The fund shall consist of:

2287 | (a) All contributions and reimbursements collected under
 2288 | this chapter;

2289 | (b) Interest earned on any moneys in the fund;

2290 | (c) Any property or securities acquired through the use of
 2291 | moneys belonging to the fund;

2292 | (d) All earnings of these properties or securities;

2293 | (e) All money credited to this state's account in the
 2294 | federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
 2295 | 1103; ~~and~~

2296 | (f) All money collected for penalties imposed pursuant to



2297 | s. 443.151(6)(a); and
2298 | (g) Advances on the amount in the federal Unemployment
2299 | Compensation Trust Fund credited to the state under 42 U.S.C. s.
2300 | 1321, as requested by the Governor or the Governor's designee.
2301 |
2302 | Except as otherwise provided in s. 443.1313(4), all moneys in
2303 | the fund shall be mingled and undivided.
2304 | Section 47. Paragraph (b) of subsection (3) and subsection
2305 | (4) of section 446.50, Florida Statutes, are amended to read:
2306 | 446.50 Displaced homemakers; multiservice programs; report
2307 | to the Legislature; Displaced Homemaker Trust Fund created.—
2308 | (3) POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
2309 | OPPORTUNITY.—
2310 | (b)1. The department shall enter into contracts with, and
2311 | make grants to, public and nonprofit private entities for
2312 | purposes of establishing multipurpose service programs for
2313 | displaced homemakers under this section. Such grants and
2314 | contracts shall be awarded pursuant to chapter 287 and based on
2315 | criteria established in the program state plan as provided in
2316 | subsection (4) developed pursuant to this section. The
2317 | department shall designate catchment areas that together, shall
2318 | compose the entire state, and, to the extent possible from
2319 | revenues in the Displaced Homemaker Trust Fund, the department
2320 | shall contract with, and make grants to, entities that will
2321 | serve entire catchment areas so that displaced homemaker service
2322 | programs are available statewide. These catchment areas shall be
2323 | coterminous with the state's workforce development regions. The
2324 | department may give priority to existing displaced homemaker



2325 | programs when evaluating bid responses to the request for
 2326 | proposals.

2327 | 2. In order to receive funds under this section, and
 2328 | unless specifically prohibited by law from doing so, an entity
 2329 | that provides displaced homemaker service programs must receive
 2330 | at least 25 percent of its funding from one or more local,
 2331 | municipal, or county sources or nonprofit private sources. In-
 2332 | kind contributions may be evaluated by the department and
 2333 | counted as part of the required local funding.

2334 | 3. The department shall require an entity that receives
 2335 | funds under this section to maintain appropriate data to be
 2336 | compiled in an annual report to the department. Such data shall
 2337 | include, but shall not be limited to, the number of clients
 2338 | served, the units of services provided, designated client-
 2339 | specific information including intake and outcome information
 2340 | specific to each client, costs associated with specific services
 2341 | and program administration, total program revenues by source and
 2342 | other appropriate financial data, and client followup
 2343 | information at specified intervals after the placement of a
 2344 | displaced homemaker in a job.

2345 | (4) DISPLACED HOME MAKER PROGRAM STATE PLAN.—

2346 | ~~(a)~~ The Department of Economic Opportunity shall include
 2347 | in its annual report required under s. 20.60 a develop a 3-year
 2348 | state plan for the displaced homemaker program which shall be
 2349 | updated annually. The plan must address, at a minimum, the need
 2350 | for programs specifically designed to serve displaced
 2351 | homemakers, any necessary service components for such programs
 2352 | in addition to those described ~~enumerated~~ in this section, goals



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2353 of the displaced homemaker program with an analysis of the
2354 extent to which those goals are being met, and recommendations
2355 for ways to address any unmet program goals. Any request for
2356 funds for program expansion must be based on the ~~state~~ plan.

2357 ~~(b) The annual review and report required under s. 20.60~~
2358 ~~Each annual update must address any changes in the components of~~
2359 ~~the 3-year state plan and a report that must include, but need~~
2360 not be limited to, the following:

2361 (a)1. The scope of the incidence of displaced homemakers;

2362 (b)2. A compilation and report, by program, of data
2363 submitted to the department pursuant to subparagraph 3. by
2364 funded displaced homemaker service programs;

2365 (c)3. An identification and description of the programs in
2366 the state which receive funding from the department, including
2367 funding information; and

2368 (d)4. An assessment of the effectiveness of each displaced
2369 homemaker service program based on outcome criteria established
2370 by rule of the department.

2371 ~~(e) The 3-year state plan must be submitted to the~~
2372 ~~President of the Senate, the Speaker of the House of~~
2373 ~~Representatives, and the Governor on or before January 1, 2001,~~
2374 ~~and annual updates of the plan must be submitted by January 1 of~~
2375 ~~each subsequent year.~~

2376 Section 48. (1) The amendments made by this act to s.
2377 212.08, Florida Statutes, do not apply to any housing project or
2378 mixed-use project where site development or construction work
2379 was initiated before the effective date of this act.

2380 (2) The amendments made by this act to s. 288.107, Florida



2381 Statutes, do not apply to any party seeking a brownfield
2382 redevelopment bonus refund where, before the effective date of
2383 this act, a resolution endorsing the refund was approved by the
2384 local government; any such party seeking the refund filed a
2385 notice of intent to seek a refund or filed an application for
2386 the refund with the Department of Economic Opportunity or
2387 Enterprise Florida, Inc.; or any such party seeking the refund
2388 executed an actual tax refund agreement with the Department of
2389 Economic Opportunity.

2390 Section 49. Except as otherwise expressly provided in this
2391 act, this act shall take effect upon becoming a law.