FOR CONSIDERATION By the Committee on Budget

576-03068B-11 20117202__

1 A bill to be entitled
2 An act relating to governmental reorganization;
3 transferring the functions and trust funds of the
4 Agency for Workforce Innovation to other agencies;
5 transferring the Office of Early Learning Services to
6 the Department of Education; transferring the Office
7 of Unemployment Compensation to Jobs Florida;
8 transferring the Office of Workforce Services to Jobs
9 Florida; transferring the functions and trust funds of
10 the Department of Community Affairs to other agencies;
11 transferring the Florida Housing Finance Corporation
12 to Jobs Florida; transferring the Division of Housing
13 and Community Development to Jobs Florida;
14 transferring the Division of Community Planning to
15 Jobs Florida; transferring the Division of Emergency
16 Management to the Executive Office of the Governor and
17 renaming it as the "Office of Emergency Management";
18 transferring the Florida Building Commission to the
19 Department of Business and Professional Regulation;
20 transferring the responsibilities under the Florida
21 Communities Trust to the Department of Environmental
22 Protection; transferring the responsibilities under
23 the Stan Mayfield Working Waterfronts program to the
24 Department of Environmental Protection; transferring
25 functions and trust funds of the Office of Tourism,
26 Trade, and Economic Development in the Executive
27 Office of the Governor to Jobs Florida; providing
28 legislative intent with respect to the transfer of
29 programs and administrative responsibilities;

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

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

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

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

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

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

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

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

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262 specifying its responsibilities; providing for
263 administration of a grant program; specifying minimum
264 responsibilities of the advisory board; requiring an
265 annual report; creating s. 288.922, F.S.; creating the
266 Division of Business Retention and Recruitment;
267 specifying its responsibilities; specifying minimum
268 responsibilities of the advisory board; requiring an
269 annual report; creating s. 288.923, F.S.; creating the
270 Division of Tourism Marketing; providing definitions;
271 specifying the division's responsibilities and duties,
272 including a 4-year marketing plan; specifying minimum
273 responsibilities of the advisory board; requiring an
274 annual report; creating s. 288.925, F.S.; creating the
275 Division of Minority Business Development; specifying
276 the division's responsibilities and duties; requiring
277 an annual report; specifying minimum responsibilities
278 of the advisory council; transferring, renumbering,
279 and amending s. 288.1229, F.S.; creating the Division
280 of Sports Industry Development; specifying the
281 division's responsibilities; requiring an annual
282 report; specifying minimum responsibilities of the
283 advisory board; amending s. 409.942, F.S.; deleting
284 requirements that Workforce Florida, Inc., establish
285 an electronic transfer benefit program; amending s.
286 411.0102, F.S.; requiring each participating early
287 learning coalition board to develop a plan for the use
288 of child care purchasing pool funds; amending s.
289 1002.73, F.S.; requiring the Department of Education
290 to administer the operational requirements of the

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291 Voluntary Prekindergarten Education Program; requiring
292 the Department of Education to adopt procedures
293 governing the administration of the Voluntary
294 Prekindergarten Education Program by the early
295 learning coalitions and school districts; requiring
296 the Department of Education to adopt procedures for
297 the distribution of funds to early learning
298 coalitions; amending ss. 11.45, 14.2015, 14.20195,
299 15.18, 15.182, 16.615, 39.001, 45.031 69.041,
300 112.3135, 119.071, 120.80, 125.01045, 159.803,
301 159.8081, 159.8083, 161.54, 163.03, 163.3178,
302 163.3221, 163.360, 166.0446, 175.021, 186.504,
303 186.505, 202.037, 212.08, 212.096, 212.097, 212.098,
304 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231,
305 218.64, 220.03, 220.183, 220.191, 222.15, 250.06,
306 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36,
307 252.365, 252.37, 252.371, 252.373, 252.38, 252.385,
308 252.40, 252.41, 252.42, 252.43, 252.44, 252.46,
309 252.55, 252.60, 252.61, 252.82, 252.83, 252.85,
310 252.86, 252.87, 252.88, 252.936, 252.937, 252.943,
311 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34,
312 282.709, 287.09431, 287.09451, 287.0947, 288.012,
313 288.017, 288.018, 288.019, 288.021, 288.035, 288.047,
314 288.065, 288.0655, 288.0656, 288.06561, 288.0657,
315 288.0658, 288.0659, 288.075, 288.1045, 288.106,
316 288.107, 288.108, 288.1083, 288.1088, 288.1089,
317 288.1095, 288.1162, 288.11621, 288.1168, 288.1169,
318 288.1171, 288.122, 288.12265, 288.124, 288.1251,
319 288.1252, 288.1253, 288.1254, 288.386, 288.7011,

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320 288.705, 288.706, 288.7094, 288.7102, 288.714,
321 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809,
322 288.826, 288.95155, 288.955, 288.9519, 288.9520,
323 288.9603, 288.9604, 288.9605, 288.9606, 288.9614,
324 288.9624, 288.9625, 288.975, 288.980, 288.984,
325 288.9913, 288.9914, 288.9916, 288.9917, 288.9918,
326 288.9919, 288.9920, 288.9921, 290.004, 290.0055,
327 290.0056, 290.0065, 290.0066, 290.00710, 290.0072,
328 290.00725, 290.0073, 290.0074, 290.0077, 290.014,
329 311.09, 311.11, 311.115, 311.22, 320.08058, 331.302,
330 331.3081, 331.369, 339.08, 339.135, 364.0135, 377.703,
331 377.711, 377.712, 377.804, 380.031, 380.06, 380.115,
332 380.285, 381.0054, 381.0086, 381.7354, 381.855,
333 383.14, 402.281, 402.45, 402.56, 403.42, 403.7032,
334 403.973, 409.017, 409.1451, 409.2576, 409.944,
335 409.946, 411.01, 411.0101, 411.01013, 411.01014,
336 411.01015, 411.0103, 411.0104, 411.0106, 411.011,
337 411.226, 411.227, 414.24, 414.40, 414.295, 414.411,
338 420.631, 420.635, 429.907, 440.12, 440.15, 440.381,
339 440.385, 440.49, 443.012, 443.036, 443.041, 443.051,
340 443.071, 443.091, 443.101, 443.111, 443.1113,
341 443.1115, 443.1116, 443.1215, 443.1216, 443.1217,
342 443.131, 443.1312, 443.1313, 443.1315, 443.1316,
343 443.1317, 443.141, 443.151, 443.163, 443.171,
344 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002,
345 445.004, 445.006, 445.007, 445.009, 445.016, 445.024,
346 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051,
347 445.056, 446.41, 446.44, 446.50, 446.52, 448.109,
348 448.110, 450.161, 450.191, 450.31, 464.203, 468.529,

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349 469.002, 469.003, 489.1455, 489.5335, 526.143,
350 526.144, 551.104, 553.62, 570.248, 570.96, 597.006,
351 624.5105, 625.3255, 627.0628, 657.042, 658.67, 768.13,
352 943.03, 943.03101, 943.0311, 943.0312, 943.0313,
353 944.012, 944.708, 944.801, 945.10, 985.601, 1002.375,
354 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69,
355 1002.71, 1002.72, 1002.77, 1002.79, 1003.491,
356 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493,
357 1004.226, 1004.65, 1004.77, 1004.78, 1008.39, 1008.41,
358 1011.76, and 1012.2251, F.S.; conforming provisions to
359 changes made by the act; conforming cross-references;
360 deleting obsolete provisions; transferring,
361 renumbering, and amending ss. 20.505 and 1004.99,
362 F.S.; conforming provisions to changes made by the
363 act; repealing s. 14.2015, F.S., which relates to the
364 creation of the Office of Tourism, Trade, and Economic
365 Development; repealing s. 20.18, F.S., which relates
366 to the creation of the Department of Community
367 Affairs; repealing s. 20.50, F.S., which relates to
368 the creation of the Agency for Workforce Innovation;
369 repealing ss. 255.551, 255.552, 255.553, 255.5535,
370 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559,
371 255.56, 255.561, 255.562, and 255.563, F.S., which
372 relates to the abatement of asbestos in state
373 buildings; repealing s. 287.115, F.S., which relates
374 to a requirement for the Chief Financial Officer to
375 submit a report on contractual service contracts
376 disallowed; repealing s. 288.038, F.S., which relates
377 to agreements appointing county tax collectors as an

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378 agent of the Department of Labor and Employment
379 Security for licenses and other similar registrations;
380 repealing s. 288.063, F.S., which relates to contracts
381 for transportation projects with the Office of
382 Tourism, Trade, and Economic Development; repealing
383 ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226,
384 and 288.1227, F.S., which relate to the Florida
385 Commission on Tourism and the Florida Tourism Industry
386 Marketing Corporation; repealing ss. 288.7065,
387 288.707, 288.708, 288.709, 288.7091, and 288.712,
388 F.S., which relate to the Black Business Investment
389 Board; repealing s. 288.12295, F.S., which relates to
390 a public records exemption for donors for a direct
391 support organization on promotion and development of
392 sports-related industries and amateur athletics;
393 repealing s. 288.90151, F.S., which relates to Return
394 on investment from activities of Enterprise Florida,
395 Inc.; repealing s. 288.9618, F.S., which relates to an
396 economic development program for microenterprises;
397 repealing s. 288.982, F.S., which relates to a public
398 records exemption for certain records relating to the
399 United States Department of Defense Base Realignment
400 and Closure 2005 process; repealing s. 288.9415, F.S.,
401 which relates to Enterprise Florida, Inc., and
402 international trade grants; repealing s. 411.0105,
403 F.S., which designates the Agency for Workforce
404 Innovation as the lead agency to administer specified
405 federal laws; repealing s. 446.60, F.S., which relates
406 to assistance for displaced local exchange

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407 telecommunications company workers; providing an
408 effective date.
409
410 Be It Enacted by the Legislature of the State of Florida:
411
412 Section 1. Type two transfers from the Agency for Workforce
413 Innovation.—
414 (1) All powers, duties, functions, records, offices,
415 personnel, associated administrative support positions,
416 property, pending issues, existing contracts, administrative
417 authority, administrative rules, and unexpended balances of
418 appropriations, allocations, and other funds relating to the
419 following programs in the Agency for Workforce Innovation are
420 transferred by a type two transfer, as defined in s. 20.06(2),
421 Florida Statutes, as follows:
422 (a) The Office of Early Learning Services, including all
423 related policies and procedures, is transferred to the
424 Department of Education.
425 (b) The Office of Unemployment Compensation is transferred
426 to Jobs Florida.
427 (c) The Office of Workforce Services is transferred to Jobs
428 Florida.
429 (2) The following trust funds are transferred:
430 (a) From the Agency for Workforce Innovation to the
431 Department of Education, the Child Care and Development Block
432 Grant Trust Fund.
433 (b) From the Agency for Workforce Innovation to Jobs
434 Florida:
435 1. The Administrative Trust Fund.

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436 2. The Employment Security Administration Trust Fund.
437 3. The Special Employment Security Administration Trust
438 Fund.
439 4. The Unemployment Compensation Benefit Trust Fund.
440 5. The Unemployment Compensation Clearing Trust Fund.
441 6. The Revolving Trust Fund.
442 7. The Welfare Transition Trust Fund.
443 8. The Displaced Homemaker Trust Fund.
444 (3) Any binding contract or interagency agreement existing
445 before July 1, 2011, between the Agency for Workforce
446 Innovation, or an entity or agent of the agency, and any other
447 agency, entity, or person shall continue as a binding contract
448 or agreement for the remainder of the term of such contract or
449 agreement on the successor department, agency, or entity
450 responsible for the program, activity, or functions relative to
451 the contract or agreement.
452 (4) All powers, duties, functions, records, offices,
453 personnel, property, pending issues, and existing contracts,
454 administrative authority, administrative rules, and unexpended
455 balances of appropriations, allocations, and other funds
456 relating to the Agency for Workforce Innovation which are not
457 specifically transferred by this section are transferred by a
458 type two transfer, as defined in s. 20.06(2), Florida Statutes,
459 to Jobs Florida.
460 Section 2. Type two transfers from the Department of
461 Community Affairs.—
462 (1) All powers, duties, functions, records, offices,
463 personnel, associated administrative support positions,
464 property, pending issues, existing contracts, administrative

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465 authority, administrative rules, and unexpended balances of
466 appropriations, allocations, and other funds relating to the
467 following programs in the Department of Community Affairs are
468 transferred by a type two transfer, as defined in s. 20.06(2),
469 Florida Statutes, as follows:
470 (a) The Florida Housing Finance Corporation is transferred
471 to Jobs Florida.
472 (b) The Division of Housing and Community Development is
473 transferred to Jobs Florida.
474 (c) The Division of Community Planning is transferred to
475 Jobs Florida.
476 (d) The Division of Emergency Management is transferred to
477 the Executive Office of the Governor, and is renamed the Office
478 of Emergency Management.
479 (e) The Florida Building Commission is transferred to the
480 Department of Business and Professional Regulation.
481 (f) The responsibilities under the Florida Communities
482 Trust, part III of chapter 380, Florida Statutes, are
483 transferred to the Department of Environmental Protection.
484 (g) The responsibilities under the Stan Mayfield Working
485 Waterfronts program authorized in s. 380.5105, Florida Statutes,
486 are transferred to the Department of Environmental Protection.
487 (2) The following trust funds are transferred:
488 (a) From the Department of Community Affairs to Jobs
489 Florida:
490 1. The Administrative Trust Fund.
491 2. The State Housing Trust Fund.
492 3. The Community Services Block Grant Trust Fund.
493 4. The Local Government Housing Trust Fund.

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494 5. The Florida Small Cities Community Development Block
495 Grant Trust Fund.
496 6. The Federal Grants Trust Fund.
497 7. The Grants and Donations Trust Fund.
498 8. The Energy Consumption Trust Fund.
499 9. The Low-Income Home Energy Assistance Trust Fund.
500 (b) From the Department of Community Affairs to the
501 Executive Office of the Governor:
502 1. The Emergency Management Preparedness and Assistance
503 Trust Fund.
504 2. The Federal Emergency Management Programs Support Trust
505 Fund.
506 3. The U.S. Contributions Trust Fund.
507 (c) From the Department of Community Affairs to the
508 Department of Business and Professional Regulation, the
509 Operating Trust Fund of the Florida Building Commission.
510 (d) From the Department of Community Affairs to the
511 Department of Environmental Protection:
512 1. The Florida Forever Program Trust Fund.
513 2. The Florida Communities Trust Fund.
514 (3) Any binding contract or interagency agreement existing
515 before July 1, 2011, between the Department of Community Affairs
516 or Division of Emergency Management, or an entity or agent of
517 the department or division, and any other agency, entity, or
518 person shall continue as a binding contract or agreement for the
519 remainder of the term of such contract or agreement on the
520 successor department, agency, or entity responsible for the
521 program, activity, or functions relative to the contract or
522 agreement.

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523 (4) All powers, duties, functions, records, offices,
524 personnel, property, pending issues, and existing contracts,
525 administrative authority, administrative rules, and unexpended
526 balances of appropriations, allocations, and other funds
527 relating to the Department of Community Affairs which are not
528 specifically transferred by this section are transferred by a
529 type two transfer, as defined in s. 20.06(2), Florida Statutes,
530 to Jobs Florida.
531 Section 3. Type two transfers from Executive Office of the
532 Governor.—
533 (1) All powers, duties, functions, records, offices,
534 personnel, associated administrative support positions,
535 property, pending issues, existing contracts, administrative
536 authority, administrative rules, and unexpended balances of
537 appropriations, allocations, and other funds relating to the
538 Office of Tourism, Trade, and Economic Development in the
539 Executive Office of the Governor are transferred by a type two
540 transfer, as defined in s. 20.06(2), Florida Statutes, to Jobs
541 Florida.
542 (2) The following trust funds are transferred from the
543 Executive Office of the Governor to Jobs Florida:
544 (a) The Economic Development Trust Fund.
545 (b) The Economic Development Transportation Trust Fund.
546 (c) The Tourism Promotional Trust Fund.
547 (d) The Professional Sports Development Trust Fund.
548 (e) The Florida International Trade and Promotion Trust
549 Fund.
550 (3) Any binding contract or interagency agreement existing
551 before July 1, 2011, between the Office of Tourism, Trade, and

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552 Economic Development in the Executive Office of the Governor, or
553 an entity or agent of the office, and any other agency, entity,
554 or person shall continue as a binding contract or agreement for
555 the remainder of the term of such contract or agreement on the
556 successor department, agency, or entity responsible for the
557 program, activity, or functions relative to the contract or
558 agreement.
559 (4) All powers, duties, functions, records, offices,
560 personnel, property, pending issues, and existing contracts,
561 administrative authority, administrative rules, and unexpended
562 balances of appropriations, allocations, and other funds
563 relating to the Office of Tourism, Trade, and Economic
564 Development in the Executive Office of the Governor which are
565 not specifically transferred by this section are transferred by
566 a type two transfer, as defined in s. 20.06(2), Florida
567 Statutes, to Jobs Florida.
568 Section 4. (1) It is the intent of the Legislature that the
569 changes made by this act be accomplished with minimal disruption
570 of services provided to the public and with minimal disruption
571 to employees of any organization. To that end, the Legislature
572 directs all applicable units of state government to contribute
573 to the successful implementation of this act, and the
574 Legislature believes that a transition period between the
575 effective date of this act and October 1, 2011, is appropriate
576 and warranted.
577 (2) The Agency for Workforce Innovation, the Department of
578 Community Affairs, and the Office of Tourism, Trade, and
579 Economic Development in the Executive Office of the Governor
580 shall each coordinate the development and implementation of a

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581 transition plan that supports the implementation of this act.
582 Any state agency identified by either the Agency for Workforce
583 Innovation, the Department of Community Affairs, or the Office
584 of Tourism, Trade, and Economic Development in the Executive
585 Office of the Governor shall cooperate fully in developing and
586 implementing the plan and shall dedicate the financial and staff
587 resources that are necessary to implement the plan. The Agency
588 for Workforce Innovation, the Department of Community Affairs,
589 and the Office of Tourism, Trade, and Economic Development in
590 the Executive Office of the Governor shall each designate a
591 staff member to serve as the primary representative on matters
592 related to implementing this act and the transition plans
593 required under this section.
594 (3) The Governor shall designate a staff member of the
595 Office of Planning and Budgeting to serve as the Governor's
596 primary representative on matters related to implementing this
597 act for the Agency for Workforce Innovation, the Department of
598 Community Affairs, and the Office of Tourism, Trade, and
599 Economic Development and the transition plans required under
600 this section. Each representative shall report to the Governor,
601 the President of the Senate, and the Speaker of the House of
602 Representatives on the progress of implementing this act and the
603 transition plans, including, but not limited to, any adverse
604 impact or negative consequences on programs and services related
605 to meeting any deadline imposed by this act, and any
606 difficulties experienced by the Agency for Workforce Innovation,
607 the Department of Community Affairs, or the Office of Tourism,
608 Trade, and Economic Development in securing the full
609 participation and cooperation of applicable state agencies. Each

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610 representative shall also coordinate the submission of any
611 budget amendments, in accordance with chapter 216, Florida
612 Statutes, which may be necessary to implement this act.
613 (4) Notwithstanding ss. 216.292 and 216.351, Florida
614 Statutes, upon approval by the Legislative Budget Commission,
615 the Executive Office of the Governor may transfer funds and
616 positions between agencies to implement this act.
617 (5) Upon the recommendation and guidance of the primary
618 representative of the Agency for Workforce Innovation, the
619 Department of Community Affairs, or the Office of Tourism,
620 Trade, and Economic Development, the Governor shall submit in a
621 timely manner to the applicable federal departments or agencies
622 any necessary amendments or supplemental information concerning
623 plans that the state is required to submit to the Federal
624 Government in connection with any federal or state program. The
625 Governor shall seek any waivers from the requirements of Federal
626 law or rules which may be necessary to administer the provisions
627 of this act.
628 (6) The transfer of any program, activity, duty, or
629 function under this act includes the transfer of any records and
630 unexpended balances of appropriations, allocations, or other
631 funds related to such program, activity, duty, or function.
632 Unless otherwise provided, the successor organization to any
633 program, activity, duty, or function transferred under this act
634 shall become the custodian of any property of the organization
635 that was responsible for the program, activity, duty, or
636 function immediately prior to the transfer.
637 Section 5. (1) The nonprofit corporations established in
638 ss. 288.901, 288.1229, 288.1226, and 288.707, Florida Statutes,

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639 are merged into, and the independent special district
640 established in s. 331.302, Florida Statutes, is transferred to a
641 new nonprofit corporation established by this act called the
642 "Jobs Florida Partnership, Inc."
643 (2) Enterprise Florida, Inc., the Florida Sports Foundation
644 Incorporated, the Florida Tourism Industry Marketing Corporation
645 d/b/a VISIT Florida, and the Florida Black Business Investment
646 Board, Inc., must enter into a plan to merge into the Jobs
647 Florida Partnership, Inc. Such merger must be completed by
648 December 31, 2011. The merger is subject to chapter 617, Florida
649 Statutes, related to the merger of nonprofit corporations.
650 (3) The independent special district of Space Florida, and
651 all powers, duties, functions, records, offices, personnel,
652 property, pending issues, existing contracts, administrative
653 authority, administrative rules, and unexpended balances of
654 appropriations, allocations, and other funds relating to it, are
655 transferred to the Jobs Florida Partnership, Inc.
656 (4) It is the intent of the Legislature that the changes
657 made by this act be accomplished with minimal disruption of
658 services provided to the public and with minimal disruption to
659 employees of any organization. To that end, the Legislature
660 directs that notwithstanding the changes made by this act,
661 Enterprise Florida, Inc., the Florida Sports Foundation
662 Incorporated, the Florida Tourism Industry Marketing Corporation
663 d/b/a VISIT Florida, and the Florida Black Business Investment
664 Board, Inc., may continue with such powers, duties, functions,
665 records, offices, personnel, property, pending issues, and
666 existing contracts as provided in Florida Statutes 2010 until
667 December 31, 2011. The Legislature believes that a transition

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668 period between the effective date of this act and December 31,
669 2011, is appropriate and warranted.
670 (5) The Governor shall designate a staff member of the
671 Office of Planning and Budgeting to serve as the Governor's
672 primary representative on matters related to implementing this
673 act for the merger of Enterprise Florida, Inc., the Florida
674 Sports Foundation Incorporated, the Florida Tourism Industry
675 Marketing Corporation d/b/a VISIT Florida, and the Florida Black
676 Business Investment Board, Inc., into, and the transfer of Space
677 Florida to the Jobs Florida Partnership, Inc., and the
678 transition plans required under this section. The representative
679 shall report to the Governor, the President of the Senate, and
680 the Speaker of the House of Representatives on the progress of
681 implementing this act and the transition plans, including, but
682 not limited to, any adverse impact or negative consequences on
683 programs and services related to meeting any deadline imposed by
684 this act, and any difficulties experienced by the entities. The
685 representative shall also coordinate the submission of any
686 budget amendments, pursuant to chapter 216, Florida Statutes,
687 which may be necessary to implement this act.
688 (6) Any funds held in trust which were donated to or earned
689 by Enterprise Florida, Inc., the Florida Sports Foundation
690 Incorporated, the Florida Tourism Industry Marketing Corporation
691 d/b/a VISIT Florida, the Florida Black Business Investment
692 Board, Inc., and Space Florida under a previous incarnation as a
693 corporation under chapter 617, Florida Statutes, or as an
694 independent special district shall be transferred to the Jobs
695 Florida Partnership, Inc., to be used by the relevant division
696 or Space Florida for the original purposes of the funds.

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697 (7) Upon the recommendation and guidance of Enterprise
698 Florida, Inc., the Florida Sports Foundation Incorporated, the
699 Florida Tourism Industry Marketing Corporation d/b/a VISIT
700 Florida, the Florida Black Business Investment Board, Inc., or
701 Space Florida, the Governor shall submit in a timely manner to
702 the applicable Federal departments or agencies any necessary
703 amendments or supplemental information concerning plans which
704 the state or one of the entities is required to submit to the
705 Federal Government in connection with any federal or state
706 program. The Governor shall seek any waivers from the
707 requirements of Federal law or rules which may be necessary to
708 administer the provisions of this act.
709 (8) The transfer of any program, activity, duty, or
710 function under this act includes the transfer of any records and
711 unexpended balances of appropriations, allocations, or other
712 funds related to such program, activity, duty, or function.
713 Unless otherwise provided, the Jobs Florida Partnership, Inc.,
714 shall become the custodian of any property of Enterprise
715 Florida, Inc., the Florida Sports Foundation Incorporated, the
716 Florida Tourism Industry Marketing Corporation d/b/a VISIT
717 Florida, the Florida Black Business Investment Board, Inc., or
718 Space Florida by December 31, 2011, by plan of merger.
719 (9) The Department of Management Services may establish a
720 lease agreement program under which the Jobs Florida
721 Partnership, Inc., may hire any individual who was employed by
722 Enterprise Florida, Inc., or the Florida Black Business
723 Investment Board, Inc., under a previous lease agreement under
724 s. 228.901(2) or s. 228.708(2), Florida Statutes 2010. Under
725 such agreement, the employee shall retain his or her status as a

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726 state employee but shall work under the direct supervision of
727 the Jobs Florida Partnership, Inc. Retention of state employee
728 status shall include the right to participate in the Florida
729 Retirement System and shall continue until the employee
730 voluntarily or involuntarily terminates his or her status with
731 the Jobs Florida Partnership, Inc. The Department of Management
732 Services shall establish the terms and conditions of such lease
733 agreements.
734 Section 6. The Legislature recognizes that there is a need
735 to conform the Florida Statutes to the policy decisions
736 reflected in this act and that there is a need to resolve
737 apparent conflicts between any other legislation that has been
738 or may be enacted during the 2011 Regular Session of the
739 Legislature and the transfer of duties made by this act.
740 Therefore, in the interim between this act becoming law and the
741 2012 Regular Session of the Legislature or an earlier special
742 session addressing this issue, the Division of Statutory
743 Revision shall prepare draft legislation to conform the Florida
744 Statutes and any legislation enacted during 2011 to the
745 provisions of this act.
746 Section 7. Section 14.2016, Florida Statutes, is created to
747 read:
748 14.2016 Office of Emergency Management.—The Office of
749 Emergency Management is established within the Executive Office
750 of the Governor. The office shall be a separate budget entity,
751 as provided in the General Appropriations Act and shall prepare
752 and submit a budget request in accordance with chapter 216. The
753 office shall be responsible for all professional, technical, and
754 administrative support functions necessary to carry out its

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755 responsibilities under part I of chapter 252. The director of
756 the office shall be appointed by and serve at the pleasure of
757 the Governor, and shall be the head of the office for all
758 purposes. The office shall administer programs to rapidly apply
759 all available aid to communities stricken by an emergency as
760 defined in s. 252.34 and, for this purpose, shall provide
761 liaison with federal agencies and other public and private
762 agencies.
763 Section 8. Paragraph (h) is added to subsection (3) and
764 subsection (9) is added to section 20.15, Florida Statutes, to
765 read:
766 20.15 Department of Education.—There is created a
767 Department of Education.
768 (3) DIVISIONS.—The following divisions of the Department of
769 Education are established:
770 (h) The Division of Early Learning, which shall administer
771 the school readiness system in accordance with s. 411.01 and the
772 operational requirements of the Voluntary Prekindergarten
773 Education Program in accordance with part V of chapter 1002. The
774 division shall be directed by the Deputy Commissioner for Early
775 Learning, who shall be appointed by and serve at the pleasure of
776 the commissioner.
777 (9) The department may provide or contract for training for
778 employees of administrative entities and case managers of any
779 contracted providers to ensure they have the necessary
780 competencies and skills to provide adequate administrative
781 oversight and delivery of the full array of client services.
782 Section 9. Section 20.60, Florida Statutes, is created to
783 read:

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784 20.60 Jobs Florida; creation; powers and duties.—
785 (1) There is created a department that, notwithstanding the
786 provisions of s. 20.04(1), shall be called Jobs Florida.
787 (2) The head of Jobs Florida is the commissioner of Jobs
788 Florida, who shall be appointed by the Governor, subject to
789 confirmation by the Senate. The commissioner shall serve at the
790 pleasure of and report to the Governor.
791 (3) The following divisions of Jobs Florida are
792 established:
793 (a) The Division of Strategic Business Development.
794 (b) The Division of Community Development.
795 (c) The Division of Workforce Services.
796 (d) The Division of Finance and Administration.
797 (4) The purpose of Jobs Florida is to assist the Governor
798 in working with the Legislature, state agencies, business
799 leaders, and economic development professionals to formulate and
800 implement coherent and consistent policies and strategies
801 designed to promote economic opportunities for all Floridians.
802 To accomplish such purposes, Jobs Florida shall:
803 (a) Facilitate the direct involvement of the Governor and
804 the Lieutenant Governor in economic development and workforce
805 development projects designed to create, expand, and retain
806 businesses in this state, to recruit business from around the
807 world, and to facilitate other job-creating efforts.
808 (b) Recruit new businesses to this state and promote the
809 expansion of existing businesses by expediting permitting and
810 location decisions, worker placement and training, and incentive
811 awards.
812 (c) Ensure that, to the maximum extent possible, there is a

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813 link between the economic development and workforce development
814 goals and strategies of the state.
815 (d) Manage the activities of public-private partnerships
816 and state agencies in order to avoid duplication and promote
817 coordinated and consistent implementation of programs in areas
818 including, but not limited to, tourism; international trade and
819 investment; business recruitment, creation, retention, and
820 expansion; minority and small business development; rural
821 community development; commercialization of products, services,
822 or ideas developed in public universities or other public
823 institutions; and the development and promotion of professional
824 and amateur sporting events.
825 (5) The divisions within Jobs Florida have specific
826 responsibilities to achieve the duties, responsibilities, and
827 goals of Jobs Florida. Specifically:
828 (a) The Division of Strategic Business Development shall:
829 1. Analyze and evaluate business prospects identified by
830 the Governor, the commissioner of Jobs Florida, and the Jobs
831 Florida Partnership, Inc. The analysis must include, but is not
832 limited to, a review and processing of a prospect business's
833 application for incentives and a calculation of its economic
834 benefit to the state. The evaluation shall be based, at a
835 minimum, on the information obtained from the prospect business,
836 the economic benefit calculation, and the business's eligibility
837 for state incentives.
838 2. Administer certain tax refund, tax credit, and grant
839 programs created in law. Notwithstanding any other provision of
840 law, Jobs Florida may expend interest earned from the investment
841 of program funds deposited in the Grants and Donations Trust

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842 Fund to contract for the administration of those programs, or
843 portions of the programs, assigned to Jobs Florida by law, by
844 the appropriations process, or by the Governor. Such
845 expenditures shall be subject to review under chapter 216.
846 3. Develop measurement protocols for the state incentive
847 programs and for the contracted entities which will be used to
848 determine their performance and competitive value to the state.
849 Performance measures, benchmarks, and sanctions must be
850 developed in consultation with the legislative appropriations
851 committees and the appropriate substantive committees, and are
852 subject to the review and approval process provided in s.
853 216.177. The approved performance measures, standards, and
854 sanctions shall be included and made a part of the strategic
855 plan for contracts entered into for delivery of programs
856 authorized by this section.
857 4. Assist the Jobs Florida Partnership, Inc., in preparing
858 an annual report to the Legislature on the state of the business
859 climate in Florida and on the state of economic development in
860 Florida which includes the identification of problems and the
861 recommendation of solutions. This report shall be submitted to
862 the President of the Senate, the Speaker of the House of
863 Representatives, the Senate Minority Leader, and the House
864 Minority Leader by January 1 of each year, and shall be in
865 addition to the Governor's message to the Legislature required
866 by the State Constitution and any other economic reports
867 required by law, including the annual incentives report prepared
868 by the Jobs Florida Partnership, Inc.
869 5. Develop a 5-year statewide strategic plan. The strategic
870 plan must include, but need not be limited to:

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871 a. Strategies for the promotion of business formation,
872 expansion, recruitment, and retention through aggressive
873 marketing, international development, and export assistance,
874 which lead to more and better jobs and higher wages for all
875 geographic regions, disadvantaged communities, and populations
876 of the state, including rural areas, minority businesses, and
877 urban core areas.
878 b. The development of realistic policies and programs to
879 further the economic diversity of the state, its regions, and
880 their associated industrial clusters.
881 c. Specific provisions for the stimulation of economic
882 development and job creation in rural areas and midsize cities
883 and counties of the state.
884 d. Provisions for the promotion of the successful long-term
885 economic development of the state with increased emphasis in
886 market research and information.
887 e. Plans for the generation of foreign investment in the
888 state which creates jobs paying above-average wages and which
889 results in reverse investment in the state, including programs
890 that establish viable overseas markets, assist in meeting the
891 financing requirements of export-ready firms, broaden
892 opportunities for international joint venture relationships, use
893 the resources of academic and other institutions, coordinate
894 trade assistance and facilitation services, and facilitate
895 availability of and access to education and training programs
896 that assure requisite skills and competencies necessary to
897 compete successfully in the global marketplace.
898 f. The identification of business sectors that are of
899 current or future importance to the state’s economy and to the

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900 state's global business image, and development of specific
901 strategies to promote the development of such sectors.
902 g. Strategies for talent development necessary in the state
903 to encourage economic development growth, taking into account
904 factors such as the state's talent supply chain, education and
905 training opportunities, and available workforce.
906 6. Update the strategic plan every 5 years. The division
907 shall involve local governments; the general public; local and
908 regional economic development organizations; other local, state,
909 and federal economic, international, and workforce development
910 entities; the business community; and educational institutions
911 to assist with each update.
912 (b) The Division of Community Development shall administer:
913 1. The Community Services Block Grant Program.
914 2. The Community Development Block Grant Program in chapter
915 290.
916 3. The Low-Income Home Energy Assistance Program in chapter
917 409.
918 4. The Weatherization Assistance Program in chapter 409.
919 5. The Neighborhood Stabilization Program.
920 6. The local comprehensive planning process and the
921 development of regional impact process.
922 7. The Front Porch Florida Initiative through the Office of
923 Urban Opportunity, which is created within the division. The
924 purpose of the office is to administer the Front Porch Florida
925 initiative, a comprehensive, community-based urban core
926 redevelopment program that enables urban core residents to craft
927 solutions to the unique challenges of each designated community.
928 8. Any other related programs.

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929 (c) The Division of Workforce Services shall:
930 1. Prepare and submit a unified budget request for
931 workforce in accordance with chapter 216 for, and in conjunction
932 with, Workforce Florida, Inc., and its board.
933 2. Ensure that the state appropriately administers federal
934 and state workforce funding by administering plans and policies
935 of Workforce Florida, Inc., under contract with Workforce
936 Florida, Inc. The operating budget and midyear amendments
937 thereto must be part of such contract.
938 a. All program and fiscal instructions to regional
939 workforce boards shall emanate from Jobs Florida pursuant to
940 plans and policies of Workforce Florida, Inc., which shall be
941 responsible for all policy directions to the regional workforce
942 boards.
943 b. Unless otherwise provided by agreement with Workforce
944 Florida, Inc., administrative and personnel policies of Jobs
945 Florida shall apply.
946 3. Implement the state's unemployment compensation program.
947 Jobs Florida shall ensure that the state appropriately
948 administers the unemployment compensation program pursuant to
949 state and federal law.
950 (6)(a) Jobs Florida is the administrative agency designated
951 for receipt of federal workforce development grants and other
952 federal funds. Jobs Florida shall administer the duties and
953 responsibilities assigned by the Governor under each federal
954 grant assigned to Jobs Florida. Jobs Florida shall expend each
955 revenue source as provided by federal and state law and as
956 provided in plans developed by and agreements with Workforce
957 Florida, Inc. Jobs Florida may serve as the contract

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958 administrator for contracts entered into by Workforce Florida,
959 Inc., pursuant to s. 445.004(5), as directed by Workforce
960 Florida, Inc.
961 (b) Jobs Florida shall serve as the designated agency for
962 purposes of each federal workforce development grant assigned to
963 it for administration. Jobs Florida shall carry out the duties
964 assigned to it by the Governor, under the terms and conditions
965 of each grant. Jobs Florida shall have the level of authority
966 and autonomy necessary to be the designated recipient of each
967 federal grant assigned to it, and shall disburse such grants
968 pursuant to the plans and policies of Workforce Florida, Inc.
969 The commissioner may, upon delegation from the Governor and
970 pursuant to agreement with Workforce Florida, Inc., sign
971 contracts, grants, and other instruments as necessary to execute
972 functions assigned to Jobs Florida. Notwithstanding other
973 provision of law, Jobs Florida shall administer other programs
974 funded by federal or state appropriations, as determined by the
975 Legislature in the General Appropriations Act or by law.
976 (7) Jobs Florida may provide or contract for training for
977 employees of administrative entities and case managers of any
978 contracted providers to ensure they have the necessary
979 competencies and skills to provide adequate administrative
980 oversight and delivery of the full array of client services.
981 (8) The Unemployment Appeals Commission, authorized by s.
982 443.012, is not subject to control, supervision, or direction by
983 Jobs Florida in the performance of its powers and duties but
984 shall receive any and all support and assistance from Jobs
985 Florida which is required for the performance of its duties.
986 (9)(a) The commissioner of Jobs Florida shall:

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987 1. Manage all activities and responsibilities of the
988 department.
989 2. Serve as the Governor's chief negotiator for business
990 recruitment and business expansion.
991 3. Serve as the manager for the state with respect to
992 contracts with the Jobs Florida Partnership, Inc., the Institute
993 for the Commercialization of Public Research, and all applicable
994 direct-support organizations. To accomplish the provisions of
995 this section and applicable provisions of chapter 288, and
996 notwithstanding the provisions of part I of chapter 287, the
997 commissioner shall enter into specific contracts with the Jobs
998 Florida Partnership, Inc., the Institute for the
999 Commercialization of Public Research, and other appropriate
1000 direct-support organizations. Such contracts may be for
1001 multiyear terms and shall include specific performance measures
1002 for each year.
1003 4. Serve as the state protocol officer. In consultation
1004 with the Governor and other governmental officials, the
1005 commissioner shall develop, maintain, publish, and distribute
1006 the state protocol manual.
1007 (b) Notwithstanding any other law, resolution, or rule to
1008 the contrary, the commissioner may not receive more in public
1009 remuneration annually than $130,000, pursuant to the General
1010 Appropriations Act.
1011 (10) The Chief Inspector General in the Executive Office of
1012 the Governor:
1013 (a) Shall advise public-private partnerships in their
1014 development, utilization, and improvement of internal control
1015 measures necessary to ensure fiscal accountability.

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1016 (b) May conduct, direct, and supervise audits relating to
1017 the programs and operations of public-private partnerships.
1018 (c) Shall receive and investigate complaints of fraud,
1019 abuses, and deficiencies relating to programs and operations of
1020 public-private partnerships.
1021 (d) May request and have access to any records, data, and
1022 other information in the possession of public-private
1023 partnerships which the Chief Inspector General deems necessary
1024 to carry out his or her responsibilities with respect to
1025 accountability.
1026 (e) Shall monitor public-private partnerships for
1027 compliance with the terms and conditions of contracts with the
1028 department and report noncompliance to the Governor.
1029 (f) Shall advise public-private partnerships in the
1030 development, utilization, and improvement of performance
1031 measures for the evaluation of their operations.
1032 (g) Shall review and make recommendations for improvements
1033 in the actions taken by public-private partnerships to meet
1034 performance standards.
1035 (11) Jobs Florida shall have an official seal by which its
1036 records, orders, and proceedings are authenticated. The seal
1037 shall be judicially noticed.
1038 (12) Jobs Florida shall administer the role of state
1039 government under part I of chapter 421, relating to public
1040 housing, chapter 422, relating to housing cooperation law, and
1041 chapter 423, tax exemption of housing authorities. Jobs Florida
1042 is the agency of state government responsible for the state's
1043 role in housing and urban development.
1044 (13) Jobs Florida may adopt rules to administer the

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1045 provisions of law conferring duties upon it.
1046 Section 10. Paragraph (d) of subsection (2) and subsection
1047 (5) of section 112.044, Florida Statutes, are amended to read:
1048 112.044 Public employers, employment agencies, labor
1049 organizations; discrimination based on age prohibited;
1050 exceptions; remedy.—
1051 (2) DEFINITIONS.—For the purpose of this act:
1052 ~~(d) "Department" means the Department of Labor and~~
1053 ~~Employment Security.~~
1054 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
1055 and labor organization shall post and keep posted in conspicuous
1056 places upon its premises notices ~~a notice to be prepared or~~
1057 ~~approved by the department setting forth such information as~~
1058 required by the United States Department of Labor and the United
1059 States Equal Employment Opportunity Commission ~~department deems~~
1060 ~~appropriate to effectuate the purposes of this act~~.
1061 Section 11. Subsections (20) and (31) of section 163.3164,
1062 Florida Statutes, are amended to read:
1063 163.3164 Local Government Comprehensive Planning and Land
1064 Development Regulation Act; definitions.—As used in this act:
1065 (20) "State land planning agency" means Jobs Florida ~~the~~
1066 ~~Department of Community Affairs~~.
1067 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
1068 authorized by s. 163.3245 in which one or more local governments
1069 engage in long-term planning for a large area and ~~by agreement~~
1070 ~~with the state land planning agency are allowed to~~ address
1071 regional ~~development-of-regional-impact~~ issues through adoption
1072 of detailed specific area plans within the planning area ~~within~~
1073 ~~certain designated geographic areas identified in the local~~

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1074 ~~comprehensive plan~~ as a means of fostering innovative planning
1075 and development strategies in s. 163.3177(11)(a) and (b),
1076 furthering the purposes of this part and part I of chapter 380,
1077 reducing overlapping data and analysis requirements, protecting
1078 regionally significant resources and facilities, and addressing
1079 extrajurisdictional impacts. The term includes an optional
1080 sector plan that was adopted pursuant to the Optional Sector
1081 Plan program.
1082 Section 12. Paragraph (d) of subsection (15) of section
1083 163.3177, Florida Statutes, is amended to read:
1084 163.3177 Required and optional elements of comprehensive
1085 plan; studies and surveys.—
1086 (15)
1087 (d) This subsection does not apply to a a~~n optional~~ sector
1088 plan adopted pursuant to s. 163.3245, a rural land stewardship
1089 area designated pursuant to subsection (11), or any
1090 comprehensive plan amendment that includes an inland port
1091 terminal or affiliated port development.
1092 Section 13. Paragraph (a) of subsection (12) of section
1093 163.3180, Florida Statutes, is amended to read:
1094 163.3180 Concurrency.—
1095 (12)(a) A development of regional impact may satisfy the
1096 transportation concurrency requirements of the local
1097 comprehensive plan, the local government's concurrency
1098 management system, and s. 380.06 by payment of a proportionate-
1099 share contribution for local and regionally significant traffic
1100 impacts, if:
1101 1. The development of regional impact which, based on its
1102 location or mix of land uses, is designed to encourage

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1103 pedestrian or other nonautomotive modes of transportation;
1104 2. The proportionate-share contribution for local and
1105 regionally significant traffic impacts is sufficient to pay for
1106 one or more required mobility improvements that will benefit a
1107 regionally significant transportation facility;
1108 3. The owner and developer of the development of regional
1109 impact pays or assures payment of the proportionate-share
1110 contribution; and
1111 4. If the regionally significant transportation facility to
1112 be constructed or improved is under the maintenance authority of
1113 a governmental entity, as defined by s. 334.03(12), other than
1114 the local government with jurisdiction over the development of
1115 regional impact, the developer is required to enter into a
1116 binding and legally enforceable commitment to transfer funds to
1117 the governmental entity having maintenance authority or to
1118 otherwise assure construction or improvement of the facility.
1119
1120 The proportionate-share contribution may be applied to any
1121 transportation facility to satisfy the provisions of this
1122 subsection and the local comprehensive plan, but, for the
1123 purposes of this subsection, the amount of the proportionate-
1124 share contribution shall be calculated based upon the cumulative
1125 number of trips from the proposed development expected to reach
1126 roadways during the peak hour from the complete buildout of a
1127 stage or phase being approved, divided by the change in the peak
1128 hour maximum service volume of roadways resulting from
1129 construction of an improvement necessary to maintain the adopted
1130 level of service, multiplied by the construction cost, at the
1131 time of developer payment, of the improvement necessary to

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1132 maintain the adopted level of service. For purposes of this
1133 subsection, “construction cost” includes all associated costs of
1134 the improvement. Proportionate-share mitigation shall be limited
1135 to ensure that a development of regional impact meeting the
1136 requirements of this subsection mitigates its impact on the
1137 transportation system but is not responsible for the additional
1138 cost of reducing or eliminating backlogs. This subsection also
1139 applies to Florida Quality Developments pursuant to s. 380.061
1140 and to detailed specific area plans implementing ~~optional~~ sector
1141 plans pursuant to s. 163.3245.
1142 Section 14. Subsections (2), (4), and (11) of section
1143 163.3184, Florida Statutes, are amended to read:
1144 163.3184 Process for adoption of comprehensive plan or plan
1145 amendment.—
1146 (2) COORDINATION.—Each comprehensive plan or plan amendment
1147 proposed to be adopted pursuant to this part, except amendments
1148 adopted pursuant to s. 163.32465 or s. 163.3187(1)(c) and (3),
1149 shall be transmitted, adopted, and reviewed in the manner
1150 prescribed in this section. The state land planning agency shall
1151 have responsibility for plan review, coordination, and the
1152 preparation and transmission of comments, pursuant to this
1153 section, to the local governing body responsible for the
1154 comprehensive plan. The state land planning agency shall
1155 maintain a single file concerning any proposed or adopted plan
1156 amendment submitted by a local government for any review under
1157 this section. Copies of all correspondence, papers, notes,
1158 memoranda, and other documents received or generated by the
1159 state land planning agency must be placed in the appropriate
1160 file. Paper copies of all electronic mail correspondence must be

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1161 placed in the file. The file and its contents must be available
1162 for public inspection and copying as provided in chapter 119.
1163 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
1164 specified in paragraph (3)(a) shall provide comments to the
1165 state land planning agency within 30 days after receipt by the
1166 state land planning agency of the complete proposed plan
1167 amendment. If the plan or plan amendment includes or relates to
1168 the public school facilities element pursuant to s.
1169 163.3177(12), the state land planning agency shall submit a copy
1170 to the Department of Education ~~Office of Educational Facilities~~
1171 ~~of the Commissioner of Education~~ for review and comment. The
1172 appropriate regional planning council shall also provide its
1173 written comments to the state land planning agency within 30
1174 days after receipt by the state land planning agency of the
1175 complete proposed plan amendment and shall specify any
1176 objections, recommendations for modifications, and comments of
1177 any other regional agencies to which the regional planning
1178 council may have referred the proposed plan amendment. Written
1179 comments submitted by the public within 30 days after notice of
1180 transmittal by the local government of the proposed plan
1181 amendment will be considered as if submitted by governmental
1182 agencies. All written agency and public comments must be made
1183 part of the file maintained under subsection (2).
1184 (11) ADMINISTRATION COMMISSION.—
1185 (c) The sanctions provided by paragraphs (a) and (b) do
1186 ~~shall~~ not apply to a local government regarding any plan
1187 amendment, except for plan amendments that amend plans that have
1188 not been finally determined to be in compliance with this part,
1189 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~

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1190 ~~163.3191(11)~~.
1191 Section 15. Section 163.3191, Florida Statutes, is amended
1192 to read:
1193 163.3191 Evaluation and appraisal of comprehensive plan.—
1194 (1) The planning program shall be a continuous and ongoing
1195 process. Each local government shall prepare ~~adopt~~ an evaluation
1196 and appraisal report once every 7 years assessing the progress
1197 in implementing the local government's comprehensive plan~~.~~
1198 unless:
1199 (a) The local government has issued development orders for
1200 residential units composing less than 10 percent of the local
1201 government's residential development capacity at the time it
1202 last submitted amendments based on the evaluation and appraisal
1203 report pursuant to subsection (8); and
1204 (b) The local government has not adopted amendments to its
1205 comprehensive plan which increase the local government's
1206 residential development capacity by 10 percent or more since it
1207 last submitted amendments based on the evaluation and appraisal
1208 report pursuant to subsection (8); and
1209 (c) Based upon resident population estimates supplied by
1210 the Bureau of Economic and Business Research of the University
1211 of Florida or the Executive Office of Governor, the local
1212 government demonstrates that its population has not increased by
1213 more than 10 percent since it last submitted amendments based on
1214 the evaluation and appraisal report pursuant to subsection (8).
1215 ~~Furthermore,~~
1216 (2) It is the intent of this section that:
1217 (a) Adopted comprehensive plans be reviewed through such
1218 evaluation process to respond to changes in state, regional, and

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1219 local policies on planning and growth management and changing
1220 conditions and trends, to ensure effective intergovernmental
1221 coordination, and to identify major issues regarding the
1222 community's achievement of its goals.
1223 (b) After completion of the initial evaluation and
1224 appraisal report and any supporting plan amendments, each
1225 subsequent evaluation and appraisal report must evaluate the
1226 comprehensive plan in effect at the time of the initiation of
1227 the evaluation and appraisal report process.
1228 (c) Local governments identify the major issues, if
1229 applicable, with input from state agencies, regional agencies,
1230 adjacent local governments, and the public in the evaluation and
1231 appraisal report process. It is also the intent of this section
1232 to establish minimum requirements for information to ensure
1233 predictability, certainty, and integrity in the growth
1234 management process. The report is intended to serve as a summary
1235 audit of the actions that a local government has undertaken and
1236 identify changes that it may need to make. The report should be
1237 based on the local government's analysis of major issues to
1238 further the community's goals consistent with statewide minimum
1239 standards. The report is not intended to require a comprehensive
1240 rewrite of the elements within the local plan, unless a local
1241 government chooses to do so.
1242 (3) ~~(2)~~ The report shall present an evaluation and
1243 assessment of the comprehensive plan and the local government is
1244 encouraged to include ~~shall contain~~ appropriate statements to
1245 update the comprehensive plan, including, but not limited to,
1246 words, maps, illustrations, or other media, related to:
1247 (a) Population growth and changes in land area, including

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1248 annexation, since the adoption of the original plan or the most
1249 recent update amendments.
1250 (b) The extent of vacant and developable land.
1251 (c) The financial feasibility of implementing the
1252 comprehensive plan and of providing needed infrastructure to
1253 achieve and maintain adopted level-of-service standards and
1254 sustain concurrency management systems through the capital
1255 improvements element, as well as the ability to address
1256 infrastructure backlogs and meet the demands of growth on public
1257 services and facilities.
1258 (d) The location of existing development in relation to the
1259 location of development as anticipated in the original plan, or
1260 in the plan as amended by the most recent evaluation and
1261 appraisal report update amendments, such as within areas
1262 designated for urban growth.
1263 (e) An identification of the major issues for the
1264 jurisdiction and, where pertinent, the potential social,
1265 economic, and environmental impacts.
1266 (f) Relevant changes to the state comprehensive plan, the
1267 requirements of this part, the minimum criteria contained in
1268 chapter 9J-5, Florida Administrative Code, and the appropriate
1269 strategic regional policy plan since the adoption of the
1270 original plan or the most recent evaluation and appraisal report
1271 update amendments.
1272 (g) An assessment of whether the plan objectives within
1273 each element, as they relate to major issues, have been
1274 achieved. The report shall include, as appropriate, an
1275 identification as to whether unforeseen or unanticipated changes
1276 in circumstances have resulted in problems or opportunities with

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1277 respect to major issues identified in each element and the
1278 social, economic, and environmental impacts of the issue.
1279 (h) A brief assessment of successes and shortcomings
1280 related to each element of the plan.
1281 (i) The identification of any actions or corrective
1282 measures, including whether plan amendments are anticipated to
1283 address the major issues identified and analyzed in the report.
1284 Such identification shall include, as appropriate, new
1285 population projections, new revised planning timeframes, a
1286 revised future conditions map or map series, an updated capital
1287 improvements element, and any new and revised goals, objectives,
1288 and policies for major issues identified within each element.
1289 This paragraph shall not require the submittal of the plan
1290 amendments with the evaluation and appraisal report.
1291 (j) A summary of the public participation program and
1292 activities undertaken by the local government in preparing the
1293 report.
1294 (k) The coordination of the comprehensive plan with
1295 existing public schools and those identified in the applicable
1296 educational facilities plan adopted pursuant to s. 1013.35. The
1297 assessment shall address, where relevant, the success or failure
1298 of the coordination of the future land use map and associated
1299 planned residential development with public schools and their
1300 capacities, as well as the joint decisionmaking processes
1301 engaged in by the local government and the school board in
1302 regard to establishing appropriate population projections and
1303 the planning and siting of public school facilities. For those
1304 counties or municipalities that do not have a public schools
1305 interlocal agreement or public school facilities element, the

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1306 assessment shall determine whether the local government
1307 continues to meet the criteria of s. 163.3177(12). If the county
1308 or municipality determines that it no longer meets the criteria,
1309 it must adopt appropriate school concurrency goals, objectives,
1310 and policies in its plan amendments pursuant to the requirements
1311 of the public school facilities element, and enter into the
1312 existing interlocal agreement required by ss. 163.3177(6)(h)2.
1313 and 163.31777 in order to fully participate in the school
1314 concurrency system.
1315 (l) The extent to which the local government has been
1316 successful in identifying alternative water supply projects and
1317 traditional water supply projects, including conservation and
1318 reuse, necessary to meet the water needs identified in s.
1319 373.709(2)(a) within the local government's jurisdiction. The
1320 report must evaluate the degree to which the local government
1321 has implemented the work plan for building public, private, and
1322 regional water supply facilities, including development of
1323 alternative water supplies, identified in the element as
1324 necessary to serve existing and new development.
1325 (m) If any of the jurisdiction of the local government is
1326 located within the coastal high-hazard area, an evaluation of
1327 whether any past reduction in land use density impairs the
1328 property rights of current residents when redevelopment occurs,
1329 including, but not limited to, redevelopment following a natural
1330 disaster. The property rights of current residents shall be
1331 balanced with public safety considerations. The local government
1332 must identify strategies to address redevelopment feasibility
1333 and the property rights of affected residents. These strategies
1334 may include the authorization of redevelopment up to the actual

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1335 built density in existence on the property prior to the natural
1336 disaster or redevelopment.
1337 (n) An assessment of whether the criteria adopted pursuant
1338 to s. 163.3177(6)(a) were successful in achieving compatibility
1339 with military installations.
1340 (o) The extent to which a concurrency exception area
1341 designated pursuant to s. 163.3180(5), a concurrency management
1342 area designated pursuant to s. 163.3180(7), or a multimodal
1343 transportation district designated pursuant to s. 163.3180(15)
1344 has achieved the purpose for which it was created and otherwise
1345 complies with the provisions of s. 163.3180.
1346 (p) An assessment of the extent to which changes are needed
1347 to develop a common methodology for measuring impacts on
1348 transportation facilities for the purpose of implementing its
1349 concurrency management system in coordination with the
1350 municipalities and counties, as appropriate pursuant to s.
1351 163.3180(10).
1352 (4) ~~(3)~~ Voluntary scoping meetings may be conducted by each
1353 local government or several local governments within the same
1354 county which ~~that~~ agree to meet together. Joint meetings among
1355 all local governments in a county are encouraged. ~~All scoping~~
1356 ~~meetings shall be completed at least 1 year prior to the~~
1357 ~~established adoption date of the report.~~ The purpose of the
1358 meetings shall be to distribute data and resources available to
1359 assist in the preparation of the report, to provide input on
1360 major issues in each community which ~~that~~ should be addressed in
1361 the report, and to advise on the extent of the effort for the
1362 components of subsection (3) ~~(2)~~. If scoping meetings are held,
1363 the local government is encouraged to ~~shall~~ invite each state

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1364 and regional reviewing agency, as well as adjacent and other
1365 affected local governments. A preliminary list of new data and
1366 major issues that have emerged since the adoption of the
1367 original plan, or the most recent evaluation and appraisal
1368 report-based update amendments, should be developed by state and
1369 regional entities and involved local governments for
1370 distribution at the scoping meeting. For purposes of this
1371 subsection, a "scoping meeting" is a meeting conducted to
1372 determine the scope of review of the evaluation and appraisal
1373 report by parties to which the report relates.
1374 (5) ~~(4)~~ The local planning agency shall prepare the
1375 evaluation and appraisal report ~~and shall make recommendations~~
1376 ~~to the governing body regarding adoption of the proposed report~~.
1377 ~~The local planning agency shall prepare the report~~ in conformity
1378 with its public participation procedures adopted as required by
1379 s. 163.3181. To further public participation in the evaluation
1380 and appraisal process ~~During the preparation of the proposed~~
1381 ~~report and prior to making any recommendation to the governing~~
1382 ~~body~~, the local planning agency shall hold at least one public
1383 hearing, with public notice, on the proposed report. At a
1384 minimum, the format and content of the proposed report shall
1385 include a table of contents; numbered pages; element headings;
1386 section headings within elements; a list of included tables,
1387 maps, and figures; a title and sources for all included tables;
1388 a preparation date; and the name of the preparer. Where
1389 applicable, maps shall include major natural and artificial
1390 geographic features; city, county, and state lines; and a legend
1391 indicating a north arrow, map scale, and the date.
1392 ~~(5) Ninety days prior to the scheduled adoption date, the~~

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1393 ~~local government may provide a proposed evaluation and appraisal~~
1394 ~~report to the state land planning agency and distribute copies~~
1395 ~~to state and regional commenting agencies as prescribed by rule,~~
1396 ~~adjacent jurisdictions, and interested citizens for review. All~~
1397 ~~review comments, including comments by the state land planning~~
1398 ~~agency, shall be transmitted to the local government and state~~
1399 ~~land planning agency within 30 days after receipt of the~~
1400 ~~proposed report.~~
1401 ~~(6) The governing body, after considering the review~~
1402 ~~comments and recommended changes, if any, shall adopt the~~
1403 ~~evaluation and appraisal report by resolution or ordinance at a~~
1404 ~~public hearing with public notice. The governing body shall~~
1405 ~~adopt the report in conformity with its public participation~~
1406 ~~procedures adopted as required by s. 163.3181. The local~~
1407 ~~government shall submit to the state land planning agency three~~
1408 ~~copies of the report, a transmittal letter indicating the dates~~
1409 ~~of public hearings, and a copy of the adoption resolution or~~
1410 ~~ordinance. The local government shall provide a copy of the~~
1411 ~~report to the reviewing agencies which provided comments for the~~
1412 ~~proposed report, or to all the reviewing agencies if a proposed~~
1413 ~~report was not provided pursuant to subsection (5), including~~
1414 ~~the adjacent local governments. Within 60 days after receipt,~~
1415 ~~the state land planning agency shall review the adopted report~~
1416 ~~and make a preliminary sufficiency determination that shall be~~
1417 ~~forwarded by the agency to the local government for its~~
1418 ~~consideration. The state land planning agency shall issue a~~
1419 ~~final sufficiency determination within 90 days after receipt of~~
1420 ~~the adopted evaluation and appraisal report.~~
1421 (6) ~~(7)~~ The intent of the evaluation and appraisal process

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1422 is the preparation of a plan update that clearly and concisely
1423 achieves the purpose of this section. The evaluation and
1424 appraisal report shall be submitted as data and analysis in
1425 support of the evaluation and appraisal report based amendments.
1426 ~~Toward this end, the sufficiency review of the state land~~
1427 ~~planning agency shall concentrate on whether the evaluation and~~
1428 ~~appraisal report sufficiently fulfills the components of~~
1429 ~~subsection (2). If the state land planning agency determines~~
1430 ~~that the report is insufficient, the governing body shall adopt~~
1431 ~~a revision of the report and submit the revised report for~~
1432 ~~review pursuant to subsection (6).~~
1433 ~~(8) The state land planning agency may delegate the review~~
1434 ~~of evaluation and appraisal reports, including all state land~~
1435 ~~planning agency duties under subsections (4)-(7), to the~~
1436 ~~appropriate regional planning council. When the review has been~~
1437 ~~delegated to a regional planning council, any local government~~
1438 ~~in the region may elect to have its report reviewed by the~~
1439 ~~regional planning council rather than the state land planning~~
1440 ~~agency. The state land planning agency shall by agreement~~
1441 ~~provide for uniform and adequate review of reports and shall~~
1442 ~~retain oversight for any delegation of review to a regional~~
1443 ~~planning council.~~
1444 (7) ~~(9)~~ The state land planning agency may establish a
1445 phased schedule for adoption of evaluation and appraisal report
1446 based amendments ~~reports~~. The schedule shall provide each local
1447 government at least 7 years from plan adoption or last
1448 established adoption date for evaluation and appraisal report
1449 based amendments ~~a report~~ and shall allot approximately one-
1450 seventh of the reports to any 1 year. In order to allow the

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1451 municipalities to use data and analyses gathered by the
1452 counties, the state land planning agency shall schedule
1453 municipal evaluation and appraisal report based amendment ~~report~~
1454 adoption dates between 1 year and 18 months later than the
1455 evaluation and appraisal report based amendment ~~report~~ adoption
1456 date for the county in which those municipalities are located. ~~A~~
1457 ~~local government may adopt its report no earlier than 90 days~~
1458 ~~prior to the established adoption date. Small municipalities~~
1459 ~~which were scheduled by chapter 9J-33, Florida Administrative~~
1460 ~~Code, to adopt their evaluation and appraisal report after~~
1461 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1462 ~~together with the other municipalities in their county as~~
1463 ~~provided in this subsection.~~
1464 (8) ~~(10)~~ The governing body shall amend its comprehensive
1465 plan based on the recommendations in the report and shall update
1466 the comprehensive plan based on the components of subsection (3)
1467 ~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and
1468 163.3189. Amendments to update a comprehensive plan based on the
1469 evaluation and appraisal report shall be adopted during a single
1470 amendment cycle within the time period established by the state
1471 land planning agency's schedule authorized in subsection (7) ~~18~~
1472 ~~months after the report is determined to be sufficient by the~~
1473 ~~state land planning agency~~, except the state land planning
1474 agency may grant an extension for adoption of a portion of such
1475 amendments. The state land planning agency may grant a 6-month
1476 extension for the adoption of such amendments if the request is
1477 justified by good and sufficient cause as determined by the
1478 agency. An additional extension may also be granted if the
1479 request will result in greater coordination between

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1480 transportation and land use, for the purposes of improving
1481 Florida's transportation system, as determined by the agency in
1482 coordination with the Metropolitan Planning Organization
1483 program. Except for local governments exempted from preparing
1484 evaluation and appraisal reports pursuant to subsection (1),
1485 beginning July 1, 2006, failure to timely adopt and transmit
1486 update amendments to the comprehensive plan based on the
1487 evaluation and appraisal report shall result in a local
1488 government being prohibited from adopting amendments to the
1489 comprehensive plan until the evaluation and appraisal report
1490 update amendments have been adopted and transmitted to the state
1491 land planning agency. The prohibition on plan amendments shall
1492 commence when the update amendments to the comprehensive plan
1493 are past due. The comprehensive plan as amended shall be in
1494 compliance as defined in s. 163.3184(1)(b). Within 6 months
1495 after the effective date of the update amendments to the
1496 comprehensive plan, the local government shall provide to the
1497 state land planning agency and to all agencies designated by
1498 rule a complete copy of the updated comprehensive plan.
1499 (9) ~~(11)~~ The Administration Commission may impose the
1500 sanctions provided by s. 163.3184(11) against any local
1501 government that fails to ~~adopt and submit a report, or that~~
1502 ~~fails to~~ implement its report through timely and sufficient
1503 amendments to its local plan, except for reasons of excusable
1504 delay or valid planning reasons agreed to by the state land
1505 planning agency or found present by the Administration
1506 Commission. Sanctions for untimely or insufficient plan
1507 amendments shall be prospective only and shall begin after a
1508 final order has been issued by the Administration Commission and

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1509 a reasonable period of time has been allowed for the local
1510 government to comply with an adverse determination by the
1511 Administration Commission through adoption of plan amendments
1512 that are in compliance. The state land planning agency may
1513 initiate, and an affected person may intervene in, such a
1514 proceeding by filing a petition with the Division of
1515 Administrative Hearings, which shall appoint an administrative
1516 law judge and conduct a hearing pursuant to ss. 120.569 and
1517 120.57(1) and shall submit a recommended order to the
1518 Administration Commission. The affected local government shall
1519 be a party to any such proceeding. The commission may implement
1520 this subsection by rule.
1521 (10) ~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1522 rules to implement this section, other than procedural rules.
1523 ~~(13) The state land planning agency shall regularly review~~
1524 ~~the evaluation and appraisal report process and submit a report~~
1525 ~~to the Governor, the Administration Commission, the Speaker of~~
1526 ~~the House of Representatives, the President of the Senate, and~~
1527 ~~the respective community affairs committees of the Senate and~~
1528 ~~the House of Representatives. The first report shall be~~
1529 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1530 ~~submitted every 5 years thereafter. At least 9 months before the~~
1531 ~~due date of each report, the Secretary of Community Affairs~~
1532 ~~shall appoint a technical committee of at least 15 members to~~
1533 ~~assist in the preparation of the report. The membership of the~~
1534 ~~technical committee shall consist of representatives of local~~
1535 ~~governments, regional planning councils, the private sector, and~~
1536 ~~environmental organizations. The report shall assess the~~
1537 ~~effectiveness of the evaluation and appraisal report process.~~

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1538 (11) ~~(14)~~ The requirement of subsection (8) ~~(10)~~ prohibiting
1539 a local government from adopting amendments to the local
1540 comprehensive plan until the evaluation and appraisal report
1541 update amendments have been adopted and transmitted to the state
1542 land planning agency does not apply to a plan amendment proposed
1543 for adoption by the appropriate local government as defined in
1544 s. 163.3178(2)(k) in order to integrate a port comprehensive
1545 master plan with the coastal management element of the local
1546 comprehensive plan as required by s. 163.3178(2)(k) if the port
1547 comprehensive master plan or the proposed plan amendment does
1548 not cause or contribute to the failure of the local government
1549 to comply with the requirements of this section ~~the evaluation~~
1550 ~~and appraisal report~~.
1551 Section 16. Section 163.3245, Florida Statutes, is amended
1552 to read:
1553 163.3245 ~~Optional~~ Sector plans.—
1554 (1) In recognition of the benefits of ~~conceptual~~ long-range
1555 planning for ~~the buildout of an area, and detailed planning for~~
1556 specific areas, ~~as a demonstration project, the requirements of~~
1557 ~~s. 380.06 may be addressed as identified by this section for up~~
1558 ~~to five~~ local governments or combinations of local governments
1559 may ~~which~~ adopt into their ~~the~~ comprehensive plans a ~~plan an~~
1560 ~~optional~~ sector plan in accordance with this section. This
1561 section is intended to promote and encourage long-term planning
1562 for conservation, development, and agriculture on a landscape
1563 scale; to further the intent of s. 163.3177(11), which supports
1564 innovative and flexible planning and development strategies, and
1565 the purposes of this part~~,~~ and part I of chapter 380 to
1566 facilitate protection of regionally significant water courses

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1567 and wildlife corridors;~~,~~ and to avoid duplication of effort in
1568 terms of the level of data and analysis required for a
1569 development of regional impact, while ensuring the adequate
1570 mitigation of impacts to applicable regional resources and
1571 facilities, including those within the jurisdiction of other
1572 local governments, as would otherwise be provided. ~~Optional~~
1573 Sector plans are intended for substantial geographic areas that
1574 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
1575 local governmental jurisdictions and are to emphasize urban form
1576 and protection of regionally significant resources and public
1577 facilities. ~~The state land planning agency may approve optional~~
1578 ~~sector plans of less than 5,000 acres based on local~~
1579 ~~circumstances if it is determined that the plan would further~~
1580 ~~the purposes of this part and part I of chapter 380. Preparation~~
1581 ~~of an optional sector plan is authorized by agreement between~~
1582 ~~the state land planning agency and the applicable local~~
1583 ~~governments under s. 163.3171(4). An optional sector plan may be~~
1584 ~~adopted through one or more comprehensive plan amendments under~~
1585 ~~s. 163.3184. However, an optional~~ A sector plan may not be
1586 adopted ~~authorized~~ in an area of critical state concern.
1587 (2) Upon the request of a local government having
1588 jurisdiction, ~~The state land planning agency may enter into an~~
1589 ~~agreement to authorize preparation of an optional sector plan~~
1590 ~~upon the request of one or more local governments based on~~
1591 ~~consideration of problems and opportunities presented by~~
1592 ~~existing development trends; the effectiveness of current~~
1593 ~~comprehensive plan provisions; the potential to further the~~
1594 ~~state comprehensive plan, applicable strategic regional policy~~
1595 ~~plans, this part, and part I of chapter 380; and those factors~~

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1596 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
1597 planning council shall conduct a scoping meeting with affected
1598 local governments and those agencies identified in s.
1599 163.3184(4) before preparation of the sector plan ~~execution of~~
1600 ~~the agreement authorized by this section~~. The purpose of this
1601 meeting is to assist the state land planning agency and the
1602 local government in the identification of the relevant planning
1603 issues to be addressed and the data and resources available to
1604 assist in the preparation of the sector plan. If a scoping
1605 meeting is conducted, ~~subsequent plan amendments.~~ the regional
1606 planning council shall make written recommendations to the state
1607 land planning agency and affected local governments on the
1608 issues requested by the local government. The scoping meeting
1609 shall be noticed and open to the public. If the entire planning
1610 area proposed for the sector plan is within the jurisdiction of
1611 two or more local governments, some or all of them may enter
1612 into a joint planning agreement pursuant to s. 163.3171 with
1613 respect to~~, including whether a sustainable sector plan would be~~
1614 ~~appropriate. The agreement must define~~ the geographic area to be
1615 subject to the sector plan, the planning issues that will be
1616 emphasized, procedures ~~requirements~~ for intergovernmental
1617 coordination to address extrajurisdictional impacts, supporting
1618 application materials including data and analysis, and
1619 procedures for public participation, or other issues. ~~An~~
1620 ~~agreement may address previously adopted sector plans that are~~
1621 ~~consistent with the standards in this section. Before executing~~
1622 ~~an agreement under this subsection, the local government shall~~
1623 ~~hold a duly noticed public workshop to review and explain to the~~
1624 ~~public the optional sector planning process and the terms and~~

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1625 ~~conditions of the proposed agreement. The local government shall~~
1626 ~~hold a duly noticed public hearing to execute the agreement. All~~
1627 ~~meetings between the department and the local government must be~~
1628 ~~open to the public.~~
1629 (3) ~~Optional~~ Sector planning encompasses two levels:
1630 adoption pursuant to ~~under~~ s. 163.3184 of a ~~conceptual~~ long-term
1631 master plan for the entire planning area as part of the
1632 comprehensive plan, and adoption by local development order of
1633 two or more ~~buildout overlay to the comprehensive plan, having~~
1634 ~~no immediate effect on the issuance of development orders or the~~
1635 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
1636 detailed specific area plans that implement the ~~conceptual~~ long-
1637 term master plan ~~buildout overlay and authorize issuance of~~
1638 ~~development orders,~~ and within which s. 380.06 is waived. ~~Until~~
1639 ~~such time as a detailed specific area plan is adopted, the~~
1640 ~~underlying future land use designations apply.~~
1641 (a) In addition to the other requirements of this chapter,
1642 a long-term master plan pursuant to this section ~~conceptual~~
1643 ~~long-term buildout overlay~~ must include maps, illustrations, and
1644 text supported by data and analysis to address the following:
1645 1. A ~~long-range conceptual~~ framework map that:
1646 a. At a minimum, generally depicts ~~identifies anticipated~~
1647 areas of urban, agricultural, rural, and conservation land use;
1648 and
1649 b. Identifies allowed uses in various parts of the planning
1650 area, specifies maximum and minimum densities and intensities of
1651 use, and provides the conceptual framework for the development
1652 pattern in developed areas with graphic illustrations based on a
1653 hierarchy of places and functional place-making components.

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1654 2. A general identification of the water supplies needed
1655 and available sources of water, including water resource
1656 development and water supply development projects, and water
1657 conservation measures needed to meet the projected demand of the
1658 future land uses in the long-term master plan.
1659 3. A general identification of the transportation
1660 facilities to serve the future land uses in the long-term master
1661 plan, including guidelines to be used to establish each modal
1662 component intended to optimize mobility.
1663 4.~~2.~~ A general identification of other regionally
1664 significant public facilities ~~consistent with chapter 9J-2,~~
1665 ~~Florida Administrative Code, irrespective of local governmental~~
1666 ~~jurisdiction~~ necessary to support ~~buildout of the~~ ~~anticipated~~
1667 future land uses, which may include central utilities provided
1668 on-site within the planning area, and policies setting forth the
1669 procedures to be used to mitigate the impacts of future land
1670 uses on public facilities.
1671 5.~~3.~~ A general identification of regionally significant
1672 natural resources within the planning area and policies setting
1673 forth the procedures for protection or conservation of specific
1674 resources consistent with the overall conservation and
1675 development strategy for the planning area ~~consistent with~~
1676 ~~chapter 9J-2, Florida Administrative Code~~.
1677 6.~~4.~~ General principles and guidelines addressing ~~that~~
1678 ~~address~~ the urban form and the interrelationships of anticipated
1679 future land uses, the protection and, as appropriate,
1680 restoration and management of lands identified for permanent
1681 preservation, ~~and a discussion, at the applicant's option, of~~
1682 ~~the extent, if any, to which the plan will address restoring key~~

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1683 ~~ecosystems,~~ achieving a more clean, healthy environment,
1684 limiting urban sprawl, providing a range of housing types,
1685 protecting wildlife and natural areas, advancing the efficient
1686 use of land and other resources, and creating quality
1687 communities of a design that promotes travel by multiple
1688 transportation modes, and enhancing the prospects for the
1689 creation of jobs.
1690 7.~~5.~~ Identification of general procedures and policies to
1691 facilitate ~~ensure~~ intergovernmental coordination to address
1692 extrajurisdictional impacts from future land uses ~~the long-range~~
1693 ~~conceptual framework map~~.
1694
1695 A long-term master plan adopted pursuant to this section must be
1696 based upon a planning period longer than the generally
1697 applicable planning period of the local comprehensive plan, must
1698 specify the projected population within the planning area during
1699 the chosen planning period, and may include a phasing or staging
1700 schedule that allocates a portion of the local government's
1701 future growth to the planning area through the planning period.
1702 A long-term master plan adopted pursuant to this section is not
1703 required to demonstrate need based upon projected population
1704 growth or on any other basis.
1705 (b) In addition to the other requirements of this chapter,
1706 ~~including those in paragraph (a),~~ the detailed specific area
1707 plans shall be consistent with the long-term master plan and
1708 must include conditions and commitments that provide for:
1709 1. Development or conservation of an area of ~~adequate size~~
1710 ~~to accommodate a level of development which achieves a~~
1711 ~~functional relationship between a full range of land uses within~~

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1712 ~~the area and to encompass~~ at least 1,000 acres consistent with
1713 the long-term master plan. The local government ~~state land~~
1714 ~~planning agency~~ may approve detailed specific area plans of less
1715 than 1,000 acres based on local circumstances if it is
1716 determined that the detailed specific area plan furthers the
1717 purposes of this part and part I of chapter 380.
1718 2. Detailed identification and analysis of the maximum and
1719 minimum densities and intensities of use, and the distribution,
1720 extent, and location of future land uses.
1721 3. Detailed identification of water resource development
1722 and water supply development projects and related
1723 infrastructure, and water conservation measures to address water
1724 needs of development in the detailed specific area plan.
1725 4. Detailed identification of the transportation facilities
1726 to serve the future land uses in the detailed specific area
1727 plan.
1728 5. Detailed identification of other regionally significant
1729 public facilities, including public facilities outside the
1730 jurisdiction of the host local government, ~~anticipated~~ impacts
1731 of future land uses on those facilities, and required
1732 improvements consistent with the long-term master plan ~~chapter~~
1733 ~~9J-2, Florida Administrative Code~~.
1734 6.~~4.~~ Public facilities necessary to serve development in
1735 the detailed specific area plan ~~for the short term~~, including
1736 developer contributions in a ~~financially feasible~~ 5-year capital
1737 improvement schedule of the affected local government.
1738 7.~~5.~~ Detailed analysis and identification of specific
1739 measures to assure the protection or conservation of lands
1740 identified in the long-term master plan to be permanently

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1741 preserved and, as appropriate, restored or managed, ~~of~~
1742 ~~regionally significant natural resources~~ and other important
1743 resources both within and outside the host jurisdiction~~,~~
1744 ~~including those regionally significant resources identified in~~
1745 ~~chapter 9J-2, Florida Administrative Code~~.
1746 8.~~6.~~ Detailed principles and guidelines addressing ~~that~~
1747 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
1748 future land uses; ~~and a discussion, at the applicant's option,~~
1749 ~~of the extent, if any, to which the plan will address restoring~~
1750 ~~key ecosystems,~~ achieving a more clean, healthy environment;~~,~~
1751 limiting urban sprawl;~~,~~ providing a range of housing types;
1752 protecting wildlife and natural areas;~~,~~ advancing the efficient
1753 use of land and other resources;~~, and~~ creating quality
1754 communities of a design that promotes travel by multiple
1755 transportation modes; and enhancing the prospects for the
1756 creation of jobs.
1757 9.~~7.~~ Identification of specific procedures to facilitate
1758 ~~ensure~~ intergovernmental coordination to address
1759 extrajurisdictional impacts from ~~of~~ the detailed specific area
1760 plan.
1761
1762 A detailed specific area plan adopted by local development order
1763 pursuant to this section may be based upon a planning period
1764 longer than the generally applicable planning period of the
1765 local comprehensive plan and must specify the projected
1766 population within the specific planning area during the chosen
1767 planning period. A detailed specific area plan adopted pursuant
1768 to this section is not required to demonstrate need based upon
1769 projected population growth or on any other basis.

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1770 (c) In its review of a long-term master plan, the state
1771 land planning agency shall consult with the Department of
1772 Agriculture and Consumer Services, the Department of
1773 Environmental Protection, the Florida Fish and Wildlife
1774 Conservation Commission, and the applicable water management
1775 district regarding the design of areas for protection and
1776 conservation of regionally significant natural resources and for
1777 the protection and, as appropriate, restoration and management
1778 of lands identified for permanent preservation.
1779 (d) The state land planning agency may initiate a civil
1780 action pursuant to s. 163.3215 with respect to a detailed
1781 specific area plan that is not consistent with a long-term
1782 master plan adopted pursuant to this section. For purposes of
1783 such a proceeding, the state land planning agency shall be
1784 deemed an aggrieved and adversely affected party. Regardless of
1785 whether the local government has adopted an ordinance that
1786 establishes a local process that meets the requirements of s.
1787 163.3215(4), judicial review of a detailed specific area plan
1788 initiated by the state land planning agency shall be de novo
1789 pursuant to s. 163.3215(3) and not by petition for writ of
1790 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1791 adversely affected party is subject to s. 163.3215 in all
1792 respects when initiating a consistency challenge to a detailed
1793 specific area plan.
1794 (e) This subsection does ~~may~~ not ~~be construed to~~ prevent
1795 preparation and approval of the ~~optional~~ sector plan and
1796 detailed specific area plan concurrently or in the same
1797 submission.
1798 (4) Upon the long-term master plan becoming legally

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1799 effective:
1800 (a) Any long-range transportation plan developed by a
1801 metropolitan planning organization pursuant to s. 339.175(7)
1802 shall be consistent, to the maximum extent feasible, with the
1803 long-term master plan, including but not limited to the
1804 projected population, the approved uses and densities and
1805 intensities of use and their distribution within the planning
1806 area; and the transportation facilities identified in adopted
1807 plans pursuant to subparagraphs (3)(a)3. and (3)(b)4.
1808 (b) The water needs, sources and water resource development
1809 and water supply development projects identified in adopted
1810 plans pursuant to subparagraphs (3)(a)2. and (3)(b)3. shall be
1811 incorporated into the applicable district and regional water
1812 supply plans adopted in accordance with ss. 373.036 and 373.709.
1813 Accordingly, and notwithstanding the permit durations stated in
1814 s. 373.236, an applicant may request and the applicable district
1815 may issue consumptive use permits for durations commensurate
1816 with the long-term master plan. The permitting criteria in s.
1817 373.223 shall be applied based upon the projected population,
1818 the approved densities and intensities of use, and their
1819 distribution in the long-term master plan. ~~The host local~~
1820 ~~government shall submit a monitoring report to the state land~~
1821 ~~planning agency and applicable regional planning council on an~~
1822 ~~annual basis after adoption of a detailed specific area plan.~~
1823 ~~The annual monitoring report must provide summarized information~~
1824 ~~on development orders issued, development that has occurred,~~
1825 ~~public facility improvements made, and public facility~~
1826 ~~improvements anticipated over the upcoming 5 years.~~
1827 (5) When a ~~plan amendment adopting a~~ detailed specific area

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1828 plan has become effective for a portion of the planning area
1829 governed by a long-term master plan adopted pursuant to this
1830 section ~~under ss. 163.3184 and 163.3189(2)~~, the provisions of s.
1831 380.06 do not apply to development within the geographic area of
1832 the detailed specific area plan. However, any development-of-
1833 regional-impact development order that is vested from the
1834 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1835 380.11.
1836 (a) The local government adopting the detailed specific
1837 area plan is primarily responsible for monitoring and enforcing
1838 the detailed specific area plan. Local governments shall not
1839 issue any permits or approvals or provide any extensions of
1840 services to development which ~~that~~ are not consistent with the
1841 detailed ~~sector~~ area plan.
1842 (b) If the state land planning agency has reason to believe
1843 that a violation of any detailed specific area plan~~, or of any~~
1844 ~~agreement entered into under this section,~~ has occurred or is
1845 about to occur, it may institute an administrative or judicial
1846 proceeding to prevent, abate, or control the conditions or
1847 activity creating the violation, using the procedures in s.
1848 380.11.
1849 (c) In instituting an administrative or judicial proceeding
1850 involving a ~~an optional~~ sector plan or detailed specific area
1851 plan, including a proceeding pursuant to paragraph (b), the
1852 complaining party shall comply with the requirements of s.
1853 163.3215(4), (5), (6), and (7), except as provided in paragraph
1854 (3)(d).
1855 (d) The detailed specific area plan must establish a
1856 buildout date until which the approved development is not

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1857 subject to downzoning, unit density reduction, or intensity
1858 reduction, unless the local government can demonstrate that
1859 implementation of the plan is not continuing in good faith based
1860 on standards established by plan policy, or that substantial
1861 changes in the conditions underlying the approval of the
1862 detailed specific area plan have occurred, or that the detailed
1863 specific area plan was based on substantially inaccurate
1864 information provided by the applicant, or that the change is
1865 clearly established to be essential to the public health,
1866 safety, or welfare.
1867 (6) Concurrent with or subsequent to review and adoption of
1868 a long-term master plan pursuant to paragraph (3)(a), an
1869 applicant may apply for master development approval pursuant to
1870 s. 380.06(21) for the entire planning area in order to establish
1871 a buildout date until which the approved uses and densities and
1872 intensities of use of the master plan are not subject to
1873 downzoning, unit density reduction, or intensity reduction,
1874 unless the local government can demonstrate that implementation
1875 of the master plan is not continuing in good faith based on
1876 standards established by plan policy, or that substantial
1877 changes in the conditions underlying the approval of the master
1878 plan have occurred, or that the master plan was based on
1879 substantially inaccurate information provided by the applicant,
1880 or that change is clearly established to be essential to the
1881 public health, safety, or welfare. Review of the application for
1882 master development approval shall be at a level of detail
1883 appropriate for the long-term and conceptual nature of the long-
1884 term master plan and, to the maximum extent possible, shall only
1885 consider information provided in the application for a long-term

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1886 master plan. Notwithstanding any provision of s. 380.06 to the
1887 contrary, an increment of development in such an approved master
1888 development plan shall be approved by a detailed specific area
1889 plan pursuant to paragraph (3)(b) and is exempt from review
1890 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1891 ~~thereafter, the department shall provide a status report to the~~
1892 ~~Legislative Committee on Intergovernmental Relations regarding~~
1893 ~~each optional sector plan authorized under this section.~~
1894 (7) A developer within an area subject to a long-term
1895 master plan that meets the requirements of paragraph (3)(a) and
1896 subsection (6) or a detailed specific area plan that meets the
1897 requirements of paragraph (3)(b) may enter into a development
1898 agreement with a local government pursuant to ss. 163.3220-
1899 163.3243. The duration of such a development agreement may be
1900 through the planning period of the long-term master plan or the
1901 detailed specific area plan, as the case may be, notwithstanding
1902 the limit on the duration of a development agreement pursuant to
1903 s. 163.3229.
1904 (8) Any owner of property within the planning area of a
1905 proposed long-term master plan may withdraw his consent to the
1906 master plan at any time prior to local government adoption, and
1907 the local government shall exclude such parcels from the adopted
1908 master plan. Thereafter, the long-term master plan, any detailed
1909 specific area plan, and the exemption from development-of-
1910 regional-impact review under this section do not apply to the
1911 subject parcels. After adoption of a long-term master plan, an
1912 owner may withdraw his or her property from the master plan only
1913 with the approval of the local government by plan amendment.
1914 (9) The adoption of a long-term master plan or a detailed

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1915 specific area plan pursuant to this section does not limit the
1916 right to continue existing agricultural or silvicultural uses or
1917 other natural resource-based operations or to establish similar
1918 new uses that are consistent with the plans approved pursuant to
1919 this section.
1920 (10) Notwithstanding any provision to the contrary of s.
1921 380.06; this part II; or any planning agreement or plan policy,
1922 a landowner or developer who has received approval of a master
1923 development of regional impact development order pursuant to s.
1924 380.06(21) may apply to implement this order by filing one or
1925 more applications to approve a detailed specific area plan
1926 pursuant to paragraph (3)(b).
1927 (11) Notwithstanding the provisions of this section, a
1928 detailed specific area plan to implement a conceptual long-term
1929 buildout overlay, adopted by a local government and found in
1930 compliance before July 1, 2011, shall be governed by the
1931 provisions of this section.
1932 (12) This section may not be construed to abrogate the
1933 rights of any person under this chapter.
1934 Section 17. Subsection (9) of section 163.3246, Florida
1935 Statutes, is amended to read:
1936 163.3246 Local government comprehensive planning
1937 certification program.—
1938 (9)(a) Upon certification all comprehensive plan amendments
1939 associated with the area certified must be adopted and reviewed
1940 in the manner described in ss. 163.3184(1), (2), (7), (14),
1941 (15), and (16) and 163.3187, such that state and regional agency
1942 review is eliminated. The department may not issue any
1943 objections, recommendations, and comments report on proposed

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1944 plan amendments or a notice of intent on adopted plan
1945 amendments; however, affected persons, as defined by s.
1946 163.3184(1)(a), may file a petition for administrative review
1947 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1948 the compliance of an adopted plan amendment.
1949 (b) Plan amendments that change the boundaries of the
1950 certification area; propose a rural land stewardship area
1951 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1952 plan pursuant to s. 163.3245; propose a school facilities
1953 element; update a comprehensive plan based on an evaluation and
1954 appraisal report; impact lands outside the certification
1955 boundary; implement new statutory requirements that mandate
1956 ~~require~~ specific comprehensive plan amendments; or increase
1957 hurricane evacuation times or the need for shelter capacity on
1958 lands within the coastal high-hazard area shall be reviewed
1959 pursuant to ss. 163.3184 and 163.3187.
1960 Section 18. Section 163.32465, Florida Statutes, is amended
1961 to read:
1962 163.32465 State review of local comprehensive plans ~~in~~
1963 ~~urban areas~~.—
1964 (1) LEGISLATIVE FINDINGS.—
1965 (a) The Legislature finds that local governments in this
1966 state have a wide diversity of resources, conditions, abilities,
1967 and needs. The Legislature also finds that comprehensive
1968 planning has been implemented throughout the state and that it
1969 is appropriate for local governments to have the primary role in
1970 planning for their growth. ~~the needs and resources of urban~~
1971 ~~areas are different from those of rural areas and that different~~
1972 ~~planning and growth management approaches, strategies, and~~

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1973 ~~techniques are required in urban areas. The state role in~~
1974 ~~overseeing growth management should reflect this diversity and~~
1975 ~~should vary based on local government conditions, capabilities,~~
1976 ~~needs, and extent of development.~~ Thus, the Legislature
1977 recognizes and finds that reduced state oversight of local
1978 comprehensive planning is justified ~~for some local governments~~
1979 ~~in urban areas~~.
1980 (b) The Legislature finds and declares that this state's
1981 local governments ~~urban areas~~ require a reduced level of state
1982 oversight ~~because of their high degree of urbanization and the~~
1983 ~~planning capabilities and resources of many of their local~~
1984 ~~governments~~. ~~An alternative state review process that is~~
1985 ~~adequate to protect issues of regional or statewide importance~~
1986 ~~should be created for appropriate local governments in these~~
1987 ~~areas. Further, the Legislature finds that development,~~
1988 ~~including urban infill and redevelopment, should be encouraged~~
1989 ~~in these urban areas. The Legislature finds that an alternative~~
1990 Accordingly, the process provided by this section for amending
1991 local comprehensive plans is ~~in these areas should be~~
1992 established with the ~~an~~ objective of streamlining the process
1993 and recognizing local responsibility and accountability.
1994 ~~(c) The Legislature finds a pilot program will be~~
1995 ~~beneficial in evaluating an alternative, expedited plan~~
1996 ~~amendment adoption and review process. Pilot local governments~~
1997 ~~shall represent highly developed counties and the municipalities~~
1998 ~~within these counties and highly populated municipalities.~~
1999 (2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT~~
2000 ~~PROGRAM.~~ The process for amending a comprehensive plan described
2001 in this section is applicable statewide. ~~Pinellas and Broward~~

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2002 ~~Counties, and the municipalities within these counties, and~~
2003 ~~Jacksonville, Miami, Tampa, and Hialeah shall follow an~~
2004 ~~alternative state review process provided in this section.~~
2005 ~~Municipalities within the pilot counties may elect, by super~~
2006 ~~majority vote of the governing body, not to participate in the~~
2007 ~~pilot program. In addition to the pilot program jurisdictions,~~
2008 ~~any local government may use the alternative state review~~
2009 ~~process to designate an urban service area as defined in s.~~
2010 ~~163.3164(29) in its comprehensive plan.~~
2011 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2012 ~~UNDER THE PILOT PROGRAM.~~
2013 (a) Plan amendments adopted by local governments are
2014 subject to the ~~pilot program jurisdictions shall follow the~~
2015 ~~alternate,~~ expedited process in subsections (4) and (5), except
2016 as set forth in paragraphs (b)-(e) of this subsection.
2017 (b) Amendments that qualify as small-scale development
2018 amendments may continue to be adopted ~~by the pilot program~~
2019 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).
2020 (c) Plan amendments that propose a rural land stewardship
2021 area pursuant to s. 163.3177(11)(d); propose an optional sector
2022 plan; update a comprehensive plan based on an evaluation and
2023 appraisal report; implement new statutory requirements; or new
2024 plans for newly incorporated municipalities are subject to state
2025 review as set forth in s. 163.3184.
2026 (d) Local governments are ~~Pilot program jurisdictions shall~~
2027 ~~be~~ subject to the frequency and timing requirements for plan
2028 amendments set forth in ss. 163.3187 and 163.3191, except where
2029 otherwise stated in this section.
2030 (e) The mediation and expedited hearing provisions in s.

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2031 163.3189(3) apply to all plan amendments adopted pursuant to
2032 this section ~~by the pilot program jurisdictions~~.
2033 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
2034 ~~PILOT PROGRAM.—~~
2035 (a) The local government shall hold its first public
2036 hearing on a comprehensive plan amendment on a weekday at least
2037 7 days after the day the first advertisement is published
2038 pursuant to the requirements of chapter 125 or chapter 166. Upon
2039 an affirmative vote of not less than a majority of the members
2040 of the governing body present at the hearing, the local
2041 government shall immediately transmit the amendment or
2042 amendments and appropriate supporting data and analyses to the
2043 state land planning agency; the appropriate regional planning
2044 council and water management district; the Department of
2045 Environmental Protection; the Department of State; the
2046 Department of Transportation; in the case of municipal plans, to
2047 the appropriate county; the Fish and Wildlife Conservation
2048 Commission; the Department of Agriculture and Consumer Services;
2049 and in the case of amendments that include or impact the public
2050 school facilities element, the Office of Educational Facilities
2051 of the Commissioner of Education. The local governing body shall
2052 also transmit a copy of the amendments and supporting data and
2053 analyses to any other local government or governmental agency
2054 that has filed a written request with the governing body.
2055 (b) The agencies and local governments specified in
2056 paragraph (a) may provide comments regarding the amendment or
2057 amendments to the local government. The regional planning
2058 council review and comment shall be limited to effects on
2059 regional resources or facilities identified in the strategic

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2060 regional policy plan and extrajurisdictional impacts that would
2061 be inconsistent with the comprehensive plan of the affected
2062 local government. A regional planning council shall not review
2063 and comment on a proposed comprehensive plan amendment prepared
2064 by such council unless the plan amendment has been changed by
2065 the local government subsequent to the preparation of the plan
2066 amendment by the regional planning council. County comments on
2067 municipal comprehensive plan amendments shall be primarily in
2068 the context of the relationship and effect of the proposed plan
2069 amendments on the county plan. Municipal comments on county plan
2070 amendments shall be primarily in the context of the relationship
2071 and effect of the amendments on the municipal plan. State agency
2072 comments may include technical guidance on issues of agency
2073 jurisdiction as it relates to the requirements of this part.
2074 Such comments shall clearly identify issues that, if not
2075 resolved, may result in an agency challenge to the plan
2076 amendment. ~~For the purposes of this pilot program,~~ Agencies are
2077 encouraged to focus potential challenges on issues of regional
2078 or statewide importance. Agencies and local governments must
2079 transmit their comments to the affected local government such
2080 that they are received by the local government not later than 30
2081 ~~thirty~~ days from the date on which the agency or government
2082 received the amendment or amendments.
2083 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
2084 ~~AREAS~~.~~—~~
2085 (a) The local government shall hold its second public
2086 hearing, which shall be a hearing on whether to adopt one or
2087 more comprehensive plan amendments, on a weekday at least 5 days
2088 after the day the second advertisement is published pursuant to

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2089 the requirements of chapter 125 or chapter 166. Adoption of
2090 comprehensive plan amendments must be by ordinance and requires
2091 an affirmative vote of a majority of the members of the
2092 governing body present at the second hearing.
2093 (b) All comprehensive plan amendments adopted by the
2094 governing body along with the supporting data and analysis shall
2095 be transmitted within 10 days of the second public hearing to
2096 the state land planning agency and any other agency or local
2097 government that provided timely comments under paragraph (4)(b).
2098 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
2099 ~~PROGRAM.~~
2100 (a) Any "affected person" as defined in s. 163.3184(1)(a)
2101 may file a petition with the Division of Administrative Hearings
2102 pursuant to ss. 120.569 and 120.57, with a copy served on the
2103 affected local government, to request a formal hearing to
2104 challenge whether the amendments are "in compliance" as defined
2105 in s. 163.3184(1)(b). This petition must be filed with the
2106 Division within 30 days after the local government adopts the
2107 amendment. The state land planning agency may intervene in a
2108 proceeding instituted by an affected person.
2109 (b) The state land planning agency may file a petition with
2110 the Division of Administrative Hearings pursuant to ss. 120.569
2111 and 120.57, with a copy served on the affected local government,
2112 to request a formal hearing. This petition must be filed with
2113 the Division within 30 days after the state land planning agency
2114 notifies the local government that the plan amendment package is
2115 complete. For purposes of this section, an adopted amendment
2116 package shall be deemed complete if it contains a full, executed
2117 copy of the adoption ordinance or ordinances; in the case of a

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2118 text amendment, a full copy of the amended language in
2119 legislative format with new words inserted in the text
2120 underlined, and words to be deleted lined through with hyphens;
2121 in the case of a future land use map amendment, a copy of the
2122 future land use map clearly depicting the parcel, its existing
2123 future land use designation, and its adopted designation; and a
2124 copy of any data and analyses the local government deems
2125 appropriate. The state land planning agency shall notify the
2126 local government of any deficiencies within 5 working days of
2127 receipt of an amendment package.
2128 (c) The state land planning agency's challenge shall be
2129 limited to those issues raised in the comments provided by the
2130 reviewing agencies pursuant to paragraph (4)(b). The state land
2131 planning agency may challenge a plan amendment that has
2132 substantially changed from the version on which the agencies
2133 provided comments. ~~For the purposes of this pilot program,~~ The
2134 Legislature strongly encourages the state land planning agency
2135 to focus any challenge on issues of regional or statewide
2136 importance.
2137 (d) An administrative law judge shall hold a hearing in the
2138 affected local jurisdiction. The local government's
2139 determination that the amendment is "in compliance" is presumed
2140 to be correct and shall be sustained unless it is shown by a
2141 preponderance of the evidence that the amendment is not "in
2142 compliance."
2143 (e) If the administrative law judge recommends that the
2144 amendment be found not in compliance, the judge shall submit the
2145 recommended order to the Administration Commission for final
2146 agency action. The Administration Commission shall enter a final

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2147 order within 45 days after its receipt of the recommended order.
2148 (f) If the administrative law judge recommends that the
2149 amendment be found in compliance, the judge shall submit the
2150 recommended order to the state land planning agency.
2151 1. If the state land planning agency determines that the
2152 plan amendment should be found not in compliance, the agency
2153 shall refer, within 30 days of receipt of the recommended order,
2154 the recommended order and its determination to the
2155 Administration Commission for final agency action. If the
2156 commission determines that the amendment is not in compliance,
2157 it may sanction the local government as set forth in s.
2158 163.3184(11).
2159 2. If the state land planning agency determines that the
2160 plan amendment should be found in compliance, the agency shall
2161 enter its final order not later than 30 days from receipt of the
2162 recommended order.
2163 (g) An amendment adopted under the expedited provisions of
2164 this section shall not become effective until 31 days after
2165 adoption. If timely challenged, an amendment shall not become
2166 effective until the state land planning agency or the
2167 Administration Commission enters a final order determining the
2168 adopted amendment to be in compliance.
2169 (h) Parties to a proceeding under this section may enter
2170 into compliance agreements using the process in s. 163.3184(16).
2171 Any remedial amendment adopted pursuant to a settlement
2172 agreement shall be provided to the agencies and governments
2173 listed in paragraph (4)(a).
2174 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~
2175 ~~GOVERNMENTS.—Local governments and specific areas that have been~~

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2176 ~~designated for alternate review process pursuant to ss. 163.3246~~
2177 ~~and 163.3184(17) and (18) are not subject to this section.~~
2178 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM.—Agencies shall~~
2179 ~~not promulgate rules to implement this pilot program.~~
2180 ~~(9) REPORT.—The Office of Program Policy Analysis and~~
2181 ~~Government Accountability shall submit to the Governor, the~~
2182 ~~President of the Senate, and the Speaker of the House of~~
2183 ~~Representatives by December 1, 2008, a report and~~
2184 ~~recommendations for implementing a statewide program that~~
2185 ~~addresses the legislative findings in subsection (1) in areas~~
2186 ~~that meet urban criteria. The Office of Program Policy Analysis~~
2187 ~~and Government Accountability in consultation with the state~~
2188 ~~land planning agency shall develop the report and~~
2189 ~~recommendations with input from other state and regional~~
2190 ~~agencies, local governments, and interest groups. Additionally,~~
2191 ~~the office shall review local and state actions and~~
2192 ~~correspondence relating to the pilot program to identify issues~~
2193 ~~of process and substance in recommending changes to the pilot~~
2194 ~~program. At a minimum, the report and recommendations shall~~
2195 ~~include the following:~~
2196 ~~(a) Identification of local governments beyond those~~
2197 ~~participating in the pilot program that should be subject to the~~
2198 ~~alternative expedited state review process. The report may~~
2199 ~~recommend that pilot program local governments may no longer be~~
2200 ~~appropriate for such alternative review process.~~
2201 ~~(b) Changes to the alternative expedited state review~~
2202 ~~process for local comprehensive plan amendments identified in~~
2203 ~~the pilot program.~~
2204 ~~(c) Criteria for determining issues of regional or~~

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2205 ~~statewide importance that are to be protected in the alternative~~
2206 ~~state review process.~~
2207 ~~(d) In preparing the report and recommendations, the Office~~
2208 ~~of Program Policy Analysis and Government Accountability shall~~
2209 ~~consult with the state land planning agency, the Department of~~
2210 ~~Transportation, the Department of Environmental Protection, and~~
2211 ~~the regional planning agencies in identifying highly developed~~
2212 ~~local governments to participate in the alternative expedited~~
2213 ~~state review process. The Office of Program Policy Analysis and~~
2214 ~~Governmental Accountability shall also solicit citizen input in~~
2215 ~~the potentially affected areas and consult with the affected~~
2216 ~~local governments and stakeholder groups.~~
2217 Section 19. Section 215.559, Florida Statutes, is amended
2218 to read:
2219 215.559 Hurricane Loss Mitigation Program.—
2220 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is
2221 established in the Office of Emergency Management.
2222 (1) The Legislature shall annually appropriate $10 million
2223 of the moneys authorized for appropriation under s.
2224 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
2225 office ~~Department of Community Affairs~~ for the purposes set
2226 forth in this section. Of the amount:
2227 ~~(2)~~(a) Seven million dollars in funds ~~provided in~~
2228 ~~subsection (1)~~ shall be used for programs to improve the wind
2229 resistance of residences and mobile homes, including loans,
2230 subsidies, grants, demonstration projects, and direct
2231 assistance; educating persons concerning the Florida Building
2232 Code cooperative programs with local governments and the Federal
2233 Government; and other efforts to prevent or reduce losses or

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2234 reduce the cost of rebuilding after a disaster.
2235 (b) Three million dollars in funds ~~provided in subsection~~
2236 ~~(1)~~ shall be used to retrofit existing facilities used as public
2237 hurricane shelters. Each year the office shall ~~department must~~
2238 prioritize the use of these funds for projects included in the
2239 annual report of the ~~September 1, 2000, version of the~~ Shelter
2240 Retrofit Report prepared in accordance with s. 252.385(3)~~, and~~
2241 ~~each annual report thereafter~~. The office ~~department~~ must give
2242 funding priority to projects in regional planning council
2243 regions that have shelter deficits and to projects that maximize
2244 the use of state funds.
2245 (2)~~(3)~~(a) Forty percent of the total appropriation in
2246 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
2247 tie-downs for mobile homes.
2248 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
2249 Home Mitigation and Enhancement Program is established. The
2250 program shall require the mitigation of damage to or the
2251 enhancement of homes for the areas of concern raised by the
2252 Department of Highway Safety and Motor Vehicles in the 2004-2005
2253 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
2254 on manufactured and mobile homes in this state. The mitigation
2255 or enhancement must include, but need not be limited to,
2256 problems associated with weakened trusses, studs, and other
2257 structural components caused by wood rot or termite damage;
2258 site-built additions; or tie-down systems and may also address
2259 any other issues deemed appropriate by Tallahassee Community
2260 College, the Federation of Manufactured Home Owners of Florida,
2261 Inc., the Florida Manufactured Housing Association, and the
2262 Department of Highway Safety and Motor Vehicles. The program

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2263 shall include an education and outreach component to ensure that
2264 owners of manufactured and mobile homes are aware of the
2265 benefits of participation.
2266 2. The program shall be a grant program that ensures that
2267 entire manufactured home communities and mobile home parks may
2268 be improved wherever practicable. The moneys appropriated for
2269 this program shall be distributed directly to Tallahassee
2270 Community College for the uses set forth under this subsection.
2271 3. Upon evidence of completion of the program, the Citizens
2272 Property Insurance Corporation shall grant, on a pro rata basis,
2273 actuarially reasonable discounts, credits, or other rate
2274 differentials or appropriate reductions in deductibles for the
2275 properties of owners of manufactured homes or mobile homes on
2276 which fixtures or construction techniques that have been
2277 demonstrated to reduce the amount of loss in a windstorm have
2278 been installed or implemented. The discount on the premium must
2279 be applied to subsequent renewal premium amounts. Premiums of
2280 the Citizens Property Insurance Corporation must reflect the
2281 location of the home and the fact that the home has been
2282 installed in compliance with building codes adopted after
2283 Hurricane Andrew. Rates resulting from the completion of the
2284 Manufactured Housing and Mobile Home Mitigation and Enhancement
2285 Program are not considered competitive rates for the purposes of
2286 s. 627.351(6)(d)1. and 2.
2287 4. On or before January 1 of each year, Tallahassee
2288 Community College shall provide a report of activities under
2289 this subsection to the Governor, the President of the Senate,
2290 and the Speaker of the House of Representatives. The report must
2291 set forth the number of homes that have taken advantage of the

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2292 program, the types of enhancements and improvements made to the
2293 manufactured or mobile homes and attachments to such homes, and
2294 whether there has been an increase in availability of insurance
2295 products to owners of manufactured or mobile homes.
2296
2297 Tallahassee Community College shall develop the programs set
2298 forth in this subsection in consultation with the Federation of
2299 Manufactured Home Owners of Florida, Inc., the Florida
2300 Manufactured Housing Association, and the Department of Highway
2301 Safety and Motor Vehicles. The moneys appropriated for the
2302 programs set forth in this subsection shall be distributed
2303 directly to Tallahassee Community College to be used as set
2304 forth in this subsection.
2305 (3) ~~(4)~~ Of moneys provided to the Department of Community
2306 Affairs in paragraph (1)(a) ~~(2)(a)~~, 10 percent shall be
2307 allocated to the Florida International University center
2308 dedicated to hurricane research. The center shall develop a
2309 preliminary work plan approved by the advisory council set forth
2310 in subsection (4) ~~(5)~~ to eliminate the state and local barriers
2311 to upgrading existing mobile homes and communities, research and
2312 develop a program for the recycling of existing older mobile
2313 homes, and support programs of research and development relating
2314 to hurricane loss reduction devices and techniques for site-
2315 built residences. The State University System also shall consult
2316 with the Department of Community Affairs and assist the
2317 department with the report required under subsection (6) ~~(7)~~.
2318 (4) ~~(5)~~ Except for the programs set forth in subsection (3)
2319 ~~(4)~~, the office ~~Department of Community Affairs~~ shall develop
2320 the programs set forth in this section in consultation with an

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2321 advisory council consisting of a representative designated by
2322 the Chief Financial Officer, a representative designated by the
2323 Florida Home Builders Association, a representative designated
2324 by the Florida Insurance Council, a representative designated by
2325 the Federation of Manufactured Home Owners, a representative
2326 designated by the Florida Association of Counties, ~~and~~ a
2327 representative designated by the Florida Manufactured Housing
2328 Association, and a representative designated by the Florida
2329 Building Commission.
2330 (5) ~~(6)~~ Moneys provided to the office ~~Department of~~
2331 ~~Community Affairs~~ under this section are intended to supplement,
2332 not supplant, the office's other funding sources ~~of the~~
2333 ~~Department of Community Affairs and may not supplant other~~
2334 ~~funding sources of the Department of Community Affairs~~.
2335 (8) ~~(7)~~ On January 1st of each year, the office ~~Department~~
2336 ~~of Community Affairs~~ shall provide a full report and accounting
2337 of activities under this section and an evaluation of such
2338 activities to the Speaker of the House of Representatives, the
2339 President of the Senate, and the Majority and Minority Leaders
2340 of the House of Representatives and the Senate. Upon completion
2341 of the report, the office ~~Department of Community Affairs~~ shall
2342 deliver the report to the Office of Insurance Regulation. The
2343 Office of Insurance Regulation shall review the report and shall
2344 make such recommendations available to the insurance industry as
2345 the Office of Insurance Regulation deems appropriate. These
2346 recommendations may be used by insurers for potential discounts
2347 or rebates pursuant to s. 627.0629. The Office of Insurance
2348 Regulation shall make such ~~the~~ recommendations within 1 year
2349 after receiving the report.

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2350 ~~(8)(a) Notwithstanding any other provision of this section~~
2351 ~~and for the 2010-2011 fiscal year only, the $3 million~~
2352 ~~appropriation provided for in paragraph (2)(b) may be used for~~
2353 ~~hurricane shelters as identified in the General Appropriations~~
2354 ~~Act.~~
2355 ~~(b) This subsection expires June 30, 2011.~~
2356 Section 20. Section 288.005, Florida Statutes, is created
2357 to read:
2358 288.005 Definitions.—As used in this chapter, the following
2359 words and phrases shall have the following meanings and
2360 references:
2361 (1) "Economic benefits" means the direct, indirect, and
2362 induced gains in state revenues as a percentage of the state's
2363 investment. The state's investment includes state grants, tax
2364 exemptions, tax refunds, tax credits, and other state
2365 incentives.
2366 (2) "Commissioner" means the commissioner of Jobs Florida,
2367 unless otherwise stated.
2368 Section 21. Section 288.048, Florida Statutes, is created
2369 to read:
2370 288.048 Incumbent worker training for economic
2371 development.—
2372 (1) The Incumbent Worker Training Program is created within
2373 Jobs Florida for the purpose of providing grant funding for
2374 continuing education and training of incumbent employees at
2375 existing Florida businesses. The program will provide
2376 reimbursement grants to businesses that pay for preapproved,
2377 direct, training-related costs.
2378 (2) The Incumbent Worker Training Program is administered

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2379 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
2380 Florida, at its discretion, may contract with a private business
2381 organization to serve as the grant administrator.
2382 (3) To be eligible for the program's grant funding, a
2383 business must have been in operation in this state for at least
2384 1 year before applying for grant funding; have at least one
2385 full-time employee; demonstrate financial viability; and be
2386 current on all state tax obligations. Priority for funding shall
2387 be given to businesses having 25 or fewer employees, businesses
2388 in rural areas, businesses in distressed inner-city areas,
2389 businesses in a qualified targeted industry, businesses whose
2390 grant proposals represent a significant upgrade in employee
2391 skills, or businesses whose grant proposals represent a
2392 significant layoff avoidance strategy.
2393 (4) All costs reimbursed by the program must be preapproved
2394 by Jobs Florida or the grant administrator. The program will not
2395 reimburse businesses for trainee wages, the purchase of capital
2396 equipment, or the purchase of any item or service that may be
2397 used outside the training project. A business approved for a
2398 grant may be reimbursed for preapproved, direct, training-
2399 related costs including tuition, fees, books and training
2400 materials, and overhead or indirect costs not to exceed 5
2401 percent of the grant amount.
2402 (5) A business that is selected to receive grant funding
2403 must provide a matching contribution to the training project,
2404 including, but not limited to, wages paid to trainees or the
2405 purchase of capital equipment used in the training project; must
2406 sign an agreement with Jobs Florida or the grant administrator
2407 to complete the training project as proposed in the application;

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2408 must keep accurate records of the project's implementation
2409 process; and must submit monthly or quarterly reimbursement
2410 requests with required documentation.
2411 (6) All Incumbent Worker Training Program grant projects
2412 shall be performance-based with specific measurable performance
2413 outcomes, including completion of the training project and job
2414 retention. Jobs Florida or the grant administrator shall
2415 withhold the final payment to the grantee until a final grant
2416 report is submitted and all performance criteria specified in
2417 the grant contract have been achieved.
2418 (7) Jobs Florida may establish guidelines, in conjunction
2419 with Workforce Florida, Inc., necessary to implement the
2420 Incumbent Worker Training Program.
2421 (8) No more than 10 percent of the Incumbent Worker
2422 Training Program's total appropriation may be used for overhead
2423 or indirect purposes. Federal funds available for the program
2424 are limited as set forth in s. 443.003(3).
2425 Section 22. Section 288.061, Florida Statutes, is amended
2426 to read:
2427 288.061 Economic development incentive application
2428 process.—
2429 (1) Within 10 business days after receiving a submitted
2430 economic development incentive application, the Division of
2431 Strategic Business Development of Jobs Florida and designated
2432 staff of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
2433 shall review the application and inform the applicant business
2434 whether or not its application is complete, whether and what
2435 type of state and local permits may be necessary for the
2436 applicant's project, whether it is possible to waive such

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2437 permits, and what state incentives and amounts of such
2438 incentives may be available to the applicant. ~~Within 10 business~~
2439 ~~days after the application is deemed complete, Enterprise~~
2440 ~~Florida, Inc., shall evaluate the application and recommend~~
2441 ~~approval or disapproval of the application to the director of~~
2442 ~~the Office of Tourism, Trade, and Economic Development. In~~
2443 ~~recommending an applicant business for approval, Enterprise~~
2444 ~~Florida, Inc., shall include in its evaluation a recommended~~
2445 ~~grant award amount and a review of the applicant's ability to~~
2446 ~~meet specific program criteria.~~
2447 (2) Within 14 business ~~10 calendar~~ days after the initial
2448 review and communication with the applicant, Jobs Florida shall
2449 ~~the Office of Tourism, Trade, and Economic Development receives~~
2450 ~~the evaluation and recommendation from Enterprise Florida, Inc.,~~
2451 ~~the Office shall notify Enterprise Florida, Inc., whether or not~~
2452 ~~the application is reviewable. Within 22 calendar days after the~~
2453 ~~Office receives the recommendation from Enterprise Florida,~~
2454 ~~Inc., the director of the Office shall review the application~~
2455 ~~and~~ issue a letter of certification to the applicant which ~~that~~
2456 approves or disapproves an applicant business and includes a
2457 justification of that decision, unless the business requests an
2458 extension of that time.
2459 (a) The final order or agreement with the applicant shall
2460 specify the total amount of the award, the performance
2461 conditions that must be met to obtain the award, and the
2462 schedule for payment. Jobs Florida may enter into one agreement
2463 or issue one final order covering all of the state incentives
2464 that are being provided to the applicant.
2465 (b) The release of funds for the incentive or incentives

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2466 awarded to the applicant depends upon the statutory requirements
2467 of the particular incentive program.
2468 Section 23. Section 288.095, Florida Statutes, is amended
2469 to read:
2470 288.095 Economic Development Trust Fund.—
2471 (1) The Economic Development Trust Fund is created within
2472 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2473 ~~Development~~. Moneys deposited into the fund must be used only to
2474 support the authorized activities and operations of Jobs Florida
2475 ~~the Office~~.
2476 (2) There is created, within the Economic Development Trust
2477 Fund, the Economic Development Incentives Account. The Economic
2478 Development Incentives Account consists of moneys appropriated
2479 to the account for purposes of the tax incentives programs
2480 authorized under ss. 288.1045 and 288.106; the~~, and~~ local
2481 financial support provided under ss. 288.1045 and 288.106; and
2482 the federal funds designated for purposes of s. 288.048. Moneys
2483 in the Economic Development Incentives Account shall be subject
2484 to the provisions of s. 216.301(1)(a). Federal funds set aside
2485 for the incumbent worker training program under s. 288.048 may
2486 not be used for any other economic development program.
2487 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2488 ~~Economic Development~~ may approve applications for certification
2489 pursuant to ss. 288.1045(3) and 288.106. However, the total
2490 state share of tax refund payments ~~scheduled in all active~~
2491 ~~certifications for fiscal year 2001-2002 may not exceed $30~~
2492 ~~million. The total for each subsequent fiscal year~~ may not
2493 exceed $35 million.
2494 (b) The total amount of tax refund claims approved for

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2495 payment by Jobs Florida ~~the Office of Tourism, Trade, and~~
2496 ~~Economic Development~~ based on actual project performance may not
2497 exceed the amount appropriated to the Economic Development
2498 Incentives Account for such purposes for the fiscal year. Claims
2499 for tax refunds under ss. 288.1045 and 288.106 shall be paid in
2500 the order the claims are approved by Jobs Florida ~~the Office of~~
2501 ~~Tourism, Trade, and Economic Development~~. In the event the
2502 Legislature does not appropriate an amount sufficient to satisfy
2503 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
2504 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2505 ~~Development~~ shall pay the tax refunds from the appropriation for
2506 the following fiscal year. By March 1 of each year, Jobs Florida
2507 ~~the Office of Tourism, Trade, and Economic Development~~ shall
2508 notify the legislative appropriations committees of the Senate
2509 and House of Representatives of any anticipated shortfall in the
2510 amount of funds needed to satisfy claims for tax refunds from
2511 the appropriation for the current fiscal year.
2512 (c) Pursuant to s. 288.907 ~~By December 31 of each year~~,
2513 Jobs Florida ~~Enterprise Florida, Inc.,~~ shall submit a complete
2514 and detailed annual report to the Governor, the President of the
2515 Senate, and the Speaker of the House of Representatives~~, and the~~
2516 ~~director of the Office of Tourism, Trade, and Economic~~
2517 ~~Development~~ of all applications received, recommendations made
2518 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2519 ~~Development~~, final decisions issued, tax refund agreements
2520 executed, and tax refunds paid or other payments made under all
2521 programs funded out of the Economic Development Incentives
2522 Account, including analyses of benefits and costs, types of
2523 projects supported, and employment and investment created. Jobs

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2524 Florida ~~Enterprise Florida, Inc.,~~ shall also include a separate
2525 analysis of the impact of such tax refunds on state enterprise
2526 zones designated pursuant to s. 290.0065, rural communities,
2527 brownfield areas, and distressed urban communities. The report
2528 must also discuss the efforts made by Jobs Florida ~~the Office of~~
2529 ~~Tourism, Trade, and Economic Development~~ to amend tax refund
2530 agreements to require tax refund claims to be submitted by
2531 January 31 for the net new full-time equivalent jobs in this
2532 state as of December 31 of the preceding calendar year. The
2533 report must also list the name and tax refund amount for each
2534 business that has received a tax refund under s. 288.1045 or s.
2535 288.106 during the preceding fiscal year. ~~The Office of Tourism,~~
2536 ~~Trade, and Economic Development shall assist Enterprise Florida,~~
2537 ~~Inc., in the collection of data related to business performance~~
2538 ~~and incentive payments.~~
2539 (d) Moneys in the Economic Development Incentives Account
2540 may be used only to pay tax refunds and make other payments
2541 authorized for the programs identified by law ~~under s. 288.1045,~~
2542 ~~s. 288.106, or s. 288.107~~.
2543 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2544 ~~Development~~ may adopt rules necessary to carry out the
2545 provisions of this subsection, including rules providing for the
2546 use of moneys in the Economic Development Incentives Account and
2547 for the administration of the Economic Development Incentives
2548 Account.
2549 Section 24. Section 288.1081, Florida Statutes, is amended
2550 to read:
2551 288.1081 Economic Gardening Business Loan ~~Pilot~~ Program.—
2552 (1) There is created within Jobs Florida ~~the Office of~~

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2553 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2554 Business Loan ~~Pilot~~ Program. The purpose of the ~~pilot~~ program is
2555 to stimulate investment in Florida's economy by providing loans
2556 to expanding businesses in the state. ~~As used in this section,~~
2557 ~~the term "office" means the Office of Tourism, Trade, and~~
2558 ~~Economic Development.~~
2559 (2) The Legislature finds that it is vital to the overall
2560 health and growth of the state's economy to promote favorable
2561 conditions for expanding Florida businesses that demonstrate the
2562 ability to grow. The Legislature further finds that, due to the
2563 current extraordinary economic challenges confronting the state,
2564 there exists a public purpose in expending state resources to
2565 stimulate investment in Florida's economy. It is therefore the
2566 intent of the Legislature that resources be provided for the
2567 loan ~~pilot~~ program.
2568 (3)(a) To be eligible for a loan under the ~~pilot~~ program,
2569 an applicant must be a business eligible for assistance under
2570 the Economic Gardening Technical Assistance ~~Pilot~~ Program as
2571 provided in s. 288.1082(4)(a).
2572 (b) A loan applicant must submit a written application to
2573 the loan administrator in the format prescribed by the loan
2574 administrator. The application must include:
2575 1. The applicant's federal employer identification number,
2576 unemployment account number, and sales or other tax registration
2577 number.
2578 2. The street address of the applicant's principal place of
2579 business in this state.
2580 3. A description of the type of economic activity, product,
2581 or research and development undertaken by the applicant,

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2582 including the six-digit North American Industry Classification
2583 System code for each type of economic activity conducted by the
2584 applicant.
2585 4. The applicant's annual revenue, number of employees,
2586 number of full-time equivalent employees, and other information
2587 necessary to verify the applicant's eligibility for the
2588 technical assistance ~~pilot~~ program under s. 288.1082(4)(a).
2589 5. The projected investment in the business, if any, which
2590 the applicant proposes in conjunction with the loan.
2591 6. The total investment in the business from all sources,
2592 if any, which the applicant proposes in conjunction with the
2593 loan.
2594 7. The number of net new full-time equivalent jobs that, as
2595 a result of the loan, the applicant proposes to create in this
2596 state as of December 31 of each year and the average annual wage
2597 of the proposed jobs.
2598 8. The total number of full-time equivalent employees the
2599 applicant currently employs in this state.
2600 9. The date that the applicant anticipates it needs the
2601 loan.
2602 10. A detailed explanation of why the loan is needed to
2603 assist the applicant in expanding jobs in the state.
2604 11. A statement that all of the applicant's available
2605 corporate assets are pledged as collateral for the amount of the
2606 loan.
2607 12. A statement that the applicant, upon receiving the
2608 loan, agrees not to seek additional long-term debt without prior
2609 approval of the loan administrator.
2610 13. A statement that the loan is a joint obligation of the

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2611 business and of each person who owns at least 20 percent of the
2612 business.
2613 14. Any additional information requested by Jobs Florida
2614 ~~the office~~ or the loan administrator.
2615 (c) The loan administrator, after verifying the accuracy of
2616 a submitted application, shall award the loan to the applicant
2617 if the administrator determines that the applicant, as compared
2618 to other applicants submitting applications, is in the best
2619 position to use the loan to continue making a successful long-
2620 term business commitment to the state. The loan administrator
2621 also shall consider the following factors:
2622 1. Whether the applicant has applied for or received
2623 incentives from local governments;
2624 2. Whether the applicant has applied for or received
2625 waivers of taxes, impact fees, or other fees or charges by local
2626 governments; and
2627 3. What other sources of investments or financing for the
2628 project that is the subject of the loan application will be
2629 available to the applicant.
2630 (d) A borrower awarded a loan under this section and the
2631 loan administrator must enter into a loan agreement that
2632 provides for the borrower's repayment of the loan.
2633 (4) The following terms apply to a loan received under the
2634 ~~pilot~~ program:
2635 (a) The maximum amount of the loan is $250,000.
2636 (b) The proceeds of the loan may be used for working
2637 capital purchases, employee training, or salaries for newly
2638 created jobs in the state.
2639 (c) The security interest for the loan's collateral

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2640 covering all of the borrower's available corporate assets to
2641 cover the amount of the loan must be perfected by recording a
2642 lien under the Uniform Commercial Code.
2643 (d) The period of the loan is 4 years.
2644 (e) The interest rate of the loan is 2 percent. However, if
2645 the borrower does not create the projected number of jobs within
2646 the terms of the loan agreement, the interest rate shall be
2647 increased for the remaining period of the loan to the prime rate
2648 published in the Wall Street Journal, as of the date specified
2649 in the loan agreement, plus 4 percentage points. The loan
2650 agreement may provide flexibility in meeting the projected
2651 number of jobs for delays due to governmental regulatory issues,
2652 including, but not limited to, permitting.
2653 (f) For the first 12 months of the loan, payment is due for
2654 interest only, payable during the twelfth month. Thereafter,
2655 payment for interest and principal is due each month until the
2656 loan is paid in full. Interest and principal payments are based
2657 on the unpaid balance of the total loan amount.
2658 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
2659 qualified entities to serve as loan administrators for the ~~pilot~~
2660 program. A loan administrator must:
2661 1. Be a Florida corporation not for profit incorporated
2662 under chapter 617 which has its principal place of business in
2663 the state.
2664 2. Have 5 years of verifiable experience of lending to
2665 businesses in this state.
2666 3. Submit an application to Jobs Florida ~~the Office~~ on
2667 forms prescribed by Jobs Florida ~~the Office~~. The application
2668 must include the loan administrator's business plan for its

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2669 proposed lending activities under the ~~pilot~~ program, including,
2670 but not limited to, a description of its outreach efforts,
2671 underwriting, credit policies and procedures, credit decision
2672 processes, monitoring policies and procedures, and collection
2673 practices; the membership of its board of directors; and samples
2674 of its currently used loan documentation. The application must
2675 also include a detailed description and supporting documentation
2676 of the nature of the loan administrator's partnerships with
2677 local or regional economic and business development
2678 organizations.
2679 (b) Jobs Florida ~~The Office~~, upon selecting a loan
2680 administrator, shall enter into a grant agreement with the
2681 administrator to issue the available loans to eligible
2682 applicants. The grant agreement must specify the aggregate
2683 amount of the loans authorized for award by the loan
2684 administrator. The term of the grant agreement must be at least
2685 4 years, except that Jobs Florida ~~the Office~~ may terminate the
2686 agreement earlier if the loan administrator fails to meet
2687 minimum performance standards set by Jobs Florida ~~the office~~.
2688 The grant agreement may be amended by mutual consent of both
2689 parties.
2690 (c) Jobs Florida ~~The Office~~ shall disburse from the
2691 Economic Development Trust Fund to the loan administrator the
2692 appropriations provided for the ~~pilot~~ program. Disbursements to
2693 the loan administrator must not exceed the aggregate amount of
2694 the loans authorized in the grant agreement. Jobs Florida ~~the~~
2695 ~~Office~~ may not disburse more than 50 percent of the aggregate
2696 amount of the loans authorized in the grant agreement until Jobs
2697 Florida ~~the Office~~ verifies the borrowers' use of the loan

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2698 proceeds and the loan administrator's successful credit
2699 decisionmaking policies.
2700 (e) A loan administrator, after collecting the servicing
2701 fee in accordance with paragraph (d), shall use ~~remit~~ the
2702 borrower's collected interest, principal payments, and charges
2703 for late payments to provide additional loans to eligible
2704 borrowers under this section ~~the office on a quarterly basis~~. If
2705 the borrower defaults on the loan, the loan administrator shall
2706 initiate collection efforts to seek repayment of the loan. The
2707 loan administrator may, upon collecting payments for a defaulted
2708 loan, deduct the costs of the administrator's collection efforts
2709 ~~shall remit the payments to the office but,~~ to the extent
2710 authorized in the grant agreement, and shall use the remaining
2711 payments to provide additional loans to eligible borrowers under
2712 this section ~~may deduct the costs of the administrator's~~
2713 ~~collection efforts~~. ~~The Office shall deposit all funds received~~
2714 ~~under this paragraph in the General Revenue Fund.~~
2715 (f) A loan administrator shall submit quarterly reports to
2716 Jobs Florida ~~the Office~~ which include the information required
2717 in the grant agreement. A quarterly report must include, at a
2718 minimum, the number of full-time equivalent jobs created as a
2719 result of the loans, the amount of wages paid to employees in
2720 the newly created jobs, and the locations and types of economic
2721 activity undertaken by the borrowers.
2722 (6) All notes, mortgages, security agreements, letters of
2723 credit, or other instruments that are given to secure the
2724 repayment of loans issued in connection with the financing of
2725 any loan under the program, without regard to the status of any
2726 party thereto as a private party, are exempt from taxation by

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2727 the state and its political subdivisions. The exemption granted
2728 in this subsection does not apply to any tax imposed by chapter
2729 220 on interest, income, or profits on debt obligations owned by
2730 corporations.
2731 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
2732 120.536(1) and 120.54 to administer this section. ~~To the extent~~
2733 ~~necessary to expedite implementation of the pilot program, the~~
2734 ~~Office may adopt initial emergency rules for the pilot program~~
2735 ~~in accordance with s. 120.54(4).~~
2736 (8) On June 30 and December 31 of each year, Jobs Florida
2737 ~~beginning in 2009, the Office~~ shall submit a report to the
2738 Governor, the President of the Senate, and the Speaker of the
2739 House of Representatives which describes in detail the use of
2740 the loan funds. The report must include, at a minimum, the
2741 number of businesses receiving loans, the number of full-time
2742 equivalent jobs created as a result of the loans, the amount of
2743 wages paid to employees in the newly created jobs, the locations
2744 and types of economic activity undertaken by the borrowers, the
2745 amounts of loan repayments made to date, and the default rate of
2746 borrowers.
2747 (9) Unexpended balances of appropriations provided for the
2748 loan ~~pilot~~ program shall not revert to the fund from which the
2749 appropriation was made at the end of a fiscal year but shall be
2750 retained in the Economic Development Trust Fund and be carried
2751 forward for expenditure for the ~~pilot~~ program during the
2752 following fiscal year. ~~A loan administrator may not award a new~~
2753 ~~loan or enter into a loan agreement after June 30, 2011.~~
2754 ~~Balances of appropriations provided for the pilot program which~~
2755 ~~remain unexpended as of July 1, 2011, shall revert to the~~

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2756 ~~General Revenue Fund.~~
2757 ~~(10) This section is repealed July 1, 2016, unless reviewed~~
2758 ~~and reenacted by the Legislature before that date.~~
2759 Section 25. Section 288.1082, Florida Statutes, is amended
2760 to read:
2761 288.1082 Economic Gardening Technical Assistance ~~Pilot~~
2762 Program.—
2763 (1) There is created within Jobs Florida ~~The Office of~~
2764 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
2765 Technical Assistance ~~Pilot~~ Program. The purpose of the ~~pilot~~
2766 program is to stimulate investment in Florida's economy by
2767 providing technical assistance for expanding businesses in the
2768 state. ~~As used in this section, the term "Office" means the~~
2769 ~~Office of Tourism, Trade, and Economic Development.~~
2770 (2) Jobs Florida ~~The Office~~ shall contract with one or more
2771 entities to administer the technical assistance ~~pilot~~ program
2772 under this section. Jobs Florida ~~The Office~~ shall award each
2773 contract in accordance with the competitive bidding requirements
2774 in s. 287.057 to an entity that demonstrates the ability to
2775 implement the ~~pilot~~ program on a statewide basis, has an
2776 outreach plan, and has the ability to provide counseling
2777 services, access to technology and information, marketing
2778 services and advice, business management support, and other
2779 similar services. In selecting these entities, Jobs Florida ~~the~~
2780 ~~Office~~ also must consider whether the entities will qualify for
2781 matching funds to provide the technical assistance.
2782 (3) A contracted entity administering the ~~pilot~~ program
2783 shall provide technical assistance for eligible businesses which
2784 includes, but is not limited to:

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2785 (a) Access to free or affordable information services and
2786 consulting services, including information on markets,
2787 customers, and competitors, such as business databases,
2788 geographic information systems, and search engine marketing.
2789 (b) Development of business connections, including
2790 interaction and exchange among business owners and resource
2791 providers, such as trade associations, think tanks, academic
2792 institutions, business roundtables, peer-to-peer learning
2793 sessions, and mentoring programs.
2794 (4)(a) To be eligible for assistance under the ~~pilot~~
2795 program, a business must be a for-profit, privately held,
2796 investment-grade business that employs at least 10 persons but
2797 not more than 50 persons, has maintained its principal place of
2798 business in the state for at least the previous 2 years,
2799 generates at least $1 million but not more than $25 million in
2800 annual revenue, qualifies for the tax refund program for
2801 qualified target industry businesses under s. 288.106, and,
2802 during 3 of the previous 5 years, has increased both its number
2803 of full-time equivalent employees in this state and its gross
2804 revenues.
2805 (b) The ~~A~~ contracted entity administering the ~~pilot~~
2806 program, in selecting the eligible businesses to receive
2807 assistance, shall choose businesses in more than one industry
2808 cluster and, to the maximum extent practicable, shall choose
2809 businesses that are geographically distributed throughout
2810 Florida or are in partnership with businesses that are
2811 geographically distributed throughout Florida.
2812 (5)(a) A business receiving assistance under the ~~pilot~~
2813 program must enter into an agreement with the contracted entity

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2814 administering the program to establish the business's commitment
2815 to participation in the ~~pilot~~ program. The agreement must
2816 require, at a minimum, that the business:
2817 1. Attend a minimum number of meetings between the business
2818 and the contracted entity administering the ~~pilot~~ program.
2819 2. Report job creation data in the manner prescribed by the
2820 contracted entity administering the ~~pilot~~ program.
2821 3. Provide financial data in the manner prescribed by the
2822 contracted entity administering the program.
2823 (b) Jobs Florida ~~The office~~ or the contracted entity
2824 administering the ~~pilot~~ program may prescribe in the agreement
2825 additional reporting requirements that are necessary to track
2826 the progress of the business and monitor the business's
2827 implementation of the assistance. The contracted entity shall
2828 report the information to Jobs Florida ~~the office~~ on a quarterly
2829 basis.
2830 (6) The ~~A~~ contracted entity administering the ~~pilot~~ program
2831 is authorized to promote the general business interests or
2832 industrial interests of the state.
2833 (7) Jobs Florida ~~The Office~~ shall review the progress of
2834 the ~~a~~ contracted entity administering the ~~pilot~~ program at least
2835 once each 6 months and shall determine whether the contracted
2836 entity is meeting its contractual obligations for administering
2837 the ~~pilot~~ program. Jobs Florida ~~The Office~~ may terminate and
2838 rebid a contract if the contracted entity does not meet its
2839 contractual obligations.
2840 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
2841 ~~2009, the Office~~ shall submit a report to the Governor, the
2842 President of the Senate, and the Speaker of the House of

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2843 Representatives which describes in detail the progress of the
2844 ~~pilot~~ program. The report must include, at a minimum, the number
2845 of businesses receiving assistance, the number of full-time
2846 equivalent jobs created as a result of the assistance, if any,
2847 the amount of wages paid to employees in the newly created jobs,
2848 and the locations and types of economic activity undertaken by
2849 the businesses.
2850 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
2851 120.536(1) and 120.54 to administer this section.
2852 Section 26. The Division of Statutory Revision is requested
2853 to rename part VII of chapter 288, Florida Statutes, consisting
2854 of ss. 288.901-288.9415, Florida Statutes, as "Jobs Florida
2855 Partnership, Inc.
2856 Section 27. Section 288.901, Florida Statutes, is amended
2857 to read:
2858 (Substantial rewording of section. See
2859 s. 288.901, F.S., for present text.)
2860 288.901 Jobs Florida Partnership, Inc.—
2861 (1) CREATION.—
2862 (a) There is created a nonprofit corporation, to be known
2863 as "Jobs Florida Partnership, Inc.," which shall be registered,
2864 incorporated, organized, and operated in compliance with chapter
2865 617, and which is not a unit or entity of state government.
2866 (b) However, the Legislature determines it is in the best
2867 interest of the state and reflects the state's public policy
2868 that Jobs Florida Partnership, Inc., operate in the most open
2869 and accessible manner consistent with its public purposes. To
2870 this end, the Legislature specifically declares that Jobs
2871 Florida Partnership, Inc., and its divisions, boards and

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2872 advisory councils, or similar entities created or managed by the
2873 Jobs Florida Partnership, Inc., are subject to the provisions of
2874 chapter 119, relating to public records and those provisions of
2875 chapter 286 relating to public meetings and records.
2876 (c) Additionally, the Legislature determines that it is in
2877 the public interest for the members of the Jobs Florida
2878 Partnership, Inc., board of directors to be subject to the
2879 requirements of ss. 112.3135, 112.3143, and 112.313, excluding
2880 s. 112.313(2), notwithstanding the fact that the board members
2881 are not public officers or employees. For purposes of those
2882 sections, the board members shall be considered to be public
2883 officers or employees. The exemption set forth in s. 212.313(12)
2884 for advisory boards applies to the members of the Jobs Florida
2885 Partnership, Inc., board of directors. Further, each member of
2886 the board of directors who is not otherwise required to file
2887 financial disclosures pursuant to s. 8, Art. II of the State
2888 Constitution or s. 112.3144, shall file disclosure of financial
2889 interests pursuant to s. 112.3145.
2890 (2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter
2891 referred to as the partnership in this part, will act as an
2892 economic-development organization for the state, utilizing
2893 private-sector and public-sector expertise in collaboration with
2894 Jobs Florida to:
2895 (a) Increase private investment in Florida;
2896 (b) Advance international and domestic trade opportunities;
2897 (c) Market the state both as a pro-business location for
2898 new investment and as an unparalleled tourist destination;
2899 (d) Revitalize Florida’s space and aerospace industries,
2900 and promote emerging complementary industries;

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2901 (e) Promote opportunities for minority-owned businesses;
2902 and
2903 (f) Assist and market professional and amateur sport teams
2904 and sporting events in Florida.
2905 (3) PERFORMANCE.—The partnership shall enter into a
2906 performance-based agreement with Jobs Florida, pursuant to s.
2907 20.60, which includes annual measurements of the partnership's
2908 performance.
2909 (4) GOVERNANCE.—The partnership shall be governed by an 11-
2910 member board of directors. The Governor shall serve on the board
2911 as the chair, and shall appoint four other members. Three
2912 members shall be appointed by the President of the Senate, and
2913 three shall be appointed by the Speaker of the House of
2914 Representatives. All appointees are subject to Senate
2915 confirmation.
2916 (a) In making their appointments, the Governor, the
2917 President of the Senate, and the Speaker of the House of
2918 Representatives shall ensure that the composition of the board
2919 of directors reflects the diversity of Florida's business
2920 community and is representative of the economic development
2921 goals in subsection (2). The board must include at least one
2922 director for each of the following areas of expertise:
2923 international business, tourism marketing, the space or
2924 aerospace industry, managing or financing a minority-owned
2925 business, manufacturing, finance and accounting, and sports
2926 marketing.
2927 (b) The Governor, the President of the Senate, and the
2928 Speaker of the House of Representatives also shall consider
2929 appointees who reflect Florida's racial, ethnic, and gender

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2930 diversity, as well as the geographic distribution, of the
2931 population of the state.
2932 (c) Appointed members shall be appointed to 4-year terms,
2933 except that initially, to provide for staggered terms, the
2934 Governor, the President of the Senate, and the Speaker of the
2935 House of Representatives shall each appoint one member to serve
2936 a 2-year term and one member to serve a 3-year term, with the
2937 remaining initial appointees serving 4-year terms. All
2938 subsequent appointments shall be for 4-year terms.
2939 (d) Initial appointments must be made by October 1, 2011,
2940 and be eligible for confirmation at the earliest available
2941 Senate session. Terms end on a September 30.
2942 (e) Any member is eligible for reappointment, except that a
2943 member may not serve more than two terms.
2944 (f) A vacancy on the board of directors shall be filled for
2945 the remainder of the unexpired term. Vacancies on the board
2946 shall be filled by appointment by the Governor, the President of
2947 the Senate, or the Speaker of the House of Representatives,
2948 respectively, depending on who appointed the member whose
2949 vacancy is to be filled or whose term has expired.
2950 (g) Appointed members may be removed by the Governor, the
2951 President of the Senate, or the Speaker of the House of
2952 Representatives, respectively, for cause. Absence from three
2953 consecutive meetings results in automatic removal.
2954 (5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions
2955 of subsection (4), the board of directors may by resolution
2956 appoint up to 10 at-large members to the board from the private
2957 sector, each of whom may serve a term of up to 3 years. At-large
2958 members shall have the powers and duties of other members of the

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2959 board. An at-large member is eligible for reappointment but may
2960 not vote on his or her own reappointment. An at-large member
2961 shall be eligible to fill vacancies occurring among private-
2962 sector appointees under subsection (4). At-large members may
2963 annually provide contributions to the partnership, in an amount
2964 determined by the 11-member board established in subsection (4).
2965 The contributions must be used to defray the partnership's
2966 operating expenses and help meet the required private match to
2967 the state's annual appropriation.
2968 (6) EX OFFICIO BOARD MEMBERS.—
2969 (a) The commissioner of the Department of Jobs Florida
2970 shall be an ex officio, nonvoting member of the board of
2971 directors.
2972 (b) The chair of each advisory council for a division shall
2973 be an ex officio, nonvoting member of the board of directors.
2974 (c) The chair of the advisory council for Space Florida
2975 shall be an ex officio, nonvoting member of the board of
2976 directors.
2977 (7) MEETING.—The board of directors shall biennially elect
2978 one of its members as vice chairperson. The board of directors
2979 shall meet at least four times each year, upon the call of the
2980 chairperson, at the request of the vice chairperson, or at the
2981 request of a majority of the membership. A majority of the total
2982 number of current voting directors shall constitute a quorum.
2983 The board of directors may take official action by a majority
2984 vote of the members present at any meeting at which a quorum is
2985 present.
2986 (8) SERVICE.—Members of the board of directors shall serve
2987 without compensation, but members of Jobs Florida Partnership,

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2988 Inc., and the advisory councils created in s. 288.92, but are
2989 entitled to reimbursement for all reasonable, necessary, and
2990 actual expenses, as determined by the board of directors.
2991 (9) PROHIBITION.—The partnership may not endorse any
2992 candidate for any elected public office or contribute moneys to
2993 the campaign of any such candidate.
2994 Section 28. Section 288.9015, Florida Statutes, is amended
2995 to read:
2996 (Substantial rewording of section. See
2997 s. 288.9015, F.S., for present text.)
2998 288.9015 Powers of the Jobs Florida Partnership, Inc.;
2999 board of directors.—
3000 (1) The partnership shall integrate its efforts in business
3001 recruitment and expansion, job creation, marketing the state for
3002 tourism and sports, and promoting economic opportunities for
3003 minority-owned businesses and promoting economic opportunities
3004 for rural and distressed urban communities with those of the
3005 commissioner of the Department of Jobs Florida, to create an
3006 aggressive, agile, and collaborative effort to reinvigorate the
3007 state's economy.
3008 (2) The partnership's board of directors may:
3009 (a) Secure funding for its programs and activities, and for
3010 its boards from federal, state, local, and private sources and
3011 from fees charged for services and published materials.
3012 (b) Solicit, receive, hold, invest, and administer any
3013 grant, payment, or gift of funds or property and make
3014 expenditures consistent with the powers granted to it.
3015 (c) Make and enter into contracts and other instruments
3016 necessary or convenient for the exercise of its powers and

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3017 functions. A contract executed by the partnership with a person
3018 or organization under which such person or organization agrees
3019 to perform economic development services or similar business-
3020 assistance services on behalf of the partnership or the state
3021 must include provisions requiring a performance report on the
3022 contracted activities and must account for the proper use of
3023 funds provided under the contract, coordinate with other
3024 components of state and local economic development systems, and
3025 avoid duplication of existing state and local services and
3026 activities.
3027 (d) Elect or appoint such officers, employees, and agents
3028 as required for its activities and for its divisions and pay
3029 such persons reasonable compensation.
3030 (e) Carry forward any unexpended state appropriations into
3031 succeeding fiscal years.
3032 (f) Except for the divisions and advisory councils created
3033 in s. 288.92, create and dissolve advisory divisions, working
3034 groups, task forces, or similar organizations, as necessary to
3035 carry out its mission. Members of advisory divisions, working
3036 groups, task forces, or similar organizations created by the
3037 partnership shall serve without compensation, but may be
3038 reimbursed for reasonable, necessary, and actual expenses, as
3039 determined by the partnership’s board of directors.
3040 (g) Sue and be sued, and appear and defend in all actions
3041 and proceedings, in its corporate name to the same extent as a
3042 natural person.
3043 (h) Adopt, use, and alter a common corporate seal for the
3044 partnership and its divisions. Notwithstanding any provision of
3045 chapter 617 to the contrary, this seal is not required to

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3046 contain the words "corporation not for profit."
3047 (i) Adopt, amend, and repeal bylaws, not inconsistent with
3048 the powers granted to it or the articles of incorporation, for
3049 the administration of the partnership's activities and the
3050 exercise of its corporate powers.
3051 (j) Acquire, enjoy, use, and dispose of patents,
3052 copyrights, and trademarks and any licenses, royalties, and
3053 other rights or interests thereunder or therein.
3054 (k) Use the state seal, notwithstanding the provisions of
3055 s. 15.03, when appropriate, for standard corporate identity
3056 applications. Use of the state seal is not intended to replace
3057 use of a corporate seal as provided in this section.
3058 (l) Procure insurance or require bond against any loss in
3059 connection with the property of the partnership and its
3060 divisions, in such amounts and from such insurers as is
3061 necessary or desirable.
3062 (3) The powers granted to the partnership shall be
3063 liberally construed in order that the partnership may pursue and
3064 succeed in its responsibilities under this part.
3065 (4) Under no circumstances may the credit of the State of
3066 Florida be pledged on behalf of the partnership.
3067 (5) In addition to any indemnification available under
3068 chapter 617, the partnership may indemnify, and purchase and
3069 maintain insurance on behalf of, it directors, officers, and
3070 employees of the partnership and its divisions against any
3071 personal liability or accountability by reason of actions taken
3072 while acting within the scope of their authority.
3073 Section 29. Section 288.903, Florida Statutes, is amended
3074 to read:

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3075 (Substantial rewording of section. See
3076 s. 288.903, F.S., for present text.)
3077 288.903 Duties of the Jobs Florida Partnership, Inc.—The
3078 partnership shall have the following duties:
3079 (1) Responsibly and prudently manage all public and private
3080 funds received, and ensure that the use of such funds is in
3081 accordance with all applicable laws, bylaws, or contractual
3082 requirements.
3083 (2) Administer the entities or programs created pursuant to
3084 part IX of this chapter; ss. 288.9622-288.9624; ss. 288.95155
3085 and 288.9519; and chapter 95-429, Laws of Florida, line 1680Y.
3086 (3) Prepare an annual report pursuant to s. 288.906 and an
3087 annual incentives report pursuant to s. 288.907.
3088 (4) Assist Jobs Florida with the development of an annual
3089 and a long-range strategic business blueprint for economic
3090 development.
3091 (5) In coordination with Workforce Florida, Inc., identify
3092 education and training programs that will ensure Florida
3093 businesses have access to a skilled and competent workforce
3094 necessary to compete successfully in the domestic and global
3095 marketplace.
3096 (6) Assist the Office of Property Management within the
3097 Division of Strategic Business Development of Jobs Florida in
3098 managing any state-owned property or assets that are essential
3099 to the activities of its various boards.
3100 Section 30. Section 288.904, Florida Statutes, is amended
3101 to read:
3102 (Substantial rewording of section. See
3103 s. 288.904, F.S., for present text.)

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3104 288.904 Funding for the Jobs Florida Partnership, Inc.;
3105 return on the public's investment.—
3106 (1)(a) The Legislature may annually appropriate to the
3107 partnership a sum of money for its operations, and separate
3108 line-item appropriations for each of the divisions listed in s.
3109 288.92.
3110 (b) The Legislature finds that it is a priority to maximize
3111 private-sector support in operating the partnership and its
3112 divisions, as an endorsement of their value and as an
3113 enhancement of their efforts. Thus, the state appropriations
3114 must be matched with private-sector support equal to at least 35
3115 percent of the state funding.
3116 (c) Private-sector support in operating the partnership and
3117 its divisions includes:
3118 1. Cash given directly to the partnership for its
3119 operations, including contributions from at-large members of the
3120 board of directors;
3121 2. Cash donations from the divisions' advisory councils or
3122 from organizations assisted by the divisions;
3123 3. Cash jointly raised by the partnership and a private
3124 local economic development organization, a group of such
3125 organizations, or a statewide private business organization that
3126 supports collaborative projects;
3127 4. Cash generated by fees charged for products or services
3128 of the partnership and its divisions by sponsorship of events,
3129 missions, programs, and publications; and
3130 5. Copayments, stock, warrants, royalties, or other private
3131 resources dedicated to the partnership or its divisions.
3132 (2)(a) The state's operating investment in the partnership

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3133 and its divisions is the budget contracted by Jobs Florida to
3134 the partnership, less any funding that is directed by the
3135 Legislature to be subcontracted to a specific recipient entity.
3136 (b) The partnership's board of directors shall adopt for
3137 each upcoming fiscal year an operating budget for the
3138 organization, including its divisions, which specifies the
3139 intended uses of the state's operating investment and a plan for
3140 securing private-sector support.
3141 (3) The partnership shall fully comply with the performance
3142 measures, standards, and sanctions in its contract with Jobs
3143 Florida, under s. 20.60. Jobs Florida shall ensure, to the
3144 maximum extent possible, that the contract performance measures
3145 are consistent with performance measures that it is required to
3146 develop and track under performance-based program budgeting. The
3147 contract shall also include performance measures for the
3148 divisions.
3149 (4) The Legislature intends to review the partnership's
3150 performance in achieving the performance goals stated in its
3151 annual agreement with Jobs Florida to determine whether the
3152 public is receiving a positive return on its investment in the
3153 partnership and its divisions. It also is the intent of the
3154 Legislature that the partnership coordinate its operations with
3155 local economic development organizations to maximize the state
3156 and local return on investment to create jobs for Floridians.
3157 (5) As part of the annual report required under s. 288.906,
3158 the partnership shall provide the Legislature with information
3159 quantifying the return on the public's investment as described
3160 in this section each fiscal year.
3161 (6) The partnership, in consultation with the Office of

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3162 Economic and Demographic Research, shall hire an economic
3163 analysis firm to develop the methodology for establishing and
3164 reporting the return on the public's investment and in-kind
3165 contributions as described in this section and shall hire a firm
3166 experienced in survey research to develop, analyze, and report
3167 on the results of the customer-satisfaction survey conducted
3168 pursuant to s. 288.906. The Office of Economic and Demographic
3169 Research shall review and offer feedback on the methodology
3170 before it is implemented.
3171 Section 31. Section 288.905, Florida Statutes, is amended
3172 to read:
3173 (Substantial rewording of section. See
3174 s. 288.905, F.S., for present text.)
3175 288.905 President and employees of the Jobs Florida
3176 Partnership, Inc.—
3177 (1) The partnership's board of directors shall appoint a
3178 president, who shall serve at the pleasure of the Governor. The
3179 board of directors shall establish and adjust the president's
3180 compensation. The president shall also be known as the "commerce
3181 secretary."
3182 (2) The president is the chief administrative and
3183 operational officer of the board of directors and of the
3184 partnership, and shall direct and supervise the administrative
3185 affairs of the board of directors and any divisions, councils,
3186 or boards. The board of directors may delegate to the president
3187 those powers and responsibilities it deems appropriate,
3188 including hiring and management of all staff, except for the
3189 appointment of a president.
3190 (3) No employee of the partnership may receive compensation

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3191 for employment that exceeds the salary paid to the Governor,
3192 unless the board of directors and the employee have executed a
3193 contract that prescribes specific, measurable performance
3194 outcomes for the employee, the satisfaction of which provides
3195 the basis for the award of incentive payments that increase the
3196 employee's total compensation to a level above the salary paid
3197 to the Governor.
3198 Section 32. Section 288.906, Florida Statutes, is amended
3199 to read:
3200 (Substantial rewording of section. See
3201 s. 288.904, F.S., for present text.)
3202 288.906 Annual report of the partnership and its divisions;
3203 audits.—
3204 (1) Before December 1 of each year, the partnership shall
3205 submit to the Governor, the President of the Senate, the Speaker
3206 of the House of Representatives, the Senate Minority Leader, and
3207 the House Minority Leader a complete and detailed report
3208 including, but not limited to:
3209 (a) A description of the operations and accomplishments of
3210 the partnership and its divisions, boards, and advisory councils
3211 or similar entities created by the partnership, and an
3212 identification of any major trends, initiatives, or developments
3213 affecting the performance of any program or activity. The
3214 individual annual reports prepared by each division shall be
3215 included as addenda.
3216 (b) An evaluation of progress toward achieving
3217 organizational goals and specific performance outcomes, both
3218 short-term and long-term, established pursuant this part or
3219 under the agreement with Jobs Florida.

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3220 (c) Methods for implementing and funding the operations of
3221 the partnership and its divisions, including the private-sector
3222 support required under s. 288.904.
3223 (d) A description of the operations and accomplishments of
3224 the partnership and its divisions with respect to aggressively
3225 marketing Florida's rural communities and distressed urban
3226 communities as locations for potential new investment and job
3227 creation, aggressively assisting in the creation, retention, and
3228 expansion of existing businesses and job growth in these
3229 communities, and aggressively assisting these communities in the
3230 identification and development of new economic development
3231 opportunities.
3232 (e) A description and evaluation of the operations and
3233 accomplishments of the partnership and its divisions with
3234 respect to interaction with local and private economic
3235 development organizations, including the identification of each
3236 organization that is a primary partner and any specific programs
3237 or activities that promoted the activities of such organizations
3238 and an identification of any specific programs or activities
3239 that promoted a comprehensive and coordinated approach to
3240 economic development in this state.
3241 (f) An assessment of job creation that directly benefits
3242 participants in the welfare transition program or other programs
3243 designed to put long-term unemployed back to work.
3244 (g) The results of a customer-satisfaction survey of
3245 businesses served. The Partnership shall hire a firm experienced
3246 in survey research to develop, analyze, and report on the
3247 results of the customer-satisfaction survey.
3248 (h) An annual compliance and financial audit of accounts

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3249 and records by an independent certified public accountant at the
3250 end of its most recent fiscal year performed in accordance with
3251 rules adopted by the Auditor General.
3252 (2) The detailed report required by this section shall also
3253 include the information identified in subsection (1), if
3254 applicable, for each division established within the
3255 partnership.
3256 Section 33. Section 288.907, Florida Statutes, is created
3257 to read:
3258 288.907 Annual incentives report.—
3259 (1) In addition to the annual report required under s.
3260 288.906, the partnership, by December 30 of each year, shall
3261 provide the Governor, the President of the Senate, and the
3262 Speaker of the House of Representatives a detailed incentives
3263 report quantifying the economic benefits for each of the
3264 following economic development incentive programs marketed by
3265 the partnership in its recruitment efforts: the Qualified Target
3266 Industry Tax Refund Program, the Quick Action Closing Fund, the
3267 Qualified Defense Contractor and Space Flight Business Tax
3268 Refund Program, the High-Impact Business Performance Grant, the
3269 Capital Investment Tax Credit Program, the Brownfield
3270 Redevelopment Bonus Refunds incentive, and the Economic
3271 Development Transportation grant program.
3272 (a) The annual incentives report must include for each
3273 incentive program:
3274 1. A brief description of the incentive program.
3275 2. The amount of awards granted, by year, since inception.
3276 3. Beginning in 2015, the economic benefits, as defined in
3277 s. 288.005, based on the actual amount of private capital

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3278 invested, actual number of jobs created, and actual wages paid
3279 for incentive agreements completed during the previous 3 years.
3280 4. Beginning in 2015, the report shall also include the
3281 actual amount of private capital invested, actual number of jobs
3282 created, and actual wages paid for incentive agreements
3283 completed during the previous 3 years for each target industry
3284 sector.
3285 (b) For projects completed during the previous state fiscal
3286 year, the report must include:
3287 1. The number of economic development incentive
3288 applications received.
3289 2. The number of recommendations made to Jobs Florida by
3290 the partnership, including the number recommended for approval
3291 and the number recommended for denial.
3292 3. The number of final decisions issued by Jobs Florida for
3293 approval and for denial.
3294 4. The projects for which a tax refund, tax credit, or cash
3295 grant agreement was executed, identifying:
3296 a. The number of jobs committed to be created.
3297 b. The amount of capital investments committed to be made.
3298 c. The annual average wage committed to be paid.
3299 d. The amount of state economic development incentives
3300 committed to the project from each incentive program under the
3301 project's terms of agreement with Jobs Florida.
3302 (c) For economic development projects that received tax
3303 refunds, tax credits, or cash grants under the terms of an
3304 agreement for incentives, the report must identify:
3305 1. The number of jobs actually created.
3306 2. The amount of capital investments actually made.

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3307 3. The annual average wage paid.
3308 (d) For a project receiving economic development incentives
3309 approved by Jobs Florida and receiving federal or local
3310 incentives, the report must include a description of the federal
3311 or local incentives, if available.
3312 (e) The report must state the number of withdrawn or
3313 terminated projects that did not fulfill the terms of their
3314 agreements with Jobs Florida and consequently are not receiving
3315 incentives.
3316 (f) The report must include an analysis of the economic
3317 benefits, as defined in s. 288.005, of tax refunds, tax credits,
3318 or other payments made to projects locating or expanding in
3319 state enterprise zones, rural communities, brownfield areas, or
3320 distressed urban communities.
3321 (g) The report must identify the target industry businesses
3322 and high-impact businesses.
3323 (h) The report must describe the trends relating to
3324 business interest in, and usage of, the various incentives, and
3325 the number of minority-owned or woman-owned businesses receiving
3326 incentives.
3327 (2) The Division of Strategic Business Development within
3328 Jobs Florida shall assist the partnership in the preparation of
3329 the annual incentives report.
3330 Section 34. Section 288.911, Florida Statutes, is amended
3331 to read:
3332 (Substantial rewording of section. See
3333 s. 288.911, F.S., for present text.)
3334 288.911 Creation and implementation of a marketing and
3335 image campaign.—

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3336 (1) The Partnership, with the assistance of its Division of
3337 Tourism Marketing and the private sector, shall create a
3338 marketing campaign to help attract, develop, and retain target
3339 industry businesses and high-impact businesses to this state.
3340 The campaign must be coordinated with any existing economic
3341 development promotion efforts in this state, and shall be
3342 jointly funded from private and public resources.
3343 (2) The message of the campaign shall be to increase
3344 national and international awareness of this state as a state
3345 ideally suited for the successful advancement of businesses
3346 within the state's target industries and high-impact industries.
3347 Marketing strategies shall include development of promotional
3348 materials, Internet and print advertising, public relations and
3349 media placement, trade show attendance at information technology
3350 events, and appropriate follow-up activities. Efforts to promote
3351 this state must include the identification and coordination of
3352 existing clusters of target industry businesses and high-impact
3353 businesses and partnerships with economic development
3354 organizations and private-sector businesses.
3355 Section 35. Section 288.912, Florida Statutes, is created
3356 to read:
3357 288.912 Inventory of communities seeking to recruit
3358 businesses.—By September 30 of each year, a county or
3359 municipality that has a population of at least 25,000 or its
3360 local economic development organization must submit to the Jobs
3361 Florida Partnership, Inc., a brief overview of the strengths,
3362 services, and economic development incentives that its community
3363 offers. The local government or its local economic development
3364 organization also must identify any industries that it is

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3365 encouraging to locate or relocate to its area.
3366 Section 36. Section 288.92, Florida Statutes, is created to
3367 read:
3368 288.92 Divisions and advisory councils of Jobs Florida
3369 Partnership, Inc.—
3370 (1) The partnership shall have the following divisions,
3371 which have distinct responsibilities and complementary missions:
3372 (a) The Division of International Trade and Business
3373 Development;
3374 (b) The Division of Business Retention and Recruitment;
3375 (c) The Division of Tourism Marketing;
3376 (d) The Division of Minority Business Development; and
3377 (e) The Division of Sports Industry Development.
3378 (2)(a) The officers and agents of the divisions shall be
3379 hired and their annual compensation established by the president
3380 of the partnership, as deemed appropriate by the board of
3381 directors, and may be eligible for performance bonuses pursuant
3382 to s. 288.905(3).
3383 (b) The Partnership board of directors may organize the
3384 divisions so that administrative staff and costs are shared and
3385 thus minimized to the greatest extent possible.
3386 (3) Space Florida shall be administratively housed within
3387 the partnership and shall have the authority, powers, and duties
3388 set forth in part II of chapter 331.
3389 (4) Each division shall have an advisory council, comprised
3390 of Florida residents with expertise in each division's
3391 particular responsibilities. The partnership may submit
3392 nominations of persons to serve on each advisory council to the
3393 Governor, who will select the members of each advisory council

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3394 from the lists submitted. Each advisory council shall elect a
3395 member to serve as the chair of the council.
3396 (5) The term for an advisory council member is 4 years. A
3397 member may not serve more than two consecutive terms. The
3398 Governor may remove any member for cause and shall fill all
3399 vacancies that occur.
3400 (6) Advisory council members shall serve without
3401 compensation, but may be reimbursed for all reasonable,
3402 necessary, and actual expenses, as determined by the
3403 partnership's board of directors.
3404 Section 37. Section 288.921, Florida Statutes, is created
3405 to read:
3406 288.921 Division of International Trade and Business
3407 Development; responsibilities; advisory council.—
3408 (1) There is created within the partnership the Division of
3409 International Trade and Business Development.
3410 (2) The division shall be responsible for:
3411 (a) Developing business leads that generate increased
3412 foreign investment in Florida;
3413 (b) Developing programs, such as international trade shows,
3414 that establish viable overseas markets for Florida products and
3415 services;
3416 (c) Facilitating the development and implementation of
3417 strategies to secure financing for exporting Florida products
3418 and services;
3419 (d) Promoting opportunities for international joint-venture
3420 relationships, using the resources of academic, business, and
3421 other institutions;
3422 (e) Coordinating and facilitating trade assistance for

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3423 Florida businesses;
3424 (f) Participating in discussions and planning exercises
3425 with the Florida Seaport Advisory Council, the state Department
3426 of Transportation, and statewide transportation logistics and
3427 intermodal mobility organizations regarding proposed
3428 improvements to Florida's infrastructure to attract and manage
3429 international cargo and commerce.
3430 (3) The division also shall assist the commissioner of Jobs
3431 Florida with administering a grant program for promotion of
3432 international trade.
3433 (a) A county, municipality, economic development council,
3434 or a nonprofit association of businesses organized to assist in
3435 the promotion of international trade may apply for a grant of
3436 state funds for the promotion of international trade.
3437 (b) The division shall review each application for a grant
3438 to promote international trade and annually submit to the
3439 commissioner of Jobs Florida for approval a list of all
3440 recommended applications for the award of grants, arranged in
3441 order of priority.
3442 1. The commissioner of Jobs Florida may allocate grants
3443 only for projects that are approved or for which funds are
3444 appropriated by the Legislature.
3445 2. Projects approved and recommended by the division, which
3446 are not funded by the Legislature, shall be retained on the
3447 project list for the following grant cycle only.
3448 3. All projects that are retained shall be required to
3449 submit such information as may be required by the Department of
3450 Jobs Florida as of the established deadline date of the latest
3451 grant cycle in order to adequately reflect the most current

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3452 status of the project.
3453 (4) The division shall draft and submit an annual report by
3454 October 15 of each year which details the division's activities
3455 during the prior fiscal year and includes any recommendations
3456 for improving current statutes related to international trade
3457 and business development.
3458 (5) A 15-member advisory council shall be appointed,
3459 pursuant to s. 288.92, to make recommendations to the
3460 partnership's board of directors on matters pertaining to
3461 international trade and business development projects for the
3462 division to undertake and staffing of the division.
3463 Section 38. Section 288.922, Florida Statutes, is created
3464 to read:
3465 288.922 Division of Business Retention and Recruitment;
3466 responsibilities; advisory council.—
3467 (1) There is created within the partnership the Division
3468 for Business Retention and Recruitment.
3469 (2) The division shall coordinate with the commissioner of
3470 Jobs Florida and the partnership to generate business leads on
3471 companies interested in relocating to Florida, and on Florida-
3472 based companies interested in expanding or diversifying their
3473 operations within the state.
3474 (3) The division shall draft and submit an annual report by
3475 October 15 that details the division's activities during the
3476 prior fiscal year and includes any recommendations for improving
3477 current statutes related to business retention and recruitment.
3478 (4) A 15-member advisory council shall be appointed,
3479 pursuant to s. 288.92, to make recommendations to the
3480 partnership board of directors on matters pertaining to

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3481 innovative methods of business development and recruitment
3482 efforts, changes to existing economic development incentives or
3483 implementation of new types of incentives, targeted industries
3484 for recruitment or retention, and staffing of the division.
3485 Section 39. Section 288.923, Florida Statutes, is created
3486 to read:
3487 288.923 Division of Tourism Marketing; definitions;
3488 responsibilities; advisory council.—
3489 (1) There is created within the partnership the Division of
3490 Tourism Marketing.
3491 (2) As used in this section, the term:
3492 (a) "Tourism marketing" means any effort exercised to
3493 attract domestic and international visitors from outside the
3494 state to destinations in this state and to stimulate Florida
3495 resident tourism to areas within the state.
3496 (b) "Tourist" means any person who participates in trade or
3497 recreation activities outside the county of his or her permanent
3498 residence or who rents or leases transient living quarters or
3499 accommodations as described in s. 125.0104(3)(a).
3500 (c) "County destination marketing organization" means a
3501 public or private agency that is funded by local option tourist
3502 development tax revenues under s. 125.0104, or local option
3503 convention development tax revenues under s. 212.0305, and is
3504 officially designated by a county commission to market and
3505 promote the area for tourism or convention business or, in any
3506 county that has not levied such taxes, a public or private
3507 agency that is officially designated by the county commission to
3508 market and promote the area for tourism or convention business.
3509 (3) The division's responsibilities and duties include, but

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3510 are not limited to:
3511 (a) Advising the commissioner of Jobs Florida and the
3512 partnership on development of domestic and international tourism
3513 marketing campaigns featuring Florida;
3514 (b) Developing and implementing, in conjunction with its
3515 private partners, an annual tourism marketing campaign that
3516 targets each region of the state, each season of the year, and
3517 traditional as well as new tourist populations; and
3518 (c) Developing a 4-year marketing plan explicitly
3519 explaining how the division intends to:
3520 1. Sustain overall tourism growth in this state;
3521 2. Expand to new or under-represented tourist markets;
3522 3. Solidify traditional and loyal tourist markets;
3523 4. Coordinate efforts with county destination marketing
3524 organizations, other local government marketing groups,
3525 privately owned attractions and destinations, and other private-
3526 sector partners to create a seamless, four-season advertising
3527 campaign for the state and its regions;
3528 5. Develop innovative techniques or promotions to build
3529 repeat visitation by targeted segments of the tourist
3530 population;
3531 6. Consider innovative sources of state funding for tourism
3532 marketing; and
3533 7. Develop and update periodically an emergency response
3534 component to address natural and man-made disasters from a
3535 marketing standpoint.
3536
3537 The plan shall be annual in construction and ongoing in nature.
3538 Any annual revisions of such a plan shall carry forward the

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3539 concepts of the remaining 3-year portion of that plan and
3540 consider a continuum portion to preserve the 4-year time-frame
3541 of the plan. The plan also shall include recommendations for
3542 specific performance standards and measurable outcomes for the
3543 division. The commissioner of Jobs Florida, in consultation with
3544 the partnership's board of directors, shall base the actual
3545 performance metrics on these recommendations.
3546 (d) Drafting and submitting an annual report by October 15
3547 that details the division's activities during the prior fiscal
3548 year, and any recommendations for improving current statutes
3549 related to tourism marketing.
3550 (4) A 15-member advisory council shall be appointed,
3551 pursuant to s. 288.92, to make recommendations to the
3552 partnership's board of directors on matters pertaining to ways
3553 to improve or enhance the state's tourism marketing efforts,
3554 research on tourist populations and trends, innovative tourism
3555 funding proposals, and staffing of the division.
3556 Section 40. Section 288.925, Florida Statutes, is created
3557 to read:
3558 288.925 The Division of Minority Business Investment;
3559 responsibilities; advisory council.—
3560 (1) There is created within the partnership the Division of
3561 Minority Business Development.
3562 (2) The division's primary mission is to assist in the
3563 development and expansion of minority business enterprises by:
3564 (a) Administering the Black Business Loan Program in s.
3565 288.7102 and assisting in the creation of a long-range strategic
3566 policy for that program.
3567 (b) Evaluating the unmet need for capital by minority

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3568 business enterprises in the state and providing a 5-year
3569 projection of the need for capital by minority business
3570 enterprises. The division may contract with an independent
3571 entity to prepare the projection once every 5 years.
3572 (c) Developing strategies to increase financial institution
3573 investment in minority business enterprises.
3574 (d) Advising Jobs Florida and the partnership about the
3575 needs of minority business enterprises.
3576 (e) Creating partnerships among federal, state, and local
3577 governments, private enterprises, and national organizations to
3578 aid in the development and expansion of minority business
3579 enterprises.
3580 (f) Acting as a clearinghouse for information by providing
3581 a network of information resources for minority business
3582 enterprises and facilitating the provision of technical
3583 assistance in communities in which such services are otherwise
3584 underserved.
3585 (g) Aiding the development and expansion of minority
3586 business enterprises by leveraging federal, state, local, and
3587 private funds to be held by the partnership board of directors
3588 for uses pursuant to this section and s. 288.7102.
3589 (h) Marketing services to minority business enterprises,
3590 including the Black Business Loan Program.
3591 (i) Submitting an annual report by October 15 of each year
3592 to the partnership's board of directors which details the
3593 previous fiscal year's activities, including activities of the
3594 black business investment corporations that make the loans to
3595 qualified businesses, pursuant to s. 288.7102, identifiable
3596 trends from the previous fiscal year's loan activity, and any

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3597 recommended changes to the current program.
3598 (3) A 15-member advisory council shall be appointed,
3599 pursuant to s. 288.92, to make recommendations to the
3600 partnership's board of directors on such matters as how to
3601 improve minority business access to capital, recommendations on
3602 how to provide technical assistance and other business resources
3603 to minority-owned businesses, and recommendations on the
3604 staffing of the division. Members of the advisory council must
3605 have experience in business, including financial services,
3606 banking, or economic development. At least one of the appointees
3607 must have experience in venture capitalism.
3608 Section 41. Section 288.1229, Florida Statutes, is
3609 transferred, renumbered as section 288.926, Florida Statutes,
3610 and amended to read:
3611 (Substantial rewording of section. See
3612 s. 288.1229, F.S., for present text.)
3613 288.926 Division of Sports Industry Development;
3614 responsibilities; duties; advisory council.—
3615 (1) There is created within the partnership the Division of
3616 Sports Industry Development.
3617 (2) The division is responsible for:
3618 (a) The promotion and development of professional and
3619 amateur sports industries and related industries for the purpose
3620 of improving the economic presence of these industries in this
3621 state.
3622 (b) The promotion of amateur athletic participation for the
3623 citizens of this state, and the promotion of this state as a
3624 host for national and international amateur athletic
3625 competitions for the purpose of encouraging and increasing the

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3626 direct and ancillary economic benefits of amateur athletic
3627 events and competitions.
3628 (c) The retention of professional sports franchises,
3629 including the spring training operations of Major League
3630 Baseball.
3631 (d) The drafting and submittal of an annual report, due
3632 each October 15, to the partnership, which details the
3633 division's activities for the prior fiscal year and any
3634 recommendations for improving current laws related to sports and
3635 related industries.
3636 (3) The division shall have the following duties:
3637 (a) Developing, fostering, and coordinating services and
3638 programs for amateur sports for all Floridians.
3639 (b) Sponsoring amateur sports workshops, clinics,
3640 conferences, and other similar activities.
3641 (c) Giving recognition to outstanding developments and
3642 achievements in, and contributions to, amateur sports.
3643 (d) Encouraging, supporting, and assisting local
3644 governments and communities in the development of or hosting of
3645 local amateur athletic events and competitions.
3646 (e) Promoting this state as a host for national and
3647 international amateur athletic competitions.
3648 (f) Continuing the amateur sports programs previously
3649 conducted by the Florida Governor's Council on Physical Fitness
3650 and Amateur Sports created under the former s. 14.22.
3651 (g) Encouraging and continuing the use of volunteers in its
3652 amateur sports programs to the maximum extent possible.
3653 (h) Developing, fostering, and coordinating services and
3654 programs designed to encourage the participation of Florida's

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3655 youth in Olympic sports activities and competitions.
3656 (i) Fostering and coordinating services and programs
3657 designed to contribute to the physical fitness of the citizens
3658 of this state.
3659 (j) Developing a statewide program of amateur athletic
3660 competition to be known as the "Sunshine State Games." The
3661 Sunshine State Games shall be patterned after the Summer
3662 Olympics with variations as necessitated by availability of
3663 facilities, equipment, and expertise. The games shall be
3664 designed to encourage the participation of athletes representing
3665 a broad range of age groups, skill levels, and Florida
3666 communities. Participants shall be residents of this state.
3667 Regional competitions shall be held throughout the state, and
3668 the top qualifiers in each sport shall proceed to the final
3669 competitions to be held at a site in the state with the
3670 necessary facilities and equipment for conducting the
3671 competitions.
3672 (4) The Executive Office of the Governor is authorized to
3673 permit the use of property, facilities, and personnel services
3674 of or at any State University System facility or institution by
3675 the division for operating the Sunshine State Games. For the
3676 purposes of this paragraph, personnel services includes full-
3677 time or part-time personnel as well as payroll processing. Any
3678 funds or property held in trust by the Sunshine State Games
3679 Foundation, Inc., and the Florida Governor's Council on Physical
3680 Fitness and Amateur Sports shall revert to the division upon
3681 expiration or cancellation of the contract with the Sunshine
3682 State Games Foundation, Inc., and the Florida Governor's Council
3683 on Physical Fitness and Amateur Sports, to be used for the

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3684 promotion of amateur sports in this state.
3685 (5)(a) A 15-member advisory council shall be appointed,
3686 pursuant to s. 288.92, to make recommendations to the
3687 partnership board of directors on the activities and staffing of
3688 the division.
3689 (b) Applicants for the advisory council must have either a
3690 background in community service in, or financial support of, the
3691 sports industry, professional sports, or organized amateur
3692 athletics. They also should be knowledgeable about or active in
3693 professional or organized amateur sports. Additionally, the
3694 advisory council's membership must be representative of all
3695 geographical regions of the state and reflect the state's ethnic
3696 and gender diversity.
3697 Section 42. Subsection (4) of section 409.942, Florida
3698 Statutes, is amended to read:
3699 409.942 Electronic benefit transfer program.—
3700 ~~(4) Workforce Florida, Inc., through the Agency for~~
3701 ~~Workforce Innovation, shall establish an electronic benefit~~
3702 ~~transfer program for the use and management of education,~~
3703 ~~training, child care, transportation, and other program benefits~~
3704 ~~under its direction. The workforce electronic benefit transfer~~
3705 ~~program shall fulfill all federal and state requirements for~~
3706 ~~Individual Training Accounts, Retention Incentive Training~~
3707 ~~Accounts, Individual Development Accounts, and Individual~~
3708 ~~Services Accounts. The workforce electronic benefit transfer~~
3709 ~~program shall be designed to enable an individual who receives~~
3710 ~~an electronic benefit transfer card under subsection (1) to use~~
3711 ~~that card for purposes of benefits provided under the workforce~~
3712 ~~development system as well. The Department of Children and~~

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3713 ~~Family Services shall assist Workforce Florida, Inc., in~~
3714 ~~developing an electronic benefit transfer program for the~~
3715 ~~workforce development system that is fully compatible with the~~
3716 ~~department's electronic benefit transfer program. The agency~~
3717 ~~shall reimburse the department for all costs incurred in~~
3718 ~~providing such assistance and shall pay all costs for the~~
3719 ~~development of the workforce electronic benefit transfer~~
3720 ~~program.~~
3721 Section 43. Section 411.0102, Florida Statutes, is amended
3722 to read:
3723 411.0102 Child Care Executive Partnership Act; findings and
3724 intent; grant; limitation; rules.—
3725 (1) This section may be cited as the "Child Care Executive
3726 Partnership Act."
3727 (2)(a) The Legislature finds that when private employers
3728 provide onsite child care or provide other child care benefits,
3729 they benefit by improved recruitment and higher retention rates
3730 for employees, lower absenteeism, and improved employee morale.
3731 The Legislature also finds that there are many ways in which
3732 private employers can provide child care assistance to
3733 employees: information and referral, vouchering, employer
3734 contribution to child care programs, and onsite care. Private
3735 employers can offer child care as part of a menu of employee
3736 benefits. The Legislature recognizes that flexible compensation
3737 programs providing a child care option are beneficial to the
3738 private employer through increased productivity, to the private
3739 employee in knowing that his or her children are being cared for
3740 in a safe and nurturing environment, and to the state in more
3741 dollars being available for purchasing power and investment.

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3742 (b) It is the intent of the Legislature to promote
3743 public/private partnerships to ensure that the children of the
3744 state be provided safe and enriching child care at any time, but
3745 especially while parents work to remain self-sufficient. It is
3746 the intent of the Legislature that private employers be
3747 encouraged to participate in the future of this state by
3748 providing employee child care benefits. Further, it is the
3749 intent of the Legislature to encourage private employers to
3750 explore innovative ways to assist employees to obtain quality
3751 child care.
3752 (c) The Legislature further recognizes that many parents
3753 need assistance in paying the full costs of quality child care.
3754 The public and private sectors, by working in partnership, can
3755 promote and improve access to quality child care and early
3756 education for children of working families who need it.
3757 Therefore, a more formal mechanism is necessary to stimulate the
3758 establishment of public-private partnerships. It is the intent
3759 of the Legislature to expand the availability of scholarship
3760 options for working families by providing incentives for
3761 employers to contribute to meeting the needs of their employees'
3762 families through matching public dollars available for child
3763 care.
3764 (3) There is created a body politic and corporate known as
3765 the Child Care Executive Partnership which shall establish and
3766 govern the Child Care Executive Partnership Program. The purpose
3767 of the Child Care Executive Partnership Program is to utilize
3768 state and federal funds as incentives for matching local funds
3769 derived from local governments, employers, charitable
3770 foundations, and other sources so that Florida communities may

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3771 create local flexible partnerships with employers. The Child
3772 Care Executive Partnership Program funds shall be used at the
3773 discretion of local communities to meet the needs of working
3774 parents. A child care purchasing pool shall be developed with
3775 the state, federal, and local funds to provide subsidies to low-
3776 income working parents whose family income does not exceed the
3777 allowable income for any federally subsidized child care program
3778 with a dollar-for-dollar match from employers, local government,
3779 and other matching contributions. The funds used from the child
3780 care purchasing pool must be used to supplement or extend the
3781 use of existing public or private funds.
3782 (4) The Child Care Executive Partnership, staffed by the
3783 Department of Education ~~Agency for Workforce Innovation~~, shall
3784 consist of a representative of the Executive Office of the
3785 Governor and nine members of the corporate or child care
3786 community, appointed by the Governor.
3787 (a) Members shall serve for a period of 4 years, except
3788 that the representative of the Executive Office of the Governor
3789 shall serve at the pleasure of the Governor.
3790 (b) The Child Care Executive Partnership shall be chaired
3791 by a member chosen by a majority vote and shall meet at least
3792 quarterly and at other times upon the call of the chair. The
3793 Child Care Executive Partnership may use any method of
3794 telecommunications to conduct meetings, including establishing a
3795 quorum through telecommunications, only if the public is given
3796 proper notice of a telecommunications meeting and reasonable
3797 access to observe and, when appropriate, participate.
3798 (c) Members shall serve without compensation, but may be
3799 reimbursed for per diem and travel expenses in accordance with

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3800 s. 112.061.
3801 (d) The Child Care Executive Partnership shall have all the
3802 powers and authority, not explicitly prohibited by statute,
3803 necessary to carry out and effectuate the purposes of this
3804 section, as well as the functions, duties, and responsibilities
3805 of the partnership, including, but not limited to, the
3806 following:
3807 1. Assisting in the formulation and coordination of the
3808 state's child care policy.
3809 2. Adopting an official seal.
3810 3. Soliciting, accepting, receiving, investing, and
3811 expending funds from public or private sources.
3812 4. Contracting with public or private entities as
3813 necessary.
3814 5. Approving an annual budget.
3815 6. Carrying forward any unexpended state appropriations
3816 into succeeding fiscal years.
3817 7. Providing a report to the Governor, the Speaker of the
3818 House of Representatives, and the President of the Senate, on or
3819 before December 1 of each year.
3820 (5)(a) The Legislature shall annually determine the amount
3821 of state or federal low-income child care moneys which shall be
3822 used to create Child Care Executive Partnership Program child
3823 care purchasing pools in counties chosen by the Child Care
3824 Executive Partnership, provided that at least two of the
3825 counties have populations of no more than 300,000. The
3826 Legislature shall annually review the effectiveness of the child
3827 care purchasing pool program and reevaluate the percentage of
3828 additional state or federal funds, if any, which ~~that~~ can be

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3829 used for the program's expansion.
3830 (b) To ensure a seamless service delivery and ease of
3831 access for families, an early learning coalition or the
3832 Department of Education ~~Agency for Workforce Innovation~~ shall
3833 administer the child care purchasing pool funds.
3834 (c) The Department of Education ~~Agency for Workforce~~
3835 ~~Innovation~~, in conjunction with the Child Care Executive
3836 Partnership, shall develop procedures for disbursement of funds
3837 through the child care purchasing pools. In order to be
3838 considered for funding, an early learning coalition or the
3839 Department of Education ~~Agency for Workforce Innovation~~ must
3840 commit to:
3841 1. Matching the state purchasing pool funds on a dollar-
3842 for-dollar basis; and
3843 2. Expending only those public funds that ~~which~~ are matched
3844 by employers, local government, and other matching contributors
3845 who contribute to the purchasing pool. Parents shall also pay a
3846 fee, which may not be less than the amount identified in the
3847 early learning coalition's school readiness program sliding fee
3848 scale.
3849 (d) Each early learning coalition shall establish a
3850 community child care task force for each child care purchasing
3851 pool. The task force must be composed of employers, parents,
3852 private child care providers, and one representative from the
3853 local children's services council, if one exists in the area of
3854 the purchasing pool. The early learning coalition is expected to
3855 recruit the task force members from existing child care
3856 councils, commissions, or task forces already operating in the
3857 area of a purchasing pool. A majority of the task force shall

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3858 consist of employers.
3859 (e) Each participating early learning coalition board shall
3860 develop a plan for the use of child care purchasing pool funds.
3861 The plan must show how many children will be served by the
3862 purchasing pool, how many will be new to receiving child care
3863 services, and how the early learning coalition intends to
3864 attract new employers and their employees to the program.
3865 (6) The Department of Education ~~Agency for Workforce~~
3866 ~~Innovation~~ shall adopt any rules necessary for the
3867 implementation and administration of this section.
3868 Section 44. Section 1002.73, Florida Statutes, is amended
3869 to read:
3870 1002.73 Department of Education; powers and duties;
3871 accountability requirements; operational requirements.—
3872 (1) The department shall administer the accountability
3873 requirements and operational requirements of the Voluntary
3874 Prekindergarten Education Program at the state level.
3875 (2) The department shall adopt procedures for its:
3876 (a) Approval of prekindergarten director credentials under
3877 ss. 1002.55 and 1002.57.
3878 (b) Approval of emergent literacy training courses under
3879 ss. 1002.55 and 1002.59.
3880 (c) Administration of the statewide kindergarten screening
3881 and calculation of kindergarten readiness rates under s.
3882 1002.69.
3883 (d) Approval of specialized instructional services
3884 providers under s. 1002.66.
3885 (e) Granting of a private prekindergarten provider’s or
3886 public school’s request for a good cause exemption under s.

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3887 1002.69(7).
3888 (3) The department shall adopt procedures governing the
3889 administration of the Voluntary Prekindergarten Education
3890 Program by the early learning coalitions and school districts
3891 for:
3892 (a) Enrolling children in and determining the eligibility
3893 of children for the Voluntary Prekindergarten Education Program
3894 under s. 1002.53.
3895 (b) Providing parents with profiles of private
3896 prekindergarten providers and public schools under s. 1002.53.
3897 (c) Registering private prekindergarten providers and
3898 public schools to deliver the program under ss. 1002.55,
3899 1002.61, and 1002.63.
3900 (d) Determining the eligibility of private prekindergarten
3901 providers to deliver the program under ss. 1002.55 and 1002.61.
3902 (e) Verifying the compliance of private prekindergarten
3903 providers and public schools and removing providers or schools
3904 from eligibility to deliver the program due to noncompliance or
3905 misconduct as provided in s. 1002.67.
3906 (f) Paying private prekindergarten providers and public
3907 schools under s. 1002.71.
3908 (g) Documenting and certifying student enrollment and
3909 student attendance under s. 1002.71.
3910 (h) Reconciling advance payments in accordance with the
3911 uniform attendance policy under s. 1002.71.
3912 (i) Reenrolling students dismissed by a private
3913 prekindergarten provider or public school for noncompliance with
3914 the provider’s or school district’s attendance policy under s.
3915 1002.71.

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3916 (4) The department shall adopt procedures governing the
3917 administration of the Voluntary Prekindergarten Education
3918 Program by the early learning coalitions and school districts
3919 for:
3920 (a) Approving improvement plans of private prekindergarten
3921 providers and public schools under s. 1002.67.
3922 (b) Placing private prekindergarten providers and public
3923 schools on probation and requiring corrective actions under s.
3924 1002.67.
3925 (c) Removing a private prekindergarten provider or public
3926 school from eligibility to deliver the program due to the
3927 provider's or school's remaining on probation beyond the time
3928 permitted under s. 1002.67.
3929 (d) Enrolling children in and determining the eligibility
3930 of children for the Voluntary Prekindergarten Education Program
3931 under s. 1002.66.
3932 (e) Paying specialized instructional services providers
3933 under s. 1002.66.
3934 (5) The department shall also adopt procedures for the
3935 distribution of funds to early learning coalitions under s.
3936 1002.71.
3937 (6) ~~(3)~~ Except as provided by law, the department may not
3938 impose requirements on a private prekindergarten provider or
3939 public school that does not deliver the Voluntary
3940 Prekindergarten Education Program or receive state funds under
3941 this part.
3942 Section 45. Paragraph (i) of subsection (3) of section
3943 11.45, Florida Statutes, is amended to read:
3944 11.45 Definitions; duties; authorities; reports; rules.—

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3945 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
3946 General may, pursuant to his or her own authority, or at the
3947 direction of the Legislative Auditing Committee, conduct audits
3948 or other engagements as determined appropriate by the Auditor
3949 General of:
3950 (i) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
3951 including any of its boards, advisory committees, or similar
3952 groups created by the Jobs Florida Partnership ~~Enterprise~~
3953 ~~Florida~~, Inc., and programs. The audit report may not reveal the
3954 identity of any person who has anonymously made a donation to
3955 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., pursuant
3956 to this paragraph. The identity of a donor or prospective donor
3957 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., who
3958 desires to remain anonymous and all information identifying such
3959 donor or prospective donor are confidential and exempt from the
3960 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
3961 Constitution. Such anonymity shall be maintained in the
3962 auditor's report.
3963 Section 46. Paragraph (a) of subsection (2) of section
3964 14.2015, Florida Statutes, is amended to read:
3965 14.2015 Office of Tourism, Trade, and Economic Development;
3966 creation; powers and duties.—
3967 (2) The purpose of the Office of Tourism, Trade, and
3968 Economic Development is to assist the Governor in working with
3969 the Legislature, state agencies, business leaders, and economic
3970 development professionals to formulate and implement coherent
3971 and consistent policies and strategies designed to provide
3972 economic opportunities for all Floridians. To accomplish such
3973 purposes, the Office of Tourism, Trade, and Economic Development

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3974 shall:
3975 (a) Contract, notwithstanding the provisions of part I of
3976 chapter 287, with the direct-support organization created under
3977 s. 288.926 ~~s. 288.1229~~ to guide, stimulate, and promote the
3978 sports industry in the state, to promote the participation of
3979 Florida's citizens in amateur athletic competition, and to
3980 promote Florida as a host for national and international amateur
3981 athletic competitions.
3982 Section 47. Paragraph (b) of subsection (2) of section
3983 14.20195, Florida Statutes, is amended to read:
3984 14.20195 Suicide Prevention Coordinating Council; creation;
3985 membership; duties.—There is created within the Statewide Office
3986 for Suicide Prevention a Suicide Prevention Coordinating
3987 Council. The council shall develop strategies for preventing
3988 suicide.
3989 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
3990 shall consist of 28 voting members.
3991 (b) The following state officials or their designees shall
3992 serve on the coordinating council:
3993 1. The Secretary of Elderly Affairs.
3994 2. The State Surgeon General.
3995 3. The Commissioner of Education.
3996 4. The Secretary of Health Care Administration.
3997 5. The Secretary of Juvenile Justice.
3998 6. The Secretary of Corrections.
3999 7. The executive director of the Department of Law
4000 Enforcement.
4001 8. The executive director of the Department of Veterans'
4002 Affairs.

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4003 9. The Secretary of Children and Family Services.
4004 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4005 ~~for Workforce Innovation~~.
4006 Section 48. Section 15.18, Florida Statutes, is amended to
4007 read:
4008 15.18 International and cultural relations.—The Divisions
4009 of Cultural Affairs, Historical Resources, and Library and
4010 Information Services of the Department of State promote programs
4011 having substantial cultural, artistic, and indirect economic
4012 significance that emphasize American creativity. The Secretary
4013 of State, as the head administrator of these divisions, shall
4014 hereafter be known as "Florida's Chief Cultural Officer." As
4015 this officer, the Secretary of State is encouraged to initiate
4016 and develop relationships between the state and foreign cultural
4017 officers, their representatives, and other foreign governmental
4018 officials in order to promote Florida as the center of American
4019 creativity. The Secretary of State shall coordinate
4020 international activities pursuant to this section with the Jobs
4021 Florida Partnership ~~Enterprise Florida~~, Inc., and any other
4022 organization the secretary deems appropriate. For the
4023 accomplishment of this purpose, the Secretary of State shall
4024 have the power and authority to:
4025 (1) Disseminate any information pertaining to the State of
4026 Florida which promotes the state's cultural assets.
4027 (2) Plan and carry out activities designed to cause
4028 improved cultural and governmental programs and exchanges with
4029 foreign countries.
4030 (3) Plan and implement cultural and social activities for
4031 visiting foreign heads of state, diplomats, dignitaries, and

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4032 exchange groups.
4033 (4) Encourage and cooperate with other public and private
4034 organizations or groups in their efforts to promote the cultural
4035 advantages of Florida.
4036 (5) Serve as the liaison with all foreign consular and
4037 ambassadorial corps, as well as international organizations,
4038 that are consistent with the purposes of this section.
4039 (6) Provide, arrange, and make expenditures for the
4040 achievement of any or all of the purposes specified in this
4041 section.
4042 (7) Notwithstanding the provisions of part I of chapter
4043 287, promulgate rules for entering into contracts which are
4044 primarily for promotional services and events, which may include
4045 commodities involving a service. Such rules shall include the
4046 authority to negotiate costs with the offerors of such services
4047 and commodities who have been determined to be qualified on the
4048 basis of technical merit, creative ability, and professional
4049 competency. The rules shall only apply to the expenditure of
4050 funds donated for promotional services and events. Expenditures
4051 of appropriated funds shall be made only in accordance with part
4052 I of chapter 287.
4053 Section 49. Section 15.182, Florida Statutes, is amended to
4054 read:
4055 15.182 International travel by state-funded musical,
4056 cultural, or artistic organizations; notification to Jobs
4057 Florida ~~Office of Tourism, Trade, and Economic Development~~.
4058 (1) If a musical, cultural, or artistic organization that
4059 receives state funding is traveling internationally for a
4060 presentation, performance, or other significant public viewing,

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4061 including an organization associated with a college or
4062 university, such organization shall notify Jobs Florida ~~The~~
4063 ~~Office of Tourism, Trade, and Economic Development~~ of its
4064 intentions to travel, together with the date, time, and location
4065 of each appearance.
4066 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4067 ~~Development~~, in conjunction with the Jobs Florida Partnership
4068 ~~Enterprise Florida~~, Inc., shall act as an intermediary between
4069 performing musical, cultural, and artistic organizations and
4070 Florida businesses to encourage and coordinate joint
4071 undertakings. Such coordination may include, but is not limited
4072 to, encouraging business and industry to sponsor cultural
4073 events, assistance with travel of such organizations, and
4074 coordinating travel schedules of cultural performance groups and
4075 international trade missions.
4076 (3) An organization shall provide the notification to the
4077 Department of State required by this section at least 30 days
4078 before ~~prior to~~ the date the international travel is to commence
4079 or, when an intention to travel internationally is not formed at
4080 least 30 days in advance of the date the travel is to commence,
4081 as soon as feasible after forming such travel intention. The
4082 Department of State shall take an active role in informing such
4083 groups of the responsibility to notify the department of travel
4084 intentions.
4085 Section 50. Paragraph (j) of subsection (1) of section
4086 16.615, Florida Statutes, is amended to read:
4087 16.615 Council on the Social Status of Black Men and Boys.—
4088 (1) The Council on the Social Status of Black Men and Boys
4089 is established within the Department of Legal Affairs and shall

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4090 consist of 19 members appointed as follows:
4091 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4092 ~~for Workforce Innovation~~ or his or her designee.
4093 Section 51. Paragraph (a) of subsection (8) and paragraph
4094 (a) of subsection (9) of section 39.001, Florida Statutes, are
4095 amended to read:
4096 39.001 Purposes and intent; personnel standards and
4097 screening.—
4098 (8) PLAN FOR COMPREHENSIVE APPROACH.—
4099 (a) The office shall develop a state plan for the promotion
4100 of adoption, support of adoptive families, and prevention of
4101 abuse, abandonment, and neglect of children and shall submit the
4102 state plan to the Speaker of the House of Representatives, the
4103 President of the Senate, and the Governor no later than December
4104 31, 2008. The Department of Children and Family Services, the
4105 Department of Corrections, the Department of Education, the
4106 Department of Health, the Department of Juvenile Justice, the
4107 Department of Law Enforcement, and the Agency for Persons with
4108 Disabilities~~, and the Agency for Workforce Innovation~~ shall
4109 participate and fully cooperate in the development of the state
4110 plan at both the state and local levels. Furthermore,
4111 appropriate local agencies and organizations shall be provided
4112 an opportunity to participate in the development of the state
4113 plan at the local level. Appropriate local groups and
4114 organizations shall include, but not be limited to, community
4115 mental health centers; guardian ad litem programs for children
4116 under the circuit court; the school boards of the local school
4117 districts; the Florida local advocacy councils; community-based
4118 care lead agencies; private or public organizations or programs

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4119 with recognized expertise in working with child abuse prevention
4120 programs for children and families; private or public
4121 organizations or programs with recognized expertise in working
4122 with children who are sexually abused, physically abused,
4123 emotionally abused, abandoned, or neglected and with expertise
4124 in working with the families of such children; private or public
4125 programs or organizations with expertise in maternal and infant
4126 health care; multidisciplinary child protection teams; child day
4127 care centers; law enforcement agencies; and the circuit courts,
4128 when guardian ad litem programs are not available in the local
4129 area. The state plan to be provided to the Legislature and the
4130 Governor shall include, as a minimum, the information required
4131 of the various groups in paragraph (b).
4132 (9) FUNDING AND SUBSEQUENT PLANS.—
4133 (a) All budget requests submitted by the office, the
4134 department, the Department of Health, the Department of
4135 Education, the Department of Juvenile Justice, the Department of
4136 Corrections, the Agency for Persons with Disabilities, ~~the~~
4137 ~~Agency for Workforce Innovation,~~ or any other agency to the
4138 Legislature for funding of efforts for the promotion of
4139 adoption, support of adoptive families, and prevention of child
4140 abuse, abandonment, and neglect shall be based on the state plan
4141 developed pursuant to this section.
4142 Section 52. Paragraph (a) of subsection (7) of section
4143 45.031, Florida Statutes, is amended to read:
4144 45.031 Judicial sales procedure.—In any sale of real or
4145 personal property under an order or judgment, the procedures
4146 provided in this section and ss. 45.0315-45.035 may be followed
4147 as an alternative to any other sale procedure if so ordered by

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4148 the court.
4149 (7) DISBURSEMENTS OF PROCEEDS.—
4150 (a) On filing a certificate of title, the clerk shall
4151 disburse the proceeds of the sale in accordance with the order
4152 or final judgment and shall file a report of such disbursements
4153 and serve a copy of it on each party, and on the Department of
4154 Revenue if the department was named as a defendant in the action
4155 or if Jobs Florida or the former Agency for Workforce Innovation
4156 ~~or the former Department of Labor and Employment Security~~ was
4157 named as a defendant while the Department of Revenue was
4158 providing unemployment tax collection services under contract
4159 with Jobs Florida or the former Agency for Workforce Innovation
4160 through an interagency agreement pursuant to s. 443.1316.
4161 Section 53. Paragraph (a) of subsection (4) of section
4162 69.041, Florida Statutes, is amended to read:
4163 69.041 State named party; lien foreclosure, suit to quiet
4164 title.—
4165 (4)(a) The Department of Revenue has the right to
4166 participate in the disbursement of funds remaining in the
4167 registry of the court after distribution pursuant to s.
4168 45.031(7). The department shall participate in accordance with
4169 applicable procedures in any mortgage foreclosure action in
4170 which the department has a duly filed tax warrant, or interests
4171 under a lien arising from a judgment, order, or decree for
4172 support, as defined in s. 409.2554, or interest in an
4173 unemployment compensation tax lien under contract with Jobs
4174 Florida ~~the Agency for Workforce Innovation~~ through an
4175 interagency agreement pursuant to s. 443.1316, against the
4176 subject property and with the same priority, regardless of

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4177 whether a default against the department, Jobs Florida, or the
4178 former Agency for Workforce Innovation, ~~or the former Department~~
4179 ~~of Labor and Employment Security~~ has been entered for failure to
4180 file an answer or other responsive pleading.
4181 Section 54. Subsection (3) of section 112.3135, Florida
4182 Statutes, is amended to read:
4183 112.3135 Restriction on employment of relatives.—
4184 (3) An agency may prescribe regulations authorizing the
4185 temporary employment, in the event of an emergency as defined in
4186 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4187 prohibited by this section.
4188 Section 55. Paragraph (d) of subsection (2) and paragraph
4189 (f) of subsection (5) of section 119.071, Florida Statutes, are
4190 amended to read:
4191 119.071 General exemptions from inspection or copying of
4192 public records.—
4193 (2) AGENCY INVESTIGATIONS.—
4194 (d) Any information revealing surveillance techniques or
4195 procedures or personnel is exempt from s. 119.07(1) and s.
4196 24(a), Art. I of the State Constitution. Any comprehensive
4197 inventory of state and local law enforcement resources compiled
4198 pursuant to part I, chapter 23, and any comprehensive policies
4199 or plans compiled by a criminal justice agency pertaining to the
4200 mobilization, deployment, or tactical operations involved in
4201 responding to an emergency ~~emergencies~~, as defined in s.
4202 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4203 the State Constitution and unavailable for inspection, except by
4204 personnel authorized by a state or local law enforcement agency,
4205 the office of the Governor, the Department of Legal Affairs, the

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4206 Department of Law Enforcement, or the Office of Emergency
4207 Management ~~the Department of Community Affairs~~ as having an
4208 official need for access to the inventory or comprehensive
4209 policies or plans.
4210 (5) OTHER PERSONAL INFORMATION.—
4211 (f) Medical history records and information related to
4212 health or property insurance provided to Jobs Florida ~~the~~
4213 ~~Department of Community Affairs~~, the Florida Housing Finance
4214 Corporation, a county, a municipality, or a local housing
4215 finance agency by an applicant for or a participant in a
4216 federal, state, or local housing assistance program are
4217 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4218 of the State Constitution. Governmental entities or their agents
4219 shall have access to such confidential and exempt records and
4220 information for the purpose of auditing federal, state, or local
4221 housing programs or housing assistance programs. Such
4222 confidential and exempt records and information may be used in
4223 any administrative or judicial proceeding, provided such records
4224 are kept confidential and exempt unless otherwise ordered by a
4225 court.
4226 Section 56. Subsection (10) of section 120.80, Florida
4227 Statutes, is amended to read:
4228 120.80 Exceptions and special requirements; agencies.—
4229 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
4230 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4231 this chapter do not apply to unemployment appeals referees.
4232 (b) Notwithstanding s. 120.54(5), the uniform rules of
4233 procedure do not apply to appeal proceedings conducted under
4234 chapter 443 by the Unemployment Appeals Commission, special

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4235 deputies, or unemployment appeals referees.
4236 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
4237 443 may not be conducted by an administrative law judge assigned
4238 by the division, but instead shall be conducted by the
4239 Unemployment Appeals Commission in unemployment compensation
4240 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4241 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4242 443.141.
4243 Section 57. Subsection (1) of section 125.01045, Florida
4244 Statutes, is amended to read:
4245 125.01045 Prohibition of fees for first responder
4246 services.—
4247 (1) A county may not impose a fee or seek reimbursement for
4248 any costs or expenses that may be incurred for services provided
4249 by a first responder, including costs or expenses related to
4250 personnel, supplies, motor vehicles, or equipment in response to
4251 a motor vehicle accident, except for costs to contain or clean
4252 up hazardous materials in quantities reportable to the Florida
4253 State Warning Point at the Office ~~Division~~ of Emergency
4254 Management, and costs for transportation and treatment provided
4255 by ambulance services licensed pursuant to s. 401.23(4) and (5).
4256 Section 58. Subsection (11) of section 159.803, Florida
4257 Statutes, is amended to read:
4258 159.803 Definitions.—As used in this part, the term:
4259 (11) "Florida First Business project" means any project
4260 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4261 ~~and Economic Development~~ as eligible to receive an allocation
4262 from the Florida First Business allocation pool established
4263 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~

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4264 ~~Trade, and Economic Development~~ may certify those projects
4265 meeting the criteria set forth in s. 288.106(4)(b) or any
4266 project providing a substantial economic benefit to this state.
4267 Section 59. Paragraph (a) of subsection (2) of section
4268 159.8081, Florida Statutes, is amended to read:
4269 159.8081 Manufacturing facility bond pool.—
4270 (2)(a) The first 75 percent of this pool shall be available
4271 on a first come, first served basis, except that 15 percent of
4272 the state volume limitation allocated to this pool shall be
4273 available as provided in paragraph (b). Before ~~Prior to~~ issuing
4274 any written confirmations for the remaining 25 percent of this
4275 pool, the director shall forward all notices of intent to issue
4276 which are received by the division for manufacturing facility
4277 projects to Jobs Florida ~~the Office of Tourism, Trade, and~~
4278 ~~Economic Development~~. Jobs Florida ~~The Office of Tourism, Trade,~~
4279 ~~and Economic Development and the Department of Community Affairs~~
4280 shall decide, after receipt of the notices of intent to issue,
4281 which notices will receive written confirmations. Such decision
4282 shall be communicated in writing by Jobs Florida ~~the Office of~~
4283 ~~Tourism, Trade, and Economic Development~~ to the director within
4284 10 days of receipt of such notices of intent to issue. Jobs
4285 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
4286 ~~in consultation with the Department of Community Affairs,~~ may
4287 develop rules to ensure that allocation of the remaining 25
4288 percent is consistent with the state’s economic development
4289 policy.
4290 Section 60. Section 159.8083, Florida Statutes, is amended
4291 to read:
4292 159.8083 Florida First Business allocation pool.—The

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4293 Florida First Business allocation pool is hereby established.
4294 The Florida First Business allocation pool shall be available
4295 solely to provide written confirmation for private activity
4296 bonds to finance Florida First Business projects certified by
4297 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4298 ~~Development~~ as eligible to receive a written confirmation.
4299 Allocations from such pool shall be awarded statewide pursuant
4300 to procedures specified in s. 159.805, except that the
4301 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
4302 First Business projects that are eligible for a carryforward do
4303 ~~shall~~ not lose their allocation pursuant to s. 159.809(3) on
4304 October 1, or pursuant to s. 159.809(4) on November 16, if they
4305 have applied for and have been granted a carryforward by the
4306 division pursuant to s. 159.81(1). In issuing written
4307 confirmations of allocations for Florida First Business
4308 projects, the division shall use the Florida First Business
4309 allocation pool. If allocation is not available from the Florida
4310 First Business allocation pool, the division shall issue written
4311 confirmations of allocations for Florida First Business projects
4312 pursuant to s. 159.806 or s. 159.807, in such order. For the
4313 purpose of determining priority within a regional allocation
4314 pool or the state allocation pool, notices of intent to issue
4315 bonds for Florida First Business projects to be issued from a
4316 regional allocation pool or the state allocation pool shall be
4317 considered to have been received by the division at the time it
4318 is determined by the division that the Florida First Business
4319 allocation pool is unavailable to issue confirmation for such
4320 Florida First Business project. If the total amount requested in
4321 notices of intent to issue private activity bonds for Florida

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4322 First Business projects exceeds the total amount of the Florida
4323 First Business allocation pool, the director shall forward all
4324 timely notices of intent to issue, which are received by the
4325 division for such projects, to Jobs Florida ~~the Office of~~
4326 ~~Tourism, Trade, and Economic Development~~ which shall render a
4327 decision as to which notices of intent to issue are to receive
4328 written confirmations. Jobs Florida ~~The Office of Tourism,~~
4329 ~~Trade, and Economic Development~~, in consultation with the
4330 division, shall develop rules to ensure that the allocation
4331 provided in such pool is available solely to provide written
4332 confirmations for private activity bonds to finance Florida
4333 First Business projects and that such projects are feasible and
4334 financially solvent.
4335 Section 61. Subsection (10) of section 161.54, Florida
4336 Statutes, is amended to read:
4337 161.54 Definitions.—In construing ss. 161.52-161.58:
4338 (10) "State land planning agency" means Jobs Florida ~~the~~
4339 ~~Department of Community Affairs~~.
4340 Section 62. Section 163.03, Florida Statutes, is amended to
4341 read:
4342 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~
4343 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
4344 ~~of Community Affairs~~ with respect to federal grant-in-aid
4345 programs.—
4346 (1) The commissioner of Jobs Florida, or his or her
4347 designee, ~~Secretary of Community Affairs~~ shall:
4348 (a) Supervise and administer the activities of Jobs Florida
4349 ~~the department~~ and shall advise the Governor, the Cabinet, and
4350 the Legislature with respect to matters affecting community

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4351 affairs and local government and participate in the formulation
4352 of policies which best use ~~utilize~~ the resources of state
4353 government for the benefit of local government.
4354 (b) Render services to local governments by assisting, upon
4355 request, in applying for and securing federal and state funds
4356 and by assisting the Executive Office of the Governor in
4357 coordinating the activities of the state with federal programs
4358 for assistance in and solution of urban problems.
4359 ~~(c) Under the direction of the Governor, administer~~
4360 ~~programs to apply rapidly all available aid to communities~~
4361 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
4362 ~~this purpose, provide liaison with federal agencies and other~~
4363 ~~public and private agencies.~~
4364 (c) ~~(d)~~ When requested, administer programs which will
4365 assist the efforts of local governments in developing mutual and
4366 cooperative solutions to their common problems.
4367 (d) ~~(e)~~ Conduct programs to encourage and promote the
4368 involvement of private enterprise in the solution of urban
4369 problems.
4370 (e) ~~(f)~~ Conduct continuing programs of analysis and
4371 evaluation of local governments and recommend to the Governor
4372 programs and changes in the powers and organization of local
4373 government as may seem necessary to strengthen local
4374 governments.
4375 (f) ~~(g)~~ Assist the Governor and the Cabinet in coordinating
4376 and making more effective the activities and services of those
4377 departments and agencies of the state which may be of service to
4378 units of local government.
4379 (g) ~~(h)~~ Provide consultative services and technical

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4380 assistance to local officials in the fields of housing,
4381 redevelopment and renewal, local public improvement programs,
4382 planning and zoning, and other local programs and collect and
4383 disseminate information pertaining thereto, including
4384 information concerning federal, state, and private assistance
4385 programs and services.
4386 (h) ~~(i)~~ Conduct research and studies, and prepare model
4387 ordinances and codes relating to the areas referred to herein.
4388 (i) ~~(j)~~ Cooperate with other state agencies in the
4389 preparation of statewide plans relating to housing,
4390 redevelopment and renewal, human resources development, local
4391 planning and zoning, transportation and traffic, and other
4392 matters relating to the purposes of this section.
4393 (j) ~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
4394 programs designed to combat juvenile crime, including the making
4395 of contributions to the National Youth Emergency Corps.
4396 (k) ~~(l)~~ Be authorized to accept and disburse funds from all
4397 sources in order to carry out the following programs:
4398 1. Advisory and informational services to local
4399 governments.
4400 2. Community development training under Title VIII of the
4401 Housing Act of 1964.
4402 3. Local planning assistance under s. 701 of the Housing
4403 Act of 1954.
4404 4. Statewide planning assistance under s. 701 of the
4405 Housing Act of 1954.
4406 5. Model cities technical assistance under s. 701 of the
4407 Housing Act of 1954.
4408 (l) ~~(m)~~ Perform such other functions, duties, or

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4409 responsibilities as may be hereafter assigned to him or her by
4410 law.
4411 (2) It is the intent of this section, with respect to
4412 federal grant-in-aid programs, that Jobs Florida ~~the department~~
4413 serve as the agency for disseminating information to local
4414 governments regarding the availability of federal grant-in-aid
4415 assistance to local governments in their efforts to secure
4416 federal grant-in-aid assistance, but only upon the request of
4417 such local governments, and for assisting local governments in
4418 maintaining liaison and communications with federal agencies
4419 concerning federal grant-in-aid programs. Nothing contained
4420 herein shall be construed to require consent, approval, or
4421 authorization from Jobs Florida ~~the department~~ as a condition to
4422 any application for or acceptance of grants-in-aid from the
4423 United States Government.
4424 (3) Jobs Florida ~~The department~~ is authorized to adopt
4425 rules implementing the following grant programs, which rules
4426 shall be consistent with the laws, regulations, or guidelines
4427 governing the grant to Jobs Florida ~~the department~~:
4428 (a) Criminal justice grant programs administered by the
4429 Bureau of Criminal Justice Assistance.
4430 (b) Grants under the federal Outer Continental Shelf
4431 Program administered by the Bureau of Land and Water Management.
4432 (c) Federal housing assistance programs.
4433 (d) Community Services Block Grant programs.
4434 (e) Federal weatherization grant programs.
4435 (f) The ~~Jobs Impact Program of the~~ federal Community
4436 Development Block Grant.
4437 Section 63. Paragraph (d) of subsection (2) and subsection

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4438 (3) of section 163.3178, Florida Statutes, are amended to read:
4439 163.3178 Coastal management.—
4440 (2) Each coastal management element required by s.
4441 163.3177(6)(g) shall be based on studies, surveys, and data; be
4442 consistent with coastal resource plans prepared and adopted
4443 pursuant to general or special law; and contain:
4444 (d) A component which outlines principles for hazard
4445 mitigation and protection of human life against the effects of
4446 natural disaster, including population evacuation, which take
4447 into consideration the capability to safely evacuate the density
4448 of coastal population proposed in the future land use plan
4449 element in the event of an impending natural disaster. The
4450 Office ~~Division~~ of Emergency Management shall manage the update
4451 of the regional hurricane evacuation studies, ensure such
4452 studies are done in a consistent manner, and ensure that the
4453 methodology used for modeling storm surge is that used by the
4454 National Hurricane Center.
4455 (3) Expansions to port harbors, spoil disposal sites,
4456 navigation channels, turning basins, harbor berths, and other
4457 related inwater harbor facilities of ports listed in s.
4458 403.021(9); port transportation facilities and projects listed
4459 in s. 311.07(3)(b); intermodal transportation facilities
4460 identified pursuant to s. 311.09(3); and facilities determined
4461 by Jobs Florida ~~the Department of Community Affairs~~ and
4462 applicable general-purpose local government to be port-related
4463 industrial or commercial projects located within 3 miles of or
4464 in a port master plan area which rely upon the use of port and
4465 intermodal transportation facilities shall not be designated as
4466 developments of regional impact if such expansions, projects, or

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4467 facilities are consistent with comprehensive master plans that
4468 are in compliance with this section.
4469 Section 64. Subsection (14) of section 163.3221, Florida
4470 Statutes, is amended to read:
4471 163.3221 Florida Local Government Development Agreement
4472 Act; definitions.—As used in ss. 163.3220-163.3243:
4473 (14) "State land planning agency" means Jobs Florida ~~the~~
4474 ~~Department of Community Affairs~~.
4475 Section 65. Subsection (10) of section 163.360, Florida
4476 Statutes, is amended to read:
4477 163.360 Community redevelopment plans.—
4478 (10) Notwithstanding any other provisions of this part, if
4479 ~~when~~ the governing body certifies that an area is in need of
4480 redevelopment or rehabilitation as a result of an emergency as
4481 defined in ~~under~~ s. 252.34~~(3)~~, with respect to which the
4482 Governor has certified the need for emergency assistance under
4483 federal law, that area may be certified as a "blighted area,"
4484 and the governing body may approve a community redevelopment
4485 plan and community redevelopment with respect to such area
4486 without regard to the provisions of this section requiring a
4487 general plan for the county or municipality and a public hearing
4488 on the community redevelopment.
4489 Section 66. Subsection (1) of section 166.0446, Florida
4490 Statutes, is amended to read:
4491 166.0446 Prohibition of fees for first responder services.—
4492 (1) A municipality may not impose a fee or seek
4493 reimbursement for any costs or expenses that may be incurred for
4494 services provided by a first responder, including costs or
4495 expenses related to personnel, supplies, motor vehicles, or

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4496 equipment in response to a motor vehicle accident, except for
4497 costs to contain or clean up hazardous materials in quantities
4498 reportable to the Florida State Warning Point at the Office
4499 ~~Division~~ of Emergency Management, and costs for transportation
4500 and treatment provided by ambulance services licensed pursuant
4501 to s. 401.23(4) and (5).
4502 Section 67. Subsection (1) of section 175.021, Florida
4503 Statutes, is amended to read:
4504 175.021 Legislative declaration.—
4505 (1) It is hereby declared by the Legislature that
4506 firefighters~~, as hereinafter defined,~~ perform state and
4507 municipal functions; that it is their duty to extinguish fires,
4508 to protect life, and to protect property at their own risk and
4509 peril; that it is their duty to prevent conflagration and to
4510 continuously instruct school personnel, public officials, and
4511 private citizens in the prevention of fires and firesafety; that
4512 they protect both life and property from local emergencies as
4513 defined in s. 252.34~~(3)~~; and that their activities are vital to
4514 the public safety. It is further declared that firefighters
4515 employed by special fire control districts serve under the same
4516 circumstances and perform the same duties as firefighters
4517 employed by municipalities and should therefore be entitled to
4518 the benefits available under this chapter. Therefore, the
4519 Legislature declares that it is a proper and legitimate state
4520 purpose to provide a uniform retirement system for the benefit
4521 of firefighters ~~as hereinafter defined~~ and intends, in
4522 implementing the provisions of s. 14, Art. X of the State
4523 Constitution as they relate to municipal and special district
4524 firefighters' pension trust fund systems and plans, that such

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4525 retirement systems or plans be managed, administered, operated,
4526 and funded in such manner as to maximize the protection of the
4527 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
4528 of the State Constitution, the Legislature hereby determines and
4529 declares that ~~the provisions of~~ this act fulfill an important
4530 state interest.
4531 Section 68. Paragraph (c) of subsection (4) of section
4532 186.504, Florida Statutes, is amended to read:
4533 186.504 Regional planning councils; creation; membership.—
4534 (4) In addition to voting members appointed pursuant to
4535 paragraph (2)(c), the Governor shall appoint the following ex
4536 officio nonvoting members to each regional planning council:
4537 (c) A representative nominated by Jobs Florida ~~Enterprise~~
4538 ~~Florida, Inc., and the Office of Tourism, Trade, and Economic~~
4539 ~~Development~~.
4540
4541 The Governor may also appoint ex officio nonvoting members
4542 representing appropriate metropolitan planning organizations and
4543 regional water supply authorities.
4544 Section 69. Subsection (11) of section 186.505, Florida
4545 Statutes, is amended to read:
4546 186.505 Regional planning councils; powers and duties.—Any
4547 regional planning council created hereunder shall have the
4548 following powers:
4549 (11) To cooperate, in the exercise of its planning
4550 functions, with federal and state agencies in planning for
4551 emergency management as defined in ~~under~~ s. 252.34~~(4)~~.
4552 Section 70. Paragraph (a) of subsection (1) of section
4553 202.37, Florida Statutes, is amended to read:

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4554 202.37 Special rules for administration of local
4555 communications services tax.—
4556 (1)(a) Except as otherwise provided in this section, all
4557 statutory provisions and administrative rules applicable to the
4558 communications services tax imposed by s. 202.12 apply to any
4559 local communications services tax imposed under s. 202.19, and
4560 the department shall administer, collect, and enforce all taxes
4561 imposed under s. 202.19, including interest and penalties
4562 attributable thereto, in accordance with the same procedures
4563 used in the administration, collection, and enforcement of the
4564 communications services tax imposed by s. 202.12. Audits
4565 performed by the department shall include a determination of the
4566 dealer's compliance with the jurisdictional situsing of its
4567 customers' service addresses and a determination of whether the
4568 rate collected for the local tax pursuant to ss. 202.19 and
4569 202.20 is correct. The person or entity designated by a local
4570 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
4571 provide evidence to the department demonstrating a specific
4572 person's failure to fully or correctly report taxable
4573 communications services sales within the jurisdiction. The
4574 department may request additional information from the designee
4575 to assist in any review. The department shall inform the
4576 designee of what action, if any, the department intends to take
4577 regarding the person.
4578 Section 71. Paragraphs (j) and (p) of subsection (5) of
4579 section 212.08, Florida Statutes, are amended to read:
4580 212.08 Sales, rental, use, consumption, distribution, and
4581 storage tax; specified exemptions.—The sale at retail, the
4582 rental, the use, the consumption, the distribution, and the

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4583 storage to be used or consumed in this state of the following
4584 are hereby specifically exempt from the tax imposed by this
4585 chapter.
4586 (5) EXEMPTIONS; ACCOUNT OF USE.—
4587 (j) *Machinery and equipment used in semiconductor, defense,*
4588 *or space technology production.*—
4589 1.a. Industrial machinery and equipment used in
4590 semiconductor technology facilities certified under subparagraph
4591 5. to manufacture, process, compound, or produce semiconductor
4592 technology products for sale or for use by these facilities are
4593 exempt from the tax imposed by this chapter. For purposes of
4594 this paragraph, industrial machinery and equipment includes
4595 molds, dies, machine tooling, other appurtenances or accessories
4596 to machinery and equipment, testing equipment, test beds,
4597 computers, and software, whether purchased or self-fabricated,
4598 and, if self-fabricated, includes materials and labor for
4599 design, fabrication, and assembly.
4600 b. Industrial machinery and equipment used in defense or
4601 space technology facilities certified under subparagraph 5. to
4602 design, manufacture, assemble, process, compound, or produce
4603 defense technology products or space technology products for
4604 sale or for use by these facilities are exempt from the tax
4605 imposed by this chapter.
4606 2. Building materials purchased for use in manufacturing or
4607 expanding clean rooms in semiconductor-manufacturing facilities
4608 are exempt from the tax imposed by this chapter.
4609 3. In addition to meeting the criteria mandated by
4610 subparagraph 1. or subparagraph 2., a business must be certified
4611 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~

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4612 ~~Development~~ in order to qualify for exemption under this
4613 paragraph.
4614 4. For items purchased tax-exempt pursuant to this
4615 paragraph, possession of a written certification from the
4616 purchaser, certifying the purchaser's entitlement to the
4617 exemption, relieves the seller of the responsibility of
4618 collecting the tax on the sale of such items, and the department
4619 shall look solely to the purchaser for recovery of the tax if it
4620 determines that the purchaser was not entitled to the exemption.
4621 5.a. To be eligible to receive the exemption provided by
4622 subparagraph 1. or subparagraph 2., a qualifying business entity
4623 shall initially apply to the Jobs Florida Partnership ~~Enterprise~~
4624 ~~Florida~~, Inc. The original certification is valid for a period
4625 of 2 years. In lieu of submitting a new application, the
4626 original certification may be renewed biennially by submitting
4627 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4628 ~~Development~~ a statement, certified under oath, that there has
4629 been no material change in the conditions or circumstances
4630 entitling the business entity to the original certification. The
4631 initial application and the certification renewal statement
4632 shall be developed by Jobs Florida ~~the Office of Tourism, Trade,~~
4633 ~~and Economic Development in consultation with Enterprise~~
4634 ~~Florida, Inc~~.
4635 b. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
4636 shall review each submitted initial application and determine
4637 whether or not the application is complete within 5 working
4638 days. Once complete, the Jobs Florida Partnership ~~Enterprise~~
4639 ~~Florida~~, Inc., shall, within 10 working days, evaluate the
4640 application and recommend approval or disapproval to Jobs

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4641 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
4642 c. Upon receipt of the initial application and
4643 recommendation from the Jobs Florida Partnership E~~nterprise~~
4644 ~~Florida~~, Inc., or upon receipt of a certification renewal
4645 statement, Jobs Florida ~~the Office of Tourism, Trade, and~~
4646 ~~Economic Development~~ shall certify within 5 working days those
4647 applicants who are found to meet the requirements of this
4648 section and notify the applicant, the Jobs Florida Partnership
4649 ~~Enterprise Florida~~, Inc., and the department of the original
4650 certification or certification renewal. If Jobs Florida ~~the~~
4651 ~~Office of Tourism, Trade, and Economic Development~~ finds that
4652 the applicant does not meet the requirements, it shall notify
4653 the applicant and the Jobs Florida Partnership ~~Enterprise~~
4654 ~~Florida~~, Inc., within 10 working days that the application for
4655 certification has been denied and the reasons for denial. Jobs
4656 Florida ~~The Office of Tourism, Trade, and Economic Development~~
4657 has final approval authority for certification under this
4658 section.
4659 d. The initial application and certification renewal
4660 statement must indicate, for program evaluation purposes only,
4661 the average number of full-time equivalent employees at the
4662 facility over the preceding calendar year, the average wage and
4663 benefits paid to those employees over the preceding calendar
4664 year, the total investment made in real and tangible personal
4665 property over the preceding calendar year, and the total value
4666 of tax-exempt purchases and taxes exempted during the previous
4667 year. The department shall assist Jobs Florida ~~the Office of~~
4668 ~~Tourism, Trade, and Economic Development~~ in evaluating and
4669 verifying information provided in the application for exemption.

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4670 e. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4671 ~~Development~~ may use the information reported on the initial
4672 application and certification renewal statement for evaluation
4673 purposes only.
4674 6. A business certified to receive this exemption may elect
4675 to designate one or more state universities or community
4676 colleges as recipients of up to 100 percent of the amount of the
4677 exemption. To receive these funds, the institution must agree to
4678 match the funds with equivalent cash, programs, services, or
4679 other in-kind support on a one-to-one basis for research and
4680 development projects requested by the certified business. The
4681 rights to any patents, royalties, or real or intellectual
4682 property must be vested in the business unless otherwise agreed
4683 to by the business and the university or community college.
4684 7. As used in this paragraph, the term:
4685 a. “Semiconductor technology products” means raw
4686 semiconductor wafers or semiconductor thin films that are
4687 transformed into semiconductor memory or logic wafers, including
4688 wafers containing mixed memory and logic circuits; related
4689 assembly and test operations; active-matrix flat panel displays;
4690 semiconductor chips; semiconductor lasers; optoelectronic
4691 elements; and related semiconductor technology products as
4692 determined by Jobs Florida ~~the Office of Tourism, Trade, and~~
4693 ~~Economic Development~~.
4694 b. “Clean rooms” means manufacturing facilities enclosed in
4695 a manner that meets the clean manufacturing requirements
4696 necessary for high-technology semiconductor-manufacturing
4697 environments.
4698 c. “Defense technology products” means products that have a

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4699 military application, including, but not limited to, weapons,
4700 weapons systems, guidance systems, surveillance systems,
4701 communications or information systems, munitions, aircraft,
4702 vessels, or boats, or components thereof, which are intended for
4703 military use and manufactured in performance of a contract with
4704 the United States Department of Defense or the military branch
4705 of a recognized foreign government or a subcontract thereunder
4706 which relates to matters of national defense.
4707 d. “Space technology products” means products that are
4708 specifically designed or manufactured for application in space
4709 activities, including, but not limited to, space launch
4710 vehicles, space flight vehicles, missiles, satellites or
4711 research payloads, avionics, and associated control systems and
4712 processing systems and components of any of the foregoing. The
4713 term does not include products that are designed or manufactured
4714 for general commercial aviation or other uses even though those
4715 products may also serve an incidental use in space applications.
4716 (p) *Community contribution tax credit for donations.*—
4717 1. Authorization.—Persons who are registered with the
4718 department under s. 212.18 to collect or remit sales or use tax
4719 and who make donations to eligible sponsors are eligible for tax
4720 credits against their state sales and use tax liabilities as
4721 provided in this paragraph:
4722 a. The credit shall be computed as 50 percent of the
4723 person’s approved annual community contribution.
4724 b. The credit shall be granted as a refund against state
4725 sales and use taxes reported on returns and remitted in the 12
4726 months preceding the date of application to the department for
4727 the credit as required in sub-subparagraph 3.c. If the annual

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4728 credit is not fully used through such refund because of
4729 insufficient tax payments during the applicable 12-month period,
4730 the unused amount may be included in an application for a refund
4731 made pursuant to sub-subparagraph 3.c. in subsequent years
4732 against the total tax payments made for such year. Carryover
4733 credits may be applied for a 3-year period without regard to any
4734 time limitation that would otherwise apply under s. 215.26.
4735 c. A person may not receive more than $200,000 in annual
4736 tax credits for all approved community contributions made in any
4737 one year.
4738 d. All proposals for the granting of the tax credit require
4739 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
4740 ~~and Economic Development~~.
4741 e. The total amount of tax credits which may be granted for
4742 all programs approved under this paragraph, s. 220.183, and s.
4743 624.5105 is $10.5 million annually for projects that provide
4744 homeownership opportunities for low-income or very-low-income
4745 households as defined in s. 420.9071(19) and (28) and $3.5
4746 million annually for all other projects.
4747 f. A person who is eligible to receive the credit provided
4748 for in this paragraph, s. 220.183, or s. 624.5105 may receive
4749 the credit only under the one section of the person's choice.
4750 2. Eligibility requirements.—
4751 a. A community contribution by a person must be in the
4752 following form:
4753 (I) Cash or other liquid assets;
4754 (II) Real property;
4755 (III) Goods or inventory; or
4756 (IV) Other physical resources as identified by Jobs Florida

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4757 ~~the Office of Tourism, Trade, and Economic Development~~.
4758 b. All community contributions must be reserved exclusively
4759 for use in a project. As used in this sub-subparagraph, the term
4760 "project" means any activity undertaken by an eligible sponsor
4761 which is designed to construct, improve, or substantially
4762 rehabilitate housing that is affordable to low-income or very-
4763 low-income households as defined in s. 420.9071(19) and (28);
4764 designed to provide commercial, industrial, or public resources
4765 and facilities; or designed to improve entrepreneurial and job-
4766 development opportunities for low-income persons. A project may
4767 be the investment necessary to increase access to high-speed
4768 broadband capability in rural communities with enterprise zones,
4769 including projects that result in improvements to communications
4770 assets that are owned by a business. A project may include the
4771 provision of museum educational programs and materials that are
4772 directly related to any project approved between January 1,
4773 1996, and December 31, 1999, and located in an enterprise zone
4774 designated pursuant to s. 290.0065. This paragraph does not
4775 preclude projects that propose to construct or rehabilitate
4776 housing for low-income or very-low-income households on
4777 scattered sites. With respect to housing, contributions may be
4778 used to pay the following eligible low-income and very-low-
4779 income housing-related activities:
4780 (I) Project development impact and management fees for low-
4781 income or very-low-income housing projects;
4782 (II) Down payment and closing costs for eligible persons,
4783 as defined in s. 420.9071(19) and (28);
4784 (III) Administrative costs, including housing counseling
4785 and marketing fees, not to exceed 10 percent of the community

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4786 contribution, directly related to low-income or very-low-income
4787 projects; and
4788 (IV) Removal of liens recorded against residential property
4789 by municipal, county, or special district local governments when
4790 satisfaction of the lien is a necessary precedent to the
4791 transfer of the property to an eligible person, as defined in s.
4792 420.9071(19) and (28), for the purpose of promoting home
4793 ownership. Contributions for lien removal must be received from
4794 a nonrelated third party.
4795 c. The project must be undertaken by an "eligible sponsor,"
4796 which includes:
4797 (I) A community action program;
4798 (II) A nonprofit community-based development organization
4799 whose mission is the provision of housing for low-income or
4800 very-low-income households or increasing entrepreneurial and
4801 job-development opportunities for low-income persons;
4802 (III) A neighborhood housing services corporation;
4803 (IV) A local housing authority created under chapter 421;
4804 (V) A community redevelopment agency created under s.
4805 163.356;
4806 (VI) The Florida Industrial Development Corporation;
4807 (VII) A historic preservation district agency or
4808 organization;
4809 (VIII) A regional workforce board;
4810 (IX) A direct-support organization as provided in s.
4811 1009.983;
4812 (X) An enterprise zone development agency created under s.
4813 290.0056;
4814 (XI) A community-based organization incorporated under

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4815 chapter 617 which is recognized as educational, charitable, or
4816 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
4817 and whose bylaws and articles of incorporation include
4818 affordable housing, economic development, or community
4819 development as the primary mission of the corporation;
4820 (XII) Units of local government;
4821 (XIII) Units of state government; or
4822 (XIV) Any other agency that Jobs Florida ~~the Office of~~
4823 ~~Tourism, Trade, and Economic Development~~ designates by rule.
4824
4825 In no event may a contributing person have a financial interest
4826 in the eligible sponsor.
4827 d. The project must be located in an area designated an
4828 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
4829 ~~s. 20.18(6)~~, unless the project increases access to high-speed
4830 broadband capability for rural communities with enterprise zones
4831 but is physically located outside the designated rural zone
4832 boundaries. Any project designed to construct or rehabilitate
4833 housing for low-income or very-low-income households as defined
4834 in s. 420.9071(19) and (28) is exempt from the area requirement
4835 of this sub-subparagraph.
4836 e.(I) If, during the first 10 business days of the state
4837 fiscal year, eligible tax credit applications for projects that
4838 provide homeownership opportunities for low-income or very-low-
4839 income households as defined in s. 420.9071(19) and (28) are
4840 received for less than the annual tax credits available for
4841 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
4842 ~~Economic Development~~ shall grant tax credits for those
4843 applications and shall grant remaining tax credits on a first-

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4844 come, first-served basis for any subsequent eligible
4845 applications received before the end of the state fiscal year.
4846 If, during the first 10 business days of the state fiscal year,
4847 eligible tax credit applications for projects that provide
4848 homeownership opportunities for low-income or very-low-income
4849 households as defined in s. 420.9071(19) and (28) are received
4850 for more than the annual tax credits available for those
4851 projects, Jobs Florida ~~the office~~ shall grant the tax credits
4852 for those applications as follows:
4853 (A) If tax credit applications submitted for approved
4854 projects of an eligible sponsor do not exceed $200,000 in total,
4855 the credits shall be granted in full if the tax credit
4856 applications are approved.
4857 (B) If tax credit applications submitted for approved
4858 projects of an eligible sponsor exceed $200,000 in total, the
4859 amount of tax credits granted pursuant to sub-sub-sub-
4860 subparagraph (A) shall be subtracted from the amount of
4861 available tax credits, and the remaining credits shall be
4862 granted to each approved tax credit application on a pro rata
4863 basis.
4864 (II) If, during the first 10 business days of the state
4865 fiscal year, eligible tax credit applications for projects other
4866 than those that provide homeownership opportunities for low-
4867 income or very-low-income households as defined in s.
4868 420.9071(19) and (28) are received for less than the annual tax
4869 credits available for those projects, Jobs Florida ~~the office~~
4870 shall grant tax credits for those applications and shall grant
4871 remaining tax credits on a first-come, first-served basis for
4872 any subsequent eligible applications received before the end of

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4873 the state fiscal year. If, during the first 10 business days of
4874 the state fiscal year, eligible tax credit applications for
4875 projects other than those that provide homeownership
4876 opportunities for low-income or very-low-income households as
4877 defined in s. 420.9071(19) and (28) are received for more than
4878 the annual tax credits available for those projects, the office
4879 shall grant the tax credits for those applications on a pro rata
4880 basis.
4881 3. Application requirements.—
4882 a. Any eligible sponsor seeking to participate in this
4883 program must submit a proposal to Jobs Florida ~~the Office of~~
4884 ~~Tourism, Trade, and Economic Development~~ which sets forth the
4885 name of the sponsor, a description of the project, and the area
4886 in which the project is located, together with such supporting
4887 information as is prescribed by rule. The proposal must also
4888 contain a resolution from the local governmental unit in which
4889 the project is located certifying that the project is consistent
4890 with local plans and regulations.
4891 b. Any person seeking to participate in this program must
4892 submit an application for tax credit to Jobs Florida ~~the office~~
4893 which sets forth the name of the sponsor, a description of the
4894 project, and the type, value, and purpose of the contribution.
4895 The sponsor shall verify the terms of the application and
4896 indicate its receipt of the contribution, which verification
4897 must be in writing and accompany the application for tax credit.
4898 The person must submit a separate tax credit application to Jobs
4899 Florida ~~the office~~ for each individual contribution that it
4900 makes to each individual project.
4901 c. Any person who has received notification from Jobs

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4902 Florida ~~the office~~ that a tax credit has been approved must
4903 apply to the department to receive the refund. Application must
4904 be made on the form prescribed for claiming refunds of sales and
4905 use taxes and be accompanied by a copy of the notification. A
4906 person may submit only one application for refund to the
4907 department within any 12-month period.
4908 4. Administration.—
4909 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4910 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
4911 120.54 necessary to administer this paragraph, including rules
4912 for the approval or disapproval of proposals by a person.
4913 b. The decision of Jobs Florida ~~the office~~ must be in
4914 writing, and, if approved, the notification shall state the
4915 maximum credit allowable to the person. Upon approval, Jobs
4916 Florida ~~the office~~ shall transmit a copy of the decision to the
4917 Department of Revenue.
4918 c. Jobs Florida ~~The office~~ shall periodically monitor all
4919 projects in a manner consistent with available resources to
4920 ensure that resources are used in accordance with this
4921 paragraph; however, each project must be reviewed at least once
4922 every 2 years.
4923 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
4924 ~~Department of Community Affairs and~~ the statewide and regional
4925 housing and financial intermediaries, market the availability of
4926 the community contribution tax credit program to community-based
4927 organizations.
4928 5. Expiration.—This paragraph expires June 30, 2015;
4929 however, any accrued credit carryover that is unused on that
4930 date may be used until the expiration of the 3-year carryover

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4931 period for such credit.
4932 Section 72. Paragraph (d) of subsection (1) of section
4933 212.096, Florida Statutes, is amended to read:
4934 212.096 Sales, rental, storage, use tax; enterprise zone
4935 jobs credit against sales tax.—
4936 (1) For the purposes of the credit provided in this
4937 section:
4938 (d) "Job" means a full-time position, as consistent with
4939 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
4940 and the United States Department of Labor for purposes of
4941 unemployment compensation tax administration and employment
4942 estimation resulting directly from a business operation in this
4943 state. This term may not include a temporary construction job
4944 involved with the construction of facilities or any job that has
4945 previously been included in any application for tax credits
4946 under s. 220.181(1). The term also includes employment of an
4947 employee leased from an employee leasing company licensed under
4948 chapter 468 if such employee has been continuously leased to the
4949 employer for an average of at least 36 hours per week for more
4950 than 6 months.
4951
4952 A person shall be deemed to be employed if the person performs
4953 duties in connection with the operations of the business on a
4954 regular, full-time basis, provided the person is performing such
4955 duties for an average of at least 36 hours per week each month.
4956 The person must be performing such duties at a business site
4957 located in the enterprise zone.
4958 Section 73. Paragraphs (a) and (e) of subsection (1) and
4959 subsections (6), (7), and (10) of section 212.097, Florida

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4960 Statutes, are amended to read:
4961 212.097 Urban High-Crime Area Job Tax Credit Program.—
4962 (1) As used in this section, the term:
4963 (a) "Eligible business" means any sole proprietorship,
4964 firm, partnership, or corporation that is located in a qualified
4965 county and is predominantly engaged in, or is headquarters for a
4966 business predominantly engaged in, activities usually provided
4967 for consideration by firms classified within the following
4968 standard industrial classifications: SIC 01-SIC 09 (agriculture,
4969 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
4970 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
4971 storage); SIC 70 (hotels and other lodging places); SIC 7391
4972 (research and development); SIC 781 (motion picture production
4973 and allied services); SIC 7992 (public golf courses); and SIC
4974 7996 (amusement parks). A call center or similar customer
4975 service operation that services a multistate market or
4976 international market is also an eligible business. In addition,
4977 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4978 ~~Development~~ may, as part of its final budget request submitted
4979 pursuant to s. 216.023, recommend additions to or deletions from
4980 the list of standard industrial classifications used to
4981 determine an eligible business, and the Legislature may
4982 implement such recommendations. Excluded from eligible receipts
4983 are receipts from retail sales, except such receipts for SIC 52-
4984 SIC 57 and SIC 59 (retail) hotels and other lodging places
4985 classified in SIC 70, public golf courses in SIC 7992, and
4986 amusement parks in SIC 7996. For purposes of this paragraph, the
4987 term "predominantly" means that more than 50 percent of the
4988 business's gross receipts from all sources is generated by those

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4989 activities usually provided for consideration by firms in the
4990 specified standard industrial classification. The determination
4991 of whether the business is located in a qualified high-crime
4992 area and the tier ranking of that area must be based on the date
4993 of application for the credit under this section. Commonly owned
4994 and controlled entities are to be considered a single business
4995 entity.
4996 (e) "Qualified high-crime area" means an area selected by
4997 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
4998 ~~Development~~ in the following manner: every third year, Jobs
4999 Florida ~~the Office~~ shall rank and tier those areas nominated
5000 under subsection (7), according to the following prioritized
5001 criteria:
5002 1. Highest arrest rates within the geographic area for
5003 violent crime and for such other crimes as drug sale, drug
5004 possession, prostitution, vandalism, and civil disturbances;
5005 2. Highest reported crime volume and rate of specific
5006 property crimes such as business and residential burglary, motor
5007 vehicle theft, and vandalism;
5008 3. Highest percentage of reported index crimes that are
5009 violent in nature;
5010 4. Highest overall index crime volume for the area; and
5011 5. Highest overall index crime rate for the geographic
5012 area.
5013
5014 Tier-one areas are ranked 1 through 5 and represent the highest
5015 crime areas according to this ranking. Tier-two areas are ranked
5016 6 through 10 according to this ranking. Tier-three areas are
5017 ranked 11 through 15. Notwithstanding this definition,

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5018 "qualified high-crime area" also means an area that has been
5019 designated as a federal Empowerment Zone pursuant to the
5020 Taxpayer Relief Act of 1997. Such a designated area is ranked in
5021 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5022 ~~Office of Tourism, Trade, and Economic Development~~.
5023 (6) Any county or municipality, or a county and one or more
5024 municipalities together, may apply to Jobs Florida ~~the Office of~~
5025 ~~Tourism, Trade, and Economic Development~~ for the designation of
5026 an area as a high-crime area after the adoption by the governing
5027 body or bodies of a resolution that:
5028 (a) Finds that a high-crime area exists in such county or
5029 municipality, or in both the county and one or more
5030 municipalities, which chronically exhibits extreme and
5031 unacceptable levels of poverty, unemployment, physical
5032 deterioration, and economic disinvestment;
5033 (b) Determines that the rehabilitation, conservation, or
5034 redevelopment, or a combination thereof, of such a high-crime
5035 area is necessary in the interest of the health, safety, and
5036 welfare of the residents of such county or municipality, or such
5037 county and one or more municipalities; and
5038 (c) Determines that the revitalization of such a high-crime
5039 area can occur if the public sector or private sector can be
5040 induced to invest its own resources in productive enterprises
5041 that build or rebuild the economic viability of the area.
5042 (7) The governing body of the entity nominating the area
5043 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5044 ~~Economic Development~~ the following:
5045 (a) The overall index crime rate for the geographic area;
5046 (b) The overall index crime volume for the area;

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5047 (c) The percentage of reported index crimes that are
5048 violent in nature;
5049 (d) The reported crime volume and rate of specific property
5050 crimes such as business and residential burglary, motor vehicle
5051 theft, and vandalism; and
5052 (e) The arrest rates within the geographic area for violent
5053 crime and for such other crimes as drug sale, drug possession,
5054 prostitution, disorderly conduct, vandalism, and other public-
5055 order offenses.
5056 (10)(a) In order to claim this credit, an eligible business
5057 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5058 ~~Trade, and Economic Development~~ a statement that includes the
5059 name and address of the eligible business and any other
5060 information that is required to process the application.
5061 (b) Applications shall be reviewed and certified pursuant
5062 to s. 288.061.
5063 (c) The maximum credit amount that may be approved during
5064 any calendar year is $5 million, of which $1 million shall be
5065 exclusively reserved for tier-one areas. The Department of
5066 Revenue, in conjunction with Jobs Florida ~~the Office of Tourism,~~
5067 ~~Trade, and Economic Development~~, shall notify the governing
5068 bodies in areas designated as urban high-crime areas when the $5
5069 million maximum amount has been reached. Applications must be
5070 considered for approval in the order in which they are received
5071 without regard to whether the credit is for a new or existing
5072 business. This limitation applies to the value of the credit as
5073 contained in approved applications. Approved credits may be
5074 taken in the time and manner allowed pursuant to this section.
5075 Section 74. Paragraphs (a) and (c) of subsection (1) and

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5076 subsections (6) and (7), of section 212.098, Florida Statutes,
5077 are amended to read:
5078 212.098 Rural Job Tax Credit Program.—
5079 (1) As used in this section, the term:
5080 (a) "Eligible business" means any sole proprietorship,
5081 firm, partnership, or corporation that is located in a qualified
5082 county and is predominantly engaged in, or is headquarters for a
5083 business predominantly engaged in, activities usually provided
5084 for consideration by firms classified within the following
5085 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5086 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5087 (public warehousing and storage); SIC 70 (hotels and other
5088 lodging places); SIC 7391 (research and development); SIC 781
5089 (motion picture production and allied services); SIC 7992
5090 (public golf courses); SIC 7996 (amusement parks); and a
5091 targeted industry eligible for the qualified target industry
5092 business tax refund under s. 288.106. A call center or similar
5093 customer service operation that services a multistate market or
5094 an international market is also an eligible business. In
5095 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5096 ~~Economic Development~~ may, as part of its final budget request
5097 submitted pursuant to s. 216.023, recommend additions to or
5098 deletions from the list of standard industrial classifications
5099 used to determine an eligible business, and the Legislature may
5100 implement such recommendations. Excluded from eligible receipts
5101 are receipts from retail sales, except such receipts for hotels
5102 and other lodging places classified in SIC 70, public golf
5103 courses in SIC 7992, and amusement parks in SIC 7996. For
5104 purposes of this paragraph, the term "predominantly" means that

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5105 more than 50 percent of the business's gross receipts from all
5106 sources is generated by those activities usually provided for
5107 consideration by firms in the specified standard industrial
5108 classification. The determination of whether the business is
5109 located in a qualified county and the tier ranking of that
5110 county must be based on the date of application for the credit
5111 under this section. Commonly owned and controlled entities are
5112 to be considered a single business entity.
5113 (c) "Qualified area" means any area that is contained
5114 within a rural area of critical economic concern designated
5115 under s. 288.0656, a county that has a population of fewer than
5116 75,000 persons, or a county that has a population of 125,000 or
5117 less and is contiguous to a county that has a population of less
5118 than 75,000, selected in the following manner: every third year,
5119 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5120 ~~Development~~ shall rank and tier the state's counties according
5121 to the following four factors:
5122 1. Highest unemployment rate for the most recent 36-month
5123 period.
5124 2. Lowest per capita income for the most recent 36-month
5125 period.
5126 3. Highest percentage of residents whose incomes are below
5127 the poverty level, based upon the most recent data available.
5128 4. Average weekly manufacturing wage, based upon the most
5129 recent data available.
5130 (6)(a) In order to claim this credit, an eligible business
5131 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5132 ~~Trade, and Economic Development~~ a statement that includes the
5133 name and address of the eligible business, the starting salary

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5134 or hourly wages paid to the new employee, and any other
5135 information that the Department of Revenue requires.
5136 (b) Within 30 working days after receipt of an application
5137 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5138 ~~Economic Development~~ shall review the application to determine
5139 whether it contains all the information required by this
5140 subsection and meets the criteria set out in this section.
5141 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5142 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5143 all applications that contain the information required by this
5144 subsection and meet the criteria set out in this section as
5145 eligible to receive a credit.
5146 (c) The maximum credit amount that may be approved during
5147 any calendar year is $5 million. The Department of Revenue, in
5148 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5149 ~~Economic Development~~, shall notify the governing bodies in areas
5150 designated as qualified counties when the $5 million maximum
5151 amount has been reached. Applications must be considered for
5152 approval in the order in which they are received without regard
5153 to whether the credit is for a new or existing business. This
5154 limitation applies to the value of the credit as contained in
5155 approved applications. Approved credits may be taken in the time
5156 and manner allowed pursuant to this section.
5157 (d) A business may not receive more than $500,000 of tax
5158 credits under this section during any one calendar year.
5159 (7) If the application is insufficient to support the
5160 credit authorized in this section, Jobs Florida ~~the Office of~~
5161 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5162 and notify the business of that fact. The business may reapply

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5163 for this credit within 3 months after such notification.
5164 Section 75. Paragraph (d) of subsection (6) of section
5165 212.20, Florida Statutes, is amended to read:
5166 212.20 Funds collected, disposition; additional powers of
5167 department; operational expense; refund of taxes adjudicated
5168 unconstitutionally collected.—
5169 (6) Distribution of all proceeds under this chapter and s.
5170 202.18(1)(b) and (2)(b) shall be as follows:
5171 (d) The proceeds of all other taxes and fees imposed
5172 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
5173 and (2)(b) shall be distributed as follows:
5174 1. In any fiscal year, the greater of $500 million, minus
5175 an amount equal to 4.6 percent of the proceeds of the taxes
5176 collected pursuant to chapter 201, or 5.2 percent of all other
5177 taxes and fees imposed pursuant to this chapter or remitted
5178 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
5179 monthly installments into the General Revenue Fund.
5180 2. After the distribution under subparagraph 1., 8.814
5181 percent of the amount remitted by a sales tax dealer located
5182 within a participating county pursuant to s. 218.61 shall be
5183 transferred into the Local Government Half-cent Sales Tax
5184 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
5185 transferred shall be reduced by 0.1 percent, and the department
5186 shall distribute this amount to the Public Employees Relations
5187 Commission Trust Fund less $5,000 each month, which shall be
5188 added to the amount calculated in subparagraph 3. and
5189 distributed accordingly.
5190 3. After the distribution under subparagraphs 1. and 2.,
5191 0.095 percent shall be transferred to the Local Government Half-

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5192 cent Sales Tax Clearing Trust Fund and distributed pursuant to
5193 s. 218.65.
5194 4. After the distributions under subparagraphs 1., 2., and
5195 3., 2.0440 percent of the available proceeds shall be
5196 transferred monthly to the Revenue Sharing Trust Fund for
5197 Counties pursuant to s. 218.215.
5198 5. After the distributions under subparagraphs 1., 2., and
5199 3., 1.3409 percent of the available proceeds shall be
5200 transferred monthly to the Revenue Sharing Trust Fund for
5201 Municipalities pursuant to s. 218.215. If the total revenue to
5202 be distributed pursuant to this subparagraph is at least as
5203 great as the amount due from the Revenue Sharing Trust Fund for
5204 Municipalities and the former Municipal Financial Assistance
5205 Trust Fund in state fiscal year 1999-2000, no municipality shall
5206 receive less than the amount due from the Revenue Sharing Trust
5207 Fund for Municipalities and the former Municipal Financial
5208 Assistance Trust Fund in state fiscal year 1999-2000. If the
5209 total proceeds to be distributed are less than the amount
5210 received in combination from the Revenue Sharing Trust Fund for
5211 Municipalities and the former Municipal Financial Assistance
5212 Trust Fund in state fiscal year 1999-2000, each municipality
5213 shall receive an amount proportionate to the amount it was due
5214 in state fiscal year 1999-2000.
5215 6. Of the remaining proceeds:
5216 a. In each fiscal year, the sum of $29,915,500 shall be
5217 divided into as many equal parts as there are counties in the
5218 state, and one part shall be distributed to each county. The
5219 distribution among the several counties must begin each fiscal
5220 year on or before January 5th and continue monthly for a total

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5221 of 4 months. If a local or special law required that any moneys
5222 accruing to a county in fiscal year 1999-2000 under the then-
5223 existing provisions of s. 550.135 be paid directly to the
5224 district school board, special district, or a municipal
5225 government, such payment must continue until the local or
5226 special law is amended or repealed. The state covenants with
5227 holders of bonds or other instruments of indebtedness issued by
5228 local governments, special districts, or district school boards
5229 before July 1, 2000, that it is not the intent of this
5230 subparagraph to adversely affect the rights of those holders or
5231 relieve local governments, special districts, or district school
5232 boards of the duty to meet their obligations as a result of
5233 previous pledges or assignments or trusts entered into which
5234 obligated funds received from the distribution to county
5235 governments under then-existing s. 550.135. This distribution
5236 specifically is in lieu of funds distributed under s. 550.135
5237 before July 1, 2000.
5238 b. The department shall distribute $166,667 monthly
5239 pursuant to s. 288.1162 to each applicant certified as a
5240 facility for a new or retained professional sports franchise
5241 pursuant to s. 288.1162. Up to $41,667 shall be distributed
5242 monthly by the department to each certified applicant as defined
5243 in s. 288.11621 for a facility for a spring training franchise.
5244 However, not more than $416,670 may be distributed monthly in
5245 the aggregate to all certified applicants for facilities for
5246 spring training franchises. Distributions begin 60 days after
5247 such certification and continue for not more than 30 years,
5248 except as otherwise provided in s. 288.11621. A certified
5249 applicant identified in this sub-subparagraph may not receive

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5250 more in distributions than expended by the applicant for the
5251 public purposes provided for in s. 288.1162(5) or s.
5252 288.11621(3).
5253 c. Beginning 30 days after notice by Jobs Florida ~~the~~
5254 ~~Office of Tourism, Trade, and Economic Development~~ to the
5255 Department of Revenue that an applicant has been certified as
5256 the professional golf hall of fame pursuant to s. 288.1168 and
5257 is open to the public, $166,667 shall be distributed monthly,
5258 for up to 300 months, to the applicant.
5259 d. Beginning 30 days after notice by Jobs Florida ~~the~~
5260 ~~Office of Tourism, Trade, and Economic Development~~ to the
5261 Department of Revenue that the applicant has been certified as
5262 the International Game Fish Association World Center facility
5263 pursuant to s. 288.1169, and the facility is open to the public,
5264 $83,333 shall be distributed monthly, for up to 168 months, to
5265 the applicant. This distribution is subject to reduction
5266 pursuant to s. 288.1169. A lump sum payment of $999,996 shall be
5267 made, after certification and before July 1, 2000.
5268 7. All other proceeds must remain in the General Revenue
5269 Fund.
5270 Section 76. Subsection (4), paragraph (a) of subsection
5271 (7), paragraphs (k) through (cc) of subsection (8), and
5272 subsections (19), (20), and (21) of section 213.053, Florida
5273 Statutes, as amended by chapter 2010-280, Laws of Florida, are
5274 amended, to read:
5275 213.053 Confidentiality and information sharing.—
5276 (4) The department, while providing unemployment tax
5277 collection services under contract with Jobs Florida ~~the Agency~~
5278 ~~for Workforce Innovation~~ through an interagency agreement

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5279 pursuant to s. 443.1316, may release unemployment tax rate
5280 information to the agent of an employer, which agent provides
5281 payroll services for more than 100 ~~500~~ employers, pursuant to
5282 the terms of a memorandum of understanding. The memorandum of
5283 understanding must state that the agent affirms, subject to the
5284 criminal penalties contained in ss. 443.171 and 443.1715, that
5285 the agent will retain the confidentiality of the information,
5286 that the agent has in effect a power of attorney from the
5287 employer which permits the agent to obtain unemployment tax rate
5288 information, and that the agent shall provide the department
5289 with a copy of the employer's power of attorney upon request.
5290 (7)(a) Any information received by the Department of
5291 Revenue in connection with the administration of taxes,
5292 including, but not limited to, information contained in returns,
5293 reports, accounts, or declarations filed by persons subject to
5294 tax, shall be made available to the following in performance of
5295 their official duties:
5296 1. The Auditor General or his or her authorized agent;
5297 2. The director of the Office of Program Policy Analysis
5298 and Government Accountability or his or her authorized agent;
5299 3. The Chief Financial Officer or his or her authorized
5300 agent;
5301 4. The Director of the Office of Insurance Regulation of
5302 the Financial Services Commission or his or her authorized
5303 agent;
5304 5. A property appraiser or tax collector or their
5305 authorized agents pursuant to s. 195.084(1); ~~or~~
5306 6. Designated employees of the Department of Education
5307 solely for determination of each school district's price level

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5308 index pursuant to s. 1011.62(2); and
5309 7. The commissioner of Jobs Florida or his or her
5310 authorized agent.
5311 (8) Notwithstanding any other provision of this section,
5312 the department may provide:
5313 ~~(k)1. Payment information relative to chapters 199, 201,~~
5314 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
5315 ~~Economic Development, or its employees or agents that are~~
5316 ~~identified in writing by the office to the department, in the~~
5317 ~~administration of the tax refund program for qualified defense~~
5318 ~~contractors and space flight business contractors authorized by~~
5319 ~~s. 288.1045 and the tax refund program for qualified target~~
5320 ~~industry businesses authorized by s. 288.106.~~
5321 ~~2. Information relative to tax credits taken by a business~~
5322 ~~under s. 220.191 and exemptions or tax refunds received by a~~
5323 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
5324 ~~and Economic Development, or its employees or agents that are~~
5325 ~~identified in writing by to the department, in the~~
5326 ~~administration and evaluation of the capital investment tax~~
5327 ~~credit program authorized in s. 220.191 and the semiconductor,~~
5328 ~~defense, and space tax exemption program authorized in s.~~
5329 ~~212.08(5)(j).~~
5330 ~~3. Information relative to tax credits taken by a taxpayer~~
5331 ~~pursuant to the tax credit programs created in ss. 193.017;~~
5332 ~~212.08(5)(g),(h),(n),(o) and (p); 212.08(15); 212.096; 212.097;~~
5333 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
5334 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
5335 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
5336 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~

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5337 ~~the Office of Tourism, Trade, and Economic Development, or its~~
5338 ~~employees or agents that are identified in writing by the office~~
5339 ~~to the department, for use in the administration or evaluation~~
5340 ~~of such programs.~~
5341 (k) ~~(l)~~ Information relative to chapter 212 and the Bill of
5342 Lading Program to the Office of Agriculture Law Enforcement of
5343 the Department of Agriculture and Consumer Services in the
5344 conduct of its official duties.
5345 (l) ~~(m)~~ Information relative to chapter 198 to the Agency
5346 for Health Care Administration in the conduct of its official
5347 business relating to ss. 409.901-409.9101.
5348 (m) ~~(n)~~ Information contained in returns, reports, accounts,
5349 or declarations to the Board of Accountancy in connection with a
5350 disciplinary proceeding conducted pursuant to chapter 473 when
5351 related to a certified public accountant participating in the
5352 certified audits project, or to the court in connection with a
5353 civil proceeding brought by the department relating to a claim
5354 for recovery of taxes due to negligence on the part of a
5355 certified public accountant participating in the certified
5356 audits project. In any judicial proceeding brought by the
5357 department, upon motion for protective order, the court shall
5358 limit disclosure of tax information when necessary to effectuate
5359 the purposes of this section.
5360 (n) ~~(o)~~ Information relative to ss. 376.70 and 376.75 to the
5361 Department of Environmental Protection in the conduct of its
5362 official business and to the facility owner, facility operator,
5363 and real property owners as defined in s. 376.301.
5364 (o) ~~(p)~~ Information relative to ss. 220.1845 and 376.30781
5365 to the Department of Environmental Protection in the conduct of

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5366 its official business.
5367 (p) ~~(q)~~ Names, addresses, and sales tax registration
5368 information to the Division of Consumer Services of the
5369 Department of Agriculture and Consumer Services in the conduct
5370 of its official duties.
5371 (q) ~~(r)~~ Information relative to the returns required by ss.
5372 175.111 and 185.09 to the Department of Management Services in
5373 the conduct of its official duties. The Department of Management
5374 Services is, in turn, authorized to disclose payment information
5375 to a governmental agency or the agency's agent for purposes
5376 related to budget preparation, auditing, revenue or financial
5377 administration, or administration of chapters 175 and 185.
5378 (r) ~~(s)~~ Names, addresses, and federal employer
5379 identification numbers, or similar identifiers, to the
5380 Department of Highway Safety and Motor Vehicles for use in the
5381 conduct of its official duties.
5382 (s) ~~(t)~~ Information relative to the tax exemptions under ss.
5383 212.031, 212.06, and 212.08 for those persons qualified under s.
5384 288.1258 to the Office of Film and Entertainment. The Department
5385 of Revenue shall provide the Office of Film and Entertainment
5386 with information in the aggregate.
5387 (t) ~~(u)~~ Information relative to ss. 211.0251, 212.1831,
5388 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
5389 Education and the Division of Alcoholic Beverages and Tobacco in
5390 the conduct of official business.
5391 (u) ~~(v)~~ Information relative to chapter 202 to each local
5392 government that imposes a tax pursuant to s. 202.19 in the
5393 conduct of its official duties as specified in chapter 202.
5394 Information provided under this paragraph may include, but is

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5395 not limited to, any reports required pursuant to s. 202.231,
5396 audit files, notices of intent to audit, tax returns, and other
5397 confidential tax information in the department's possession
5398 relating to chapter 202. A person or an entity designated by the
5399 local government in writing to the department as requiring
5400 access to confidential taxpayer information shall have
5401 reasonable access to information provided pursuant to this
5402 paragraph. Such person or entity may disclose such information
5403 to other persons or entities with direct responsibility for
5404 budget preparation, auditing, revenue or financial
5405 administration, or legal counsel. Such information shall only be
5406 used for purposes related to budget preparation, auditing, and
5407 revenue and financial administration. Any confidential and
5408 exempt information furnished to a local government, or to any
5409 person or entity designated by the local government as
5410 authorized by this paragraph may not be further disclosed by the
5411 recipient except as provided by this paragraph.
5412 ~~(w) Tax registration information to the Agency for~~
5413 ~~Workforce Innovation for use in the conduct of its official~~
5414 ~~duties, which information may not be redisclosed by the Agency~~
5415 ~~for Workforce Innovation.~~
5416 (v) ~~(x)~~ Rental car surcharge revenues authorized by s.
5417 212.0606, reported according to the county to which the
5418 surcharge was attributed to the Department of Transportation.
5419 (w) ~~(y)~~ Information relative to ss. 212.08(7)(ccc) and
5420 220.192 to the Florida Energy and Climate Commission for use in
5421 the conduct of its official business.
5422 (x) ~~(z)~~ Taxpayer names and identification numbers for the
5423 purposes of information-sharing agreements with financial

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5424 institutions pursuant to s. 213.0532.
5425 (y) ~~(aa)~~ Information relative to chapter 212 to the
5426 Department of Environmental Protection in the conduct of its
5427 official duties in the administration of s. 253.03(7)(b) and
5428 (11).
5429 ~~(bb) Information relative to tax credits taken under s.~~
5430 ~~288.1254 to the Office of Film and Entertainment and the Office~~
5431 ~~of Tourism, Trade, and Economic Development.~~
5432 (z) ~~(cc)~~ Information relative to ss. 253.03(8) and 253.0325
5433 to the Department of Environmental Protection in the conduct of
5434 its official business.
5435
5436 Disclosure of information under this subsection shall be
5437 pursuant to a written agreement between the executive director
5438 and the agency. Such agencies, governmental or nongovernmental,
5439 shall be bound by the same requirements of confidentiality as
5440 the Department of Revenue. Breach of confidentiality is a
5441 misdemeanor of the first degree, punishable as provided by s.
5442 775.082 or s. 775.083.
5443 ~~(19) The department may disclose information relative to~~
5444 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~
5445 ~~Office of Tourism, Trade, and Economic Development or its~~
5446 ~~employees or agents. Such employees must be identified in~~
5447 ~~writing by the office to the department. All information~~
5448 ~~disclosed under this subsection is subject to the same~~
5449 ~~requirements of confidentiality and the same penalties for~~
5450 ~~violation of the requirements as the department.~~
5451 (19) ~~(20)~~ (a) The department may publish a list of taxpayers
5452 against whom the department has filed a warrant, notice of lien,

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5453 or judgment lien certificate. The list may include the name and
5454 address of each taxpayer; the amounts and types of delinquent
5455 taxes, fees, or surcharges, penalties, or interest; and the
5456 employer identification number or other taxpayer identification
5457 number.
5458 (b) The department shall update the list at least monthly
5459 to reflect payments for resolution of deficiencies and to
5460 otherwise add or remove taxpayers from the list.
5461 (c) The department may adopt rules to administer this
5462 subsection.
5463 (20) ~~(21)~~ The department may disclose information relating
5464 to taxpayers against whom the department has filed a warrant,
5465 notice of lien, or judgment lien certificate. Such information
5466 includes the name and address of the taxpayer, the actions
5467 taken, the amounts and types of liabilities, and the amount of
5468 any collections made.
5469 Section 77. Paragraph (j) of subsection (4) of section
5470 215.5586, Florida Statutes, is amended to read:
5471 215.5586 My Safe Florida Home Program.—There is established
5472 within the Department of Financial Services the My Safe Florida
5473 Home Program. The department shall provide fiscal
5474 accountability, contract management, and strategic leadership
5475 for the program, consistent with this section. This section does
5476 not create an entitlement for property owners or obligate the
5477 state in any way to fund the inspection or retrofitting of
5478 residential property in this state. Implementation of this
5479 program is subject to annual legislative appropriations. It is
5480 the intent of the Legislature that the My Safe Florida Home
5481 Program provide trained and certified inspectors to perform

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5482 inspections for owners of site-built, single-family, residential
5483 properties and grants to eligible applicants as funding allows.
5484 The program shall develop and implement a comprehensive and
5485 coordinated approach for hurricane damage mitigation that may
5486 include the following:
5487 (4) ADVISORY COUNCIL.—There is created an advisory council
5488 to provide advice and assistance to the department regarding
5489 administration of the program. The advisory council shall
5490 consist of:
5491 (j) The director of the Office ~~Florida Division~~ of
5492 Emergency Management.
5493
5494 Members appointed under paragraphs (a)-(d) shall serve at the
5495 pleasure of the Financial Services Commission. Members appointed
5496 under paragraphs (e) and (f) shall serve at the pleasure of the
5497 appointing officer. All other members shall serve as voting ex
5498 officio members. Members of the advisory council shall serve
5499 without compensation but may receive reimbursement as provided
5500 in s. 112.061 for per diem and travel expenses incurred in the
5501 performance of their official duties.
5502 Section 78. Paragraph (b) of subsection (8) of section
5503 216.136, Florida Statutes, is amended to read:
5504 216.136 Consensus estimating conferences; duties and
5505 principals.—
5506 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—
5507 (b) The Department of Education ~~Agency for Workforce~~
5508 ~~Innovation~~ shall provide information on needs and waiting lists
5509 for school readiness programs, and information on the needs for
5510 the Voluntary Prekindergarten Education Program, as requested by

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5511 the Early Learning Programs Estimating Conference or individual
5512 conference principals in a timely manner.
5513 Section 79. Paragraph (a) of subsection (6) of section
5514 216.292, Florida Statutes, is amended to read:
5515 216.292 Appropriations nontransferable; exceptions.—
5516 (6) The Chief Financial Officer shall transfer from any
5517 available funds of an agency or the judicial branch the
5518 following amounts and shall report all such transfers and the
5519 reasons therefor to the legislative appropriations committees
5520 and the Executive Office of the Governor:
5521 (a) The amount due to the Unemployment Compensation Trust
5522 Fund which is more than 90 days delinquent on reimbursements due
5523 to the Unemployment Compensation Trust Fund. The amount
5524 transferred shall be that certified by the state agency
5525 providing unemployment tax collection services under contract
5526 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5527 interagency agreement pursuant to s. 443.1316.
5528 Section 80. Subsection (1) of section 216.231, Florida
5529 Statutes, is amended to read:
5530 216.231 Release of certain classified appropriations.—
5531 (1)(a) Any appropriation to the Executive Office of the
5532 Governor which is classified as an ~~"~~emergency~~,"~~ as defined in s.
5533 252.34~~(3)~~, may be released only with the approval of the
5534 Governor. The state agency, or the judicial branch, desiring the
5535 use of the emergency appropriation shall submit to the Executive
5536 Office of the Governor application ~~therefor~~ in writing setting
5537 forth the facts from which the alleged need arises. The
5538 Executive Office of the Governor shall, at a public hearing,
5539 review such application promptly and approve or disapprove the

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5540 applications as the circumstances may warrant. All actions of
5541 the Executive Office of the Governor shall be reported to the
5542 legislative appropriations committees, and the committees may
5543 advise the Executive Office of the Governor relative to the
5544 release of such funds.
5545 (b) The release of appropriated funds classified as
5546 "emergency" shall be approved only if ~~when~~ an act or
5547 circumstance caused by an act of God, civil disturbance, natural
5548 disaster, or other circumstance of an emergency nature
5549 threatens, endangers, or damages the property, safety, health,
5550 or welfare of the state or its residents ~~citizens~~, which
5551 condition has not been provided for in appropriation acts of the
5552 Legislature. Funds allocated for this purpose may be used to pay
5553 overtime pay to personnel of agencies called upon to perform
5554 extra duty because of any civil disturbance or other emergency
5555 as defined in s. 252.34~~(3)~~ and to provide the required state
5556 match for federal grants under the federal Disaster Relief Act.
5557 Section 81. Paragraph (a) of subsection (3) of section
5558 218.64, Florida Statutes, is amended to read:
5559 218.64 Local government half-cent sales tax; uses;
5560 limitations.—
5561 (3) Subject to ordinances enacted by the majority of the
5562 members of the county governing authority and by the majority of
5563 the members of the governing authorities of municipalities
5564 representing at least 50 percent of the municipal population of
5565 such county, counties may use up to $2 million annually of the
5566 local government half-cent sales tax allocated to that county
5567 for funding for any of the following applicants:
5568 (a) A certified applicant as a facility for a new or

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5569 retained professional sports franchise under s. 288.1162 or a
5570 certified applicant as defined in s. 288.11621 for a facility
5571 for a spring training franchise. It is the Legislature's intent
5572 that the provisions of s. 288.1162, including, but not limited
5573 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
5574 ~~Economic Development~~ except for the limitation on the number of
5575 certified applicants or facilities as provided in that section
5576 and the restrictions set forth in s. 288.1162(8), shall apply to
5577 an applicant's facility to be funded by local government as
5578 provided in this subsection.
5579 Section 82. Paragraph (ff) of subsection (1) of section
5580 220.03, Florida Statutes, is amended to read:
5581 220.03 Definitions.—
5582 (1) SPECIFIC TERMS.—When used in this code, and when not
5583 otherwise distinctly expressed or manifestly incompatible with
5584 the intent thereof, the following terms shall have the following
5585 meanings:
5586 (ff) "Job" means a full-time position, as consistent with
5587 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5588 and the United States Department of Labor for purposes of
5589 unemployment compensation tax administration and employment
5590 estimation resulting directly from business operations in this
5591 state. The term may not include a temporary construction job
5592 involved with the construction of facilities or any job that has
5593 previously been included in any application for tax credits
5594 under s. 212.096. The term also includes employment of an
5595 employee leased from an employee leasing company licensed under
5596 chapter 468 if the employee has been continuously leased to the
5597 employer for an average of at least 36 hours per week for more

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5598 than 6 months.
5599 Section 83. Paragraph (d) of subsection (1), paragraphs
5600 (b), (c), and (d) of subsection (2), and subsections (3), and
5601 (4) of section 220.183, Florida Statutes, are amended to read:
5602 220.183 Community contribution tax credit.—
5603 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5604 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
5605 SPENDING.—
5606 (d) All proposals for the granting of the tax credit shall
5607 require the prior approval of Jobs Florida ~~the Office of~~
5608 ~~Tourism, Trade, and Economic Development~~.
5609 (2) ELIGIBILITY REQUIREMENTS.—
5610 (b)1. All community contributions must be reserved
5611 exclusively for use in projects as defined in s. 220.03(1)(t).
5612 2. If, during the first 10 business days of the state
5613 fiscal year, eligible tax credit applications for projects that
5614 provide homeownership opportunities for low-income or very-low-
5615 income households as defined in s. 420.9071(19) and (28) are
5616 received for less than the annual tax credits available for
5617 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5618 ~~Economic Development~~ shall grant tax credits for those
5619 applications and shall grant remaining tax credits on a first-
5620 come, first-served basis for any subsequent eligible
5621 applications received before the end of the state fiscal year.
5622 If, during the first 10 business days of the state fiscal year,
5623 eligible tax credit applications for projects that provide
5624 homeownership opportunities for low-income or very-low-income
5625 households as defined in s. 420.9071(19) and (28) are received
5626 for more than the annual tax credits available for those

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5627 projects, the office shall grant the tax credits for those
5628 applications as follows:
5629 a. If tax credit applications submitted for approved
5630 projects of an eligible sponsor do not exceed $200,000 in total,
5631 the credit shall be granted in full if the tax credit
5632 applications are approved.
5633 b. If tax credit applications submitted for approved
5634 projects of an eligible sponsor exceed $200,000 in total, the
5635 amount of tax credits granted under sub-subparagraph a. shall be
5636 subtracted from the amount of available tax credits, and the
5637 remaining credits shall be granted to each approved tax credit
5638 application on a pro rata basis.
5639 3. If, during the first 10 business days of the state
5640 fiscal year, eligible tax credit applications for projects other
5641 than those that provide homeownership opportunities for low-
5642 income or very-low-income households as defined in s.
5643 420.9071(19) and (28) are received for less than the annual tax
5644 credits available for those projects, the office shall grant tax
5645 credits for those applications and shall grant remaining tax
5646 credits on a first-come, first-served basis for any subsequent
5647 eligible applications received before the end of the state
5648 fiscal year. If, during the first 10 business days of the state
5649 fiscal year, eligible tax credit applications for projects other
5650 than those that provide homeownership opportunities for low-
5651 income or very-low-income households as defined in s.
5652 420.9071(19) and (28) are received for more than the annual tax
5653 credits available for those projects, the office shall grant the
5654 tax credits for those applications on a pro rata basis.
5655 (c) The project must be undertaken by an "eligible

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5656 sponsor," defined here as:
5657 1. A community action program;
5658 2. A nonprofit community-based development organization
5659 whose mission is the provision of housing for low-income or
5660 very-low-income households or increasing entrepreneurial and
5661 job-development opportunities for low-income persons;
5662 3. A neighborhood housing services corporation;
5663 4. A local housing authority, created pursuant to chapter
5664 421;
5665 5. A community redevelopment agency, created pursuant to s.
5666 163.356;
5667 6. The Florida Industrial Development Corporation;
5668 7. An historic preservation district agency or
5669 organization;
5670 8. A regional workforce board;
5671 9. A direct-support organization as provided in s.
5672 1009.983;
5673 10. An enterprise zone development agency created pursuant
5674 to s. 290.0056;
5675 11. A community-based organization incorporated under
5676 chapter 617 which is recognized as educational, charitable, or
5677 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5678 and whose bylaws and articles of incorporation include
5679 affordable housing, economic development, or community
5680 development as the primary mission of the corporation;
5681 12. Units of local government;
5682 13. Units of state government; or
5683 14. Such other agency as Jobs Florida ~~the Office of~~
5684 ~~Tourism, Trade, and Economic Development~~ may, from time to time,

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5685 designate by rule.
5686
5687 In no event shall a contributing business firm have a financial
5688 interest in the eligible sponsor.
5689 (d) The project shall be located in an area designated as
5690 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
5691 ~~to s. 20.18(6)~~. Any project designed to construct or
5692 rehabilitate housing for low-income or very-low-income
5693 households as defined in s. 420.9071(19) and (28) is exempt from
5694 the area requirement of this paragraph. This section does not
5695 preclude projects that propose to construct or rehabilitate
5696 housing for low-income or very-low-income households on
5697 scattered sites. Any project designed to provide increased
5698 access to high-speed broadband capabilities which includes
5699 coverage of a rural enterprise zone may locate the project's
5700 infrastructure in any area of a rural county.
5701 (3) APPLICATION REQUIREMENTS.—
5702 (a) Any eligible sponsor wishing to participate in this
5703 program must submit a proposal to Jobs Florida ~~the Office of~~
5704 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5705 sponsor, the project, the area in which the project is located,
5706 and such supporting information as may be prescribed by rule.
5707 The proposal shall also contain a resolution from the local
5708 governmental unit in which it is located certifying that the
5709 project is consistent with local plans and regulations.
5710 (b) Any business wishing to participate in this program
5711 must submit an application for tax credit to Jobs Florida ~~the~~
5712 ~~Office of Tourism, Trade, and Economic Development~~, which
5713 application sets forth the sponsor; the project; and the type,

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5714 value, and purpose of the contribution. The sponsor shall verify
5715 the terms of the application and indicate its receipt of the
5716 contribution, which verification must be in writing and
5717 accompany the application for tax credit.
5718 (c) The business firm must submit a separate application
5719 for tax credit for each individual contribution that it makes to
5720 each individual project.
5721 (4) ADMINISTRATION.—
5722 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5723 ~~Development~~ has authority to adopt rules pursuant to ss.
5724 120.536(1) and 120.54 to implement the provisions of this
5725 section, including rules for the approval or disapproval of
5726 proposals by business firms.
5727 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
5728 ~~Trade, and Economic Development~~ shall be in writing, and, if
5729 approved, the notification must state the maximum credit
5730 allowable to the business firm. A copy of the decision shall be
5731 transmitted to the executive director of the Department of
5732 Revenue, who shall apply such credit to the tax liability of the
5733 business firm.
5734 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5735 ~~Development~~ shall periodically monitor all projects in a manner
5736 consistent with available resources to ensure that resources are
5737 utilized in accordance with this section; however, each project
5738 shall be reviewed no less often than once every 2 years.
5739 (d) The Department of Revenue has authority to adopt rules
5740 pursuant to ss. 120.536(1) and 120.54 to implement the
5741 provisions of this section.
5742 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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5743 ~~Development~~ shall, in consultation with ~~the Department of~~
5744 ~~Community Affairs,~~ the Florida Housing Finance Corporation~~,~~ and
5745 the statewide and regional housing and financial intermediaries,
5746 market the availability of the community contribution tax credit
5747 program to community-based organizations.
5748 Section 84. Paragraphs (e), (f), (g), and (h) of subsection
5749 (1) and subsections (5) and (6) of section 220.191, Florida
5750 Statutes, are amended to read:
5751 220.191 Capital investment tax credit.—
5752 (1) DEFINITIONS.—For purposes of this section:
5753 (e) "Jobs" means full-time equivalent positions, as that
5754 term is consistent with terms used by Jobs Florida ~~the Agency~~
5755 ~~for Workforce Innovation~~ and the United States Department of
5756 Labor for purposes of unemployment tax administration and
5757 employment estimation, resulting directly from a project in this
5758 state. The term does not include temporary construction jobs
5759 involved in the construction of the project facility.
5760 ~~(f) "Office" means the Office of Tourism, Trade, and~~
5761 ~~Economic Development.~~
5762 (f) ~~(g)~~ "Qualifying business" means a business which
5763 establishes a qualifying project in this state and which is
5764 certified by Jobs Florida ~~the office~~ to receive tax credits
5765 pursuant to this section.
5766 (g) ~~(h)~~ "Qualifying project" means:
5767 1. A new or expanding facility in this state which creates
5768 at least 100 new jobs in this state and is in one of the high-
5769 impact sectors identified by the Jobs Florida Partnership
5770 ~~Enterprise Florida~~, Inc., and certified by Jobs Florida ~~the~~
5771 ~~office~~ pursuant to s. 288.108(6), including, but not limited to,

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5772 aviation, aerospace, automotive, and silicon technology
5773 industries;
5774 2. A new or expanded facility in this state which is
5775 engaged in a target industry designated pursuant to the
5776 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5777 is induced by this credit to create or retain at least 1,000
5778 jobs in this state, provided that at least 100 of those jobs are
5779 new, pay an annual average wage of at least 130 percent of the
5780 average private sector wage in the area as defined in s.
5781 288.106(2), and make a cumulative capital investment of at least
5782 $100 million after July 1, 2005. Jobs may be considered retained
5783 only if there is significant evidence that the loss of jobs is
5784 imminent. Notwithstanding subsection (2), annual credits against
5785 the tax imposed by this chapter shall not exceed 50 percent of
5786 the increased annual corporate income tax liability or the
5787 premium tax liability generated by or arising out of a project
5788 qualifying under this subparagraph. A facility that qualifies
5789 under this subparagraph for an annual credit against the tax
5790 imposed by this chapter may take the tax credit for a period not
5791 to exceed 5 years; or
5792 3. A new or expanded headquarters facility in this state
5793 which locates in an enterprise zone and brownfield area and is
5794 induced by this credit to create at least 1,500 jobs which on
5795 average pay at least 200 percent of the statewide average annual
5796 private sector wage, as published by Jobs Florida ~~the Agency for~~
5797 ~~Workforce Innovation or its successor~~, and which new or expanded
5798 headquarters facility makes a cumulative capital investment in
5799 this state of at least $250 million.
5800 (5) Applications shall be reviewed and certified pursuant

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5801 to s. 288.061. Jobs Florida ~~The office~~, upon a recommendation by
5802 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., shall
5803 first certify a business as eligible to receive tax credits
5804 pursuant to this section prior to the commencement of operations
5805 of a qualifying project, and such certification shall be
5806 transmitted to the Department of Revenue. Upon receipt of the
5807 certification, the Department of Revenue shall enter into a
5808 written agreement with the qualifying business specifying, at a
5809 minimum, the method by which income generated by or arising out
5810 of the qualifying project will be determined.
5811 (6) Jobs Florida ~~The office~~, in consultation with the Jobs
5812 Florida Partnership ~~Enterprise Florida~~, Inc., is authorized to
5813 develop the necessary guidelines and application materials for
5814 the certification process described in subsection (5).
5815 Section 85. Subsection (2) of section 222.15, Florida
5816 Statutes, is amended to read:
5817 222.15 Wages or unemployment compensation payments due
5818 deceased employee may be paid spouse or certain relatives.—
5819 (2) It is also lawful for Jobs Florida ~~the Agency for~~
5820 ~~Workforce Innovation~~, in case of death of any unemployed
5821 individual, to pay to those persons referred to in subsection
5822 (1) any unemployment compensation payments that may be due to
5823 the individual at the time of his or her death.
5824 Section 86. Subsections (3) and (4) of section 250.06,
5825 Florida Statutes, are amended to read:
5826 250.06 Commander in chief.—
5827 (3) The Governor may, in order to preserve the public
5828 peace, execute the laws of the state, suppress insurrection,
5829 repel invasion, respond to an emergency as defined in s.

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5830 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5831 of all or any portion of the militia of this state ~~Florida~~ into
5832 the services of the United States, may increase the Florida
5833 National Guard and organize it in accordance with rules and
5834 regulations governing the Armed Forces of the United States.
5835 Such organization and increase may be pursuant to or in advance
5836 of any call made by the President of the United States. If the
5837 Florida National Guard is activated into service of the United
5838 States, another organization may not be designated as the
5839 Florida National Guard.
5840 (4) The Governor may, in order to preserve the public
5841 peace, execute the laws of the state, enhance domestic security,
5842 respond to terrorist threats or attacks, respond to an emergency
5843 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5844 respond to any need for emergency aid to civil authorities as
5845 specified in s. 250.28, order into state active duty all or any
5846 part of the militia which he or she deems proper.
5847 Section 87. Paragraphs (a) and (b) of subsection (1) of
5848 section 252.32, Florida Statutes, are amended to read:
5849 252.32 Policy and purpose.—
5850 (1) Because of the existing and continuing possibility of
5851 the occurrence of emergencies and disasters resulting from
5852 natural, technological, or manmade causes; in order to ensure
5853 that preparations of this state will be adequate to deal with,
5854 reduce vulnerability to, and recover from such emergencies and
5855 disasters; to provide for the common defense and to protect the
5856 public peace, health, and safety; and to preserve the lives and
5857 property of the people of the state, it is hereby found and
5858 declared to be necessary:

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5859 (a) To create a state emergency management agency to be
5860 known as the "Office ~~Division~~ of Emergency Management," to
5861 authorize the creation of local organizations for emergency
5862 management in the political subdivisions of the state, and to
5863 authorize cooperation with the Federal Government and the
5864 governments of other states.
5865 (b) To confer upon the Governor, the Office ~~Division~~ of
5866 Emergency Management, and the governing body of each political
5867 subdivision of the state the emergency powers provided herein.
5868 Section 88. Section 252.34, Florida Statutes, is amended to
5869 read:
5870 252.34 Definitions.~~—~~As used in this part ~~ss. 252.31-252.60~~,
5871 the term:
5872 (1) "Disaster" means any natural, technological, or civil
5873 emergency that causes damage of sufficient severity and
5874 magnitude to result in a declaration of a state of emergency by
5875 a county, the Governor, or the President of the United States.
5876 Disasters are ~~shall be~~ identified by the severity of resulting
5877 damage, as follows:
5878 (a) "Catastrophic disaster" means a disaster that will
5879 require massive state and federal assistance, including
5880 immediate military involvement.
5881 (b) "Major disaster" means a disaster that will likely
5882 exceed local capabilities and require a broad range of state and
5883 federal assistance.
5884 (c) "Minor disaster" means a disaster that is likely to be
5885 within the response capabilities of local government and to
5886 result in only a minimal need for state or federal assistance.
5887 ~~(2) "Division" means the Division of Emergency Management~~

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5888 ~~of the Department of Community Affairs, or the successor to that~~
5889 ~~division.~~
5890 (2) ~~(3)~~ "Emergency" means any occurrence, or threat thereof,
5891 whether natural, technological, or manmade, in war or in peace,
5892 which results or may result in substantial injury or harm to the
5893 population or substantial damage to or loss of property.
5894 (3) ~~(4)~~ "Emergency management" means the preparation for,
5895 the mitigation of, the response to, and the recovery from
5896 emergencies and disasters. Specific emergency management
5897 responsibilities include, but are not limited to:
5898 (a) Reduction of vulnerability of people and communities of
5899 this state to damage, injury, and loss of life and property
5900 resulting from natural, technological, or manmade emergencies or
5901 hostile military or paramilitary action.
5902 (b) Preparation for prompt and efficient response and
5903 recovery to protect lives and property affected by emergencies.
5904 (c) Response to emergencies using all systems, plans, and
5905 resources necessary to preserve adequately the health, safety,
5906 and welfare of persons or property affected by the emergency.
5907 (d) Recovery from emergencies by providing for the rapid
5908 and orderly start of restoration and rehabilitation of persons
5909 and property affected by emergencies.
5910 (e) Provision of an emergency management system embodying
5911 all aspects of preemergency preparedness and postemergency
5912 response, recovery, and mitigation.
5913 (f) Assistance in anticipation, recognition, appraisal,
5914 prevention, and mitigation of emergencies which may be caused or
5915 aggravated by inadequate planning for, and regulation of, public
5916 and private facilities and land use.

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5917 (4) ~~(5)~~ "Local emergency management agency" means an
5918 organization created in accordance with ~~the provisions of~~ ss.
5919 252.31-252.90 to discharge the emergency management
5920 responsibilities and functions of a political subdivision.
5921 (5) ~~(6)~~ "Manmade emergency" means an emergency caused by an
5922 action against persons or society, including, but not limited
5923 to, enemy attack, sabotage, terrorism, civil unrest, or other
5924 action impairing the orderly administration of government.
5925 (6) ~~(7)~~ "Natural emergency" means an emergency caused by a
5926 natural event, including, but not limited to, a hurricane, a
5927 storm, a flood, severe wave action, a drought, or an earthquake.
5928 (7) "Office" means the Office of Emergency Management
5929 within the Executive Office of the Governor, or the successor to
5930 that office.
5931 (8) "Political subdivision" means any county or
5932 municipality created pursuant to law.
5933 (9) "Technological emergency" means an emergency caused by
5934 a technological failure or accident, including, but not limited
5935 to, an explosion, transportation accident, radiological
5936 accident, or chemical or other hazardous material incident.
5937 Section 89. Section 252.35, Florida Statutes, is amended to
5938 read:
5939 252.35 Emergency management powers~~; Division of Emergency~~
5940 ~~Management.~~
5941 (1) The office ~~division~~ is responsible for maintaining a
5942 comprehensive statewide program of emergency management and for
5943 coordinating the~~. The division is responsible for coordination~~
5944 ~~with~~ efforts of the Federal Government with other departments
5945 and agencies of state government, with county and municipal

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5946 governments and school boards, and with private agencies that
5947 have a role in emergency management.
5948 (2) The office ~~division~~ is responsible for carrying out the
5949 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
5950 ~~ss. 252.31-252.90~~, the office ~~division~~ shall:
5951 (a) Prepare a state comprehensive emergency management
5952 plan, which shall be integrated into and coordinated with the
5953 emergency management plans and programs of the Federal
5954 Government. The office ~~division~~ must adopt the plan as a rule in
5955 accordance with chapter 120. The plan shall be implemented by a
5956 continuous, integrated comprehensive emergency management
5957 program. The plan must contain provisions to ensure that the
5958 state is prepared for emergencies and minor, major, and
5959 catastrophic disasters, and the office ~~division~~ shall work
5960 closely with local governments and agencies and organizations
5961 with emergency management responsibilities in preparing and
5962 maintaining the plan. The state comprehensive emergency
5963 management plan must ~~shall~~ be operations oriented and:
5964 1. Include an evacuation component that includes specific
5965 regional and interregional planning provisions and promotes
5966 intergovernmental coordination of evacuation activities. This
5967 component must, at a minimum: contain guidelines for lifting
5968 tolls on state highways; ensure coordination pertaining to
5969 evacuees crossing county lines; set forth procedures for
5970 directing people caught on evacuation routes to safe shelter;
5971 establish strategies for ensuring sufficient, reasonably priced
5972 fueling locations along evacuation routes; and establish
5973 policies and strategies for emergency medical evacuations.
5974 2. Include a shelter component that includes specific

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5975 regional and interregional planning provisions and promotes
5976 coordination of shelter activities between the public, private,
5977 and nonprofit sectors. This component must, at a minimum:
5978 contain strategies to ensure the availability of adequate public
5979 shelter space in each region of the state; establish strategies
5980 for refuge-of-last-resort programs; provide strategies to assist
5981 local emergency management efforts to ensure that adequate
5982 staffing plans exist for all shelters, including medical and
5983 security personnel; provide for a postdisaster communications
5984 system for public shelters; establish model shelter guidelines
5985 for operations, registration, inventory, power generation
5986 capability, information management, and staffing; and set forth
5987 policy guidance for sheltering people with special needs.
5988 3. Include a postdisaster response and recovery component
5989 that includes specific regional and interregional planning
5990 provisions and promotes intergovernmental coordination of
5991 postdisaster response and recovery activities. This component
5992 must provide for postdisaster response and recovery strategies
5993 according to whether a disaster is minor, major, or
5994 catastrophic. The postdisaster response and recovery component
5995 must, at a minimum: establish the structure of the state's
5996 postdisaster response and recovery organization; establish
5997 procedures for activating the state's plan; set forth policies
5998 used to guide postdisaster response and recovery activities;
5999 describe the chain of command during the postdisaster response
6000 and recovery period; describe initial and continuous
6001 postdisaster response and recovery actions; identify the roles
6002 and responsibilities of each involved agency and organization;
6003 provide for a comprehensive communications plan; establish

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6004 procedures for monitoring mutual aid agreements; provide for
6005 rapid impact assessment teams; ensure the availability of an
6006 effective statewide urban search and rescue program coordinated
6007 with the fire services; ensure the existence of a comprehensive
6008 statewide medical care and relief plan administered by the
6009 Department of Health; and establish systems for coordinating
6010 volunteers and accepting and distributing donated funds and
6011 goods.
6012 4. Include additional provisions addressing aspects of
6013 preparedness, response, recovery, and mitigation as determined
6014 necessary by the office ~~division~~.
6015 5. Address the need for coordinated and expeditious
6016 deployment of state resources, including the Florida National
6017 Guard. In the case of an imminent major disaster, procedures
6018 should address predeployment of the Florida National Guard, and,
6019 in the case of an imminent catastrophic disaster, procedures
6020 should address predeployment of the Florida National Guard and
6021 the United States Armed Forces.
6022 6. Establish a system of communications and warning to
6023 ensure that the state's population and emergency management
6024 agencies are warned of developing emergency situations and can
6025 communicate emergency response decisions.
6026 7. Establish guidelines and schedules for annual exercises
6027 that evaluate the ability of the state and its political
6028 subdivisions to respond to minor, major, and catastrophic
6029 disasters and support local emergency management agencies. Such
6030 exercises must ~~shall~~ be coordinated with local governments and,
6031 to the extent possible, the Federal Government.
6032 8. Assign lead and support responsibilities to state

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6033 agencies and personnel for emergency support functions and other
6034 support activities.
6035
6036 The complete state comprehensive emergency management plan must
6037 ~~shall~~ be submitted to the President of the Senate, the Speaker
6038 of the House of Representatives, and the Governor on February 1
6039 of every even-numbered year.
6040 (b) Adopt standards and requirements for county emergency
6041 management plans. The standards and requirements must ensure
6042 that county plans are coordinated and consistent with the state
6043 comprehensive emergency management plan. If a municipality
6044 elects to establish an emergency management program, it must
6045 adopt a city emergency management plan that complies with all
6046 standards and requirements applicable to county emergency
6047 management plans.
6048 (c) Assist political subdivisions in preparing and
6049 maintaining emergency management plans.
6050 (d) Review periodically political subdivision emergency
6051 management plans for consistency with the state comprehensive
6052 emergency management plan and standards and requirements adopted
6053 under this section.
6054 (e) Cooperate with the President, the heads of the Armed
6055 Forces, the various federal emergency management agencies, and
6056 the officers and agencies of other states in matters pertaining
6057 to emergency management in the state and the nation and
6058 incidents thereof and, in connection therewith, take any
6059 measures that it deems proper to carry into effect any request
6060 of the President and the appropriate federal officers and
6061 agencies for any emergency management action, including the

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6062 direction or control of:
6063 1. Emergency management drills, tests, or exercises of
6064 whatever nature.
6065 2. Warnings and signals for tests and drills, attacks, or
6066 other imminent emergencies or threats thereof and the mechanical
6067 devices to be used in connection with such warnings and signals.
6068 (f) Make recommendations to the Legislature, building code
6069 organizations, and political subdivisions for zoning, building,
6070 and other land use controls; safety measures for securing mobile
6071 homes or other nonpermanent or semipermanent structures; and
6072 other preparedness, prevention, and mitigation measures designed
6073 to eliminate emergencies or reduce their impact.
6074 (g) In accordance with the state comprehensive emergency
6075 management plan and program for emergency management, ascertain
6076 the requirements of the state and its political subdivisions for
6077 equipment and supplies of all kinds in the event of an
6078 emergency; plan for and ~~either~~ procure supplies, medicines,
6079 materials, and equipment or enter into memoranda of agreement or
6080 open purchase orders that will ensure their availability; and
6081 use and employ from time to time any of the property, services,
6082 and resources within the state in accordance with ss. 252.31-
6083 252.90.
6084 (h) Anticipate trends and promote innovations that will
6085 enhance the emergency management system.
6086 (i) Institute statewide public awareness programs. This
6087 shall include an intensive public educational campaign on
6088 emergency preparedness issues, including, but not limited to,
6089 the personal responsibility of individual citizens to be self-
6090 sufficient for up to 72 hours following a natural or manmade

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6091 disaster. The public educational campaign must ~~shall~~ include
6092 relevant information on statewide disaster plans, evacuation
6093 routes, fuel suppliers, and shelters. All educational materials
6094 must be available in alternative formats and mediums to ensure
6095 that they are available to persons with disabilities.
6096 (j) In cooperation with ~~The Division of Emergency~~
6097 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
6098 with the Agency for Persons with Disabilities to provide an
6099 educational outreach program on disaster preparedness and
6100 readiness to individuals who have limited English skills and
6101 identify persons who are in need of assistance but are not
6102 defined under special-needs criteria.
6103 (k) Prepare and distribute to appropriate state and local
6104 officials catalogs of federal, state, and private assistance
6105 programs.
6106 (l) Coordinate federal, state, and local emergency
6107 management activities and take all other steps, including the
6108 partial or full mobilization of emergency management forces and
6109 organizations in advance of an actual emergency, to ensure the
6110 availability of adequately trained and equipped forces of
6111 emergency management personnel before, during, and after
6112 emergencies and disasters.
6113 (m) Establish a schedule of fees that may be charged by
6114 local emergency management agencies for review of emergency
6115 management plans on behalf of external agencies and
6116 institutions. In establishing such schedule, the office ~~division~~
6117 shall consider facility size, review complexity, and other
6118 factors.
6119 (n) Implement training programs to improve the ability of

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6120 state and local emergency management personnel to prepare and
6121 implement emergency management plans and programs. This includes
6122 ~~shall include~~ a continuous training program for agencies and
6123 individuals that will be called on to perform key roles in state
6124 and local postdisaster response and recovery efforts and for
6125 local government personnel on federal and state postdisaster
6126 response and recovery strategies and procedures.
6127 (o) ~~Review~~ Periodically review emergency operating
6128 procedures of state agencies and recommend revisions as needed
6129 to ensure consistency with the state comprehensive emergency
6130 management plan and program.
6131 (p) Make such surveys of industries, resources, and
6132 facilities within the state, both public and private, as are
6133 necessary to carry out the purposes of ss. 252.31-252.90.
6134 (q) Prepare, in advance if ~~whenever~~ possible, such
6135 executive orders, proclamations, and rules for issuance by the
6136 Governor as are necessary or appropriate for coping with
6137 emergencies and disasters.
6138 (r) Cooperate with the Federal Government and any public or
6139 private agency or entity in achieving any purpose of ss. 252.31-
6140 252.90 and in implementing programs for mitigation, preparation,
6141 response, and recovery.
6142 (s) ~~By January 1, 2007, the Division of Emergency~~
6143 ~~Management shall~~ Complete an inventory of portable generators
6144 owned by the state and local governments which are capable of
6145 operating during a major disaster. The inventory must identify,
6146 at a minimum, the location of each generator, the number of
6147 generators stored at each specific location, the agency to which
6148 each generator belongs, the primary use of the generator by the

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6149 owner agency, and the names, addresses, and telephone numbers of
6150 persons having the authority to loan the stored generators as
6151 authorized by the office ~~Division of Emergency Management~~ during
6152 a declared emergency.
6153 (t) ~~The division shall~~ Maintain an inventory list of
6154 generators owned by the state and local governments. In
6155 addition, the office ~~division~~ may keep a list of private
6156 entities, along with appropriate contact information, which
6157 offer generators for sale or lease. The list of private entities
6158 shall be available to the public for inspection in written and
6159 electronic formats.
6160 (u) Assist political subdivisions with the creation and
6161 training of urban search and rescue teams and promote the
6162 development and maintenance of a state urban search and rescue
6163 program.
6164 (v) Delegate, as necessary and appropriate, authority
6165 vested in it under ss. 252.31-252.90 and provide for the
6166 subdelegation of such authority.
6167 (w) Report biennially to the President of the Senate, the
6168 Speaker of the House of Representatives, and the Governor, no
6169 later than February 1 of every odd-numbered year, the status of
6170 the emergency management capabilities of the state and its
6171 political subdivisions.
6172 (x) In accordance with chapter 120, create, implement,
6173 administer, adopt, amend, and rescind rules, programs, and plans
6174 needed to carry out the provisions of ss. 252.31-252.90 with due
6175 consideration for, and in cooperating with, the plans and
6176 programs of the Federal Government. In addition, the office
6177 ~~division~~ may adopt rules in accordance with chapter 120 to

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6178 administer and distribute federal financial predisaster and
6179 postdisaster assistance for prevention, mitigation,
6180 preparedness, response, and recovery.
6181 (y) Do other things necessary, incidental, or appropriate
6182 for the implementation of ss. 252.31-252.90.
6183 Section 90. Subsection (2) of section 252.355, Florida
6184 Statutes, is amended to read:
6185 252.355 Registry of persons with special needs; notice.—
6186 (2) The office ~~Department of Community Affairs~~ shall be the
6187 designated lead agency responsible for community education and
6188 outreach to the public, including special needs clients,
6189 regarding registration and special needs shelters and general
6190 information regarding shelter stays.
6191 Section 91. Section 252.3568, Florida Statutes, is amended
6192 to read:
6193 252.3568 Emergency sheltering of persons with pets.—In
6194 accordance with s. 252.35, the office ~~division~~ shall address
6195 strategies for the evacuation of persons with pets in the
6196 shelter component of the state comprehensive emergency
6197 management plan and shall include the requirement for similar
6198 strategies in its standards and requirements for local
6199 comprehensive emergency management plans. The Department of
6200 Agriculture and Consumer Services shall assist the office
6201 ~~division~~ in determining strategies regarding this activity.
6202 Section 92. Subsections (8) and (9) of section 252.36,
6203 Florida Statutes, are amended to read:
6204 252.36 Emergency management powers of the Governor.—
6205 (8) The Governor shall delegate emergency responsibilities
6206 to the officers and agencies of the state and of the political

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6207 subdivisions thereof prior to an emergency or threat of an
6208 emergency and shall utilize the services and facilities of
6209 existing officers and agencies of the state and of the political
6210 subdivisions thereof, including their personnel and other
6211 resources, as the primary emergency management forces of the
6212 state, and all such officers and agencies shall cooperate with
6213 and extend their services and facilities to the office ~~division~~,
6214 as it may require.
6215 (9) The Governor and the office ~~division~~ shall establish
6216 agencies and offices and appoint executive, professional,
6217 technical, clerical, and other personnel as may be necessary to
6218 carry out the provisions of ss. 252.31-252.90.
6219 Section 93. Subsections (2), (3), and (4) of section
6220 252.365, Florida Statutes, are amended to read:
6221 252.365 Emergency coordination officers; disaster-
6222 preparedness plans.—
6223 (2) The emergency coordination officer is responsible for
6224 coordinating with the office ~~division~~ on emergency preparedness
6225 issues, preparing and maintaining emergency preparedness and
6226 postdisaster response and recovery plans for such agency,
6227 maintaining rosters of personnel to assist in disaster
6228 operations, and coordinating appropriate training for agency
6229 personnel.
6230 (3) These individuals shall be responsible for ensuring
6231 that each state agency and facility, such as a prison, office
6232 building, or university, has a disaster preparedness plan that
6233 is coordinated with the applicable local emergency-management
6234 agency and approved by the office ~~division~~.
6235 (a) The disaster-preparedness plan must outline a

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6236 comprehensive and effective program to ensure continuity of
6237 essential state functions under all circumstances. The plan must
6238 identify a baseline of preparedness for a full range of
6239 potential emergencies to establish a viable capability to
6240 perform essential functions during any emergency or other
6241 situation that disrupts normal operations.
6242 (b) The plan must include, at a minimum, the following
6243 elements: identification of essential functions, programs, and
6244 personnel; procedures to implement the plan and personnel
6245 notification and accountability; delegations of authority and
6246 lines of succession; identification of alternative facilities
6247 and related infrastructure, including those for communications;
6248 identification and protection of vital records and databases;
6249 and schedules and procedures for periodic tests, training, and
6250 exercises.
6251 (c) The office ~~division~~ shall develop and distribute
6252 guidelines for developing and implementing the plan. Each agency
6253 is encouraged to initiate and complete development of its plan
6254 immediately, but no later than July 1, 2003.
6255 (4) The head of each agency shall notify the Governor and
6256 the office ~~division~~ in writing of the person initially
6257 designated as the emergency coordination officer for such agency
6258 and her or his alternate and of any changes in persons so
6259 designated thereafter.
6260 Section 94. Subsection (4) of section 252.37, Florida
6261 Statutes, is amended to read:
6262 252.37 Financing.—
6263 (4)(a) Whenever the Federal Government or any agency or
6264 officer thereof offers to the state or, through the state, to

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6265 any political subdivision thereof services, equipment, supplies,
6266 materials, or funds by way of gift, grant, or loan for the
6267 purposes of emergency management, the state, acting through the
6268 office ~~division~~, or such political subdivision, acting with the
6269 consent of the Governor or the Governor's authorized
6270 representative, may accept such offer. Upon such acceptance, the
6271 office ~~division~~ or the presiding officer or governing body of
6272 such political subdivision may authorize receipt of the gift,
6273 grant, or loan on behalf of the state or such political
6274 subdivision, subject to the terms of the offer and the rules and
6275 regulations of the agency making the offer.
6276 (b) Whenever any person, firm, or corporation offers to the
6277 state or to any political subdivision thereof services,
6278 equipment, supplies, materials, or funds by way of gift, grant,
6279 loan, or other agreement for the purpose of emergency
6280 management, the state, acting through the office ~~division~~, or
6281 such political subdivision, acting through its governing body or
6282 a local emergency management agency, may accept such offer. Upon
6283 such acceptance, the office ~~division~~ or the presiding officer or
6284 governing body of the political subdivision may authorize
6285 receipt of the gift, grant, or loan on behalf of the state or
6286 such political subdivision, subject to the terms of the offer.
6287 Section 95. Section 252.371, Florida Statutes, is amended
6288 to read:
6289 252.371 Emergency Management, Preparedness, and Assistance
6290 Trust Fund.—There is created the Emergency Management,
6291 Preparedness, and Assistance Trust Fund to be administered by
6292 the office ~~Department of Community Affairs~~.
6293 Section 96. Subsections (1) and (3) of section 252.373,

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6294 Florida Statutes, are amended to read:
6295 252.373 Allocation of funds; rules.—
6296 (1) Funds appropriated from the Emergency Management,
6297 Preparedness, and Assistance Trust Fund shall be allocated by
6298 the office ~~Department of Community Affairs~~ for the following
6299 purposes:
6300 (a) To implement and administer state and local emergency
6301 management programs, including administration, training, and
6302 operations.
6303 (b) For grants and loans to state or regional agencies,
6304 local governments, and private organizations to implement
6305 projects that will further state and local emergency management
6306 objectives. These projects must include, but need not be limited
6307 to, projects that will promote public education on disaster
6308 preparedness and recovery issues, enhance coordination of relief
6309 efforts of statewide private sector organizations, and improve
6310 the training and operations capabilities of agencies assigned
6311 lead or support responsibilities in the state comprehensive
6312 emergency management plan, including the State Fire Marshal's
6313 Office for coordinating the Florida fire services. The office
6314 ~~division~~ shall establish criteria and procedures for competitive
6315 allocation of these funds by rule. No more than 5 percent of any
6316 award made pursuant to this subparagraph may be used for
6317 administrative expenses. This competitive criteria must give
6318 priority consideration to hurricane evacuation shelter retrofit
6319 projects.
6320 (c) To meet any matching requirements imposed as a
6321 condition of receiving federal disaster relief assistance.
6322 (3) If adequate funds are available as determined by the

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6323 office ~~division~~, every county shall receive funds at least
6324 sufficient to fund a dedicated, full-time emergency preparedness
6325 officer position.
6326 Section 97. Paragraphs (a), (b), and (e) of subsection (1)
6327 of section 252.38, Florida Statutes, are amended to read:
6328 252.38 Emergency management powers of political
6329 subdivisions.—Safeguarding the life and property of its citizens
6330 is an innate responsibility of the governing body of each
6331 political subdivision of the state.
6332 (1) COUNTIES.—
6333 (a) In order to provide effective and orderly governmental
6334 control and coordination of emergency operations in emergencies
6335 within the scope of ss. 252.31-252.90, each county within this
6336 state shall be within the jurisdiction of, and served by, the
6337 office ~~division~~. Except as otherwise provided in ss. 252.31-
6338 252.90, each local emergency management agency shall have
6339 jurisdiction over and serve an entire county. Unless part of an
6340 interjurisdictional emergency management agreement entered into
6341 pursuant to paragraph (3)(b) which is recognized by the Governor
6342 by executive order or rule, each county must establish and
6343 maintain such an emergency management agency and shall develop a
6344 county emergency management plan and program that is coordinated
6345 and consistent with the state comprehensive emergency management
6346 plan and program. Counties that are part of an
6347 interjurisdictional emergency management agreement entered into
6348 pursuant to paragraph (3)(b) which is recognized by the Governor
6349 by executive order or rule shall cooperatively develop an
6350 emergency management plan and program that is coordinated and
6351 consistent with the state comprehensive emergency management

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6352 plan and program.
6353 (b) Each county emergency management agency created and
6354 established pursuant to ss. 252.31-252.90 shall have a director.
6355 The director must meet the minimum training and education
6356 qualifications established in a job description approved by the
6357 county. The director shall be appointed by the board of county
6358 commissioners or the chief administrative officer of the county,
6359 as described in chapter 125 or the county charter, if
6360 applicable, to serve at the pleasure of the appointing
6361 authority, in conformance with applicable resolutions,
6362 ordinances, and laws. A county constitutional officer, or an
6363 employee of a county constitutional officer, may be appointed as
6364 director following prior notification to the division. Each
6365 board of county commissioners shall promptly inform the office
6366 ~~division~~ of the appointment of the director and other personnel.
6367 Each director has direct responsibility for the organization,
6368 administration, and operation of the county emergency management
6369 agency. The director shall coordinate emergency management
6370 activities, services, and programs within the county and shall
6371 serve as liaison to the office ~~division~~ and other local
6372 emergency management agencies and organizations.
6373 (e) County emergency management agencies may charge and
6374 collect fees for the review of emergency management plans on
6375 behalf of external agencies and institutions. Fees must be
6376 reasonable and may not exceed the cost of providing a review of
6377 emergency management plans in accordance with fee schedules
6378 established by the office ~~division~~.
6379 Section 98. Subsections (2) and (3) of section 252.385,
6380 Florida Statutes, are amended to read:

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6381 252.385 Public shelter space.—
6382 (2)(a) The office ~~division~~ shall administer a program to
6383 survey existing schools, universities, community colleges, and
6384 other state-owned, municipally owned, and county-owned public
6385 buildings and any private facility that the owner, in writing,
6386 agrees to provide for use as a public hurricane evacuation
6387 shelter to identify those that are appropriately designed and
6388 located to serve as such shelters. The owners of the facilities
6389 must be given the opportunity to participate in the surveys. The
6390 state university boards of trustees, district school boards,
6391 community college boards of trustees, and the Department of
6392 Education are responsible for coordinating and implementing the
6393 survey of public schools, universities, and community colleges
6394 with the office ~~division~~ or the local emergency management
6395 agency.
6396 (b) By January 31 of each even-numbered year, the office
6397 ~~division~~ shall prepare and submit a statewide emergency shelter
6398 plan to the Governor and Cabinet for approval, subject to the
6399 requirements for approval in s. 1013.37(2). The plan shall
6400 identify the general location and square footage of special
6401 needs shelters, by regional planning council region, during the
6402 next 5 years. The plan shall also include information on the
6403 availability of shelters that accept pets. The Department of
6404 Health shall assist the office ~~division~~ in determining the
6405 estimated need for special needs shelter space and the adequacy
6406 of facilities to meet the needs of persons with special needs
6407 based on information from the registries of persons with special
6408 needs and other information.
6409 (3) The office ~~division~~ shall annually provide to the

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6410 President of the Senate, the Speaker of the House of
6411 Representatives, and the Governor a list of facilities
6412 recommended to be retrofitted using state funds. State funds
6413 should be maximized and targeted to regional planning council
6414 regions with hurricane evacuation shelter deficits. Retrofitting
6415 facilities in regions with public hurricane evacuation shelter
6416 deficits shall be given first priority ~~and should be completed~~
6417 ~~by 2003. All recommended facilities should be retrofitted by~~
6418 ~~2008~~. The owner or lessee of a public hurricane evacuation
6419 shelter that is included on the list of facilities recommended
6420 for retrofitting is not required to perform any recommended
6421 improvements.
6422 Section 99. Subsection (1) of section 252.40, Florida
6423 Statutes, is amended to read:
6424 252.40 Mutual aid arrangements.—
6425 (1) The governing body of each political subdivision of the
6426 state is authorized to develop and enter into mutual aid
6427 agreements within the state for reciprocal emergency aid and
6428 assistance in case of emergencies too extensive to be dealt with
6429 unassisted. Copies of such agreements shall be sent to the
6430 office ~~division~~. Such agreements shall be consistent with the
6431 state comprehensive emergency management plan and program, and
6432 in time of emergency it shall be the duty of each local
6433 emergency management agency to render assistance in accordance
6434 with the provisions of such mutual aid agreements to the fullest
6435 possible extent.
6436 Section 100. Subsection (1) and paragraph (c) of subsection
6437 (2) of section 252.41, Florida Statutes, are amended to read:
6438 252.41 Emergency management support forces.—

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6439 (1) The office ~~division~~ is authorized to provide, within or
6440 without the state, such support from available personnel,
6441 equipment, and other resources of state agencies and the
6442 political subdivisions of the state as may be necessary to
6443 reinforce emergency management agencies in areas stricken by
6444 emergency. Such support shall be rendered with due consideration
6445 of the plans of the Federal Government, this state, the other
6446 states, and of the criticalness of the existing situation.
6447 Emergency management support forces shall be called to duty upon
6448 orders of the office ~~division~~ and shall perform functions in any
6449 part of the state or, upon the conditions specified in this
6450 section, in other states.
6451 (2) Personnel of emergency management support forces while
6452 on duty, whether within or without the state, shall:
6453 (c) If they are not employees of the state or a political
6454 subdivision thereof, they shall be entitled to the same rights
6455 and immunities as are provided by law for the employees of this
6456 state and to such compensation as may be fixed by the office
6457 ~~division~~. All personnel of emergency management support forces
6458 shall, while on duty, be subject to the operational control of
6459 the authority in charge of emergency management activities in
6460 the area in which they are serving and shall be reimbursed for
6461 all actual and necessary travel and subsistence expenses to the
6462 extent of funds available.
6463 Section 101. Section 252.42, Florida Statutes, is amended
6464 to read:
6465 252.42 Government equipment, services, and facilities.—In
6466 the event of any emergency, the office ~~division~~ may make
6467 available any equipment, services, or facilities owned or

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6468 organized by the state or its political subdivisions for use in
6469 the affected area upon request of the duly constituted authority
6470 of the area or upon the request of any recognized and accredited
6471 relief agency through such duly constituted authority.
6472 Section 102. Subsections (2), (4), and (5) of section
6473 252.43, Florida Statutes, are amended to read:
6474 252.43 Compensation.—
6475 (2) Compensation owed for personal services shall be only
6476 such as may be fixed by the office ~~division~~.
6477 (4) Any person claiming compensation for the use, damage,
6478 loss, or destruction of property under ss. 252.31-252.60 shall
6479 file a claim therefor with the office ~~division~~ in the form and
6480 manner that the office ~~division~~ provides.
6481 (5) Unless the amount of compensation owed on account of
6482 property damaged, lost, or destroyed is agreed between the
6483 claimant and the office ~~division~~, the amount of compensation
6484 shall be calculated in the same manner as compensation due for a
6485 taking of property pursuant to the condemnation laws of this
6486 state.
6487 Section 103. Subsections (2) and (3) of section 252.44,
6488 Florida Statutes, are amended to read:
6489 252.44 Emergency mitigation.—
6490 (2) The appropriate state agencies, in conjunction with the
6491 office ~~division~~, shall keep land uses and construction of
6492 structures and other facilities under continuing study and
6493 identify areas which are particularly susceptible to severe land
6494 shifting, subsidence, flood, or other catastrophic occurrence,
6495 manmade or natural. The studies under this subsection shall
6496 concentrate on means of reducing or avoiding the dangers caused

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6497 by these occurrences or the consequences thereof.
6498 (3) If the office ~~division~~ believes, on the basis of the
6499 studies or other competent evidence, that an area is susceptible
6500 to an emergency of catastrophic proportions without adequate
6501 warning; that existing building standards and land use controls
6502 in that area are inadequate and could add substantially to the
6503 magnitude of the emergency; and that changes in zoning
6504 regulations, other land use regulations, or building
6505 requirements are essential in order to further the purposes of
6506 this section, it shall specify the essential changes to the
6507 Governor. If the Governor upon review of the recommendation
6508 finds after public hearing that changes are essential, she or he
6509 shall so recommend to the agencies or political subdivisions
6510 with jurisdiction over the area and subject matter. If no
6511 action, or insufficient action, pursuant to her or his
6512 recommendations is taken within the time specified by the
6513 Governor, she or he shall so inform the Legislature and request
6514 legislative action appropriate to mitigate the impact of such an
6515 emergency.
6516 Section 104. Subsections (1) and (2) of section 252.46,
6517 Florida Statutes, are amended to read:
6518 252.46 Orders and rules.—
6519 (1) In accordance with the provisions of chapter 120, the
6520 political subdivisions of the state and other agencies
6521 designated or appointed by the Governor or in the state
6522 comprehensive emergency management plan are authorized and
6523 empowered to make, amend, and rescind such orders and rules as
6524 are necessary for emergency management purposes and to
6525 supplement the carrying out of the provisions of ss. 252.31-

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6526 252.90, but which are not inconsistent with any orders or rules
6527 adopted by the office ~~division~~ or by any state agency exercising
6528 a power delegated to it by the Governor or the office ~~division~~.
6529 (2) All orders and rules adopted by the office ~~division~~ or
6530 any political subdivision or other agency authorized by ss.
6531 252.31-252.90 to make orders and rules have full force and
6532 effect of law after adoption in accordance with the provisions
6533 of chapter 120 in the event of issuance by the office ~~division~~
6534 or any state agency or, if promulgated by a political
6535 subdivision of the state or agency thereof, when filed in the
6536 office of the clerk or recorder of the political subdivision or
6537 agency promulgating the same. All existing laws, ordinances, and
6538 rules inconsistent with the provisions of ss. 252.31-252.90, or
6539 any order or rule issued under the authority of ss. 252.31-
6540 252.90, shall be suspended during the period of time and to the
6541 extent that such conflict exists.
6542 Section 105. Subsection (5) of section 252.55, Florida
6543 Statutes, is amended to read:
6544 252.55 Civil Air Patrol, Florida Wing.—
6545 (5) The wing commander of the Florida Wing of the Civil Air
6546 Patrol shall biennially furnish the office ~~Bureau of Emergency~~
6547 ~~Management~~ a 2-year projection of the goals and objectives of
6548 the Civil Air Patrol which shall be reported in the office's
6549 ~~division's~~ biennial report submitted pursuant to s. 252.35.
6550 Section 106. Subsection (3) and paragraph (a) of subsection
6551 (4) of section 252.60, Florida Statutes, are amended to read:
6552 252.60 Radiological emergency preparedness.—
6553 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6554 plans required by this chapter, the office ~~division~~ shall

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6555 develop, prepare, test, and implement as needed, in conjunction
6556 with the appropriate counties and the affected operator, such
6557 radiological emergency response plans and preparedness
6558 requirements as may be imposed by the United States Nuclear
6559 Regulatory Commission or the Federal Emergency Management Agency
6560 as a requirement for obtaining or continuing the appropriate
6561 licenses for a commercial nuclear electric generating facility.
6562 (4) POWERS AND DUTIES.—In implementing the requirements of
6563 this section, the director of the office ~~secretary of the~~
6564 ~~department~~, or the director's ~~secretary's~~ designated
6565 representative, shall:
6566 (a) Negotiate and enter into such additional contracts and
6567 arrangements among the office ~~division~~, appropriate counties,
6568 and each operator to provide for the level of funding and the
6569 respective roles of each in the development, preparation,
6570 testing, and implementation of the plans.
6571 Section 107. Section 252.61, Florida Statutes, is amended
6572 to read:
6573 252.61 List of persons for contact relating to release of
6574 toxic substances into atmosphere.—The Office of Emergency
6575 Management ~~Department of Community Affairs~~ shall maintain a list
6576 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6577 ~~completed~~.
6578 Section 108. Section 252.82, Florida Statutes, is amended
6579 to read:
6580 252.82 Definitions.—As used in this part:
6581 (1) "Commission" means the State Hazardous Materials
6582 Emergency Response Commission created pursuant to s. 301 of
6583 EPCRA.

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6584 (2) "Committee" means any local emergency planning
6585 committee established in the state pursuant to s. 301 of EPCRA.
6586 ~~(3) "Department" means the Department of Community Affairs.~~
6587 (3) ~~(4)~~ "Facility" means facility as defined in s. 329 of
6588 EPCRA. Vehicles placarded according to title 49 Code of Federal
6589 Regulations are ~~shall~~ not ~~be~~ considered a facility except for
6590 purposes of s. 304 of EPCRA.
6591 (4) ~~(5)~~ "Hazardous material" means any hazardous chemical,
6592 toxic chemical, or extremely hazardous substance, as defined in
6593 s. 329 of EPCRA.
6594 (5) ~~(6)~~ "EPCRA" means the Emergency Planning and Community
6595 Right-to-Know Act of 1986, title III of the Superfund Amendments
6596 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499,~~ ss. 300-
6597 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6598 adopted thereunder.
6599 (6) "Office" means the Office of Emergency Management
6600 within the Executive Office of the Governor.
6601 (7) "Trust fund" means the Operating Trust Fund of the
6602 office ~~Department of Community Affairs~~.
6603 Section 109. Section 252.83, Florida Statutes, is amended
6604 to read:
6605 252.83 Powers and duties of the office ~~department~~.—
6606 (1) The office ~~department~~ shall have the authority:
6607 (a) To coordinate its activities under this part with its
6608 other emergency management responsibilities, including its
6609 responsibilities under part I of this chapter, and activities
6610 and with the related activities of other agencies, keeping
6611 separate accounts for all activities supported or partially
6612 supported from the Operating Trust Fund.

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6613 (b) To make rules, with the advice and consent of the
6614 commission, to implement this part.
6615 (2) The office ~~department~~ shall provide administrative
6616 support, including staff, facilities, materials, and services,
6617 to the commission and shall provide funding to the committees to
6618 enable the commission and the committees to perform their
6619 functions under EPCRA and this part.
6620 (3) The office ~~department~~ and the commission, to the extent
6621 possible, shall use the emergency planning capabilities of local
6622 governments to reduce duplication and paperwork to achieve the
6623 intent of this part. It is the intent of the Legislature that
6624 this part be implemented in the most cost-efficient manner
6625 possible, with the least possible financial impact on local
6626 government and the community.
6627 Section 110. Subsections (1), (3), (4), and (5) of section
6628 252.85, Florida Statutes, are amended to read:
6629 252.85 Fees.—
6630 (1) Any owner or operator of a facility required under s.
6631 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
6632 notification or an annual inventory form to the commission shall
6633 be required to pay an annual registration fee. The fee for any
6634 company, including all facilities under common ownership or
6635 control, shall not be less than $25 nor more than $2,000. The
6636 office ~~department~~ shall establish a reduced fee, of not less
6637 than $25 nor more than $500, applicable to any owner or operator
6638 regulated under part I of chapter 368, chapter 527, or s.
6639 376.303, which does not have present any extremely hazardous
6640 substance, as defined by EPCRA, in excess of a threshold
6641 planning quantity, as established by EPCRA. The office

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6642 ~~department~~ shall establish a reduced fee of not less than $25
6643 nor more than $1,000, applicable to any owner or operator of a
6644 facility with a Standard Industrial Classification Code of 01,
6645 02, or 07, which is eligible for the "routine agricultural use"
6646 exemption provided in ss. 311 and 312 of EPCRA. The fee under
6647 this subsection shall be based on the number of employees
6648 employed within the state at facilities under the common
6649 ownership or control of such owner or operator, which number
6650 shall be determined, to the extent possible, in accordance with
6651 data supplied by Jobs Florida or its tax collection service
6652 provider ~~the Department of Labor and Employment Security~~. In
6653 order to avoid the duplicative reporting of seasonal and
6654 temporary agricultural employees, fees applicable to owners or
6655 operators of agricultural facilities, which are eligible for the
6656 "routine agricultural use" reporting exemption provided in ss.
6657 311 and 312 of EPCRA, shall be based on employee data which most
6658 closely reflects such owner or operator's permanent nonseasonal
6659 workforce. The office ~~department~~ shall establish by rule the
6660 date by which the fee is to be paid, as well as a formula or
6661 method of determining the applicable fee under this subsection
6662 without regard to the number of facilities under common
6663 ownership or control. The office ~~department~~ may require owners
6664 or operators of multiple facilities to demonstrate common
6665 ownership or control for purposes of this subsection.
6666 (3) Any owner or operator of a facility that is required to
6667 submit a report or filing under s. 313 of EPCRA shall pay an
6668 annual reporting fee not to exceed $150 for those s. 313 EPCRA
6669 listed substances in effect on January 1, 2005. The office
6670 ~~department~~ shall establish by rule the date by which the fee is

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6671 to be paid, as well as a formula or method of determining the
6672 applicable fee under this subsection.
6673 (4)(a) The office ~~department~~ may assess a late fee for the
6674 failure to submit a report or filing that substantially complies
6675 with the requirements of EPCRA or s. 252.87 by the specified
6676 date or for failure to pay any fee, including any late fee,
6677 required by this section. This late fee shall be in addition to
6678 the fee otherwise imposed pursuant to this section. If the
6679 office ~~department~~ elects to impose a late fee, it shall provide
6680 the owner or operator with a written notice that identifies the
6681 specific requirements which have not been met and advises of its
6682 intent to assess a late fee.
6683 (b) The office ~~department~~ may impose a late fee, subject to
6684 the limitations set forth below:
6685 1. If the report, filing, or fee is submitted within 30
6686 days after the receipt of the office's ~~department's~~ notice, no
6687 late fee may be assessed.
6688 2. If the report, filing, or fee is not submitted within 30
6689 days after the receipt of the office's ~~department's~~ notice, the
6690 office ~~department~~ may impose a late fee in an amount equal to
6691 the amount of the annual registration fee, filing fee, or s. 313
6692 fee due, not to exceed $2,000.
6693 3. If the report, filing, or fee is not submitted within 90
6694 days after the receipt of the office's ~~department's~~ notice, the
6695 office ~~department~~ may issue a second notice. If the report,
6696 filing, or fee is not submitted within 30 days after receipt of
6697 the office's ~~department's~~ second notice, the office ~~department~~
6698 may assess a second late fee in an amount equal to twice the
6699 amount of the annual registration fee, filing fee, or s. 313 fee

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6700 due, not to exceed $4,000.
6701 4. The office ~~department~~ may consider, but is not limited
6702 to considering, the following factors in assessing late fees:
6703 good faith attempt to comply; history of noncompliance; ability
6704 to pay or continue in business; threat to health and safety
6705 posed by noncompliance; and degree of culpability.
6706 (5) The office ~~department~~ shall establish by rule the dates
6707 by which the fee is to be paid, as well as a formula or method
6708 of determining the facility registration fee and late fee.
6709 Section 111. Subsections (1) and (3) of section 252.86,
6710 Florida Statutes, are amended to read:
6711 252.86 Penalties and remedies.—
6712 (1) The owner or operator of a facility, an employer, or
6713 any other person submitting written information pursuant to
6714 EPCRA or this part to the commission, a committee, or a fire
6715 department shall be liable for a civil penalty of $5,000 for
6716 each item of information in the submission that is false, if
6717 such person knew or should have known the information was false
6718 or if such person submitted the information with reckless
6719 disregard of its truth or falsity. The office ~~department~~ may
6720 institute a civil action in a court of competent jurisdiction to
6721 impose and recover a civil penalty for the amount indicated in
6722 this subsection. However, the court may receive evidence in
6723 mitigation.
6724 (3) Any provision of s. 325 or s. 326 of EPCRA which
6725 creates a federal cause of action shall create a corresponding
6726 cause of action under state law, with jurisdiction in the
6727 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
6728 imposes or authorizes the imposition of a civil penalty by the

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6729 Administrator of the Environmental Protection Agency, or which
6730 creates a liability to the United States, shall impose or
6731 authorize the imposition of such a penalty by the office
6732 ~~department~~ or create such a liability to and for the benefit of
6733 the state, to be paid into the Operating Trust Fund. Venue shall
6734 be proper in the county where the violation occurred or where
6735 the defendant has its principal place of business.
6736 Section 112. Subsections (4) and (7) of section 252.87,
6737 Florida Statutes, are amended to read:
6738 252.87 Supplemental state reporting requirements.—
6739 (4) Each employer that owns or operates a facility in this
6740 state at which hazardous materials are present in quantities at
6741 or above the thresholds established under ss. 311(b) and 312(b)
6742 of EPCRA shall comply with the reporting requirements of ss. 311
6743 and 312 of EPCRA. Such employer shall also be responsible for
6744 notifying the office ~~department~~, the local emergency planning
6745 committee, and the local fire department in writing within 30
6746 days if there is a discontinuance or abandonment of the
6747 employer's business activities that could affect any stored
6748 hazardous materials.
6749 (7) The office ~~department~~ shall avoid duplicative reporting
6750 requirements by using ~~utilizing~~ the reporting requirements of
6751 other state agencies that regulate hazardous materials to the
6752 extent feasible and shall request the information authorized
6753 under EPCRA. With the advice and consent of the State Emergency
6754 Response Commission for Hazardous Materials, the office
6755 ~~department~~ may require by rule that the maximum daily amount
6756 entry on the chemical inventory report required under s. 312 of
6757 EPCRA provide for reporting in estimated actual amounts. The

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6758 office ~~department~~ may also require by rule an entry for the
6759 Federal Employer Identification Number on this report. To the
6760 extent feasible, the office ~~department~~ shall encourage and
6761 accept required information in a form initiated through
6762 electronic data interchange and shall describe by rule the
6763 format, manner of execution, and method of electronic
6764 transmission necessary for using such form. To the extent
6765 feasible, the Department of Financial Services, the Department
6766 of Agriculture and Consumer Services, the Department of
6767 Environmental Protection, the Public Service Commission, the
6768 Department of Revenue, ~~the Department of Labor and Employment~~
6769 ~~Security,~~ and other state agencies which regulate hazardous
6770 materials shall coordinate with the office ~~department~~ in order
6771 to avoid duplicative requirements contained in each agency's
6772 respective reporting or registration forms. The other state
6773 agencies that inspect facilities storing hazardous materials and
6774 suppliers and distributors of covered substances shall assist
6775 the office ~~department~~ in informing the facility owner or
6776 operator of the requirements of this part. The office ~~department~~
6777 shall provide the other state agencies with the necessary
6778 information and materials to inform the owners and operators of
6779 the requirements of this part to ensure that the budgets of
6780 these agencies are not adversely affected.
6781 Section 113. Subsection (4) of section 252.88, Florida
6782 Statutes, is amended to read:
6783 252.88 Public records.—
6784 (4) The office ~~department~~, the commission, and the
6785 committees shall furnish copies of public records submitted
6786 under EPCRA or this part, and may charge a fee of $1 per page

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6787 per person per year for over 25 pages of materials copied.
6788 Section 114. Subsections (3), (8), (9), and (19) of section
6789 252.936, Florida Statutes, are amended to read:
6790 252.936 Definitions.—As used in this part, the term:
6791 (3) "Audit" means a review of information at, ~~a stationary~~
6792 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
6793 source subject to s. 112(r)(7), to determine whether that
6794 stationary source is in compliance with ~~the requirements of~~ this
6795 part and rules adopted to administer ~~implement~~ this part. Audits
6796 must include a review of the adequacy of the stationary source's
6797 Risk Management Plan, may consist of reviews of information
6798 submitted to the office ~~department~~ or the United States
6799 Environmental Protection Agency to determine whether the plan is
6800 complete or whether revisions to the plan are needed, and the
6801 reviews may be conducted at the stationary source to confirm
6802 that information onsite is consistent with reported information.
6803 ~~(8) "Department" means the Department of Community Affairs.~~
6804 (8) ~~(9)~~ "Inspection" means a review of information at a
6805 stationary source subject to s. 112(r)(7), including
6806 documentation and operating practices and access to the source
6807 and to any area where an accidental release could occur, to
6808 determine whether the stationary source is in compliance with
6809 ~~the requirements of~~ this part or rules adopted to administer
6810 ~~implement~~ this part.
6811 (9) "Office" means the Office of Emergency Management in
6812 the Executive Office of the Governor.
6813 (19) "Trust fund" means the Operating Trust Fund of the
6814 office ~~established in the department's Division of Emergency~~
6815 ~~Management~~.

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6816 Section 115. Section 252.937, Florida Statutes, is amended
6817 to read:
6818 252.937 Office ~~Department~~ powers and duties.—
6819 (1) The office ~~department~~ has the power and duty to:
6820 (a)1. Seek delegation from the United States Environmental
6821 Protection Agency to implement the Accidental Release Prevention
6822 Program under s. 112(r)(7) of the Clean Air Act and the federal
6823 implementing regulations for specified sources subject to s.
6824 112(r)(7) of the Clean Air Act. Implementation for all other
6825 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
6826 be performed by the United States Environmental Protection
6827 Agency; and
6828 2. Ensure the timely submission of Risk Management Plans
6829 and any subsequent revisions of Risk Management Plans.
6830 (b) Adopt, modify, and repeal rules, with the advice and
6831 consent of the commission, necessary to obtain delegation from
6832 the United States Environmental Protection Agency and to
6833 administer the s. 112(r)(7) Accidental Release Prevention
6834 Program in this state for the specified stationary sources with
6835 no expansion or addition of the regulatory program.
6836 (c) Make and execute contracts and other agreements
6837 necessary or convenient to the administration ~~implementation~~ of
6838 this part.
6839 (d) Coordinate its activities under this part with its
6840 other emergency management responsibilities, including its
6841 responsibilities and activities under parts I, II, and III of
6842 this chapter and with the related activities of other state and
6843 local agencies, keeping separate accounts for all activities
6844 conducted under this part which are supported or partially

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6845 supported from the trust fund.
6846 (e) Establish, with the advice and consent of the
6847 commission, a technical assistance and outreach program ~~on or~~
6848 ~~before January 31, 1999,~~ to assist owners and operators of
6849 specified stationary sources subject to s. 112(r)(7) in
6850 complying with the reporting and fee requirements of this part.
6851 This program is designed to facilitate and ensure timely
6852 submission of proper certifications or compliance schedules and
6853 timely submission and registration of Risk Management Plans and
6854 revised registrations and Risk Management Plans if ~~when~~ required
6855 for these sources.
6856 (f) Make a quarterly report to the State Emergency Response
6857 Commission on income and expenses for the state's Accidental
6858 Release Prevention Program under this part.
6859 (2) To ensure that this program is self-supporting, the
6860 office ~~department~~ shall provide administrative support,
6861 including staff, facilities, materials, and services to
6862 implement this part for specified stationary sources subject to
6863 s. 252.939 and ~~shall~~ provide necessary funding to local
6864 emergency planning committees and county emergency management
6865 agencies for work performed to implement this part. Each state
6866 agency with regulatory, inspection, or technical assistance
6867 programs for specified stationary sources subject to this part
6868 shall enter into a memorandum of understanding with the office
6869 ~~department~~ which specifically outlines how each agency's staff,
6870 facilities, materials, and services will be used ~~utilized~~ to
6871 support implementation. ~~At a minimum, these agencies and~~
6872 ~~programs include: the Department of Environmental Protection's~~
6873 ~~Division of Air Resources Management and Division of Water~~

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6874 ~~Resource Management, and the Department of Labor and Employment~~
6875 ~~Security's Division of Safety.~~ It is the Legislature's intent to
6876 implement this part as efficiently and economically as possible,
6877 using existing expertise and resources, if available and
6878 appropriate.
6879 (3) To prevent the duplication of investigative efforts and
6880 resources, the office ~~department~~, on behalf of the commission,
6881 shall coordinate with any federal agencies or agents thereof,
6882 including the federal Chemical Safety and Hazard Investigation
6883 Board, or its successor, which are performing accidental release
6884 investigations for specified stationary sources, and may
6885 coordinate with any agencies of the state which are performing
6886 accidental release investigations. This accidental release
6887 investigation coordination is not intended to limit or take the
6888 place of any individual agency accidental release investigation
6889 under separate authority.
6890 (4) To promote efficient administration of this program and
6891 specified stationary sources, ~~the~~ only the office ~~agency which~~
6892 may seek delegation from the United States Environmental
6893 Protection Agency for this program ~~is the Florida Department of~~
6894 ~~Community Affairs~~. Further, the office may ~~Florida Department of~~
6895 ~~Community Affairs shall~~ not delegate this program to any local
6896 environmental agency.
6897 Section 116. Section 252.943, Florida Statutes, is amended
6898 to read:
6899 252.943 Public records.—
6900 (1) The office ~~Department of Community Affairs~~ shall
6901 protect records, reports, or information or particular parts
6902 thereof, other than release or emissions data, contained in a

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6903 risk management plan from public disclosure pursuant to ss.
6904 112(r) and 114(c) of the federal Clean Air Act and authorities
6905 cited therein, based upon a showing satisfactory to the
6906 Administrator of the United States Environmental Protection
6907 Agency, by any owner or operator of a stationary source subject
6908 to the Accidental Release Prevention Program, that public
6909 release of such records, reports, or information would divulge
6910 methods or processes entitled to protection as trade secrets as
6911 provided for in 40 C.F.R. part 2, subpart B. Such records,
6912 reports, or information held by the office ~~department~~ are
6913 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
6914 s. 24(a), Art. I of the State Constitution, unless a final
6915 determination has been made by the Administrator of the
6916 Environmental Protection Agency that such records, reports, or
6917 information are not entitled to trade secret protection, or
6918 pursuant to an order of court.
6919 (2) The office ~~department~~ shall protect records, reports,
6920 or information or particular parts thereof, other than release
6921 or emissions data, obtained from an investigation, inspection,
6922 or audit from public disclosure pursuant to ss. 112(r) and
6923 114(c) of the federal Clean Air Act and authorities cited
6924 therein, based upon a showing satisfactory to the Administrator
6925 of the United States Environmental Protection Agency, by any
6926 owner or operator of a stationary source subject to the
6927 Accidental Release Prevention Program, that public release of
6928 such records, reports, or information would divulge methods or
6929 processes entitled to protection as trade secrets as provided
6930 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
6931 information held by the office ~~department~~ are confidential and

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6932 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
6933 of the State Constitution, unless a final determination has been
6934 made by the Administrator of the Environmental Protection Agency
6935 that such records, reports, or information are not entitled to
6936 trade secret protection, or pursuant to a court ~~an~~ order ~~of~~
6937 ~~court~~.
6938 Section 117. Section 252.946, Florida Statutes, is amended
6939 to read:
6940 252.946 Public records.—With regard to information
6941 submitted to the United States Environmental Protection Agency
6942 under this part or s. 112(r)(7), the office ~~department of~~
6943 ~~Community Affairs~~, the State Hazardous Materials Emergency
6944 Response Commission, and any local emergency planning committee
6945 may assist persons in electronically accessing such information
6946 held by the United States Environmental Protection Agency in its
6947 centralized database. If requested, the office ~~department~~, the
6948 commission, or a committee may furnish copies of such United
6949 States Environmental Protection Agency records.
6950 Section 118. Paragraph (b) of subsection (1) of section
6951 255.099, Florida Statutes, is amended to read:
6952 255.099 Preference to state residents.—
6953 (1) Each contract for construction that is funded by state
6954 funds must contain a provision requiring the contractor to give
6955 preference to the employment of state residents in the
6956 performance of the work on the project if state residents have
6957 substantially equal qualifications to those of nonresidents. A
6958 contract for construction funded by local funds may contain such
6959 a provision.
6960 (b) A contractor required to employ state residents must

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6961 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
6962 the contractor's employment needs in the state's job bank
6963 system.
6964 Section 119. Paragraph (b) of subsection (1) of section
6965 259.035, Florida Statutes, is amended to read:
6966 259.035 Acquisition and Restoration Council.—
6967 (1) There is created the Acquisition and Restoration
6968 Council.
6969 (b) The five remaining appointees shall be composed of the
6970 Secretary of Environmental Protection, the director of the
6971 Division of Forestry of the Department of Agriculture and
6972 Consumer Services, the executive director of the Fish and
6973 Wildlife Conservation Commission, the director of the Division
6974 of Historical Resources of the Department of State, ~~and the~~
6975 ~~secretary of the Department of Community Affairs,~~ or their
6976 respective designees.
6977 Section 120. Paragraph (d) of subsection (1) of section
6978 260.0142, Florida Statutes, is amended to read:
6979 260.0142 Florida Greenways and Trails Council; composition;
6980 powers and duties.—
6981 (1) There is created within the department the Florida
6982 Greenways and Trails Council which shall advise the department
6983 in the execution of the department's powers and duties under
6984 this chapter. The council shall be composed of 20 ~~21~~ members,
6985 consisting of:
6986 (d) The 10 remaining members shall include:
6987 1. The Secretary of Environmental Protection or a designee.
6988 2. The executive director of the Fish and Wildlife
6989 Conservation Commission or a designee.

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6990 ~~3. The Secretary of Community Affairs or a designee.~~
6991 3.~~4.~~ The Secretary of Transportation or a designee.
6992 4.~~5.~~ The Director of the Division of Forestry of the
6993 Department of Agriculture and Consumer Services or a designee.
6994 5.~~6.~~ The director of the Division of Historical Resources
6995 of the Department of State or a designee.
6996 6.~~7.~~ A representative of the water management districts.
6997 Membership on the council shall rotate among the five districts.
6998 The districts shall determine the order of rotation.
6999 7.~~8.~~ A representative of a federal land management agency.
7000 The Secretary of Environmental Protection shall identify the
7001 appropriate federal agency and request designation of a
7002 representative from the agency to serve on the council.
7003 8.~~9.~~ A representative of the regional planning councils to
7004 be appointed by the Secretary of Environmental Protection ~~in~~
7005 ~~consultation with the Secretary of Community Affairs~~. Membership
7006 on the council shall rotate among the seven regional planning
7007 councils. The regional planning councils shall determine the
7008 order of rotation.
7009 9.~~10.~~ A representative of local governments to be appointed
7010 by the Secretary of Environmental Protection ~~in consultation~~
7011 ~~with the Secretary of Community Affairs~~. Membership shall
7012 alternate between a county representative and a municipal
7013 representative.
7014 Section 121. Section 272.11, Florida Statutes, is amended
7015 to read:
7016 272.11 Capitol information center.—The Jobs Florida
7017 Partnership, Inc., ~~Florida Commission on Tourism~~ shall
7018 establish, maintain, and operate a Capitol information center

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7019 somewhere within the area of the Capitol Center and employ
7020 personnel or enter into contracts to maintain same.
7021 Section 122. Paragraph (a) of subsection (4) of section
7022 282.34, Florida Statutes, is amended to read:
7023 282.34 Statewide e-mail service.—A state e-mail system that
7024 includes the delivery and support of e-mail, messaging, and
7025 calendaring capabilities is established as an enterprise
7026 information technology service as defined in s. 282.0041. The
7027 service shall be designed to meet the needs of all executive
7028 branch agencies. The primary goals of the service are to
7029 minimize the state investment required to establish, operate,
7030 and support the statewide service; reduce the cost of current e-
7031 mail operations and the number of duplicative e-mail systems;
7032 and eliminate the need for each state agency to maintain its own
7033 e-mail staff.
7034 (4) All agencies must be completely migrated to the
7035 statewide e-mail service as soon as financially and
7036 operationally feasible, but no later than June 30, 2015.
7037 (a) The following statewide e-mail service implementation
7038 schedule is established for state agencies:
7039 1. Phase 1.—The following agencies must be completely
7040 migrated to the statewide e-mail system by June 30, 2012: the
7041 Agency for Enterprise Information Technology; ~~the Department of~~
7042 ~~Community Affairs, including the Division of Emergency~~
7043 ~~Management;~~ the Department of Corrections; the Department of
7044 Health; the Department of Highway Safety and Motor Vehicles; the
7045 Department of Management Services, including the Division of
7046 Administrative Hearings, the Division of Retirement, the
7047 Commission on Human Relations, and the Public Employees

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7048 Relations Commission; the Southwood Shared Resource Center; and
7049 the Department of Revenue.
7050 2. Phase 2.—The following agencies must be completely
7051 migrated to the statewide e-mail system by June 30, 2013: the
7052 Department of Business and Professional Regulation; the
7053 Department of Education, including the Board of Governors; the
7054 Department of Environmental Protection; the Department of
7055 Juvenile Justice; the Department of the Lottery; the Department
7056 of State; the Department of Law Enforcement; the Department of
7057 Veterans' Affairs; the Judicial Administration Commission; the
7058 Public Service Commission; and the Statewide Guardian Ad Litem
7059 Office.
7060 3. Phase 3.—The following agencies must be completely
7061 migrated to the statewide e-mail system by June 30, 2014: the
7062 Agency for Health Care Administration; ~~the Agency for Workforce~~
7063 ~~Innovation;~~ the Department of Financial Services, including the
7064 Office of Financial Regulation and the Office of Insurance
7065 Regulation; the Department of Agriculture and Consumer Services;
7066 the Executive Office of the Governor, including the Office of
7067 Emergency Management; the Department of Transportation; the Fish
7068 and Wildlife Conservation Commission; the Agency for Persons
7069 With Disabilities; the Northwood Shared Resource Center; and the
7070 State Board of Administration.
7071 4. Phase 4.—The following agencies must be completely
7072 migrated to the statewide e-mail system by June 30, 2015: the
7073 Department of Children and Family Services; the Department of
7074 Citrus; the Department of Elderly Affairs; and the Department of
7075 Legal Affairs.
7076 Section 123. Paragraphs (a) and (d) of subsection (1) and

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7077 subsection (4) of section 282.709, Florida Statutes, are amended
7078 to read:
7079 282.709 State agency law enforcement radio system and
7080 interoperability network.—
7081 (1) The department may acquire and administer a statewide
7082 radio communications system to serve law enforcement units of
7083 state agencies, and to serve local law enforcement agencies
7084 through mutual aid channels.
7085 (a) The department shall, in conjunction with the
7086 Department of Law Enforcement and the Office ~~Division~~ of
7087 Emergency Management ~~of the Department of Community Affairs~~,
7088 establish policies, procedures, and standards to be incorporated
7089 into a comprehensive management plan for the use and operation
7090 of the statewide radio communications system.
7091 (d) The department shall exercise its powers and duties
7092 under this part to plan, manage, and administer the mutual aid
7093 channels in the statewide radio communication system.
7094 1. In implementing such powers and duties, the department
7095 shall consult and act in conjunction with the Department of Law
7096 Enforcement and the Office ~~Division~~ of Emergency Management ~~of~~
7097 ~~the Department of Community Affairs~~, and shall manage and
7098 administer the mutual aid channels in a manner that reasonably
7099 addresses the needs and concerns of the involved law enforcement
7100 agencies and emergency response agencies and entities.
7101 2. The department may make the mutual aid channels
7102 available to federal agencies, state agencies, and agencies of
7103 the political subdivisions of the state for the purpose of
7104 public safety and domestic security.
7105 (4) The department may create and administer an

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7106 interoperability network to enable interoperability between
7107 various radio communications technologies and to serve federal
7108 agencies, state agencies, and agencies of political subdivisions
7109 of the state for the purpose of public safety and domestic
7110 security.
7111 (a) The department shall, in conjunction with the
7112 Department of Law Enforcement and the Office ~~Division~~ of
7113 Emergency Management ~~of the Department of Community Affairs~~,
7114 exercise its powers and duties pursuant to this chapter to plan,
7115 manage, and administer the interoperability network. The office
7116 may:
7117 1. Enter into mutual aid agreements among federal agencies,
7118 state agencies, and political subdivisions of the state for the
7119 use of the interoperability network.
7120 2. Establish the cost of maintenance and operation of the
7121 interoperability network and charge subscribing federal and
7122 local law enforcement agencies for access and use of the
7123 network. The department may not charge state law enforcement
7124 agencies identified in paragraph (2)(a) to use the network.
7125 3. In consultation with the Department of Law Enforcement
7126 and the Office ~~Division~~ of Emergency Management ~~of the~~
7127 ~~Department of Community Affairs~~, amend and enhance the statewide
7128 radio communications system as necessary to implement the
7129 interoperability network.
7130 (b) The department, in consultation with the Joint Task
7131 Force on State Agency Law Enforcement Communications, and in
7132 conjunction with the Department of Law Enforcement and the
7133 Office ~~Division~~ of Emergency Management ~~of the Department of~~
7134 ~~Community Affairs~~, shall establish policies, procedures, and

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7135 standards to incorporate into a comprehensive management plan
7136 for the use and operation of the interoperability network.
7137 Section 124. Section 287.09431, Florida Statutes, is
7138 amended to read:
7139 287.09431 Statewide and interlocal agreement on
7140 certification of business concerns for the status of minority
7141 business enterprise.—The statewide and interlocal agreement on
7142 certification of business concerns for the status of minority
7143 business enterprise is hereby enacted and entered into with all
7144 jurisdictions or organizations legally joining therein. If,
7145 within 2 years from the date that the certification core
7146 criteria are approved by the Department of Management Services
7147 ~~Department of Labor and Employment Security~~, the agreement
7148 included herein is not executed by a majority of county and
7149 municipal governing bodies that administer a minority business
7150 assistance program on the effective date of this act, then the
7151 Legislature shall review this agreement. It is the intent of the
7152 Legislature that if the agreement is not executed by a majority
7153 of the requisite governing bodies, then a statewide uniform
7154 certification process should be adopted, and that said agreement
7155 should be repealed and replaced by a mandatory state government
7156 certification process.
7157
7158 ARTICLE I
7159
7160 PURPOSE, FINDINGS, AND POLICY.—
7161 (1) The parties to this agreement, desiring by common
7162 action to establish a uniform certification process in order to
7163 reduce the multiplicity of applications by business concerns to

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7164 state and local governmental programs for minority business
7165 assistance, declare that it is the policy of each of them, on
7166 the basis of cooperation with one another, to remedy social and
7167 economic disadvantage suffered by certain groups, resulting in
7168 their being historically underutilized in ownership and control
7169 of commercial enterprises. Thus, the parties seek to address
7170 this history by increasing the participation of the identified
7171 groups in opportunities afforded by government procurement.
7172 (2) The parties find that the State of Florida presently
7173 certifies firms for participation in the minority business
7174 assistance programs of the state. The parties find further that
7175 some counties, municipalities, school boards, special districts,
7176 and other divisions of local government require a separate, yet
7177 similar, and in most cases redundant certification in order for
7178 businesses to participate in the programs sponsored by each
7179 government entity.
7180 (3) The parties find further that this redundant
7181 certification has proven to be unduly burdensome to the
7182 minority-owned firms intended to benefit from the underlying
7183 purchasing incentives.
7184 (4) The parties agree that:
7185 (a) They will facilitate integrity, stability, and
7186 cooperation in the statewide and interlocal certification
7187 process, and in other elements of programs established to assist
7188 minority-owned businesses.
7189 (b) They shall cooperate with agencies, organizations, and
7190 associations interested in certification and other elements of
7191 minority business assistance.
7192 (c) It is the purpose of this agreement to provide for a

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7193 uniform process whereby the status of a business concern may be
7194 determined in a singular review of the business information for
7195 these purposes, in order to eliminate any undue expense, delay,
7196 or confusion to the minority-owned businesses in seeking to
7197 participate in the minority business assistance programs of
7198 state and local jurisdictions.
7199
7200 ARTICLE II
7201
7202 DEFINITIONS.—As used in this agreement and contracts made
7203 pursuant to it, unless the context clearly requires otherwise:
7204 (1) "Awarding organization" means any political subdivision
7205 or organization authorized by law, ordinance, or agreement to
7206 enter into contracts and for which the governing body has
7207 entered into this agreement.
7208 (2) "Department" means the Department of Management
7209 Services ~~Department of Labor and Employment Security~~.
7210 (3) "Minority" means a person who is a lawful, permanent
7211 resident of the state, having origins in one of the minority
7212 groups as described and adopted by the Department of Management
7213 Services ~~Department of Labor and Employment Security~~, hereby
7214 incorporated by reference.
7215 (4) "Minority business enterprise" means any small business
7216 concern as defined in subsection (6) that meets all of the
7217 criteria described and adopted by the Department of Management
7218 Services ~~Department of Labor and Employment Security~~, hereby
7219 incorporated by reference.
7220 (5) "Participating state or local organization" means any
7221 political subdivision of the state or organization designated by

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7222 such that elects to participate in the certification process
7223 pursuant to this agreement, which has been approved according to
7224 s. 287.0943(3) and has legally entered into this agreement.
7225 (6) “Small business concern” means an independently owned
7226 and operated business concern which is of a size and type as
7227 described and adopted by vote related to this agreement of the
7228 commission, hereby incorporated by reference.
7229
7230 ARTICLE III
7231
7232 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—
7233 (1) All awarding organizations shall accept a certification
7234 granted by any participating organization which has been
7235 approved according to s. 287.0943(3) and has entered into this
7236 agreement, as valid status of minority business enterprise.
7237 (2) A participating organization shall certify a business
7238 concern that meets the definition of minority business
7239 enterprise in this agreement, in accordance with the duly
7240 adopted eligibility criteria.
7241 (3) All participating organizations shall issue notice of
7242 certification decisions granting or denying certification to all
7243 other participating organizations within 14 days of the
7244 decision. Such notice may be made through electronic media.
7245 (4) No certification will be granted without an onsite
7246 visit to verify ownership and control of the prospective
7247 minority business enterprise, unless verification can be
7248 accomplished by other methods of adequate verification or
7249 assessment of ownership and control.
7250 (5) The certification of a minority business enterprise

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7251 pursuant to the terms of this agreement shall not be suspended,
7252 revoked, or otherwise impaired except on any grounds which would
7253 be sufficient for revocation or suspension of a certification in
7254 the jurisdiction of the participating organization.
7255 (6) The certification determination of a party may be
7256 challenged by any other participating organization by the
7257 issuance of a timely written notice by the challenging
7258 organization to the certifying organization’s determination
7259 within 10 days of receiving notice of the certification
7260 decision, stating the grounds therefor.
7261 (7) The sole accepted grounds for challenge shall be the
7262 failure of the certifying organization to adhere to the adopted
7263 criteria or the certifying organization’s rules or procedures,
7264 or the perpetuation of a misrepresentation or fraud by the firm.
7265 (8) The certifying organization shall reexamine its
7266 certification determination and submit written notice to the
7267 applicant and the challenging organization of its findings
7268 within 30 days after the receipt of the notice of challenge.
7269 (9) If the certification determination is affirmed, the
7270 challenging agency may subsequently submit timely written notice
7271 to the firm of its intent to revoke certification of the firm.
7272
7273 ARTICLE IV
7274
7275 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7276 shall be construed to repeal or otherwise modify any ordinance,
7277 law, or regulation of a party relating to the existing minority
7278 business assistance provisions and procedures by which minority
7279 business enterprises participate therein.

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7280
7281 ARTICLE V
7282
7283 TERM.—The term of the agreement shall be 5 years, after
7284 which it may be reexecuted by the parties.
7285
7286 ARTICLE VI
7287
7288 AGREEMENT EVALUATION.—The designated state and local
7289 officials may meet from time to time as a group to evaluate
7290 progress under the agreement, to formulate recommendations for
7291 changes, or to propose a new agreement.
7292
7293 ARTICLE VII
7294
7295 OTHER ARRANGEMENTS.—Nothing in this agreement shall be
7296 construed to prevent or inhibit other arrangements or practices
7297 of any party in order to comply with federal law.
7298
7299 ARTICLE VIII
7300
7301 EFFECT AND WITHDRAWAL.—
7302 (1) This agreement shall become effective when properly
7303 executed by a legal representative of the participating
7304 organization, when enacted into the law of the state and after
7305 an ordinance or other legislation is enacted into law by the
7306 governing body of each participating organization. Thereafter it
7307 shall become effective as to any participating organization upon
7308 the enactment of this agreement by the governing body of that

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7309 organization.
7310 (2) Any party may withdraw from this agreement by enacting
7311 legislation repealing the same, but no such withdrawal shall
7312 take effect until one year after the governing body of the
7313 withdrawing party has given notice in writing of the withdrawal
7314 to the other parties.
7315 (3) No withdrawal shall relieve the withdrawing party of
7316 any obligations imposed upon it by law.
7317
7318 ARTICLE IX
7319
7320 FINANCIAL RESPONSIBILITY.—
7321 (1) A participating organization shall not be financially
7322 responsible or liable for the obligations of any other
7323 participating organization related to this agreement.
7324 (2) The provisions of this agreement shall constitute
7325 neither a waiver of any governmental immunity under Florida law
7326 nor a waiver of any defenses of the parties under Florida law.
7327 The provisions of this agreement are solely for the benefit of
7328 its executors and not intended to create or grant any rights,
7329 contractual or otherwise, to any person or entity.
7330
7331 ARTICLE X
7332
7333 VENUE AND GOVERNING LAW.—The obligations of the parties to
7334 this agreement are performable only within the county where the
7335 participating organization is located, and statewide for the
7336 Office of Supplier Diversity, and venue for any legal action in
7337 connection with this agreement shall lie, for any participating

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7338 organization except the Office of Supplier Diversity,
7339 exclusively in the county where the participating organization
7340 is located. This agreement shall be governed by and construed in
7341 accordance with the laws and court decisions of the state.
7342
7343 ARTICLE XI
7344
7345 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7346 liberally construed so as to effectuate the purposes thereof.
7347 The provisions of this agreement shall be severable and if any
7348 phrase, clause, sentence, or provision of this agreement is
7349 declared to be contrary to the State Constitution or the United
7350 States Constitution, or the application thereof to any
7351 government, agency, person, or circumstance is held invalid, the
7352 validity of the remainder of this agreement and the
7353 applicability thereof to any government, agency, person, or
7354 circumstance shall not be affected thereby. If this agreement
7355 shall be held contrary to the State Constitution, the agreement
7356 shall remain in full force and effect as to all severable
7357 matters.
7358 Section 125. Paragraphs (h) and (o) of subsection (4) of
7359 section 287.09451, Florida Statutes, are amended to read:
7360 287.09451 Office of Supplier Diversity; powers, duties, and
7361 functions.—
7362 (4) The Office of Supplier Diversity shall have the
7363 following powers, duties, and functions:
7364 (h) To develop procedures to investigate complaints against
7365 minority business enterprises or contractors alleged to violate
7366 any provision related to this section or s. 287.0943, that may

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7367 include visits to worksites or business premises, and to refer
7368 all information on businesses suspected of misrepresenting
7369 minority status to the Department of Management Services for
7370 investigation. When an investigation is completed and there is
7371 reason to believe that a violation has occurred, ~~the Department~~
7372 ~~of Labor and Employment Security shall refer~~ the matter shall be
7373 referred to the office of the Attorney General, Department of
7374 Legal Affairs, for prosecution.
7375 (o)1. To establish a system to record and measure the use
7376 of certified minority business enterprises in state contracting.
7377 This system shall maintain information and statistics on
7378 certified minority business enterprise participation, awards,
7379 dollar volume of expenditures and agency goals, and other
7380 appropriate types of information to analyze progress in the
7381 access of certified minority business enterprises to state
7382 contracts and to monitor agency compliance with this section.
7383 Such reporting must include, but is not limited to, the
7384 identification of all subcontracts in state contracting by
7385 dollar amount and by number of subcontracts and the
7386 identification of the utilization of certified minority business
7387 enterprises as prime contractors and subcontractors by dollar
7388 amounts of contracts and subcontracts, number of contracts and
7389 subcontracts, minority status, industry, and any conditions or
7390 circumstances that significantly affected the performance of
7391 subcontractors. Agencies shall report their compliance with the
7392 requirements of this reporting system at least annually and at
7393 the request of the office. All agencies shall cooperate with the
7394 office in establishing this reporting system. Except in
7395 construction contracting, all agencies shall review contracts

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7396 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7397 determine if such contracts could be divided into smaller
7398 contracts to be separately solicited and awarded, and shall,
7399 when economical, offer such smaller contracts to encourage
7400 minority participation.
7401 2. To report agency compliance with the provisions of
7402 subparagraph 1. for the preceding fiscal year to the Governor
7403 and Cabinet, the President of the Senate, and the Speaker of the
7404 House of Representatives~~, and the secretary of the Department of~~
7405 ~~Labor and Employment Security~~ on or before February 1 of each
7406 year. The report must contain, at a minimum, the following:
7407 a. Total expenditures of each agency by industry.
7408 b. The dollar amount and percentage of contracts awarded to
7409 certified minority business enterprises by each state agency.
7410 c. The dollar amount and percentage of contracts awarded
7411 indirectly to certified minority business enterprises as
7412 subcontractors by each state agency.
7413 d. The total dollar amount and percentage of contracts
7414 awarded to certified minority business enterprises, whether
7415 directly or indirectly, as subcontractors.
7416 e. A statement and assessment of good faith efforts taken
7417 by each state agency.
7418 f. A status report of agency compliance with subsection
7419 (6), as determined by the Minority Business Enterprise Office.
7420 Section 126. Subsections (1) and (5) of section 287.0947,
7421 Florida Statutes, are amended to read:
7422 287.0947 Florida Advisory Council on Small and Minority
7423 Business Development; creation; membership; duties.—
7424 (1) ~~On or after October 1, 1996,~~ The Secretary of

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7425 Management Services ~~the Department of Labor and Employment~~
7426 ~~Security~~ may create the Florida Advisory Council on Small and
7427 Minority Business Development with the purpose of advising and
7428 assisting the secretary in carrying out the secretary's duties
7429 with respect to minority businesses and economic and business
7430 development. It is the intent of the Legislature that the
7431 membership of such council include practitioners, laypersons,
7432 financiers, and others with business development experience who
7433 can provide invaluable insight and expertise for this state in
7434 the diversification of its markets and networking of business
7435 opportunities. The council shall initially consist of 19
7436 persons, each of whom is or has been actively engaged in small
7437 and minority business development, either in private industry,
7438 in governmental service, or as a scholar of recognized
7439 achievement in the study of such matters. Initially, the council
7440 shall consist of members representing all regions of the state
7441 and shall include at least one member from each group identified
7442 within the definition of "minority person" in s. 288.703(3),
7443 considering also gender and nationality subgroups, and shall
7444 consist of the following:
7445 (a) Four members consisting of representatives of local and
7446 federal small and minority business assistance programs or
7447 community development programs.
7448 (b) Eight members composed of representatives of the
7449 minority private business sector, including certified minority
7450 business enterprises and minority supplier development councils,
7451 among whom at least two shall be women and at least four shall
7452 be minority persons.
7453 (c) Two representatives of local government, one of whom

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7454 shall be a representative of a large local government, and one
7455 of whom shall be a representative of a small local government.
7456 (d) Two representatives from the banking and insurance
7457 industry.
7458 (e) Two members from the private business sector,
7459 representing the construction and commodities industries.
7460 (f) A member from the board of directors of the Jobs
7461 Florida Partnership, Inc ~~The chairperson of the Florida Black~~
7462 ~~Business Investment Board or the chairperson's designee~~.
7463
7464 A candidate for appointment may be considered if eligible to be
7465 certified as an owner of a minority business enterprise, or if
7466 otherwise qualified under the criteria above. Vacancies may be
7467 filled by appointment of the secretary, in the manner of the
7468 original appointment.
7469 (5) The powers and duties of the council include, but are
7470 not limited to: researching and reviewing the role of small and
7471 minority businesses in the state's economy; reviewing issues and
7472 emerging topics relating to small and minority business economic
7473 development; studying the ability of financial markets and
7474 institutions to meet small business credit needs and determining
7475 the impact of government demands on credit for small businesses;
7476 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7477 requiring a state economic development comprehensive plan, as it
7478 relates to small and minority businesses; assessing the
7479 reasonableness and effectiveness of efforts by any state agency
7480 or by all state agencies collectively to assist minority
7481 business enterprises; and advising the Governor, the secretary,
7482 and the Legislature on matters relating to small and minority

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7483 business development which are of importance to the
7484 international strategic planning and activities of this state.
7485 Section 127. Section 288.012, Florida Statutes, is amended
7486 to read:
7487 288.012 State of Florida international ~~foreign~~ offices.—The
7488 Legislature finds that the expansion of international trade and
7489 tourism is vital to the overall health and growth of the economy
7490 of this state. This expansion is hampered by the lack of
7491 technical and business assistance, financial assistance, and
7492 information services for businesses in this state. The
7493 Legislature finds that these businesses could be assisted by
7494 providing these services at State of Florida international
7495 ~~foreign~~ offices. The Legislature further finds that the
7496 accessibility and provision of services at these offices can be
7497 enhanced through cooperative agreements or strategic alliances
7498 between private businesses and state ~~entities~~, local ~~entities~~,
7499 and international governmental ~~foreign~~ entities~~, and private~~
7500 ~~businesses~~.
7501 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7502 ~~Development~~ is authorized to:
7503 (a) Establish and operate offices in other ~~foreign~~
7504 countries for the purpose of promoting ~~the~~ trade and economic
7505 development opportunities of the state, and promoting the
7506 gathering of trade data information and research on trade
7507 opportunities in specific countries.
7508 (b) Enter into agreements with governmental and private
7509 sector entities to establish and operate offices in other
7510 ~~foreign~~ countries containing provisions which may be in conflict
7511 with general laws of the state pertaining to the purchase of

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7512 office space, employment of personnel, and contracts for
7513 services. When agreements pursuant to this section are made
7514 which set compensation in foreign currency, such agreements
7515 shall be subject to the requirements of s. 215.425, but the
7516 purchase of foreign currency by Jobs Florida ~~the Office of~~
7517 ~~Tourism, Trade, and Economic Development~~ to meet such
7518 obligations shall be subject only to s. 216.311.
7519 (2) Each international ~~foreign~~ office shall have in place
7520 an operational plan approved by the participating boards or
7521 other governing authority, a copy of which shall be provided to
7522 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7523 ~~Development~~. These operating plans shall be reviewed and updated
7524 each fiscal year and shall include, at a minimum, the following:
7525 (a) Specific policies and procedures encompassing the
7526 entire scope of the operation and management of each office.
7527 (b) A comprehensive, commercial strategic plan identifying
7528 marketing opportunities and industry sector priorities for the
7529 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
7530 office is located.
7531 (c) Provisions for access to information for Florida
7532 businesses through the Florida Trade Data Center. Each
7533 international ~~foreign~~ office shall obtain and forward trade
7534 leads and inquiries to the center on a regular basis.
7535 (d) Identification of new and emerging market opportunities
7536 for Florida businesses. Each international ~~foreign~~ office shall
7537 provide the Florida Trade Data Center with a compilation of
7538 foreign buyers and importers in industry sector priority areas
7539 on an annual basis. In return, the Florida Trade Data Center
7540 shall make available to each international ~~foreign~~ office, and

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7541 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~the~~
7542 ~~Florida Commission on Tourism,~~ the Florida Ports Council, the
7543 Department of State, the Department of Citrus, and the
7544 Department of Agriculture and Consumer Services, trade industry,
7545 commodity, and opportunity information. This information shall
7546 be provided to such offices and entities either free of charge
7547 or on a fee basis with fees set only to recover the costs of
7548 providing the information.
7549 (e) Provision of access for Florida businesses to the
7550 services of the Florida Trade Data Center, international trade
7551 assistance services provided by state and local entities,
7552 seaport and airport information, and other services identified
7553 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7554 ~~Development~~.
7555 (f) Qualitative and quantitative performance measures for
7556 each office, including, but not limited to, the number of
7557 businesses assisted, the number of trade leads and inquiries
7558 generated, the number of international ~~foreign~~ buyers and
7559 importers contacted, and the amount and type of marketing
7560 conducted.
7561 (3) By October 1 of each year, each international ~~foreign~~
7562 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7563 ~~Trade, and Economic Development~~ a complete and detailed report
7564 on its activities and accomplishments during the preceding
7565 fiscal year. In a format provided by the Jobs Florida
7566 Partnership ~~Enterprise Florida~~, Inc., the report must set forth
7567 information on:
7568 (a) The number of Florida companies assisted.
7569 (b) The number of inquiries received about investment

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7570 opportunities in this state.
7571 (c) The number of trade leads generated.
7572 (d) The number of investment projects announced.
7573 (e) The estimated U.S. dollar value of sales confirmations.
7574 (f) The number of representation agreements.
7575 (g) The number of company consultations.
7576 (h) Barriers or other issues affecting the effective
7577 operation of the office.
7578 (i) Changes in office operations which are planned for the
7579 current fiscal year.
7580 (j) Marketing activities conducted.
7581 (k) Strategic alliances formed with organizations in the
7582 country in which the office is located.
7583 (l) Activities conducted with Florida's other ~~Florida~~
7584 international ~~foreign~~ offices.
7585 (m) Any other information that the office believes would
7586 contribute to an understanding of its activities.
7587 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7588 ~~Development~~, in connection with the establishment, operation,
7589 and management of any of its offices located in another ~~a~~
7590 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,
7591 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7592 and 283.35 relating to bids for printing; ss. 287.001-287.20
7593 relating to purchasing and motor vehicles; and ss. 282.003-
7594 282.0056 and 282.702-282.7101 relating to communications, and
7595 from all statutory provisions relating to state employment.
7596 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7597 ~~Development~~ may exercise such exemptions only upon prior
7598 approval of the Governor.

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7599 (b) If approval for an exemption under this section is
7600 granted as an integral part of a plan of operation for a
7601 specified international ~~foreign~~ office, such action shall
7602 constitute continuing authority for Jobs Florida ~~the Office of~~
7603 ~~Tourism, Trade, and Economic Development~~ to exercise the
7604 exemption, but only in the context and upon the terms originally
7605 granted. Any modification of the approved plan of operation with
7606 respect to an exemption contained therein must be resubmitted to
7607 the Governor for his or her approval. An approval granted to
7608 exercise an exemption in any other context shall be restricted
7609 to the specific instance for which the exemption is to be
7610 exercised.
7611 (c) As used in this subsection, the term "plan of
7612 operation" means the plan developed pursuant to subsection (2).
7613 (d) Upon final action by the Governor with respect to a
7614 request to exercise the exemption authorized in this subsection,
7615 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7616 ~~Development~~ shall report such action, along with the original
7617 request and any modifications thereto, to the President of the
7618 Senate and the Speaker of the House of Representatives within 30
7619 days.
7620 (5) Where feasible and appropriate, ~~and subject to s.~~
7621 ~~288.1224(9),~~ foreign offices established and operated under this
7622 section may provide one-stop access to the economic development,
7623 trade, and tourism information, services, and programs of the
7624 state. Where feasible and appropriate, ~~and subject to s.~~
7625 ~~288.1224(9),~~ such offices may also be collocated with other
7626 foreign offices of the state.
7627 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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7628 ~~Development~~ is authorized to make and to enter into contracts
7629 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~and~~
7630 ~~the Florida Commission on Tourism~~ to carry out the provisions of
7631 this section. The authority, duties, and exemptions provided in
7632 this section apply to the Jobs Florida Partnership ~~Enterprise~~
7633 ~~Florida~~, Inc., ~~and the Florida Commission on Tourism~~ to the same
7634 degree and subject to the same conditions as applied to Jobs
7635 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
7636 To the greatest extent possible, such contracts shall include
7637 provisions for cooperative agreements or strategic alliances
7638 between private businesses and state ~~entities~~, international,
7639 ~~foreign entities,~~ and local governmental entities~~, and private~~
7640 ~~businesses~~ to operate international ~~foreign~~ offices.
7641 Section 128. Subsections (1) and (3) of section 288.017,
7642 Florida Statutes, are amended to read:
7643 288.017 Cooperative advertising matching grants program.—
7644 (1) The Florida Commission on Tourism is authorized to
7645 establish a cooperative advertising matching grants program and,
7646 pursuant thereto, to make expenditures and enter into contracts
7647 with local governments and nonprofit corporations for the
7648 purpose of publicizing the tourism advantages of the state. Jobs
7649 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
7650 based on recommendations from the Florida Commission on Tourism,
7651 shall have final approval of grants awarded through this
7652 program. The commission may contract with its direct-support
7653 organization to administer the program.
7654 (3) The Florida Commission on Tourism shall conduct an
7655 annual competitive selection process for the award of grants
7656 under the program. In determining its recommendations for the

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7657 grant awards, the commission shall consider the demonstrated
7658 need of the applicant for advertising assistance, the
7659 feasibility and projected benefit of the applicant's proposal,
7660 the amount of nonstate funds that will be leveraged, and such
7661 other criteria as the commission deems appropriate. In
7662 evaluating grant applications, Jobs Florida ~~the Office~~ shall
7663 consider recommendations from the Florida Commission on Tourism.
7664 Jobs Florida ~~the Office~~, however, has final approval authority
7665 for any grant under this section.
7666 Section 129. Section 288.018, Florida Statutes, is amended
7667 to read:
7668 288.018 Regional Rural Development Grants Program.—
7669 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7670 ~~Development~~ shall establish a matching grant program to provide
7671 funding to regionally based economic development organizations
7672 representing rural counties and communities for the purpose of
7673 building the professional capacity of their organizations. Such
7674 matching grants may also be used by an economic development
7675 organization to provide technical assistance to businesses
7676 within the rural counties and communities that it serves. Jobs
7677 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7678 is authorized to approve, on an annual basis, grants to such
7679 regionally based economic development organizations. The maximum
7680 amount an organization may receive in any year will be $35,000,
7681 or $100,000 in a rural area of critical economic concern
7682 recommended by the Rural Economic Development Initiative and
7683 designated by the Governor, and must be matched each year by an
7684 equivalent amount of nonstate resources.
7685 (2) In approving the participants, Jobs Florida ~~the Office~~

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7686 ~~of Tourism, Trade, and Economic Development~~ shall consider the
7687 demonstrated need of the applicant for assistance and require
7688 the following:
7689 (a) Documentation of official commitments of support from
7690 each of the units of local government represented by the
7691 regional organization.
7692 (b) Demonstration that each unit of local government has
7693 made a financial or in-kind commitment to the regional
7694 organization.
7695 (c) Demonstration that the private sector has made
7696 financial or in-kind commitments to the regional organization.
7697 (d) Demonstration that the organization is in existence and
7698 actively involved in economic development activities serving the
7699 region.
7700 (e) Demonstration of the manner in which the organization
7701 is or will coordinate its efforts with those of other local and
7702 state organizations.
7703 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7704 ~~Development~~ may also contract for the development of an
7705 enterprise zone web portal or websites for each enterprise zone
7706 which will be used to market the program for job creation in
7707 disadvantaged urban and rural enterprise zones. Each enterprise
7708 zone web page should include downloadable links to state forms
7709 and information, as well as local message boards that help
7710 businesses and residents receive information concerning zone
7711 boundaries, job openings, zone programs, and neighborhood
7712 improvement activities.
7713 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7714 ~~Development~~ may expend up to $750,000 each fiscal year from

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7715 funds appropriated to the Rural Community Development Revolving
7716 Loan Fund for the purposes outlined in this section. Jobs
7717 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7718 may contract with the Jobs Florida Partnership ~~Enterprise~~
7719 ~~Florida~~, Inc., for the administration of the purposes specified
7720 in this section. Funds released to the Jobs Florida Partnership
7721 ~~Enterprise Florida~~, Inc., for this purpose shall be released
7722 quarterly and shall be calculated based on the applications in
7723 process.
7724 Section 130. Subsection (4) of section 288.019, Florida
7725 Statutes, is amended to read:
7726 288.019 Rural considerations in grant review and evaluation
7727 processes.—Notwithstanding any other law, and to the fullest
7728 extent possible, the member agencies and organizations of the
7729 Rural Economic Development Initiative (REDI) as defined in s.
7730 288.0656(6)(a) shall review all grant and loan application
7731 evaluation criteria to ensure the fullest access for rural
7732 counties as defined in s. 288.0656(2) to resources available
7733 throughout the state.
7734 (4) For existing programs, the modified evaluation criteria
7735 and scoring procedure must be delivered to Jobs Florida ~~the~~
7736 ~~Office of Tourism, Trade, and Economic Development~~ for
7737 distribution to the REDI agencies and organizations. The REDI
7738 agencies and organizations shall review and make comments.
7739 Future rules, programs, evaluation criteria, and scoring
7740 processes must be brought before a REDI meeting for review,
7741 discussion, and recommendation to allow rural counties fuller
7742 access to the state's resources.
7743 Section 131. Subsection (1) of section 288.021, Florida

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7744 Statutes, is amended to read:
7745 288.021 Economic development liaison.—
7746 (1) The heads of the Department of Transportation, the
7747 Department of Environmental Protection and an additional member
7748 appointed by the secretary of the department, ~~the Department of~~
7749 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
7750 ~~Department of Community Affairs,~~ the Department of Management
7751 Services, the Department of Revenue, the Fish and Wildlife
7752 Conservation Commission, each water management district, and
7753 each Department of Transportation District office shall
7754 designate a high-level staff member from within such agency to
7755 serve as the economic development liaison for the agency. This
7756 person shall report to the agency head and have general
7757 knowledge both of the state's permitting and other regulatory
7758 functions and of the state's economic goals, policies, and
7759 programs. This person shall also be the primary point of contact
7760 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
7761 ~~and Economic Development~~ on issues and projects important to the
7762 economic development of Florida, including its rural areas, to
7763 expedite project review, to ensure a prompt, effective response
7764 to problems arising with regard to permitting and regulatory
7765 functions, and to work closely with the other economic
7766 development liaisons to resolve interagency conflicts.
7767 Section 132. Subsection (1) of section 288.035, Florida
7768 Statutes, is amended to read:
7769 288.035 Economic development activities.—
7770 (1) The Florida Public Service Commission may authorize
7771 public utilities to recover reasonable economic development
7772 expenses. For purposes of this section, recoverable "economic

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7773 development expenses" are those expenses described in subsection
7774 (2) which are consistent with criteria to be established by
7775 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
7776 ~~June 30, 1996, or as those criteria are later modified by the~~
7777 ~~Office of Tourism, Trade, and Economic Development~~.
7778 Section 133. Section 288.047, Florida Statutes, is amended
7779 to read:
7780 288.047 Quick-response training for economic development.—
7781 (1) The Quick-Response Training Program is created within
7782 Jobs Florida to meet the workforce-skill needs of existing, new,
7783 and expanding industries. The program shall be administered in
7784 conjunction with ~~by~~ Workforce Florida, Inc., the Jobs Florida
7785 Partnership ~~in conjunction with Enterprise Florida~~, Inc., and
7786 the Department of Education. Workforce Florida, Inc., shall
7787 adopt guidelines for the administration of this program.
7788 Workforce Florida, Inc., shall provide technical services and
7789 shall help to identify businesses that seek services through the
7790 program. ~~Workforce Florida, Inc., may contract with Enterprise~~
7791 ~~Florida, Inc., or administer this program directly, if it is~~
7792 ~~determined that such an arrangement maximizes the amount of the~~
7793 ~~Quick Response grant going to direct services.~~
7794 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
7795 instruction funded pursuant to this section is not available
7796 through the local community college or school district and that
7797 the instruction promotes economic development by providing
7798 specialized training to new workers or retraining for current
7799 employees to meet changing skill requirements caused by new
7800 technology or new product lines and to prevent potential
7801 layoffs. Such funds may not be expended to provide training for

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7802 instruction related to retail businesses or to reimburse
7803 businesses for trainee wages. Funds made available pursuant to
7804 this section may not be expended in connection with the
7805 relocation of a business from one community to another community
7806 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
7807 determines that without such relocation the business will move
7808 outside this state or determines that the business has a
7809 compelling economic rationale for the relocation which creates
7810 additional jobs.
7811 (3) Requests for funding through the Quick-Response
7812 Training Program may be produced through inquiries from a
7813 specific business or industry, inquiries from a school district
7814 director of career education or community college occupational
7815 dean on behalf of a business or industry, or through official
7816 state or local economic development efforts. In allocating funds
7817 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~
7818 ~~Inc.,~~ shall establish criteria for approval of requests for
7819 funding and shall select the entity that provides the most
7820 efficient, cost-effective instruction meeting such criteria.
7821 Program funds may be allocated to any career center, community
7822 college, or state university. Program funds may be allocated to
7823 private postsecondary institutions only upon a review that
7824 includes, but is not limited to, accreditation and licensure
7825 documentation and prior approval by Jobs Florida ~~Workforce~~
7826 ~~Florida, Inc~~. Instruction funded through the program must
7827 terminate when participants demonstrate competence at the level
7828 specified in the request; however, the grant term may not exceed
7829 24 months. Costs and expenditures for the Quick-Response
7830 Training Program must be documented and separated from those

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7831 incurred by the training provider.
7832 (4) For the first 6 months of each fiscal year, Jobs
7833 Florida ~~Workforce Florida, Inc.,~~ shall set aside 30 percent of
7834 the amount appropriated for the Quick-Response Training Program
7835 by the Legislature to fund instructional programs for businesses
7836 located in an enterprise zone or brownfield area. Any
7837 unencumbered funds remaining undisbursed from this set-aside at
7838 the end of the 6-month period may be used to provide funding for
7839 any program qualifying for funding pursuant to this section.
7840 (5) Before ~~Prior to~~ the allocation of funds for any request
7841 pursuant to this section, Jobs Florida ~~Workforce Florida, Inc.,~~
7842 shall prepare a grant agreement between the business or industry
7843 requesting funds, the educational institution receiving funding
7844 through the program, and Jobs Florida ~~Workforce Florida, Inc~~.
7845 Such agreement must include, but is not limited to:
7846 (a) An identification of the personnel necessary to conduct
7847 the instructional program, the qualifications of such personnel,
7848 and the respective responsibilities of the parties for paying
7849 costs associated with the employment of such personnel.
7850 (b) An identification of the estimated length of the
7851 instructional program.
7852 (c) An identification of all direct, training-related
7853 costs, including tuition and fees, curriculum development, books
7854 and classroom materials, and overhead or indirect costs, not to
7855 exceed 5 percent of the grant amount.
7856 (d) An identification of special program requirements that
7857 are not addressed otherwise in the agreement.
7858 (e) Permission to access information specific to the wages
7859 and performance of participants upon the completion of

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7860 instruction for evaluation purposes. Information which, if
7861 released, would disclose the identity of the person to whom the
7862 information pertains or disclose the identity of the person's
7863 employer is confidential and exempt from the provisions of s.
7864 119.07(1). The agreement must specify that any evaluations
7865 published subsequent to the instruction may not identify the
7866 employer or any individual participant.
7867 (6) For the purposes of this section, Jobs Florida
7868 ~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
7869 services, or property of any kind from any agency, corporation,
7870 or individual.
7871 (7) In providing instruction pursuant to this section,
7872 materials that relate to methods of manufacture or production,
7873 potential trade secrets, business transactions, or proprietary
7874 information received, produced, ascertained, or discovered by
7875 employees of the respective departments, district school boards,
7876 community college district boards of trustees, or other
7877 personnel employed for the purposes of this section is
7878 confidential and exempt from the provisions of s. 119.07(1). The
7879 state may seek copyright protection for all instructional
7880 materials and ancillary written documents developed wholly or
7881 partially with state funds as a result of instruction provided
7882 pursuant to this section, except for materials that are
7883 confidential and exempt from the provisions of s. 119.07(1).
7884 (8) There is created a Quick-Response Training Program for
7885 participants in the welfare transition program. Workforce
7886 Florida, Inc., in conjunction with Jobs Florida, may award
7887 quick-response training grants and develop applicable guidelines
7888 for the training of participants in the welfare transition

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7889 program. In addition to a local economic development
7890 organization, grants must be endorsed by the applicable regional
7891 workforce board.
7892 (a) Training funded pursuant to this subsection may not
7893 exceed 12 months, and may be provided by the local community
7894 college, school district, regional workforce board, or the
7895 business employing the participant, including on-the-job
7896 training. Training will provide entry-level skills to new
7897 workers, including those employed in retail, who are
7898 participants in the welfare transition program.
7899 (b) Participants trained pursuant to this subsection must
7900 be employed at a wage not less than $6 per hour.
7901 (c) Funds made available pursuant to this subsection may be
7902 expended in connection with the relocation of a business from
7903 one community to another community if approved by Workforce
7904 Florida, Inc.
7905 ~~(9) Notwithstanding any other provision of law, eligible~~
7906 ~~matching contributions received under the Quick-Response~~
7907 ~~Training Program under this section may be counted toward the~~
7908 ~~private sector support of Enterprise Florida, Inc., under s.~~
7909 ~~288.90151(5)(d).~~
7910 (9)~~(10)~~ Jobs Florida ~~Workforce Florida, Inc., and~~
7911 ~~Enterprise Florida, Inc.,~~ shall ensure maximum coordination and
7912 cooperation in administering this section, in such a manner that
7913 any division of responsibility between the two organizations
7914 which relates to marketing or administering the Quick-Response
7915 Training Program is not apparent to a business that inquires
7916 about or applies for funding under this section. ~~The~~
7917 ~~organizations shall provide such~~ A business shall be provided

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7918 with a single point of contact for information and assistance.
7919 Section 134. Subsections (1), (2), and (3) of section
7920 288.065, Florida Statutes, are amended to read:
7921 288.065 Rural Community Development Revolving Loan Fund.—
7922 (1) The Rural Community Development Revolving Loan Fund
7923 Program is established within Jobs Florida ~~in the Office of~~
7924 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
7925 of existing federal, state, and local financial resources by
7926 providing local governments with financial assistance to further
7927 promote the economic viability of rural communities. These funds
7928 may be used to finance initiatives directed toward maintaining
7929 or developing the economic base of rural communities, especially
7930 initiatives addressing employment opportunities for residents of
7931 these communities.
7932 (2)(a) The program shall provide for long-term loans, loan
7933 guarantees, and loan loss reserves to units of local
7934 governments, or economic development organizations substantially
7935 underwritten by a unit of local government, within counties with
7936 populations of 75,000 or fewer, or within any county with a
7937 population of 125,000 or fewer which is contiguous to a county
7938 with a population of 75,000 or fewer, based on the most recent
7939 official population estimate as determined under s. 186.901,
7940 including those residing in incorporated areas and those
7941 residing in unincorporated areas of the county, or to units of
7942 local government, or economic development organizations
7943 substantially underwritten by a unit of local government, within
7944 a rural area of critical economic concern.
7945 (b) Requests for loans shall be made by application to Jobs
7946 Florida ~~the Office of Tourism, Trade, and Economic Development~~.

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7947 Loans shall be made pursuant to agreements specifying the terms
7948 and conditions agreed to between the applicant and Jobs Florida
7949 ~~the Office of Tourism, Trade, and Economic Development~~. The
7950 loans shall be the legal obligations of the applicant.
7951 (c) All repayments of principal and interest shall be
7952 returned to the loan fund and made available for loans to other
7953 applicants. However, in a rural area of critical economic
7954 concern designated by the Governor, and upon approval by Jobs
7955 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
7956 repayments of principal and interest may be retained by the
7957 applicant if such repayments are dedicated and matched to fund
7958 regionally based economic development organizations representing
7959 the rural area of critical economic concern.
7960 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7961 ~~Development~~ shall manage the fund, establishing loan practices
7962 that must include, but are not limited to, procedures for
7963 establishing loan interest rates, uses of funding, application
7964 procedures, and application review procedures. Jobs Florida ~~The~~
7965 ~~Office of Tourism, Trade, and Economic Development~~ shall have
7966 final approval authority for any loan under this section.
7967 Section 135. Subsections (1), (2), (3), and (4) of section
7968 288.0655, Florida Statutes, are amended to read:
7969 288.0655 Rural Infrastructure Fund.—
7970 (1) There is created within Jobs Florida ~~the Office of~~
7971 ~~Tourism, Trade, and Economic Development~~ the Rural
7972 Infrastructure Fund to facilitate the planning, preparing, and
7973 financing of infrastructure projects in rural communities which
7974 will encourage job creation, capital investment, and the
7975 strengthening and diversification of rural economies by

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7976 promoting tourism, trade, and economic development.
7977 (2)(a) Funds appropriated by the Legislature shall be
7978 distributed by Jobs Florida ~~the Office~~ through grant programs
7979 that maximize the use of federal, local, and private resources,
7980 including, but not limited to, those available under the Small
7981 Cities Community Development Block Grant Program.
7982 (b) To facilitate access of rural communities and rural
7983 areas of critical economic concern as defined by the Rural
7984 Economic Development Initiative to infrastructure funding
7985 programs of the Federal Government, such as those offered by the
7986 United States Department of Agriculture and the United States
7987 Department of Commerce, and state programs, including those
7988 offered by Rural Economic Development Initiative agencies, and
7989 to facilitate local government or private infrastructure funding
7990 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
7991 percent of the total infrastructure project cost. If an
7992 application for funding is for a catalyst site, as defined in s.
7993 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
7994 percent of the total infrastructure project cost. Eligible
7995 projects must be related to specific job-creation or job-
7996 retention opportunities. Eligible projects may also include
7997 improving any inadequate infrastructure that has resulted in
7998 regulatory action that prohibits economic or community growth or
7999 reducing the costs to community users of proposed infrastructure
8000 improvements that exceed such costs in comparable communities.
8001 Eligible uses of funds shall include improvements to public
8002 infrastructure for industrial or commercial sites and upgrades
8003 to or development of public tourism infrastructure. Authorized
8004 infrastructure may include the following public or public-

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8005 private partnership facilities: storm water systems;
8006 telecommunications facilities; broadband facilities; roads or
8007 other remedies to transportation impediments; nature-based
8008 tourism facilities; or other physical requirements necessary to
8009 facilitate tourism, trade, and economic development activities
8010 in the community. Authorized infrastructure may also include
8011 publicly or privately owned self-powered nature-based tourism
8012 facilities, publicly owned telecommunications facilities, and
8013 broadband facilities, and additions to the distribution
8014 facilities of the existing natural gas utility as defined in s.
8015 366.04(3)(c), the existing electric utility as defined in s.
8016 366.02, or the existing water or wastewater utility as defined
8017 in s. 367.021(12), or any other existing water or wastewater
8018 facility, which owns a gas or electric distribution system or a
8019 water or wastewater system in this state where:
8020 1. A contribution-in-aid of construction is required to
8021 serve public or public-private partnership facilities under the
8022 tariffs of any natural gas, electric, water, or wastewater
8023 utility as defined herein; and
8024 2. Such utilities as defined herein are willing and able to
8025 provide such service.
8026 (c) To facilitate timely response and induce the location
8027 or expansion of specific job creating opportunities, Jobs
8028 Florida ~~the Office~~ may award grants for infrastructure
8029 feasibility studies, design and engineering activities, or other
8030 infrastructure planning and preparation activities. Authorized
8031 grants shall be up to $50,000 for an employment project with a
8032 business committed to create at least 100 jobs;~~,~~ up to $150,000
8033 for an employment project with a business committed to create at

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8034 least 300 jobs;~~,~~ and up to $300,000 for a project in a rural
8035 area of critical economic concern. Grants awarded under this
8036 paragraph may be used in conjunction with grants awarded under
8037 paragraph (b), provided that the total amount of both grants
8038 does not exceed 30 percent of the total project cost. In
8039 evaluating applications under this paragraph, Jobs Florida ~~the~~
8040 ~~Office~~ shall consider the extent to which the application seeks
8041 to minimize administrative and consultant expenses.
8042 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8043 participate in ~~pursue execution of~~ a memorandum of agreement
8044 with the United States Department of Agriculture under which
8045 state funds available through the Rural Infrastructure Fund may
8046 be advanced, in excess of the prescribed state share, for a
8047 project that has received from the department a preliminary
8048 determination of eligibility for federal financial support.
8049 State funds in excess of the prescribed state share which are
8050 advanced pursuant to this paragraph and the memorandum of
8051 agreement shall be reimbursed when funds are awarded under an
8052 application for federal funding.
8053 (e) To enable local governments to access the resources
8054 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~
8055 may award grants for surveys, feasibility studies, and other
8056 activities related to the identification and preclearance review
8057 of land which is suitable for preclearance review. Authorized
8058 grants under this paragraph shall not exceed $75,000 each,
8059 except in the case of a project in a rural area of critical
8060 economic concern, in which case the grant shall not exceed
8061 $300,000. Any funds awarded under this paragraph must be matched
8062 at a level of 50 percent with local funds, except that any funds

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8063 awarded for a project in a rural area of critical economic
8064 concern must be matched at a level of 33 percent with local
8065 funds. If an application for funding is for a catalyst site, as
8066 defined in s. 288.0656, the requirement for local match may be
8067 waived pursuant to the process in s. 288.06561. In evaluating
8068 applications under this paragraph, the office shall consider the
8069 extent to which the application seeks to minimize administrative
8070 and consultant expenses.
8071 (3) Jobs Florida ~~the office~~, in consultation with the Jobs
8072 Florida Partnership ~~Enterprise Florida~~, Inc., ~~VISIT Florida,~~ the
8073 Department of Environmental Protection, and the Florida Fish and
8074 Wildlife Conservation Commission, as appropriate, shall review
8075 and certify applications pursuant to s. 288.061. The review
8076 shall include an evaluation of the economic benefit of the
8077 projects and their long-term viability. Jobs Florida ~~The office~~
8078 shall have final approval for any grant under this section.
8079 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8080 shall, in consultation with the organizations listed in
8081 subsection (3), and other organizations, reevaluate existing
8082 ~~develop~~ guidelines and criteria governing submission of
8083 applications for funding, review and evaluation of such
8084 applications, and approval of funding under this section. Jobs
8085 Florida ~~The office~~ shall consider factors including, but not
8086 limited to, the project's potential for enhanced job creation or
8087 increased capital investment, the demonstration and level of
8088 local public and private commitment, whether the project is
8089 located ~~location of the project~~ in an enterprise zone, ~~the~~
8090 ~~location of the project in~~ a community development corporation
8091 service area, or in an urban high-crime area as ~~the location of~~

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8092 ~~the project in a county~~ designated under s. 212.097, the
8093 unemployment rate of the county in which the project would be
8094 located ~~surrounding area~~, and the poverty rate of the community.
8095 Section 136. Paragraph (b) of subsection (1), paragraphs
8096 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8097 and subsection (7) of section 288.0656, Florida Statutes, are
8098 amended to read:
8099 288.0656 Rural Economic Development Initiative.—
8100 (1)(b) The Rural Economic Development Initiative, known as
8101 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8102 ~~Trade, and Economic Development~~, and the participation of state
8103 and regional agencies in this initiative is authorized.
8104 (2) As used in this section, the term:
8105 (b) "Catalyst site" means a parcel or parcels of land
8106 within a rural area of critical economic concern that has been
8107 prioritized as a geographic site for economic development
8108 through partnerships with state, regional, and local
8109 organizations. The site must be reviewed by REDI and approved by
8110 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8111 ~~Development~~ for the purposes of locating a catalyst project.
8112 (e) "Rural community" means:
8113 1. A county with a population of 75,000 or fewer.
8114 2. A county with a population of 125,000 or fewer which is
8115 contiguous to a county with a population of 75,000 or fewer.
8116 3. A municipality within a county described in subparagraph
8117 1. or subparagraph 2.
8118 4. An unincorporated federal enterprise community or an
8119 incorporated rural city with a population of 25,000 or fewer and
8120 an employment base focused on traditional agricultural or

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8121 resource-based industries, located in a county not defined as
8122 rural, which has at least three or more of the economic distress
8123 factors identified in paragraph (c) and verified by Jobs Florida
8124 ~~the Office of Tourism, Trade, and Economic Development~~.
8125
8126 For purposes of this paragraph, population shall be determined
8127 in accordance with the most recent official estimate pursuant to
8128 s. 186.901.
8129 (6)(a) By August 1 of each year, the head of each of the
8130 following agencies and organizations shall designate a deputy
8131 secretary or higher-level staff person from within the agency or
8132 organization to serve as the REDI representative for the agency
8133 or organization:
8134 ~~1. The Department of Community Affairs.~~
8135 1.~~2.~~ The Department of Transportation.
8136 2.~~3.~~ The Department of Environmental Protection.
8137 3.~~4.~~ The Department of Agriculture and Consumer Services.
8138 4.~~5.~~ The Department of State.
8139 5.~~6.~~ The Department of Health.
8140 6.~~7.~~ The Department of Children and Family Services.
8141 7.~~8.~~ The Department of Corrections.
8142 ~~9. The Agency for Workforce Innovation~~.
8143 8.~~10.~~ The Department of Education.
8144 9.~~11.~~ The Department of Juvenile Justice.
8145 10.~~12.~~ The Fish and Wildlife Conservation Commission.
8146 11.~~13.~~ Each water management district.
8147 12.~~14.~~ The Jobs Florida Partnership ~~Enterprise Florida~~,
8148 Inc.
8149 13.~~15.~~ Workforce Florida, Inc.

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8150 ~~16. The Florida Commission on Tourism or VISIT Florida.~~
8151 14.~~17.~~ The Florida Regional Planning Council Association.
8152 15.~~18.~~ The Agency for Health Care Administration.
8153 16.~~19.~~ The Institute of Food and Agricultural Sciences
8154 (IFAS).
8155
8156 An alternate for each designee shall also be chosen, and the
8157 names of the designees and alternates shall be sent to the
8158 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8159 ~~Economic Development~~.
8160 (7)(a) REDI may recommend to the Governor up to three rural
8161 areas of critical economic concern. The Governor may by
8162 executive order designate up to three rural areas of critical
8163 economic concern which will establish these areas as priority
8164 assignments for REDI as well as to allow the Governor, acting
8165 through REDI, to waive criteria, requirements, or similar
8166 provisions of any economic development incentive. Such
8167 incentives shall include, but not be limited to: the Qualified
8168 Target Industry Tax Refund Program under s. 288.106, the Quick
8169 Response Training Program under s. 288.047, the Quick Response
8170 Training Program for participants in the welfare transition
8171 program under s. 288.047(8), ~~transportation projects under s.~~
8172 ~~288.063,~~ the brownfield redevelopment bonus refund under s.
8173 288.107, and the rural job tax credit program under ss. 212.098
8174 and 220.1895.
8175 (b) Designation as a rural area of critical economic
8176 concern under this subsection shall be contingent upon the
8177 execution of a memorandum of agreement among Jobs Florida ~~the~~
8178 ~~Office of Tourism, Trade, and Economic Development~~; the

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8179 governing body of the county; and the governing bodies of any
8180 municipalities to be included within a rural area of critical
8181 economic concern. Such agreement shall specify the terms and
8182 conditions of the designation, including, but not limited to,
8183 the duties and responsibilities of the county and any
8184 participating municipalities to take actions designed to
8185 facilitate the retention and expansion of existing businesses in
8186 the area, as well as the recruitment of new businesses to the
8187 area.
8188 (c) Each rural area of critical economic concern may
8189 designate catalyst projects, provided that each catalyst project
8190 is specifically recommended by REDI, identified as a catalyst
8191 project by the Jobs Florida Partnership ~~Enterprise Florida~~,
8192 Inc., and confirmed as a catalyst project by Jobs Florida ~~the~~
8193 ~~Office of Tourism, Trade, and Economic Development~~. All state
8194 agencies and departments shall use all available tools and
8195 resources to the extent permissible by law to promote the
8196 creation and development of each catalyst project and the
8197 development of catalyst sites.
8198 Section 137. Subsections (2) and (3) of section 288.06561,
8199 Florida Statutes, are amended to read:
8200 288.06561 Reduction or waiver of financial match
8201 requirements.—Notwithstanding any other law, the member agencies
8202 and organizations of the Rural Economic Development Initiative
8203 (REDI), as defined in s. 288.0656(6)(a), shall review the
8204 financial match requirements for projects in rural areas as
8205 defined in s. 288.0656(2).
8206 (2) Agencies and organizations shall ensure that all
8207 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~

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8208 ~~Trade, and Economic Development~~ for review by the REDI agencies.
8209 (3) These proposals shall be delivered to Jobs Florida ~~the~~
8210 ~~Office of Tourism, Trade, and Economic Development~~ for
8211 distribution to the REDI agencies and organizations. A meeting
8212 of REDI agencies and organizations must be called within 30 days
8213 after receipt of such proposals for REDI comment and
8214 recommendations on each proposal.
8215 Section 138. Subsections (2) and (4) of section 288.0657,
8216 Florida Statutes, are amended to read:
8217 288.0657 Florida rural economic development strategy
8218 grants.—
8219 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8220 ~~Development~~ may accept and administer moneys appropriated to the
8221 office for providing grants to assist rural communities to
8222 develop and implement strategic economic development plans.
8223 (4) Jobs Florida ~~Enterprise Florida, Inc., and VISIT~~
8224 ~~Florida,~~ shall establish criteria for reviewing grant
8225 applications. These criteria shall include, but are not limited
8226 to, the degree of participation and commitment by the local
8227 community and the application's consistency with local
8228 comprehensive plans or the application's proposal to ensure such
8229 consistency. ~~The International Trade and Economic Development~~
8230 ~~Board of Enterprise Florida, Inc., and VISIT Florida,~~ Jobs
8231 Florida shall review each application for a grant ~~and shall~~
8232 ~~submit annually to the Office for approval a list of all~~
8233 ~~applications that are recommended by the board and VISIT~~
8234 ~~Florida, arranged in order of priority~~. Jobs Florida ~~The office~~
8235 may approve grants only to the extent that funds are
8236 appropriated for such grants by the Legislature.

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8237 Section 139. Section 288.0658, Florida Statutes, is amended
8238 to read:
8239 288.0658 Nature-based recreation; promotion and other
8240 assistance by Fish and Wildlife Conservation Commission.—The
8241 Florida Fish and Wildlife Conservation Commission is directed to
8242 assist the Jobs Florida Partnership, Inc. ~~Florida Commission on~~
8243 ~~Tourism; the Florida Tourism Industry Marketing Corporation,~~
8244 ~~doing business as VISIT Florida~~; convention and visitor bureaus;
8245 tourist development councils; economic development
8246 organizations; and local governments through the provision of
8247 marketing advice, technical expertise, promotional support, and
8248 product development related to nature-based recreation and
8249 sustainable use of natural resources. In carrying out this
8250 responsibility, the Florida Fish and Wildlife Conservation
8251 Commission shall focus its efforts on fostering nature-based
8252 recreation in rural communities and regions encompassing rural
8253 communities. As used in this section, the term "nature-based
8254 recreation" means leisure activities related to the state's
8255 lands, waters, and fish and wildlife resources, including, but
8256 not limited to, wildlife viewing, fishing, hiking, canoeing,
8257 kayaking, camping, hunting, backpacking, and nature photography.
8258 Section 140. Section 288.0659, Florida Statutes, is amended
8259 to read:
8260 288.0659 Local Government Distressed Area Matching Grant
8261 Program.—
8262 (1) The Local Government Distressed Area Matching Grant
8263 Program is created within Jobs Florida ~~the Office of Tourism,~~
8264 ~~Trade, and Economic Development~~. The purpose of the program is
8265 to stimulate investment in the state's economy by providing

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8266 grants to match demonstrated business assistance by local
8267 governments to attract and retain businesses in this state.
8268 (2) As used in this section, the term:
8269 (a) "Local government" means a county or municipality.
8270 ~~(b) "Office" means the Office of Tourism, Trade, and~~
8271 ~~Economic Development~~.
8272 (b) ~~(c)~~ "Qualified business assistance" means economic
8273 incentives provided by a local government for the purpose of
8274 attracting or retaining a specific business, including, but not
8275 limited to, suspensions, waivers, or reductions of impact fees
8276 or permit fees; direct incentive payments; expenditures for
8277 onsite or offsite improvements directly benefiting a specific
8278 business; or construction or renovation of buildings for a
8279 specific business.
8280 (3) Jobs Florida ~~The Office~~ may accept and administer
8281 moneys appropriated by the Legislature ~~to the Office~~ for
8282 providing grants to match expenditures by local governments to
8283 attract or retain businesses in this state.
8284 (4) A local government may apply for grants to match
8285 qualified business assistance made by the local government for
8286 the purpose of attracting or retaining a specific business. A
8287 local government may apply for no more than one grant per
8288 targeted business. A local government may only have one
8289 application pending with Jobs Florida ~~the Office~~. Additional
8290 applications may be filed after a previous application has been
8291 approved or denied.
8292 (5) To qualify for a grant, the business being targeted by
8293 a local government must create at least 15 full-time jobs, must
8294 be new to this state, must be expanding its operations in this

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8295 state, or would otherwise leave the state absent state and local
8296 assistance, and the local government applying for the grant must
8297 expedite its permitting processes for the target business by
8298 accelerating the normal review and approval timelines. In
8299 addition to these requirements, Jobs Florida ~~the office~~ shall
8300 review the grant requests using the following evaluation
8301 criteria, with priority given in descending order:
8302 (a) The presence and degree of pervasive poverty,
8303 unemployment, and general distress as determined pursuant to s.
8304 290.0058 in the area where the business will locate, with
8305 priority given to locations with greater degrees of poverty,
8306 unemployment, and general distress.
8307 (b) The extent of reliance on the local government
8308 expenditure as an inducement for the business's location
8309 decision, with priority given to higher levels of local
8310 government expenditure.
8311 (c) The number of new full-time jobs created, with priority
8312 given to higher numbers of jobs created.
8313 (d) The average hourly wage for jobs created, with priority
8314 given to higher average wages.
8315 (e) The amount of capital investment to be made by the
8316 business, with priority given to higher amounts of capital
8317 investment.
8318 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8319 shall take into consideration the need for grant assistance as
8320 it relates to the local government's general fund balance as
8321 well as local incentive programs that are already in existence.
8322 (7) Funds made available pursuant to this section may not
8323 be expended in connection with the relocation of a business from

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8324 one community to another community in this state unless Jobs
8325 Florida ~~the Office~~ determines that without such relocation the
8326 business will move outside this state or determines that the
8327 business has a compelling economic rationale for the relocation
8328 which creates additional jobs. Funds made available pursuant to
8329 this section may not be used by the receiving local government
8330 to supplant matching commitments required of the local
8331 government pursuant to other state or federal incentive
8332 programs.
8333 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8334 an application for a grant, Jobs Florida ~~the Office~~ shall
8335 approve a preliminary grant allocation or disapprove the
8336 application. The preliminary grant allocation shall be based on
8337 estimates of qualified business assistance submitted by the
8338 local government and shall equal 50 percent of the amount of the
8339 estimated qualified business assistance or $50,000, whichever is
8340 less. The preliminary grant allocation shall be executed by
8341 contract with the local government. The contract shall set forth
8342 the terms and conditions, including the timeframes within which
8343 the final grant award will be disbursed. The final grant award
8344 may not exceed the preliminary grant allocation. Jobs Florida
8345 ~~the Office~~ may approve preliminary grant allocations only to the
8346 extent that funds are appropriated for such grants by the
8347 Legislature.
8348 (a) Preliminary grant allocations that are revoked or
8349 voluntarily surrendered shall be immediately available for
8350 reallocation.
8351 (b) Recipients of preliminary grant allocations shall
8352 promptly report to Jobs Florida ~~the Office~~ the date on which the

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8353 local government's permitting and approval process is completed
8354 and the date on which all qualified business assistance is
8355 completed.
8356 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8357 to a local government within 30 days after receiving information
8358 from the local government sufficient to demonstrate actual
8359 qualified business assistance. An awarded grant amount shall
8360 equal 50 percent of the amount of the qualified business
8361 assistance or $50,000, whichever is less, and may not exceed the
8362 preliminary grant allocation. The amount by which a preliminary
8363 grant allocation exceeds a final grant award shall be
8364 immediately available for reallocation.
8365 (10) Up to 2 percent of the funds appropriated annually by
8366 the Legislature for the program may be used by Jobs Florida ~~the~~
8367 ~~Office~~ for direct administrative costs associated with
8368 implementing this section.
8369 Section 141. Paragraph (a) of subsection (1) of section
8370 288.075, Florida Statutes, is amended to read:
8371 288.075 Confidentiality of records.—
8372 (1) DEFINITIONS.—As used in this section, the term:
8373 (a) "Economic development agency" means:
8374 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8375 ~~Development~~;
8376 2. Any industrial development authority created in
8377 accordance with part III of chapter 159 or by special law;
8378 3. Space Florida created in part II of chapter 331;
8379 4. The public economic development agency of a county or
8380 municipality or, if the county or municipality does not have a
8381 public economic development agency, the county or municipal

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8382 officers or employees assigned the duty to promote the general
8383 business interests or industrial interests of that county or
8384 municipality or the responsibilities related thereto;
8385 5. Any research and development authority created in
8386 accordance with part V of chapter 159; or
8387 6. Any private agency, person, partnership, corporation, or
8388 business entity when authorized by the state, a municipality, or
8389 a county to promote the general business interests or industrial
8390 interests of the state or that municipality or county.
8391 Section 142. Paragraphs (c), (h), (p), and (r) of
8392 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8393 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8394 of subsection (5), paragraphs (a), (b), and (c) of subsection
8395 (6), and subsections (7) and (8) of section 288.1045, Florida
8396 Statutes, are amended, and present paragraphs (i) through (u) of
8397 subsection (1) are redesignated as paragraphs (h) through (s),
8398 respectively, to read:
8399 288.1045 Qualified defense contractor and space flight
8400 business tax refund program.—
8401 (1) DEFINITIONS.—As used in this section:
8402 (c) “Business unit” means an employing unit, as defined in
8403 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8404 ~~Workforce Innovation~~ for unemployment compensation purposes or
8405 means a subcategory or division of an employing unit that is
8406 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8407 a reporting unit.
8408 ~~(h) “Director” means the director of the Office of Tourism,~~
8409 ~~Trade, and Economic Development~~.
8410 ~~(p) “Office” means the Office of Tourism, Trade, and~~

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8411 ~~Economic Development.~~
8412 (p) ~~(r)~~ "Qualified applicant" means an applicant that has
8413 been approved by Jobs Florida ~~the director~~ to be eligible for
8414 tax refunds pursuant to this section.
8415 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—
8416 (a) There shall be allowed, from the Economic Development
8417 Trust Fund, a refund to a qualified applicant for the amount of
8418 eligible taxes certified by Jobs Florida ~~the director~~ which were
8419 paid by such qualified applicant. The total amount of refunds
8420 for all fiscal years for each qualified applicant shall be
8421 determined pursuant to subsection (3). The annual amount of a
8422 refund to a qualified applicant shall be determined pursuant to
8423 subsection (5).
8424 (d) Contingent upon an annual appropriation by the
8425 Legislature, Jobs Florida ~~the director~~ may approve not more in
8426 tax refunds than the amount appropriated to the Economic
8427 Development Trust Fund for tax refunds, for a fiscal year
8428 pursuant to subsection (5) and s. 288.095.
8429 (e) For the first 6 months of each fiscal year, Jobs
8430 Florida ~~the director~~ shall set aside 30 percent of the amount
8431 appropriated for refunds pursuant to this section by the
8432 Legislature to provide tax refunds only to qualified applicants
8433 who employ 500 or fewer full-time employees in this state. Any
8434 unencumbered funds remaining undisbursed from this set-aside at
8435 the end of the 6-month period may be used to provide tax refunds
8436 for any qualified applicants pursuant to this section.
8437 (f) After entering into a tax refund agreement pursuant to
8438 subsection (4), a qualified applicant may:
8439 1. Receive refunds from the account for corporate income

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8440 taxes due and paid pursuant to chapter 220 by that business
8441 beginning with the first taxable year of the business which
8442 begins after entering into the agreement.
8443 2. Receive refunds from the account for the following taxes
8444 due and paid by that business after entering into the agreement:
8445 a. Taxes on sales, use, and other transactions paid
8446 pursuant to chapter 212.
8447 b. Intangible personal property taxes paid pursuant to
8448 chapter 199.
8449 c. Emergency excise taxes paid pursuant to chapter 221.
8450 d. Excise taxes paid on documents pursuant to chapter 201.
8451 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8452 June 1, 1996.
8453 f. State communications services taxes administered under
8454 chapter 202. This provision does not apply to the gross receipts
8455 tax imposed under chapter 203 and administered under chapter 202
8456 or the local communications services tax authorized under s.
8457 202.19.
8458
8459 However, a qualified applicant may not receive a tax refund
8460 pursuant to this section for any amount of credit, refund, or
8461 exemption granted such contractor for any of such taxes. If a
8462 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8463 which taxes are subsequently adjusted by the application of any
8464 credit, refund, or exemption granted to the qualified applicant
8465 other than that provided in this section, the qualified
8466 applicant shall reimburse the Economic Development Trust Fund
8467 for the amount of such credit, refund, or exemption. A qualified
8468 applicant must notify and tender payment to the office within 20

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8469 days after receiving a credit, refund, or exemption, other than
8470 that provided in this section. ~~The addition of communications~~
8471 ~~services taxes administered under chapter 202 is remedial in~~
8472 ~~nature and retroactive to October 1, 2001.~~ ~~The Office may make~~
8473 ~~supplemental tax refund payments to allow for tax refunds for~~
8474 ~~communications services taxes paid by an eligible qualified~~
8475 ~~defense contractor after October 1, 2001.~~
8476 (h) Funds made available pursuant to this section may not
8477 be expended in connection with the relocation of a business from
8478 one community to another community in this state unless Jobs
8479 Florida ~~the Office of Tourism, Trade, and Economic Development~~
8480 determines that without such relocation the business will move
8481 outside this state or determines that the business has a
8482 compelling economic rationale for the relocation which creates
8483 additional jobs.
8484 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8485 DETERMINATION.—
8486 (a) To apply for certification as a qualified applicant
8487 pursuant to this section, an applicant must file an application
8488 with Jobs Florida ~~the Office~~ which satisfies the requirements of
8489 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
8490 and (e), or paragraphs (e) and (j). An applicant may not apply
8491 for certification pursuant to this section after a proposal has
8492 been submitted for a new Department of Defense contract, after
8493 the applicant has made the decision to consolidate an existing
8494 Department of Defense contract in this state for which such
8495 applicant is seeking certification, after a proposal has been
8496 submitted for a new space flight business contract in this
8497 state, after the applicant has made the decision to consolidate

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8498 an existing space flight business contract in this state for
8499 which such applicant is seeking certification, or after the
8500 applicant has made the decision to convert defense production
8501 jobs to nondefense production jobs for which such applicant is
8502 seeking certification.
8503 (b) Applications for certification based on the
8504 consolidation of a Department of Defense contract or a new
8505 Department of Defense contract must be submitted to Jobs Florida
8506 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
8507 include, but are not limited to, the following information:
8508 1. The applicant's federal employer identification number,
8509 the applicant's Florida sales tax registration number, and a
8510 signature of an officer of the applicant.
8511 2. The permanent location of the manufacturing, assembling,
8512 fabricating, research, development, or design facility in this
8513 state at which the project is or is to be located.
8514 3. The Department of Defense contract numbers of the
8515 contract to be consolidated, the new Department of Defense
8516 contract number, or the "RFP" number of a proposed Department of
8517 Defense contract.
8518 4. The date the contract was executed or is expected to be
8519 executed, and the date the contract is due to expire or is
8520 expected to expire.
8521 5. The commencement date for project operations under the
8522 contract in this state.
8523 6. The number of net new full-time equivalent Florida jobs
8524 included in the project as of December 31 of each year and the
8525 average wage of such jobs.
8526 7. The total number of full-time equivalent employees

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8527 employed by the applicant in this state.
8528 8. The percentage of the applicant's gross receipts derived
8529 from Department of Defense contracts during the 5 taxable years
8530 immediately preceding the date the application is submitted.
8531 9. The number of full-time equivalent jobs in this state to
8532 be retained by the project.
8533 10. A brief statement concerning the applicant's need for
8534 tax refunds, and the proposed uses of such refunds by the
8535 applicant.
8536 11. A resolution adopted by the governing board of the
8537 county or municipality in which the project will be located,
8538 which recommends the applicant be approved as a qualified
8539 applicant, and which indicates that the necessary commitments of
8540 local financial support for the applicant exist. Prior to the
8541 adoption of the resolution, the county commission may review the
8542 proposed public or private sources of such support and determine
8543 whether the proposed sources of local financial support can be
8544 provided or, for any applicant whose project is located in a
8545 county designated by the Rural Economic Development Initiative,
8546 a resolution adopted by the county commissioners of such county
8547 requesting that the applicant's project be exempt from the local
8548 financial support requirement.
8549 12. Any additional information requested by Jobs Florida
8550 ~~the Office~~.
8551 (c) Applications for certification based on the conversion
8552 of defense production jobs to nondefense production jobs must be
8553 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
8554 Florida ~~the Office~~ and must include, but are not limited to, the
8555 following information:

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8556 1. The applicant's federal employer identification number,
8557 the applicant's Florida sales tax registration number, and a
8558 signature of an officer of the applicant.
8559 2. The permanent location of the manufacturing, assembling,
8560 fabricating, research, development, or design facility in this
8561 state at which the project is or is to be located.
8562 3. The Department of Defense contract numbers of the
8563 contract under which the defense production jobs will be
8564 converted to nondefense production jobs.
8565 4. The date the contract was executed, and the date the
8566 contract is due to expire or is expected to expire, or was
8567 canceled.
8568 5. The commencement date for the nondefense production
8569 operations in this state.
8570 6. The number of net new full-time equivalent Florida jobs
8571 included in the nondefense production project as of December 31
8572 of each year and the average wage of such jobs.
8573 7. The total number of full-time equivalent employees
8574 employed by the applicant in this state.
8575 8. The percentage of the applicant's gross receipts derived
8576 from Department of Defense contracts during the 5 taxable years
8577 immediately preceding the date the application is submitted.
8578 9. The number of full-time equivalent jobs in this state to
8579 be retained by the project.
8580 10. A brief statement concerning the applicant's need for
8581 tax refunds, and the proposed uses of such refunds by the
8582 applicant.
8583 11. A resolution adopted by the governing board of the
8584 county or municipality in which the project will be located,

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8585 which recommends the applicant be approved as a qualified
8586 applicant, and which indicates that the necessary commitments of
8587 local financial support for the applicant exist. Prior to the
8588 adoption of the resolution, the county commission may review the
8589 proposed public or private sources of such support and determine
8590 whether the proposed sources of local financial support can be
8591 provided or, for any applicant whose project is located in a
8592 county designated by the Rural Economic Development Initiative,
8593 a resolution adopted by the county commissioners of such county
8594 requesting that the applicant's project be exempt from the local
8595 financial support requirement.
8596 12. Any additional information requested by Jobs Florida
8597 ~~the Office~~.
8598 (d) Applications for certification based on a contract for
8599 reuse of a defense-related facility must be submitted to Jobs
8600 Florida ~~the Office~~ as prescribed by the office and must include,
8601 but are not limited to, the following information:
8602 1. The applicant's Florida sales tax registration number
8603 and a signature of an officer of the applicant.
8604 2. The permanent location of the manufacturing, assembling,
8605 fabricating, research, development, or design facility in this
8606 state at which the project is or is to be located.
8607 3. The business entity holding a valid Department of
8608 Defense contract or branch of the Armed Forces of the United
8609 States that previously occupied the facility, and the date such
8610 entity last occupied the facility.
8611 4. A copy of the contract to reuse the facility, or such
8612 alternative proof as may be prescribed by the office that the
8613 applicant is seeking to contract for the reuse of such facility.

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8614 5. The date the contract to reuse the facility was executed
8615 or is expected to be executed, and the date the contract is due
8616 to expire or is expected to expire.
8617 6. The commencement date for project operations under the
8618 contract in this state.
8619 7. The number of net new full-time equivalent Florida jobs
8620 included in the project as of December 31 of each year and the
8621 average wage of such jobs.
8622 8. The total number of full-time equivalent employees
8623 employed by the applicant in this state.
8624 9. The number of full-time equivalent jobs in this state to
8625 be retained by the project.
8626 10. A brief statement concerning the applicant's need for
8627 tax refunds, and the proposed uses of such refunds by the
8628 applicant.
8629 11. A resolution adopted by the governing board of the
8630 county or municipality in which the project will be located,
8631 which recommends the applicant be approved as a qualified
8632 applicant, and which indicates that the necessary commitments of
8633 local financial support for the applicant exist. Prior to the
8634 adoption of the resolution, the county commission may review the
8635 proposed public or private sources of such support and determine
8636 whether the proposed sources of local financial support can be
8637 provided or, for any applicant whose project is located in a
8638 county designated by the Rural Economic Development Initiative,
8639 a resolution adopted by the county commissioners of such county
8640 requesting that the applicant's project be exempt from the local
8641 financial support requirement.
8642 12. Any additional information requested by Jobs Florida

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8643 ~~the Office~~.
8644 (e) To qualify for review by Jobs Florida ~~the Office~~, the
8645 application of an applicant must, at a minimum, establish the
8646 following to the satisfaction of the office:
8647 1. The jobs proposed to be provided under the application,
8648 pursuant to subparagraph (b)6., subparagraph (c)6., or
8649 subparagraph (j)6., must pay an estimated annual average wage
8650 equaling at least 115 percent of the average wage in the area
8651 where the project is to be located.
8652 2. The consolidation of a Department of Defense contract
8653 must result in a net increase of at least 25 percent in the
8654 number of jobs at the applicant's facilities in this state or
8655 the addition of at least 80 jobs at the applicant's facilities
8656 in this state.
8657 3. The conversion of defense production jobs to nondefense
8658 production jobs must result in net increases in nondefense
8659 employment at the applicant's facilities in this state.
8660 4. The Department of Defense contract or the space flight
8661 business contract cannot allow the business to include the costs
8662 of relocation or retooling in its base as allowable costs under
8663 a cost-plus, or similar, contract.
8664 5. A business unit of the applicant must have derived not
8665 less than 60 percent of its gross receipts in this state from
8666 Department of Defense contracts or space flight business
8667 contracts over the applicant's last fiscal year, and must have
8668 derived not less than an average of 60 percent of its gross
8669 receipts in this state from Department of Defense contracts or
8670 space flight business contracts over the 5 years preceding the
8671 date an application is submitted pursuant to this section. This

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8672 subparagraph does not apply to any application for certification
8673 based on a contract for reuse of a defense-related facility.
8674 6. The reuse of a defense-related facility must result in
8675 the creation of at least 100 jobs at such facility.
8676 7. A new space flight business contract or the
8677 consolidation of a space flight business contract must result in
8678 net increases in space flight business employment at the
8679 applicant's facilities in this state.
8680 (f) Each application meeting the requirements of paragraphs
8681 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
8682 paragraphs (e) and (j) must be submitted to the office for a
8683 determination of eligibility. Jobs Florida ~~the Office~~ shall
8684 review and evaluate each application based on, but not limited
8685 to, the following criteria:
8686 1. Expected contributions to the state strategic economic
8687 development plan adopted by the Jobs Florida Partnership
8688 ~~Enterprise Florida~~, Inc., taking into account the extent to
8689 which the project contributes to the state's high-technology
8690 base, and the long-term impact of the project and the applicant
8691 on the state's economy.
8692 2. The economic benefit of the jobs created or retained by
8693 the project in this state, taking into account the cost and
8694 average wage of each job created or retained, and the potential
8695 risk to existing jobs.
8696 3. The amount of capital investment to be made by the
8697 applicant in this state.
8698 4. The local commitment and support for the project and
8699 applicant.
8700 5. The impact of the project on the local community, taking

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8701 into account the unemployment rate for the county where the
8702 project will be located.
8703 6. The dependence of the local community on the defense
8704 industry or space flight business.
8705 7. The impact of any tax refunds granted pursuant to this
8706 section on the viability of the project and the probability that
8707 the project will occur in this state if such tax refunds are
8708 granted to the applicant, taking into account the expected long-
8709 term commitment of the applicant to economic growth and
8710 employment in this state.
8711 8. The length of the project, or the expected long-term
8712 commitment to this state resulting from the project.
8713 (g) Applications shall be reviewed and certified pursuant
8714 to s. 288.061. If appropriate, Jobs Florida ~~the director~~ shall
8715 enter into a written agreement with the qualified applicant
8716 pursuant to subsection (4).
8717 (h) Jobs Florida ~~The director~~ may not certify any applicant
8718 as a qualified applicant when the value of tax refunds to be
8719 included in that letter of certification exceeds the available
8720 amount of authority to certify new businesses as determined in
8721 s. 288.095(3). A letter of certification that approves an
8722 application must specify the maximum amount of a tax refund that
8723 is to be available to the contractor for each fiscal year and
8724 the total amount of tax refunds for all fiscal years.
8725 (i) This section does not create a presumption that an
8726 applicant should receive any tax refunds under this section.
8727 (j) Applications for certification based upon a new space
8728 flight business contract or the consolidation of a space flight
8729 business contract must be submitted to the office as prescribed

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8730 by the office and must include, but are not limited to, the
8731 following information:
8732 1. The applicant's federal employer identification number,
8733 the applicant's Florida sales tax registration number, and a
8734 signature of an officer of the applicant.
8735 2. The permanent location of the space flight business
8736 facility in this state where the project is or will be located.
8737 3. The new space flight business contract number, the space
8738 flight business contract numbers of the contract to be
8739 consolidated, or the request-for-proposal number of a proposed
8740 space flight business contract.
8741 4. The date the contract was executed and the date the
8742 contract is due to expire, is expected to expire, or was
8743 canceled.
8744 5. The commencement date for project operations under the
8745 contract in this state.
8746 6. The number of net new full-time equivalent Florida jobs
8747 included in the project as of December 31 of each year and the
8748 average wage of such jobs.
8749 7. The total number of full-time equivalent employees
8750 employed by the applicant in this state.
8751 8. The percentage of the applicant's gross receipts derived
8752 from space flight business contracts during the 5 taxable years
8753 immediately preceding the date the application is submitted.
8754 9. The number of full-time equivalent jobs in this state to
8755 be retained by the project.
8756 10. A brief statement concerning the applicant's need for
8757 tax refunds and the proposed uses of such refunds by the
8758 applicant.

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8759 11. A resolution adopted by the governing board of the
8760 county or municipality in which the project will be located
8761 which recommends the applicant be approved as a qualified
8762 applicant and indicates that the necessary commitments of local
8763 financial support for the applicant exist. Prior to the adoption
8764 of the resolution, the county commission may review the proposed
8765 public or private sources of such support and determine whether
8766 the proposed sources of local financial support can be provided
8767 or, for any applicant whose project is located in a county
8768 designated by the Rural Economic Development Initiative, a
8769 resolution adopted by the county commissioners of such county
8770 requesting that the applicant's project be exempt from the local
8771 financial support requirement.
8772 12. Any additional information requested by Jobs Florida
8773 ~~the office~~.
8774 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
8775 (a) A qualified applicant shall enter into a written
8776 agreement with Jobs Florida ~~the Office~~ containing, but not
8777 limited to, the following:
8778 1. The total number of full-time equivalent jobs in this
8779 state that are or will be dedicated to the qualified applicant's
8780 project, the average wage of such jobs, the definitions that
8781 will apply for measuring the achievement of these terms during
8782 the pendency of the agreement, and a time schedule or plan for
8783 when such jobs will be in place and active in this state.
8784 2. The maximum amount of a refund that the qualified
8785 applicant is eligible to receive for each fiscal year, based on
8786 the job creation or retention and maintenance schedule specified
8787 in subparagraph 1.

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8788 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs
8789 Florida ~~the Office~~ to review and verify the financial and
8790 personnel records of the qualified applicant to ascertain
8791 whether the qualified applicant is complying with the
8792 requirements of this section.
8793 4. The date by which, in each fiscal year, the qualified
8794 applicant may file a claim pursuant to subsection (5) to be
8795 considered to receive a tax refund in the following fiscal year.
8796 5. That local financial support shall be annually available
8797 and will be paid to the Economic Development Trust Fund.
8798 (b) Compliance with the terms and conditions of the
8799 agreement is a condition precedent for receipt of tax refunds
8800 each year. The failure to comply with the terms and conditions
8801 of the agreement shall result in the loss of eligibility for
8802 receipt of all tax refunds previously authorized pursuant to
8803 this section, and the revocation of the certification as a
8804 qualified applicant by Jobs Florida ~~the director~~, unless the
8805 qualified applicant is eligible to receive and elects to accept
8806 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~
8807 ~~Office~~ grants the qualified applicant an economic-stimulus
8808 exemption.
8809 1. A qualified applicant may submit, in writing, a request
8810 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
8811 The request must provide quantitative evidence demonstrating how
8812 negative economic conditions in the qualified applicant's
8813 industry, the effects of the impact of a named hurricane or
8814 tropical storm, or specific acts of terrorism affecting the
8815 qualified applicant have prevented the qualified applicant from
8816 complying with the terms and conditions of its tax refund

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8817 agreement.
8818 2. Upon receipt of a request under subparagraph 1., Jobs
8819 Florida ~~the director~~ shall have 45 days to notify the requesting
8820 qualified applicant, in writing, if its exemption has been
8821 granted or denied. In determining if an exemption should be
8822 granted, Jobs Florida ~~the director~~ shall consider the extent to
8823 which negative economic conditions in the requesting qualified
8824 applicant's industry, the effects of the impact of a named
8825 hurricane or tropical storm, or specific acts of terrorism
8826 affecting the qualified applicant have prevented the qualified
8827 applicant from complying with the terms and conditions of its
8828 tax refund agreement.
8829 3. As a condition for receiving a prorated refund under
8830 paragraph (5)(g) or an economic-stimulus exemption under this
8831 paragraph, a qualified applicant must agree to renegotiate its
8832 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
8833 minimum, ensure that the terms of the agreement comply with
8834 current law and the ~~Office~~ procedures of Jobs Florida governing
8835 application for and award of tax refunds. Upon approving the
8836 award of a prorated refund or granting an economic-stimulus
8837 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
8838 refund agreement with the qualified applicant as required by
8839 this subparagraph. When amending the agreement of a qualified
8840 applicant receiving an economic-stimulus exemption, Jobs Florida
8841 ~~the Office~~ may extend the duration of the agreement for a period
8842 not to exceed 2 years.
8843 ~~4. A qualified applicant may submit a request for an~~
8844 ~~economic-stimulus exemption to the Office in lieu of any tax~~
8845 ~~refund claim scheduled to be submitted after January 1, 2005,~~

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8846 ~~but before July 1, 2006.~~
8847 4.~~5.~~ A qualified applicant that receives an economic-
8848 stimulus exemption may not receive a tax refund for the period
8849 covered by the exemption.
8850 (c) The agreement shall be signed by the commissioner
8851 ~~director~~ and the authorized officer of the qualified applicant.
8852 (d) The agreement must contain the following legend,
8853 clearly printed on its face in bold type of not less than 10
8854 points:
8855
8856 "This agreement is neither a general obligation of the
8857 State of Florida, nor is it backed by the full faith
8858 and credit of the State of Florida. Payment of tax
8859 refunds are conditioned on and subject to specific
8860 annual appropriations by the Florida Legislature of
8861 funds sufficient to pay amounts authorized in s.
8862 288.1045, Florida Statutes."
8863
8864 (5) ANNUAL CLAIM FOR REFUND.—
8865 (a) To be eligible to claim any scheduled tax refund,
8866 qualified applicants who have entered into a written agreement
8867 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
8868 have entered into a valid new Department of Defense contract,
8869 entered into a valid new space flight business contract,
8870 commenced the consolidation of a space flight business contract,
8871 commenced the consolidation of a Department of Defense contract,
8872 commenced the conversion of defense production jobs to
8873 nondefense production jobs, or entered into a valid contract for
8874 reuse of a defense-related facility must apply by January 31 of

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8875 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds
8876 scheduled to be paid from the appropriation for the fiscal year
8877 that begins on July 1 following the January 31 claims-submission
8878 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
8879 30-day extension of the filing date. The application must
8880 include a notarized signature of an officer of the applicant.
8881 (d) Jobs Florida ~~The director~~, with assistance from ~~the~~
8882 ~~Office,~~ the Department of Revenue~~, and the Agency for Workforce~~
8883 ~~Innovation~~, shall, by June 30 following the scheduled date for
8884 submitting the tax refund claim, specify by written order the
8885 approval or disapproval of the tax refund claim and, if
8886 approved, the amount of the tax refund that is authorized to be
8887 paid to the qualified applicant for the annual tax refund. Jobs
8888 Florida ~~The Office~~ may grant an extension of this date upon the
8889 request of the qualified applicant for the purpose of filing
8890 additional information in support of the claim.
8891 (e) The total amount of tax refunds approved by Jobs
8892 Florida ~~the director~~ under this section in any fiscal year may
8893 not exceed the amount authorized under s. 288.095(3).
8894 (g) A prorated tax refund, less a 5 percent penalty, shall
8895 be approved for a qualified applicant provided all other
8896 applicable requirements have been satisfied and the applicant
8897 proves to the satisfaction of Jobs Florida ~~the director~~ that it
8898 has achieved at least 80 percent of its projected employment and
8899 that the average wage paid by the qualified applicant is at
8900 least 90 percent of the average wage specified in the tax refund
8901 agreement, but in no case less than 115 percent of the average
8902 private sector wage in the area available at the time of
8903 certification. The prorated tax refund shall be calculated by

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8904 multiplying the tax refund amount for which the qualified
8905 applicant would have been eligible, if all applicable
8906 requirements had been satisfied, by the percentage of the
8907 average employment specified in the tax refund agreement which
8908 was achieved, and by the percentage of the average wages
8909 specified in the tax refund agreement which was achieved.
8910 (6) ADMINISTRATION.—
8911 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
8912 chapter 120 for the administration of this section.
8913 (b) Jobs Florida ~~The Office~~ may verify information provided
8914 in any claim submitted for tax credits under this section with
8915 regard to employment and wage levels or the payment of the taxes
8916 with the appropriate agency or authority including the
8917 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
8918 ~~Innovation~~, or any local government or authority.
8919 (c) To facilitate the process of monitoring and auditing
8920 applications made under this program, Jobs Florida ~~the Office~~
8921 may provide a list of qualified applicants to the Department of
8922 Revenue~~, to the Agency for Workforce Innovation,~~ or to any local
8923 government or authority. Jobs Florida ~~the Office~~ may request the
8924 assistance of said entities with respect to monitoring jobs,
8925 wages, and the payment of the taxes listed in subsection (2).
8926 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
8927 ~~Office may approve a waiver of the local financial support~~
8928 ~~requirement for a business located in any of the following~~
8929 ~~counties in which businesses received emergency loans~~
8930 ~~administered by the Office in response to the named hurricanes~~
8931 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
8932 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~

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8933 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
8934 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
8935 ~~waiver may be granted only if the Office determines that the~~
8936 ~~local financial support cannot be provided or that doing so~~
8937 ~~would effect a demonstrable hardship on the unit of local~~
8938 ~~government providing the local financial support. If the Office~~
8939 ~~grants a waiver of the local financial support requirement, the~~
8940 ~~state shall pay 100 percent of the refund due to an eligible~~
8941 ~~business. The waiver shall apply for tax refund applications~~
8942 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~
8943 (7) ~~(8)~~ EXPIRATION.—An applicant may not be certified as
8944 qualified under this section after June 30, 2014. A tax refund
8945 agreement existing on that date shall continue in effect in
8946 accordance with its terms.
8947 Section 143. Paragraphs (d), (f), (n), (p), (r), and (t) of
8948 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
8949 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
8950 paragraphs (a), (c), (f), and (g) of subsection (6), and
8951 subsection (7) of section 288.106, Florida Statutes, are
8952 amended, and present paragraphs (g) through (u) of subsection
8953 (2) are redesignated as paragraphs (f) through (q),
8954 respectively, to read:
8955 288.106 Tax refund program for qualified target industry
8956 businesses.—
8957 (2) DEFINITIONS.—As used in this section:
8958 (d) "Business" means an employing unit, as defined in s.
8959 443.036, that is registered for unemployment compensation
8960 purposes with the state agency providing unemployment tax
8961 collection services ~~under contract with the Agency for Workforce~~

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8962 ~~Innovation through an interagency agreement pursuant to s.~~
8963 ~~443.1316,~~ or a subcategory or division of an employing unit that
8964 is accepted by the state agency providing unemployment tax
8965 collection services as a reporting unit.
8966 ~~(f) "Director" means the Director of the Office of Tourism,~~
8967 ~~Trade, and Economic Development~~.
8968 ~~(n) "Office" means the Office of Tourism, Trade, and~~
8969 ~~Economic Development.~~
8970 (n) ~~(p)~~ "Qualified target industry business" means a target
8971 industry business approved by Jobs Florida ~~the Office~~ to be
8972 eligible for tax refunds under this section.
8973 ~~(q) "Return on investment" means the gain in state revenues~~
8974 ~~as a percentage of the state's investment. The state's~~
8975 ~~investment includes state grants, tax exemptions, tax refunds,~~
8976 ~~tax credits, and other state incentives.~~
8977 (o) ~~(r)~~ "Rural city" means a city having a population of
8978 10,000 or fewer, or a city having a population of greater than
8979 10,000 but fewer than 20,000 that has been determined by Jobs
8980 Florida ~~the Office~~ to have economic characteristics such as, but
8981 not limited to, a significant percentage of residents on public
8982 assistance, a significant percentage of residents with income
8983 below the poverty level, or a significant percentage of the
8984 city's employment base in agriculture-related industries.
8985 (q) ~~(t)~~ "Target industry business" means a corporate
8986 headquarters business or any business that is engaged in one of
8987 the target industries identified pursuant to the following
8988 criteria developed by Jobs Florida ~~the Office~~ in consultation
8989 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.:
8990 1. Future growth.—Industry forecasts should indicate strong

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8991 expectation for future growth in both employment and output,
8992 according to the most recent available data. Special
8993 consideration should be given to businesses that export goods
8994 to, or provide services in, international markets and businesses
8995 that replace domestic and international imports of goods or
8996 services.
8997 2. Stability.—The industry should not be subject to
8998 periodic layoffs, whether due to seasonality or sensitivity to
8999 volatile economic variables such as weather. The industry should
9000 also be relatively resistant to recession, so that the demand
9001 for products of this industry is not typically subject to
9002 decline during an economic downturn.
9003 3. High wage.—The industry should pay relatively high wages
9004 compared to statewide or area averages.
9005 4. Market and resource independent.—The location of
9006 industry businesses should not be dependent on Florida markets
9007 or resources as indicated by industry analysis, except for
9008 businesses in the renewable energy industry.
9009 5. Industrial base diversification and strengthening.—The
9010 industry should contribute toward expanding or diversifying the
9011 state’s or area’s economic base, as indicated by analysis of
9012 employment and output shares compared to national and regional
9013 trends. Special consideration should be given to industries that
9014 strengthen regional economies by adding value to basic products
9015 or building regional industrial clusters as indicated by
9016 industry analysis. Special consideration should also be given to
9017 the development of strong industrial clusters that include
9018 defense and homeland security businesses.
9019 6. Positive economic impact ~~benefits~~.—The industry is

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9020 expected to have strong positive economic impacts on or benefits
9021 to the state or regional economies.
9022
9023 The term does not include any business engaged in retail
9024 industry activities; any electrical utility company; any
9025 phosphate or other solid minerals severance, mining, or
9026 processing operation; any oil or gas exploration or production
9027 operation; or any business subject to regulation by the Division
9028 of Hotels and Restaurants of the Department of Business and
9029 Professional Regulation. Any business within NAICS code 5611 or
9030 5614, office administrative services and business support
9031 services, respectively, may be considered a target industry
9032 business only after the local governing body and the Jobs
9033 Florida Partnership ~~Enterprise Florida~~, Inc., make a
9034 determination that the community where the business may locate
9035 has conditions affecting the fiscal and economic viability of
9036 the local community or area, including but not limited to,
9037 factors such as low per capita income, high unemployment, high
9038 underemployment, and a lack of year-round stable employment
9039 opportunities, and such conditions may be improved by the
9040 location of such a business to the community. By January 1 of
9041 every 3rd year, beginning January 1, 2011, Jobs Florida ~~the~~
9042 ~~Office~~, in consultation with the Jobs Florida Partnership
9043 ~~Enterprise Florida~~, Inc., economic development organizations,
9044 the State University System, local governments, employee and
9045 employer organizations, market analysts, and economists, shall
9046 review and, as appropriate, revise the list of such target
9047 industries and submit the list to the Governor, the President of
9048 the Senate, and the Speaker of the House of Representatives.

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9049 (3) TAX REFUND; ELIGIBLE AMOUNTS.—
9050 (a) There shall be allowed, from the account, a refund to a
9051 qualified target industry business for the amount of eligible
9052 taxes certified by Jobs Florida ~~the Office~~ that were paid by the
9053 business. The total amount of refunds for all fiscal years for
9054 each qualified target industry business must be determined
9055 pursuant to subsection (4). The annual amount of a refund to a
9056 qualified target industry business must be determined pursuant
9057 to subsection (6).
9058 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9059 target industry business shall be allowed tax refund payments
9060 equal to $3,000 multiplied by the number of jobs specified in
9061 the tax refund agreement under subparagraph (5)(a)1., or equal
9062 to $6,000 multiplied by the number of jobs if the project is
9063 located in a rural community or an enterprise zone.
9064 2. A qualified target industry business shall be allowed
9065 additional tax refund payments equal to $1,000 multiplied by the
9066 number of jobs specified in the tax refund agreement under
9067 subparagraph (5)(a)1. if such jobs pay an annual average wage of
9068 at least 150 percent of the average private sector wage in the
9069 area, or equal to $2,000 multiplied by the number of jobs if
9070 such jobs pay an annual average wage of at least 200 percent of
9071 the average private sector wage in the area.
9072 3. A qualified target industry business shall be allowed
9073 tax refund payments in addition to the other payments authorized
9074 in this paragraph equal to $1,000 multiplied by the number of
9075 jobs specified in the tax refund agreement under subparagraph
9076 (5)(a)1. if the local financial support is equal to that of the
9077 state’s incentive award under subparagraph 1.

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9078 4. In addition to the other tax refund payments authorized
9079 in this paragraph, a qualified target industry business shall be
9080 allowed a tax refund payment equal to $2,000 multiplied by the
9081 number of jobs specified in the tax refund agreement under
9082 subparagraph (5)(a)1. if the business:
9083 a. Falls within one of the high-impact sectors designated
9084 under s. 288.108; or
9085 b. Increases exports of its goods through a seaport or
9086 airport in the state by at least 10 percent in value or tonnage
9087 in each of the years that the business receives a tax refund
9088 under this section. For purposes of this sub-subparagraph,
9089 seaports in the state are limited to the ports of Jacksonville,
9090 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9091 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9092 Pensacola, Fernandina, and Key West.
9093 (f) Refunds made available under this section may not be
9094 expended in connection with the relocation of a business from
9095 one community to another community in the state unless Jobs
9096 Florida ~~the Office~~ determines that, without such relocation, the
9097 business will move outside the state or determines that the
9098 business has a compelling economic rationale for relocation and
9099 that the relocation will create additional jobs.
9100 (4) APPLICATION AND APPROVAL PROCESS.—
9101 (a) To apply for certification as a qualified target
9102 industry business under this section, the business must file an
9103 application with Jobs Florida ~~the Office~~ before the business
9104 decides to locate in this state or before the business decides
9105 to expand its existing operations in this state. The application
9106 must include, but need not be limited to, the following

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9107 information:
9108 1. The applicant's federal employer identification number
9109 and, if applicable, state sales tax registration number.
9110 2. The proposed permanent location of the applicant's
9111 facility in this state at which the project is to be located.
9112 3. A description of the type of business activity or
9113 product covered by the project, including a minimum of a five-
9114 digit NAICS code for all activities included in the project. As
9115 used in this paragraph, "NAICS" means those classifications
9116 contained in the North American Industry Classification System,
9117 as published in 2007 by the Office of Management and Budget,
9118 Executive Office of the President, and updated periodically.
9119 4. The proposed number of net new full-time equivalent
9120 Florida jobs at the qualified target industry business as of
9121 December 31 of each year included in the project and the average
9122 wage of those jobs. If more than one type of business activity
9123 or product is included in the project, the number of jobs and
9124 average wage for those jobs must be separately stated for each
9125 type of business activity or product.
9126 5. The total number of full-time equivalent employees
9127 employed by the applicant in this state, if applicable.
9128 6. The anticipated commencement date of the project.
9129 7. A brief statement explaining the role that the estimated
9130 tax refunds to be requested will play in the decision of the
9131 applicant to locate or expand in this state.
9132 8. An estimate of the proportion of the sales resulting
9133 from the project that will be made outside this state.
9134 9. An estimate of the proportion of the cost of the
9135 machinery and equipment, and any other resources necessary in

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9136 the development of its product or service, to be used by the
9137 business in its Florida operations which will be purchased
9138 outside this state.
9139 10. A resolution adopted by the governing board of the
9140 county or municipality in which the project will be located,
9141 which resolution recommends that the project be approved as a
9142 qualified target industry business and specifies that the
9143 commitments of local financial support necessary for the target
9144 industry business exist. Before the passage of such resolution,
9145 the office may also accept an official letter from an authorized
9146 local economic development agency that endorses the proposed
9147 target industry project and pledges that sources of local
9148 financial support for such project exist. For the purposes of
9149 making pledges of local financial support under this
9150 subparagraph, the authorized local economic development agency
9151 shall be officially designated by the passage of a one-time
9152 resolution by the local governing board.
9153 11. Any additional information requested by Jobs Florida
9154 ~~the Office~~.
9155 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9156 application of a target industry business must, at a minimum,
9157 establish the following to the satisfaction of the office:
9158 1.a. The jobs proposed to be created under the application,
9159 pursuant to subparagraph (a)4., must pay an estimated annual
9160 average wage equaling at least 115 percent of the average
9161 private sector wage in the area where the business is to be
9162 located or the statewide private sector average wage. The
9163 governing board of the county where the qualified target
9164 industry business is to be located shall notify Jobs Florida ~~the~~

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9165 ~~Office~~ and the Jobs Florida Partnership ~~Enterprise Florida~~,
9166 Inc., which calculation of the average private sector wage in
9167 the area must be used as the basis for the business's wage
9168 commitment. In determining the average annual wage, Jobs Florida
9169 ~~the Office~~ shall include only new proposed jobs, and wages for
9170 existing jobs shall be excluded from this calculation.
9171 b. Jobs Florida ~~the Office~~ may waive the average wage
9172 requirement at the request of the local governing body
9173 recommending the project and the Jobs Florida Partnership
9174 ~~Enterprise Florida~~, Inc. Jobs Florida ~~the Office~~ may waive the
9175 wage requirement for a project located in a brownfield area
9176 designated under s. 376.80, in a rural city, in a rural
9177 community, in an enterprise zone, or for a manufacturing project
9178 at any location in the state if the jobs proposed to be created
9179 pay an estimated annual average wage equaling at least 100
9180 percent of the average private sector wage in the area where the
9181 business is to be located, only if the merits of the individual
9182 project or the specific circumstances in the community in
9183 relationship to the project warrant such action. If the local
9184 governing body and the Jobs Florida Partnership ~~Enterprise~~
9185 ~~Florida~~, Inc., make such a recommendation, it must be
9186 transmitted in writing, and the specific justification for the
9187 waiver recommendation must be explained. If Jobs Florida ~~the~~
9188 ~~Office~~ elects to waive the wage requirement, the waiver must be
9189 stated in writing, and the reasons for granting the waiver must
9190 be explained.
9191 2. The target industry business's project must result in
9192 the creation of at least 10 jobs at the project and, in the case
9193 of an expansion of an existing business, must result in a net

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9194 increase in employment of at least 10 percent at the business.
9195 At the request of the local governing body recommending the
9196 project and the Jobs Florida Partnership ~~Enterprise Florida~~,
9197 Inc., Jobs Florida ~~the Office~~ may waive this requirement for a
9198 business in a rural community or enterprise zone if the merits
9199 of the individual project or the specific circumstances in the
9200 community in relationship to the project warrant such action. If
9201 the local governing body and the Jobs Florida Partnership, Inc.,
9202 ~~Enterprise Florida, Inc.,~~ make such a request, the request must
9203 be transmitted in writing, and the specific justification for
9204 the request must be explained. If Jobs Florida ~~the Office~~ elects
9205 to grant the request, the grant must be stated in writing, and
9206 the reason for granting the request must be explained.
9207 3. The business activity or product for the applicant's
9208 project must be within an industry identified by Jobs Florida
9209 ~~the Office~~ as a target industry business that contributes to the
9210 economic growth of the state and the area in which the business
9211 is located, that produces a higher standard of living for
9212 residents of this state in the new global economy, or that can
9213 be shown to make an equivalent contribution to the area's and
9214 state's economic progress.
9215 (c) Each application meeting the requirements of paragraph
9216 (b) must be submitted to Jobs Florida ~~the Office~~ for
9217 determination of eligibility. Jobs Florida ~~the Office~~ shall
9218 review and evaluate each application based on, but not limited
9219 to, the following criteria:
9220 1. Expected contributions to the state's economy,
9221 consistent with the state strategic economic development plan
9222 adopted by the Jobs Florida Partnership, Inc. ~~Enterprise~~

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9223 ~~Florida, Inc.~~
9224 2. The economic benefits ~~return on investment~~ of the
9225 proposed award of tax refunds under this section and the
9226 economic benefits of ~~return on investment for~~ state incentives
9227 proposed for the project. The term "economic benefits" has the
9228 same meaning as in s. 288.005. The Office of Economic and
9229 Demographic Research shall review and evaluate the methodology
9230 and model used to calculate the economic benefits ~~return on~~
9231 ~~investment~~ and shall report its findings by September 1 of every
9232 3rd year, ~~beginning September 1, 2010,~~ to the President of the
9233 Senate and the Speaker of the House of Representatives.
9234 3. The amount of capital investment to be made by the
9235 applicant in this state.
9236 4. The local financial commitment and support for the
9237 project.
9238 5. The effect of the project on the unemployment rate in
9239 the county where the project will be located.
9240 6. The effect of the award on the viability of the project
9241 and the probability that the project would be undertaken in this
9242 state if such tax refunds are granted to the applicant.
9243 7. The expected long-term commitment of the applicant to
9244 economic growth and employment in this state resulting from the
9245 project.
9246 8. A review of the business's past activities in this state
9247 or other states, including whether such business has been
9248 subjected to criminal or civil fines and penalties. This
9249 subparagraph does not require the disclosure of confidential
9250 information.
9251 (d) Applications shall be reviewed and certified pursuant

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9252 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9253 review projections of the tax refunds the business would be
9254 eligible to receive in each fiscal year based on the creation
9255 and maintenance of the net new Florida jobs specified in
9256 subparagraph (a)4. as of December 31 of the preceding state
9257 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9258 into a written agreement with the qualified target industry
9259 business pursuant to subsection (5).
9260 (e) Jobs Florida ~~the Office~~ may not certify any target
9261 industry business as a qualified target industry business if the
9262 value of tax refunds to be included in that letter of
9263 certification exceeds the available amount of authority to
9264 certify new businesses as determined in s. 288.095(3). However,
9265 if the commitments of local financial support represent less
9266 than 20 percent of the eligible tax refund payments, or to
9267 otherwise preserve the viability and fiscal integrity of the
9268 program, the office may certify a qualified target industry
9269 business to receive tax refund payments of less than the
9270 allowable amounts specified in paragraph (3)(b). A letter of
9271 certification that approves an application must specify the
9272 maximum amount of tax refund that will be available to the
9273 qualified industry business in each fiscal year and the total
9274 amount of tax refunds that will be available to the business for
9275 all fiscal years.
9276 (f) This section does not create a presumption that an
9277 applicant will receive any tax refunds under this section.
9278 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9279 letters, upon the request of prospective applicants, as to the
9280 applicants' eligibility and the potential amount of refunds.

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9281 (5) TAX REFUND AGREEMENT.—
9282 (a) Each qualified target industry business must enter into
9283 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9284 at a minimum:
9285 1. The total number of full-time equivalent jobs in this
9286 state that will be dedicated to the project, the average wage of
9287 those jobs, the definitions that will apply for measuring the
9288 achievement of these terms during the pendency of the agreement,
9289 and a time schedule or plan for when such jobs will be in place
9290 and active in this state.
9291 2. The maximum amount of tax refunds that the qualified
9292 target industry business is eligible to receive on the project
9293 and the maximum amount of a tax refund that the qualified target
9294 industry business is eligible to receive for each fiscal year,
9295 based on the job creation and maintenance schedule specified in
9296 subparagraph 1.
9297 3. That Jobs Florida ~~the Office~~ may review and verify the
9298 financial and personnel records of the qualified target industry
9299 business to ascertain whether that business is in compliance
9300 with this section.
9301 4. The date by which, in each fiscal year, the qualified
9302 target industry business may file a claim under subsection (6)
9303 to be considered to receive a tax refund in the following fiscal
9304 year.
9305 5. That local financial support will be annually available
9306 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9307 enter into a written agreement with a qualified target industry
9308 business if the local financial support resolution is not passed
9309 by the local governing body within 90 days after Jobs Florida

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9310 ~~the Office~~ has issued the letter of certification under
9311 subsection (4).
9312 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9313 business to evaluate whether the business is continuing to
9314 contribute to the area's or state's economy.
9315 7. That in the event the business does not complete the
9316 agreement, the business will provide Jobs Florida ~~the Office~~
9317 with the reasons the business was unable to complete the
9318 agreement.
9319 (b) Compliance with the terms and conditions of the
9320 agreement is a condition precedent for the receipt of a tax
9321 refund each year. The failure to comply with the terms and
9322 conditions of the tax refund agreement results in the loss of
9323 eligibility for receipt of all tax refunds previously authorized
9324 under this section and the revocation by Jobs Florida ~~the Office~~
9325 of the certification of the business entity as a qualified
9326 target industry business, unless the business is eligible to
9327 receive and elects to accept a prorated refund under paragraph
9328 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9329 economic recovery extension.
9330 1. A qualified target industry business may submit a
9331 request to Jobs Florida ~~the Office~~ for an economic recovery
9332 extension. The request must provide quantitative evidence
9333 demonstrating how negative economic conditions in the business's
9334 industry, the effects of a named hurricane or tropical storm, or
9335 specific acts of terrorism affecting the qualified target
9336 industry business have prevented the business from complying
9337 with the terms and conditions of its tax refund agreement.
9338 2. Upon receipt of a request under subparagraph 1., Jobs

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9339 Florida ~~the Office~~ has 45 days to notify the requesting
9340 business, in writing, whether its extension has been granted or
9341 denied. In determining whether an extension should be granted,
9342 Jobs Florida ~~the Office~~ shall consider the extent to which
9343 negative economic conditions in the requesting business's
9344 industry have occurred in the state or the effects of a named
9345 hurricane or tropical storm or specific acts of terrorism
9346 affecting the qualified target industry business have prevented
9347 the business from complying with the terms and conditions of its
9348 tax refund agreement. Jobs Florida ~~the Office~~ shall consider
9349 current employment statistics for this state by industry,
9350 including whether the business's industry had substantial job
9351 loss during the prior year, when determining whether an
9352 extension shall be granted.
9353 3. As a condition for receiving a prorated refund under
9354 paragraph (6)(e) or an economic recovery extension under this
9355 paragraph, a qualified target industry business must agree to
9356 renegotiate its tax refund agreement with Jobs Florida ~~the~~
9357 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9358 comply with current law and office procedures governing
9359 application for and award of tax refunds. Upon approving the
9360 award of a prorated refund or granting an economic recovery
9361 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9362 refund agreement with the business as required by this
9363 subparagraph. When amending the agreement of a business
9364 receiving an economic recovery extension, Jobs Florida ~~the~~
9365 ~~Office~~ may extend the duration of the agreement for a period not
9366 to exceed 2 years.
9367 4. A qualified target industry business may submit a

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9368 request for an economic recovery extension to Jobs Florida ~~the~~
9369 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9370 after January 1, 2009, but before July 1, 2012.
9371 5. A qualified target industry business that receives an
9372 economic recovery extension may not receive a tax refund for the
9373 period covered by the extension.
9374 (c) The agreement must be signed by the commissioner
9375 ~~director~~ and by an authorized officer of the qualified target
9376 industry business within 120 days after the issuance of the
9377 letter of certification under subsection (4), but not before
9378 passage and receipt of the resolution of local financial
9379 support. Jobs Florida ~~The Office~~ may grant an extension of this
9380 period at the written request of the qualified target industry
9381 business.
9382 (6) ANNUAL CLAIM FOR REFUND.—
9383 (a) To be eligible to claim any scheduled tax refund, a
9384 qualified target industry business that has entered into a tax
9385 refund agreement with Jobs Florida ~~the Office~~ under subsection
9386 (5) must apply by January 31 of each fiscal year to the office
9387 for the tax refund scheduled to be paid from the appropriation
9388 for the fiscal year that begins on July 1 following the January
9389 31 claims-submission date. Jobs Florida ~~The Office~~ may, upon
9390 written request, grant a 30-day extension of the filing date.
9391 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9392 proof of taxes paid in future years for a qualified target
9393 industry business that provides the office with proof that, in a
9394 single year, the business has paid an amount of state taxes from
9395 the categories in paragraph (3)(d) that is at least equal to the
9396 total amount of tax refunds that the business may receive

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9397 through successful completion of its tax refund agreement.
9398 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9399 required from the Department of Revenue ~~or the Agency for~~
9400 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9401 date for submission of the tax refund claim, specify by written
9402 order the approval or disapproval of the tax refund claim and,
9403 if approved, the amount of the tax refund that is authorized to
9404 be paid to the qualified target industry business for the annual
9405 tax refund. Jobs Florida ~~the Office~~ may grant an extension of
9406 this date on the request of the qualified target industry
9407 business for the purpose of filing additional information in
9408 support of the claim.
9409 (g) The total amount of tax refund claims approved by Jobs
9410 Florida ~~the Office~~ under this section in any fiscal year must
9411 not exceed the amount authorized under s. 288.095(3).
9412 (7) ADMINISTRATION.—
9413 (a) Jobs Florida ~~the Office~~ may verify information provided
9414 in any claim submitted for tax credits under this section with
9415 regard to employment and wage levels or the payment of the taxes
9416 to the appropriate agency or authority, including the Department
9417 of Revenue~~, the Agency for Workforce Innovation,~~ or any local
9418 government or authority.
9419 (b) To facilitate the process of monitoring and auditing
9420 applications made under this section, Jobs Florida ~~the Office~~
9421 may provide a list of qualified target industry businesses to
9422 the Department of Revenue~~, to the Agency for Workforce~~
9423 ~~Innovation,~~ or to any local government or authority. Jobs
9424 Florida ~~The Office~~ may request the assistance of those entities
9425 with respect to monitoring jobs, wages, and the payment of the

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9426 taxes listed in subsection (3).
9427 (c) Funds specifically appropriated for tax refunds for
9428 qualified target industry businesses under this section may not
9429 be used by Jobs Florida ~~the Office~~ for any purpose other than
9430 the payment of tax refunds authorized by this section.
9431 (d) Beginning with tax refund agreements signed after July
9432 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9433 causes for any business's failure to complete its agreement and
9434 shall report its findings and recommendations to the Governor,
9435 the President of the Senate, and the Speaker of the House of
9436 Representatives. The report shall be submitted by December 1 of
9437 each year beginning in 2011.
9438 Section 144. Paragraphs (d), (e), (f), (g) and (h) of
9439 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
9440 (h), and (i) of subsection (4), and subsection (5) of section
9441 288.107, Florida Statutes, are amended to read:
9442 288.107 Brownfield redevelopment bonus refunds.—
9443 (1) DEFINITIONS.—As used in this section:
9444 ~~(d) "Director" means the director of the Office of Tourism,~~
9445 ~~Trade, and Economic Development~~.
9446 (d) ~~(e)~~ "Eligible business" means:
9447 1. A qualified target industry business as defined in s.
9448 288.106(2); or
9449 2. A business that can demonstrate a fixed capital
9450 investment of at least $2 million in mixed-use business
9451 activities, including multiunit housing, commercial, retail, and
9452 industrial in brownfield areas, or at least $500,000 in
9453 brownfield areas that do not require site cleanup, and that
9454 provides benefits to its employees.

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9455 (e) ~~(f)~~ "Jobs" means full-time equivalent positions,
9456 including, but not limited to, positions obtained from a
9457 temporary employment agency or employee leasing company or
9458 through a union agreement or coemployment under a professional
9459 employer organization agreement, that result directly from a
9460 project in this state. The term does not include temporary
9461 construction jobs involved with the construction of facilities
9462 for the project and which are not associated with the
9463 implementation of the site rehabilitation as provided in s.
9464 376.80.
9465 ~~(g) "Office" means The Office of Tourism, Trade, and~~
9466 ~~Economic Development.~~
9467 (f) ~~(h)~~ "Project" means the creation of a new business or
9468 the expansion of an existing business as defined in s. 288.106.
9469 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9470 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9471 final order and allowed from the account as follows:
9472 (a) A bonus refund of $2,500 shall be allowed to any
9473 qualified target industry business as defined in s. 288.106 for
9474 each new Florida job created in a brownfield area that is
9475 claimed on the qualified target industry business's annual
9476 refund claim authorized in s. 288.106(6).
9477 (b) A bonus refund of up to $2,500 shall be allowed to any
9478 other eligible business as defined in subparagraph (1)(d)2.
9479 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
9480 brownfield area that is claimed under an annual claim procedure
9481 similar to the annual refund claim authorized in s. 288.106(6).
9482 The amount of the refund shall be equal to 20 percent of the
9483 average annual wage for the jobs created.

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9484 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
9485 (a) To be eligible to receive a bonus refund for new
9486 Florida jobs created in a brownfield area, a business must have
9487 been certified as a qualified target industry business under s.
9488 288.106 or eligible business as defined in paragraph (1)(d)
9489 ~~paragraph (1)(e)~~ and must have indicated on the qualified target
9490 industry business tax refund application form submitted in
9491 accordance with s. 288.106(4) or other similar agreement for
9492 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
9493 ~~(1)(e)~~ that the project for which the application is submitted
9494 is or will be located in a brownfield area and that the business
9495 is applying for certification as a qualified brownfield business
9496 under this section, and must have signed a qualified target
9497 industry business tax refund agreement with Jobs Florida ~~the~~
9498 ~~Office~~ that indicates that the business has been certified as a
9499 qualified target industry business located in a brownfield area
9500 and specifies the schedule of brownfield redevelopment bonus
9501 refunds that the business may be eligible to receive in each
9502 fiscal year.
9503 (b) To be considered to receive an eligible brownfield
9504 redevelopment bonus refund payment, the business meeting the
9505 requirements of paragraph (a) must submit a claim once each
9506 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
9507 which indicates the location of the brownfield, the address of
9508 the business facility's brownfield location, the name of the
9509 brownfield in which it is located, the number of jobs created,
9510 and the average wage of the jobs created by the business within
9511 the brownfield as defined in s. 288.106 or other eligible
9512 business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and the

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9513 administrative rules and policies for that section.
9514 (f) Applications shall be reviewed and certified pursuant
9515 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
9516 applications submitted under s. 288.106 or other similar
9517 application forms for other eligible businesses as defined in
9518 paragraph (1)(d) ~~paragraph (1)(c)~~ which indicate that the
9519 proposed project will be located in a brownfield and determine,
9520 with the assistance of the Department of Environmental
9521 Protection, that the project location is within a brownfield as
9522 provided in this act.
9523 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
9524 brownfield redevelopment bonus refund payment that are found to
9525 meet the requirements of paragraphs (b) and (d).
9526 (h) Jobs Florida ~~The director~~, with such assistance as may
9527 be required from ~~the Office and~~ the Department of Environmental
9528 Protection, shall specify by written final order the amount of
9529 the brownfield redevelopment bonus refund that is authorized for
9530 the qualified target industry business for the fiscal year
9531 within 30 days after the date that the claim for the annual tax
9532 refund is received by the office.
9533 (i) The total amount of the bonus refunds approved by Jobs
9534 Florida ~~the director~~ under this section in any fiscal year must
9535 not exceed the total amount appropriated to the Economic
9536 Development Incentives Account for this purpose for the fiscal
9537 year. In the event that the Legislature does not appropriate an
9538 amount sufficient to satisfy projections by Jobs Florida ~~the~~
9539 ~~Office~~ for brownfield redevelopment bonus refunds under this
9540 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not
9541 later than July 15 of such year, determine the proportion of

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9542 each brownfield redevelopment bonus refund claim which shall be
9543 paid by dividing the amount appropriated for tax refunds for the
9544 fiscal year by the projected total of brownfield redevelopment
9545 bonus refund claims for the fiscal year. The amount of each
9546 claim for a brownfield redevelopment bonus tax refund shall be
9547 multiplied by the resulting quotient. If, after the payment of
9548 all such refund claims, funds remain in the Economic Development
9549 Incentives Account for brownfield redevelopment tax refunds,
9550 Jobs Florida ~~the Office~~ shall recalculate the proportion for
9551 each refund claim and adjust the amount of each claim
9552 accordingly.
9553 (5) ADMINISTRATION.—
9554 (a) Jobs Florida ~~the Office~~ may verify information provided
9555 in any claim submitted for tax credits under this section with
9556 regard to employment and wage levels or the payment of the taxes
9557 to the appropriate agency or authority, including the Department
9558 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
9559 government or authority.
9560 (b) To facilitate the process of monitoring and auditing
9561 applications made under this program, Jobs Florida ~~the Office~~
9562 may provide a list of qualified target industry businesses to
9563 the Department of Revenue, ~~to the Agency for Workforce~~
9564 ~~Innovation,~~ to the Department of Environmental Protection, or to
9565 any local government authority. Jobs Florida ~~the office~~ may
9566 request the assistance of those entities with respect to
9567 monitoring the payment of the taxes listed in s. 288.106(3).
9568 Section 145. Paragraphs (a), (b), (c), and (d) of
9569 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
9570 subsection (4), paragraphs (a) and (c) of subsection (5), and

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9571 subsections (6) and (7) of section 288.108, Florida Statutes,
9572 are amended, and present paragraphs (e) through (j) of
9573 subsection (2) are redesignated as paragraphs (c) through (h),
9574 respectively, to read:
9575 288.108 High-impact business.—
9576 (2) DEFINITIONS.—As used in this section, the term:
9577 (a) "Eligible high-impact business" means a business in one
9578 of the high-impact sectors identified by the Jobs Florida
9579 Partnership ~~Enterprise Florida~~, Inc., and certified by Jobs
9580 Florida ~~the Office of Tourism, Trade, and Economic Development~~
9581 as provided in subsection (5), which is making a cumulative
9582 investment in the state of at least $50 million and creating at
9583 least 50 new full-time equivalent jobs in the state or a
9584 research and development facility making a cumulative investment
9585 of at least $25 million and creating at least 25 new full-time
9586 equivalent jobs. Such investment and employment must be achieved
9587 in a period not to exceed 3 years after the date the business is
9588 certified as a qualified high-impact business.
9589 (b) "Qualified high-impact business" means a business in
9590 one of the high-impact sectors that has been certified by Jobs
9591 Florida ~~the Office~~ as a qualified high-impact business to
9592 receive a high-impact sector performance grant.
9593 ~~(c) "Office" means the Office of Tourism, Trade, and~~
9594 ~~Economic Development.~~
9595 ~~(d) "Director" means the director of the Office of Tourism,~~
9596 ~~Trade, and Economic Development~~.
9597 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
9598 AMOUNTS.—
9599 (b) Jobs Florida ~~The Office~~ may~~, in consultation with~~

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9600 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
9601 business performance grant awards for any single qualified high-
9602 impact business. In negotiating such awards, Jobs Florida ~~the~~
9603 ~~Office~~ shall consider the following guidelines in conjunction
9604 with other relevant applicant impact and cost information and
9605 analysis as required in subsection (5).
9606 1. A qualified high-impact business making a cumulative
9607 investment of $50 million and creating 50 jobs may be eligible
9608 for a total qualified high-impact business performance grant of
9609 $500,000 to $1 million.
9610 2. A qualified high-impact business making a cumulative
9611 investment of $100 million and creating 100 jobs may be eligible
9612 for a total qualified high-impact business performance grant of
9613 $1 million to $2 million.
9614 3. A qualified high-impact business making a cumulative
9615 investment of $800 million and creating 800 jobs may be eligible
9616 for a qualified high-impact business performance grant of $10
9617 million to $12 million.
9618 4. A qualified high-impact business engaged in research and
9619 development making a cumulative investment of $25 million and
9620 creating 25 jobs may be eligible for a total qualified high-
9621 impact business performance grant of $700,000 to $1 million.
9622 5. A qualified high-impact business engaged in research and
9623 development making a cumulative investment of $75 million, and
9624 creating 75 jobs may be eligible for a total qualified high-
9625 impact business performance grant of $2 million to $3 million.
9626 6. A qualified high-impact business engaged in research and
9627 development making a cumulative investment of $150 million, and
9628 creating 150 jobs may be eligible for a qualified high-impact

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9629 business performance grant of $3.5 million to $4.5 million.
9630 (d) The balance of the performance grant award shall be
9631 paid to the qualified high-impact business upon the business's
9632 certification that full operations have commenced and that the
9633 full investment and employment goals specified in the qualified
9634 high-impact business agreement have been met and verified by
9635 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
9636 ~~Development~~. The verification must occur not later than 60 days
9637 after the qualified high-impact business has provided the
9638 certification specified in this paragraph.
9639 (e) Jobs Florida ~~The office~~ may, upon a showing of
9640 reasonable cause for delay and significant progress toward the
9641 achievement of the investment and employment goals specified in
9642 the qualified high-impact business agreement, extend the date
9643 for commencement of operations, not to exceed an additional 2
9644 years beyond the limit specified in paragraph (2)(a), but in no
9645 case may any high-impact sector performance grant payment be
9646 made to the business until the scheduled goals have been
9647 achieved.
9648 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
9649 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
9650 GRANTS.—
9651 (a) The total amount of active performance grants scheduled
9652 for payment by Jobs Florida ~~the office~~ in any single fiscal year
9653 may not exceed the lesser of $30 million or the amount
9654 appropriated by the Legislature for that fiscal year for
9655 qualified high-impact business performance grants. If the
9656 scheduled grant payments are not made in the year for which they
9657 were scheduled in the qualified high-impact business agreement

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9658 and are rescheduled as authorized in paragraph (3)(e), they are,
9659 for purposes of this paragraph, deemed to have been paid in the
9660 year in which they were originally scheduled in the qualified
9661 high-impact business agreement.
9662 (b) If the Legislature does not appropriate an amount
9663 sufficient to satisfy the qualified high-impact business
9664 performance grant payments scheduled for any fiscal year, Jobs
9665 Florida ~~the Office~~ shall, not later than July 15 of that year,
9666 determine the proportion of each grant payment which may be paid
9667 by dividing the amount appropriated for qualified high-impact
9668 business performance grant payments for the fiscal year by the
9669 total performance grant payments scheduled in all performance
9670 grant agreements for the fiscal year. The amount of each grant
9671 scheduled for payment in that fiscal year must be multiplied by
9672 the resulting quotient. All businesses affected by this
9673 calculation must be notified by August 1 of each fiscal year.
9674 If, after the payment of all the refund claims, funds remain in
9675 the appropriation for payment of qualified high-impact business
9676 performance grants, Jobs Florida ~~the Office~~ shall recalculate
9677 the proportion for each performance grant payment and adjust the
9678 amount of each claim accordingly.
9679 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—
9680 (a) Any eligible business, as defined in subsection (2),
9681 shall apply to the Jobs Florida Partnership ~~Enterprise Florida~~,
9682 Inc., for consideration as a qualified high-impact business
9683 before the business has made a decision to locate or expand a
9684 facility in this state. The application, developed by Jobs
9685 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
9686 in consultation with the Jobs Florida Partnership ~~Enterprise~~

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9687 ~~Florida~~, Inc., must include, but is not limited to, the
9688 following information:
9689 1. A complete description of the type of facility, business
9690 operations, and product or service associated with the project.
9691 2. The number of full-time equivalent jobs that will be
9692 created by the project and the average annual wage of those
9693 jobs.
9694 3. The cumulative amount of investment to be dedicated to
9695 this project within 3 years.
9696 4. A statement concerning any special impacts the facility
9697 is expected to stimulate in the sector, the state, or regional
9698 economy and in state universities and community colleges.
9699 5. A statement concerning the role the grant will play in
9700 the decision of the applicant business to locate or expand in
9701 this state.
9702 6. Any additional information requested by Jobs Florida and
9703 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., ~~and the~~
9704 ~~Office of Tourism, Trade, and Economic Development.~~
9705 (c) Jobs Florida ~~The director~~ and the qualified high-impact
9706 business shall enter into a performance grant agreement setting
9707 forth the conditions for payment of the qualified high-impact
9708 business performance grant. The agreement shall include the
9709 total amount of the qualified high-impact business facility
9710 performance grant award, the performance conditions that must be
9711 met to obtain the award, including the employment, average
9712 salary, investment, the methodology for determining if the
9713 conditions have been met, and the schedule of performance grant
9714 payments.
9715 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

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9716 (a) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9717 shall, by January 1, of every third year, beginning January 1,
9718 2011, initiate the process of reviewing and, if appropriate,
9719 selecting a new high-impact sector for designation or
9720 recommending the deactivation of a designated high-impact
9721 sector. The process of reviewing designated high-impact sectors
9722 or recommending the deactivation of a designated high-impact
9723 sector shall be in consultation with the office, economic
9724 development organizations, the State University System, local
9725 governments, employee and employer organizations, market
9726 analysts, and economists.
9727 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
9728 recommendation from the Jobs Florida Partnership ~~Enterprise~~
9729 ~~Florida~~, Inc., to designate a high-impact sector or to
9730 deauthorize a designated high-impact sector.
9731 (c) To begin the process of selecting and designating a new
9732 high-impact sector, the Jobs Florida Partnership ~~Enterprise~~
9733 ~~Florida~~, Inc., shall undertake a thorough study of the proposed
9734 sector. This study must consider the definition of the sector,
9735 including the types of facilities which characterize the sector
9736 that might qualify for a high-impact performance grant and
9737 whether a powerful incentive like the high-impact performance
9738 grant is needed to induce major facilities in the sector to
9739 locate or grow in this state; the benefits that major facilities
9740 in the sector have or could have on the state’s economy and the
9741 relative significance of those benefits; the needs of the sector
9742 and major sector facilities, including natural, public, and
9743 human resources and benefits and costs with regard to these
9744 resources; the sector’s current and future markets; the current

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9745 fiscal and potential fiscal impacts of the sector, to both the
9746 state and its communities; any geographic opportunities or
9747 limitations with regard to the sector, including areas of the
9748 state most likely to benefit from the sector and areas unlikely
9749 to benefit from the sector; the state's advantages or
9750 disadvantages with regard to the sector; and the long-term
9751 expectations for the industry on a global level and in the
9752 state. If the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9753 finds favorable conditions for the designation of the sector as
9754 a high-impact sector, it shall include in the study
9755 recommendations for a complete and comprehensive sector
9756 strategy, including appropriate marketing and workforce
9757 strategies for the entire sector and any recommendations that
9758 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., may have
9759 for statutory or policy changes needed to improve the state's
9760 business climate and to attract and grow Florida businesses,
9761 particularly small businesses, in the proposed sector. The study
9762 shall reflect the finding of the sector-business network
9763 specified in paragraph (d).
9764 (d) In conjunction with the study required in paragraph
9765 (c), the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9766 shall develop and consult with a network of sector businesses.
9767 While this network may include non-Florida businesses, it must
9768 include any businesses currently within the state. If the number
9769 of Florida businesses in the sector is large, a representative
9770 cross-section of Florida sector businesses may form the core of
9771 this network.
9772 (e) The study and its findings and recommendations and the
9773 recommendations gathered from the sector-business network must

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9774 be discussed and considered during the at least one meeting per
9775 calendar year of leaders in business, government, education,
9776 workforce development, and economic development called by the
9777 Governor to address the business climate in the state, develop a
9778 common vision for the economic future of the state, and identify
9779 economic development efforts to fulfill that vision ~~required in~~
9780 ~~s. 14.2015(2)(e)~~.
9781 (f) If after consideration of the completed study required
9782 in paragraph (c) and the input derived from consultation with
9783 the sector-business network in paragraph (d) and the quarterly
9784 meeting as required in paragraph (e), the board of directors of
9785 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., finds
9786 that the sector will have exceptionally large and widespread
9787 benefits to the state and its citizens, relative to any public
9788 costs; that the sector is characterized by the types of
9789 facilities that require exceptionally large investments and
9790 provide employment opportunities to a relatively large number of
9791 workers in high-quality, high-income jobs that might qualify for
9792 a high-impact performance grant; and that given the competition
9793 for such businesses it may be necessary for the state to be able
9794 to offer a large inducement, such as a high-impact performance
9795 grant, to attract such a business to the state or to encourage
9796 businesses to continue to grow in the state, the board of
9797 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9798 Inc., may recommend that the office consider the designation of
9799 the sector as a high-impact business sector.
9800 (g) Upon receiving a recommendation from the board of
9801 directors of the Jobs Florida Partnership ~~Enterprise Florida~~,
9802 Inc., together with the study required in paragraph (c) and a

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9803 summary of the findings and recommendations of the sector-
9804 business network required in paragraph (d), including a list of
9805 all meetings of the sector network and participants in those
9806 meetings and the findings and recommendations from the quarterly
9807 meeting as required in paragraph (e), Jobs Florida ~~the Office~~
9808 shall after a thorough evaluation of the study and accompanying
9809 materials report its findings and either concur in the
9810 recommendation of the Jobs Florida Partnership ~~Enterprise~~
9811 ~~Florida~~, Inc., and designate the sector as a high-impact
9812 business sector or notify the Jobs Florida Partnership
9813 ~~Enterprise Florida~~, Inc., that it does not concur and deny the
9814 board's request for designation or return the recommendation and
9815 study to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
9816 for further evaluation. In any case, Jobs Florida ~~the director's~~
9817 decision must be in writing and justify the reasons for the
9818 decision.
9819 (h) If Jobs Florida ~~the Office~~ designates the sector as a
9820 high-impact sector, it shall, within 30 days, notify the
9821 Governor, the President of the Senate, and the Speaker of the
9822 House of Representatives of its decision and provide a complete
9823 report on its decision, including copies of the material
9824 provided by the Jobs Florida Partnership ~~Enterprise Florida~~,
9825 Inc., and Jobs Florida's ~~the Office of Tourism, Trade, and~~
9826 ~~Economic Development's~~ evaluation and comment on any statutory
9827 or policy changes recommended by Enterprise Florida, Inc.
9828 (i) For the purposes of this subsection, a high-impact
9829 sector consists of the silicon technology sector that the Jobs
9830 Florida Partnership ~~Enterprise Florida~~, Inc., has found to be
9831 focused around the type of high-impact businesses for which the

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9832 incentive created in this subsection is required and will create
9833 the kinds of sector and economy wide benefits that justify the
9834 use of state resources to encourage these investments and
9835 require substantial inducements to compete with the incentive
9836 packages offered by other states and nations.
9837 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
9838 necessary to carry out the provisions of this section.
9839 Section 146. Subsection (1), paragraph (f) of subsection
9840 (2), and subsections (4), (5), and (9) of section 288.1083,
9841 Florida Statutes, are amended, and present paragraph (g) of
9842 subsection (2) is redesignated as paragraph (f), to read:
9843 288.1083 Manufacturing and Spaceport Investment Incentive
9844 Program.—
9845 (1) The Manufacturing and Spaceport Investment Incentive
9846 Program is created within Jobs Florida ~~The Office of Tourism,~~
9847 ~~Trade, and Economic Development~~. The purpose of the program is
9848 to encourage capital investment and job creation in
9849 manufacturing and spaceport activities in this state.
9850 (2) As used in this section, the term:
9851 ~~(f) "Office" means The Office of Tourism, Trade, and~~
9852 ~~Economic Development.~~
9853 (4) To receive a refund, a business entity must first apply
9854 to Jobs Florida ~~the Office~~ for a tax refund allocation. The
9855 entity shall provide such information in the application as
9856 reasonably required by Jobs Florida ~~the Office~~. Further, the
9857 business entity shall provide such information as is required by
9858 Jobs Florida ~~the Office~~ to establish the cost incurred and
9859 actual sales and use tax paid to purchase eligible equipment
9860 located and placed into service in this state during its taxable

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9861 year that began in 2008.
9862 (a) Within 30 days after Jobs Florida ~~the Office~~ receives
9863 an application for a refund, Jobs Florida ~~the Office~~ shall
9864 approve or disapprove the application.
9865 (b) Refund allocations made during the 2010-2011 fiscal
9866 year shall be awarded in the same order in which applications
9867 are received. Eligible entities may apply to Jobs Florida ~~the~~
9868 ~~Office~~ beginning July 1, 2010, for refunds attributable to
9869 eligible equipment purchases made during the 2010-2011 fiscal
9870 year. For the 2010-2011 fiscal year, Jobs Florida ~~the Office~~
9871 shall allocate the maximum amount of $50,000 per entity until
9872 the entire $19 million available for refund in state fiscal year
9873 2010-2011 has been allocated. If the total amount available for
9874 allocation during the 2010-2011 fiscal year is allocated, Jobs
9875 Florida ~~the Office~~ shall continue taking applications. Each
9876 applicant shall be informed of its place in the queue and
9877 whether the applicant received an allocation of the eligible
9878 funds.
9879 (c) Refund allocations made during the 2011-2012 fiscal
9880 year shall first be given to any applicants remaining in the
9881 queue from the prior fiscal year. Jobs Florida ~~The Office~~ shall
9882 allocate the maximum amount of $50,000 per entity, first to
9883 those applicants that remained in the queue from 2010-2011 for
9884 eligible purchases in 2010-2011, then to applicants for 2011-
9885 2012 in the order applications are received for eligible
9886 purchases in 2011-2012. Jobs Florida ~~The Office~~ shall allocate
9887 the maximum amount of $50,000 per entity until the entire $24
9888 million available to be allocated for refund in the 2011-2012
9889 fiscal year is allocated. If the total amount available for

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9890 refund in 2011-2012 has been allocated, Jobs Florida ~~The Office~~
9891 shall continue to accept applications from eligible entities in
9892 the 2011-2012 fiscal year for refunds attributable to eligible
9893 equipment purchases made during the 2011-2012 fiscal year.
9894 Refund allocations made during the 2011-2012 fiscal year shall
9895 be awarded in the same order in which applications are received.
9896 Upon submitting an application, each applicant shall be informed
9897 of its place in the queue and whether the applicant has received
9898 an allocation of the eligible funds.
9899 (5) Upon completion of eligible equipment purchases, a
9900 business entity that received a refund allocation from Jobs
9901 Florida ~~the Office~~ must apply to the office for certification of
9902 a refund. For eligible equipment purchases made during the 2010-
9903 2011 fiscal year, the application for certification must be made
9904 no later than September 1, 2011. For eligible equipment
9905 purchases made during the 2011-2012 fiscal year, the application
9906 for certification must be made no later than September 1, 2012.
9907 The application shall provide such documentation as is
9908 reasonably required by Jobs Florida ~~the Office~~ to calculate the
9909 refund amount, including documentation necessary to confirm the
9910 cost of eligible equipment purchases supporting the claim of the
9911 sales and use tax paid thereon. Further, the business entity
9912 shall provide such documentation as required by Jobs Florida ~~the~~
9913 ~~Office~~ to establish the entity's base year purchases. If, upon
9914 reviewing the application, Jobs Florida ~~the Office~~ determines
9915 that eligible equipment purchases did not occur, that the amount
9916 of tax claimed to have been paid or remitted on the eligible
9917 equipment purchases is not supported by the documentation
9918 provided, or that the information provided to Jobs Florida ~~the~~

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9919 ~~Office~~ was otherwise inaccurate, the amount of the refund
9920 allocation not substantiated shall not be certified. Otherwise,
9921 Jobs Florida ~~the Office~~ shall determine and certify the amount
9922 of the refund to the eligible entity and to the department
9923 within 30 days after the office receives the application for
9924 certification.
9925 (9) Jobs Florida ~~the Office~~ shall adopt emergency rules
9926 governing applications for, issuance of, and procedures for
9927 allocation and certification and may establish guidelines as to
9928 the requisites for demonstrating base year purchases and
9929 eligible equipment purchases.
9930 Section 147. Subsections (2) and (3) of section 288.1088,
9931 Florida Statutes, are amended to read:
9932 288.1088 Quick Action Closing Fund.—
9933 (2) There is created within Jobs Florida ~~The Office of~~
9934 ~~Tourism, Trade, and Economic Development~~ the Quick Action
9935 Closing Fund. Projects eligible for receipt of funds from the
9936 Quick Action Closing Fund shall:
9937 (a) Be in an industry as referenced in s. 288.106.
9938 (b) Have a positive economic benefit ~~payback~~ ratio of at
9939 least 5 to 1.
9940 (c) Be an inducement to the project's location or expansion
9941 in the state.
9942 (d) Pay an average annual wage of at least 125 percent of
9943 the areawide or statewide private sector average wage.
9944 (e) Be supported by the local community in which the
9945 project is to be located.
9946 (3)(a) Jobs Florida and the Jobs Florida Partnership
9947 ~~Enterprise Florida~~, Inc., shall jointly review applications

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9948 pursuant to s. 288.061 and determine the eligibility of each
9949 project consistent with the criteria in subsection (2). Jobs
9950 Florida ~~Enterprise Florida, Inc.~~, in consultation with the Jobs
9951 Florida Partnership, Inc., ~~the Office of Tourism, Trade, and~~
9952 ~~Economic Development,~~ may waive these criteria:
9953 1. Based on extraordinary circumstances;
9954 2. In order to mitigate the impact of the conclusion of the
9955 space shuttle program; or
9956 3. In rural areas of critical economic concern if the
9957 project would significantly benefit the local or regional
9958 economy.
9959 (b) Jobs Florida and the Jobs Florida Partnership
9960 ~~Enterprise Florida~~, Inc., shall jointly evaluate individual
9961 proposals for high-impact business facilities ~~and forward~~
9962 ~~recommendations regarding the use of moneys in the fund for such~~
9963 ~~facilities to the director of the Office of Tourism, Trade, and~~
9964 ~~Economic Development~~. Such evaluation ~~and recommendation~~ must
9965 include, but need not be limited to:
9966 1. A description of the type of facility or infrastructure,
9967 its operations, and the associated product or service associated
9968 with the facility.
9969 2. The number of full-time-equivalent jobs that will be
9970 created by the facility and the total estimated average annual
9971 wages of those jobs or, in the case of privately developed rural
9972 infrastructure, the types of business activities and jobs
9973 stimulated by the investment.
9974 3. The cumulative amount of investment to be dedicated to
9975 the facility within a specified period.
9976 4. A statement of any special impacts the facility is

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9977 expected to stimulate in a particular business sector in the
9978 state or regional economy or in the state's universities and
9979 community colleges.
9980 5. A statement of the role the incentive is expected to
9981 play in the decision of the applicant business to locate or
9982 expand in this state or for the private investor to provide
9983 critical rural infrastructure.
9984 6. A report evaluating the quality and value of the company
9985 submitting a proposal. The report must include:
9986 a. A financial analysis of the company, including an
9987 evaluation of the company's short-term liquidity ratio as
9988 measured by its assets to liability, the company's profitability
9989 ratio, and the company's long-term solvency as measured by its
9990 debt-to-equity ratio;
9991 b. The historical market performance of the company;
9992 c. A review of any independent evaluations of the company;
9993 d. A review of the latest audit of the company's financial
9994 statement and the related auditor's management letter; and
9995 e. A review of any other types of audits that are related
9996 to the internal and management controls of the company.
9997 (c)1. Within 7 business ~~22 calendar~~ days after evaluating a
9998 project, Jobs Florida ~~receiving the evaluation and~~
9999 ~~recommendation from Enterprise Florida, Inc., the director of~~
10000 ~~the Office of Tourism, Trade, and Economic Development~~ shall
10001 recommend to the Governor approval or disapproval of a project
10002 for receipt of funds from the Quick Action Closing Fund. In
10003 recommending a project, Jobs Florida ~~the director~~ shall include
10004 proposed performance conditions that the project must meet to
10005 obtain incentive funds.

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10006 2. The Governor may approve projects without consulting the
10007 Legislature for projects requiring less than $1 million in
10008 funding.
10009 3. For projects requiring funding in the amount of $1
10010 million to $5 million, the Governor shall provide a written ~~the~~
10011 description and evaluation of a project ~~projects~~ recommended for
10012 approval to the President of the Senate, ~~and~~ the Speaker of the
10013 House of Representatives, and the chairs of the Senate and House
10014 appropriations committees that oversee economic development
10015 funding, and, no sooner than 3 days subsequent to providing the
10016 written project descriptions and evaluations, shall consult with
10017 the President of the Senate and the Speaker of the House of
10018 Representatives before giving final approval for a project. At
10019 least 14 days before releasing funds for a project, the
10020 Executive Office of the Governor shall recommend approval of the
10021 project and the release of funds by delivering notice of such
10022 action pursuant to the legislative consultation and review
10023 requirements set forth in s. 216.177. The recommendation must
10024 include proposed performance conditions that the project must
10025 meet in order to obtain funds.
10026 4. If the chair or vice chair of the Legislative Budget
10027 Commission or the President of the Senate or the Speaker of the
10028 House of Representatives timely advises the Executive Office of
10029 the Governor, in writing, that such action or proposed action
10030 exceeds the delegated authority of the Executive Office of the
10031 Governor or is contrary to legislative policy or intent, the
10032 Executive Office of the Governor shall void the release of funds
10033 and instruct the Office of Tourism, Trade, and Economic
10034 Development to immediately change such action or proposed action

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10035 until the Legislative Budget Commission or the Legislature
10036 addresses the issue. Notwithstanding such requirement, any
10037 project exceeding $5 million ~~$2,000,000~~ must be approved by the
10038 Legislative Budget Commission prior to the funds being released.
10039 (d) Upon the approval of the Governor, Jobs Florida ~~the~~
10040 ~~director of the Office of Tourism, Trade, and Economic~~
10041 ~~Development~~ and the business shall enter into a contract that
10042 sets forth the conditions for payment of moneys from the fund.
10043 The contract must include the total amount of funds awarded; the
10044 performance conditions that must be met to obtain the award,
10045 including, but not limited to, net new employment in the state,
10046 average salary, and total capital investment; demonstrate a
10047 baseline of current service and a measure of enhanced
10048 capability; the methodology for validating performance; the
10049 schedule of payments from the fund; and sanctions for failure to
10050 meet performance conditions. The contract must provide that
10051 payment of moneys from the fund is contingent upon sufficient
10052 appropriation of funds by the Legislature.
10053 (e) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10054 shall validate contractor performance. Such validation shall be
10055 reported within 6 months after completion of the contract to the
10056 Governor, President of the Senate, and the Speaker of the House
10057 of Representatives.
10058 Section 148. Subsection (1), paragraphs (b), (f), and (o)
10059 of subsection (2), and subsections (3), through (9), (11), and
10060 (12) of section 288.1089, Florida Statutes, are amended, and
10061 present paragraphs (g) through (n) and (p) through (s) of
10062 subsection (2) are redesignated as paragraphs (f) through (p),
10063 respectively, to read:

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10064 288.1089 Innovation Incentive Program.—
10065 (1) The Innovation Incentive Program is created within Jobs
10066 Florida ~~The Office of Tourism, Trade, and Economic Development~~
10067 to ensure that sufficient resources are available to allow the
10068 state to respond expeditiously to extraordinary economic
10069 opportunities and to compete effectively for high-value research
10070 and development, innovation business, and alternative and
10071 renewal energy projects.
10072 (2) As used in this section, the term:
10073 (b) "Average private sector wage" means the statewide
10074 average wage in the private sector or the average of all private
10075 sector wages in the county or in the standard metropolitan area
10076 in which the project is located as determined by Jobs Florida
10077 ~~the Agency for Workforce Innovation~~.
10078 ~~(f) "Director" means the director of the Office of Tourism,~~
10079 ~~Trade, and Economic Development~~.
10080 ~~(o) "Office" means the Office of Tourism, Trade, and~~
10081 ~~Economic Development.~~
10082 (3) To be eligible for consideration for an innovation
10083 incentive award, an innovation business, a research and
10084 development entity, or an alternative and renewable energy
10085 company must submit a written application to the Jobs Florida
10086 Partnership ~~Enterprise Florida~~, Inc., before making a decision
10087 to locate new operations in this state or expand an existing
10088 operation in this state. The application must include, but not
10089 be limited to:
10090 (a) The applicant's federal employer identification number,
10091 unemployment account number, and state sales tax registration
10092 number. If such numbers are not available at the time of

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10093 application, they must be submitted to the office in writing
10094 prior to the disbursement of any payments under this section.
10095 (b) The location in this state at which the project is
10096 located or is to be located.
10097 (c) A description of the type of business activity,
10098 product, or research and development undertaken by the
10099 applicant, including six-digit North American Industry
10100 Classification System codes for all activities included in the
10101 project.
10102 (d) The applicant's projected investment in the project.
10103 (e) The total investment, from all sources, in the project.
10104 (f) The number of net new full-time equivalent jobs in this
10105 state the applicant anticipates having created as of December 31
10106 of each year in the project and the average annual wage of such
10107 jobs.
10108 (g) The total number of full-time equivalent employees
10109 currently employed by the applicant in this state, if
10110 applicable.
10111 (h) The anticipated commencement date of the project.
10112 (i) A detailed explanation of why the innovation incentive
10113 is needed to induce the applicant to expand or locate in the
10114 state and whether an award would cause the applicant to locate
10115 or expand in this state.
10116 (j) If applicable, an estimate of the proportion of the
10117 revenues resulting from the project that will be generated
10118 outside this state.
10119 (4) To qualify for review by Jobs Florida ~~the Office~~, the
10120 applicant must, at a minimum, establish the following to the
10121 satisfaction of Jobs Florida and the Jobs Florida Partnership

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10122 ~~Enterprise Florida~~, Inc., ~~and the Office~~:
10123 (a) The jobs created by the project must pay an estimated
10124 annual average wage equaling at least 130 percent of the average
10125 private sector wage. Jobs Florida ~~The Office~~ may waive this
10126 average wage requirement at the request of the Jobs Florida
10127 Partnership ~~Enterprise Florida~~, Inc., for a project located in a
10128 rural area, a brownfield area, or an enterprise zone, when the
10129 merits of the individual project or the specific circumstances
10130 in the community in relationship to the project warrant such
10131 action. A recommendation for waiver by the Jobs Florida
10132 Partnership ~~Enterprise Florida~~, Inc., must include a specific
10133 justification for the waiver and be transmitted to Jobs Florida
10134 ~~the Office~~ in writing. If Jobs Florida ~~the director~~ elects to
10135 waive the wage requirement, the waiver must be stated in writing
10136 and the reasons for granting the waiver must be explained.
10137 (b) A research and development project must:
10138 1. Serve as a catalyst for an emerging or evolving
10139 technology cluster.
10140 2. Demonstrate a plan for significant higher education
10141 collaboration.
10142 3. Provide the state, at a minimum, a break-even return on
10143 investment within a 20-year period.
10144 4. Be provided with a one-to-one match from the local
10145 community. The match requirement may be reduced or waived in
10146 rural areas of critical economic concern or reduced in rural
10147 areas, brownfield areas, and enterprise zones.
10148 (c) An innovation business project in this state, other
10149 than a research and development project, must:
10150 1.a. Result in the creation of at least 1,000 direct, new

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10151 jobs at the business; or
10152 b. Result in the creation of at least 500 direct, new jobs
10153 if the project is located in a rural area, a brownfield area, or
10154 an enterprise zone.
10155 2. Have an activity or product that is within an industry
10156 that is designated as a target industry business under s.
10157 288.106 or a designated sector under s. 288.108.
10158 3.a. Have a cumulative investment of at least $500 million
10159 within a 5-year period; or
10160 b. Have a cumulative investment that exceeds $250 million
10161 within a 10-year period if the project is located in a rural
10162 area, brownfield area, or an enterprise zone.
10163 4. Be provided with a one-to-one match from the local
10164 community. The match requirement may be reduced or waived in
10165 rural areas of critical economic concern or reduced in rural
10166 areas, brownfield areas, and enterprise zones.
10167 (d) For an alternative and renewable energy project in this
10168 state, the project must:
10169 1. Demonstrate a plan for significant collaboration with an
10170 institution of higher education;
10171 2. Provide the state, at a minimum, a break-even return on
10172 investment within a 20-year period;
10173 3. Include matching funds provided by the applicant or
10174 other available sources. The match requirement may be reduced or
10175 waived in rural areas of critical economic concern or reduced in
10176 rural areas, brownfield areas, and enterprise zones;
10177 4. Be located in this state; and
10178 5. Provide at least 35 direct, new jobs that pay an
10179 estimated annual average wage that equals at least 130 percent

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10180 of the average private sector wage.
10181 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
10182 shall evaluate proposals for all three categories of innovation
10183 incentive awards and transmit recommendations for awards to Jobs
10184 Florida ~~the Office~~. Before making its recommendations on
10185 alternative and renewable energy projects, the Jobs Florida
10186 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall solicit
10187 comments and recommendations from the Florida Energy and Climate
10188 Commission. For each project, the evaluation and recommendation
10189 to Jobs Florida ~~the office~~ must include, but need not be limited
10190 to:
10191 (a) A description of the project, its required facilities,
10192 and the associated product, service, or research and development
10193 associated with the project.
10194 (b) The percentage of match provided for the project.
10195 (c) The number of full-time equivalent jobs that will be
10196 created by the project, the total estimated average annual wages
10197 of such jobs, and the types of business activities and jobs
10198 likely to be stimulated by the project.
10199 (d) The cumulative investment to be dedicated to the
10200 project within 5 years and the total investment expected in the
10201 project if more than 5 years.
10202 (e) The projected economic and fiscal impacts on the local
10203 and state economies relative to investment.
10204 (f) A statement of any special impacts the project is
10205 expected to stimulate in a particular business sector in the
10206 state or regional economy or in the state’s universities and
10207 community colleges.
10208 (g) A statement of any anticipated or proposed

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10209 relationships with state universities.
10210 (h) A statement of the role the incentive is expected to
10211 play in the decision of the applicant to locate or expand in
10212 this state.
10213 (i) A recommendation and explanation of the amount of the
10214 award needed to cause the applicant to expand or locate in this
10215 state.
10216 (j) A discussion of the efforts and commitments made by the
10217 local community in which the project is to be located to induce
10218 the applicant's location or expansion, taking into consideration
10219 local resources and abilities.
10220 (k) A recommendation for specific performance criteria the
10221 applicant would be expected to achieve in order to receive
10222 payments from the fund and penalties or sanctions for failure to
10223 meet or maintain performance conditions.
10224 (l) Additional evaluative criteria for a research and
10225 development facility project, including:
10226 1. A description of the extent to which the project has the
10227 potential to serve as catalyst for an emerging or evolving
10228 cluster.
10229 2. A description of the extent to which the project has or
10230 could have a long-term collaborative research and development
10231 relationship with one or more universities or community colleges
10232 in this state.
10233 3. A description of the existing or projected impact of the
10234 project on established clusters or targeted industry sectors.
10235 4. A description of the project's contribution to the
10236 diversity and resiliency of the innovation economy of this
10237 state.

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10238 5. A description of the project's impact on special needs
10239 communities, including, but not limited to, rural areas,
10240 distressed urban areas, and enterprise zones.
10241 (m) Additional evaluative criteria for alternative and
10242 renewable energy proposals, including:
10243 1. The availability of matching funds or other in-kind
10244 contributions applied to the total project from an applicant.
10245 The commission shall give greater preference to projects that
10246 provide such matching funds or other in-kind contributions.
10247 2. The degree to which the project stimulates in-state
10248 capital investment and economic development in metropolitan and
10249 rural areas, including the creation of jobs and the future
10250 development of a commercial market for renewable energy
10251 technologies.
10252 3. The extent to which the proposed project has been
10253 demonstrated to be technically feasible based on pilot project
10254 demonstrations, laboratory testing, scientific modeling, or
10255 engineering or chemical theory that supports the proposal.
10256 4. The degree to which the project incorporates an
10257 innovative new technology or an innovative application of an
10258 existing technology.
10259 5. The degree to which a project generates thermal,
10260 mechanical, or electrical energy by means of a renewable energy
10261 resource that has substantial long-term production potential.
10262 6. The degree to which a project demonstrates efficient use
10263 of energy and material resources.
10264 7. The degree to which the project fosters overall
10265 understanding and appreciation of renewable energy technologies.
10266 8. The ability to administer a complete project.

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10267 9. Project duration and timeline for expenditures.
10268 10. The geographic area in which the project is to be
10269 conducted in relation to other projects.
10270 11. The degree of public visibility and interaction.
10271 (6) In consultation with the Jobs Florida Partnership,
10272 Inc., Jobs Florida ~~Enterprise Florida, Inc., the Office~~ may
10273 negotiate the proposed amount of an award for any applicant
10274 meeting the requirements of this section. In negotiating such
10275 award, Jobs Florida ~~the office~~ shall consider the amount of the
10276 incentive needed to cause the applicant to locate or expand in
10277 this state in conjunction with other relevant applicant impact
10278 and cost information and analysis as described in this section.
10279 Particular emphasis shall be given to the potential for the
10280 project to stimulate additional private investment and high-
10281 quality employment opportunities in the area.
10282 (7) Upon receipt of the evaluation and recommendation from
10283 the Jobs Florida Partnership, Inc., Jobs Florida ~~Enterprise~~
10284 ~~Florida, Inc., the director~~ shall recommend to the Governor the
10285 approval or disapproval of an award. In recommending approval of
10286 an award, Jobs Florida ~~the director~~ shall include proposed
10287 performance conditions that the applicant must meet in order to
10288 obtain incentive funds and any other conditions that must be met
10289 before the receipt of any incentive funds. The Governor shall
10290 consult with the President of the Senate and the Speaker of the
10291 House of Representatives before giving approval for an award.
10292 Upon review and approval of an award by the Legislative Budget
10293 Commission, the Executive Office of the Governor shall release
10294 the funds.
10295 (8)(a) After the conditions set forth in subsection (7)

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10296 have been met, Jobs Florida ~~the director~~ shall issue a letter
10297 certifying the applicant as qualified for an award. Jobs Florida
10298 ~~the Office~~ and the award recipient shall enter into an agreement
10299 that sets forth the conditions for payment of the incentive
10300 funds. The agreement must include, at a minimum:
10301 1. The total amount of funds awarded.
10302 2. The performance conditions that must be met in order to
10303 obtain the award or portions of the award, including, but not
10304 limited to, net new employment in the state, average wage, and
10305 total cumulative investment.
10306 3. Demonstration of a baseline of current service and a
10307 measure of enhanced capability.
10308 4. The methodology for validating performance.
10309 5. The schedule of payments.
10310 6. Sanctions for failure to meet performance conditions,
10311 including any clawback provisions.
10312 (b) Additionally, agreements signed on or after July 1,
10313 2009, must include the following provisions:
10314 1. Notwithstanding subsection (4), a requirement that the
10315 jobs created by the recipient of the incentive funds pay an
10316 annual average wage at least equal to the relevant industry's
10317 annual average wage or at least 130 percent of the average
10318 private sector wage, whichever is greater.
10319 2. A reinvestment requirement. Each recipient of an award
10320 shall reinvest up to 15 percent of net royalty revenues,
10321 including revenues from spin-off companies and the revenues from
10322 the sale of stock it receives from the licensing or transfer of
10323 inventions, methods, processes, and other patentable discoveries
10324 conceived or reduced to practice using its facilities in Florida

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10325 or its Florida-based employees, in whole or in part, and to
10326 which the recipient of the grant becomes entitled during the 20
10327 years following the effective date of its agreement with the
10328 office. Each recipient of an award also shall reinvest up to 15
10329 percent of the gross revenues it receives from naming
10330 opportunities associated with any facility it builds in this
10331 state. Reinvestment payments shall commence no later than 6
10332 months after the recipient of the grant has received the final
10333 disbursement under the contract and shall continue until the
10334 maximum reinvestment, as specified in the contract, has been
10335 paid. Reinvestment payments shall be remitted to the office for
10336 deposit in the Biomedical Research Trust Fund for companies
10337 specializing in biomedicine or life sciences, or in the Economic
10338 Development Trust Fund for companies specializing in fields
10339 other than biomedicine or the life sciences. If these trust
10340 funds no longer exist at the time of the reinvestment, the
10341 state's share of reinvestment shall be deposited in their
10342 successor trust funds as determined by law. Each recipient of an
10343 award shall annually submit a schedule of the shares of stock
10344 held by it as payment of the royalty required by this paragraph
10345 and report on any trades or activity concerning such stock. Each
10346 recipient's reinvestment obligations survive the expiration or
10347 termination of its agreement with the state.
10348 3. Requirements for the establishment of internship
10349 programs or other learning opportunities for educators and
10350 secondary, postsecondary, graduate, and doctoral students.
10351 4. A requirement that the recipient submit quarterly
10352 reports and annual reports related to activities and performance
10353 to Jobs Florida ~~the Office~~, according to standardized reporting

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10354 periods.
10355 5. A requirement for an annual accounting to Jobs Florida
10356 ~~the Office~~ of the expenditure of funds disbursed under this
10357 section.
10358 6. A process for amending the agreement.
10359 (9) Jobs Florida, assisted by the Jobs Florida Partnership
10360 ~~Enterprise Florida~~, Inc., shall validate ~~assist the Office in~~
10361 ~~validating~~ the performance of an innovation business, a research
10362 and development facility, or an alternative and renewable energy
10363 business that has received an award. At the conclusion of the
10364 innovation incentive award agreement, or its earlier
10365 termination, Jobs Florida ~~Enterprise Florida, Inc.,~~ shall,
10366 within 90 days, submit a report to the Governor, the President
10367 of the Senate, and the Speaker of the House of Representatives
10368 detailing whether the recipient of the innovation incentive
10369 grant achieved its specified outcomes.
10370 (11)(a) ~~Beginning January 5, 2010, and every year~~
10371 ~~thereafter,~~ On January 5 of each year, Jobs Florida ~~the Office~~
10372 shall submit to the Governor, the President of the Senate, and
10373 the Speaker of the House of Representatives a report summarizing
10374 the activities and accomplishments of the recipients of grants
10375 from the Innovation Incentive Program during the previous 12
10376 months and an evaluation ~~by the office~~ of whether the recipients
10377 are catalysts for additional direct and indirect economic
10378 development in Florida.
10379 (b) Beginning March 1, 2010, and every third year
10380 thereafter, the Office of Program Policy Analysis and Government
10381 Accountability, in consultation with the Auditor General's
10382 Office, shall release a report evaluating the Innovation

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10383 Incentive Program's progress toward creating clusters of high-
10384 wage, high-skilled, complementary industries that serve as
10385 catalysts for economic growth specifically in the regions in
10386 which they are located, and generally for the state as a whole.
10387 Such report should include critical analyses of quarterly and
10388 annual reports, annual audits, and other documents prepared by
10389 the Innovation Incentive Program awardees; relevant economic
10390 development reports prepared by Jobs Florida, the Jobs Florida
10391 Partnership ~~the office, Enterprise Florida~~, Inc., and local or
10392 regional economic development organizations; interviews with the
10393 parties involved; and any other relevant data. Such report
10394 should also include legislative recommendations, if necessary,
10395 on how to improve the Innovation Incentive Program so that the
10396 program reaches its anticipated potential as a catalyst for
10397 direct and indirect economic development in this state.
10398 (12) Jobs Florida ~~the Office~~ may seek the assistance of the
10399 Office of Program Policy Analysis and Government Accountability,
10400 the Legislature's Office of Economic and Demographic Research,
10401 and other entities for the purpose of developing performance
10402 measures or techniques to quantify the synergistic economic
10403 development impacts that awardees of grants are having within
10404 their communities.
10405 Section 149. Section 288.1095, Florida Statutes, is amended
10406 to read:
10407 288.1095 Information concerning the One-Stop Permitting
10408 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10409 ~~Development~~ shall develop literature that explains the One-Stop
10410 Permitting System and identifies those counties that have been
10411 designated as Quick Permitting Counties. The literature must be

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10412 updated at least once each year. To the maximum extent feasible,
10413 state agencies and the Jobs Florida Partnership ~~Enterprise~~
10414 ~~Florida~~, Inc., shall distribute such literature and inform the
10415 public of the One-Stop Permitting System and the Quick
10416 Permitting Counties. In addition, the Jobs Florida Partnership
10417 ~~Enterprise Florida~~, Inc., shall provide this information to
10418 prospective, new, expanding, and relocating businesses seeking
10419 to conduct business in this state, municipalities, counties,
10420 economic-development organizations, and chambers of commerce.
10421 Section 150. Subsections (1) and (2), paragraphs (d) and
10422 (e) of subsection (4), paragraph (a) of subsection (6), and
10423 subsection (8) of section 288.1162, Florida Statutes, are
10424 amended to read:
10425 288.1162 Professional sports franchises; duties.—
10426 (1) The Division of Strategic Business Development of Jobs
10427 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10428 serve as the state agency for screening applicants for state
10429 funding under s. 212.20 and for certifying an applicant as a
10430 facility for a new or retained professional sports franchise.
10431 (2) The Division of Strategic Business Development of Jobs
10432 Florida ~~Office of Tourism, Trade, and Economic Development~~ shall
10433 develop rules for the receipt and processing of applications for
10434 funding under s. 212.20.
10435 (4) Before certifying an applicant as a facility for a new
10436 or retained professional sports franchise, the Division of
10437 Strategic Business Development of Jobs Florida ~~Office of~~
10438 ~~Tourism, Trade, and Economic Development~~ must determine that:
10439 (d) The applicant has projections, verified by the Division
10440 of Strategic Business Development of Jobs Florida ~~Office of~~

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10441 ~~Tourism, Trade, and Economic Development~~, which demonstrate that
10442 the new or retained professional sports franchise will attract a
10443 paid attendance of more than 300,000 annually.
10444 (e) The applicant has an independent analysis or study,
10445 verified by the Division of Strategic Business Development of
10446 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~,
10447 which demonstrates that the amount of the revenues generated by
10448 the taxes imposed under chapter 212 with respect to the use and
10449 operation of the professional sports franchise facility will
10450 equal or exceed $2 million annually.
10451 (6)(a) The Division of Strategic Business Development of
10452 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10453 shall notify the Department of Revenue of any facility certified
10454 as a facility for a new or retained professional sports
10455 franchise. The Division of Strategic Business Development of
10456 Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~
10457 shall certify no more than eight facilities as facilities for a
10458 new professional sports franchise or as facilities for a
10459 retained professional sports franchise, including in the total
10460 any facilities certified by the former Department of Commerce
10461 before July 1, 1996. The division ~~office~~ may make no more than
10462 one certification for any facility.
10463 (8) An applicant is not qualified for certification under
10464 this section if the franchise formed the basis for a previous
10465 certification, unless the previous certification was withdrawn
10466 by the facility or invalidated by the Division of Strategic
10467 Business Development of Jobs Florida ~~Office of Tourism, Trade,~~
10468 ~~and Economic Development~~ or the former Department of Commerce
10469 before any funds were distributed under s. 212.20. This

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10470 subsection does not disqualify an applicant if the previous
10471 certification occurred between May 23, 1993, and May 25, 1993;
10472 however, any funds to be distributed under s. 212.20 for the
10473 second certification shall be offset by the amount distributed
10474 to the previous certified facility. Distribution of funds for
10475 the second certification shall not be made until all amounts
10476 payable for the first certification are distributed.
10477 Section 151. Subsections (1), (2), (4), (5), (6), (7), and
10478 (8) of section 288.11621, Florida Statutes, are amended to read:
10479 288.11621 Spring training baseball franchises.—
10480 (1) DEFINITIONS.—As used in this section, the term:
10481 (a) “Agreement” means a certified, signed lease between an
10482 applicant that applies for certification on or after July 1,
10483 2010, and the spring training franchise for the use of a
10484 facility.
10485 (b) “Applicant” means a unit of local government as defined
10486 in s. 218.369, including local governments located in the same
10487 county that have partnered with a certified applicant before the
10488 effective date of this section or with an applicant for a new
10489 certification, for purposes of sharing in the responsibilities
10490 of a facility.
10491 (c) “Certified applicant” means a facility for a spring
10492 training franchise that was certified before July 1, 2010, under
10493 s. 288.1162(5), Florida Statutes 2009, or a unit of local
10494 government that is certified under this section.
10495 (d) “Facility” means a spring training stadium, playing
10496 fields, and appurtenances intended to support spring training
10497 activities.
10498 (e) “Local funds” and “local matching funds” mean funds

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10499 provided by a county, municipality, or other local government.
10500 ~~(f) "Office" means The Office of Tourism, Trade, and~~
10501 ~~Economic Development~~.
10502 (2) CERTIFICATION PROCESS.—
10503 (a) Before certifying an applicant to receive state funding
10504 for a facility for a spring training franchise, Jobs Florida ~~the~~
10505 ~~Office~~ must verify that:
10506 1. The applicant is responsible for the acquisition,
10507 construction, management, or operation of the facility for a
10508 spring training franchise or holds title to the property on
10509 which the facility for a spring training franchise is located.
10510 2. The applicant has a certified copy of a signed agreement
10511 with a spring training franchise for the use of the facility for
10512 a term of at least 20 years. The agreement also must require the
10513 franchise to reimburse the state for state funds expended by an
10514 applicant under this section if the franchise relocates before
10515 the agreement expires. The agreement may be contingent on an
10516 award of funds under this section and other conditions
10517 precedent.
10518 3. The applicant has made a financial commitment to provide
10519 50 percent or more of the funds required by an agreement for the
10520 acquisition, construction, or renovation of the facility for a
10521 spring training franchise. The commitment may be contingent upon
10522 an award of funds under this section and other conditions
10523 precedent.
10524 4. The applicant demonstrates that the facility for a
10525 spring training franchise will attract a paid attendance of at
10526 least 50,000 annually to the spring training games.
10527 5. The facility for a spring training franchise is located

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10528 in a county that levies a tourist development tax under s.
10529 125.0104.
10530 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10531 applications for state funding of a facility for a spring
10532 training franchise. The total number of certifications may not
10533 exceed 10 at any time. The evaluation criteria must include,
10534 with priority given in descending order to, the following items:
10535 1. The anticipated effect on the economy of the local
10536 community where the spring training facility is to be built,
10537 including projections on paid attendance, local and state tax
10538 collections generated by spring training games, and direct and
10539 indirect job creation resulting from the spring training
10540 activities. Priority shall be given to applicants who can
10541 demonstrate the largest projected economic impact.
10542 2. The amount of the local matching funds committed to a
10543 facility relative to the amount of state funding sought, with
10544 priority given to applicants that commit the largest amount of
10545 local matching funds relative to the amount of state funding
10546 sought.
10547 3. The potential for the facility to serve multiple uses.
10548 4. The intended use of the funds by the applicant, with
10549 priority given to the funds being used to acquire a facility,
10550 construct a new facility, or renovate an existing facility.
10551 5. The length of time that a spring training franchise has
10552 been under an agreement to conduct spring training activities
10553 within an applicant’s geographic location or jurisdiction, with
10554 priority given to applicants having agreements with the same
10555 franchise for the longest period of time.
10556 6. The length of time that an applicant’s facility has been

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10557 used by one or more spring training franchises, with priority
10558 given to applicants whose facilities have been in continuous use
10559 as facilities for spring training the longest.
10560 7. The term remaining on a lease between an applicant and a
10561 spring training franchise for a facility, with priority given to
10562 applicants having the shortest lease terms remaining.
10563 8. The length of time that a spring training franchise
10564 agrees to use an applicant’s facility if an application is
10565 granted under this section, with priority given to applicants
10566 having agreements for the longest future use.
10567 9. The net increase of total active recreation space owned
10568 by the applicant after an acquisition of land for the facility,
10569 with priority given to applicants having the largest percentage
10570 increase of total active recreation space that will be available
10571 for public use.
10572 10. The location of the facility in a brownfield, an
10573 enterprise zone, a community redevelopment area, or other area
10574 of targeted development or revitalization included in an urban
10575 infill redevelopment plan, with priority given to applicants
10576 having facilities located in these areas.
10577 (c) Each applicant certified on or after July 1, 2010,
10578 shall enter into an agreement with the office that:
10579 1. Specifies the amount of the state incentive funding to
10580 be distributed.
10581 2. States the criteria that the certified applicant must
10582 meet in order to remain certified.
10583 3. States that the certified applicant is subject to
10584 decertification if the certified applicant fails to comply with
10585 this section or the agreement.

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10586 4. States that the Jobs Florida ~~Office~~ may recover state
10587 incentive funds if the certified applicant is decertified.
10588 5. Specifies information that the certified applicant must
10589 report to the Jobs Florida ~~Office~~.
10590 6. Includes any provision deemed prudent by the Jobs
10591 Florida ~~Office~~.
10592 (4) ANNUAL REPORTS.—On or before September 1 of each year,
10593 a certified applicant shall submit to Jobs Florida ~~the Office~~ a
10594 report that includes, but is not limited to:
10595 (a) A copy of its most recent annual audit.
10596 (b) A detailed report on all local and state funds expended
10597 to date on the project being financed under this section.
10598 (c) A copy of the contract between the certified local
10599 governmental entity and the spring training team.
10600 (d) A cost-benefit analysis of the team's impact on the
10601 community.
10602 (e) Evidence that the certified applicant continues to meet
10603 the criteria in effect when the applicant was certified.
10604 (5) DECERTIFICATION.—
10605 (a) Jobs Florida ~~The Office~~ shall decertify a certified
10606 applicant upon the request of the certified applicant.
10607 (b) Jobs Florida ~~The Office~~ shall decertify a certified
10608 applicant if the certified applicant does not:
10609 1. Have a valid agreement with a spring training franchise;
10610 or
10611 2. Satisfy its commitment to provide local matching funds
10612 to the facility.
10613
10614 However, decertification proceedings against a local government

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10615 certified before July 1, 2010, shall be delayed until 12 months
10616 after the expiration of the local government's existing
10617 agreement with a spring training franchise, and without a new
10618 agreement being signed, if the certified local government can
10619 demonstrate to the office that it is in active negotiations with
10620 a major league spring training franchise, other than the
10621 franchise that was the basis for the original certification.
10622 (c) A certified applicant has 60 days after it receives a
10623 notice of intent to decertify from Jobs Florida ~~the Office~~ to
10624 petition ~~the office's director~~ for review of the
10625 decertification. Within 45 days after receipt of the request for
10626 review, Jobs Florida ~~the director~~ must notify a certified
10627 applicant of the outcome of the review.
10628 (d) Jobs Florida ~~the Office~~ shall notify the Department of
10629 Revenue that a certified applicant is decertified within 10 days
10630 after the order of decertification becomes final. The Department
10631 of Revenue shall immediately stop the payment of any funds under
10632 this section that were not encumbered by the certified applicant
10633 under subparagraph (3)(a)2.
10634 (e) Jobs Florida ~~the Office~~ shall order a decertified
10635 applicant to repay all of the unencumbered state funds that the
10636 local government received under this section and any interest
10637 that accrued on those funds. The repayment must be made within
10638 60 days after the decertification order becomes final. These
10639 funds shall be deposited into the General Revenue Fund.
10640 (f) A local government as defined in s. 218.369 may not be
10641 decertified by Jobs Florida if it has paid or pledged for the
10642 payment of debt service on, or to fund debt service reserve
10643 funds, arbitrage rebate obligations, or other amounts payable

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10644 with respect thereto, bonds issued for the acquisition,
10645 construction, reconstruction, or renovation of the facility for
10646 which the local government was certified, or for the
10647 reimbursement of such costs or the refinancing of bonds issued
10648 for the acquisition, construction, reconstruction, or renovation
10649 of the facility for which the local government was certified, or
10650 for the reimbursement of such costs or the refinancing of bonds
10651 issued for such purpose. This subsection does not preclude or
10652 restrict the ability of a certified local government to
10653 refinance, refund, or defease such bonds.
10654 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the Office~~
10655 decertifies a unit of local government, Jobs Florida ~~the Office~~
10656 may accept applications for an additional certification. A unit
10657 of local government may not be certified for more than one
10658 spring training franchise at any time.
10659 (7) STRATEGIC PLANNING.—
10660 (a) Jobs Florida ~~The Office~~ shall request assistance from
10661 the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~
10662 and the Florida Grapefruit League Association to update every 5
10663 years the spring training ~~develop a~~ comprehensive strategic plan
10664 that ~~to~~:
10665 1. Explores alternatives for financing ~~Finance~~ spring
10666 training facilities.
10667 2. Evaluates and monitors ~~Monitor and oversee~~ the use of
10668 state funds awarded to applicants.
10669 3. Identifies ~~Identify~~ the financial impact that spring
10670 training has on the state and ways in which to maintain or
10671 improve that impact.
10672 4. Identifies ~~Identify~~ opportunities to develop public-

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10673 private partnerships to engage in marketing activities and
10674 advertise spring training baseball.
10675 5. Identifies ~~Identify~~ efforts made by other states to
10676 maintain or develop partnerships with baseball spring training
10677 teams.
10678 6. Develops ~~Develop~~ recommendations for the Legislature to
10679 sustain or improve this state's spring training tradition.
10680 (b) Jobs Florida ~~The office~~ shall submit a copy of the
10681 updated strategic plan to the Governor, the President of the
10682 Senate, and the Speaker of the House of Representatives by
10683 December 31 of every fifth year, beginning in 2015~~, 2010~~.
10684 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
10685 to implement the certification, decertification, and
10686 decertification review processes required by this section.
10687 Section 152. Subsections (1), (2), and (4) of section
10688 288.1168, Florida Statutes, are amended to read:
10689 288.1168 Professional golf hall of fame facility.—
10690 (1) The Division of Strategic Business Development of Jobs
10691 Florida ~~Department of Commerce~~ shall serve as the state agency
10692 for screening applicants for state funding pursuant to s. 212.20
10693 and for certifying one applicant as the professional golf hall
10694 of fame facility in the state.
10695 (2) Prior to certifying the professional golf hall of fame
10696 facility, the Division of Strategic Business Development of Jobs
10697 Florida ~~Department of Commerce~~ must determine that:
10698 (a) The professional golf hall of fame facility is the only
10699 professional golf hall of fame in the United States recognized
10700 by the PGA Tour, Inc.
10701 (b) The applicant is a unit of local government as defined

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10702 in s. 218.369 or a private sector group that has contracted to
10703 construct or operate the professional golf hall of fame facility
10704 on land owned by a unit of local government.
10705 (c) The municipality in which the professional golf hall of
10706 fame facility is located, or the county if the facility is
10707 located in an unincorporated area, has certified by resolution
10708 after a public hearing that the application serves a public
10709 purpose.
10710 (d) There are existing projections that the professional
10711 golf hall of fame facility will attract a paid attendance of
10712 more than 300,000 annually.
10713 (e) There is an independent analysis or study, using
10714 methodology approved by the division ~~department~~, which
10715 demonstrates that the amount of the revenues generated by the
10716 taxes imposed under chapter 212 with respect to the use and
10717 operation of the professional golf hall of fame facility will
10718 equal or exceed $2 million annually.
10719 (f) The applicant has submitted an agreement to provide $2
10720 million annually in national and international media promotion
10721 of the professional golf hall of fame facility, Florida, and
10722 Florida tourism, through the PGA Tour, Inc., or its affiliates,
10723 at the then-current commercial rate, during the period of time
10724 that the facility receives funds pursuant to s. 212.20. The
10725 Office of Tourism, Trade, and Economic Development and the PGA
10726 Tour, Inc., or its affiliates, must agree annually on a
10727 reasonable percentage of advertising specifically allocated for
10728 generic Florida advertising. The Office of Tourism, Trade, and
10729 Economic Development shall have final approval of all generic
10730 advertising. Failure on the part of the PGA Tour, Inc., or its

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10731 affiliates to annually provide the advertising as provided in
10732 this paragraph or subsection (6) shall result in the termination
10733 of funding as provided in s. 212.20.
10734 (g) Documentation exists that demonstrates that the
10735 applicant has provided, is capable of providing, or has
10736 financial or other commitments to provide more than one-half of
10737 the costs incurred or related to the improvement and development
10738 of the facility.
10739 (h) The application is signed by an official senior
10740 executive of the applicant and is notarized according to Florida
10741 law providing for penalties for falsification.
10742 (4) Upon determining that an applicant is or is not
10743 certifiable, the Division of Strategic Business Development of
10744 Jobs Florida ~~Secretary of Commerce~~ shall notify the applicant of
10745 his or her status by means of an official letter. If
10746 certifiable, the division ~~secretary~~ shall notify the executive
10747 director of the Department of Revenue and the applicant of such
10748 certification by means of an official letter granting
10749 certification. From the date of such certification, the
10750 applicant shall have 5 years to open the professional golf hall
10751 of fame facility to the public and notify the Office of Tourism,
10752 Trade, and Economic Development of such opening. The Department
10753 of Revenue shall not begin distributing funds until 30 days
10754 following notice by the division ~~Office of Tourism, Trade, and~~
10755 ~~Economic Development~~ that the professional golf hall of fame
10756 facility is open to the public.
10757 Section 153. Section 288.1169, Florida Statutes, is amended
10758 to read:
10759 288.1169 International Game Fish Association World Center

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10760 facility.—
10761 (1) The Division of Strategic Business Development of Jobs
10762 Florida ~~Department of Commerce~~ shall serve as the state agency
10763 approving applicants for funding pursuant to s. 212.20 and for
10764 certifying the applicant as the International Game Fish
10765 Association World Center facility. For purposes of this section,
10766 "facility" means the International Game Fish Association World
10767 Center, and "project" means the International Game Fish
10768 Association World Center and new colocated improvements by
10769 private sector concerns who have made cash or in-kind
10770 contributions to the facility of $1 million or more.
10771 (2) Prior to certifying this facility, the division
10772 ~~department~~ must determine that:
10773 (a) The International Game Fish Association World Center is
10774 the only fishing museum, Hall of Fame, and international
10775 administrative headquarters in the United States recognized by
10776 the International Game Fish Association, and that one or more
10777 private sector concerns have committed to donate to the
10778 International Game Fish Association land upon which the
10779 International Game Fish Association World Center will operate.
10780 (b) International Game Fish Association is a not-for-profit
10781 Florida corporation that has contracted to construct and operate
10782 the facility.
10783 (c) The municipality in which the facility is located, or
10784 the county if the facility is located in an unincorporated area,
10785 has certified by resolution after a public hearing that the
10786 facility serves a public purpose.
10787 (d) There are existing projections that the International
10788 Game Fish Association World Center facility and the colocated

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10789 facilities of private sector concerns will attract an attendance
10790 of more than 1.8 million annually.
10791 (e) There is an independent analysis or study, using
10792 methodology approved by the division ~~department~~, which
10793 demonstrates that the amount of the revenues generated by the
10794 taxes imposed under chapter 212 with respect to the use and
10795 operation of the project will exceed $1 million annually.
10796 (f) There are existing projections that the project will
10797 attract more than 300,000 persons annually who are not residents
10798 of the state.
10799 (g) The applicant has submitted an agreement to provide
10800 $500,000 annually in national and international media promotion
10801 of the facility, at the then-current commercial rates, during
10802 the period of time that the facility receives funds pursuant to
10803 s. 212.20. Failure on the part of the applicant to annually
10804 provide the advertising as provided in this paragraph shall
10805 result in the termination of the funding as provided in s.
10806 212.20. The applicant can discharge its obligation under this
10807 paragraph by contracting with other persons, including private
10808 sector concerns who participate in the project.
10809 (h) Documentation exists that demonstrates that the
10810 applicant has provided, and is capable of providing, or has
10811 financial or other commitments to provide, more than one-half of
10812 the cost incurred or related to the improvements and the
10813 development of the facility.
10814 (i) The application is signed by senior officials of the
10815 International Game Fish Association and is notarized according
10816 to Florida law providing for penalties for falsification.
10817 (3) The applicant may use funds provided pursuant to s.

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10818 212.20 for the purpose of paying for the construction,
10819 reconstruction, renovation, promotion, or operation of the
10820 facility, or to pay or pledge for payment of debt service on, or
10821 to fund debt service reserve funds, arbitrage rebate
10822 obligations, or other amounts payable with respect to, bonds
10823 issued for the construction, reconstruction, or renovation of
10824 the facility or for the reimbursement of such costs or by
10825 refinancing of bonds issued for such purposes.
10826 (4) Upon determining that an applicant is or is not
10827 certifiable, the Division of Strategic Business Development of
10828 Jobs Florida ~~Department of Commerce~~ shall notify the applicant
10829 of its status by means of an official letter. If certifiable,
10830 the division ~~Department of Commerce~~ shall notify the executive
10831 director of the Department of Revenue and the applicant of such
10832 certification by means of an official letter granting
10833 certification. From the date of such certification, the
10834 applicant shall have 5 years to open the facility to the public
10835 and notify the division ~~Department of Commerce~~ of such opening.
10836 The Department of Revenue shall not begin distributing funds
10837 until 30 days following notice by the division ~~Department of~~
10838 ~~Commerce~~ that the facility is open to the public.
10839 (5) The Department of Revenue may audit as provided in s.
10840 213.34 to verify that the contributions pursuant to this section
10841 have been expended as required by this section.
10842 (6) The Division of Strategic Business Development of Jobs
10843 Florida ~~Department of Commerce~~ must recertify every 10 years
10844 that the facility is open, that the International Game Fish
10845 Association World Center continues to be the only international
10846 administrative headquarters, fishing museum, and Hall of Fame in

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10847 the United States recognized by the International Game Fish
10848 Association, and that the project is meeting the minimum
10849 projections for attendance or sales tax revenues as required at
10850 the time of original certification. If the facility is not
10851 recertified during this 10-year review as meeting the minimum
10852 projections, then funding shall be abated until certification
10853 criteria are met. If the project fails to generate $1 million of
10854 annual revenues pursuant to paragraph (2)(e), the distribution
10855 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
10856 an amount equal to $83,333 multiplied by a fraction, the
10857 numerator of which is the actual revenues generated and the
10858 denominator of which is $1 million. Such reduction remains in
10859 effect until revenues generated by the project in a 12-month
10860 period equal or exceed $1 million.
10861 Section 154. Paragraph (d) of subsection (1), and
10862 subsections (2) and (3) of section 288.1171, Florida Statutes,
10863 are amended, and present paragraphs (e) through (g) of
10864 subsection (1) are redesignated as paragraphs (d) through (f),
10865 respectively, to read:
10866 288.1171 Motorsports entertainment complex; definitions;
10867 certification; duties.—
10868 (1) As used in this section, the term:
10869 ~~(d) "Office" means The Office of Tourism, Trade, and~~
10870 ~~Economic Development of the Executive Office of the Governor.~~
10871 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10872 ~~Development~~ shall serve as the state agency for screening
10873 applicants for local option funding under s. 218.64(3) and for
10874 certifying an applicant as a motorsports entertainment complex.
10875 Jobs Florida ~~The Office~~ shall develop and adopt rules for the

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10876 receipt and processing of applications for funding under s.
10877 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
10878 regarding any application filed by an applicant not later than
10879 120 days after the application is filed.
10880 (3) Before certifying an applicant as a motorsports
10881 entertainment complex, Jobs Florida ~~the Office~~ must determine
10882 that:
10883 (a) A unit of local government holds title to the land on
10884 which the motorsports entertainment complex is located or holds
10885 title to the motorsports entertainment complex.
10886 (b) The municipality in which the motorsports entertainment
10887 complex is located, or the county if the motorsports
10888 entertainment complex is located in an unincorporated area, has
10889 certified by resolution after a public hearing that the
10890 application serves a public purpose.
10891 Section 155. Section 288.122, Florida Statutes, is amended
10892 to read:
10893 288.122 Tourism Promotional Trust Fund.—There is created
10894 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10895 ~~Development of the Executive Office of the Governor~~ the Tourism
10896 Promotional Trust Fund. Moneys deposited in the Tourism
10897 Promotional Trust Fund shall only be used to support the
10898 authorized activities and operations ~~of the Florida Commission~~
10899 ~~on Tourism,~~ and ~~to support~~ tourism promotion and marketing
10900 activities, services, functions, and programs administered by
10901 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10902 ~~Tourism~~ through ~~a~~ contract with Jobs Florida ~~the commission's~~
10903 ~~direct-support organization created under s. 288.1226~~.
10904 Section 156. Section 288.12265, Florida Statutes, is

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10905 amended to read:
10906 288.12265 Welcome centers.—
10907 (1) Responsibility for the welcome centers is assigned to
10908 the Jobs Florida Partnership, Inc., ~~Florida Commission on~~
10909 ~~Tourism~~ which shall ~~contract with the commission's direct-~~
10910 ~~support organization to~~ employ all welcome center staff.
10911 (2) The Jobs Florida Partnership, Inc., ~~Florida Commission~~
10912 ~~on Tourism, through its direct-support organization,~~ shall
10913 administer and operate the welcome centers. Pursuant to a
10914 contract with the Department of Transportation, the Jobs Florida
10915 Partnership, Inc., ~~commission~~ shall be responsible for routine
10916 repair, replacement, or improvement and the day-to-day
10917 management of interior areas occupied by the welcome centers.
10918 All other repairs, replacements, or improvements to the welcome
10919 centers shall be the responsibility of the Department of
10920 Transportation.
10921 Section 157. Section 288.124, Florida Statutes, is amended
10922 to read:
10923 288.124 Convention grants program.—The Jobs Florida
10924 Partnership, Inc., ~~Commission on Tourism~~ is authorized to
10925 establish a convention grants program and, pursuant thereto, to
10926 recommend to Jobs Florida ~~The Office of Tourism, Trade, and~~
10927 ~~Economic Development~~ expenditures and contracts with local
10928 governments and nonprofit corporations or organizations for the
10929 purpose of attracting national conferences and conventions to
10930 Florida. Preference shall be given to local governments and
10931 nonprofit corporations or organizations seeking to attract
10932 minority conventions to Florida. Minority conventions are events
10933 that primarily involve minority persons, as defined in s.

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10934 288.703, who are residents or nonresidents of the state. The
10935 commission shall establish guidelines governing the award of
10936 grants and the administration of this program. Jobs Florida ~~The~~
10937 ~~Office of Tourism, Trade, and Economic Development~~ has final
10938 approval authority for any grants under this section. The total
10939 annual allocation of funds for this program shall not exceed
10940 $40,000.
10941 Section 158. Subsection (1) of section 288.1251, Florida
10942 Statutes, is amended to read:
10943 288.1251 Promotion and development of entertainment
10944 industry; Office of Film and Entertainment; creation; purpose;
10945 powers and duties.—
10946 (1) CREATION.—
10947 (a) There is hereby created within Jobs Florida ~~The Office~~
10948 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
10949 and Entertainment for the purpose of developing, marketing,
10950 promoting, and providing services to the state's entertainment
10951 industry.
10952 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10953 ~~Development~~ shall conduct a national search for a qualified
10954 person to fill the position of Commissioner of Film and
10955 Entertainment when the position is vacant. The commissioner of
10956 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~
10957 ~~and Economic Development~~ has the responsibility to hire the film
10958 commissioner. Qualifications for the film commissioner include,
10959 but are not limited to, the following:
10960 1. A working knowledge of the equipment, personnel,
10961 financial, and day-to-day production operations of the
10962 industries to be served by the Office of Film and Entertainment;

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10963 2. Marketing and promotion experience related to the film
10964 and entertainment industries to be served;
10965 3. Experience working with a variety of individuals
10966 representing large and small entertainment-related businesses,
10967 industry associations, local community entertainment industry
10968 liaisons, and labor organizations; and
10969 4. Experience working with a variety of state and local
10970 governmental agencies.
10971 Section 159. Subsections (1) and (2), paragraph (e) of
10972 subsection (3), and paragraphs (d), (f), (g), and (h) of
10973 subsection (5) of section 288.1252, Florida Statutes, are
10974 amended to read:
10975 288.1252 Florida Film and Entertainment Advisory Council;
10976 creation; purpose; membership; powers and duties.—
10977 (1) CREATION.—There is hereby created within Jobs Florida
10978 ~~The Office of Tourism, Trade, and Economic Development of the~~
10979 ~~Executive Office of the Governor~~, for administrative purposes
10980 only, the Florida Film and Entertainment Advisory Council.
10981 (2) PURPOSE.—The purpose of the council shall be to serve
10982 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
10983 ~~Trade, and Economic Development~~ and to the Office of Film and
10984 Entertainment to provide these offices with industry insight and
10985 expertise related to developing, marketing, promoting, and
10986 providing service to the state's entertainment industry.
10987 (3) MEMBERSHIP.—
10988 (e) A representative of the Jobs Florida Partnership,
10989 Inc., and ~~Enterprise Florida, Inc.,~~ a representative of
10990 Workforce Florida, Inc., ~~and a representative of VISIT Florida~~
10991 shall serve as ex officio, nonvoting members of the council, and

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10992 shall be in addition to the 17 appointed members of the council.
10993 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
10994 Advisory Council shall have all the powers necessary or
10995 convenient to carry out and effectuate the purposes and
10996 provisions of this act, including, but not limited to, the power
10997 to:
10998 (d) Consider and study the needs of the entertainment
10999 industry for the purpose of advising the film commissioner and
11000 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11001 ~~Development~~.
11002 (f) Consider all matters submitted to it by the film
11003 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~
11004 ~~Economic Development~~.
11005 (g) Advise and consult with the film commissioner and Jobs
11006 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11007 at their request or upon its own initiative, regarding the
11008 promulgation, administration, and enforcement of all laws and
11009 rules relating to the entertainment industry.
11010 (h) Suggest policies and practices for the conduct of
11011 business by the Office of Film and Entertainment or by Jobs
11012 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11013 that will improve internal operations affecting the
11014 entertainment industry and will enhance the economic development
11015 initiatives of the state for the industry.
11016 Section 160. Subsections (1), (2), (3), and (4) of section
11017 288.1253, Florida Statutes, are amended to read:
11018 288.1253 Travel and entertainment expenses.—
11019 (1) As used in this section, the term “travel expenses”
11020 means the actual, necessary, and reasonable costs of

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11021 transportation, meals, lodging, and incidental expenses normally
11022 incurred by an employee of the Office of Film and Entertainment,
11023 which costs are defined and prescribed by rules adopted by Jobs
11024 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11025 subject to approval by the Chief Financial Officer.
11026 (2) Notwithstanding the provisions of s. 112.061, Jobs
11027 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11028 shall adopt rules by which it may make expenditures by
11029 reimbursement to: the Governor, the Lieutenant Governor,
11030 security staff of the Governor or Lieutenant Governor, the
11031 Commissioner of Film and Entertainment, or staff of the Office
11032 of Film and Entertainment for travel expenses or entertainment
11033 expenses incurred by such individuals solely and exclusively in
11034 connection with the performance of the statutory duties of the
11035 Office of Film and Entertainment. The rules are subject to
11036 approval by the Chief Financial Officer before adoption. The
11037 rules shall require the submission of paid receipts, or other
11038 proof of expenditure prescribed by the Chief Financial Officer,
11039 with any claim for reimbursement.
11040 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11041 ~~Development~~ shall prepare an annual report of the expenditures
11042 of the Office of Film and Entertainment and provide such report
11043 to the Legislature no later than December 30 of each year for
11044 the expenditures of the previous fiscal year. The report shall
11045 consist of a summary of all travel, entertainment, and
11046 incidental expenses incurred within the United States and all
11047 travel, entertainment, and incidental expenses incurred outside
11048 the United States, as well as a summary of all successful
11049 projects that developed from such travel.

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11050 (4) The Office of Film and Entertainment and its employees
11051 and representatives, when authorized, may accept and use
11052 complimentary travel, accommodations, meeting space, meals,
11053 equipment, transportation, and any other goods or services
11054 necessary for or beneficial to the performance of the office's
11055 duties and purposes, so long as such acceptance or use is not in
11056 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11057 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11058 develop internal controls to ensure that such goods or services
11059 accepted or used pursuant to this subsection are limited to
11060 those that will assist solely and exclusively in the furtherance
11061 of the office's goals and are in compliance with part III of
11062 chapter 112.
11063 Section 161. Paragraph (a) of subsection (1), paragraphs
11064 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
11065 subsection (4), paragraph (a) of subsection (5), and paragraph
11066 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11067 amended to read:
11068 288.1254 Entertainment industry financial incentive
11069 program.—
11070 (1) DEFINITIONS.—As used in this section, the term:
11071 (a) "Certified production" means a qualified production
11072 that has tax credits allocated to it by Jobs Florida ~~the Office~~
11073 ~~of Tourism, Trade, and Economic Development~~ based on the
11074 production's estimated qualified expenditures, up to the
11075 production's maximum certified amount of tax credits, by Jobs
11076 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11077 The term does not include a production if its first day of
11078 principal photography or project start date in this state occurs

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11079 before the production is certified by Jobs Florida ~~The Office of~~
11080 ~~Tourism, Trade, and Economic Development~~, unless the production
11081 spans more than 1 fiscal year, was a certified production on its
11082 first day of principal photography or project start date in this
11083 state, and submits an application for continuing the same
11084 production for the subsequent fiscal year.
11085 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—
11086 (d) *Certification.*—The Office of Film and Entertainment
11087 shall review the application within 15 business days after
11088 receipt. Upon its determination that the application contains
11089 all the information required by this subsection and meets the
11090 criteria set out in this section, the Office of Film and
11091 Entertainment shall qualify the applicant and recommend to Jobs
11092 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11093 that the applicant be certified for the maximum tax credit award
11094 amount. Within 5 business days after receipt of the
11095 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11096 ~~Economic Development~~ shall reject the recommendation or certify
11097 the maximum recommended tax credit award, if any, to the
11098 applicant and to the executive director of the Department of
11099 Revenue.
11100 (f) *Verification of actual qualified expenditures.*—
11101 1. The Office of Film and Entertainment shall develop a
11102 process to verify the actual qualified expenditures of a
11103 certified production. The process must require:
11104 a. A certified production to submit, in a timely manner
11105 after production ends in this state and after making all of its
11106 qualified expenditures in this state, data substantiating each
11107 qualified expenditure, including documentation on the net

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11108 expenditure on equipment and other tangible personal property by
11109 the qualified production, to an independent certified public
11110 accountant licensed in this state;
11111 b. Such accountant to conduct a compliance audit, at the
11112 certified production's expense, to substantiate each qualified
11113 expenditure and submit the results as a report, along with the
11114 required substantiating data, to the Office of Film and
11115 Entertainment; and
11116 c. The Office of Film and Entertainment to review the
11117 accountant's submittal and report to Jobs Florida ~~the Office of~~
11118 ~~Tourism, Trade, and Economic Development~~ the final verified
11119 amount of actual qualified expenditures made by the certified
11120 production.
11121 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11122 ~~Development~~ shall determine and approve the final tax credit
11123 award amount to each certified applicant based on the final
11124 verified amount of actual qualified expenditures and shall
11125 notify the executive director of the Department of Revenue in
11126 writing that the certified production has met the requirements
11127 of the incentive program and of the final amount of the tax
11128 credit award. The final tax credit award amount may not exceed
11129 the maximum tax credit award amount certified under paragraph
11130 (d).
11131 (g) *Promoting Florida.*—The Office of Film and Entertainment
11132 shall ensure that, as a condition of receiving a tax credit
11133 under this section, marketing materials promoting this state as
11134 a tourist destination or film and entertainment production
11135 destination are included, when appropriate, at no cost to the
11136 state, which must, at a minimum, include placement of a "Filmed

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11137 in Florida” or “Produced in Florida” logo in the end credits.
11138 The placement of a “Filmed in Florida” or “Produced in Florida”
11139 logo on all packaging material and hard media is also required,
11140 unless such placement is prohibited by licensing or other
11141 contractual obligations. The size and placement of such logo
11142 shall be commensurate to other logos used. If no logos are used,
11143 the statement “Filmed in Florida using Florida’s Entertainment
11144 Industry Financial Incentive,” or a similar statement approved
11145 by the Office of Film and Entertainment, shall be used. The
11146 Office of Film and Entertainment shall provide a logo and supply
11147 it for the purposes specified in this paragraph. A 30-second
11148 “Visit Florida” promotional video must also be included on all
11149 optical disc formats of a film, unless such placement is
11150 prohibited by licensing or other contractual obligations. The
11151 30-second promotional video shall be approved and provided by
11152 the Jobs Florida Partnership, Inc., ~~Florida Tourism Industry~~
11153 ~~Marketing Corporation~~ in consultation with the Commissioner of
11154 Film and Entertainment.
11155 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
11156 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11157 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11158 ACQUISITIONS.—
11159 (c) *Withdrawal of tax credit eligibility.*—A qualified or
11160 certified production must continue on a reasonable schedule,
11161 which includes beginning principal photography or the production
11162 project in this state no more than 45 calendar days before or
11163 after the principal photography or project start date provided
11164 in the production’s program application. Jobs Florida ~~The Office~~
11165 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the

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11166 eligibility of a qualified or certified production that does not
11167 continue on a reasonable schedule.
11168 (d) *Election and distribution of tax credits.*—
11169 1. A certified production company receiving a tax credit
11170 award under this section shall, at the time the credit is
11171 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11172 ~~Economic Development~~ after production is completed and all
11173 requirements to receive a credit award have been met, make an
11174 irrevocable election to apply the credit against taxes due under
11175 chapter 220, against state taxes collected or accrued under
11176 chapter 212, or against a stated combination of the two taxes.
11177 The election is binding upon any distributee, successor,
11178 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11179 ~~Trade, and Economic Development~~ shall notify the Department of
11180 Revenue of any election made pursuant to this paragraph.
11181 2. A qualified production company is eligible for tax
11182 credits against its sales and use tax liabilities and corporate
11183 income tax liabilities as provided in this section. However, tax
11184 credits awarded under this section may not be claimed against
11185 sales and use tax liabilities or corporate income tax
11186 liabilities for any tax period beginning before July 1, 2011,
11187 regardless of when the credits are applied for or awarded.
11188 (5) TRANSFER OF TAX CREDITS.—
11189 (a) *Authorization.*—Upon application to the Office of Film
11190 and Entertainment and approval by Jobs Florida ~~the Office of~~
11191 ~~Tourism, Trade, and Economic Development~~, a certified production
11192 company, or a partner or member that has received a distribution
11193 under paragraph (4)(g), may elect to transfer, in whole or in
11194 part, any unused credit amount granted under this section. An

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11195 election to transfer any unused tax credit amount under chapter
11196 212 or chapter 220 must be made no later than 5 years after the
11197 date the credit is awarded, after which period the credit
11198 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11199 ~~Trade, and Economic Development~~ shall notify the Department of
11200 Revenue of the election and transfer.
11201 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11202 CREDITS; FRAUDULENT CLAIMS.—
11203 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11204 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11205 any written decision qualifying, certifying, or otherwise
11206 granting eligibility for tax credits under this section if it is
11207 discovered that the tax credit applicant submitted any false
11208 statement, representation, or certification in any application,
11209 record, report, plan, or other document filed in an attempt to
11210 receive tax credits under this section. Jobs Florida ~~The Office~~
11211 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11212 notify the Department of Revenue of any revoked or modified
11213 orders affecting previously granted tax credits. Additionally,
11214 the applicant must notify the Department of Revenue of any
11215 change in its tax credit claimed.
11216 Section 162. Section 288.386, Florida Statutes, is amended
11217 to read:
11218 288.386 Florida-Caribbean Basin Trade Initiative.—
11219 (1) Contingent upon a specific appropriation, the Seaport
11220 Employment Training Grant Program (STEP) shall establish and
11221 administer the Florida-Caribbean Basin Trade Initiative for the
11222 purpose of assisting small and medium-sized businesses to become
11223 involved in international activities and helping them to

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11224 identify markets with product demand, identify strategic
11225 alliances in those markets, and obtain the financing to
11226 effectuate trade opportunities in the Caribbean Basin. The
11227 initiative must focus assistance to businesses located in urban
11228 communities. The initiative shall offer export readiness,
11229 assistance and referral services, internships, seminars,
11230 workshops, conferences, and e-commerce plus mentoring and
11231 matchmaking services, but shall coordinate with and not
11232 duplicate those services provided by the Jobs Florida
11233 Partnership ~~Enterprise Florida~~, Inc.
11234 (2) To enhance initiative effectiveness and leverage
11235 resources, STEP shall coordinate initiative activities with the
11236 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., United States
11237 Export Assistance Centers, Florida Export Finance Corporation,
11238 Florida Trade Data Center, Small Business Development Centers,
11239 and any other organizations STEP deems appropriate. The
11240 coordination may encompass export assistance and referral
11241 services, export financing, job-training programs, educational
11242 programs, market research and development, market promotion,
11243 trade missions, e-commerce, and mentoring and matchmaking
11244 services relative to the expansion of trade between Florida and
11245 the Caribbean Basin. The initiative shall also form alliances
11246 with multilateral, international, and domestic funding programs
11247 from Florida, the United States, and the Caribbean Basin to
11248 coordinate systems and programs for fundamental assistance in
11249 facilitating trade and investment.
11250 (3) STEP shall administer the Florida-Caribbean Basin Trade
11251 Initiative pursuant to a performance-based contract with Jobs
11252 Florida, which ~~the Office of Tourism, Trade, and Economic~~

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11253 ~~Development. The Office of Tourism, Trade, and Economic~~
11254 ~~Development~~ shall develop performance measures, standards, and
11255 sanctions for the initiative. Performance measures must include,
11256 but are not limited to, the number of businesses assisted; the
11257 number of urban businesses assisted; and the increase in value
11258 of exports to the Caribbean which is attributable to the
11259 initiative.
11260 Section 163. Section 288.7011, Florida Statutes, is amended
11261 to read:
11262 288.7011 Assistance to certified development corporation.—
11263 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11264 ~~Development~~ is authorized to enter into contracts with a
11265 nonprofit, statewide development corporation certified pursuant
11266 to s. 503 of the Small Business Investment Act of 1958, as
11267 amended, to permit such corporation to locate and contract for
11268 administrative and technical staff assistance and support,
11269 including, without limitation, assistance to the development
11270 corporation in the packaging and servicing of loans for the
11271 purpose of stimulating and expanding the availability of private
11272 equity capital and long-term loans to small businesses. Such
11273 assistance and support will cease when the corporation has
11274 received state support in an amount the equivalent of $250,000
11275 per year over a 5-year period beginning July 1, 1997. Any
11276 contract between Jobs Florida ~~the Office~~ and such corporation
11277 shall specify that the records of the corporation must be
11278 available for audit by Jobs Florida ~~the Office~~ and by the
11279 Auditor General.
11280 Section 164. Section 288.7015, Florida Statutes, is amended
11281 to read:

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11282 288.7015 Appointment of rules ombudsman; duties.—The
11283 Governor shall appoint a rules ombudsman, as defined in s.
11284 288.703, in the Executive Office of the Governor, for
11285 considering the impact of agency rules on the state's citizens
11286 and businesses. In carrying out duties as provided by law, the
11287 ombudsman shall consult with the Jobs Florida Partnership
11288 ~~Enterprise Florida~~, Inc., at which point Jobs Florida ~~the office~~
11289 may recommend to improve the regulatory environment of this
11290 state. The duties of the rules ombudsman are to:
11291 (1) Carry out the responsibility provided in s. 120.54(2),
11292 with respect to small businesses.
11293 (2) Review state agency rules that adversely or
11294 disproportionately impact businesses, particularly those
11295 relating to small and minority businesses.
11296 (3) Make recommendations on any existing or proposed rules
11297 to alleviate unnecessary or disproportionate adverse effects to
11298 businesses.
11299 (4) Each state agency shall cooperate fully with the rules
11300 ombudsman in identifying such rules. Further, each agency shall
11301 take the necessary steps to waive, modify, or otherwise minimize
11302 such adverse effects of any such rules. However, nothing in this
11303 section authorizes any state agency to waive, modify, provide
11304 exceptions to, or otherwise alter any rule that is:
11305 (a) Expressly required to implement or enforce any
11306 statutory provision or the express legislative intent thereof;
11307 (b) Designed to protect persons against discrimination on
11308 the basis of race, color, national origin, religion, sex, age,
11309 handicap, or marital status; or
11310 (c) Likely to prevent a significant risk or danger to the

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11311 public health, the public safety, or the environment of the
11312 state.
11313 (5) The modification or waiver of any such rule pursuant to
11314 this section must be accomplished in accordance with the
11315 provisions of chapter 120.
11316 Section 165. Section 288.705, Florida Statutes, is amended
11317 to read:
11318 288.705 Statewide contracts register.—All state agencies
11319 shall in a timely manner provide the Florida Small Business
11320 Development Center Procurement System with all formal
11321 solicitations for contractual services, supplies, and
11322 commodities. The Small Business Development Center shall
11323 coordinate with Minority Business Development Centers to compile
11324 and distribute this information to small and minority businesses
11325 requesting such service for the period of time necessary to
11326 familiarize the business with the market represented by state
11327 agencies. On or before February 1 of each year, the Small
11328 Business Development Center shall report to Jobs Florida ~~the~~
11329 ~~Agency for Workforce Innovation~~ on the use of the statewide
11330 contracts register. The report shall include, but not be limited
11331 to, information relating to:
11332 (1) The total number of solicitations received from state
11333 agencies during the calendar year.
11334 (2) The number of solicitations received from each state
11335 agency during the calendar year.
11336 (3) The method of distributing solicitation information to
11337 businesses requesting such service.
11338 (4) The total number of businesses using the service.
11339 (5) The percentage of businesses using the service which

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11340 are owned and controlled by minorities.
11341 (6) The percentage of service-disabled veteran business
11342 enterprises using the service.
11343 Section 166. Subsection (12) of section 288.706, Florida
11344 Statutes, is amended to read:
11345 288.706 Florida Minority Business Loan Mobilization
11346 Program.—
11347 (12) The Department of Management Services shall
11348 collaborate with the Jobs Florida Partnership ~~Florida Black~~
11349 ~~Business Investment Board~~, Inc., and Jobs Florida ~~the Office of~~
11350 ~~Tourism, Trade, and Economic Development~~ to assist in the
11351 development and enhancement of black business enterprises.
11352 Section 167. Subsection (2) of section 288.7094, Florida
11353 Statutes, is amended to read:
11354 288.7094 Black business investment corporations.—
11355 (2) A black business investment corporation that meets the
11356 requirements of s. 288.7102(4) is eligible to participate in the
11357 Black Business Loan Program and shall receive priority
11358 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11359 ~~Economic Development~~ for participation in the program.
11360 Section 168. Section 288.7102, Florida Statutes, is amended
11361 to read:
11362 288.7102 Black Business Loan Program.—
11363 (1) The Black Business Loan Program is established in Jobs
11364 Florida, which ~~the Office of Tourism, Trade, and Economic~~
11365 ~~Development. Under the program, the office~~ shall annually
11366 certify eligible recipients and subsequently disburse funds
11367 appropriated by the Legislature, through such eligible
11368 recipients, to black business enterprises that cannot obtain

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11369 capital through conventional lending institutions but that could
11370 otherwise compete successfully in the private sector.
11371 (2) Jobs Florida ~~The office~~ shall establish an application
11372 and annual certification process for entities seeking funds to
11373 participate in providing loans, loan guarantees, or investments
11374 in black business enterprises pursuant to the Florida Black
11375 Business Investment Act. Jobs Florida ~~The office~~ shall process
11376 all applications and recertifications submitted by June 1 on or
11377 before July 31.
11378 (3) If the Black Business Loan Program is appropriated any
11379 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11380 distribute an equal amount of the appropriation, calculated as
11381 the total annual appropriation divided by the total number of
11382 program recipients certified on or before July 31 of that fiscal
11383 year.
11384 (4) To be eligible to receive funds and provide loans, loan
11385 guarantees, or investments under this section, a recipient must:
11386 (a) Be a corporation registered in the state.
11387 (b) For an existing recipient, annually submit to Jobs
11388 Florida ~~the office~~ a financial audit performed by an independent
11389 certified public account for the most recently completed fiscal
11390 year, which audit does not reveal any material weaknesses or
11391 instances of material noncompliance.
11392 (c) For a new recipient:
11393 1. Demonstrate that its board of directors includes
11394 citizens of the state experienced in the development of black
11395 business enterprises.
11396 2. Demonstrate that the recipient has a business plan that
11397 allows the recipient to operate in a manner consistent with the

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11398 requirements of the Jobs Florida Partnership, Inc., ~~ss. 288.707-~~
11399 ~~288.714~~ and the rules of Jobs Florida ~~the office~~.
11400 3. Demonstrate that the recipient has the technical skills
11401 to analyze and evaluate applications by black business
11402 enterprises for loans, loan guarantees, or investments.
11403 4. Demonstrate that the recipient has established viable
11404 partnerships with public and private funding sources, economic
11405 development agencies, and workforce development and job referral
11406 networks.
11407 5. Demonstrate that the recipient can provide a private
11408 match equal to 20 percent of the amount of funds provided by the
11409 office.
11410 (d) For an existing or new recipient, agree to maintain the
11411 recipient's books and records relating to funds received by the
11412 office according to generally accepted accounting principles and
11413 in accordance with the requirements of s. 215.97(7) and to make
11414 those books and records available to Jobs Florida ~~the office~~ for
11415 inspection upon reasonable notice.
11416 (5) Each eligible recipient must meet the requirements of
11417 the Jobs Florida Partnership, Inc., ~~provisions of ss. 288.707-~~
11418 ~~288.714~~, the terms of the contract between the recipient and
11419 Jobs Florida ~~the Office~~, and any other applicable state or
11420 federal laws. An entity may not receive funds ~~under ss. 288.707-~~
11421 ~~288.714~~ unless the entity meets annual certification
11422 requirements.
11423 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11424 release of the funds as provided in this section, Jobs Florida
11425 ~~the Office~~ shall issue a letter certifying the applicant as
11426 qualified for an award. Jobs Florida ~~the Office~~ and the

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11427 applicant shall enter into an agreement that sets forth the
11428 conditions for award of the funds. The agreement must include
11429 the total amount of funds awarded; the performance conditions
11430 that must be met once the funding has been awarded, including,
11431 but not limited to, compliance with all of the requirements of
11432 this section for eligible recipients of funds under this
11433 section; and sanctions for failure to meet performance
11434 conditions, including any provisions to recover awards.
11435 (7) Jobs Florida ~~The Office~~, in consultation with the
11436 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11437 to implement this section.
11438 (8) A black business investment corporation certified by
11439 Jobs Florida ~~the Office~~ as an eligible recipient under this
11440 section is authorized to use funds appropriated for the Black
11441 Business Loan Program in any of the following forms:
11442 (a) Purchases of stock, preferred or common, voting or
11443 nonvoting; however, no more than 40 percent of the funds may be
11444 used for direct investments in black business enterprises;
11445 (b) Loans or loan guarantees, with or without recourse, in
11446 either a subordinated or priority position; or
11447 (c) Technical support to black business enterprises, not to
11448 exceed 9 percent of the funds received, and direct
11449 administrative costs, not to exceed 12 percent of the funds
11450 received.
11451 (9) It is the intent of the Legislature that if any one
11452 type of investment mechanism authorized in subsection (8) is
11453 held to be invalid, all other valid mechanisms remain available.
11454 (10) All loans, loan guarantees, and investments, and any
11455 income related thereto, shall be used to carry out the public

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11456 purpose ~~of ss. 288.707-288.714, which is~~ to develop black
11457 business enterprises. This subsection does not preclude a
11458 reasonable profit for the participating black business
11459 investment corporation or for return of equity developed to the
11460 state and participating financial institutions upon any
11461 distribution of the assets or excess income of the investment
11462 corporation.
11463 Section 169. Section 288.714, Florida Statutes, is amended
11464 to read:
11465 288.714 Quarterly and annual reports.—
11466 (1) Each recipient of state funds under s. 288.7102 shall
11467 provide to Jobs Florida ~~the Office~~ a quarterly report within 15
11468 days after the end of each calendar quarter that includes a
11469 detailed summary of the recipient's performance of the duties
11470 imposed by s. 288.7102, including, but not limited to:
11471 (a) The dollar amount of all loans or loan guarantees made
11472 to black business enterprises, the percentages of the loans
11473 guaranteed, and the names and identification of the types of
11474 businesses served.
11475 (b) Loan performance information.
11476 (c) The amount and nature of all other financial assistance
11477 provided to black business enterprises.
11478 (d) The amount and nature of technical assistance provided
11479 to black business enterprises, including technical assistance
11480 services provided in areas in which such services are otherwise
11481 unavailable.
11482 (e) A balance sheet for the recipient, including an
11483 explanation of all investments and administrative and
11484 operational expenses.

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11485 (f) A summary of all services provided to nonblack business
11486 enterprises, including the dollar value and nature of such
11487 services and the names and identification of the types of
11488 businesses served.
11489 (g) Any other information as required by policies adopted
11490 by Jobs Florida ~~the Office~~.
11491 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11492 quarterly reports and provide a copy of the summary to the board
11493 within 30 days after the end of each calendar quarter that
11494 includes a detailed summary of the recipient's performance of
11495 the duties imposed by s. 288.7102.
11496 (3) By August 31 of each year, Jobs Florida ~~the Office~~
11497 shall provide to the Governor, the President of the Senate, and
11498 the Speaker of the House of Representatives a detailed report of
11499 the performance of the Black Business Loan Program. The report
11500 must include a cumulative summary of quarterly report data
11501 required by subsection (1).
11502 ~~(4) By August 31 of each year, the board shall provide to~~
11503 ~~the Governor, the President of the Senate, and the Speaker of~~
11504 ~~the House of Representatives a detailed report of the board's~~
11505 ~~performance, including:~~
11506 ~~(a) A description of the strategies implemented by the~~
11507 ~~board to increase private investment in black business~~
11508 ~~enterprises.~~
11509 ~~(b) A summary of the board's performance of its duties~~
11510 ~~under ss. 288.707-288.712.~~
11511 ~~(c) The most recent 5-year projection of the need for~~
11512 ~~capital by black business enterprises.~~
11513 ~~(d) Recommendations for legislative or other changes to~~

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11514 ~~enhance the development and expansion of black business~~
11515 ~~enterprises in the state.~~
11516 ~~(c) A projection of the program's activities during the~~
11517 ~~next 12 months.~~
11518 Section 170. Subsection (1) of section 288.773, Florida
11519 Statutes, is amended to read:
11520 288.773 Florida Export Finance Corporation.—The Florida
11521 Export Finance Corporation is hereby created as a corporation
11522 not for profit, to be incorporated under the provisions of
11523 chapter 617 and approved by the Department of State. The
11524 corporation is organized on a nonstock basis. The purpose of the
11525 corporation is to expand employment and income opportunities for
11526 residents of this state through increased exports of goods and
11527 services, by providing businesses domiciled in this state
11528 information and technical assistance on export opportunities,
11529 exporting techniques, and financial assistance through
11530 guarantees and direct loan originations for sale in support of
11531 export transactions. The corporation shall have the power and
11532 authority to carry out the following functions:
11533 (1) To coordinate the efforts of the corporation with
11534 programs and goals of the United States Export-Import Bank, the
11535 International Trade Administration of the United States
11536 Department of Commerce, the Foreign Credit Insurance
11537 Association, the Jobs Florida Partnership ~~Enterprise Florida~~,
11538 Inc., ~~and its boards,~~ and other private and public programs and
11539 organizations, domestic and foreign, designed to provide export
11540 assistance and export-related financing.
11541 Section 171. Paragraph (b) of subsection (3) of section
11542 288.774, Florida Statutes, is amended to read:

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11543 288.774 Powers and limitations.—
11544 (3)
11545 (b) In providing assistance, the board shall be guided by
11546 the statewide economic development plan adopted by Jobs Florida
11547 and the Jobs Florida Partnership, Inc ~~pursuant to s. 288.905~~.
11548 Section 172. Paragraph (a) of subsection (1) and paragraphs
11549 (a), (c), and (g) of subsection (3) of section 288.776, Florida
11550 Statutes, are amended to read:
11551 288.776 Board of directors; powers and duties.—
11552 (1)(a) The corporation shall have a board of directors
11553 consisting of 15 members representing all geographic areas of
11554 the state. Minority and gender representation must be considered
11555 when making appointments to the board. The board membership must
11556 include:
11557 1. A representative of the following businesses, all of
11558 which must be registered to do business in this state: a foreign
11559 bank, a state bank, a federal bank, an insurance company
11560 involved in covering trade financing risks, and a small or
11561 medium-sized exporter.
11562 2. The following persons or their designee: the President
11563 of the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
11564 Chief Financial Officer, the Secretary of State, and a senior
11565 official of the United States Department of Commerce~~, and the~~
11566 ~~chair of the Florida Black Business Investment Board~~.
11567 (3) The board shall:
11568 (a) Prior to the expenditure of funds from the export
11569 finance account, adopt bylaws, rules, and policies which are
11570 necessary to carry out the responsibilities under this part,
11571 particularly with respect to the implementation of the

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11572 corporation's programs to insure, coinsure, lend, provide loan
11573 guarantees, and make direct, guaranteed, or collateralized loans
11574 by the corporation to support export transactions. The
11575 corporation's bylaws, rules, and policies shall be reviewed and
11576 approved by the Jobs Florida Partnership ~~Enterprise Florida~~,
11577 Inc., prior to final adoption by the board.
11578 (c) Issue an annual report to the Jobs Florida Partnership
11579 ~~Enterprise Florida~~, Inc., on the activities of the corporation,
11580 including an evaluation of activities and recommendations for
11581 change. The evaluation shall include the corporation's impact on
11582 the following:
11583 1. Participation of private banks and other private
11584 organizations and individuals in the corporation's export
11585 financing programs.
11586 2. Access of small and medium-sized businesses in this
11587 state to federal export financing programs.
11588 3. Export volume of the small and medium-sized businesses
11589 in this state accessing the corporation's programs.
11590 4. Other economic and social benefits to international
11591 programs in this state.
11592 (g) Consult with the Jobs Florida Partnership ~~Enterprise~~
11593 ~~Florida~~, Inc., ~~and its boards,~~ or any state or federal agency,
11594 to ensure that the respective loan guarantee or working capital
11595 loan origination programs are not duplicative and that each
11596 program makes full use of, to the extent practicable, the
11597 resources of the other.
11598 Section 173. Section 288.7771, Florida Statutes, is amended
11599 to read:
11600 288.7771 Annual report of Florida Export Finance

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11601 Corporation.— The corporation shall annually prepare and submit
11602 to Jobs Florida ~~Enterprise Florida, Inc.,~~ for inclusion in its
11603 annual report required by s. 288.095 a complete and detailed
11604 report setting forth:
11605 (1) The report required in s. 288.776(3).
11606 (2) Its assets and liabilities at the end of its most
11607 recent fiscal year.
11608 Section 174. Section 288.816, Florida Statutes, is amended
11609 to read:
11610 288.816 Intergovernmental relations.—
11611 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11612 ~~Development~~ shall be responsible for consular operations and the
11613 sister city and sister state program and shall serve as liaison
11614 with foreign, federal, and other state international
11615 organizations and with county and municipal governments in
11616 Florida.
11617 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11618 ~~Development~~ shall be responsible for all consular relations
11619 between the state and all foreign governments doing business in
11620 Florida. The office shall monitor United States laws and
11621 directives to ensure that all federal treaties regarding foreign
11622 privileges and immunities are properly observed. The office
11623 shall promulgate rules which shall:
11624 (a) Establish a viable system of registration for foreign
11625 government officials residing or having jurisdiction in the
11626 state. Emphasis shall be placed on maintaining active
11627 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
11628 ~~and Economic Development~~ and the United States Department of
11629 State in order to be currently informed regarding foreign

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11630 governmental personnel stationed in, or with official
11631 responsibilities for, Florida. Active dialogue shall also be
11632 maintained with foreign countries which historically have had
11633 dealings with Florida in order to keep them informed of the
11634 proper procedure for registering with the state.
11635 (b) Maintain and systematically update a current and
11636 accurate list of all such foreign governmental officials,
11637 consuls, or consulates.
11638 (c) Issue certificates to such foreign governmental
11639 officials after verification pursuant to proper investigations
11640 through United States Department of State sources and the
11641 appropriate foreign government.
11642 (d) Verify entitlement to sales and use tax exemptions
11643 pursuant to United States Department of State guidelines and
11644 identification methods.
11645 (e) Verify entitlement to issuance of special motor vehicle
11646 license plates by the Division of Motor Vehicles of the
11647 Department of Highway Safety and Motor Vehicles to honorary
11648 consuls or such other officials representing foreign governments
11649 who are not entitled to issuance of special Consul Corps license
11650 plates by the United States Government.
11651 (f) Establish a system of communication to provide all
11652 state and local law enforcement agencies with information
11653 regarding proper procedures relating to the arrest or
11654 incarceration of a foreign citizen.
11655 (g) Request the Department of Law Enforcement to provide
11656 transportation and protection services when necessary pursuant
11657 to s. 943.68.
11658 (h) Coordinate, when necessary, special activities between

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11659 foreign governments and Florida state and local governments.
11660 These may include Consular Corps Day, Consular Corps
11661 conferences, and various other social, cultural, or educational
11662 activities.
11663 (i) Notify all newly arrived foreign governmental officials
11664 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11665 ~~Trade, and Economic Development~~.
11666 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11667 ~~Development~~ shall operate the sister city and sister state
11668 program and establish such new programs as needed to further
11669 global understanding through the interchange of people, ideas,
11670 and culture between Florida and the world. To accomplish this
11671 purpose, the office shall have the power and authority to:
11672 (a) Coordinate and carry out activities designed to
11673 encourage the state and its subdivisions to participate in
11674 sister city and sister state affiliations with foreign countries
11675 and their subdivisions. Such activities may include a State of
11676 Florida sister cities conference.
11677 (b) Encourage cooperation with and disseminate information
11678 pertaining to the Sister Cities International Program and any
11679 other program whose object is to promote linkages with foreign
11680 countries and their subdivisions.
11681 (c) Maximize any aid available from all levels of
11682 government, public and private agencies, and other entities to
11683 facilitate such activities.
11684 (d) Establish a viable system of registration for sister
11685 city and sister state affiliations between the state and foreign
11686 countries and their subdivisions. Such system shall include a
11687 method to determine that sufficient ties are properly

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11688 established as well as a method to supervise how these ties are
11689 maintained.
11690 (e) Maintain a current and accurate listing of all such
11691 affiliations. Sister city affiliations shall not be discouraged
11692 between the state and any country specified in s. 620(f)(1) of
11693 the federal Foreign Assistance Act of 1961, as amended, with
11694 whom the United States is currently conducting diplomatic
11695 relations unless a mandate from the United States Government
11696 expressly prohibits such affiliations.
11697 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11698 ~~Development~~ shall serve as a contact for the state with the
11699 Florida Washington Office, the Florida Congressional Delegation,
11700 and United States Government agencies with respect to laws or
11701 policies which may affect the interests of the state in the area
11702 of international relations. All inquiries received regarding
11703 international economic trade development or reverse investment
11704 opportunities shall be referred to the Jobs Florida Partnership
11705 ~~Enterprise Florida~~, Inc. In addition, Jobs Florida ~~the office~~
11706 shall serve as liaison with other states with respect to
11707 international programs of interest to Florida. The office shall
11708 also investigate and make suggestions regarding possible areas
11709 of joint action or regional cooperation with these states.
11710 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11711 ~~Development~~ shall have the power and duty to encourage the
11712 relocation to Florida of consular offices and multilateral and
11713 international agencies and organizations.
11714 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11715 ~~Development, through membership on the board of directors of~~
11716 ~~Enterprise Florida, Inc.,~~ shall help to contribute an

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11717 international perspective to the state's development efforts.
11718 Section 175. Paragraph (a) of subsection (1) and subsection
11719 (2) of section 288.809, Florida Statutes, are amended to read:
11720 288.809 Florida Intergovernmental Relations Foundation; use
11721 of property; board of directors; audit.—
11722 (1) DEFINITIONS.—For the purposes of this section, the
11723 term:
11724 (a) "Florida Intergovernmental Relations Foundation" means
11725 a direct-support organization:
11726 1. Which is a corporation not for profit that is
11727 incorporated under the provisions of chapter 617 and approved by
11728 the Department of State;
11729 2. Which is organized and operated exclusively to solicit,
11730 receive, hold, invest, and administer property and, subject to
11731 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
11732 ~~Economic Development~~, to make expenditures to or for the
11733 promotion of intergovernmental relations programs; and
11734 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
11735 ~~Economic Development~~, after review, has certified to be
11736 operating in a manner consistent with the policies and goals of
11737 the office.
11738 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
11739 ~~Trade, and Economic Development~~:
11740 (a) Is authorized to permit the use of property,
11741 facilities, and personal services of Jobs Florida ~~the Office of~~
11742 ~~Tourism, Trade, and Economic Development~~ by the foundation,
11743 subject to the provisions of this section.
11744 (b) Shall prescribe conditions with which the foundation
11745 must comply in order to use property, facilities, or personal

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11746 services of the department. Such conditions shall provide for
11747 budget and audit review and for oversight by the Office of
11748 Tourism, Trade, and Economic Development.
11749 (c) Shall not permit the use of property, facilities, or
11750 personal services of the foundation if the foundation does not
11751 provide equal employment opportunities to all persons,
11752 regardless of race, color, national origin, sex, age, or
11753 religion.
11754 Section 176. Section 288.826, Florida Statutes, is amended
11755 to read:
11756 288.826 Florida International Trade and Promotion Trust
11757 Fund.—There is hereby established in the State Treasury the
11758 Florida International Trade and Promotion Trust Fund. The moneys
11759 deposited into this trust fund shall be administered by Jobs
11760 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11761 for the operation of the Jobs Florida Partnership ~~Enterprise~~
11762 ~~Florida~~, Inc., ~~and its boards~~ and for the operation of Florida
11763 international ~~foreign~~ offices under s. 288.012.
11764 Section 177. Section 288.95155, Florida Statutes, is
11765 amended to read:
11766 288.95155 Florida Small Business Technology Growth
11767 Program.—
11768 (1) The Florida Small Business Technology Growth Program is
11769 hereby established to provide financial assistance to businesses
11770 in this state having high job growth and emerging technology
11771 potential and fewer than 100 employees. The program shall be
11772 administered and managed by the Jobs Florida Partnership
11773 ~~Enterprise Florida~~, Inc.
11774 (2)~~(a)~~ The Jobs Florida Partnership ~~Enterprise Florida~~,

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11775 Inc., shall establish a separate small business technology
11776 growth account in the Florida Technology Research Investment
11777 Fund for purposes of this section. Moneys in the account shall
11778 consist of appropriations by the Legislature, proceeds of any
11779 collateral used to secure such assistance, transfers, fees
11780 assessed for providing or processing such financial assistance,
11781 grants, interest earnings, and earnings on financial assistance.
11782 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
11783 ~~Inc., shall advance up to $600,000 from the account to the~~
11784 ~~Institute for Commercialization of Public Research for its~~
11785 ~~operations. This paragraph expires July 1, 2010.~~
11786 (3) Pursuant to s. 216.351, the amount of any moneys
11787 appropriated to the account which are unused at the end of the
11788 fiscal year shall not be subject to reversion under s. 216.301.
11789 All moneys in the account are continuously appropriated to the
11790 account and may be used for loan guarantees, letter of credit
11791 guarantees, cash reserves for loan and letter of credit
11792 guarantees, payments of claims pursuant to contracts for
11793 guarantees, subordinated loans, loans with warrants, royalty
11794 investments, equity investments, and operations of the program.
11795 Any claim against the program shall be paid solely from the
11796 account. Neither the credit nor the taxing power of the state
11797 shall be pledged to secure the account or moneys in the account,
11798 other than from moneys appropriated or assigned to the account,
11799 and the state shall not be liable or obligated in any way for
11800 any claims against the account or against the Jobs Florida
11801 Partnership ~~Enterprise Florida~~, Inc.
11802 (4) Awards of assistance from the program shall be
11803 finalized subject to the policies and procedures of the Jobs

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11804 Florida Partnership ~~Enterprise Florida~~, Inc. The Jobs Florida
11805 Partnership ~~Enterprise Florida~~, Inc., shall leverage at least
11806 one dollar of matching investment for each dollar awarded from
11807 the program. The Jobs Florida Partnership ~~Enterprise Florida~~,
11808 Inc., shall give the highest priority to moderate-risk and high-
11809 risk ventures that offer the greatest opportunity for compelling
11810 economic development impact. The Jobs Florida Partnership
11811 ~~Enterprise Florida~~, Inc., shall establish for each award a risk-
11812 reward timetable that profiles the risks of the assistance,
11813 estimates the potential economic development impact, and
11814 establishes a timetable for reviewing the success or failure of
11815 the assistance. By December 31 of each year, the Jobs Florida
11816 Partnership ~~Enterprise Florida~~, Inc., shall evaluate, on a
11817 portfolio basis, the results of all awards of assistance made
11818 from the program during the year.
11819 (5) The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
11820 shall prepare for inclusion in Job Florida's ~~and include in its~~
11821 annual report required by s. 288.095 a report on the financial
11822 status of the program. The report must specify the assets and
11823 liabilities of the program within the current fiscal year and
11824 must include a portfolio update that lists all of the businesses
11825 assisted, the private dollars leveraged by each business
11826 assisted, and the growth in sales and in employment of each
11827 business assisted.
11828 Section 178. Paragraph (e) of subsection (2), paragraph (a)
11829 of subsection (4), subsection (7), paragraph (b) of subsection
11830 (8), subsection (9), paragraph (l) of subsection (10), and
11831 subsection (15) of section 288.955, Florida Statutes, are
11832 amended, and present subsections (16) and (17) of that section

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11833 are renumbered as subsections (15) and (16), respectively, to
11834 read:
11835 288.955 Scripps Florida Funding Corporation.—
11836 (2) CREATION.—
11837 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11838 ~~Development~~ shall provide administrative support to the
11839 corporation as requested by the corporation. In the event of the
11840 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
11841 the corporation's successor in interest and shall assume all
11842 rights, duties, and obligations of the corporation under any
11843 contract to which the corporation is then a party and under law.
11844 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
11845 a board of directors.
11846 (a) The board of directors shall consist of nine voting
11847 members, of whom the Governor shall appoint three, the President
11848 of the Senate shall appoint three, and the Speaker of the House
11849 of Representatives shall appoint three. The commissioner of Jobs
11850 Florida or the commissioner's designee ~~director of the Office of~~
11851 ~~Tourism, Trade, and Economic Development or the director's~~
11852 ~~designee~~ shall serve as an ex-officio, nonvoting member of the
11853 board of directors.
11854 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
11855 agreement with the State Board of Administration under which
11856 funds received by the corporation from Jobs Florida ~~the Office~~
11857 ~~of Tourism, Trade, and Economic Development~~ which are not
11858 disbursed to the grantee shall be invested by the State Board of
11859 Administration on behalf of the corporation. Funds shall be
11860 invested in suitable instruments authorized under s. 215.47 and
11861 specified in investment guidelines established and agreed to by

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11862 the State Board of Administration and the corporation.
11863 (8) CONTRACT.—
11864 (b) The contract, at a minimum, must contain provisions:
11865 1. Specifying the procedures and schedules that govern the
11866 disbursement of funds under this section and specifying the
11867 conditions or deliverables that the grantee must satisfy before
11868 the release of each disbursement.
11869 2. Requiring the grantee to submit to the corporation a
11870 business plan in a form and manner prescribed by the
11871 corporation.
11872 3. Prohibiting The Scripps Research Institute or the
11873 grantee from establishing other biomedical science or research
11874 facilities in any state other than this state or California for
11875 a period of 12 years from the commencement of the contract.
11876 Nothing in this subparagraph shall prohibit the grantee from
11877 establishing or engaging in normal collaborative activities with
11878 other organizations.
11879 4. Governing the ownership of or security interests in real
11880 property and personal property, including, but not limited to,
11881 research equipment, obtained through the financial support of
11882 state or local government, including a provision that in the
11883 event of a breach of the contract or in the event the grantee
11884 ceases operations in this state, such property purchased with
11885 state funds shall revert to the state and such property
11886 purchased with local funds shall revert to the local governing
11887 authority.
11888 5. Requiring the grantee to be an equal opportunity
11889 employer.
11890 6. Requiring the grantee to maintain a policy of awarding

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11891 preference in employment to residents of this state, as defined
11892 by law, except for professional scientific staff positions
11893 requiring a doctoral degree, postdoctoral training positions,
11894 and graduate student positions.
11895 7. Requiring the grantee to maintain a policy of making
11896 purchases from vendors in this state, to the extent it is cost-
11897 effective and scientifically sound.
11898 8. Requiring the grantee to use the Internet-based job-
11899 listing system of Jobs Florida ~~the Agency for Workforce~~
11900 ~~Innovation~~ in advertising employment opportunities.
11901 9. Requiring the grantee to establish accredited science
11902 degree programs.
11903 10. Requiring the grantee to establish internship programs
11904 to create learning opportunities for educators and secondary,
11905 postsecondary, graduate, and doctoral students.
11906 11. Requiring the grantee to submit data to the corporation
11907 on the activities and performance during each fiscal year and to
11908 provide to the corporation an annual accounting of the
11909 expenditure of funds disbursed under this section.
11910 12. Establishing that the corporation shall review the
11911 activities of the grantee to assess the grantee's financial and
11912 operational compliance with the provisions of the contract and
11913 with relevant provisions of law.
11914 13. Authorizing the grantee, when feasible, to use
11915 information submitted by it to the Federal Government or to
11916 other organizations awarding research grants to the grantee to
11917 help meet reporting requirements imposed under this section or
11918 the contract, if the information satisfies the reporting
11919 standards of this section and the contract.

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11920 14. Requiring the grantee during the first 7 years of the
11921 contract to create 545 positions and to acquire associated
11922 research equipment for the grantee’s facility in this state, and
11923 pay for related maintenance of the equipment, in a total amount
11924 of not less than $45 million.
11925 15. Requiring the grantee to progress in the creation of
11926 the total number of jobs prescribed in subparagraph 14. on the
11927 following schedule: At least 38 positions in the 1st year, 168
11928 positions in the 2nd year, 280 positions in the 3rd year, 367
11929 positions in the 4th year, 436 positions in the 5th year, 500
11930 positions in the 6th year, and 545 positions in the 7th year.
11931 The board may allow the grantee to deviate downward from such
11932 employee levels by 25 percent in any year, to allow the grantee
11933 flexibility in achieving the objectives set forth in the
11934 business plan provided to the corporation; however, the grantee
11935 must have no fewer than 545 positions by the end of the 7th
11936 year.
11937 16. Requiring the grantee to allow the corporation to
11938 retain an independent certified public accountant licensed in
11939 this state pursuant to chapter 473 to inspect the records of the
11940 grantee in order to audit the expenditure of funds disbursed to
11941 the grantee. The independent certified public accountant shall
11942 not disclose any confidential or proprietary scientific
11943 information of the grantee.
11944 17. Requiring the grantee to purchase liability insurance
11945 and governing the coverage level of such insurance.
11946 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
11947 prescribed in subsection (8), the contract between the
11948 corporation and the grantee shall include a provision that the

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11949 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
11950 ~~Trade, and Economic Development~~, shall report to the corporation
11951 on performance expectations that reflect the aspirations of the
11952 Governor and the Legislature for the benefits accruing to this
11953 state as a result of the funds appropriated pursuant to this
11954 section. These shall include, but are not limited to,
11955 performance expectations addressing:
11956 (a) The number and dollar value of research grants obtained
11957 from the Federal Government or sources other than this state.
11958 (b) The percentage of total research dollars received by
11959 The Scripps Research Institute from sources other than this
11960 state which is used to conduct research activities by the
11961 grantee in this state.
11962 (c) The number or value of patents obtained by the grantee.
11963 (d) The number or value of licensing agreements executed by
11964 the grantee.
11965 (e) The extent to which research conducted by the grantee
11966 results in commercial applications.
11967 (f) The number of collaborative agreements reached and
11968 maintained with colleges and universities in this state and with
11969 research institutions in this state, including agreements that
11970 foster participation in research opportunities by public and
11971 private colleges and universities and research institutions in
11972 this state with significant minority populations, including
11973 historically black colleges and universities.
11974 (g) The number of collaborative partnerships established
11975 and maintained with businesses in this state.
11976 (h) The total amount of funding received by the grantee
11977 from sources other than the State of Florida.

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11978 (i) The number or value of spin-off businesses created in
11979 this state as a result of commercialization of the research of
11980 the grantee.
11981 (j) The number or value of businesses recruited to this
11982 state by the grantee.
11983 (k) The establishment and implementation of policies to
11984 promote supplier diversity using the guidelines developed by the
11985 Office of Supplier Diversity under s. 287.09451 and to comply
11986 with the ordinances, including any small business ordinances,
11987 enacted by the county and which are applicable to the biomedical
11988 research institution and campus located in this state.
11989 (l) The designation by the grantee of a representative to
11990 coordinate with the Office of Supplier Diversity.
11991 (m) The establishment and implementation of a program to
11992 conduct workforce recruitment activities at public and private
11993 colleges and universities and community colleges in this state
11994 which request the participation of the grantee.
11995
11996 The contract shall require the grantee to provide information to
11997 the corporation on the progress in meeting these performance
11998 expectations on an annual basis. It is the intent of the
11999 Legislature that, in fulfilling its obligation to work with
12000 Florida’s public and private colleges and universities, Scripps
12001 Florida work with such colleges and universities regardless of
12002 size.
12003 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12004 prescribed in subsection (8), the contract between the
12005 corporation and the grantee shall include disbursement
12006 conditions that must be satisfied by the grantee as a condition

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12007 for the continued disbursement of funds under this section.
12008 These disbursement conditions shall be negotiated between the
12009 corporation and the grantee and shall not be designed to impede
12010 the ability of the grantee to attain full operational status.
12011 The disbursement conditions may be appropriately varied as to
12012 timeframes, numbers, values, and percentages. The disbursement
12013 conditions shall include, but are not limited to, the following
12014 areas:
12015 (l) Beginning June 2004, the grantee shall commence
12016 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12017 ~~Trade, and Economic Development~~ by complying with reasonable
12018 requests for cooperation in economic development efforts in the
12019 biomed/biotech industry. No later than July 2004, the grantee
12020 shall designate a person who shall be charged with assisting in
12021 these collaborative efforts.
12022 ~~(15) PROGRAM EVALUATION.—~~
12023 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12024 ~~Analysis and Government Accountability shall conduct a~~
12025 ~~performance audit of the Office of Tourism, Trade, and Economic~~
12026 ~~Development and the corporation relating to the provisions of~~
12027 ~~this section. The audit shall assess the implementation and~~
12028 ~~outcomes of activities under this section. At a minimum, the~~
12029 ~~audit shall address:~~
12030 ~~1. Performance of the Office of Tourism, Trade, and~~
12031 ~~Economic Development in disbursing funds appropriated under this~~
12032 ~~section.~~
12033 ~~2. Performance of the corporation in managing and enforcing~~
12034 ~~the contract with the grantee.~~
12035 ~~3. Compliance by the corporation with the provisions of~~

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12036 ~~this section and the provisions of the contract.~~
12037 ~~4. Economic activity generated through funds disbursed~~
12038 ~~under the contract.~~
12039 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12040 ~~Analysis and Government Accountability shall update the report~~
12041 ~~required under this subsection. In addition to addressing the~~
12042 ~~items prescribed in paragraph (a), the updated report shall~~
12043 ~~include a recommendation on whether the Legislature should~~
12044 ~~retain the statutory authority for the corporation.~~
12045
12046 ~~A report of each audit's findings and recommendations shall be~~
12047 ~~submitted to the Governor, the President of the Senate, and the~~
12048 ~~Speaker of the House of Representatives. In completing the~~
12049 ~~performance audits required under this subsection, the Office of~~
12050 ~~Program Policy Analysis and Government Accountability shall~~
12051 ~~maximize the use of reports submitted by the grantee to the~~
12052 ~~Federal Government or to other organizations awarding research~~
12053 ~~grants to the grantee.~~
12054 Section 179. Subsection (1) and paragraph (a) of subsection
12055 (2) of section 288.9519, Florida Statutes, is amended to read:
12056 288.9519 Not-for-profit corporation.—
12057 (1) It is the intent of the Legislature to promote the
12058 development of the state economy and to authorize the
12059 establishment of a not-for-profit organization that shall
12060 promote the competitiveness and profitability of high-technology
12061 business and industry through technology development projects of
12062 importance to specific manufacturing sectors in this state. This
12063 not-for-profit corporation shall work cooperatively with the
12064 Jobs Florida Partnership ~~Enterprise Florida~~, Inc., and shall

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12065 avoid duplicating the activities, programs, and functions of the
12066 Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
12067 (2) In addition to all other powers and authority, not
12068 explicitly prohibited by statutes, this not-for-profit
12069 organization has the following powers and duties:
12070 (a) To receive funds appropriated to the organization by
12071 the Legislature. Such funds may not duplicate funds appropriated
12072 to the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., but
12073 shall serve to further the advancement of the state economy,
12074 jointly and collaboratively with the Jobs Florida Partnership
12075 ~~Enterprise Florida~~, Inc.
12076 Section 180. Section 288.9520, Florida Statutes, is amended
12077 to read:
12078 288.9520 Public records exemption.—Materials that relate to
12079 methods of manufacture or production, potential trade secrets,
12080 potentially patentable material, actual trade secrets, business
12081 transactions, financial and proprietary information, and
12082 agreements or proposals to receive funding that are received,
12083 generated, ascertained, or discovered by the Jobs Florida
12084 Partnership ~~Enterprise Florida~~, Inc., including its affiliates
12085 or subsidiaries and partnership participants, such as private
12086 enterprises, educational institutions, and other organizations,
12087 are confidential and exempt from the provisions of s. 119.07(1)
12088 and s. 24(a), Art. I of the State Constitution, except that a
12089 recipient of the Jobs Florida Partnership ~~Enterprise Florida~~,
12090 Inc., research funds shall make available, upon request, the
12091 title and description of the research project, the name of the
12092 researcher, and the amount and source of funding provided for
12093 the project.

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12094 Section 181. Subsection (10) of section 288.9603, Florida
12095 Statutes, is amended to read:
12096 288.9603 Definitions.—
12097 (10) "Partnership" means the Jobs Florida Partnership
12098 ~~Enterprise Florida~~, Inc.
12099 Section 182. Subsection (2) of section 288.9604, Florida
12100 Statutes, is amended to read:
12101 288.9604 Creation of the authority.—
12102 (2) The Governor, subject to confirmation by the Senate,
12103 shall appoint the board of directors of the corporation, who
12104 shall be five in number. The terms of office for the directors
12105 shall be for 4 years from the date of their appointment. A
12106 vacancy occurring during a term shall be filled for the
12107 unexpired term. A director shall be eligible for reappointment.
12108 At least three of the directors of the corporation shall be
12109 bankers who have been selected by the Governor from a list of
12110 bankers who were nominated by the Jobs Florida Partnership,
12111 Inc., ~~Enterprise Florida, Inc.,~~ and one of the directors shall
12112 be an economic development specialist. ~~The chairperson of the~~
12113 ~~Florida Black Business Investment Board shall be an ex officio~~
12114 ~~member of the board of the corporation.~~
12115 Section 183. Paragraph (v) of subsection (2) of section
12116 288.9605, Florida Statutes, is amended to read:
12117 288.9605 Corporation powers.—
12118 (2) The corporation is authorized and empowered to:
12119 (v) Enter into investment agreements with the Jobs Florida
12120 Partnership, Inc., ~~Florida Black Business Investment Board~~
12121 concerning the issuance of bonds and other forms of indebtedness
12122 and capital ~~for the purposes of ss. 288.707-288.714~~.

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12123 Section 184. Subsection (1) of section 288.9606, Florida
12124 Statutes, is amended to read:
12125 288.9606 Issue of revenue bonds.—
12126 (1) When authorized by a public agency pursuant to s.
12127 163.01(7), the corporation has power in its corporate capacity,
12128 in its discretion, to issue revenue bonds or other evidences of
12129 indebtedness which a public agency has the power to issue, from
12130 time to time to finance the undertaking of any purpose of this
12131 act ~~and ss. 288.707-288.714~~, including, without limiting the
12132 generality thereof, the payment of principal and interest upon
12133 any advances for surveys and plans or preliminary loans, and has
12134 the power to issue refunding bonds for the payment or retirement
12135 of bonds previously issued. Bonds issued pursuant to this
12136 section shall bear the name "Florida Development Finance
12137 Corporation Revenue Bonds." The security for such bonds may be
12138 based upon such revenues as are legally available. In
12139 anticipation of the sale of such revenue bonds, the corporation
12140 may issue bond anticipation notes and may renew such notes from
12141 time to time, but the maximum maturity of any such note,
12142 including renewals thereof, may not exceed 5 years from the date
12143 of issuance of the original note. Such notes shall be paid from
12144 any revenues of the corporation available therefor and not
12145 otherwise pledged or from the proceeds of sale of the revenue
12146 bonds in anticipation of which they were issued. Any bond, note,
12147 or other form of indebtedness issued pursuant to this act shall
12148 mature no later than the end of the 30th fiscal year after the
12149 fiscal year in which the bond, note, or other form of
12150 indebtedness was issued.
12151 Section 185. Section 288.9614, Florida Statutes, is amended

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12152 to read:
12153 288.9614 Authorized programs.—The Jobs Florida Partnership
12154 ~~Enterprise Florida~~, Inc., may take any action that it deems
12155 necessary to achieve the purposes of this act in partnership
12156 with private enterprises, public agencies, and other
12157 organizations, including, but not limited to, efforts to address
12158 the long-term debt needs of small-sized and medium-sized firms,
12159 to address the needs of microenterprises, to expand availability
12160 of venture capital, and to increase international trade and
12161 export finance opportunities for firms critical to achieving the
12162 purposes of this act.
12163 Section 186. Subsection (1) of section 288.9624, Florida
12164 Statutes, are amended to read:
12165 288.9624 Florida Opportunity Fund; creation; duties.—
12166 (1)(a) The Jobs Florida Partnership ~~Enterprise Florida~~,
12167 Inc., shall facilitate the creation of the Florida Opportunity
12168 Fund, a private, not-for-profit corporation organized and
12169 operated under chapter 617. The Jobs Florida Partnership
12170 ~~Enterprise Florida~~, Inc., shall be the fund's sole shareholder
12171 or member. The fund is not a public corporation or
12172 instrumentality of the state. The fund shall manage its business
12173 affairs and conduct business consistent with its organizational
12174 documents and the purposes set forth in this section.
12175 Notwithstanding the powers granted under chapter 617, the
12176 corporation may not amend, modify, or repeal a bylaw or article
12177 of incorporation without the express written consent of the Jobs
12178 Florida Partnership ~~Enterprise Florida~~, Inc.
12179 (b) The board of directors for the fund shall be a five-
12180 member board appointed by vote of the board of directors of the

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12181 Jobs Florida Partnership, Inc., and board members shall serve
12182 terms as provided in the fund's organizational documents. ~~The~~
12183 ~~vice chair of Enterprise Florida, Inc., shall select from among~~
12184 ~~its sitting board of directors a five-person appointment~~
12185 ~~committee. The appointment committee shall select five initial~~
12186 ~~members of a board of directors for the fund.~~
12187 (c) The persons elected to the ~~initial~~ board of directors
12188 ~~by the appointment committee~~ shall include persons who have
12189 expertise in the area of the selection and supervision of early
12190 stage investment managers or in the fiduciary management of
12191 investment funds and other areas of expertise as considered
12192 appropriate ~~by the appointment committee~~.
12193 ~~(d) After election of the initial board of directors,~~
12194 ~~vacancies on the board shall be filled by vote of the board of~~
12195 ~~directors of Enterprise Florida, Inc., and board members shall~~
12196 ~~serve terms as provided in the fund's organizational documents.~~
12197 (d) ~~(e)~~ Members of the board are subject to any restrictions
12198 on conflicts of interest specified in the organizational
12199 documents and may not have an interest in any venture capital
12200 investment selected by the fund under ss. 288.9621-288.9624.
12201 (e) ~~(f)~~ Members of the board shall serve without
12202 compensation, but members, the president of the board, and other
12203 board employees may be reimbursed for all reasonable, necessary,
12204 and actual expenses as determined and approved by the board
12205 pursuant to s. 112.061.
12206 (f) ~~(g)~~ The fund shall have all powers granted under its
12207 organizational documents and shall indemnify members to the
12208 broadest extent permissible under the laws of this state.
12209 Section 187. Subsections (3), (4), (5), and (6) of section

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12210 288.9625, Florida Statutes, are amended to read:
12211 288.9625 Institute for the Commercialization of Public
12212 Research.—There is established the Institute for the
12213 Commercialization of Public Research.
12214 (3) The articles of incorporation of the institute must be
12215 approved in a written agreement with Jobs Florida ~~Enterprise~~
12216 ~~Florida, Inc~~. The agreement and the articles of incorporation
12217 shall:
12218 (a) Provide that the institute shall provide equal
12219 employment opportunities for all persons regardless of race,
12220 color, religion, gender, national origin, age, handicap, or
12221 marital status;
12222 (b) Provide that the institute is subject to the public
12223 records and meeting requirements of s. 24, Art. I of the State
12224 Constitution;
12225 (c) Provide that all officers, directors, and employees of
12226 the institute shall be governed by the code of ethics for public
12227 officers and employees as set forth in part III of chapter 112;
12228 (d) Provide that members of the board of directors of the
12229 institute are responsible for the prudent use of all public and
12230 private funds and that they will ensure that the use of funds is
12231 in accordance with all applicable laws, bylaws, and contractual
12232 requirements; and
12233 (e) Provide that the fiscal year of the institute is from
12234 July 1 to June 30.
12235 (4) The affairs of the institute shall be managed by a
12236 board of directors who shall serve without compensation. Each
12237 director shall have only one vote. The chair of the board of
12238 directors shall be selected by a majority vote of the directors,

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12239 a quorum being present. The board of directors shall consist of
12240 the following five members:
12241 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12242 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.
12243 (b) The president of the university where the institute is
12244 located or the president's designee unless multiple universities
12245 jointly sponsor the institute, in which case the presidents of
12246 the sponsoring universities shall agree upon a designee.
12247 (c) Three directors appointed by the Governor to 3-year
12248 staggered terms, to which the directors may be reappointed.
12249 (5) The board of directors shall provide a copy of the
12250 institute's annual report to the Governor, the President of the
12251 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12252 ~~Florida, Inc.,~~ and the president of the university at which the
12253 institute is located.
12254 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president
12255 and the board of trustees of the university where the institute
12256 is located, the Auditor General, and the Office of Program
12257 Policy Analysis and Government Accountability may require and
12258 receive from the institute or its independent auditor any detail
12259 or supplemental data relative to the operation of the institute.
12260 Section 188. Subsections (3), (8), and (9) of section
12261 288.975, Florida Statutes, are amended to read:
12262 288.975 Military base reuse plans.—
12263 (3) No later than 6 months after the designation of a
12264 military base for closure by the Federal Government, each host
12265 local government shall notify the Jobs Florida ~~secretary of the~~
12266 ~~Department of Community Affairs and the director of the Office~~
12267 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand

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12268 delivery or return receipt requested, as to whether it intends
12269 to use the optional provisions provided in this act. If a host
12270 local government does not opt to use the provisions of this act,
12271 land use planning and regulation pertaining to base reuse
12272 activities within those host local governments shall be subject
12273 to all applicable statutory requirements, including those
12274 contained within chapters 163 and 380.
12275 (8) At the request of a host local government, Jobs Florida
12276 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12277 coordinate a presubmission workshop concerning a military base
12278 reuse plan within the boundaries of the host jurisdiction.
12279 Agencies that shall participate in the workshop shall include
12280 any affected local governments; the Department of Environmental
12281 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12282 ~~Economic Development~~; ~~the Department of Community Affairs;~~ the
12283 Department of Transportation; the Department of Health; the
12284 Department of Children and Family Services; the Department of
12285 Juvenile Justice; the Department of Agriculture and Consumer
12286 Services; the Department of State; the Fish and Wildlife
12287 Conservation Commission; and any applicable water management
12288 districts and regional planning councils. The purposes of the
12289 workshop shall be to assist the host local government to
12290 understand issues of concern to the above listed entities
12291 pertaining to the military base site and to identify
12292 opportunities for better coordination of planning and review
12293 efforts with the information and analyses generated by the
12294 federal environmental impact statement process and the federal
12295 community base reuse planning process.
12296 (9) If a host local government elects to use the optional

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12297 provisions of this act, it shall, no later than 12 months after
12298 notifying the agencies of its intent pursuant to subsection (3)
12299 either:
12300 (a) Send a copy of the proposed military base reuse plan
12301 for review to any affected local governments; the Department of
12302 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12303 ~~Trade, and Economic Development~~; ~~the Department of Community~~
12304 ~~Affairs;~~ the Department of Transportation; the Department of
12305 Health; the Department of Children and Family Services; the
12306 Department of Juvenile Justice; the Department of Agriculture
12307 and Consumer Services; the Department of State; the Fish and
12308 Wildlife Conservation Commission; and any applicable water
12309 management districts and regional planning councils, or
12310 (b) Petition Jobs Florida ~~the secretary of the Department~~
12311 ~~of Community Affairs~~ for an extension of the deadline for
12312 submitting a proposed reuse plan. Such an extension request must
12313 be justified by changes or delays in the closure process by the
12314 federal Department of Defense or for reasons otherwise deemed to
12315 promote the orderly and beneficial planning of the subject
12316 military base reuse. Jobs Florida ~~The secretary of the~~
12317 ~~Department of Community Affairs~~ may grant extensions to the
12318 required submission date of the reuse plan.
12319 Section 189. Paragraph (b) of subsection (1), paragraphs
12320 (a) and (c) of subsection (2) and subsections (3), (4), (5),
12321 (6), (7), and (9) of section 288.980, Florida Statutes, are
12322 amended to read:
12323 288.980 Military base retention; legislative intent; grants
12324 program.—
12325 (1)

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12326 (b) The Florida Defense Alliance, an organization within
12327 the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~ is
12328 designated as the organization to ensure that Florida, its
12329 resident military bases and missions, and its military host
12330 communities are in competitive positions as the United States
12331 continues its defense realignment and downsizing. The defense
12332 alliance shall serve as an overall advisory body for ~~Enterprise~~
12333 ~~Florida~~ defense-related activity of the Jobs Florida
12334 Partnership, Inc. The Florida Defense Alliance may receive
12335 funding from appropriations made for that purpose administered
12336 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12337 ~~Development~~.
12338 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12339 ~~Economic Development~~ is authorized to award grants from any
12340 funds available to it to support activities related to the
12341 retention of military installations potentially affected by
12342 federal base closure or realignment.
12343 (c) Except for grants issued pursuant to the Florida
12344 Military Installation Reuse Planning and Marketing Grant Program
12345 as described in paragraph (3)(c), the amount of any grant
12346 provided to an applicant may not exceed $250,000. Jobs Florida
12347 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12348 require that an applicant:
12349 1. Represent a local government with a military
12350 installation or military installations that could be adversely
12351 affected by federal base realignment or closure.
12352 2. Agree to match at least 30 percent of any grant awarded.
12353 3. Prepare a coordinated program or plan of action
12354 delineating how the eligible project will be administered and

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12355 accomplished.
12356 4. Provide documentation describing the potential for
12357 realignment or closure of a military installation located in the
12358 applicant's community and the adverse impacts such realignment
12359 or closure will have on the applicant's community.
12360 (3) The Florida Economic Reinvestment Initiative is
12361 established to respond to the need for this state and defense-
12362 dependent communities in this state to develop alternative
12363 economic diversification strategies to lessen reliance on
12364 national defense dollars in the wake of base closures and
12365 reduced federal defense expenditures and the need to formulate
12366 specific base reuse plans and identify any specific
12367 infrastructure needed to facilitate reuse. The initiative shall
12368 consist of the following three distinct grant programs to be
12369 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12370 ~~Economic Development~~:
12371 (a) The Florida Defense Planning Grant Program, through
12372 which funds shall be used to analyze the extent to which the
12373 state is dependent on defense dollars and defense infrastructure
12374 and prepare alternative economic development strategies. The
12375 state shall work in conjunction with defense-dependent
12376 communities in developing strategies and approaches that will
12377 help communities make the transition from a defense economy to a
12378 nondefense economy. Grant awards may not exceed $250,000 per
12379 applicant and shall be available on a competitive basis.
12380 (b) The Florida Defense Implementation Grant Program,
12381 through which funds shall be made available to defense-dependent
12382 communities to implement the diversification strategies
12383 developed pursuant to paragraph (a). Eligible applicants include

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12384 defense-dependent counties and cities, and local economic
12385 development councils located within such communities. Grant
12386 awards may not exceed $100,000 per applicant and shall be
12387 available on a competitive basis. Awards shall be matched on a
12388 one-to-one basis.
12389
12390 Applications for grants under this subsection must include a
12391 coordinated program of work or plan of action delineating how
12392 the eligible project will be administered and accomplished,
12393 which must include a plan for ensuring close cooperation between
12394 civilian and military authorities in the conduct of the funded
12395 activities and a plan for public involvement.
12396 (4) The Defense Infrastructure Grant Program is created.
12397 Jobs Florida ~~The director of the Office of Tourism, Trade, and~~
12398 ~~Economic Development~~ shall coordinate and implement this
12399 program, the purpose of which is to support local infrastructure
12400 projects deemed to have a positive impact on the military value
12401 of installations within the state. Funds are to be used for
12402 projects that benefit both the local community and the military
12403 installation. It is not the intent, however, to fund on-base
12404 military construction projects. Infrastructure projects to be
12405 funded under this program include, but are not limited to, those
12406 related to encroachment, transportation and access, utilities,
12407 communications, housing, environment, and security. Grant
12408 requests will be accepted only from economic development
12409 applicants serving in the official capacity of a governing board
12410 of a county, municipality, special district, or state agency
12411 that will have the authority to maintain the project upon
12412 completion. An applicant must represent a community or county in

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12413 which a military installation is located. There is no limit as
12414 to the amount of any grant awarded to an applicant. A match by
12415 the county or local community may be required. Jobs Florida ~~The~~
12416 ~~Office of Tourism, Trade, and Economic Development~~ shall
12417 establish guidelines to implement the purpose of this
12418 subsection.
12419 (5)(a) The Defense-Related Business Adjustment Program is
12420 hereby created. Jobs Florida ~~The Director of the Office of~~
12421 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
12422 development of the Defense-Related Business Adjustment Program.
12423 Funds shall be available to assist defense-related companies in
12424 the creation of increased commercial technology development
12425 through investments in technology. Such technology must have a
12426 direct impact on critical state needs for the purpose of
12427 generating investment-grade technologies and encouraging the
12428 partnership of the private sector and government defense-related
12429 business adjustment. The following areas shall receive
12430 precedence in consideration for funding commercial technology
12431 development: law enforcement or corrections, environmental
12432 protection, transportation, education, and health care. Travel
12433 and costs incidental thereto, and staff salaries, are not
12434 considered an "activity" for which grant funds may be awarded.
12435 (b) Jobs Florida ~~The Office~~ shall require that an
12436 applicant:
12437 1. Be a defense-related business that could be adversely
12438 affected by federal base realignment or closure or reduced
12439 defense expenditures.
12440 2. Agree to match at least 50 percent of any funds awarded
12441 by the department in cash or in-kind services. Such match shall

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12442 be directly related to activities for which the funds are being
12443 sought.
12444 3. Prepare a coordinated program or plan delineating how
12445 the funds will be administered.
12446 4. Provide documentation describing how defense-related
12447 realignment or closure will adversely impact defense-related
12448 companies.
12449 (6) The Retention of Military Installations Program is
12450 created. Jobs Florida ~~The Director of the Office of Tourism,~~
12451 ~~Trade, and Economic Development~~ shall coordinate and implement
12452 this program. ~~The sum of $1.2 million is appropriated from the~~
12453 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
12454 ~~Tourism, Trade, and Economic Development to implement this~~
12455 ~~program for military installations located in counties with a~~
12456 ~~population greater than 824,000. The funds shall be used to~~
12457 ~~assist military installations potentially affected by federal~~
12458 ~~base closure or realignment in covering current operating costs~~
12459 ~~in an effort to retain the installation in this state. An~~
12460 ~~eligible military installation for this program shall include a~~
12461 ~~provider of simulation solutions for war-fighting~~
12462 ~~experimentation, testing, and training which employs at least~~
12463 ~~500 civilian and military employees and has been operating in~~
12464 ~~the state for a period of more than 10 years.~~
12465 (7) Jobs Florida ~~The director~~ may award nonfederal matching
12466 funds specifically appropriated for construction, maintenance,
12467 and analysis of a Florida defense workforce database. Such funds
12468 will be used to create a registry of worker skills that can be
12469 used to match the worker needs of companies that are relocating
12470 to this state or to assist workers in relocating to other areas

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12471 within this state where similar or related employment is
12472 available.
12473 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12474 ~~Development~~ shall establish guidelines to implement and carry
12475 out the purpose and intent of this section.
12476 Section 190. Paragraphs (a), (e), and (f) of subsection (2)
12477 of section 288.984, Florida Statutes, are amended to read:
12478 288.984 Florida Council on Military Base and Mission
12479 Support.—The Florida Council on Military Base and Mission
12480 Support is established. The council shall provide oversight and
12481 direction for initiatives, claims, and actions taken on behalf
12482 of the state, its agencies, and political subdivisions under
12483 this part.
12484 (2) MEMBERSHIP.—
12485 (a) The council shall be composed of nine members. The
12486 President of the Senate, the Speaker of the House of
12487 Representatives, and the Governor shall each appoint three
12488 members as follows:
12489 1. The President of the Senate shall appoint one member of
12490 the Senate, one community representative from a community-based
12491 defense support organization, and one member who is a retired
12492 military general or flag-rank officer residing in this state or
12493 an executive officer of a defense contracting firm doing
12494 significant business in this state.
12495 2. The Speaker of the House of Representatives shall
12496 appoint one member of the House of Representatives, one
12497 community representative from a community-based defense support
12498 organization, and one member who is a retired military general
12499 or flag-rank officer residing in this state or an executive

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12500 officer of a defense contracting firm doing significant business
12501 in this state.
12502 3. The Governor shall appoint the commissioner of Jobs
12503 Florida or the commissioner's designee, a board member of the
12504 Jobs Florida Partnership, Inc., ~~director or designee of the~~
12505 ~~Office of Tourism, Trade, and Economic Development, the vice~~
12506 ~~chairperson or designee of Enterprise Florida, Inc.,~~ and one at-
12507 large member.
12508 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12509 ~~Development~~ shall provide administrative support to the council.
12510 (f) The ~~Secretary of Community Affairs or his or her~~
12511 ~~designee, the~~ Secretary of Environmental Protection or his or
12512 her designee, the Secretary of Transportation or his or her
12513 designee, the Adjutant General of the state or his or her
12514 designee, and the executive director of the Department of
12515 Veterans' Affairs or his or her designee shall attend meetings
12516 held by the council and provide assistance, information, and
12517 support as requested by the council.
12518 Section 191. Subsections (5) and (8) of section 288.9913,
12519 Florida Statutes, are amended, and present subsections (6)
12520 through (10) of that section are renumbered as subsections (5)
12521 through (9) of that section, to read:
12522 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12523 term:
12524 ~~(5) "Office" means the Office of Tourism, Trade, and~~
12525 ~~Economic Development.~~
12526 (7) ~~(8)~~ "Qualified community development entity" means an
12527 entity that:
12528 (b) Is the Jobs Florida Partnership ~~Enterprise Florida~~,

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12529 Inc., or an entity created by the Jobs Florida Partnership
12530 ~~Enterprise Florida~~, Inc.
12531 Section 192. Subsections (1), (2), and (3), and paragraphs
12532 (a) and (b) of subsection (4), and subsection (6) of section
12533 288.9914, Florida Statutes, are amended to read:
12534 288.9914 Certification of qualified investments; investment
12535 issuance reporting.—
12536 (1) ELIGIBLE INDUSTRIES.—
12537 (a) Jobs Florida ~~The office~~, in consultation with the Jobs
12538 Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
12539 designate industries using the North American Industry
12540 Classification System which are eligible to receive low-income
12541 community investments. The designated industries must be those
12542 industries that have the greatest potential to create strong
12543 positive impacts on or benefits to the state, regional, and
12544 local economies.
12545 (b) A qualified community development entity may not make a
12546 qualified low-income community investment in a business unless
12547 the principal activities of the business are within an eligible
12548 industry. Jobs Florida ~~the Office~~ may waive this limitation if
12549 the office determines that the investment will have a positive
12550 impact on a community.
12551 (2) APPLICATION.—A qualified community development entity
12552 must submit an application to Jobs Florida ~~the Office~~ to approve
12553 a proposed investment as a qualified investment. The application
12554 must include:
12555 (a) The name, address, and tax identification number of the
12556 qualified community development entity.
12557 (b) Proof of certification as a qualified community

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12558 development entity under 26 U.S.C. s. 45D.
12559 (c) A copy of an allocation agreement executed by the
12560 entity, or its controlling entity, and the Community Development
12561 Financial Institutions Fund, which authorizes the entity to
12562 serve businesses in this state.
12563 (d) A verified statement by the chief executive officer of
12564 the entity that the allocation agreement remains in effect.
12565 (e) A description of the proposed amount, structure, and
12566 purchaser of an equity investment or long-term debt security.
12567 (f) The name and tax identification number of any person
12568 authorized to claim a tax credit earned as a result of the
12569 purchase of the proposed qualified investment.
12570 (g) A detailed explanation of the proposed use of the
12571 proceeds from a proposed qualified investment.
12572 (h) A nonrefundable application fee of $1,000, payable to
12573 Jobs Florida ~~the office~~.
12574 (i) A statement that the entity will invest only in the
12575 industries designated by Jobs Florida ~~the office~~.
12576 (j) The entity's plans for the development of relationships
12577 with community-based organizations, local community development
12578 offices and organizations, and economic development
12579 organizations. The entity must also explain steps it has taken
12580 to implement its plans to develop these relationships.
12581 (k) A statement that the entity will not invest in a
12582 qualified active low-income community business unless the
12583 business will create or retain jobs that pay an average wage of
12584 at least 115 percent of the federal poverty income guidelines
12585 for a family of four.
12586 (3) REVIEW.—

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12587 (a) Jobs Florida ~~The office~~ shall review applications to
12588 approve an investment as a qualified investment in the order
12589 received. The office shall approve or deny an application within
12590 30 days after receipt.
12591 (b) If Jobs Florida ~~the office~~ intends to deny the
12592 application, the office shall inform the applicant of the basis
12593 of the proposed denial. The applicant shall have 15 days after
12594 it receives the notice of the intent to deny the application to
12595 submit a revised application to Jobs Florida ~~the office~~. Jobs
12596 Florida ~~the office~~ shall issue a final order approving or
12597 denying the revised application within 30 days after receipt.
12598 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12599 amount of qualified investments that may result in the claim of
12600 more than $97.5 million in tax credits during the existence of
12601 the program or more than $20 million in tax credits in a single
12602 state fiscal year. However, the potential for a taxpayer to
12603 carry forward an unused tax credit may not be considered in
12604 calculating the annual limit.
12605 (4) APPROVAL.—
12606 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12607 final order approving an investment as a qualified investment to
12608 the qualified community development entity and to the
12609 department. The notice shall include the identity of the
12610 taxpayers who are eligible to claim the tax credits and the
12611 amount that may be claimed by each taxpayer.
12612 (b) Jobs Florida ~~The office~~ shall approve an application
12613 for part of the amount of the proposed investment if the amount
12614 of tax credits available is insufficient.
12615 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The

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12616 qualified community development entity must provide Jobs Florida
12617 ~~the office~~ with evidence of the receipt of the cash in exchange
12618 for the qualified investment within 30 business days after
12619 receipt.
12620 Section 193. Subsection (2) of section 288.9916, Florida
12621 Statutes, is amended to read:
12622 288.9916 New markets tax credit.—
12623 (2) A tax credit earned under this section may not be sold
12624 or transferred, except as provided in this subsection.
12625 (a) A partner, member, or shareholder of a partnership,
12626 limited liability company, S-corporation, or other "pass-
12627 through" entity may claim the tax credit pursuant to an
12628 agreement among the partners, members, or shareholders. Any
12629 change in the allocation of a tax credit under the agreement
12630 must be reported to Jobs Florida ~~the office~~ and to the
12631 department.
12632 (b) Eligibility to claim a tax credit transfers to
12633 subsequent purchasers of a qualified investment. Such transfers
12634 must be reported to Jobs Florida ~~the office~~ and to the
12635 department along with the identity, tax identification number,
12636 and tax credit amount allocated to a taxpayer pursuant to
12637 paragraph (a). The notice of transfer also must state whether
12638 unused tax credits are being transferred and the amount of
12639 unused tax credits being transferred.
12640 Section 194. Section 288.9917, Florida Statutes, is amended
12641 to read:
12642 288.9917 Community development entity reporting after a
12643 credit allowance date; certification of tax credit amount.—
12644 (1) A qualified community development entity that has

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12645 issued a qualified investment shall submit the following to Jobs
12646 Florida ~~the office~~ within 30 days after each credit allowance
12647 date:
12648 (a) A list of all qualified active low-income community
12649 businesses in which a qualified low-income community investment
12650 was made since the last credit allowance date. The list shall
12651 also describe the type and amount of investment in each business
12652 and the address of the principal location of each business. The
12653 list must be verified by the chief executive officer of the
12654 community development entity.
12655 (b) Bank records, wire transfer records, or similar
12656 documents that provide evidence of the qualified low-income
12657 community investments made since the last credit allowance date.
12658 (c) A verified statement by the chief financial or
12659 accounting officer of the community development entity that no
12660 redemption or principal repayment was made with respect to the
12661 qualified investment since the previous credit allowance date.
12662 (d) Information relating to the recapture of the federal
12663 new markets tax credit since the last credit allowance date.
12664 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12665 qualified community development entity and to the department the
12666 amount of the tax credit authorized for each taxpayer eligible
12667 to claim the tax credit in the tax year containing the last
12668 credit allowance date.
12669 Section 195. Section 288.9918, Florida Statutes, is amended
12670 to read:
12671 288.9918 Annual reporting by a community development
12672 entity.—A community development entity that has issued a
12673 qualified investment shall submit an annual report to Jobs

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12674 Florida ~~the office~~ by April 30 after the end of each year which
12675 includes a credit allowance date. The report shall include:
12676 (1) The entity's annual financial statements for the
12677 preceding tax year, audited by an independent certified public
12678 accountant.
12679 (2) The identity of the types of industries, identified by
12680 the North American Industry Classification System Code, in which
12681 qualified low-income community investments were made.
12682 (3) The names of the counties in which the qualified active
12683 low-income businesses are located which received qualified low-
12684 income community investments.
12685 (4) The number of jobs created and retained by qualified
12686 active low-income community businesses receiving qualified low-
12687 income community investments, including verification that the
12688 average wages paid meet or exceed 115 percent of the federal
12689 poverty income guidelines for a family of four.
12690 (5) A description of the relationships that the entity has
12691 established with community-based organizations and local
12692 community development offices and organizations and a summary of
12693 the outcomes resulting from those relationships.
12694 (6) Other information and documentation required by Jobs
12695 Florida ~~the office~~ to verify continued certification as a
12696 qualified community development entity under 26 U.S.C. s. 45D.
12697 Section 196. Section 288.9919, Florida Statutes, is amended
12698 to read:
12699 288.9919 Audits and examinations; penalties.—
12700 (1) AUDITS.—A community development entity that issues an
12701 investment approved by Jobs Florida ~~the office~~ as a qualified
12702 investment shall be deemed a recipient of state financial

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12703 assistance under s. 215.97, the Florida Single Audit Act.
12704 However, an entity that makes a qualified investment or receives
12705 a qualified low-income community investment is not a
12706 subrecipient for the purposes of s. 215.97.
12707 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12708 examinations to verify compliance with the New Markets
12709 Development Program Act.
12710 Section 197. Section 288.9920, Florida Statutes, is amended
12711 to read:
12712 288.9920 Recapture and penalties.—
12713 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~
12714 shall direct the department, at any time before December 31,
12715 2022, to recapture all or a portion of a tax credit authorized
12716 pursuant to the New Markets Development Program Act if one or
12717 more of the following occur:
12718 (a) The Federal Government recaptures any portion of the
12719 federal new markets tax credit. The recapture by the department
12720 shall equal the recapture by the Federal Government.
12721 (b) The qualified community development entity redeems or
12722 makes a principal repayment on a qualified investment before the
12723 final allowance date. The recapture by the department shall
12724 equal the redemption or principal repayment divided by the
12725 purchase price and multiplied by the tax credit authorized to a
12726 taxpayer for the qualified investment.
12727 (c)1. The qualified community development entity fails to
12728 invest at least 85 percent of the purchase price in qualified
12729 low-income community investments within 12 months after the
12730 issuance of a qualified investment; or
12731 2. The qualified community development entity fails to

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12732 maintain 85 percent of the purchase price in qualified low-
12733 income community investments until the last credit allowance
12734 date for a qualified investment.
12735
12736 For the purposes of this paragraph, an investment by a qualified
12737 community development entity includes principal recovered from
12738 an investment for 12 months after its recovery or principal
12739 recovered after the sixth credit allowance date. Principal held
12740 for longer than 12 months or recovered before the sixth credit
12741 allowance date is not an investment unless it is reinvested in a
12742 qualified low-income community investment.
12743 (d) The qualified community development entity fails to
12744 provide Jobs Florida ~~the office~~ with information, reports, or
12745 documentation required by the New Markets Development Program
12746 Act.
12747 (e) Jobs Florida ~~The office~~ determines that a taxpayer
12748 received tax credits to which the taxpayer was not entitled.
12749 (2) Jobs Florida ~~The office~~ shall provide notice to the
12750 qualified community development entity and the department of a
12751 proposed recapture of a tax credit. The entity shall have 6
12752 months following the receipt of the notice to cure a deficiency
12753 identified in the notice and avoid recapture. Jobs Florida ~~the~~
12754 ~~office~~ shall issue a final order of recapture if the entity
12755 fails to cure a deficiency within the 6-month period. The final
12756 order of recapture shall be provided to the entity, the
12757 department, and a taxpayer otherwise authorized to claim the tax
12758 credit. Only one correction is permitted for each qualified
12759 equity investment during the 7-year credit period. Recaptured
12760 funds shall be deposited into the General Revenue Fund.

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12761 (3) An entity that submits fraudulent information to Jobs
12762 Florida ~~the office~~ is liable for the costs associated with the
12763 investigation and prosecution of the fraudulent claim plus a
12764 penalty in an amount equal to double the tax credits claimed by
12765 investors in the entity's qualified investments. This penalty is
12766 in addition to any other penalty that may be imposed by law.
12767 Section 198. Section 288.9921, Florida Statutes, is amended
12768 to read:
12769 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
12770 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
12771 and 120.54 to administer ss. 288.991-288.9920.
12772 Section 199. Subsection (5) of section 290.004, Florida
12773 Statutes, is amended, and present subsections (6) and (7) of
12774 that subsection are renumbered as subsections (5) and (6),
12775 respectively, to read:
12776 290.004 Definitions relating to Florida Enterprise Zone
12777 Act.—As used in ss. 290.001-290.016:
12778 ~~(5) "Office" means The Office of Tourism, Trade, and~~
12779 ~~Economic Development.~~
12780 Section 200. Subsection (1) and paragraphs (a) and (b) of
12781 subsection (6) of section 290.0055, Florida Statutes, are
12782 amended to read:
12783 290.0055 Local nominating procedure.—
12784 (1) If, pursuant to s. 290.0065, an opportunity exists for
12785 designation of a new enterprise zone, any county or
12786 municipality, or a county and one or more municipalities
12787 together, may apply to Jobs Florida ~~the office~~ for the
12788 designation of an area as an enterprise zone after completion of
12789 the following:

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12790 (a) The adoption by the governing body or bodies of a
12791 resolution which:
12792 1. Finds that an area exists in such county or
12793 municipality, or in both the county and one or more
12794 municipalities, which chronically exhibits extreme and
12795 unacceptable levels of poverty, unemployment, physical
12796 deterioration, and economic disinvestment;
12797 2. Determines that the rehabilitation, conservation, or
12798 redevelopment, or a combination thereof, of such area is
12799 necessary in the interest of the public health, safety, and
12800 welfare of the residents of such county or municipality, or such
12801 county and one or more municipalities; and
12802 3. Determines that the revitalization of such area can
12803 occur only if the private sector can be induced to invest its
12804 own resources in productive enterprises that build or rebuild
12805 the economic viability of the area.
12806 (b) The creation of an enterprise zone development agency
12807 pursuant to s. 290.0056.
12808 (c) The creation and adoption of a strategic plan pursuant
12809 to s. 290.0057.
12810 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
12811 boundary of any enterprise zone which was designated pursuant to
12812 s. 290.0065. A boundary change must continue to satisfy the
12813 requirements of subsections (3), (4), and (5).
12814 (b) Upon a recommendation by the enterprise zone
12815 development agency, the governing body of the jurisdiction which
12816 authorized the application for an enterprise zone may apply to
12817 Jobs Florida ~~the Office~~ for a change in boundary once every 3
12818 years by adopting a resolution that:

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12819 1. States with particularity the reasons for the change;
12820 and
12821 2. Describes specifically and, to the extent required by
12822 Jobs Florida ~~the office~~, the boundary change to be made.
12823 Section 201. Subsections (11) and (12) of section 290.0056,
12824 Florida Statutes, are amended to read:
12825 290.0056 Enterprise zone development agency.—
12826 (11) Prior to December 1 of each year, the agency shall
12827 submit to Jobs Florida ~~the Office of Tourism, Trade, and~~
12828 ~~Economic Development~~ a complete and detailed written report
12829 setting forth:
12830 (a) Its operations and accomplishments during the fiscal
12831 year.
12832 (b) The accomplishments and progress concerning the
12833 implementation of the strategic plan or measurable goals, and
12834 any updates to the strategic plan or measurable goals.
12835 (c) The number and type of businesses assisted by the
12836 agency during the fiscal year.
12837 (d) The number of jobs created within the enterprise zone
12838 during the fiscal year.
12839 (e) The usage and revenue impact of state and local
12840 incentives granted during the calendar year.
12841 (f) Any other information required by Jobs Florida ~~the~~
12842 ~~office~~.
12843 (12) In the event that the nominated area selected by the
12844 governing body is not designated a state enterprise zone, the
12845 governing body may dissolve the agency after receiving
12846 notification from Jobs Florida ~~the office~~ that the area was not
12847 designated as an enterprise zone.

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12848 Section 202. Subsections (2) and (4), paragraph (a) of
12849 subsection (6), and subsection (7) of section 290.0065, Florida
12850 Statutes, are amended to read:
12851 290.0065 State designation of enterprise zones.—
12852 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~
12853 does not redesignate an enterprise zone, a governing body of a
12854 county or municipality or the governing bodies of a county and
12855 one or more municipalities jointly, pursuant to s. 290.0055, may
12856 apply for designation of an enterprise zone to take the place of
12857 the enterprise zone not redesignated and request designation of
12858 an enterprise zone. Jobs Florida ~~the Office~~, in consultation
12859 with Enterprise Florida, Inc., shall determine which areas
12860 nominated by such governing bodies meet the criteria outlined in
12861 s. 290.0055 and are the most appropriate for designation as
12862 state enterprise zones. Each application made pursuant to s.
12863 290.0055 shall be ranked competitively based on the pervasive
12864 poverty, unemployment, and general distress of the area; the
12865 strategic plan, including local fiscal and regulatory
12866 incentives, prepared pursuant to s. 290.0057; and the prospects
12867 for new investment and economic development in the area.
12868 Pervasive poverty, unemployment, and general distress shall be
12869 weighted 35 percent; strategic plan and local fiscal and
12870 regulatory incentives shall be weighted 40 percent; and
12871 prospects for new investment and economic development in the
12872 area shall be weighted 25 percent.
12873 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
12874 may redesignate any state enterprise zone having an effective
12875 date on or before January 1, 2005, as a state enterprise zone
12876 upon completion and submittal to the office by the governing

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12877 body for an enterprise zone of the following:
12878 1. An updated zone profile for the enterprise zone based on
12879 the most recent census data that complies with s. 290.0055,
12880 except that pervasive poverty criteria may be set aside for
12881 rural enterprise zones.
12882 2. A resolution passed by the governing body for that
12883 enterprise zone requesting redesignation and explaining the
12884 reasons the conditions of the zone merit redesignation.
12885 3. Measurable goals for the enterprise zone developed by
12886 the enterprise zone development agency, which may be the goals
12887 established in the enterprise zone's strategic plan.
12888
12889 The governing body may also submit a request for a boundary
12890 change in an enterprise zone in the same application to Jobs
12891 Florida ~~the office~~ as long as the new area complies with the
12892 requirements of s. 290.0055, except that pervasive poverty
12893 criteria may be set aside for rural enterprise zones.
12894 (b) In consultation with Enterprise Florida, Inc., Jobs
12895 Florida ~~the office~~ shall, based on the enterprise zone profile
12896 and the grounds for redesignation expressed in the resolution,
12897 determine whether the enterprise zone merits redesignation. Jobs
12898 Florida ~~the office~~ may also examine and consider the following:
12899 1. Progress made, if any, in the enterprise zone's
12900 strategic plan.
12901 2. Use of enterprise zone incentives during the life of the
12902 enterprise zone.
12903
12904 If Jobs Florida ~~the office~~ determines that the enterprise zone
12905 merits redesignation, Jobs Florida ~~the office~~ shall notify the

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12906 governing body in writing of its approval of redesignation.
12907 (c) If the enterprise zone is redesignated, Jobs Florida
12908 ~~the office~~ shall determine if the measurable goals submitted are
12909 reasonable. If Jobs Florida ~~the office~~ determines that the goals
12910 are reasonable, it ~~the office~~ shall notify the governing body in
12911 writing that the goals have been approved.
12912 (d) If Jobs Florida ~~the office~~ denies redesignation of an
12913 enterprise zone, it ~~the Office~~ shall notify the governing body
12914 in writing of the denial. Any county or municipality having
12915 jurisdiction over an area denied redesignation as a state
12916 enterprise zone pursuant to this subsection may not apply for
12917 designation of that area for 1 year following the date of
12918 denial.
12919 (6)(a) Jobs Florida ~~the office~~, in consultation with
12920 Enterprise Florida, Inc., may develop guidelines necessary for
12921 the approval of areas under this section by the director.
12922 (7) Upon approval by Jobs Florida ~~the director~~ of a
12923 resolution authorizing an area to be an enterprise zone pursuant
12924 to this section, Jobs Florida ~~the office~~ shall assign a unique
12925 identifying number to that resolution. Jobs Florida ~~the office~~
12926 shall provide the Department of Revenue and Enterprise Florida,
12927 Inc., with a copy of each resolution approved, together with its
12928 identifying number.
12929 Section 203. Subsection (1) of section 290.0066, Florida
12930 Statutes, is amended to read:
12931 290.0066 Revocation of enterprise zone designation.—
12932 (1) Jobs Florida ~~The director~~ may revoke the designation of
12933 an enterprise zone if Jobs Florida ~~the director~~ determines that
12934 the governing body or bodies:

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12935 (a) Have failed to make progress in achieving the
12936 benchmarks set forth in the strategic plan or measurable goals;
12937 or
12938 (b) Have not complied substantially with the strategic plan
12939 or measurable goals.
12940 Section 204. Section 290.00710, Florida Statutes, is
12941 amended to read:
12942 290.00710 Enterprise zone designation for the City of
12943 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
12944 ~~Office of Tourism, Trade, and Economic Development~~ for
12945 designation of one enterprise zone for an area within the City
12946 of Lakeland, which zone shall encompass an area up to 10 square
12947 miles. The application must be submitted by December 31, 2005,
12948 and must comply with the requirements of s. 290.0055.
12949 Notwithstanding s. 290.0065, limiting the total number of
12950 enterprise zones designated and the number of enterprise zones
12951 within a population category, Jobs Florida ~~the Office of~~
12952 ~~Tourism, Trade, and Economic Development~~ may designate one
12953 enterprise zone under this section. Jobs Florida ~~The Office of~~
12954 ~~Tourism, Trade, and Economic Development~~ shall establish the
12955 initial effective date of the enterprise zone designated
12956 pursuant to this section.
12957 Section 205. Section 290.0072, Florida Statutes, is amended
12958 to read:
12959 290.0072 Enterprise zone designation for the City of Winter
12960 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
12961 ~~Office of Tourism, Trade, and Economic Development~~ for
12962 designation of one enterprise zone for an area within the City
12963 of Winter Haven, which zone shall encompass an area up to 5

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12964 square miles. Notwithstanding s. 290.0065 limiting the total
12965 number of enterprise zones designated and the number of
12966 enterprise zones within a population category, Jobs Florida ~~the~~
12967 ~~Office of Tourism, Trade, and Economic Development~~ may designate
12968 one enterprise zone under this section. Jobs Florida ~~The Office~~
12969 ~~of Tourism, Trade, and Economic Development~~ shall establish the
12970 initial effective date of the enterprise zone designated
12971 pursuant to this section.
12972 Section 206. Section 290.00725, Florida Statutes, is
12973 amended to read:
12974 290.00725 Enterprise zone designation for the City of
12975 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
12976 ~~Tourism, Trade, and Economic Development~~ for designation of one
12977 enterprise zone for an area within the western portion of the
12978 city, which zone shall encompass an area up to 5 square miles.
12979 The application must be submitted by December 31, 2009, and must
12980 comply with the requirements of s. 290.0055. Notwithstanding s.
12981 290.0065 limiting the total number of enterprise zones
12982 designated and the number of enterprise zones within a
12983 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
12984 ~~and Economic Development~~ may designate one enterprise zone under
12985 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
12986 ~~Economic Development~~ shall establish the initial effective date
12987 of the enterprise zone designated under this section.
12988 Section 207. Section 290.0073, Florida Statutes, is amended
12989 to read:
12990 290.0073 Enterprise zone designation for Indian River
12991 County, the City of Vero Beach, and the City of Sebastian.—
12992 Indian River County, the City of Vero Beach, and the City of

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12993 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
12994 ~~Tourism, Trade, and Economic Development~~ for designation of one
12995 enterprise zone encompassing an area not to exceed 10 square
12996 miles. The application must be submitted by December 31, 2005,
12997 and must comply with the requirements of s. 290.0055.
12998 Notwithstanding the provisions of s. 290.0065 limiting the total
12999 number of enterprise zones designated and the number of
13000 enterprise zones within a population category, Jobs Florida ~~the~~
13001 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13002 one enterprise zone under this section. Jobs Florida ~~The Office~~
13003 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13004 initial effective date of the enterprise zone designated
13005 pursuant to this section.
13006 Section 208. Section 290.0074, Florida Statutes, is amended
13007 to read:
13008 290.0074 Enterprise zone designation for Sumter County.—
13009 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~
13010 ~~Trade, and Economic Development~~ for designation of one
13011 enterprise zone encompassing an area not to exceed 10 square
13012 miles. The application must be submitted by December 31, 2005.
13013 Notwithstanding the provisions of s. 290.0065 limiting the total
13014 number of enterprise zones designated and the number of
13015 enterprise zones within a population category, Jobs Florida ~~the~~
13016 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13017 one enterprise zone under this section. Jobs Florida ~~The Office~~
13018 ~~of Tourism, Trade and Economic Development~~ shall establish the
13019 initial effective date of the enterprise zone designated
13020 pursuant to this section.
13021 Section 209. Section 290.0077, Florida Statutes, is amended

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13022 to read:
13023 290.0077 Enterprise zone designation for Orange County and
13024 the municipality of Apopka.—Orange County and the municipality
13025 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13026 ~~Tourism, Trade, and Economic Development~~ for designation of one
13027 enterprise zone. The application must be submitted by December
13028 31, 2005, and must comply with the requirements of s. 290.0055.
13029 Notwithstanding the provisions of s. 290.0065 limiting the total
13030 number of enterprise zones designated and the number of
13031 enterprise zones within a population category, Jobs Florida ~~the~~
13032 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13033 one enterprise zone under this section. Jobs Florida ~~The Office~~
13034 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13035 initial effective date of the enterprise zone designated
13036 pursuant to this section.
13037 Section 210. Section 290.014, Florida Statutes, is amended
13038 to read:
13039 290.014 Annual reports on enterprise zones.—
13040 (1) By February 1 of each year, the Department of Revenue
13041 shall submit an annual report to Jobs Florida ~~the Office of~~
13042 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
13043 revenue impact by county of the state incentives listed in s.
13044 290.007.
13045 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13046 submit an annual report to the Governor, the Speaker of the
13047 House of Representatives, and the President of the Senate. The
13048 report shall include the information provided by the Department
13049 of Revenue pursuant to subsection (1) and the information
13050 provided by enterprise zone development agencies pursuant to s.

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13051 290.0056. In addition, the report shall include an analysis of
13052 the activities and accomplishments of each enterprise zone.
13053 Section 211. Subsections (3), (5), (8), (9), (10), and (11)
13054 of section 311.09, Florida Statutes, are amended to read:
13055 311.09 Florida Seaport Transportation and Economic
13056 Development Council.—
13057 (3) The council shall prepare a 5-year Florida Seaport
13058 Mission Plan defining the goals and objectives of the council
13059 concerning the development of port facilities and an intermodal
13060 transportation system consistent with the goals of the Florida
13061 Transportation Plan developed pursuant to s. 339.155. The
13062 Florida Seaport Mission Plan shall include specific
13063 recommendations for the construction of transportation
13064 facilities connecting any port to another transportation mode
13065 and for the efficient, cost-effective development of
13066 transportation facilities or port facilities for the purpose of
13067 enhancing international trade, promoting cargo flow, increasing
13068 cruise passenger movements, increasing port revenues, and
13069 providing economic benefits to the state. The council shall
13070 update the 5-year Florida Seaport Mission Plan annually and
13071 shall submit the plan no later than February 1 of each year to
13072 the President of the Senate, ~~;~~ the Speaker of the House of
13073 Representatives, ~~;~~ Jobs Florida, and ~~the Office of Tourism,~~
13074 ~~Trade, and Economic Development;~~ and the Department of
13075 Transportation~~; and the Department of Community Affairs~~. The
13076 council shall develop programs, based on an examination of
13077 existing programs in Florida and other states, for the training
13078 of minorities and secondary school students in job skills
13079 associated with employment opportunities in the maritime

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13080 industry, and report on progress and recommendations for further
13081 action to the President of the Senate and the Speaker of the
13082 House of Representatives annually.
13083 (5) The council shall review and approve or disapprove each
13084 project eligible to be funded pursuant to the Florida Seaport
13085 Transportation and Economic Development Program. The council
13086 shall annually submit to the Secretary of Transportation and~~;~~
13087 the commissioner of Jobs Florida, or his or her designee,
13088 ~~director of the Office of Tourism, Trade, and Economic~~
13089 ~~Development; and the Secretary of Community Affairs~~ a list of
13090 projects which have been approved by the council. The list shall
13091 specify the recommended funding level for each project; and, if
13092 staged implementation of the project is appropriate, the funding
13093 requirements for each stage shall be specified.
13094 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13095 ~~Development~~, in consultation with Enterprise Florida, Inc.,
13096 shall review the list of projects approved by the council to
13097 evaluate the economic benefit of the project and to determine
13098 whether the project is consistent with the Florida Seaport
13099 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13100 ~~Economic Development~~ shall review the economic benefits of each
13101 project based upon the rules adopted pursuant to subsection (4).
13102 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13103 ~~Development~~ shall identify those projects which it has
13104 determined do not offer an economic benefit to the state or are
13105 not consistent with the Florida Seaport Mission Plan and shall
13106 notify the council of its findings.
13107 (9) The council shall review the findings of Jobs Florida
13108 ~~the Department of Community Affairs; the Office of Tourism,~~

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13109 ~~Trade, and Economic Development;~~ and the Department of
13110 Transportation. Projects found to be inconsistent pursuant to
13111 subsections (6), (7), and (8) and projects which have been
13112 determined not to offer an economic benefit to the state
13113 pursuant to subsection (8) shall not be included in the list of
13114 projects to be funded.
13115 (10) The Department of Transportation shall include in its
13116 annual legislative budget request a Florida Seaport
13117 Transportation and Economic Development grant program for
13118 expenditure of funds of not less than $8 million per year. Such
13119 budget shall include funding for projects approved by the
13120 council which have been determined by each agency to be
13121 consistent and which have been determined by Jobs Florida ~~the~~
13122 ~~Office of Tourism, Trade, and Economic Development~~ to be
13123 economically beneficial. The department shall include the
13124 specific approved seaport projects to be funded under this
13125 section during the ensuing fiscal year in the tentative work
13126 program developed pursuant to s. 339.135(4). The total amount of
13127 funding to be allocated to seaport projects under s. 311.07
13128 during the successive 4 fiscal years shall also be included in
13129 the tentative work program developed pursuant to s. 339.135(4).
13130 The council may submit to the department a list of approved
13131 projects that could be made production-ready within the next 2
13132 years. The list shall be submitted by the department as part of
13133 the needs and project list prepared pursuant to s.
13134 339.135(2)(b). However, the department shall, upon written
13135 request of the Florida Seaport Transportation and Economic
13136 Development Council, submit work program amendments pursuant to
13137 s. 339.135(7) to the Governor within 10 days after the later of

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13138 the date the request is received by the department or the
13139 effective date of the amendment, termination, or closure of the
13140 applicable funding agreement between the department and the
13141 affected seaport, as required to release the funds from the
13142 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13143 program amendment to transfer prior year funds from one approved
13144 seaport project to another seaport project is subject to the
13145 procedures in s. 339.135(7)(d). Notwithstanding any provision of
13146 law to the contrary, the department may transfer unexpended
13147 budget between the seaport projects as identified in the
13148 approved work program amendments.
13149 (11) The council shall meet at the call of its chairperson,
13150 at the request of a majority of its membership, or at such times
13151 as may be prescribed in its bylaws. However, the council must
13152 meet at least semiannually. A majority of voting members of the
13153 council constitutes a quorum for the purpose of transacting the
13154 business of the council. All members of the council are voting
13155 members. A vote of the majority of the voting members present is
13156 sufficient for any action of the council, except that a member
13157 representing the Department of Transportation~~, the Department of~~
13158 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13159 ~~and Economic Development~~ may vote to overrule any action of the
13160 council approving a project pursuant to subsection (5). The
13161 bylaws of the council may require a greater vote for a
13162 particular action.
13163 Section 212. Section 311.11, Florida Statutes, is amended
13164 to read:
13165 311.11 Seaport Employment Training Grant Program.—
13166 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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13167 ~~Development~~, in cooperation with the Florida Seaport
13168 Transportation and Economic Development Council, shall establish
13169 a Seaport Employment Training Grant Program within Jobs Florida
13170 ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds
13171 appropriated by the Legislature to the program for the purpose
13172 of stimulating and supporting seaport training and employment
13173 programs which will seek to match state and local training
13174 programs with identified job skills associated with employment
13175 opportunities in the port, maritime, and transportation
13176 industries, and for the purpose of providing such other
13177 training, educational, and information services as required to
13178 stimulate jobs in the described industries. Funds may be used
13179 for the purchase of equipment to be used for training purposes,
13180 hiring instructors, and any other purpose associated with the
13181 training program. The ~~office's~~ contribution of Jobs Florida to
13182 any specific training program may not exceed 50 percent of the
13183 total cost of the program. Matching contributions may include
13184 services in kind, including, but not limited to, training
13185 instructors, equipment usage, and training facilities.
13186 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13187 implement this section.
13188 Section 213. Paragraphs (i) and (l) of subsection (1) of
13189 section 311.115, Florida Statutes, are amended to read:
13190 311.115 Seaport Security Standards Advisory Council.—The
13191 Seaport Security Standards Advisory Council is created under the
13192 Office of Drug Control. The council shall serve as an advisory
13193 council as provided in s. 20.03(7).
13194 (1) The members of the council shall be appointed by the
13195 Governor and consist of the following:

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13196 (i) One representative of Jobs Florida ~~member from the~~
13197 ~~Office of Tourism, Trade, and Economic Development~~.
13198 (l) The Director of the Office ~~Division~~ of Emergency
13199 Management, or his or her designee.
13200 Section 214. Subsection (2) of section 311.22, Florida
13201 Statutes, is amended to read:
13202 311.22 Additional authorization for funding certain
13203 dredging projects.—
13204 (2) The council shall adopt rules for evaluating the
13205 projects that may be funded pursuant to this section. The rules
13206 must provide criteria for evaluating the economic benefit of the
13207 project. The rules must include the creation of an
13208 administrative review process by the council which is similar to
13209 the process described in s. 311.09(5)-(12), and provide for a
13210 review by ~~the Department of Community Affairs,~~ the Department of
13211 Transportation~~,~~ and Jobs Florida ~~the Office of Tourism, Trade,~~
13212 ~~and Economic Development~~ of all projects submitted for funding
13213 under this section.
13214 Section 215. Paragraph (a) of subsection (6), paragraph (b)
13215 of subsection (9), subsection (60), and paragraph (b) of
13216 subsection (65) of section 320.08058, Florida Statutes, is
13217 amended to read:
13218 320.08058 Specialty license plates.—
13219 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
13220 PLATES.—
13221 (a) Because the United States Olympic Committee has
13222 selected this state to participate in a combined fundraising
13223 program that provides for one-half of all money raised through
13224 volunteer giving to stay in this state and be administered by

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13225 the Jobs Florida Partnership, Inc., ~~direct-support organization~~
13226 ~~established under s. 288.1229~~ to support amateur sports, and
13227 because the United States Olympic Committee and the Jobs Florida
13228 Partnership, Inc., ~~direct-support organization~~ are nonprofit
13229 organizations dedicated to providing athletes with support and
13230 training and preparing athletes of all ages and skill levels for
13231 sports competition, and because the Jobs Florida Partnership,
13232 Inc., ~~direct-support organization~~ assists in the bidding for
13233 sports competitions that provide significant impact to the
13234 economy of this state, and the Legislature supports the efforts
13235 of the United States Olympic Committee and the Jobs Florida
13236 Partnership, Inc., ~~direct-support organization~~, the Legislature
13237 establishes a Florida United States Olympic Committee license
13238 plate for the purpose of providing a continuous funding source
13239 to support this worthwhile effort. Florida United States Olympic
13240 Committee license plates must contain the official United States
13241 Olympic Committee logo and must bear a design and colors that
13242 are approved by the department. The word "Florida" must be
13243 centered at the top of the plate.
13244 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—
13245 (b) The license plate annual use fees are to be annually
13246 distributed as follows:
13247 1. Fifty-five percent of the proceeds from the Florida
13248 Professional Sports Team plate must be deposited into the
13249 Professional Sports Development Trust Fund within Jobs Florida
13250 ~~the Office of Tourism, Trade, and Economic Development~~. These
13251 funds must be used solely to attract and support major sports
13252 events in this state. As used in this subparagraph, the term
13253 "major sports events" means, but is not limited to, championship

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13254 or all-star contests of Major League Baseball, the National
13255 Basketball Association, the National Football League, the
13256 National Hockey League, the men's and women's National
13257 Collegiate Athletic Association Final Four basketball
13258 championship, or a horseracing or dogracing Breeders' Cup. All
13259 funds must be used to support and promote major sporting events,
13260 and the uses must be approved by the Florida Sports Foundation.
13261 2. The remaining proceeds of the Florida Professional
13262 Sports Team license plate must be allocated to the Jobs Florida
13263 Partnership, Inc ~~Florida Sports Foundation, a direct-support~~
13264 ~~organization of the Office of Tourism, Trade, and Economic~~
13265 ~~Development~~. These funds must be deposited into the Professional
13266 Sports Development Trust Fund within Jobs Florida ~~the Office of~~
13267 ~~Tourism, Trade, and Economic Development~~. These funds must be
13268 used by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13269 ~~Foundation~~ to promote the economic development of the sports
13270 industry; to distribute licensing and royalty fees to
13271 participating professional sports teams; to promote education
13272 programs in Florida schools that provide an awareness of the
13273 benefits of physical activity and nutrition standards; to
13274 partner with the Department of Education and the Department of
13275 Health to develop a program that recognizes schools whose
13276 students demonstrate excellent physical fitness or fitness
13277 improvement; to institute a grant program for communities
13278 bidding on minor sporting events that create an economic impact
13279 for the state; to distribute funds to Florida-based charities
13280 designated by the Jobs Florida Partnership, Inc., ~~Florida Sports~~
13281 ~~Foundation~~ and the participating professional sports teams; and
13282 to fulfill the sports promotion responsibilities of Jobs Florida

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13283 ~~the Office of Tourism, Trade, and Economic Development~~.
13284 3. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13285 ~~Foundation~~ shall provide an annual financial audit in accordance
13286 with s. 215.981 of its financial accounts and records by an
13287 independent certified public accountant pursuant to the contract
13288 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13289 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13290 shall submit the audit report to Jobs Florida ~~the Office of~~
13291 ~~Tourism, Trade, and Economic Development~~ for review and
13292 approval. If the audit report is approved, Jobs Florida ~~the~~
13293 ~~office~~ shall certify the audit report to the Auditor General for
13294 review.
13295 4. Notwithstanding the provisions of subparagraphs 1. and
13296 2., proceeds from the Professional Sports Development Trust Fund
13297 may also be used for operational expenses of the Jobs Florida
13298 Partnership, Inc., ~~Florida Sports Foundation~~ and financial
13299 support of the Sunshine State Games.
13300 (60) FLORIDA NASCAR LICENSE PLATES.—
13301 (a) The department shall develop a Florida NASCAR license
13302 plate as provided in this section. Florida NASCAR license plates
13303 must bear the colors and design approved by the department. The
13304 word “Florida” must appear at the top of the plate, and the term
13305 “NASCAR” must appear at the bottom of the plate. The National
13306 Association for Stock Car Auto Racing, following consultation
13307 with the Jobs Florida Partnership, Inc. ~~Florida Sports~~
13308 ~~Foundation~~, may submit a sample plate for consideration by the
13309 department.
13310 (b) The license plate annual use fees shall be distributed
13311 to the Jobs Florida Partnership, Inc., ~~Florida Sports~~

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13312 ~~Foundation, a direct-support organization of the Office of~~
13313 ~~Tourism, Trade, and Economic Development~~. The license plate
13314 annual use fees shall be annually allocated as follows:
13315 1. Up to 5 percent of the proceeds from the annual use fees
13316 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13317 ~~Sports Foundation~~ for the administration of the NASCAR license
13318 plate program.
13319 2. The National Association for Stock Car Auto Racing shall
13320 receive up to $60,000 in proceeds from the annual use fees to be
13321 used to pay startup costs, including costs incurred in
13322 developing and issuing the plates. Thereafter, 10 percent of the
13323 proceeds from the annual use fees shall be provided to the
13324 association for the royalty rights for the use of its marks.
13325 3. The remaining proceeds from the annual use fees shall be
13326 distributed to the Jobs Florida Partnership, Inc ~~Florida Sports~~
13327 ~~Foundation~~. The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13328 ~~Foundation~~ will retain 15 percent to support its regional grant
13329 program, attracting sporting events to Florida; 20 percent to
13330 support the marketing of motorsports-related tourism in the
13331 state; and 50 percent to be paid to the NASCAR Foundation, a s.
13332 501(c)(3) charitable organization, to support Florida-based
13333 charitable organizations.
13334 (c) The Jobs Florida Partnership, Inc., ~~Florida Sports~~
13335 ~~Foundation~~ shall provide an annual financial audit in accordance
13336 with s. 215.981 of its financial accounts and records by an
13337 independent certified public accountant pursuant to the contract
13338 established by Jobs Florida ~~the Office of Tourism, Trade, and~~
13339 ~~Economic Development as specified in s. 288.1229(5)~~. The auditor
13340 shall submit the audit report to Jobs Florida ~~the Office of~~

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13341 ~~Tourism, Trade, and Economic Development~~ for review and
13342 approval. If the audit report is approved, Jobs Florida ~~the~~
13343 ~~office~~ shall certify the audit report to the Auditor General for
13344 review.
13345 (65) FLORIDA TENNIS LICENSE PLATES.—
13346 (b) The department shall distribute the annual use fees to
13347 the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a~~
13348 ~~direct-support organization of the Office of Tourism, Trade, and~~
13349 ~~Economic Development~~. The license plate annual use fees shall be
13350 annually allocated as follows:
13351 1. Up to 5 percent of the proceeds from the annual use fees
13352 may be used by the Jobs Florida Partnership, Inc., ~~Florida~~
13353 ~~Sports Foundation~~ to administer the license plate program.
13354 2. The United States Tennis Association Florida Section
13355 Foundation shall receive the first $60,000 in proceeds from the
13356 annual use fees to reimburse it for startup costs,
13357 administrative costs, and other costs it incurs in the
13358 development and approval process.
13359 3. Up to 5 percent of the proceeds from the annual use fees
13360 may be used for promoting and marketing the license plates. The
13361 remaining proceeds shall be available for grants by the United
13362 States Tennis Association Florida Section Foundation to
13363 nonprofit organizations to operate youth tennis programs and
13364 adaptive tennis programs for special populations of all ages,
13365 and for building, renovating, and maintaining public tennis
13366 courts.
13367 Section 216. Section 331.302, Florida Statutes, is amended
13368 to read:
13369 331.302 Space Florida; creation; purpose.—

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13370 (1) There is established, formed, and created Space
13371 Florida, which is created as an independent special district, ~~a~~
13372 ~~body politic and corporate, and a subdivision of the state,~~ to
13373 foster the growth and development of a sustainable and world-
13374 leading aerospace industry in this state. Space Florida shall
13375 promote aerospace business development by facilitating business
13376 financing, spaceport operations, research and development,
13377 workforce development, and innovative education programs. Space
13378 Florida has all the powers, rights, privileges, and authority as
13379 provided in this chapter ~~under the laws of this state~~.
13380 (2) In carrying out its duties and responsibilities, Space
13381 Florida shall advise, coordinate, cooperate, and, when
13382 necessary, enter into memoranda of agreement with
13383 municipalities, counties, regional authorities, state agencies
13384 and organizations, appropriate federal agencies and
13385 organizations, and other interested persons and groups.
13386 (3) Space Florida shall be administratively housed within
13387 Jobs Florida Partnership, Inc. ~~Space Florida may not endorse any~~
13388 ~~candidate for any elected public office or contribute money to~~
13389 ~~the campaign of any candidate for public office.~~
13390 (4) Space Florida is not an agency as defined in ss.
13391 216.011 and 287.012.
13392 (5) Space Florida is subject to applicable provisions of
13393 chapter 189. To the extent that any provisions of chapter 189
13394 conflict with this act, this act shall prevail.
13395 (6) Space Florida may not endorse any candidate for any
13396 elected public office or contribute money to the campaign of any
13397 candidate for public office.
13398 Section 217. Section 331.3081, Florida Statutes, is amended

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13399 to read:
13400 (Substantial rewording of section. See
13401 s. 288.911, F.S., for present text.)
13402 331.3081 Board of Directors; advisory board.—
13403 (1) Space Florida shall be governed by the 11-member board
13404 of directors of the Jobs Florida Partnership, Inc., created in
13405 s. 288.901(4).
13406 (2) Space Florida shall have a 15-member advisory council,
13407 appointed by the Governor from a list of nominations submitted
13408 by the board of directors. The advisory council shall be
13409 comprised of Florida residents with expertise in the space
13410 industry, and each of the following areas of expertise or
13411 experience must be represented by at least one advisory council
13412 member: human space-flight programs, commercial launches into
13413 space; organized labor with experience working in the aerospace
13414 industry, aerospace-related industries, a commercial company
13415 working under Federal Government contracts to conduct space-
13416 related business, an aerospace company whose primary client is
13417 the United States Department of Defense, and an alternative
13418 energy enterprise with potential for aerospace applications. The
13419 advisory council shall elect a member to serve as the chair of
13420 the council.
13421 (3) The advisory council shall make recommendations to the
13422 partnership's board of directors on the operation of Space
13423 Florida, including matters pertaining to ways to improve or
13424 enhance Florida's efforts to expand its existing space and
13425 aerospace industry, to improve management and use of Florida's
13426 state-owned real property assets related to space and aerospace,
13427 how best to retain and, if necessary, retrain Florida's highly

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13428 skilled space and aerospace workforce, and how to strengthen
13429 bonds between this state, NASA, the Department of Defense, and
13430 private space and aerospace industries.
13431 (4) The term for an advisory council member is 4 years. A
13432 member may not serve more than two consecutive terms. The
13433 Governor may remove any member for cause and shall fill all
13434 vacancies that occur.
13435 (5) Advisory council members shall serve without
13436 compensation, but may be reimbursed for all reasonable,
13437 necessary, and actual expenses, as determined by the
13438 partnership's board of directors.
13439 Section 218. Subsections (2), (4), and (5) of section
13440 331.369, Florida Statutes, are amended to read:
13441 331.369 Space Industry Workforce Initiative.—
13442 (2) Workforce Florida ~~The Workforce Development Board of~~
13443 ~~Enterprise Florida~~, Inc., or its successor entity, shall
13444 coordinate development of a Space Industry Workforce Initiative
13445 in partnership with Space Florida, public and private
13446 universities, community colleges, and other training providers
13447 approved by the board. The purpose of the initiative is to use
13448 or revise existing programs and to develop innovative new
13449 programs to address the workforce needs of the aerospace
13450 industry.
13451 (4) Workforce Florida ~~The Workforce Development Board of~~
13452 ~~Enterprise Florida~~, Inc., or its successor entity, with the
13453 assistance of Space Florida, shall convene representatives from
13454 the aerospace industry to identify the priority training and
13455 education needs of the industry and to appoint a team to design
13456 programs to meet the priority needs.

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13457 (5) Workforce Florida ~~The Workforce Development Board of~~
13458 ~~Enterprise Florida~~, Inc., or its successor entity, as part of
13459 its statutorily prescribed annual report to the Legislature,
13460 shall provide recommendations for policies, programs, and
13461 funding to enhance the workforce needs of the aerospace
13462 industry.
13463 Section 219. Paragraph (f) of subsection (1) of section
13464 339.08, Florida Statutes, is amended to read:
13465 339.08 Use of moneys in State Transportation Trust Fund.—
13466 (1) The department shall expend moneys in the State
13467 Transportation Trust Fund accruing to the department, in
13468 accordance with its annual budget. The use of such moneys shall
13469 be restricted to the following purposes:
13470 (f) To pay the cost of economic development transportation
13471 projects ~~in accordance with s. 288.063~~.
13472 Section 220. Paragraph (f) of subsection (4) and paragraph
13473 (g) of subsection (7) of section 339.135, Florida Statutes, is
13474 amended to read:
13475 339.135 Work program; legislative budget request;
13476 definitions; preparation, adoption, execution, and amendment.—
13477 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—
13478 (f) The central office shall submit a preliminary copy of
13479 the tentative work program to the Executive Office of the
13480 Governor, the legislative appropriations committees, the Florida
13481 Transportation Commission, and Jobs Florida ~~the Department of~~
13482 ~~Community Affairs~~ at least 14 days prior to the convening of the
13483 regular legislative session. Prior to the statewide public
13484 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13485 ~~of Community Affairs~~ shall transmit to the Florida

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13486 Transportation Commission a list of those projects and project
13487 phases contained in the tentative work program which are
13488 identified as being inconsistent with approved local government
13489 comprehensive plans. For urbanized areas of metropolitan
13490 planning organizations, the list may not contain any project or
13491 project phase that is scheduled in a transportation improvement
13492 program unless such inconsistency has been previously reported
13493 to the affected metropolitan planning organization.
13494 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—
13495 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13496 (g) and ss. 216.177(2) and 216.351, the secretary may request
13497 the Executive Office of the Governor to amend the adopted work
13498 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13499 and the emergency relates to the repair or rehabilitation of any
13500 state transportation facility. The Executive Office of the
13501 Governor may approve the amendment to the adopted work program
13502 and amend that portion of the department's approved budget if a
13503 ~~in the event that the~~ delay incident to the notification
13504 requirements in paragraph (d) would be detrimental to the
13505 interests of the state. However, the department shall
13506 immediately notify the parties specified in paragraph (d) and
13507 ~~shall~~ provide such parties written justification for the
13508 emergency action within 7 days after ~~of the~~ approval by the
13509 Executive Office of the Governor of the amendment to the adopted
13510 work program and the department's budget. ~~In no event may~~ The
13511 adopted work program may not be amended under ~~the provisions of~~
13512 this subsection without ~~the~~ certification by the comptroller of
13513 the department that there are sufficient funds available
13514 pursuant to the 36-month cash forecast and applicable statutes.

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13515 Section 221. Subsection (2) of section 364.0135, Florida
13516 Statutes, is amended to read:
13517 364.0135 Promotion of broadband deployment.—
13518 (2) The Department of Management Services is authorized to
13519 work collaboratively with, and to receive staffing support and
13520 other resources from, the Jobs Florida Partnership ~~Enterprise~~
13521 ~~Florida~~, Inc., state agencies, local governments, private
13522 businesses, and community organizations to:
13523 (a) Conduct a needs assessment of broadband Internet
13524 service in collaboration with communications service providers,
13525 including, but not limited to, wireless and wireline Internet
13526 service providers, to develop geographical information system
13527 maps at the census tract level that will:
13528 1. Identify geographic gaps in broadband services,
13529 including areas unserved by any broadband provider and areas
13530 served by a single broadband provider;
13531 2. Identify the download and upload transmission speeds
13532 made available to businesses and individuals in the state, at
13533 the census tract level of detail, using data rate benchmarks for
13534 broadband service used by the Federal Communications Commission
13535 to reflect different speed tiers; and
13536 3. Provide a baseline assessment of statewide broadband
13537 deployment in terms of percentage of households with broadband
13538 availability.
13539 (b) Create a strategic plan that has goals and strategies
13540 for increasing the use of broadband Internet service in the
13541 state.
13542 (c) Build and facilitate local technology planning teams or
13543 partnerships with members representing cross-sections of the

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13544 community, which may include, but are not limited to,
13545 representatives from the following organizations and industries:
13546 libraries, K-12 education, colleges and universities, local
13547 health care providers, private businesses, community
13548 organizations, economic development organizations, local
13549 governments, tourism, parks and recreation, and agriculture.
13550 (d) Encourage the use of broadband Internet service,
13551 especially in the rural, unserved, and underserved communities
13552 of the state through grant programs having effective strategies
13553 to facilitate the statewide deployment of broadband Internet
13554 service. For any grants to be awarded, priority must be given to
13555 projects that:
13556 1. Provide access to broadband education, awareness,
13557 training, access, equipment, and support to libraries, schools,
13558 colleges and universities, health care providers, and community
13559 support organizations.
13560 2. Encourage investments in primarily unserved areas to
13561 give consumers a choice of more than one broadband Internet
13562 service provider.
13563 3. Work toward establishing affordable and sustainable
13564 broadband Internet service in unserved areas of the state.
13565 4. Facilitate the development of applications, programs,
13566 and services, including, but not limited to, telework,
13567 telemedicine, and e-learning to increase the usage of, and
13568 demand for, broadband Internet service in the state.
13569 Section 222. Paragraph (h) of subsection (2) of section
13570 377.703, Florida Statutes, is amended to read:
13571 377.703 Additional functions of the Florida Energy and
13572 Climate Commission.—

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13573 (2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The
13574 commission shall perform the following functions consistent with
13575 the development of a state energy policy:
13576 (h) The commission shall promote the development and use of
13577 renewable energy resources, in conformance with the provisions
13578 of chapter 187 and s. 377.601, by:
13579 1. Establishing goals and strategies for increasing the use
13580 of solar energy in this state.
13581 2. Aiding and promoting the commercialization of solar
13582 energy technology, in cooperation with the Florida Solar Energy
13583 Center, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13584 and any other federal, state, or local governmental agency which
13585 may seek to promote research, development, and demonstration of
13586 solar energy equipment and technology.
13587 3. Identifying barriers to greater use of solar energy
13588 systems in this state, and developing specific recommendations
13589 for overcoming identified barriers, with findings and
13590 recommendations to be submitted annually in the report to the
13591 Governor and Legislature required under paragraph (f).
13592 4. In cooperation with the Department of Environmental
13593 Protection, the Department of Transportation, the Jobs Florida
13594 Partnership ~~the Department of Community Affairs, Enterprise~~
13595 ~~Florida~~, Inc., the Florida Solar Energy Center, and the Florida
13596 Solar Energy Industries Association, investigating
13597 opportunities, pursuant to the National Energy Policy Act of
13598 1992, the Housing and Community Development Act of 1992, and any
13599 subsequent federal legislation, for solar electric vehicles and
13600 other solar energy manufacturing, distribution, installation,
13601 and financing efforts which will enhance this state’s position

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13602 as the leader in solar energy research, development, and use.
13603 5. Undertaking other initiatives to advance the development
13604 and use of renewable energy resources in this state.
13605
13606 In the exercise of its responsibilities under this paragraph,
13607 the commission shall seek the assistance of the solar energy
13608 industry in this state and other interested parties and is
13609 authorized to enter into contracts, retain professional
13610 consulting services, and expend funds appropriated by the
13611 Legislature for such purposes.
13612 Section 223. Paragraph (h) of subsection (5) of section
13613 377.711, Florida Statutes, is amended to read:
13614 377.711 Florida party to Southern States Energy Compact.—
13615 The Southern States Energy Compact is enacted into law and
13616 entered into by the state as a party, and is of full force and
13617 effect between the state and any other states joining therein in
13618 accordance with the terms of the compact, which compact is
13619 substantially as follows:
13620 (5) POWERS.—The board shall have the power to:
13621 (h) Recommend such changes in, or amendments or additions
13622 to, the laws, codes, rules, regulations, administrative
13623 procedures and practices, or ordinances of the party states in
13624 any of the fields of its interest and competence as in its
13625 judgment may be appropriate. Any such recommendation shall be
13626 made through the appropriate state agency with due consideration
13627 of the desirability of uniformity and appropriate weight to any
13628 special circumstances that may justify variations to meet local
13629 conditions. ~~Any such recommendation shall be made, in the case~~
13630 ~~of Florida, through the Department of Commerce.~~

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13631 Section 224. Subsection (3) of section 377.712, Florida
13632 Statutes, is amended to read:
13633 377.712 Florida participation.—
13634 (3) Departments ~~The department~~, agencies, and officers of
13635 this state, and its subdivisions are authorized to cooperate
13636 with the board in the furtherance of any of its activities
13637 pursuant to the compact, provided such proposed activities have
13638 been made known to, and have the approval of, either the
13639 Governor or the Department of Health.
13640 Section 225. Subsection (5) of section 377.804, Florida
13641 Statutes, is amended to read:
13642 377.804 Renewable Energy and Energy-Efficient Technologies
13643 Grants Program.—
13644 (5) The commission shall solicit the expertise of state
13645 agencies, the Jobs Florida Partnership ~~Enterprise Florida~~, Inc.,
13646 and state universities, and may solicit the expertise of other
13647 public and private entities it deems appropriate, in evaluating
13648 project proposals. State agencies shall cooperate with the
13649 commission and provide such assistance as requested.
13650 Section 226. Subsection (18) of section 380.031, Florida
13651 Statutes, is amended to read:
13652 380.031 Definitions.—As used in this chapter:
13653 (18) "State land planning agency" means Jobs Florida ~~the~~
13654 ~~Department of Community Affairs~~ and may be referred to in this
13655 part as the "department."
13656 Section 227. Paragraph (s) of subsection (24) of section
13657 380.06, Florida Statutes, is amended to read:
13658 380.06 Developments of regional impact.—
13659 (24) STATUTORY EXEMPTIONS.—

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13660 (s) Any development in a detailed specific area plan which
13661 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13662 ~~the comprehensive plan~~ is exempt from this section.
13663
13664 If a use is exempt from review as a development of regional
13665 impact under paragraphs (a)-(s), but will be part of a larger
13666 project that is subject to review as a development of regional
13667 impact, the impact of the exempt use must be included in the
13668 review of the larger project, unless such exempt use involves a
13669 development of regional impact that includes a landowner,
13670 tenant, or user that has entered into a funding agreement with
13671 the Office of Tourism, Trade, and Economic Development under the
13672 Innovation Incentive Program and the agreement contemplates a
13673 state award of at least $50 million.
13674 Section 228. Subsection (3) of section 380.115, Florida
13675 Statutes, is amended to read:
13676 380.115 Vested rights and duties; effect of size reduction,
13677 changes in guidelines and standards.—
13678 (3) A landowner that has filed an application for a
13679 development-of-regional-impact review prior to the adoption of a
13680 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13681 have the application reviewed pursuant to s. 380.06,
13682 comprehensive plan provisions in force prior to adoption of the
13683 sector plan, and any requested comprehensive plan amendments
13684 that accompany the application.
13685 Section 229. Section 380.285, Florida Statutes, is amended
13686 to read:
13687 380.285 Lighthouses; study; preservation; funding.—The
13688 ~~Department of Community Affairs and the~~ Division of Historical

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13689 Resources of the Department of State shall undertake a study of
13690 the lighthouses in the state. The study must determine the
13691 location, ownership, condition, and historical significance of
13692 all lighthouses in the state and ensure that all historically
13693 significant lighthouses are nominated for inclusion on the
13694 National Register of Historic Places. The study must assess the
13695 condition and restoration needs of historic lighthouses and
13696 develop plans for appropriate future public access and use. The
13697 Division of Historical Resources shall take a leadership role in
13698 implementing plans to stabilize lighthouses and associated
13699 structures and to preserve and protect them from future
13700 deterioration. When possible, the lighthouses and associated
13701 buildings should be made available to the public for educational
13702 and recreational purposes. The Department of State shall request
13703 in its annual legislative budget requests funding necessary to
13704 carry out the duties and responsibilities specified in this act.
13705 Funds for the rehabilitation of lighthouses should be allocated
13706 through matching grants-in-aid to state and local government
13707 agencies and to nonprofit organizations. The Department of
13708 Environmental Protection may assist the Division of Historical
13709 Resources in projects to accomplish the goals and activities
13710 described in this section.
13711 Section 230. Paragraph (e) of subsection (1) of section
13712 381.0054, Florida Statutes, is amended to read:
13713 381.0054 Healthy lifestyles promotion.—
13714 (1) The Department of Health shall promote healthy
13715 lifestyles to reduce the prevalence of excess weight gain and
13716 obesity in Florida by implementing appropriate physical activity
13717 and nutrition programs that are directed towards all Floridians

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13718 by:
13719 (e) Partnering with the Department of Education, school
13720 districts, and the Jobs Florida Partnership, Inc., ~~Florida~~
13721 ~~Sports Foundation~~ to develop a program that recognizes schools
13722 whose students demonstrate excellent physical fitness or fitness
13723 improvement.
13724 Section 231. Subsection (6) of section 381.0086, Florida
13725 Statutes, is amended to read:
13726 381.0086 Rules; variances; penalties.—
13727 (6) For the purposes of filing an interstate clearance
13728 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13729 the housing is covered by 20 C.F.R. part 654, subpart E, no
13730 permanent structural variance referred to in subsection (2) is
13731 allowed.
13732 Section 232. Subsection (3) of section 381.7354, Florida
13733 Statutes, is amended to read:
13734 381.7354 Eligibility.—
13735 (3) In addition to the grants awarded under subsections (1)
13736 and (2), up to 20 percent of the funding for the Reducing Racial
13737 and Ethnic Health Disparities: Closing the Gap grant program
13738 shall be dedicated to projects that address improving racial and
13739 ethnic health status within specific Front Porch Florida
13740 Communities~~, as designated pursuant to s. 20.18(6)~~.
13741 Section 233. Paragraph (a) of subsection (5) of section
13742 381.855, Florida Statutes, is amended to read:
13743 381.855 Florida Center for Universal Research to Eradicate
13744 Disease.—
13745 (5) There is established within the center an advisory
13746 council that shall meet at least annually.

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13747 (a) The council shall consist of one representative from a
13748 Florida not-for-profit institution engaged in basic and clinical
13749 biomedical research and education which receives more than $10
13750 million in annual grant funding from the National Institutes of
13751 Health, to be appointed by the State Surgeon General from a
13752 different institution each term, and one representative from and
13753 appointed by each of the following entities:
13754 1. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13755 2. BioFlorida.
13756 3. The Biomedical Research Advisory Council.
13757 4. The Florida Medical Foundation.
13758 5. Pharmaceutical Research and Manufacturers of America.
13759 6. The American Cancer Society, Florida Division, Inc.
13760 7. The American Heart Association.
13761 8. The American Lung Association of Florida.
13762 9. The American Diabetes Association, South Coastal Region.
13763 10. The Alzheimer's Association.
13764 11. The Epilepsy Foundation.
13765 12. The National Parkinson Foundation.
13766 13. The Florida Public Health Institute, Inc.
13767 14. The Florida Research Consortium.
13768 Section 234. Paragraph (b) of subsection (1) and subsection
13769 (2) of section 383.14, Florida Statutes, are amended to read:
13770 383.14 Screening for metabolic disorders, other hereditary
13771 and congenital disorders, and environmental risk factors.—
13772 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13773 maternal and child health care system, the Department of Health
13774 shall promote the screening of all newborns born in Florida for
13775 metabolic, hereditary, and congenital disorders known to result

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13776 in significant impairment of health or intellect, as screening
13777 programs accepted by current medical practice become available
13778 and practical in the judgment of the department. The department
13779 shall also promote the identification and screening of all
13780 newborns in this state and their families for environmental risk
13781 factors such as low income, poor education, maternal and family
13782 stress, emotional instability, substance abuse, and other high-
13783 risk conditions associated with increased risk of infant
13784 mortality and morbidity to provide early intervention,
13785 remediation, and prevention services, including, but not limited
13786 to, parent support and training programs, home visitation, and
13787 case management. Identification, perinatal screening, and
13788 intervention efforts shall begin prior to and immediately
13789 following the birth of the child by the attending health care
13790 provider. Such efforts shall be conducted in hospitals,
13791 perinatal centers, county health departments, school health
13792 programs that provide prenatal care, and birthing centers, and
13793 reported to the Office of Vital Statistics.
13794 (b) *Postnatal screening.*—A risk factor analysis using the
13795 department's designated risk assessment instrument shall also be
13796 conducted as part of the medical screening process upon the
13797 birth of a child and submitted to the department's Office of
13798 Vital Statistics for recording and other purposes provided for
13799 in this chapter. The department's screening process for risk
13800 assessment shall include a scoring mechanism and procedures that
13801 establish thresholds for notification, further assessment,
13802 referral, and eligibility for services by professionals or
13803 paraprofessionals consistent with the level of risk. Procedures
13804 for developing and using the screening instrument, notification,

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13805 referral, and care coordination services, reporting
13806 requirements, management information, and maintenance of a
13807 computer-driven registry in the Office of Vital Statistics which
13808 ensures privacy safeguards must be consistent with the
13809 provisions and plans established under chapter 411, Pub. L. No.
13810 99-457, and this chapter. Procedures established for reporting
13811 information and maintaining a confidential registry must include
13812 a mechanism for a centralized information depository at the
13813 state and county levels. The department shall coordinate with
13814 existing risk assessment systems and information registries. The
13815 department must ensure, to the maximum extent possible, that the
13816 screening information registry is integrated with the
13817 department's automated data systems, including the Florida On-
13818 line Recipient Integrated Data Access (FLORIDA) system. Tests
13819 and screenings must be performed by the State Public Health
13820 Laboratory, in coordination with Children's Medical Services, at
13821 such times and in such manner as is prescribed by the department
13822 after consultation with the Genetics and Newborn ~~Infant~~
13823 Screening Advisory Council and the Department of Education
13824 ~~Agency for Workforce Innovation~~.
13825 (2) RULES.—After consultation with the Genetics and Newborn
13826 Screening Advisory Council, the department shall adopt and
13827 enforce rules requiring that every newborn in this state shall,
13828 prior to becoming 1 week of age, be subjected to a test for
13829 phenylketonuria and, at the appropriate age, be tested for such
13830 other metabolic diseases and hereditary or congenital disorders
13831 as the department may deem necessary from time to time. After
13832 consultation with the Department of Education ~~Agency for~~
13833 ~~Workforce Innovation~~, the department shall also adopt and

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13834 enforce rules requiring every newborn in this state to be
13835 screened for environmental risk factors that place children and
13836 their families at risk for increased morbidity, mortality, and
13837 other negative outcomes. The department shall adopt such
13838 additional rules as are found necessary for the administration
13839 of this section and s. 383.145, including rules providing
13840 definitions of terms, rules relating to the methods used and
13841 time or times for testing as accepted medical practice
13842 indicates, rules relating to charging and collecting fees for
13843 the administration of the newborn screening program authorized
13844 by this section, rules for processing requests and releasing
13845 test and screening results, and rules requiring mandatory
13846 reporting of the results of tests and screenings for these
13847 conditions to the department.
13848 Section 235. Paragraph (b) of subsection (3) of section
13849 402.281, Florida Statutes, is amended to read:
13850 402.281 Gold Seal Quality Care program.—
13851 (3)
13852 (b) In approving accrediting associations, the department
13853 shall consult with the Department of Education, ~~the Agency for~~
13854 ~~Workforce Innovation,~~ the Florida Head Start Directors
13855 Association, the Florida Association of Child Care Management,
13856 the Florida Family Day Care Association, the Florida Children's
13857 Forum, the Early Childhood Association of Florida, the Child
13858 Development Education Alliance, providers receiving exemptions
13859 under s. 402.316, and parents.
13860 Section 236. Subsection (6) of section 402.45, Florida
13861 Statutes, is amended to read:
13862 402.45 Community resource mother or father program.—

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13863 (6) Individuals under contract to provide community
13864 resource mother or father services shall participate in
13865 preservice and ongoing training as determined by the Department
13866 of Health in consultation with the Department of Education
13867 ~~Agency for Workforce Innovation~~. A community resource mother or
13868 father shall not be assigned a client caseload until all
13869 preservice training requirements are completed.
13870 Section 237. Paragraph (a) of subsection (4) of section
13871 402.56, Florida Statutes, is amended to read:
13872 402.56 Children's cabinet; organization; responsibilities;
13873 annual report.—
13874 (4) MEMBERS.—The cabinet shall consist of 15 members
13875 including the Governor and the following persons:
13876 (a)1. The Secretary of Children and Family Services;
13877 2. The Secretary of Juvenile Justice;
13878 3. The director of the Agency for Persons with
13879 Disabilities;
13880 ~~4. The director of the Agency for Workforce Innovation;~~
13881 4.~~5.~~ The State Surgeon General;
13882 5.~~6.~~ The Secretary of Health Care Administration;
13883 6.~~7.~~ The Commissioner of Education;
13884 7.~~8.~~ The director of the Statewide Guardian Ad Litem
13885 Office;
13886 8.~~9.~~ The director of the Office of Child Abuse Prevention;
13887 and
13888 9.~~10.~~ Five members representing children and youth advocacy
13889 organizations, who are not service providers and who are
13890 appointed by the Governor.
13891 Section 238. Paragraph (b) of subsection (3) of section

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13892 403.42, Florida Statutes, is amended to read:
13893 403.42 Florida Clean Fuel Act.—
13894 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
13895 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—
13896 (b)1. The advisory board shall consist of ~~the Secretary of~~
13897 ~~Community Affairs, or a designee from that department,~~ the
13898 Secretary of Environmental Protection, or a designee from that
13899 department, the Commissioner of Education, or a designee from
13900 that department, the Secretary of Transportation, or a designee
13901 from that department, the Commissioner of Agriculture, or a
13902 designee from the Department of Agriculture and Consumer
13903 Services, the Secretary of Management Services, or a designee
13904 from that department, and a representative of each of the
13905 following, who shall be appointed by the Secretary of
13906 Environmental Protection:
13907 a. The Florida biodiesel industry.
13908 b. The Florida electric utility industry.
13909 c. The Florida natural gas industry.
13910 d. The Florida propane gas industry.
13911 e. An automobile manufacturers' association.
13912 f. A Florida Clean Cities Coalition designated by the
13913 United States Department of Energy.
13914 g. The Jobs Florida Partnership ~~Enterprise Florida~~, Inc.
13915 h. EV Ready Broward.
13916 i. The Florida petroleum industry.
13917 j. The Florida League of Cities.
13918 k. The Florida Association of Counties.
13919 l. Floridians for Better Transportation.
13920 m. A motor vehicle manufacturer.

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13921 n. Florida Local Environment Resource Agencies.
13922 o. Project for an Energy Efficient Florida.
13923 p. Florida Transportation Builders Association.
13924 2. The purpose of the advisory board is to serve as a
13925 resource for the department and to provide the Governor, the
13926 Legislature, and the Secretary of Environmental Protection with
13927 private sector and other public agency perspectives on achieving
13928 the goal of increasing the use of alternative fuel vehicles in
13929 this state.
13930 3. Members shall be appointed to serve terms of 1 year
13931 each, with reappointment at the discretion of the Secretary of
13932 Environmental Protection. Vacancies shall be filled for the
13933 remainder of the unexpired term in the same manner as the
13934 original appointment.
13935 4. The board shall annually select a chairperson.
13936 5.a. The board shall meet at least once each quarter or
13937 more often at the call of the chairperson or the Secretary of
13938 Environmental Protection.
13939 b. Meetings are exempt from the notice requirements of
13940 chapter 120, and sufficient notice shall be given to afford
13941 interested persons reasonable notice under the circumstances.
13942 6. Members of the board are entitled to travel expenses
13943 while engaged in the performance of board duties.
13944 7. The board shall terminate 5 years after the effective
13945 date of this act.
13946 Section 239. Subsection (5) of section 403.7032, Florida
13947 Statutes, is amended to read:
13948 403.7032 Recycling.—
13949 (5) The Department of Environmental Protection shall create

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13950 the Recycling Business Assistance Center by December 1, 2010. In
13951 carrying out its duties under this subsection, the department
13952 shall consult with state agency personnel appointed to serve as
13953 economic development liaisons under s. 288.021 and seek
13954 technical assistance from the Jobs Florida Partnership
13955 ~~Enterprise Florida~~, Inc., to ensure the Recycling Business
13956 Assistance Center is positioned to succeed. The purpose of the
13957 center shall be to serve as the mechanism for coordination among
13958 state agencies and the private sector in order to coordinate
13959 policy and overall strategic planning for developing new markets
13960 and expanding and enhancing existing markets for recyclable
13961 materials in this state, other states, and foreign countries.
13962 The duties of the center must include, at a minimum:
13963 (a) Identifying and developing new markets and expanding
13964 and enhancing existing markets for recyclable materials.
13965 (b) Pursuing expanded end uses for recycled materials.
13966 (c) Targeting materials for concentrated market development
13967 efforts.
13968 (d) Developing proposals for new incentives for market
13969 development, particularly focusing on targeted materials.
13970 (e) Providing guidance on issues such as permitting,
13971 finance options for recycling market development, site location,
13972 research and development, grant program criteria for recycled
13973 materials markets, recycling markets education and information,
13974 and minimum content.
13975 (f) Coordinating the efforts of various governmental
13976 entities having market development responsibilities in order to
13977 optimize supply and demand for recyclable materials.
13978 (g) Evaluating source-reduced products as they relate to

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13979 state procurement policy. The evaluation shall include, but is
13980 not limited to, the environmental and economic impact of source-
13981 reduced product purchases to the state. For the purposes of this
13982 paragraph, the term “source-reduced” means any method, process,
13983 product, or technology that significantly or substantially
13984 reduces the volume or weight of a product while providing, at a
13985 minimum, equivalent or generally similar performance and service
13986 to and for the users of such materials.
13987 (h) Providing evaluation of solid waste management grants,
13988 pursuant to s. 403.7095, to reduce the flow of solid waste to
13989 disposal facilities and encourage the sustainable recovery of
13990 materials from Florida’s waste stream.
13991 (i) Providing below-market financing for companies that
13992 manufacture products from recycled materials or convert
13993 recyclable materials into raw materials for use in manufacturing
13994 pursuant to the Florida Recycling Loan Program as administered
13995 by the Florida First Capital Finance Corporation.
13996 (j) Maintaining a continuously updated online directory
13997 listing the public and private entities that collect, transport,
13998 broker, process, or remanufacture recyclable materials in the
13999 state.
14000 (k) Providing information on the availability and benefits
14001 of using recycled materials to private entities and industries
14002 in the state.
14003 (l) Distributing any materials prepared in implementing
14004 this subsection to the public, private entities, industries,
14005 governmental entities, or other organizations upon request.
14006 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
14007 ~~Innovation~~ and its partners to provide job placement and job

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14008 training services to job seekers through the state's workforce
14009 services programs.
14010 Section 240. Paragraphs (c), (d), and (e) of subsection
14011 (2), paragraphs (b) and (c) of subsection (3), and subsections
14012 (4), (15), (17), and (18) of section 403.973, Florida Statutes,
14013 are amended to read:
14014 403.973 Expedited permitting; amendments to comprehensive
14015 plans.—
14016 (2) As used in this section, the term:
14017 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14018 ~~Economic Development.~~
14019 (c) ~~(d)~~ "Permit applications" means state permits and
14020 licenses, and at the option of a participating local government,
14021 local development permits or orders.
14022 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14023 Protection or his or her designee.
14024 (3)
14025 (b) On a case-by-case basis and at the request of a county
14026 or municipal government, Jobs Florida ~~the office~~ may certify as
14027 eligible for expedited review a project not meeting the minimum
14028 job creation thresholds but creating a minimum of 10 jobs. The
14029 recommendation from the governing body of the county or
14030 municipality in which the project may be located is required in
14031 order for Jobs Florida ~~the office~~ to certify that any project is
14032 eligible for expedited review under this paragraph. When
14033 considering projects that do not meet the minimum job creation
14034 thresholds but that are recommended by the governing body in
14035 which the project may be located, Jobs Florida ~~the office~~ shall
14036 consider economic impact factors that include, but are not

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14037 limited to:
14038 1. The proposed wage and skill levels relative to those
14039 existing in the area in which the project may be located;
14040 2. The project's potential to diversify and strengthen the
14041 area's economy;
14042 3. The amount of capital investment; and
14043 4. The number of jobs that will be made available for
14044 persons served by the welfare transition program.
14045 (c) At the request of a county or municipal government,
14046 Jobs Florida ~~the office~~ or a Quick Permitting County may certify
14047 projects located in counties where the ratio of new jobs per
14048 participant in the welfare transition program, as determined by
14049 Workforce Florida, Inc., is less than one or otherwise critical,
14050 as eligible for the expedited permitting process. Such projects
14051 must meet the numerical job creation criteria of this
14052 subsection, but the jobs created by the project do not have to
14053 be high-wage jobs that diversify the state's economy.
14054 (4) The regional teams shall be established through the
14055 execution of memoranda of agreement developed by the applicant
14056 and the secretary, with input solicited from Jobs Florida ~~the~~
14057 ~~office~~ and the respective heads of ~~the Department of Community~~
14058 ~~Affairs,~~ the Department of Transportation and its district
14059 offices, the Department of Agriculture and Consumer Services,
14060 the Fish and Wildlife Conservation Commission, appropriate
14061 regional planning councils, appropriate water management
14062 districts, and voluntarily participating municipalities and
14063 counties. The memoranda of agreement should also accommodate
14064 participation in this expedited process by other local
14065 governments and federal agencies as circumstances warrant.

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14066 (15) Jobs Florida ~~The office~~, working with the agencies
14067 providing cooperative assistance and input regarding the
14068 memoranda of agreement, shall review sites proposed for the
14069 location of facilities eligible for the Innovation Incentive
14070 Program under s. 288.1089. Within 20 days after the request for
14071 the review by Jobs Florida ~~the office~~, the agencies shall
14072 provide to Jobs Florida ~~the office~~ a statement as to each site's
14073 necessary permits under local, state, and federal law and an
14074 identification of significant permitting issues, which if
14075 unresolved, may result in the denial of an agency permit or
14076 approval or any significant delay caused by the permitting
14077 process.
14078 (17) Jobs Florida ~~The office~~ shall be responsible for
14079 certifying a business as eligible for undergoing expedited
14080 review under this section. The Jobs Florida Partnership
14081 ~~Enterprise Florida~~, Inc., a county or municipal government, or
14082 the Rural Economic Development Initiative may recommend to Jobs
14083 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14084 that a project meeting the minimum job creation threshold
14085 undergo expedited review.
14086 (18) Jobs Florida ~~The office~~, working with the Rural
14087 Economic Development Initiative and the agencies participating
14088 in the memoranda of agreement, shall provide technical
14089 assistance in preparing permit applications and local
14090 comprehensive plan amendments for counties having a population
14091 of fewer than 75,000 residents, or counties having fewer than
14092 125,000 residents which are contiguous to counties having fewer
14093 than 75,000 residents. Additional assistance may include, but
14094 not be limited to, guidance in land development regulations and

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14095 permitting processes, working cooperatively with state,
14096 regional, and local entities to identify areas within these
14097 counties which may be suitable or adaptable for preclearance
14098 review of specified types of land uses and other activities
14099 requiring permits.
14100 Section 241. Paragraph (a) of subsection (3) of section
14101 409.017, Florida Statutes, is amended to read:
14102 409.017 Revenue Maximization Act; legislative intent;
14103 revenue maximization program.—
14104 (3) REVENUE MAXIMIZATION PROGRAM.—
14105 (a) For purposes of this section, the term "agency" means
14106 any state agency or department that is involved in providing
14107 health, social, or human services, including, but not limited
14108 to, the Agency for Health Care Administration, ~~the Agency for~~
14109 ~~Workforce Innovation,~~ the Department of Children and Family
14110 Services, the Department of Elderly Affairs, the Department of
14111 Juvenile Justice, the Department of Education, and the State
14112 Board of Education.
14113 Section 242. Paragraph (c) of subsection (7) of section
14114 409.1451, Florida Statutes, is amended to read:
14115 409.1451 Independent living transition services.—
14116 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14117 Secretary of Children and Family Services shall establish the
14118 Independent Living Services Advisory Council for the purpose of
14119 reviewing and making recommendations concerning the
14120 implementation and operation of the independent living
14121 transition services. This advisory council shall continue to
14122 function as specified in this subsection until the Legislature
14123 determines that the advisory council can no longer provide a

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14124 valuable contribution to the department's efforts to achieve the
14125 goals of the independent living transition services.
14126 (c) Members of the advisory council shall be appointed by
14127 the secretary of the department. The membership of the advisory
14128 council must include, at a minimum, representatives from the
14129 headquarters and district offices of the Department of Children
14130 and Family Services, community-based care lead agencies, ~~the~~
14131 ~~Agency for Workforce Innovation,~~ the Department of Education,
14132 the Agency for Health Care Administration, the State Youth
14133 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14134 Ad Litem Office, foster parents, recipients of Road-to-
14135 Independence Program funding, and advocates for foster children.
14136 The secretary shall determine the length of the term to be
14137 served by each member appointed to the advisory council, which
14138 may not exceed 4 years.
14139 Section 243. Subsection (1), paragraph (b) of subsection
14140 (3), and subsection (8) of section 409.2576, Florida Statutes,
14141 are amended to read:
14142 409.2576 State Directory of New Hires.—
14143 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14144 hereby created and shall be administered by the Department of
14145 Revenue or its agent. ~~The Department of Labor and Employment~~
14146 ~~Security will act as the agent until a date not later than~~
14147 ~~October 1, 1998.~~ All employers in the state shall furnish a
14148 report consistent with subsection (3) for each newly hired or
14149 rehired employee unless the employee is employed by a federal or
14150 state agency performing intelligence or counterintelligence
14151 functions and the head of such agency has determined that
14152 reporting pursuant to this section could endanger the safety of

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14153 the employee or compromise an ongoing investigation or
14154 intelligence mission.
14155 (3) EMPLOYERS TO FURNISH REPORTS.—
14156 (b) ~~Upon termination of the contract with the Department of~~
14157 ~~Labor and Employment Security, but not later than October 1,~~
14158 ~~1998,~~ All employers shall furnish a report to the State
14159 Directory of New Hires of the state in which the newly hired or
14160 rehired employee works. The report required in this section
14161 shall be made on a W-4 form or, at the option of the employer,
14162 an equivalent form, and can be transmitted magnetically,
14163 electronically, by first-class mail, or other methods which may
14164 be prescribed by the State Directory. Each report shall include
14165 the name, address, date of hire, and social security number of
14166 every new and rehired employee and the name, address, and
14167 federal employer identification number of the reporting
14168 employer. If available, the employer may also include the
14169 employee's date of birth in the report. Multistate employers
14170 that report new hire information electronically or magnetically
14171 may designate a single state to which it will transmit the above
14172 noted report, provided the employer has employees in that state
14173 and the employer notifies the Secretary of Health and Human
14174 Services in writing to which state the information will be
14175 provided. Agencies of the United States Government shall report
14176 directly to the National Directory of New Hires.
14177 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later~~
14178 ~~than October 1, 1997,~~ The State Directory of New Hires must
14179 furnish information regarding newly hired or rehired employees
14180 to the National Directory of New Hires for matching with the
14181 records of other state case registries within 3 business days of

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14182 entering such information from the employer into the State
14183 Directory of New Hires. The State Directory of New Hires shall
14184 enter into an agreement with Jobs Florida or its tax collection
14185 service provider ~~the Florida Department of Labor and Employment~~
14186 ~~Security~~ for the quarterly reporting to the National Directory
14187 of New Hires information on wages and unemployment compensation
14188 taken from the quarterly report to the Secretary of Labor, now
14189 required by Title III of the Social Security Act, except that no
14190 report shall be filed with respect to an employee of a state or
14191 local agency performing intelligence or counterintelligence
14192 functions, if the head of such agency has determined that filing
14193 such a report could endanger the safety of the employee or
14194 compromise an ongoing investigation or intelligence mission.
14195 Section 244. Section 409.944, Florida Statutes, is amended
14196 to read:
14197 409.944 Inner City Redevelopment Assistance Grants
14198 Program.—There is created an Inner City Redevelopment Assistance
14199 Grants Program to be administered by Jobs Florida ~~the Office of~~
14200 ~~Tourism, Trade, and Economic Development~~. Jobs Florida ~~The~~
14201 ~~Office~~ shall develop criteria for awarding these grants which
14202 give weighted consideration to urban high-crime areas as
14203 identified by the Florida Department of Law Enforcement. These
14204 criteria shall also be weighted to immediate creation of jobs
14205 for residents in the targeted areas.
14206 Section 245. Section 409.946, Florida Statutes, is amended
14207 to read:
14208 409.946 Inner City Redevelopment Review Panel.—In order to
14209 enhance public participation and involvement in the
14210 redevelopment of inner-city areas, there is created within Jobs

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14211 Florida ~~the Office of Tourism, Trade, and Economic Development~~
14212 the Inner City Redevelopment Review Panel.
14213 (1) The review panel shall consist of six ~~seven~~ members who
14214 represent different areas of the state, who are appointed by the
14215 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
14216 ~~Trade, and Economic Development~~, and who are qualified, through
14217 the demonstration of special interest, experience, or education,
14218 in the redevelopment of the state's inner-city areas, as
14219 follows:
14220 (a) One member must be affiliated with the advisory council
14221 of the Division of Minority Business Development of the Jobs
14222 Florida Partnership, Inc. ~~Black Business Investment Board~~;
14223 (b) One member must be affiliated with the Institute on
14224 Urban Policy and Commerce at Florida Agricultural and Mechanical
14225 University;
14226 (c) One member must be affiliated with a local economic
14227 development agency ~~the Office of Tourism, Trade, and Economic~~
14228 ~~Development~~;
14229 (d) One member must be the president of the Jobs Florida
14230 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ or the president's
14231 designee;
14232 ~~(e) One member must be the Secretary of Community Affairs~~
14233 ~~or the secretary's designee;~~
14234 (e) ~~(f)~~ One member must be affiliated with the Better
14235 Jobs/Better Wages Council of Workforce Florida, Inc.; and
14236 (f) ~~(g)~~ One member must be affiliated with the First
14237 Jobs/First Wages Council of Workforce Florida, Inc.
14238 (2) The importance of minority and gender representation
14239 must be considered when making appointments to the panel, and

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14240 the geographic representation of panel members must also be
14241 considered.
14242 (3) Members of the review panel shall be appointed for 4-
14243 year terms. A person may not serve more than two consecutive
14244 terms on the panel.
14245 (4) Members shall elect a chairperson annually. A member
14246 may not be elected to consecutive terms as chairperson.
14247 (5) All action taken by the review panel shall be by
14248 majority vote of those present. The commissioner of Jobs Florida
14249 ~~director of the Office of Tourism, Trade, and Economic~~
14250 ~~Development~~ or the commissioner's ~~director's~~ designee shall
14251 serve without voting rights as secretary to the panel. Jobs
14252 Florida ~~The Office of Tourism, Trade, and Economic Development~~
14253 shall provide necessary staff assistance to the panel.
14254 (6) It is the responsibility of the panel to evaluate
14255 proposals for awards of inner-city redevelopment grants
14256 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
14257 ~~Economic Development~~. The panel shall review and evaluate all
14258 proposals for grants and shall make recommendations, including a
14259 priority ranking, reflecting such evaluation.
14260 Section 246. Paragraph (d) of subsection (2), subsection
14261 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14262 paragraph (e) of subsection (7), subsection (8), and paragraphs
14263 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14264 Florida Statutes, are amended to read:
14265 411.01 School readiness programs; early learning
14266 coalitions.—
14267 (2) LEGISLATIVE INTENT.—
14268 (d) It is the intent of the Legislature that the

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14269 administrative staff for school readiness programs be kept to
14270 the minimum necessary to administer the duties of the Department
14271 of Education ~~Agency for Workforce Innovation~~ and early learning
14272 coalitions. The Department of Education ~~Agency for Workforce~~
14273 ~~Innovation~~ shall adopt system support services at the state
14274 level to build a comprehensive early learning system. Each early
14275 learning coalition shall implement and maintain direct
14276 enhancement services at the local level, as approved in its
14277 school readiness plan by the Department of Education ~~Agency for~~
14278 ~~Workforce Innovation~~, and ensure access to such services in all
14279 67 counties.
14280 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
14281 ~~INNOVATION.~~
14282 (a) The Department of Education ~~Agency for Workforce~~
14283 ~~Innovation~~ shall administer school readiness programs at the
14284 state level and shall coordinate with the early learning
14285 coalitions in providing school readiness services on a full-day,
14286 full-year, full-choice basis to the extent possible in order to
14287 enable parents to work and be financially self-sufficient.
14288 (b) The Department of Education ~~Agency for Workforce~~
14289 ~~Innovation~~ shall:
14290 1. Coordinate the birth-to-kindergarten services for
14291 children who are eligible under subsection (6) and the
14292 programmatic, administrative, and fiscal standards under this
14293 section for all public providers of school readiness programs.
14294 2. Focus on improving the educational quality of all
14295 program providers participating in publicly funded school
14296 readiness programs.
14297 (c) The Governor shall designate the Department of

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14298 Education ~~Agency for Workforce Innovation~~ as the lead agency for
14299 administration of the federal Child Care and Development Fund,
14300 45 C.F.R. parts 98 and 99, and the department ~~agency~~ shall
14301 comply with the lead agency responsibilities under federal law.
14302 (d) The Department of Education ~~Agency for Workforce~~
14303 ~~Innovation~~ shall:
14304 1. Be responsible for the prudent use of all public and
14305 private funds in accordance with all legal and contractual
14306 requirements.
14307 2. Provide final approval and every 2 years review early
14308 learning coalitions and school readiness plans.
14309 3. Establish a unified approach to the state's efforts
14310 toward enhancement of school readiness. In support of this
14311 effort, the Department of Education ~~Agency for Workforce~~
14312 ~~Innovation~~ shall adopt specific system support services that
14313 address the state's school readiness programs. An early learning
14314 coalition shall amend its school readiness plan to conform to
14315 the specific system support services adopted by the Department
14316 of Education ~~Agency for Workforce Innovation~~. System support
14317 services shall include, but are not limited to:
14318 a. Child care resource and referral services;
14319 b. Warm-Line services;
14320 c. Eligibility determinations;
14321 d. Child performance standards;
14322 e. Child screening and assessment;
14323 f. Developmentally appropriate curricula;
14324 g. Health and safety requirements;
14325 h. Statewide data system requirements; and
14326 i. Rating and improvement systems.

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14327 4. Safeguard the effective use of federal, state, local,
14328 and private resources to achieve the highest possible level of
14329 school readiness for the children in this state.
14330 5. Adopt a rule establishing criteria for the expenditure
14331 of funds designated for the purpose of funding activities to
14332 improve the quality of child care within the state in accordance
14333 with s. 658G of the federal Child Care and Development Block
14334 Grant Act.
14335 6. Provide technical assistance to early learning
14336 coalitions in a manner determined by the Department of Education
14337 ~~Agency for Workforce Innovation~~ based upon information obtained
14338 by the department ~~agency~~ from various sources, including, but
14339 not limited to, public input, government reports, private
14340 interest group reports, department ~~agency~~ monitoring visits, and
14341 coalition requests for service.
14342 7. In cooperation with the ~~Department of Education and~~
14343 early learning coalitions, coordinate with the Child Care
14344 Services Program Office of the Department of Children and Family
14345 Services to minimize duplicating interagency activities, health
14346 and safety monitoring, and acquiring and composing data
14347 pertaining to child care training and credentialing.
14348 8. Develop and adopt performance standards and outcome
14349 measures for school readiness programs. The performance
14350 standards must address the age-appropriate progress of children
14351 in the development of school readiness skills. The performance
14352 standards for children from birth to 5 years of age in school
14353 readiness programs must be integrated with the performance
14354 standards adopted by the Department of Education for children in
14355 the Voluntary Prekindergarten Education Program under s.

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14356 1002.67.
14357 9. Adopt a standard contract that must be used by the
14358 coalitions when contracting with school readiness providers.
14359 (e) The Department of Education ~~Agency for Workforce~~
14360 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14361 administer the provisions of law conferring duties upon the
14362 department ~~agency~~, including, but not limited to, rules
14363 governing the administration of system support services of
14364 school readiness programs, the collection of data, the approval
14365 of early learning coalitions and school readiness plans, the
14366 provision of a method whereby an early learning coalition may
14367 serve two or more counties, the award of incentives to early
14368 learning coalitions, child performance standards, child outcome
14369 measures, the issuance of waivers, and the implementation of the
14370 state's Child Care and Development Fund Plan as approved by the
14371 federal Administration for Children and Families.
14372 (f) The Department of Education ~~Agency for Workforce~~
14373 ~~Innovation~~ shall have all powers necessary to administer this
14374 section, including, but not limited to, the power to receive and
14375 accept grants, loans, or advances of funds from any public or
14376 private agency and to receive and accept from any source
14377 contributions of money, property, labor, or any other thing of
14378 value, to be held, used, and applied for purposes of this
14379 section.
14380 (g) Except as provided by law, the Department of Education
14381 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14382 child care or early childhood education provider that does not
14383 deliver services under the school readiness programs or receive
14384 state or federal funds under this section.

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14385 (h) The Department of Education ~~Agency for Workforce~~
14386 ~~Innovation~~ shall have a budget for school readiness programs,
14387 which shall be financed through an annual appropriation made for
14388 purposes of this section in the General Appropriations Act.
14389 (i) The Department of Education ~~Agency for Workforce~~
14390 ~~Innovation~~ shall coordinate the efforts toward school readiness
14391 in this state and provide independent policy analyses, data
14392 analyses, and recommendations to the Governor, the State Board
14393 of Education, and the Legislature.
14394 (j) The Department of Education ~~Agency for Workforce~~
14395 ~~Innovation~~ shall require that school readiness programs, at a
14396 minimum, enhance the age-appropriate progress of each child in
14397 attaining the performance standards adopted under subparagraph
14398 (d)8. and in the development of the following school readiness
14399 skills:
14400 1. Compliance with rules, limitations, and routines.
14401 2. Ability to perform tasks.
14402 3. Interactions with adults.
14403 4. Interactions with peers.
14404 5. Ability to cope with challenges.
14405 6. Self-help skills.
14406 7. Ability to express the child’s needs.
14407 8. Verbal communication skills.
14408 9. Problem-solving skills.
14409 10. Following of verbal directions.
14410 11. Demonstration of curiosity, persistence, and
14411 exploratory behavior.
14412 12. Interest in books and other printed materials.
14413 13. Paying attention to stories.

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14414 14. Participation in art and music activities.
14415 15. Ability to identify colors, geometric shapes, letters
14416 of the alphabet, numbers, and spatial and temporal
14417 relationships.
14418
14419 Within 30 days after enrollment in the school readiness program,
14420 the early learning coalition must ensure that the program
14421 provider obtains information regarding the child's
14422 immunizations, physical development, and other health
14423 requirements as necessary, including appropriate vision and
14424 hearing screening and examinations. For a program provider
14425 licensed by the Department of Children and Family Services, the
14426 provider's compliance with s. 402.305(9), as verified pursuant
14427 to s. 402.311, shall satisfy this requirement.
14428 (k) The Department of Education ~~Agency for Workforce~~
14429 ~~Innovation~~ shall conduct studies and planning activities related
14430 to the overall improvement and effectiveness of the outcome
14431 measures adopted by the department ~~agency~~ for school readiness
14432 programs and the specific system support services to address the
14433 state's school readiness programs adopted by the Department of
14434 Education ~~Agency for Workforce Innovation~~ in accordance with
14435 subparagraph (d)3.
14436 (l) The Department of Education ~~Agency for Workforce~~
14437 ~~Innovation~~ shall monitor and evaluate the performance of each
14438 early learning coalition in administering the school readiness
14439 program, implementing the coalition's school readiness plan, and
14440 administering the Voluntary Prekindergarten Education Program.
14441 These monitoring and performance evaluations must include, at a
14442 minimum, onsite monitoring of each coalition's finances,

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14443 management, operations, and programs.
14444 (m) The Department of Education ~~Agency for Workforce~~
14445 ~~Innovation~~ shall submit an annual report of its activities
14446 conducted under this section to the Governor, the President of
14447 the Senate, the Speaker of the House of Representatives, and the
14448 minority leaders of both houses of the Legislature. In addition,
14449 the Department of Education's ~~Agency for Workforce Innovation's~~
14450 reports and recommendations shall be made available to the
14451 Florida Early Learning Advisory Council and other appropriate
14452 state agencies and entities. The annual report must provide an
14453 analysis of school readiness activities across the state,
14454 including the number of children who were served in the
14455 programs.
14456 (n) The Department of Education ~~Agency for Workforce~~
14457 ~~Innovation~~ shall work with the early learning coalitions to
14458 ensure availability of training and support for parental
14459 involvement in children's early education and to provide family
14460 literacy activities and services.
14461 (5) CREATION OF EARLY LEARNING COALITIONS.—
14462 (a) *Early learning coalitions.*—
14463 1. Each early learning coalition shall maintain direct
14464 enhancement services at the local level and ensure access to
14465 such services in all 67 counties.
14466 2. The Department of Education ~~Agency for Workforce~~
14467 ~~Innovation~~ shall establish the minimum number of children to be
14468 served by each early learning coalition through the coalition's
14469 school readiness program. The Department of Education ~~Agency for~~
14470 ~~Workforce Innovation~~ may only approve school readiness plans in
14471 accordance with this minimum number. The minimum number must be

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14472 uniform for every early learning coalition and must:
14473 a. Permit 31 or fewer coalitions to be established; and
14474 b. Require each coalition to serve at least 2,000 children
14475 based upon the average number of all children served per month
14476 through the coalition's school readiness program during the
14477 previous 12 months.
14478 3. If an early learning coalition would serve fewer
14479 children than the minimum number established under subparagraph
14480 2., the coalition must merge with another county to form a
14481 multicounty coalition. The Department of Education ~~Agency for~~
14482 ~~Workforce Innovation~~ shall adopt procedures for merging early
14483 learning coalitions, including procedures for the consolidation
14484 of merging coalitions, and for the early termination of the
14485 terms of coalition members which are necessary to accomplish the
14486 mergers. However, the Department of Education ~~Agency for~~
14487 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14488 coalition to serve fewer children than the minimum number
14489 established under subparagraph 2., if:
14490 a. The Department of Education ~~Agency for Workforce~~
14491 ~~Innovation~~ has determined during the most recent review of the
14492 coalition's school readiness plan, or through monitoring and
14493 performance evaluations conducted under paragraph (4)(l), that
14494 the coalition has substantially implemented its plan;
14495 b. The coalition demonstrates to the Department of
14496 Education ~~Agency for Workforce Innovation~~ the coalition's
14497 ability to effectively and efficiently implement the Voluntary
14498 Prekindergarten Education Program; and
14499 c. The coalition demonstrates to the Department of
14500 Education ~~Agency for Workforce Innovation~~ that the coalition can

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14501 perform its duties in accordance with law.
14502
14503 If an early learning coalition fails or refuses to merge as
14504 required by this subparagraph, the Department of Education
14505 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14506 temporarily contract with a qualified entity to continue school
14507 readiness and prekindergarten services in the coalition's county
14508 or multicounty region until the department ~~agency~~ reestablishes
14509 the coalition and a new school readiness plan is approved by the
14510 department ~~agency~~.
14511 4. Each early learning coalition shall be composed of at
14512 least 15 members but not more than 30 members. The Department of
14513 Education ~~Agency for Workforce Innovation~~ shall adopt standards
14514 establishing within this range the minimum and maximum number of
14515 members that may be appointed to an early learning coalition and
14516 procedures for identifying which members have voting privileges
14517 under subparagraph 6. These standards must include variations
14518 for a coalition serving a multicounty region. Each early
14519 learning coalition must comply with these standards.
14520 5. The Governor shall appoint the chair and two other
14521 members of each early learning coalition, who must each meet the
14522 same qualifications as private sector business members appointed
14523 by the coalition under subparagraph 7.
14524 6. Each early learning coalition must include the following
14525 member positions; however, in a multicounty coalition, each ex
14526 officio member position may be filled by multiple nonvoting
14527 members but no more than one voting member shall be seated per
14528 member position. If an early learning coalition has more than
14529 one member representing the same entity, only one of such

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14530 members may serve as a voting member:
14531 a. A Department of Children and Family Services circuit
14532 administrator or his or her designee who is authorized to make
14533 decisions on behalf of the department.
14534 b. A district superintendent of schools or his or her
14535 designee who is authorized to make decisions on behalf of the
14536 district.
14537 c. A regional workforce board executive director or his or
14538 her designee.
14539 d. A county health department director or his or her
14540 designee.
14541 e. A children’s services council or juvenile welfare board
14542 chair or executive director, if applicable.
14543 f. An agency head of a local licensing agency as defined in
14544 s. 402.302, where applicable.
14545 g. A president of a community college or his or her
14546 designee.
14547 h. One member appointed by a board of county commissioners
14548 or the governing board of a municipality.
14549 i. A central agency administrator, where applicable.
14550 j. A Head Start director.
14551 k. A representative of private for-profit child care
14552 providers, including private for-profit family day care homes.
14553 l. A representative of faith-based child care providers.
14554 m. A representative of programs for children with
14555 disabilities under the federal Individuals with Disabilities
14556 Education Act.
14557 7. Including the members appointed by the Governor under
14558 subparagraph 5., more than one-third of the members of each

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14559 early learning coalition must be private sector business members
14560 who do not have, and none of whose relatives as defined in s.
14561 112.3143 has, a substantial financial interest in the design or
14562 delivery of the Voluntary Prekindergarten Education Program
14563 created under part V of chapter 1002 or the coalition's school
14564 readiness program. To meet this requirement an early learning
14565 coalition must appoint additional members. The Department of
14566 Education ~~Agency for Workforce Innovation~~ shall establish
14567 criteria for appointing private sector business members. These
14568 criteria must include standards for determining whether a member
14569 or relative has a substantial financial interest in the design
14570 or delivery of the Voluntary Prekindergarten Education Program
14571 or the coalition's school readiness program.
14572 8. A majority of the voting membership of an early learning
14573 coalition constitutes a quorum required to conduct the business
14574 of the coalition. An early learning coalition board may use any
14575 method of telecommunications to conduct meetings, including
14576 establishing a quorum through telecommunications, provided that
14577 the public is given proper notice of a telecommunications
14578 meeting and reasonable access to observe and, when appropriate,
14579 participate.
14580 9. A voting member of an early learning coalition may not
14581 appoint a designee to act in his or her place, except as
14582 otherwise provided in this paragraph. A voting member may send a
14583 representative to coalition meetings, but that representative
14584 does not have voting privileges. When a district administrator
14585 for the Department of Children and Family Services appoints a
14586 designee to an early learning coalition, the designee is the
14587 voting member of the coalition, and any individual attending in

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14588 the designee's place, including the district administrator, does
14589 not have voting privileges.
14590 10. Each member of an early learning coalition is subject
14591 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14592 112.3143(3)(a), each voting member is a local public officer who
14593 must abstain from voting when a voting conflict exists.
14594 11. For purposes of tort liability, each member or employee
14595 of an early learning coalition shall be governed by s. 768.28.
14596 12. An early learning coalition serving a multicounty
14597 region must include representation from each county.
14598 13. Each early learning coalition shall establish terms for
14599 all appointed members of the coalition. The terms must be
14600 staggered and must be a uniform length that does not exceed 4
14601 years per term. Coalition chairs shall be appointed for 4 years
14602 in conjunction with their membership on the Early Learning
14603 Advisory Council under s. 20.052. Appointed members may serve a
14604 maximum of two consecutive terms. When a vacancy occurs in an
14605 appointed position, the coalition must advertise the vacancy.
14606 (c) *Program expectations.*—
14607 1. The school readiness program must meet the following
14608 expectations:
14609 a. The program must, at a minimum, enhance the age-
14610 appropriate progress of each child in attaining the performance
14611 standards and outcome measures adopted by the Agency for
14612 Workforce Innovation.
14613 b. The program must provide extended-day and extended-year
14614 services to the maximum extent possible without compromising the
14615 quality of the program to meet the needs of parents who work.
14616 c. The program must provide a coordinated professional

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14617 development system that supports the achievement and maintenance
14618 of core competencies by school readiness instructors in helping
14619 children attain the performance standards and outcome measures
14620 adopted by the Department of Education ~~Agency for Workforce~~
14621 ~~Innovation~~.
14622 d. There must be expanded access to community services and
14623 resources for families to help achieve economic self-
14624 sufficiency.
14625 e. There must be a single point of entry and unified
14626 waiting list. As used in this sub-subparagraph, the term "single
14627 point of entry" means an integrated information system that
14628 allows a parent to enroll his or her child in the school
14629 readiness program at various locations throughout a county, that
14630 may allow a parent to enroll his or her child by telephone or
14631 through an Internet website, and that uses a unified waiting
14632 list to track eligible children waiting for enrollment in the
14633 school readiness program. The Department of Education ~~Agency for~~
14634 ~~Workforce Innovation~~ shall establish through technology a single
14635 statewide information system that each coalition must use for
14636 the purposes of managing the single point of entry, tracking
14637 children's progress, coordinating services among stakeholders,
14638 determining eligibility, tracking child attendance, and
14639 streamlining administrative processes for providers and early
14640 learning coalitions.
14641 f. The Department of Education ~~Agency for Workforce~~
14642 ~~Innovation~~ must consider the access of eligible children to the
14643 school readiness program, as demonstrated in part by waiting
14644 lists, before approving a proposed increase in payment rates
14645 submitted by an early learning coalition. In addition, early

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14646 learning coalitions shall use school readiness funds made
14647 available due to enrollment shifts from school readiness
14648 programs to the Voluntary Prekindergarten Education Program for
14649 increasing the number of children served in school readiness
14650 programs before increasing payment rates.
14651 g. The program must meet all state licensing guidelines,
14652 where applicable.
14653 h. The program must ensure that minimum standards for child
14654 discipline practices are age-appropriate. Such standards must
14655 provide that children not be subjected to discipline that is
14656 severe, humiliating, or frightening or discipline that is
14657 associated with food, rest, or toileting. Spanking or any other
14658 form of physical punishment is prohibited.
14659 2. Each early learning coalition must implement a
14660 comprehensive program of school readiness services in accordance
14661 with the rules adopted by the department ~~agency~~ which enhance
14662 the cognitive, social, and physical development of children to
14663 achieve the performance standards and outcome measures. At a
14664 minimum, these programs must contain the following system
14665 support service elements:
14666 a. Developmentally appropriate curriculum designed to
14667 enhance the age-appropriate progress of children in attaining
14668 the performance standards adopted by the Department of Education
14669 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.
14670 b. A character development program to develop basic values.
14671 c. An age-appropriate screening of each child's
14672 development.
14673 d. An age-appropriate assessment administered to children
14674 when they enter a program and an age-appropriate assessment

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14675 administered to children when they leave the program.
14676 e. An appropriate staff-to-children ratio, pursuant to s.
14677 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14678 verified pursuant to s. 402.311.
14679 f. A healthy and safe environment pursuant to s.
14680 401.305(5), (6), and (7), as applicable, and as verified
14681 pursuant to s. 402.311.
14682 g. A resource and referral network established under s.
14683 411.0101 to assist parents in making an informed choice and a
14684 regional Warm-Line under s. 411.01015.
14685
14686 The ~~Agency for Workforce Innovation, the~~ Department of
14687 Education~~,~~ and early learning coalitions shall coordinate with
14688 the Child Care Services Program Office of the Department of
14689 Children and Family Services to minimize duplicating interagency
14690 activities pertaining to acquiring and composing data for child
14691 care training and credentialing.
14692 (d) *Implementation.*—
14693 1. An early learning coalition may not implement the school
14694 readiness program until the coalition's school readiness plan is
14695 approved by the Department of Education ~~Agency for Workforce~~
14696 ~~Innovation~~.
14697 2. Each early learning coalition shall coordinate with one
14698 another to implement a comprehensive program of school readiness
14699 services which enhances the cognitive, social, physical, and
14700 moral character of the children to achieve the performance
14701 standards and outcome measures and which helps families achieve
14702 economic self-sufficiency. Such program must contain, at a
14703 minimum, the following elements:

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14704 a. Implement the school readiness program to meet the
14705 requirements of this section and the system support services,
14706 performance standards, and outcome measures adopted by the
14707 Department of Education ~~Agency for Workforce Innovation~~.
14708 b. Demonstrate how the program will ensure that each child
14709 from birth through 5 years of age in a publicly funded school
14710 readiness program receives scheduled activities and instruction
14711 designed to enhance the age-appropriate progress of the children
14712 in attaining the performance standards adopted by the department
14713 ~~agency~~ under subparagraph (4)(d)8.
14714 c. Ensure that the coalition has solicited and considered
14715 comments regarding the proposed school readiness plan from the
14716 local community.
14717
14718 Before implementing the school readiness program, the early
14719 learning coalition must submit the plan to the department ~~agency~~
14720 for approval. The department ~~agency~~ may approve the plan, reject
14721 the plan, or approve the plan with conditions. The department
14722 ~~agency~~ shall review school readiness plans at least every 2
14723 years.
14724 3. If the Department of Education ~~Agency for Workforce~~
14725 ~~Innovation~~ determines during the review of school readiness
14726 plans, or through monitoring and performance evaluations
14727 conducted under paragraph (4)(l), that an early learning
14728 coalition has not substantially implemented its plan, has not
14729 substantially met the performance standards and outcome measures
14730 adopted by the department ~~agency~~, or has not effectively
14731 administered the school readiness program or Voluntary
14732 Prekindergarten Education Program, the department ~~agency~~ may

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14733 dissolve the coalition and temporarily contract with a qualified
14734 entity to continue school readiness and prekindergarten services
14735 in the coalition's county or multicounty region until the
14736 department ~~agency~~ reestablishes the coalition and a new school
14737 readiness plan is approved in accordance with the rules adopted
14738 by the department ~~agency~~.
14739 4. The Department of Education ~~Agency for Workforce~~
14740 ~~Innovation~~ shall adopt rules establishing criteria for the
14741 approval of school readiness plans. The criteria must be
14742 consistent with the system support services, performance
14743 standards, and outcome measures adopted by the department ~~agency~~
14744 and must require each approved plan to include the following
14745 minimum standards for the school readiness program:
14746 a. A community plan that addresses the needs of all
14747 children and providers within the coalition's county or
14748 multicounty region.
14749 b. A sliding fee scale establishing a copayment for parents
14750 based upon their ability to pay, which is the same for all
14751 program providers.
14752 c. A choice of settings and locations in licensed,
14753 registered, religious-exempt, or school-based programs to be
14754 provided to parents.
14755 d. Specific eligibility priorities for children in
14756 accordance with subsection (6).
14757 e. Performance standards and outcome measures adopted by
14758 the department ~~agency~~.
14759 f. Payment rates adopted by the early learning coalitions
14760 and approved by the department ~~agency~~. Payment rates may not
14761 have the effect of limiting parental choice or creating

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14762 standards or levels of services that have not been expressly
14763 established by the Legislature, unless the creation of such
14764 standards or levels of service, which must be uniform throughout
14765 the state, has been approved by the Federal Government and
14766 result in the state being eligible to receive additional federal
14767 funds available for early learning on a statewide basis.
14768 g. Direct enhancement services for families and children.
14769 System support and direct enhancement services shall be in
14770 addition to payments for the placement of children in school
14771 readiness programs. Direct enhancement services for families may
14772 include parent training and involvement activities and
14773 strategies to meet the needs of unique populations and local
14774 eligibility priorities. Enhancement services for children may
14775 include provider supports and professional development approved
14776 in the plan by the Department of Education ~~Agency for Workforce~~
14777 ~~Innovation~~.
14778 h. The business organization of the early learning
14779 coalition, which must include the coalition's articles of
14780 incorporation and bylaws if the coalition is organized as a
14781 corporation. If the coalition is not organized as a corporation
14782 or other business entity, the plan must include the contract
14783 with a fiscal agent. An early learning coalition may contract
14784 with other coalitions to achieve efficiency in multicounty
14785 services, and these contracts may be part of the coalition's
14786 school readiness plan.
14787 i. The implementation of locally developed quality programs
14788 in accordance with the requirements adopted by the department
14789 ~~agency~~ under subparagraph (4)(d)5.
14790

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14791 The Department of Education ~~Agency for Workforce Innovation~~ may
14792 request the Governor to apply for a waiver to allow the
14793 coalition to administer the Head Start Program to accomplish the
14794 purposes of the school readiness program.
14795 5. Persons with an early childhood teaching certificate may
14796 provide support and supervision to other staff in the school
14797 readiness program.
14798 6. An early learning coalition may not implement its school
14799 readiness plan until it submits the plan to and receives
14800 approval from the Department of Education ~~Agency for Workforce~~
14801 ~~Innovation~~. Once the plan is approved, the plan and the services
14802 provided under the plan shall be controlled by the early
14803 learning coalition. The plan shall be reviewed and revised as
14804 necessary, but at least biennially. An early learning coalition
14805 may not implement the revisions until the coalition submits the
14806 revised plan to and receives approval from the department
14807 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the
14808 coalition must continue to operate under its prior approved
14809 plan.
14810 7. Section 125.901(2)(a)3. does not apply to school
14811 readiness programs. The Department of Education ~~Agency for~~
14812 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14813 waiver of, and the Governor and Cabinet may waive, any of the
14814 provisions of ss. 411.223 and 1003.54, if the waiver is
14815 necessary for implementation of school readiness programs.
14816 8. Two or more early learning coalitions may join for
14817 purposes of planning and implementing a school readiness
14818 program.
14819 (e) *Requests for proposals; payment schedule.*—

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14820 1. Each early learning coalition must comply with the
14821 procurement and expenditure procedures adopted by the Department
14822 of Education ~~Agency for Workforce Innovation~~, including, but not
14823 limited to, applying the procurement and expenditure procedures
14824 required by federal law for the expenditure of federal funds.
14825 2. Each early learning coalition shall adopt a payment
14826 schedule that encompasses all programs funded under this
14827 section. The payment schedule must take into consideration the
14828 prevailing market rate, must include the projected number of
14829 children to be served, and must be submitted for approval by the
14830 Department of Education ~~Agency for Workforce Innovation~~.
14831 Informal child care arrangements shall be reimbursed at not more
14832 than 50 percent of the rate adopted for a family day care home.
14833 (f) *Evaluation and annual report.*—Each early learning
14834 coalition shall conduct an evaluation of its implementation of
14835 the school readiness program, including system support services,
14836 performance standards, and outcome measures, and shall provide
14837 an annual report and fiscal statement to the Department of
14838 Education ~~Agency for Workforce Innovation~~. This report must also
14839 include an evaluation of the effectiveness of its direct
14840 enhancement services and conform to the content and format
14841 specifications adopted by the Department of Education ~~Agency for~~
14842 ~~Workforce Innovation~~. The Department of Education ~~Agency for~~
14843 ~~Workforce Innovation~~ must include an analysis of the early
14844 learning coalitions' reports in the department's ~~agency's~~ annual
14845 report.
14846 (7) PARENTAL CHOICE.—
14847 (e) The office of the Chief Financial Officer shall
14848 establish an electronic transfer system for the disbursement of

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14849 funds in accordance with this subsection. Each early learning
14850 coalition shall fully implement the electronic funds transfer
14851 system within 2 years after approval of the coalition's school
14852 readiness plan, unless a waiver is obtained from the Department
14853 of Education ~~Agency for Workforce Innovation~~.
14854 (8) STANDARDS; OUTCOME MEASURES.—A program provider
14855 participating in the school readiness program must meet the
14856 performance standards and outcome measures adopted by the
14857 Department of Education ~~Agency for Workforce Innovation~~.
14858 (9) FUNDING; SCHOOL READINESS PROGRAM.—
14859 (b)1. The Department of Education ~~Agency for Workforce~~
14860 ~~Innovation~~ shall administer school readiness funds, plans, and
14861 policies and shall prepare and submit a unified budget request
14862 for the school readiness system in accordance with chapter 216.
14863 2. All instructions to early learning coalitions for
14864 administering this section shall emanate from the Department of
14865 Education ~~Agency for Workforce Innovation~~ in accordance with the
14866 policies of the Legislature.
14867 (c) The Department of Education ~~Agency for Workforce~~
14868 ~~Innovation~~, subject to legislative notice and review under s.
14869 216.177, shall establish a formula for the allocation of all
14870 state and federal school readiness funds provided for children
14871 participating in the school readiness program, whether served by
14872 a public or private provider, based upon equity for each county.
14873 The allocation formula must be submitted to the Governor, the
14874 chair of the Senate Ways and Means Committee or its successor,
14875 and the chair of the House of Representatives Fiscal Council or
14876 its successor no later than January 1 of each year. If the
14877 Legislature specifies changes to the allocation formula, the

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14878 Department of Education ~~Agency for Workforce Innovation~~ shall
14879 allocate funds as specified in the General Appropriations Act.
14880 (d) All state, federal, and required local maintenance-of-
14881 effort or matching funds provided to an early learning coalition
14882 for purposes of this section shall be used for implementation of
14883 its approved school readiness plan, including the hiring of
14884 staff to effectively operate the coalition's school readiness
14885 program. As part of plan approval and periodic plan review, the
14886 Department of Education ~~Agency for Workforce Innovation~~ shall
14887 require that administrative costs be kept to the minimum
14888 necessary for efficient and effective administration of the
14889 school readiness plan, but total administrative expenditures
14890 must not exceed 5 percent unless specifically waived by the
14891 Department of Education ~~Agency for Workforce Innovation~~. The
14892 Department of Education ~~Agency for Workforce Innovation~~ shall
14893 annually report to the Legislature any problems relating to
14894 administrative costs.
14895 (e) The Department of Education ~~Agency for Workforce~~
14896 ~~Innovation~~ shall annually distribute, to a maximum extent
14897 practicable, all eligible funds provided under this section as
14898 block grants to the early learning coalitions in accordance with
14899 the terms and conditions specified by the department ~~agency~~.
14900 Section 247. Subsections (1) and (2), paragraph (a) of
14901 subsection (3), and subsection (4) of section 411.0101, Florida
14902 Statutes, are amended to read:
14903 411.0101 Child care and early childhood resource and
14904 referral.—
14905 (1) As a part of the school readiness programs, the
14906 Department of Education ~~Agency for Workforce Innovation~~ shall

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14907 establish a statewide child care resource and referral network
14908 that is unbiased and provides referrals to families for child
14909 care. Preference shall be given to using the already established
14910 early learning coalitions as the child care resource and
14911 referral agencies. If an early learning coalition cannot comply
14912 with the requirements to offer the resource information
14913 component or does not want to offer that service, the early
14914 learning coalition shall select the resource and referral agency
14915 for its county or multicounty region based upon a request for
14916 proposal pursuant to s. 411.01(5)(e)1.
14917 (2) At least one child care resource and referral agency
14918 must be established in each early learning coalition's county or
14919 multicounty region. The Department of Education ~~Agency for~~
14920 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
14921 of child care resource and referral services offered through
14922 child care resource and referral agencies in each county or
14923 multicounty region which include, at a minimum, required hours
14924 of operation, methods by which parents may request services, and
14925 child care resource and referral staff training requirements.
14926 (3) Child care resource and referral agencies shall provide
14927 the following services:
14928 (a) Identification of existing public and private child
14929 care and early childhood education services, including child
14930 care services by public and private employers, and the
14931 development of a resource file of those services through the
14932 single statewide information system developed by the Department
14933 of Education ~~Agency for Workforce Innovation~~ under s.
14934 411.01(5)(c)1.e. These services may include family day care,
14935 public and private child care programs, the Voluntary

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14936 Prekindergarten Education Program, Head Start, the school
14937 readiness program, special education programs for
14938 prekindergarten children with disabilities, services for
14939 children with developmental disabilities, full-time and part-
14940 time programs, before-school and after-school programs, vacation
14941 care programs, parent education, the Temporary Cash Assistance
14942 Program, and related family support services. The resource file
14943 shall include, but not be limited to:
14944 1. Type of program.
14945 2. Hours of service.
14946 3. Ages of children served.
14947 4. Number of children served.
14948 5. Significant program information.
14949 6. Fees and eligibility for services.
14950 7. Availability of transportation.
14951 (4) The Department of Education ~~Agency for Workforce~~
14952 ~~Innovation~~ shall adopt any rules necessary for the
14953 implementation and administration of this section.
14954 Section 248. Subsections (2), (6), and (7) of section
14955 411.01013, Florida Statutes, are amended to read:
14956 411.01013 Prevailing market rate schedule.—
14957 (2) The Department of Education ~~Agency for Workforce~~
14958 ~~Innovation~~ shall establish procedures for the adoption of a
14959 prevailing market rate schedule. The schedule must include, at a
14960 minimum, county-by-county rates:
14961 (a) At the prevailing market rate, plus the maximum rate,
14962 for child care providers that hold a Gold Seal Quality Care
14963 designation under s. 402.281.
14964 (b) At the prevailing market rate for child care providers

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14965 that do not hold a Gold Seal Quality Care designation.
14966 (6) The Department of Education ~~Agency for Workforce~~
14967 ~~Innovation~~ may contract with one or more qualified entities to
14968 administer this section and provide support and technical
14969 assistance for child care providers.
14970 (7) The Department of Education ~~Agency for Workforce~~
14971 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
14972 for establishing procedures for the collection of child care
14973 providers' market rate, the calculation of a reasonable
14974 frequency distribution of the market rate, and the publication
14975 of a prevailing market rate schedule.
14976 Section 249. Subsection (1) of section 411.01014, Florida
14977 Statutes, is amended to read:
14978 411.01014 School readiness transportation services.—
14979 (1) The Department of Education ~~Agency for Workforce~~
14980 ~~Innovation~~, pursuant to chapter 427, may authorize an early
14981 learning coalition to establish school readiness transportation
14982 services for children at risk of abuse or neglect participating
14983 in the school readiness program. The early learning coalitions
14984 may contract for the provision of transportation services as
14985 required by this section.
14986 Section 250. Subsections (1), (3), and (4) of section
14987 411.01015, Florida Statutes, are amended to read:
14988 411.01015 Consultation to child care centers and family day
14989 care homes regarding health, developmental, disability, and
14990 special needs issues.—
14991 (1) Contingent upon specific appropriations, the Department
14992 of Education ~~Agency for Workforce Innovation~~ shall administer a
14993 statewide toll-free Warm-Line for the purpose of providing

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14994 assistance and consultation to child care centers and family day
14995 care homes regarding health, developmental, disability, and
14996 special needs issues of the children they are serving,
14997 particularly children with disabilities and other special needs.
14998 (3) The Department of Education ~~Agency for Workforce~~
14999 ~~Innovation~~ shall annually inform child care centers and family
15000 day care homes of the availability of this service through the
15001 child care resource and referral network under s. 411.0101.
15002 (4) Contingent upon specific appropriations, the Department
15003 of Education ~~Agency for Workforce Innovation~~ shall expand, or
15004 contract for the expansion of, the Warm-Line to maintain at
15005 least one Warm-Line site in each early learning coalition
15006 service area.
15007 Section 251. Subsections (2) and (3) of section 411.0103,
15008 Florida Statutes, are amended to read:
15009 411.0103 Teacher Education and Compensation Helps (TEACH)
15010 scholarship program.—
15011 (2) The Department of Education ~~Agency for Workforce~~
15012 ~~Innovation~~ may contract for the administration of the Teacher
15013 Education and Compensation Helps (TEACH) scholarship program,
15014 which provides educational scholarships to caregivers and
15015 administrators of early childhood programs, family day care
15016 homes, and large family child care homes.
15017 (3) The department ~~agency~~ shall adopt rules under ss.
15018 120.536(1) and 120.54 as necessary to administer this section.
15019 Section 252. Subsections (1) and (3) of section 411.0104,
15020 Florida Statutes, are amended to read:
15021 411.0104 Early Head Start collaboration grants.—
15022 (1) Contingent upon specific appropriations, the Department

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15023 of Education ~~Agency for Workforce Innovation~~ shall establish a
15024 program to award collaboration grants to assist local agencies
15025 in securing Early Head Start programs through Early Head Start
15026 program federal grants. The collaboration grants shall provide
15027 the required matching funds for public and private nonprofit
15028 agencies that have been approved for Early Head Start program
15029 federal grants.
15030 (3) The Department of Education ~~Agency for Workforce~~
15031 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
15032 necessary for the award of collaboration grants to competing
15033 agencies and the administration of the collaboration grants
15034 program under this section.
15035 Section 253. Section 411.0106, Florida Statutes, is amended
15036 to read:
15037 411.0106 Infants and toddlers in state-funded education and
15038 care programs; brain development activities.—Each state-funded
15039 education and care program for children from birth to 5 years of
15040 age must provide activities to foster brain development in
15041 infants and toddlers. A program must provide an environment that
15042 helps children attain the performance standards adopted by the
15043 Department of Education ~~Agency for Workforce Innovation~~ under s.
15044 411.01(4)(d)8. and must be rich in language and music and filled
15045 with objects of various colors, shapes, textures, and sizes to
15046 stimulate visual, tactile, auditory, and linguistic senses in
15047 the children and must include classical music and at least 30
15048 minutes of reading to the children each day. A program may be
15049 offered through an existing early childhood program such as
15050 Healthy Start, the Title I program, the school readiness
15051 program, the Head Start program, or a private child care

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15052 program. A program must provide training for the infants' and
15053 toddlers' parents including direct dialogue and interaction
15054 between teachers and parents demonstrating the urgency of brain
15055 development in the first year of a child's life. Family day care
15056 centers are encouraged, but not required, to comply with this
15057 section.
15058 Section 254. Subsection (1) and paragraph (g) of subsection
15059 (3) of section 411.011, Florida Statutes, are amended to read:
15060 411.011 Records of children in school readiness programs.—
15061 (1) The individual records of children enrolled in school
15062 readiness programs provided under s. 411.01, held by an early
15063 learning coalition or the Department of Education ~~Agency for~~
15064 ~~Workforce Innovation~~, are confidential and exempt from s.
15065 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15066 purposes of this section, records include assessment data,
15067 health data, records of teacher observations, and personal
15068 identifying information.
15069 (3) School readiness records may be released to:
15070 (g) Parties to an interagency agreement among early
15071 learning coalitions, local governmental agencies, providers of
15072 school readiness programs, state agencies, and the Department of
15073 Education ~~Agency for Workforce Innovation~~ for the purpose of
15074 implementing the school readiness program.
15075
15076 Agencies, organizations, or individuals that receive school
15077 readiness records in order to carry out their official functions
15078 must protect the data in a manner that does not permit the
15079 personal identification of a child enrolled in a school
15080 readiness program and his or her parents by persons other than

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15081 those authorized to receive the records.
15082 Section 255. Paragraph (e) of subsection (2) of section
15083 411.226, Florida Statutes, is amended to read:
15084 411.226 Learning Gateway.—
15085 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15086 (e) To support and facilitate system improvements, the
15087 steering committee must consult with representatives from the
15088 Department of Education, the Department of Health, ~~the Agency~~
15089 ~~for Workforce Innovation,~~ the Department of Children and Family
15090 Services, the Agency for Health Care Administration, the
15091 Department of Juvenile Justice, and the Department of
15092 Corrections and with the director of the Learning Development
15093 and Evaluation Center of Florida Agricultural and Mechanical
15094 University.
15095 Section 256. Paragraph (d) of subsection (1), paragraph (a)
15096 of subsection (2), and paragraph (c) of subsection (3) of
15097 section 411.227, Florida Statutes, are amended to read:
15098 411.227 Components of the Learning Gateway.—The Learning
15099 Gateway system consists of the following components:
15100 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15101 ACCESS.—
15102 (d) In collaboration with other local resources, the
15103 demonstration projects shall develop public awareness strategies
15104 to disseminate information about developmental milestones,
15105 precursors of learning problems and other developmental delays,
15106 and the service system that is available. The information should
15107 target parents of children from birth through age 9 and should
15108 be distributed to parents, health care providers, and caregivers
15109 of children from birth through age 9. A variety of media should

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15110 be used as appropriate, such as print, television, radio, and a
15111 community-based Internet website, as well as opportunities such
15112 as those presented by parent visits to physicians for well-child
15113 checkups. The Learning Gateway Steering Committee shall provide
15114 technical assistance to the local demonstration projects in
15115 developing and distributing educational materials and
15116 information.
15117 1. Public awareness strategies targeting parents of
15118 children from birth through age 5 shall be designed to provide
15119 information to public and private preschool programs, child care
15120 providers, pediatricians, parents, and local businesses and
15121 organizations. These strategies should include information on
15122 the school readiness performance standards adopted by the
15123 Department of Education ~~Agency for Workforce Innovation~~.
15124 2. Public awareness strategies targeting parents of
15125 children from ages 6 through 9 must be designed to disseminate
15126 training materials and brochures to parents and public and
15127 private school personnel, and must be coordinated with the local
15128 school board and the appropriate school advisory committees in
15129 the demonstration projects. The materials should contain
15130 information on state and district proficiency levels for grades
15131 K-3.
15132 (2) SCREENING AND DEVELOPMENTAL MONITORING.—
15133 (a) In coordination with ~~the Agency for Workforce~~
15134 ~~Innovation,~~ the Department of Education~~,~~ and the Florida
15135 Pediatric Society, and using information learned from the local
15136 demonstration projects, the Learning Gateway Steering Committee
15137 shall establish guidelines for screening children from birth
15138 through age 9. The guidelines should incorporate recent research

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15139 on the indicators most likely to predict early learning
15140 problems, mild developmental delays, child-specific precursors
15141 of school failure, and other related developmental indicators in
15142 the domains of cognition; communication; attention; perception;
15143 behavior; and social, emotional, sensory, and motor functioning.
15144 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—
15145 (c) The steering committee, in cooperation with the
15146 Department of Children and Family Services and~~,~~ the Department
15147 of Education, ~~and the Agency for Workforce Innovation,~~ shall
15148 identify the elements of an effective research-based curriculum
15149 for early care and education programs.
15150 Section 257. Section 414.24, Florida Statutes, is amended
15151 to read:
15152 414.24 Integrated welfare reform and child welfare
15153 services.—The department shall develop integrated service
15154 delivery strategies to better meet the needs of families subject
15155 to work activity requirements who are involved in the child
15156 welfare system or are at high risk of involvement in the child
15157 welfare system. To the extent that resources are available, the
15158 department and Jobs Florida ~~the Department of Labor and~~
15159 ~~Employment Security~~ shall provide funds to one or more service
15160 districts to promote development of integrated, nonduplicative
15161 case management within the department, Jobs Florida ~~the~~
15162 ~~Department of Labor and Employment Security~~, other participating
15163 government agencies, and community partners. Alternative
15164 delivery systems shall be encouraged which include well-defined,
15165 pertinent outcome measures. Other factors to be considered shall
15166 include innovation regarding training, enhancement of existing
15167 resources, and increased private sector and business sector

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15168 participation.
15169 Section 258. Section 414.40, Florida Statutes, is amended
15170 to read:
15171 414.40 Stop Inmate Fraud Program established; guidelines.—
15172 (1) There is created within the Department of Financial
15173 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15174 Program.
15175 (2) The Department of Financial Services ~~Department of Law~~
15176 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15177 Program in accordance with the following guidelines:
15178 (a) The program shall establish procedures for sharing
15179 public records not exempt from the public records law among
15180 social services agencies regarding the identities of persons
15181 incarcerated in state correctional institutions, as defined in
15182 s. 944.02, or in county, municipal, or regional jails or other
15183 detention facilities of local governments under chapter 950 or
15184 chapter 951 who are wrongfully receiving public assistance
15185 benefits or entitlement benefits.
15186 (b) Pursuant to these procedures, the program shall have
15187 access to records containing correctional information not exempt
15188 from the public records law on incarcerated persons which have
15189 been generated as criminal justice information. As used in this
15190 paragraph, the term “record” is defined as provided in s.
15191 943.045(7), and the term “criminal justice information” is
15192 defined as provided in s. 943.045(3).
15193 (c) Database searches shall be conducted of the inmate
15194 population at each correctional institution or other detention
15195 facility. A correctional institution or a detention facility
15196 shall provide the Stop Inmate Fraud Program with the information

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15197 necessary to identify persons wrongfully receiving benefits in
15198 the medium requested by the Stop Inmate Fraud Program if the
15199 correctional institution or detention facility maintains the
15200 information in that medium.
15201 (d) Data obtained from correctional institutions or other
15202 detention facilities shall be compared with the client files of
15203 the Department of Children and Family Services, the Agency for
15204 Workforce Innovation ~~Department of Labor and Employment~~
15205 ~~Security~~, and other state or local agencies as needed to
15206 identify persons wrongfully obtaining benefits. Data comparisons
15207 shall be accomplished during periods of low information demand
15208 by agency personnel to minimize inconvenience to the agency.
15209 (e) Results of data comparisons shall be furnished to the
15210 appropriate office for use in the county in which the data
15211 originated. The program may provide reports of the data it
15212 obtains to appropriate state, federal, and local government
15213 agencies or governmental entities, including, but not limited
15214 to:
15215 1. The Child Support Enforcement Program of the Department
15216 of Revenue, so that the data may be used as locator information
15217 on persons being sought for purposes of child support.
15218 2. The Social Security Administration, so that the data may
15219 be used to reduce federal entitlement fraud within the state.
15220 (f) Reports by the program to another agency or entity
15221 shall be generated bimonthly, or as otherwise directed, and
15222 shall be designed to accommodate that agency’s or entity’s
15223 particular needs for data.
15224 (g) Only those persons with active cases, or with cases
15225 that were active during the incarceration period, shall be

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15226 reported, in order that the funding agency or entity, upon
15227 verification of the data, may take whatever action is deemed
15228 appropriate.
15229 (h) For purposes of program review and analysis, each
15230 agency or entity receiving data from the program shall submit
15231 reports to the program which indicate the results of how the
15232 data was used.
15233 Section 259. Subsection (1) of section 414.295, Florida
15234 Statutes, is amended to read:
15235 414.295 Temporary cash assistance programs; public records
15236 exemption.—
15237 (1) Personal identifying information of a temporary cash
15238 assistance program participant, a participant's family, or a
15239 participant's family or household member, except for information
15240 identifying a parent who does not live in the same home as the
15241 child, held by the department, Jobs Florida ~~the Agency for~~
15242 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15243 Health, the Department of Revenue, the Department of Education,
15244 or a regional workforce board or local committee created
15245 pursuant to s. 445.007 is confidential and exempt from s.
15246 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15247 confidential and exempt information may be released for purposes
15248 directly connected with:
15249 (a) The administration of the temporary assistance for
15250 needy families plan under Title IV-A of the Social Security Act,
15251 as amended, by the department, Jobs Florida ~~the Agency for~~
15252 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15253 Military Affairs, the Department of Health, the Department of
15254 Revenue, the Department of Education, a regional workforce board

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15255 or local committee created pursuant to s. 445.007, or a school
15256 district.
15257 (b) The administration of the state's plan or program
15258 approved under Title IV-B, Title IV-D, or Title IV-E of the
15259 Social Security Act, as amended, or under Title I, Title X,
15260 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15261 Social Security Act, as amended.
15262 (c) Any investigation, prosecution, or any criminal, civil,
15263 or administrative proceeding conducted in connection with the
15264 administration of any of the plans or programs specified in
15265 paragraph (a) or paragraph (b) by a federal, state, or local
15266 governmental entity, upon request by that entity, when such
15267 request is made pursuant to the proper exercise of that entity's
15268 duties and responsibilities.
15269 (d) The administration of any other state, federal, or
15270 federally assisted program that provides assistance or services
15271 on the basis of need, in cash or in kind, directly to a
15272 participant.
15273 (e) Any audit or similar activity, such as a review of
15274 expenditure reports or financial review, conducted in connection
15275 with the administration of any of the plans or programs
15276 specified in paragraph (a) or paragraph (b) by a governmental
15277 entity authorized by law to conduct such audit or activity.
15278 (f) The administration of the unemployment compensation
15279 program.
15280 (g) The reporting to the appropriate agency or official of
15281 information about known or suspected instances of physical or
15282 mental injury, sexual abuse or exploitation, or negligent
15283 treatment or maltreatment of a child or elderly person receiving

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15284 assistance, if circumstances indicate that the health or welfare
15285 of the child or elderly person is threatened.
15286 (h) The administration of services to elderly persons under
15287 ss. 430.601-430.606.
15288 Section 260. Subsections (1) and (3) of section 414.411,
15289 Florida Statutes, are amended to read:
15290 414.411 Public assistance fraud.—
15291 (1) The Department of Financial Services shall investigate
15292 all public assistance provided to residents of the state or
15293 provided to others by the state. In the course of such
15294 investigation the department shall examine all records,
15295 including electronic benefits transfer records and make inquiry
15296 of all persons who may have knowledge as to any irregularity
15297 incidental to the disbursement of public moneys, food
15298 assistance, or other items or benefits authorizations to
15299 recipients. All public assistance recipients, as a condition
15300 precedent to qualification for public assistance under chapter
15301 409, chapter 411, or this chapter, must first give in writing,
15302 to the Agency for Health Care Administration, the Department of
15303 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15304 the Department of Children and Family Services, as appropriate,
15305 and to the Department of Financial Services, consent to make
15306 inquiry of past or present employers and records, financial or
15307 otherwise.
15308 (3) The results of such investigation shall be reported by
15309 the Department of Financial Services to the appropriate
15310 legislative committees, the Agency for Health Care
15311 Administration, the Department of Health, Jobs Florida ~~the~~
15312 ~~Agency for Workforce Innovation~~, and the Department of Children

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15313 and Family Services, and to such others as the department may
15314 determine.
15315 Section 261. Subsections (2) through (9) of section
15316 420.631, Florida Statutes, are amended to read:
15317 420.631 Definitions relating to Urban Homesteading Act.—As
15318 used in ss. 420.630-420.635:
15319 ~~(2) "Department" means the Department of Community Affairs.~~
15320 (2) ~~(3)~~ "Homestead agreement" means a written contract
15321 between a local government or its designee and a qualified buyer
15322 which contains the terms under which the qualified buyer may
15323 acquire a single-family housing property.
15324 (3) ~~(4)~~ "Local government" means any county or incorporated
15325 municipality within this state.
15326 (4) ~~(5)~~ "Designee" means a housing authority appointed by a
15327 local government, or a nonprofit community organization
15328 appointed by a local government, to administer the urban
15329 homesteading program for single-family housing under ss.
15330 420.630-420.635.
15331 (5) ~~(6)~~ "Nonprofit community organization" means an
15332 organization that is exempt from taxation under s. 501(c)(3) of
15333 the Internal Revenue Code.
15334 (6) ~~(7)~~ "Office" means the Office of Urban Opportunity
15335 within Jobs Florida ~~the Department of Community Affairs~~.
15336 (7) ~~(8)~~ "Qualified buyer" means a person who meets the
15337 criteria under s. 420.633.
15338 (8) ~~(9)~~ "Qualified loan rate" means an interest rate that
15339 does not exceed the interest rate charged for home improvement
15340 loans by the Federal Housing Administration under Title I of the
15341 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.

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15342 1702, 1703, 1705, and 1706b et seq.
15343 Section 262. Section 420.635, Florida Statutes, is amended
15344 to read:
15345 420.635 Loans to qualified buyers.—Contingent upon an
15346 appropriation, Jobs Florida ~~the department~~, in consultation with
15347 the Office of Urban Opportunity, shall provide loans to
15348 qualified buyers who are required to pay the pro rata portion of
15349 the bonded debt on single-family housing pursuant to s. 420.634.
15350 Loans provided under this section shall be made at a rate of
15351 interest which does not exceed the qualified loan rate. A buyer
15352 must maintain the qualifications specified in s. 420.633 for the
15353 full term of the loan. The loan agreement may contain additional
15354 terms and conditions as determined by Jobs Florida ~~the~~
15355 ~~department~~.
15356 Section 263. Paragraph (b) of subsection (2) of section
15357 429.907, Florida Statutes, is amended to read:
15358 429.907 License requirement; fee; exemption; display.—
15359 (2)
15360 (b) If ~~In the event~~ a licensed center becomes wholly or
15361 substantially unusable due to a disaster ~~as defined in s.~~
15362 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15363 s. 252.34~~(3)~~:
15364 1. The licensee may continue to operate under its current
15365 license in ~~a premise or~~ premises separate from that authorized
15366 under the license if the licensee has:
15367 a. Specified the location of the ~~premise or~~ premises in its
15368 comprehensive emergency management plan submitted to and
15369 approved by the applicable county emergency management
15370 authority; and

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15371 b. Notified the agency and the county emergency management
15372 authority within 24 hours of operating in the separate ~~premise~~
15373 ~~or~~ premises.
15374 2. The licensee shall operate the separate ~~premise or~~
15375 premises only while the licensed center's original location is
15376 substantially unusable and for up to ~~no longer than~~ 180 days.
15377 The agency may extend use of the alternate ~~premise or~~ premises
15378 beyond the initial 180 days. The agency may also review the
15379 operation of the disaster ~~premise or~~ premises quarterly.
15380 Section 264. Subsection (2) of section 440.12, Florida
15381 Statutes, is amended to read:
15382 440.12 Time for commencement and limits on weekly rate of
15383 compensation.—
15384 (2) Compensation for disability resulting from injuries
15385 which occur after December 31, 1974, shall not be less than $20
15386 per week. However, if the employee's wages at the time of injury
15387 are less than $20 per week, he or she shall receive his or her
15388 full weekly wages. If the employee's wages at the time of the
15389 injury exceed $20 per week, compensation shall not exceed an
15390 amount per week which is:
15391 (a) Equal to 100 percent of the statewide average weekly
15392 wage, determined as hereinafter provided for the year in which
15393 the injury occurred; however, the increase to 100 percent from
15394 66 2/3 percent of the statewide average weekly wage shall apply
15395 only to injuries occurring on or after August 1, 1979; and
15396 (b) Adjusted to the nearest dollar.
15397
15398 For the purpose of this subsection, the "statewide average
15399 weekly wage" means the average weekly wage paid by employers

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15400 subject to the Florida Unemployment Compensation Law as reported
15401 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15402 calendar quarters ending each June 30, which average weekly wage
15403 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15404 ~~Innovation~~ on or before November 30 of each year and shall be
15405 used in determining the maximum weekly compensation rate with
15406 respect to injuries occurring in the calendar year immediately
15407 following. The statewide average weekly wage determined by Jobs
15408 Florida ~~the Agency for Workforce Innovation~~ shall be reported
15409 annually to the Legislature.
15410 Section 265. Paragraph (c) of subsection (9) of section
15411 440.15, Florida Statutes, is amended to read:
15412 440.15 Compensation for disability.—Compensation for
15413 disability shall be paid to the employee, subject to the limits
15414 provided in s. 440.12(2), as follows:
15415 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15416 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—
15417 (c) Disability compensation benefits payable for any week,
15418 including those benefits provided by paragraph (1)(f), may not
15419 be reduced pursuant to this subsection until the Social Security
15420 Administration determines the amount otherwise payable to the
15421 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15422 begun receiving such social security benefit payments. The
15423 employee shall, upon demand by the department, the employer, or
15424 the carrier, authorize the Social Security Administration to
15425 release disability information relating to her or him and
15426 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15427 release unemployment compensation information relating to her or
15428 him, in accordance with rules to be adopted by the department

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15429 prescribing the procedure and manner for requesting the
15430 authorization and for compliance by the employee. The department
15431 or the employer or carrier may not make any payment of benefits
15432 for total disability or those additional benefits provided by
15433 paragraph (1)(f) for any period during which the employee
15434 willfully fails or refuses to authorize the release of
15435 information in the manner and within the time prescribed by such
15436 rules. The authority for release of disability information
15437 granted by an employee under this paragraph is effective for a
15438 period not to exceed 12 months and such authority may be
15439 renewed, as the department prescribes by rule.
15440 Section 266. Subsections (4) and (7) of section 440.381,
15441 Florida Statutes, are amended to read:
15442 440.381 Application for coverage; reporting payroll;
15443 payroll audit procedures; penalties.—
15444 (4) Each employer must submit a copy of the quarterly
15445 earnings ~~earning~~ report required by chapter 443 at the end of
15446 each quarter to the carrier and submit self-audits supported by
15447 the quarterly earnings reports required by chapter 443 and the
15448 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15449 Innovation or by the state agency providing unemployment tax
15450 collection services under contract with Jobs Florida ~~the Agency~~
15451 ~~for Workforce Innovation~~ through an interagency agreement
15452 pursuant to s. 443.1316. The reports must include a sworn
15453 statement by an officer or principal of the employer attesting
15454 to the accuracy of the information contained in the report.
15455 (7) If an employee suffering a compensable injury was not
15456 reported as earning wages on the last quarterly earnings report
15457 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or

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15458 the state agency providing unemployment tax collection services
15459 under contract with Jobs Florida ~~the Agency for Workforce~~
15460 ~~Innovation~~ through an interagency agreement pursuant to s.
15461 443.1316 before the accident, the employer shall indemnify the
15462 carrier for all workers' compensation benefits paid to or on
15463 behalf of the employee unless the employer establishes that the
15464 employee was hired after the filing of the quarterly report, in
15465 which case the employer and employee shall attest to the fact
15466 that the employee was employed by the employer at the time of
15467 the injury. Failure of the employer to indemnify the insurer
15468 within 21 days after demand by the insurer is grounds for the
15469 insurer to immediately cancel coverage. Any action for
15470 indemnification brought by the carrier is cognizable in the
15471 circuit court having jurisdiction where the employer or carrier
15472 resides or transacts business. The insurer is entitled to a
15473 reasonable attorney's fee if it recovers any portion of the
15474 benefits paid in the action.
15475 Section 267. Subsection (5) of section 440.385, Florida
15476 Statutes, is amended to read:
15477 440.385 Florida Self-Insurers Guaranty Association,
15478 Incorporated.—
15479 (5) PLAN OF OPERATION.—The association shall operate
15480 pursuant to a plan of operation approved by the board of
15481 directors. The plan of operation must be ~~in effect on January 1,~~
15482 ~~2002, and~~ approved by the Department of Financial Services and
15483 ~~Department of Labor and Employment Security shall remain in~~
15484 ~~effect. However,~~ any amendments to the plan shall not become
15485 effective until approved by the department ~~of Financial~~
15486 ~~Services~~.

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15487 (a) The purpose of the plan of operation shall be to
15488 provide the association and the board of directors with the
15489 authority and responsibility to establish the necessary programs
15490 and to take the necessary actions to protect against the
15491 insolvency of a member of the association. In addition, the plan
15492 shall provide that the members of the association shall be
15493 responsible for maintaining an adequate Insolvency Fund to meet
15494 the obligations of insolvent members provided for under this act
15495 and shall authorize the board of directors to contract and
15496 employ those persons with the necessary expertise to carry out
15497 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15498 shall submit to the department a proposed plan of operation for
15499 the administration of the association. The department shall
15500 approve the plan by order, consistent with this section. The
15501 department shall approve any amendments to the plan, consistent
15502 with this section, which are determined appropriate to carry out
15503 the duties and responsibilities of the association.
15504 (b) All member employers shall comply with the plan of
15505 operation.
15506 (c) The plan of operation shall:
15507 1. Establish the procedures whereby all the powers and
15508 duties of the association under subsection (3) will be
15509 performed.
15510 2. Establish procedures for handling assets of the
15511 association.
15512 3. Establish the amount and method of reimbursing members
15513 of the board of directors under subsection (2).
15514 4. Establish procedures by which claims may be filed with
15515 the association and establish acceptable forms of proof of

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15516 covered claims. Notice of claims to the receiver or liquidator
15517 of the insolvent employer shall be deemed notice to the
15518 association or its agent, and a list of such claims shall be
15519 submitted periodically to the association or similar
15520 organization in another state by the receiver or liquidator.
15521 5. Establish regular places and times for meetings of the
15522 board of directors.
15523 6. Establish procedures for records to be kept of all
15524 financial transactions of the association and its agents and the
15525 board of directors.
15526 7. Provide that any member employer aggrieved by any final
15527 action or decision of the association may appeal to the
15528 department within 30 days after the action or decision.
15529 8. Establish the procedures whereby recommendations of
15530 candidates for the board of directors shall be submitted to the
15531 department.
15532 9. Contain additional provisions necessary or proper for
15533 the execution of the powers and duties of the association.
15534 (d) The plan of operation may provide that any or all of
15535 the powers and duties of the association, except those specified
15536 under subparagraphs (c)1. and 2., be delegated to a corporation,
15537 association, or other organization which performs or will
15538 perform functions similar to those of this association or its
15539 equivalent in two or more states. Such a corporation,
15540 association, or organization shall be reimbursed as a servicing
15541 facility would be reimbursed and shall be paid for its
15542 performance of any other functions of the association. A
15543 delegation of powers or duties under this subsection shall take
15544 effect only with the approval of both the board of directors and

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15545 the department and may be made only to a corporation,
15546 association, or organization which extends protection which is
15547 not substantially less favorable and effective than the
15548 protection provided by this section.
15549 Section 268. Paragraph (b) of subsection (9) of section
15550 440.49, Florida Statutes, is amended to read:
15551 440.49 Limitation of liability for subsequent injury
15552 through Special Disability Trust Fund.—
15553 (9) SPECIAL DISABILITY TRUST FUND.—
15554 (b)1. The Special Disability Trust Fund shall be maintained
15555 by annual assessments upon the insurance companies writing
15556 compensation insurance in the state, the commercial self-
15557 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15558 as defined in s. 628.6011, and the self-insurers under this
15559 chapter, which assessments shall become due and be paid
15560 quarterly at the same time and in addition to the assessments
15561 provided in s. 440.51. The department shall estimate annually in
15562 advance the amount necessary for the administration of this
15563 subsection and the maintenance of this fund and shall make such
15564 assessment in the manner hereinafter provided.
15565 2. The annual assessment shall be calculated to produce
15566 during the ensuing fiscal year an amount which, when combined
15567 with that part of the balance in the fund on June 30 of the
15568 current fiscal year which is in excess of $100,000, is equal to
15569 the average of:
15570 a. The sum of disbursements from the fund during the
15571 immediate past 3 calendar years, and
15572 b. Two times the disbursements of the most recent calendar
15573 year.

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15574

15575 Such amount shall be prorated among the insurance companies
15576 writing compensation insurance in the state and the self-
15577 insurers. ~~Provided however, for those carriers that have~~
15578 ~~excluded ceded reinsurance premiums from their assessments on or~~
15579 ~~before January 1, 2000, no assessments on ceded reinsurance~~
15580 ~~premiums shall be paid by those carriers until such time as the~~
15581 ~~former Division of Workers' Compensation of the Department of~~
15582 ~~Labor and Employment Security or the department advises each of~~
15583 ~~those carriers of the impact that the inclusion of ceded~~
15584 ~~reinsurance premiums has on their assessment. The department may~~
15585 ~~not recover any past underpayments of assessments levied against~~
15586 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15587 ~~reinsurance premiums from their assessment prior to the point~~
15588 ~~that the former Division of Workers' Compensation of the~~
15589 ~~Department of Labor and Employment Security or the department~~
15590 ~~advises of the appropriate assessment that should have been~~
15591 ~~paid.~~
15592 3. The net premiums written by the companies for workers'
15593 compensation in this state and the net premium written
15594 applicable to the self-insurers in this state are the basis for
15595 computing the amount to be assessed as a percentage of net
15596 premiums. Such payments shall be made by each carrier and self-
15597 insurer to the department for the Special Disability Trust Fund
15598 in accordance with such regulations as the department
15599 prescribes.
15600 4. The Chief Financial Officer is authorized to receive and
15601 credit to such Special Disability Trust Fund any sum or sums
15602 that may at any time be contributed to the state by the United

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15603 States under any Act of Congress, or otherwise, to which the
15604 state may be or become entitled by reason of any payments made
15605 out of such fund.
15606 Section 269. Subsections (1), (4), and (5) of section
15607 443.012, Florida Statutes, are amended to read:
15608 443.012 Unemployment Appeals Commission.—
15609 (1) There is created within the Division of Workforce
15610 Services of Jobs Florida ~~the Agency for Workforce Innovation~~ an
15611 Unemployment Appeals Commission. The commission is composed of a
15612 chair and two other members appointed by the Governor, subject
15613 to confirmation by the Senate. Only one appointee may be a
15614 representative of employers, as demonstrated by his or her
15615 previous vocation, employment, or affiliation; and only one
15616 appointee may be a representative of employees, as demonstrated
15617 by his or her previous vocation, employment, or affiliation.
15618 (a) The chair shall devote his or her entire time to
15619 commission duties and is responsible for the administrative
15620 functions of the commission.
15621 (b) The chair has authority to appoint a general counsel
15622 and other personnel to carry out the duties and responsibilities
15623 of the commission.
15624 (c) The chair must have the qualifications required by law
15625 for a judge of the circuit court and may not engage in any other
15626 business vocation or employment. Notwithstanding any other law,
15627 the chair shall be paid a salary equal to that paid under state
15628 law to a judge of the circuit court.
15629 (d) The remaining members shall be paid a stipend of $100
15630 for each day they are engaged in the work of the commission. The
15631 chair and other members are entitled to be reimbursed for travel

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15632 expenses, as provided in s. 112.061.
15633 (e) The total salary and travel expenses of each member of
15634 the commission shall be paid from the Employment Security
15635 Administration Trust Fund.
15636 (4) The property, personnel, and appropriations relating to
15637 the specified authority, powers, duties, and responsibilities of
15638 the commission shall be provided to the commission by Jobs
15639 Florida ~~the Agency for Workforce Innovation~~.
15640 (5) The commission is not subject to control, supervision,
15641 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15642 in performing its powers or duties under this chapter.
15643 Section 270. Subsections (9), (41), (43), and (45) of
15644 section 443.036, Florida Statutes, are amended to read:
15645 443.036 Definitions.—As used in this chapter, the term:
15646 (9) "Benefit year" means, for an individual, the 1-year
15647 period beginning with the first day of the first week for which
15648 the individual first files a valid claim for benefits and,
15649 thereafter, the 1-year period beginning with the first day of
15650 the first week for which the individual next files a valid claim
15651 for benefits after the termination of his or her last preceding
15652 benefit year. Each claim for benefits made in accordance with s.
15653 443.151(2) is a valid claim under this subsection if the
15654 individual was paid wages for insured work in accordance with s.
15655 443.091(1)(g) and is unemployed as defined in subsection (43) at
15656 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15657 ~~for Workforce Innovation~~ may adopt rules providing for the
15658 establishment of a uniform benefit year for all workers in one
15659 or more groups or classes of service or within a particular
15660 industry if Jobs Florida ~~the agency~~ determines, after notice to

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15661 the industry and to the workers in the industry and an
15662 opportunity to be heard in the matter, that those groups or
15663 classes of workers in a particular industry periodically
15664 experience unemployment resulting from layoffs or shutdowns for
15665 limited periods of time.
15666 (41) “Tax collection service provider” or “service
15667 provider” means the state agency providing unemployment tax
15668 collection services under contract with Jobs Florida ~~the Agency~~
15669 ~~for Workforce Innovation~~ through an interagency agreement
15670 pursuant to s. 443.1316.
15671 (43) “Unemployment” means:
15672 (a) An individual is “totally unemployed” in any week
15673 during which he or she does not perform any services and for
15674 which earned income is not payable to him or her. An individual
15675 is “partially unemployed” in any week of less than full-time
15676 work if the earned income payable to him or her for that week is
15677 less than his or her weekly benefit amount. Jobs Florida ~~The~~
15678 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15679 distinctions in the procedures for unemployed individuals based
15680 on total unemployment, part-time unemployment, partial
15681 unemployment of individuals attached to their regular jobs, and
15682 other forms of short-time work.
15683 (b) An individual’s week of unemployment commences only
15684 after his or her registration with Jobs Florida ~~the Agency for~~
15685 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15686 agency may otherwise prescribe by rule.
15687 (45) “Week” means a period of 7 consecutive days as defined
15688 in the rules of Jobs Florida ~~the Agency for Workforce~~
15689 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may

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15690 by rule prescribe that a week is deemed to be "in," "within," or
15691 "during" the benefit year that contains the greater part of the
15692 week.
15693 Section 271. Subsections (2) and (3) of section 443.041,
15694 Florida Statutes, are amended to read:
15695 443.041 Waiver of rights; fees; privileged communications.—
15696 (2) FEES.—
15697 (a) Except as otherwise provided in this chapter, an
15698 individual claiming benefits may not be charged fees of any kind
15699 in any proceeding under this chapter by the commission or Jobs
15700 Florida ~~the Agency for Workforce Innovation~~, or their
15701 representatives, or by any court or any officer of the court. An
15702 individual claiming benefits in any proceeding before the
15703 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15704 or representatives of either, or a court may be represented by
15705 counsel or an authorized representative, but the counsel or
15706 representative may not charge or receive for those services more
15707 than an amount approved by the commission, Jobs Florida ~~the~~
15708 ~~Agency for Workforce Innovation~~, or the court.
15709 (b) An attorney at law representing a claimant for benefits
15710 in any district court of appeal of this state or in the Supreme
15711 Court of Florida is entitled to counsel fees payable by Jobs
15712 Florida ~~the Agency for Workforce Innovation~~ as set by the court
15713 if the petition for review or appeal is initiated by the
15714 claimant and results in a decision awarding more benefits than
15715 provided in the decision from which appeal was taken. The amount
15716 of the fee may not exceed 50 percent of the total amount of
15717 regular benefits permitted under s. 443.111(5)(a) during the
15718 benefit year.

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15719 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15720 pay attorneys' fees awarded under this section from the
15721 Employment Security Administration Trust Fund as part of the
15722 costs of administration of this chapter and may pay these fees
15723 directly to the attorney for the claimant in a lump sum. Jobs
15724 Florida ~~The Agency for Workforce Innovation~~ or the commission
15725 may not pay any other fees or costs in connection with an
15726 appeal.
15727 (d) Any person, firm, or corporation who or which seeks or
15728 receives any remuneration or gratuity for any services rendered
15729 on behalf of a claimant, except as allowed by this section and
15730 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15731 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15732 the second degree, punishable as provided in s. 775.082 or s.
15733 775.083.
15734 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15735 communications, or any other matters, either oral or written,
15736 between an employer and an employee or between Jobs Florida ~~the~~
15737 ~~Agency for Workforce Innovation~~ or its tax collection service
15738 provider and any of their agents, representatives, or employees
15739 which are written, sent, delivered, or made in connection with
15740 this chapter, are privileged and may not be the subject matter
15741 or basis for any suit for slander or libel in any court of the
15742 state.
15743 Section 272. Subsection (3) of section 443.051, Florida
15744 Statutes, is amended to read:
15745 443.051 Benefits not alienable; exception, child support
15746 intercept.—
15747 (3) EXCEPTION, SUPPORT INTERCEPT.—

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15748 (a) The Department of Revenue shall, at least biweekly,
15749 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15750 magnetic tape or other electronic data file disclosing the
15751 individuals who owe support obligations and the amount of any
15752 legally required deductions.
15753 (b) For support obligations established on or after July 1,
15754 2006, and for support obligations established before July 1,
15755 2006, when the support order does not address the withholding of
15756 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~
15757 ~~Innovation~~ shall deduct and withhold 40 percent of the
15758 unemployment compensation otherwise payable to an individual
15759 disclosed under paragraph (a). If delinquencies, arrearages, or
15760 retroactive support are owed and repayment has not been ordered,
15761 the unpaid amounts are included in the support obligation and
15762 are subject to withholding. If the amount deducted exceeds the
15763 support obligation, the Department of Revenue shall promptly
15764 refund the amount of the excess deduction to the obligor. For
15765 support obligations in effect before July 1, 2006, if the
15766 support order addresses the withholding of unemployment
15767 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15768 shall deduct and withhold the amount ordered by the court or
15769 administrative agency that issued the support order as disclosed
15770 by the Department of Revenue.
15771 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15772 pay any amount deducted and withheld under paragraph (b) to the
15773 Department of Revenue.
15774 (d) Any amount deducted and withheld under this subsection
15775 shall for all purposes be treated as if it were paid to the
15776 individual as unemployment compensation and paid by the

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15777 individual to the Department of Revenue for support obligations.
15778 (e) The Department of Revenue shall reimburse Jobs Florida
15779 ~~the Agency for Workforce Innovation~~ for the administrative costs
15780 incurred by Jobs Florida ~~the agency~~ under this subsection which
15781 are attributable to support obligations being enforced by the
15782 department.
15783 Section 273. Subsections (3) and (4), paragraph (b) of
15784 subsection (5), and subsections (6) and (8) of section 443.071,
15785 Florida Statutes, are amended to read:
15786 443.071 Penalties.—
15787 (3) Any employing unit or any officer or agent of any
15788 employing unit or any other person who fails to furnish any
15789 reports required under this chapter or to produce or permit the
15790 inspection of or copying of records as required under this
15791 chapter, who fails or refuses, within 6 months after written
15792 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15793 its tax collection service provider, to keep and maintain the
15794 payroll records required by this chapter or by rule of Jobs
15795 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15796 providing tax collection services, or who willfully fails or
15797 refuses to make any contribution, reimbursement, or other
15798 payment required from an employer under this chapter commits a
15799 misdemeanor of the second degree, punishable as provided in s.
15800 775.082 or s. 775.083.
15801 (4) Any person who establishes a fictitious employing unit
15802 by submitting to Jobs Florida ~~the Agency for Workforce~~
15803 ~~Innovation~~ or its tax collection service provider fraudulent
15804 employing unit records or tax or wage reports by the
15805 introduction of fraudulent records into a computer system, the

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15806 intentional or deliberate alteration or destruction of
15807 computerized information or files, or the theft of financial
15808 instruments, data, and other assets, for the purpose of enabling
15809 herself or himself or any other person to receive benefits under
15810 this chapter to which such person is not entitled, commits a
15811 felony of the third degree, punishable as provided in s.
15812 775.082, s. 775.083, or s. 775.084.
15813 (5) In any prosecution or action under this section, the
15814 entry into evidence of the signature of a person on a document,
15815 letter, or other writing constitutes prima facie evidence of the
15816 person's identity if the following conditions exist:
15817 (b) The signature of the person is witnessed by an agent or
15818 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15819 its tax collection service provider at the time the document,
15820 letter, or other writing is filed.
15821 (6) The entry into evidence of an application for
15822 unemployment benefits initiated by the use of the Internet
15823 claims program or the interactive voice response system
15824 telephone claims program of Jobs Florida ~~the Agency for~~
15825 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15826 establishment of a personal benefit account by or for an
15827 individual if the following information is provided: the
15828 applicant's name, residence address, date of birth, social
15829 security number, and present or former place of work.
15830 (8) All records relating to investigations of unemployment
15831 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15832 ~~Workforce Innovation~~ or its tax collection service provider are
15833 available for examination by the Department of Law Enforcement,
15834 the state attorneys, or the Office of the Statewide Prosecutor

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15835 in the prosecution of offenses under s. 817.568 or in
15836 proceedings brought under this chapter.
15837 Section 274. Subsections (1) and (4) of section 443.091,
15838 Florida Statutes, are amended to read:
15839 443.091 Benefit eligibility conditions.—
15840 (1) An unemployed individual is eligible to receive
15841 benefits for any week only if Jobs Florida ~~the Agency for~~
15842 ~~Workforce Innovation~~ finds that:
15843 (a) She or he has made a claim for benefits for that week
15844 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15845 ~~for Workforce Innovation~~.
15846 (b) She or he has registered with Jobs Florida ~~the agency~~
15847 for work and subsequently reports to the one-stop career center
15848 as directed by the regional workforce board for reemployment
15849 services. This requirement does not apply to persons who are:
15850 1. Non-Florida residents;
15851 2. On a temporary layoff~~, as defined in s. 443.036(42)~~;
15852 3. Union members who customarily obtain employment through
15853 a union hiring hall; or
15854 4. Claiming benefits under an approved short-time
15855 compensation plan as provided in s. 443.1116.
15856 (c) To make continued claims for benefits, she or he is
15857 reporting to Jobs Florida ~~the agency~~ in accordance with its
15858 rules. These rules may not conflict with s. 443.111(1)(b),
15859 including the requirement that each claimant continue to report
15860 regardless of any pending appeal relating to her or his
15861 eligibility or disqualification for benefits.
15862 (d) She or he is able to work and is available for work. In
15863 order to assess eligibility for a claimed week of unemployment,

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15864 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15865 claimant's ability to work and availability for work. However:
15866 1. Notwithstanding any other provision of this paragraph or
15867 paragraphs (b) and (e), an otherwise eligible individual may not
15868 be denied benefits for any week because she or he is in training
15869 with the approval of Jobs Florida ~~the agency~~, or by reason of s.
15870 443.101(2) relating to failure to apply for, or refusal to
15871 accept, suitable work. Training may be approved by Jobs Florida
15872 ~~the agency~~ in accordance with criteria prescribed by rule. A
15873 claimant's eligibility during approved training is contingent
15874 upon satisfying eligibility conditions prescribed by rule.
15875 2. Notwithstanding any other provision of this chapter, an
15876 otherwise eligible individual who is in training approved under
15877 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15878 determined ineligible or disqualified for benefits due to her or
15879 his enrollment in such training or because of leaving work that
15880 is not suitable employment to enter such training. As used in
15881 this subparagraph, the term "suitable employment" means work of
15882 a substantially equal or higher skill level than the worker's
15883 past adversely affected employment, as defined for purposes of
15884 the Trade Act of 1974, as amended, the wages for which are at
15885 least 80 percent of the worker's average weekly wage as
15886 determined for purposes of the Trade Act of 1974, as amended.
15887 3. Notwithstanding any other provision of this section, an
15888 otherwise eligible individual may not be denied benefits for any
15889 week because she or he is before any state or federal court
15890 pursuant to a lawfully issued summons to appear for jury duty.
15891 (e) She or he participates in reemployment services, such
15892 as job search assistance services, whenever the individual has

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15893 been determined, by a profiling system established by the rules
15894 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
15895 benefits and to be in need of reemployment services.
15896 (f) She or he has been unemployed for a waiting period of 1
15897 week. A week may not be counted as a week of unemployment under
15898 this subsection:
15899 1. Unless it occurs within the benefit year that includes
15900 the week for which she or he claims payment of benefits.
15901 2. If benefits have been paid for that week.
15902 3. Unless the individual was eligible for benefits for that
15903 week as provided in this section and s. 443.101, except for the
15904 requirements of this subsection and of s. 443.101(5).
15905 (g) She or he has been paid wages for insured work equal to
15906 1.5 times her or his high quarter wages during her or his base
15907 period, except that an unemployed individual is not eligible to
15908 receive benefits if the base period wages are less than $3,400.
15909 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid
15910 social security number assigned to her or him. Jobs Florida ~~The~~
15911 ~~agency~~ may verify the social security number with the United
15912 States Social Security Administration and may deny benefits if
15913 Jobs Florida ~~the agency~~ is unable to verify the individual's
15914 social security number, the social security number is invalid,
15915 or the social security number is not assigned to the individual.
15916 (4) In the event of national emergency, in the course of
15917 which the Federal Emergency Unemployment Payment Plan is, at the
15918 request of the Governor, invoked for all or any part of the
15919 state, the emergency plan shall supersede the procedures
15920 prescribed by this chapter, and by rules adopted under this
15921 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~

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15922 shall act as the Florida agency for the United States Department
15923 of Labor in the administration of the plan.
15924 Section 275. Subsections (1), (2), (4), (6), (7), and (9)
15925 of section 443.101, Florida Statutes, are amended to read:
15926 443.101 Disqualification for benefits.—An individual shall
15927 be disqualified for benefits:
15928 (1)(a) For the week in which he or she has voluntarily left
15929 work without good cause attributable to his or her employing
15930 unit or in which the individual has been discharged by the
15931 employing unit for misconduct connected with his or her work,
15932 based on a finding by Jobs Florida ~~the Agency for Workforce~~
15933 ~~Innovation~~. As used in this paragraph, the term "work" means any
15934 work, whether full-time, part-time, or temporary.
15935 1. Disqualification for voluntarily quitting continues for
15936 the full period of unemployment next ensuing after the
15937 individual has left his or her full-time, part-time, or
15938 temporary work voluntarily without good cause and until the
15939 individual has earned income equal to or in excess of 17 times
15940 his or her weekly benefit amount. As used in this subsection,
15941 the term "good cause" includes only that cause attributable to
15942 the employing unit or which consists of the individual's illness
15943 or disability requiring separation from his or her work. Any
15944 other disqualification may not be imposed. An individual is not
15945 disqualified under this subsection for voluntarily leaving
15946 temporary work to return immediately when called to work by the
15947 permanent employing unit that temporarily terminated his or her
15948 work within the previous 6 calendar months. An individual is not
15949 disqualified under this subsection for voluntarily leaving work
15950 to relocate as a result of his or her military-connected

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15951 spouse's permanent change of station orders, activation orders,
15952 or unit deployment orders.
15953 2. Disqualification for being discharged for misconduct
15954 connected with his or her work continues for the full period of
15955 unemployment next ensuing after having been discharged and until
15956 the individual is reemployed and has earned income of at least
15957 17 times his or her weekly benefit amount and for not more than
15958 52 weeks that immediately follow that week, as determined by
15959 Jobs Florida ~~the agency~~ in each case according to the
15960 circumstances in each case or the seriousness of the misconduct,
15961 under Jobs Florida ~~the agency's~~ rules adopted for determinations
15962 of disqualification for benefits for misconduct.
15963 3. If an individual has provided notification to the
15964 employing unit of his or her intent to voluntarily leave work
15965 and the employing unit discharges the individual for reasons
15966 other than misconduct before the date the voluntary quit was to
15967 take effect, the individual, if otherwise entitled, shall
15968 receive benefits from the date of the employer's discharge until
15969 the effective date of his or her voluntary quit.
15970 4. If an individual is notified by the employing unit of
15971 the employer's intent to discharge the individual for reasons
15972 other than misconduct and the individual quits without good
15973 cause, as defined in this section, before the date the discharge
15974 was to take effect, the claimant is ineligible for benefits
15975 pursuant to s. 443.091(1)(d) for failing to be available for
15976 work for the week or weeks of unemployment occurring before the
15977 effective date of the discharge.
15978 (b) For any week with respect to which Jobs Florida ~~the~~
15979 ~~Agency for Workforce Innovation~~ finds that his or her

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15980 unemployment is due to a suspension for misconduct connected
15981 with the individual's work.
15982 (c) For any week with respect to which Jobs Florida ~~the~~
15983 ~~Agency for Workforce Innovation~~ finds that his or her
15984 unemployment is due to a leave of absence, if the leave was
15985 voluntarily initiated by the individual.
15986 (d) For any week with respect to which Jobs Florida ~~the~~
15987 ~~Agency for Workforce Innovation~~ finds that his or her
15988 unemployment is due to a discharge for misconduct connected with
15989 the individual's work, consisting of drug use, as evidenced by a
15990 positive, confirmed drug test.
15991 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
15992 finds that the individual has failed without good cause to apply
15993 for available suitable work when directed by Jobs Florida ~~the~~
15994 ~~agency~~ or the one-stop career center, to accept suitable work
15995 when offered to him or her, or to return to the individual's
15996 customary self-employment when directed by Jobs Florida ~~the~~
15997 ~~agency~~, the disqualification continues for the full period of
15998 unemployment next ensuing after he or she failed without good
15999 cause to apply for available suitable work, to accept suitable
16000 work, or to return to his or her customary self-employment,
16001 under this subsection, and until the individual has earned
16002 income at least 17 times his or her weekly benefit amount. Jobs
16003 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
16004 criteria for determining the "suitability of work," as used in
16005 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
16006 in developing these rules shall consider the duration of a
16007 claimant's unemployment in determining the suitability of work
16008 and the suitability of proposed rates of compensation for

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16009 available work. Further, after an individual has received 25
16010 weeks of benefits in a single year, suitable work is a job that
16011 pays the minimum wage and is 120 percent or more of the weekly
16012 benefit amount the individual is drawing.
16013 (a) In determining whether or not any work is suitable for
16014 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~
16015 shall consider the degree of risk involved to his or her health,
16016 safety, and morals; his or her physical fitness and prior
16017 training; the individual's experience and prior earnings; his or
16018 her length of unemployment and prospects for securing local work
16019 in his or her customary occupation; and the distance of the
16020 available work from his or her residence.
16021 (b) Notwithstanding any other provisions of this chapter,
16022 work is not deemed suitable and benefits may not be denied under
16023 this chapter to any otherwise eligible individual for refusing
16024 to accept new work under any of the following conditions:
16025 1. If the position offered is vacant due directly to a
16026 strike, lockout, or other labor dispute.
16027 2. If the wages, hours, or other conditions of the work
16028 offered are substantially less favorable to the individual than
16029 those prevailing for similar work in the locality.
16030 3. If as a condition of being employed, the individual
16031 would be required to join a company union or to resign from or
16032 refrain from joining any bona fide labor organization.
16033 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
16034 finds that an individual was rejected for offered employment as
16035 the direct result of a positive, confirmed drug test required as
16036 a condition of employment, the individual is disqualified for
16037 refusing to accept an offer of suitable work.

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16038 (4) For any week with respect to which Jobs Florida ~~the~~
16039 ~~Agency for Workforce Innovation~~ finds that his or her total or
16040 partial unemployment is due to a labor dispute in active
16041 progress which exists at the factory, establishment, or other
16042 premises at which he or she is or was last employed; except that
16043 this subsection does not apply if it is shown to the
16044 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
16045 that:
16046 (a)1. He or she is not participating in, financing, or
16047 directly interested in the labor dispute that is in active
16048 progress; however, the payment of regular union dues may not be
16049 construed as financing a labor dispute within the meaning of
16050 this section; and
16051 2. He or she does not belong to a grade or class of workers
16052 of which immediately before the commencement of the labor
16053 dispute there were members employed at the premises at which the
16054 labor dispute occurs any of whom are participating in,
16055 financing, or directly interested in the dispute; if in any case
16056 separate branches of work are commonly conducted as separate
16057 businesses in separate premises, or are conducted in separate
16058 departments of the same premises, each department, for the
16059 purpose of this subsection, is deemed to be a separate factory,
16060 establishment, or other premise.
16061 (b) His or her total or partial unemployment results from a
16062 lockout by his or her employer. As used in this section, the
16063 term “lockout” means a situation in which employees have not
16064 gone on strike, nor have employees notified the employer of a
16065 date certain for a strike, but in which employees have been
16066 denied entry to the factory, establishment, or other premises of

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16067 employment by the employer. However, benefits are not payable
16068 under this paragraph if the lockout action was taken in response
16069 to threats, actions, or other indications of impending damage to
16070 property and equipment or possible physical violence by
16071 employees or in response to actual damage or violence or a
16072 substantial reduction in production instigated or perpetrated by
16073 employees.
16074 (6) For a period not to exceed 1 year from the date of the
16075 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of
16076 the making of any false or fraudulent representation for the
16077 purpose of obtaining benefits contrary to this chapter,
16078 constituting a violation under s. 443.071. This disqualification
16079 may be appealed in the same manner as any other disqualification
16080 imposed under this section. A conviction by any court of
16081 competent jurisdiction in this state of the offense prohibited
16082 or punished by s. 443.071 is conclusive upon the appeals referee
16083 and the commission of the making of the false or fraudulent
16084 representation for which disqualification is imposed under this
16085 section.
16086 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
16087 finds that the individual is an alien, unless the alien is an
16088 individual who has been lawfully admitted for permanent
16089 residence or otherwise is permanently residing in the United
16090 States under color of law, including an alien who is lawfully
16091 present in the United States as a result of the application of
16092 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
16093 Act, if any modifications to s. 3304(a)(14) of the Federal
16094 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
16095 specify other conditions or other effective dates than those

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16096 stated under federal law for the denial of benefits based on
16097 services performed by aliens, and which modifications are
16098 required to be implemented under state law as a condition for
16099 full tax credit against the tax imposed by the Federal
16100 Unemployment Tax Act, are deemed applicable under this section,
16101 if:
16102 (a) Any data or information required of individuals
16103 applying for benefits to determine whether benefits are not
16104 payable to them because of their alien status is uniformly
16105 required from all applicants for benefits; and
16106 (b) In the case of an individual whose application for
16107 benefits would otherwise be approved, a determination that
16108 benefits to such individual are not payable because of his or
16109 her alien status may not be made except by a preponderance of
16110 the evidence.
16111
16112 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that
16113 the individual has refused without good cause an offer of
16114 resettlement or relocation, which offer provides for suitable
16115 employment for the individual notwithstanding the distance of
16116 relocation, resettlement, or employment from the current
16117 location of the individual in this state, this disqualification
16118 continues for the week in which the failure occurred and for not
16119 more than 17 weeks immediately after that week, or a reduction
16120 by not more than 5 weeks from the duration of benefits, as
16121 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16122 in each case.
16123 (9) If the individual was terminated from his or her work
16124 for violation of any criminal law punishable by imprisonment, or

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16125 for any dishonest act, in connection with his or her work, as
16126 follows:
16127 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16128 the Unemployment Appeals Commission finds that the individual
16129 was terminated from his or her work for violation of any
16130 criminal law punishable by imprisonment in connection with his
16131 or her work, and the individual was found guilty of the offense,
16132 made an admission of guilt in a court of law, or entered a plea
16133 of no contest, the individual is not entitled to unemployment
16134 benefits for up to 52 weeks, under rules adopted by Jobs Florida
16135 ~~the Agency for Workforce Innovation~~, and until he or she has
16136 earned income of at least 17 times his or her weekly benefit
16137 amount. If, before an adjudication of guilt, an admission of
16138 guilt, or a plea of no contest, the employer shows Jobs Florida
16139 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
16140 crime against the employer or the employer's business and, after
16141 considering all the evidence, Jobs Florida ~~the Agency for~~
16142 ~~Workforce Innovation~~ finds misconduct in connection with the
16143 individual's work, the individual is not entitled to
16144 unemployment benefits.
16145 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16146 the Unemployment Appeals Commission finds that the individual
16147 was terminated from work for any dishonest act in connection
16148 with his or her work, the individual is not entitled to
16149 unemployment benefits for up to 52 weeks, under rules adopted by
16150 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
16151 or she has earned income of at least 17 times his or her weekly
16152 benefit amount. In addition, if the employer terminates an
16153 individual as a result of a dishonest act in connection with his

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16154 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
16155 finds misconduct in connection with his or her work, the
16156 individual is not entitled to unemployment benefits.
16157
16158 With respect to an individual disqualified for benefits, the
16159 account of the terminating employer, if the employer is in the
16160 base period, is noncharged at the time the disqualification is
16161 imposed.
16162 Section 276. Subsection (1) of section 443.111, Florida
16163 Statutes, is amended to read:
16164 443.111 Payment of benefits.—
16165 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
16166 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
16167 ~~Workforce Innovation~~, subject to the following requirements:
16168 (a) Benefits are payable by mail or electronically.
16169 ~~Notwithstanding s. 409.942(4),~~ Jobs Florida ~~the agency~~ may
16170 develop a system for the payment of benefits by electronic funds
16171 transfer, including, but not limited to, debit cards, electronic
16172 payment cards, or any other means of electronic payment that
16173 Jobs Florida ~~the agency~~ deems to be commercially viable or cost-
16174 effective. Commodities or services related to the development of
16175 such a system shall be procured by competitive solicitation,
16176 unless they are purchased from a state term contract pursuant to
16177 s. 287.056. Jobs Florida ~~The agency~~ shall adopt rules necessary
16178 to administer the system.
16179 (b) Each claimant must report in the manner prescribed by
16180 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
16181 benefits that are paid and must continue to report at least
16182 biweekly to receive unemployment benefits and to attest to the

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16183 fact that she or he is able and available for work, has not
16184 refused suitable work, is seeking work, and, if she or he has
16185 worked, to report earnings from that work. Each claimant must
16186 continue to report regardless of any appeal or pending appeal
16187 relating to her or his eligibility or disqualification for
16188 benefits.
16189 Section 277. Subsections (1), (4), and (5) of section
16190 443.1113, Florida Statutes, are amended to read:
16191 443.1113 Unemployment Compensation Claims and Benefits
16192 Information System.—
16193 (1) To the extent that funds are appropriated for each
16194 phase of the Unemployment Compensation Claims and Benefits
16195 Information System by the Legislature, Jobs Florida ~~the Agency~~
16196 ~~for Workforce Innovation~~ shall replace and enhance the
16197 functionality provided in the following systems with an
16198 integrated Internet-based system that is known as the
16199 "Unemployment Compensation Claims and Benefits Information
16200 System":
16201 (a) Claims and benefit mainframe system.
16202 (b) Florida unemployment Internet direct.
16203 (c) Florida continued claim Internet directory.
16204 (d) Call center interactive voice response system.
16205 (e) Benefit overpayment screening system.
16206 (f) Internet and Intranet appeals system.
16207 (4) The project to implement the Unemployment Compensation
16208 Claims and Benefits Information System shall be comprised of the
16209 following phases and corresponding implementation timeframes:
16210 (a) No later than the end of fiscal year 2009-2010
16211 completion of the business re-engineering analysis and

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16212 documentation of both the detailed system requirements and the
16213 overall system architecture.
16214 (b) The Unemployment Claims and Benefits Internet portal
16215 that replaces the Florida Unemployment Internet Direct and the
16216 Florida Continued Claims Internet Directory systems, the Call
16217 Center Interactive Voice Response System, the Benefit
16218 Overpayment Screening System, the Internet and Intranet Appeals
16219 System and the Claims and Benefits Mainframe System shall be
16220 deployed to full operational status no later than the end of
16221 fiscal year 2012-2013.
16222 ~~(b) The new Unemployment Claims and Benefits Internet~~
16223 ~~portal that replaces the Florida Unemployment Internet Direct~~
16224 ~~and the Florida Continued Claims Internet Directory systems and~~
16225 ~~shall be deployed to full production operational status no later~~
16226 ~~than the end of fiscal year 2010-2011.~~
16227 ~~(c) The new Call Center Interactive Voice Response System~~
16228 ~~and the Benefit Overpayment Screening System shall be deployed~~
16229 ~~to full production operational status no later than the end of~~
16230 ~~fiscal year 2011-2012.~~
16231 ~~(d) The new Internet and Intranet Appeals System and the~~
16232 ~~Claims and Benefits Mainframe System shall be deployed to full~~
16233 ~~operational status no later than the end of fiscal year 2012-~~
16234 ~~2013.~~
16235 (5) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16236 implement the following project governance structure until such
16237 time as the project is completed, suspended, or terminated:
16238 (a) The project sponsor for the Unemployment Compensation
16239 Claims and Benefits Information System project is the Jobs
16240 Florida ~~executive director of the Agency for Workforce~~

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16241 ~~Innovation~~.
16242 (b) The project shall be governed by an executive steering
16243 committee composed of the following voting members or their
16244 designees:
16245 1. The commissioner of Jobs Florida ~~executive director of~~
16246 ~~the Agency for Workforce Innovation~~.
16247 2. The executive director of the Department of Revenue.
16248 3. The director of the Division of Workforce Services
16249 within Jobs Florida ~~Office of Unemployment Compensation within~~
16250 ~~the Agency for Workforce Innovation~~.
16251 4. The program director of the General Tax Administration
16252 Program Office within the Department of Revenue.
16253 5. The chief information officer of Jobs Florida ~~the Agency~~
16254 ~~for Workforce Innovation~~.
16255 (c) The executive steering committee has the overall
16256 responsibility for ensuring that the project meets its primary
16257 objectives and is specifically responsible for:
16258 1. Providing management direction and support to the
16259 project management team.
16260 2. Assessing the project's alignment with the strategic
16261 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16262 administering the unemployment compensation program.
16263 3. Reviewing and approving or disapproving any changes to
16264 the project's scope, schedule, and costs.
16265 4. Reviewing, approving or disapproving, and determining
16266 whether to proceed with any major project deliverables.
16267 5. Recommending suspension or termination of the project to
16268 the Governor, the President of the Senate, and the Speaker of
16269 the House of Representatives if it determines that the primary

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16270 objectives cannot be achieved.
16271 (d) The project management team shall work under the
16272 direction of the executive steering committee and shall be
16273 minimally comprised of senior managers and stakeholders from
16274 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16275 Department of Revenue. The project management team is
16276 responsible for:
16277 1. Providing daily planning, management, and oversight of
16278 the project.
16279 2. Submitting an operational work plan and providing
16280 quarterly updates to that plan to the executive steering
16281 committee. The plan must specify project milestones,
16282 deliverables, and expenditures.
16283 3. Submitting written monthly project status reports to the
16284 executive steering committee which include:
16285 a. Planned versus actual project costs;
16286 b. An assessment of the status of major milestones and
16287 deliverables;
16288 c. Identification of any issues requiring resolution, the
16289 proposed resolution for these issues, and information regarding
16290 the status of the resolution;
16291 d. Identification of risks that must be managed; and
16292 e. Identification of and recommendations regarding
16293 necessary changes in the project’s scope, schedule, or costs.
16294 All recommendations must be reviewed by project stakeholders
16295 before submission to the executive steering committee in order
16296 to ensure that the recommendations meet required acceptance
16297 criteria.
16298 Section 278. Paragraph (d) of subsection (1), subsection

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16299 (2), paragraphs (a) and (c) of subsection (3), and subsection
16300 (6) of section 443.1115, Florida Statutes, are amended to read:
16301 443.1115 Extended benefits.—
16302 (1) DEFINITIONS.—As used in this section, the term:
16303 (d) "Rate of insured unemployment" means the percentage
16304 derived by dividing the average weekly number of individuals
16305 filing claims for regular compensation in this state, excluding
16306 extended-benefit claimants for weeks of unemployment with
16307 respect to the most recent 13-consecutive-week period, as
16308 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16309 on the basis of its reports to the United States Secretary of
16310 Labor, by the average monthly employment covered under this
16311 chapter for the first four of the most recent six completed
16312 calendar quarters ending before the end of that 13-week period.
16313 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
16314 EXTENDED BENEFITS.—Except when the result is inconsistent with
16315 the other provisions of this section and as provided in the
16316 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16317 provisions of this chapter applying to claims for, or the
16318 payment of, regular benefits apply to claims for, and the
16319 payment of, extended benefits. These extended benefits are
16320 charged to the employment records of employers to the extent
16321 that the share of those extended benefits paid from this state's
16322 Unemployment Compensation Trust Fund is not eligible to be
16323 reimbursed from federal sources.
16324 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—
16325 (a) An individual is eligible to receive extended benefits
16326 for any week of unemployment in her or his eligibility period
16327 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds

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16328 that, for that week:
16329 1. She or he is an exhaustee as defined in subsection (1).
16330 2. She or he satisfies the requirements of this chapter for
16331 the receipt of regular benefits applicable to individuals
16332 claiming extended benefits, including not being subject to
16333 disqualification from the receipt of benefits. An individual
16334 disqualified from receiving regular benefits may not receive
16335 extended benefits after the disqualification period terminates
16336 if he or she was disqualified for voluntarily leaving work,
16337 being discharged from work for misconduct, or refusing suitable
16338 work. However, if the disqualification period for regular
16339 benefits terminates because the individual received the required
16340 amount of remuneration for services rendered as a common-law
16341 employee, she or he may receive extended benefits.
16342 3. The individual was paid wages for insured work for the
16343 applicable benefit year equal to 1.5 times the high quarter
16344 earnings during the base period.
16345 (c)1. An individual is disqualified from receiving extended
16346 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16347 finds that, during any week of unemployment in her or his
16348 eligibility period:
16349 a. She or he failed to apply for suitable work or, if
16350 offered, failed to accept suitable work, unless the individual
16351 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16352 that her or his prospects for obtaining work in her or his
16353 customary occupation within a reasonably short period are good.
16354 If this evidence is deemed satisfactory for this purpose, the
16355 determination of whether any work is suitable for the individual
16356 shall be made in accordance with the definition of suitable work

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16357 in s. 443.101(2). This disqualification begins with the week the
16358 failure occurred and continues until she or he is employed for
16359 at least 4 weeks and receives earned income of at least 17 times
16360 her or his weekly benefit amount.
16361 b. She or he failed to furnish tangible evidence that she
16362 or he actively engaged in a systematic and sustained effort to
16363 find work. This disqualification begins with the week the
16364 failure occurred and continues until she or he is employed for
16365 at least 4 weeks and receives earned income of at least 4 times
16366 her or his weekly benefit amount.
16367 2. Except as otherwise provided in sub-subparagraph 1.a.,
16368 as used in this paragraph, the term "suitable work" means any
16369 work within the individual's capabilities to perform, if:
16370 a. The gross average weekly remuneration payable for the
16371 work exceeds the sum of the individual's weekly benefit amount
16372 plus the amount, if any, of supplemental unemployment benefits,
16373 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16374 1954, as amended, payable to the individual for that week;
16375 b. The wages payable for the work equal the higher of the
16376 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16377 Act of 1938, without regard to any exemption, or the state or
16378 local minimum wage; and
16379 c. The work otherwise meets the definition of suitable work
16380 in s. 443.101(2) to the extent that the criteria for suitability
16381 are not inconsistent with this paragraph.
16382 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16383 ~~Innovation~~ shall perform the computations required under
16384 paragraph (1)(d) in accordance with regulations of the United
16385 States Secretary of Labor.

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16386 Section 279. Subsection (2) and paragraphs (a) and (b) of
16387 subsection (5) of section 443.1116, Florida Statutes, are
16388 amended to read:
16389 443.1116 Short-time compensation.—
16390 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16391 wishing to participate in the short-time compensation program
16392 must submit a signed, written, short-time plan to Jobs Florida
16393 ~~the director of the Agency for Workforce Innovation~~ for
16394 approval. The commissioner ~~director~~ or his or her designee shall
16395 approve the plan if:
16396 (a) The plan applies to and identifies each specific
16397 affected unit;
16398 (b) The individuals in the affected unit are identified by
16399 name and social security number;
16400 (c) The normal weekly hours of work for individuals in the
16401 affected unit are reduced by at least 10 percent and by not more
16402 than 40 percent;
16403 (d) The plan includes a certified statement by the employer
16404 that the aggregate reduction in work hours is in lieu of
16405 temporary layoffs that would affect at least 10 percent of the
16406 employees in the affected unit and that would have resulted in
16407 an equivalent reduction in work hours;
16408 (e) The plan applies to at least 10 percent of the
16409 employees in the affected unit;
16410 (f) The plan is approved in writing by the collective
16411 bargaining agent for each collective bargaining agreement
16412 covering any individual in the affected unit;
16413 (g) The plan does not serve as a subsidy to seasonal
16414 employers during the off-season or as a subsidy to employers who

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16415 traditionally use part-time employees; and
16416 (h) The plan certifies the manner in which the employer
16417 will treat fringe benefits of the individuals in the affected
16418 unit if the hours of the individuals are reduced to less than
16419 their normal weekly hours of work. As used in this paragraph,
16420 the term “fringe benefits” includes, but is not limited to,
16421 health insurance, retirement benefits under defined benefit
16422 pension plans as defined in subsection 35 of s. 1002 of the
16423 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16424 vacation and holidays, and sick leave.
16425 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16426 BENEFITS.—
16427 (a) Except as provided in this subsection, an individual is
16428 eligible to receive short-time compensation benefits for any
16429 week only if she or he complies with this chapter and Jobs
16430 Florida ~~the Agency for Workforce Innovation~~ finds that:
16431 1. The individual is employed as a member of an affected
16432 unit in an approved plan that was approved before the week and
16433 is in effect for the week;
16434 2. The individual is able to work and is available for
16435 additional hours of work or for full-time work with the short-
16436 time employer; and
16437 3. The normal weekly hours of work of the individual are
16438 reduced by at least 10 percent but not by more than 40 percent,
16439 with a corresponding reduction in wages.
16440 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16441 not deny short-time compensation benefits to an individual who
16442 is otherwise eligible for these benefits for any week by reason
16443 of the application of any provision of this chapter relating to

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16444 availability for work, active search for work, or refusal to
16445 apply for or accept work from other than the short-time
16446 compensation employer of that individual.
16447 Section 280. Subsection (3) of section 443.1215, Florida
16448 Statutes, is amended to read:
16449 443.1215 Employers.—
16450 (3) An employing unit that fails to keep the records of
16451 employment required by this chapter and by the rules of Jobs
16452 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16453 providing unemployment tax collection services is presumed to be
16454 an employer liable for the payment of contributions under this
16455 chapter, regardless of the number of individuals employed by the
16456 employing unit. However, the tax collection service provider
16457 shall make written demand that the employing unit keep and
16458 maintain required payroll records. The demand must be made at
16459 least 6 months before assessing contributions against an
16460 employing unit determined to be an employer that is subject to
16461 this chapter solely by reason of this subsection.
16462 Section 281. Paragraphs (a) and (d) of subsection (1),
16463 subsection (12), and paragraph (p) of subsection (13) of section
16464 443.1216, Florida Statutes, are amended to read:
16465 443.1216 Employment.—Employment, as defined in s. 443.036,
16466 is subject to this chapter under the following conditions:
16467 (1)(a) The employment subject to this chapter includes a
16468 service performed, including a service performed in interstate
16469 commerce, by:
16470 1. An officer of a corporation.
16471 2. An individual who, under the usual common-law rules
16472 applicable in determining the employer-employee relationship, is

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16473 an employee. However, whenever a client, as defined in s.
16474 443.036(18), which would otherwise be designated as an employing
16475 unit has contracted with an employee leasing company to supply
16476 it with workers, those workers are considered employees of the
16477 employee leasing company. An employee leasing company may lease
16478 corporate officers of the client to the client and other workers
16479 to the client, except as prohibited by regulations of the
16480 Internal Revenue Service. Employees of an employee leasing
16481 company must be reported under the employee leasing company's
16482 tax identification number and contribution rate for work
16483 performed for the employee leasing company.
16484 a. In addition to any other report required to be filed by
16485 law, an employee leasing company shall submit a report to the
16486 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16487 ~~for Workforce Innovation~~ which includes each client
16488 establishment and each establishment of the employee leasing
16489 company, or as otherwise directed by Jobs Florida ~~the agency~~.
16490 The report must include the following information for each
16491 establishment:
16492 (I) The trade or establishment name;
16493 (II) The former unemployment compensation account number,
16494 if available;
16495 (III) The former federal employer's identification number
16496 (FEIN), if available;
16497 (IV) The industry code recognized and published by the
16498 United States Office of Management and Budget, if available;
16499 (V) A description of the client's primary business activity
16500 in order to verify or assign an industry code;
16501 (VI) The address of the physical location;

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16502 (VII) The number of full-time and part-time employees who
16503 worked during, or received pay that was subject to unemployment
16504 compensation taxes for, the pay period including the 12th of the
16505 month for each month of the quarter;
16506 (VIII) The total wages subject to unemployment compensation
16507 taxes paid during the calendar quarter;
16508 (IX) An internal identification code to uniquely identify
16509 each establishment of each client;
16510 (X) The month and year that the client entered into the
16511 contract for services; and
16512 (XI) The month and year that the client terminated the
16513 contract for services.
16514 b. The report shall be submitted electronically or in a
16515 manner otherwise prescribed by Jobs Florida ~~the Agency for~~
16516 ~~Workforce Innovation~~ in the format specified by the Bureau of
16517 Labor Statistics of the United States Department of Labor for
16518 its Multiple Worksite Report for Professional Employer
16519 Organizations. The report must be provided quarterly to the
16520 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16521 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16522 Florida ~~the agency~~, and must be filed by the last day of the
16523 month immediately following the end of the calendar quarter. The
16524 information required in sub-sub-subparagraphs a.(X) and (XI)
16525 need be provided only in the quarter in which the contract to
16526 which it relates was entered into or terminated. The sum of the
16527 employment data and the sum of the wage data in this report must
16528 match the employment and wages reported in the unemployment
16529 compensation quarterly tax and wage report. A report is not
16530 required for any calendar quarter preceding the third calendar

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16531 quarter of 2010.
16532 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16533 adopt rules as necessary to administer this subparagraph, and
16534 may administer, collect, enforce, and waive the penalty imposed
16535 by s. 443.141(1)(b) for the report required by this
16536 subparagraph.
16537 d. For the purposes of this subparagraph, the term
16538 “establishment” means any location where business is conducted
16539 or where services or industrial operations are performed.
16540 3. An individual other than an individual who is an
16541 employee under subparagraph 1. or subparagraph 2., who performs
16542 services for remuneration for any person:
16543 a. As an agent-driver or commission-driver engaged in
16544 distributing meat products, vegetable products, fruit products,
16545 bakery products, beverages other than milk, or laundry or
16546 drycleaning services for his or her principal.
16547 b. As a traveling or city salesperson engaged on a full-
16548 time basis in the solicitation on behalf of, and the
16549 transmission to, his or her principal of orders from
16550 wholesalers, retailers, contractors, or operators of hotels,
16551 restaurants, or other similar establishments for merchandise for
16552 resale or supplies for use in their business operations. This
16553 sub-subparagraph does not apply to an agent-driver or a
16554 commission-driver and does not apply to sideline sales
16555 activities performed on behalf of a person other than the
16556 salesperson’s principal.
16557 4. The services described in subparagraph 3. are employment
16558 subject to this chapter only if:
16559 a. The contract of service contemplates that substantially

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16560 all of the services are to be performed personally by the
16561 individual;
16562 b. The individual does not have a substantial investment in
16563 facilities used in connection with the services, other than
16564 facilities used for transportation; and
16565 c. The services are not in the nature of a single
16566 transaction that is not part of a continuing relationship with
16567 the person for whom the services are performed.
16568 (d) If two or more related corporations concurrently employ
16569 the same individual and compensate the individual through a
16570 common paymaster, each related corporation is considered to have
16571 paid wages to the individual only in the amounts actually
16572 disbursed by that corporation to the individual and is not
16573 considered to have paid the wages actually disbursed to the
16574 individual by another of the related corporations. Jobs Florida
16575 ~~The Agency for Workforce Innovation~~ and the state agency
16576 providing unemployment tax collection services may adopt rules
16577 necessary to administer this paragraph.
16578 1. As used in this paragraph, the term "common paymaster"
16579 means a member of a group of related corporations that disburses
16580 wages to concurrent employees on behalf of the related
16581 corporations and that is responsible for keeping payroll records
16582 for those concurrent employees. A common paymaster is not
16583 required to disburse wages to all the employees of the related
16584 corporations; however, this subparagraph does not apply to wages
16585 of concurrent employees which are not disbursed through a common
16586 paymaster. A common paymaster must pay concurrently employed
16587 individuals under this subparagraph by one combined paycheck.
16588 2. As used in this paragraph, the term "concurrent

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16589 employment” means the existence of simultaneous employment
16590 relationships between an individual and related corporations.
16591 Those relationships require the performance of services by the
16592 employee for the benefit of the related corporations, including
16593 the common paymaster, in exchange for wages that, if deductible
16594 for the purposes of federal income tax, are deductible by the
16595 related corporations.
16596 3. Corporations are considered related corporations for an
16597 entire calendar quarter if they satisfy any one of the following
16598 tests at any time during the calendar quarter:
16599 a. The corporations are members of a “controlled group of
16600 corporations” as defined in s. 1563 of the Internal Revenue Code
16601 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16602 apply.
16603 b. In the case of a corporation that does not issue stock,
16604 at least 50 percent of the members of the board of directors or
16605 other governing body of one corporation are members of the board
16606 of directors or other governing body of the other corporation or
16607 the holders of at least 50 percent of the voting power to select
16608 those members are concurrently the holders of at least 50
16609 percent of the voting power to select those members of the other
16610 corporation.
16611 c. At least 50 percent of the officers of one corporation
16612 are concurrently officers of the other corporation.
16613 d. At least 30 percent of the employees of one corporation
16614 are concurrently employees of the other corporation.
16615 4. The common paymaster must report to the tax collection
16616 service provider, as part of the unemployment compensation
16617 quarterly tax and wage report, the state unemployment

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16618 compensation account number and name of each related corporation
16619 for which concurrent employees are being reported. Failure to
16620 timely report this information shall result in the related
16621 corporations being denied common paymaster status for that
16622 calendar quarter.
16623 5. The common paymaster also has the primary responsibility
16624 for remitting contributions due under this chapter for the wages
16625 it disburses as the common paymaster. The common paymaster must
16626 compute these contributions as though it were the sole employer
16627 of the concurrently employed individuals. If a common paymaster
16628 fails to timely remit these contributions or reports, in whole
16629 or in part, the common paymaster remains liable for the full
16630 amount of the unpaid portion of these contributions. In
16631 addition, each of the other related corporations using the
16632 common paymaster is jointly and severally liable for its
16633 appropriate share of these contributions. Each related
16634 corporation’s share equals the greater of:
16635 a. The liability of the common paymaster under this
16636 chapter, after taking into account any contributions made.
16637 b. The liability under this chapter which, notwithstanding
16638 this section, would have existed for the wages from the other
16639 related corporations, reduced by an allocable portion of any
16640 contributions previously paid by the common paymaster for those
16641 wages.
16642 (12) The employment subject to this chapter includes
16643 services covered by a reciprocal arrangement under s. 443.221
16644 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16645 tax collection service provider and the agency charged with the
16646 administration of another state unemployment compensation law or

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16647 a federal unemployment compensation law, under which all
16648 services performed by an individual for an employing unit are
16649 deemed to be performed entirely within this state, if Jobs
16650 Florida ~~the Agency for Workforce Innovation~~ or its tax
16651 collection service provider approved an election of the
16652 employing unit in which all of the services performed by the
16653 individual during the period covered by the election are deemed
16654 to be insured work.
16655 (13) The following are exempt from coverage under this
16656 chapter:
16657 (p) Service covered by an arrangement between Jobs Florida
16658 ~~the Agency for Workforce Innovation~~, or its tax collection
16659 service provider, and the agency charged with the administration
16660 of another state or federal unemployment compensation law under
16661 which all services performed by an individual for an employing
16662 unit during the period covered by the employing unit's duly
16663 approved election is deemed to be performed entirely within the
16664 other agency's state or under the federal law.
16665 Section 282. Subsection (1) of section 443.1217, Florida
16666 Statutes, is amended to read:
16667 443.1217 Wages.—
16668 (1) The wages subject to this chapter include all
16669 remuneration for employment, including commissions, bonuses,
16670 back pay awards, and the cash value of all remuneration paid in
16671 any medium other than cash. The reasonable cash value of
16672 remuneration in any medium other than cash must be estimated and
16673 determined in accordance with rules adopted by Jobs Florida ~~the~~
16674 ~~Agency for Workforce Innovation~~ or the state agency providing
16675 tax collection services. The wages subject to this chapter

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16676 include tips or gratuities received while performing services
16677 that constitute employment and are included in a written
16678 statement furnished to the employer under s. 6053(a) of the
16679 Internal Revenue Code of 1954. As used in this section only, the
16680 term “employment” includes services constituting employment
16681 under any employment security law of another state or of the
16682 Federal Government.
16683 Section 283. Subsection (1) and paragraphs (a), (g), and
16684 (i) of subsection (3) of section 443.131, Florida Statutes, are
16685 amended to read:
16686 443.131 Contributions.—
16687 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16688 payable by each employer for each calendar quarter he or she is
16689 subject to this chapter for wages paid during each calendar
16690 quarter for employment. Contributions are due and payable by
16691 each employer to the tax collection service provider, in
16692 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16693 ~~Workforce Innovation~~ or the state agency providing tax
16694 collection services. This subsection does not prohibit the tax
16695 collection service provider from allowing, at the request of the
16696 employer, employers of employees performing domestic services,
16697 as defined in s. 443.1216(6), to pay contributions or report
16698 wages at intervals other than quarterly when the nonquarterly
16699 payment or reporting assists the service provider and when
16700 nonquarterly payment and reporting is authorized under federal
16701 law. Employers of employees performing domestic services may
16702 report wages and pay contributions annually, with a due date of
16703 January 1 and a delinquency date of February 1. To qualify for
16704 this election, the employer must employ only employees

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16705 performing domestic services, be eligible for a variation from
16706 the standard rate computed under subsection (3), apply to this
16707 program no later than December 1 of the preceding calendar year,
16708 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16709 ~~Innovation~~ or its tax collection service provider with any
16710 special reports that are requested, including copies of all
16711 federal employment tax forms. An employer who fails to timely
16712 furnish any wage information required by Jobs Florida ~~the Agency~~
16713 ~~for Workforce Innovation~~ or its tax collection service provider
16714 loses the privilege to participate in this program, effective
16715 the calendar quarter immediately after the calendar quarter the
16716 failure occurred. The employer may reapply for annual reporting
16717 when a complete calendar year elapses after the employer's
16718 disqualification if the employer timely furnished any requested
16719 wage information during the period in which annual reporting was
16720 denied. An employer may not deduct contributions, interests,
16721 penalties, fines, or fees required under this chapter from any
16722 part of the wages of his or her employees. A fractional part of
16723 a cent less than one-half cent shall be disregarded from the
16724 payment of contributions, but a fractional part of at least one-
16725 half cent shall be increased to 1 cent.
16726 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16727 EXPERIENCE.—
16728 (a) *Employment records.*—The regular and short-time
16729 compensation benefits paid to an eligible individual shall be
16730 charged to the employment record of each employer who paid the
16731 individual wages of at least $100 during the individual's base
16732 period in proportion to the total wages paid by all employers
16733 who paid the individual wages during the individual's base

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16734 period. Benefits may not be charged to the employment record of
16735 an employer who furnishes part-time work to an individual who,
16736 because of loss of employment with one or more other employers,
16737 is eligible for partial benefits while being furnished part-time
16738 work by the employer on substantially the same basis and in
16739 substantially the same amount as the individual's employment
16740 during his or her base period, regardless of whether this part-
16741 time work is simultaneous or successive to the individual's lost
16742 employment. Further, as provided in s. 443.151(3), benefits may
16743 not be charged to the employment record of an employer who
16744 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16745 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16746 of the following apply:
16747 1. If an individual leaves his or her work without good
16748 cause attributable to the employer or is discharged by the
16749 employer for misconduct connected with his or her work, benefits
16750 subsequently paid to the individual based on wages paid by the
16751 employer before the separation may not be charged to the
16752 employment record of the employer.
16753 2. If an individual is discharged by the employer for
16754 unsatisfactory performance during an initial employment
16755 probationary period, benefits subsequently paid to the
16756 individual based on wages paid during the probationary period by
16757 the employer before the separation may not be charged to the
16758 employer's employment record. As used in this subparagraph, the
16759 term "initial employment probationary period" means an
16760 established probationary plan that applies to all employees or a
16761 specific group of employees and that does not exceed 90 calendar
16762 days following the first day a new employee begins work. The

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16763 employee must be informed of the probationary period within the
16764 first 7 days of work. The employer must demonstrate by
16765 conclusive evidence that the individual was separated because of
16766 unsatisfactory work performance and not because of lack of work
16767 due to temporary, seasonal, casual, or other similar employment
16768 that is not of a regular, permanent, and year-round nature.
16769 3. Benefits subsequently paid to an individual after his or
16770 her refusal without good cause to accept suitable work from an
16771 employer may not be charged to the employment record of the
16772 employer if any part of those benefits are based on wages paid
16773 by the employer before the individual's refusal to accept
16774 suitable work. As used in this subparagraph, the term "good
16775 cause" does not include distance to employment caused by a
16776 change of residence by the individual. Jobs Florida ~~The Agency~~
16777 ~~for Workforce Innovation~~ shall adopt rules prescribing for the
16778 payment of all benefits whether this subparagraph applies
16779 regardless of whether a disqualification under s. 443.101
16780 applies to the claim.
16781 4. If an individual is separated from work as a direct
16782 result of a natural disaster declared under the Robert T.
16783 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16784 ss. 5121 et seq., benefits subsequently paid to the individual
16785 based on wages paid by the employer before the separation may
16786 not be charged to the employment record of the employer.
16787 (g) *Transfer of unemployment experience upon transfer or*
16788 *acquisition of a business.*—Notwithstanding any other provision
16789 of law, upon transfer or acquisition of a business, the
16790 following conditions apply to the assignment of rates and to
16791 transfers of unemployment experience:

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16792 1.a. If an employer transfers its trade or business, or a
16793 portion thereof, to another employer and, at the time of the
16794 transfer, there is any common ownership, management, or control
16795 of the two employers, the unemployment experience attributable
16796 to the transferred trade or business shall be transferred to the
16797 employer to whom the business is so transferred. The rates of
16798 both employers shall be recalculated and made effective as of
16799 the beginning of the calendar quarter immediately following the
16800 date of the transfer of the trade or business unless the
16801 transfer occurred on the first day of a calendar quarter, in
16802 which case the rate shall be recalculated as of that date.
16803 b. If, following a transfer of experience under sub-
16804 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16805 ~~Innovation~~ or the tax collection service provider determines
16806 that a substantial purpose of the transfer of trade or business
16807 was to obtain a reduced liability for contributions, the
16808 experience rating account of the employers involved shall be
16809 combined into a single account and a single rate assigned to the
16810 account.
16811 2. Whenever a person who is not an employer under this
16812 chapter at the time it acquires the trade or business of an
16813 employer, the unemployment experience of the acquired business
16814 shall not be transferred to the person if Jobs Florida ~~the~~
16815 ~~Agency for Workforce Innovation~~ or the tax collection service
16816 provider finds that such person acquired the business solely or
16817 primarily for the purpose of obtaining a lower rate of
16818 contributions. Instead, such person shall be assigned the new
16819 employer rate under paragraph (2)(a). In determining whether the
16820 business was acquired solely or primarily for the purpose of

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16821 obtaining a lower rate of contributions, the tax collection
16822 service provider shall consider, but not be limited to, the
16823 following factors:
16824 a. Whether the person continued the business enterprise of
16825 the acquired business;
16826 b. How long such business enterprise was continued; or
16827 c. Whether a substantial number of new employees was hired
16828 for performance of duties unrelated to the business activity
16829 conducted before the acquisition.
16830 3. If a person knowingly violates or attempts to violate
16831 subparagraph 1. or subparagraph 2. or any other provision of
16832 this chapter related to determining the assignment of a
16833 contribution rate, or if a person knowingly advises another
16834 person to violate the law, the person shall be subject to the
16835 following penalties:
16836 a. If the person is an employer, the employer shall be
16837 assigned the highest rate assignable under this chapter for the
16838 rate year during which such violation or attempted violation
16839 occurred and for the 3 rate years immediately following this
16840 rate year. However, if the person’s business is already at the
16841 highest rate for any year, or if the amount of increase in the
16842 person’s rate would be less than 2 percent for such year, then a
16843 penalty rate of contribution of 2 percent of taxable wages shall
16844 be imposed for such year and the following 3 rate years.
16845 b. If the person is not an employer, such person shall be
16846 subject to a civil money penalty of not more than $5,000. The
16847 procedures for the assessment of a penalty shall be in
16848 accordance with the procedures set forth in s. 443.141(2), and
16849 the provisions of s. 443.141(3) shall apply to the collection of

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16850 the penalty. Any such penalty shall be deposited in the penalty
16851 and interest account established under s. 443.211(2).
16852 4. For purposes of this paragraph, the term:
16853 a. “Knowingly” means having actual knowledge of or acting
16854 with deliberate ignorance or reckless disregard for the
16855 prohibition involved.
16856 b. “Violates or attempts to violate” includes, but is not
16857 limited to, intent to evade, misrepresent, or willfully
16858 nondisclose.
16859 5. In addition to the penalty imposed by subparagraph 3.,
16860 any person who violates this paragraph commits a felony of the
16861 third degree, punishable as provided in s. 775.082, s. 775.083,
16862 or s. 775.084.
16863 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
16864 tax collection service provider shall establish procedures to
16865 identify the transfer or acquisition of a business for the
16866 purposes of this paragraph and shall adopt any rules necessary
16867 to administer this paragraph.
16868 7. For purposes of this paragraph:
16869 a. “Person” has the meaning given to the term by s.
16870 7701(a)(1) of the Internal Revenue Code of 1986.
16871 b. “Trade or business” shall include the employer’s
16872 workforce.
16873 8. This paragraph shall be interpreted and applied in such
16874 a manner as to meet the minimum requirements contained in any
16875 guidance or regulations issued by the United States Department
16876 of Labor.
16877 (i) *Notice of determinations of contribution rates;*
16878 *redeterminations.*—The state agency providing tax collection

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16879 services:
16880 1. Shall promptly notify each employer of his or her
16881 contribution rate as determined for any calendar year under this
16882 section. The determination is conclusive and binding on the
16883 employer unless within 20 days after mailing the notice of
16884 determination to the employer’s last known address, or, in the
16885 absence of mailing, within 20 days after delivery of the notice,
16886 the employer files an application for review and redetermination
16887 setting forth the grounds for review. An employer may not, in
16888 any proceeding involving his or her contribution rate or
16889 liability for contributions, contest the chargeability to his or
16890 her employment record of any benefits paid in accordance with a
16891 determination, redetermination, or decision under s. 443.151,
16892 except on the ground that the benefits charged were not based on
16893 services performed in employment for him or her and then only if
16894 the employer was not a party to the determination,
16895 redetermination, or decision, or to any other proceeding under
16896 this chapter, in which the character of those services was
16897 determined.
16898 2. Shall, upon discovery of an error in computation,
16899 reconsider any prior determination or redetermination of a
16900 contribution rate after the 20-day period has expired and issue
16901 a revised notice of contribution rate as redetermined. A
16902 redetermination is subject to review, and is conclusive and
16903 binding if review is not sought, in the same manner as review of
16904 a determination under subparagraph 1. A reconsideration may not
16905 be made after March 31 of the calendar year immediately after
16906 the calendar year for which the contribution rate is applicable,
16907 and interest may not accrue on any additional contributions

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16908 found to be due until 30 days after the employer is mailed
16909 notice of his or her revised contribution rate.
16910 3. May adopt rules providing for periodic notification to
16911 employers of benefits paid and charged to their employment
16912 records or of the status of those employment records. A
16913 notification, unless an application for redetermination is filed
16914 in the manner and within the time limits prescribed by Jobs
16915 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
16916 binding on the employer under this chapter. The redetermination,
16917 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
16918 of fact in connection with the redetermination, may be
16919 introduced in any subsequent administrative or judicial
16920 proceeding involving the determination of the contribution rate
16921 of an employer for any calendar year. A redetermination becomes
16922 final in the same manner provided in this subsection for
16923 findings of fact made by Jobs Florida ~~the Agency for Workforce~~
16924 ~~Innovation~~ in proceedings to redetermine the contribution rate
16925 of an employer. Pending a redetermination or an administrative
16926 or judicial proceeding, the employer must file reports and pay
16927 contributions in accordance with this section.
16928 Section 284. Paragraph (d) of subsection (2) and paragraph
16929 (d) of subsection (3) of section 443.1312, Florida Statutes, are
16930 amended to read:
16931 443.1312 Reimbursements; nonprofit organizations.—Benefits
16932 paid to employees of nonprofit organizations shall be financed
16933 in accordance with this section.
16934 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
16935 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
16936 subject to this chapter under s. 443.1215(1)(c) or s.

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16937 443.121(3)(a) must pay contributions under s. 443.131 unless it
16938 elects, in accordance with this subsection, to reimburse the
16939 Unemployment Compensation Trust Fund for all of the regular
16940 benefits, short-time compensation benefits, and one-half of the
16941 extended benefits paid, which are attributable to service in the
16942 employ of the nonprofit organization, to individuals for weeks
16943 of unemployment which begin during the effective period of the
16944 election.
16945 (d) In accordance with rules adopted by Jobs Florida ~~the~~
16946 ~~Agency for Workforce Innovation~~ or the state agency providing
16947 unemployment tax collection services, the tax collection service
16948 provider shall notify each nonprofit organization of any
16949 determination of the organization's status as an employer, the
16950 effective date of any election the organization makes, and the
16951 effective date of any termination of the election. Each
16952 determination is subject to reconsideration, appeal, and review
16953 under s. 443.141(2)(c).
16954 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
16955 contributions must be paid in accordance with this subsection.
16956 (d) The amount due, as specified in any bill from the tax
16957 collection service provider, is conclusive, and the nonprofit
16958 organization is liable for payment of that amount unless, within
16959 20 days after the bill is mailed to the organization's last
16960 known address or otherwise delivered to the organization, the
16961 organization files an application for redetermination by Jobs
16962 Florida ~~the Agency for Workforce Innovation~~, setting forth the
16963 grounds for the application. Jobs Florida ~~The Agency for~~
16964 ~~Workforce Innovation~~ shall promptly review and reconsider the
16965 amount due, as specified in the bill, and shall issue a

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16966 redetermination in each case in which an application for
16967 redetermination is filed. The redetermination is conclusive and
16968 the nonprofit organization is liable for payment of the amount
16969 due, as specified in the redetermination, unless, within 20 days
16970 after the redetermination is mailed to the organization's last
16971 known address or otherwise delivered to the organization, the
16972 organization files a protest, setting forth the grounds for the
16973 appeal. Proceedings on the protest shall be conducted in
16974 accordance with s. 443.141(2).
16975 Section 285. Paragraph (b) of subsection (1) of section
16976 443.1313, Florida Statutes, is amended to read:
16977 443.1313 Public employers; reimbursements; election to pay
16978 contributions.—Benefits paid to employees of a public employer,
16979 as defined in s. 443.036, based on service described in s.
16980 443.1216(2) shall be financed in accordance with this section.
16981 (1) PAYMENT OF REIMBURSEMENTS.—
16982 (b) If a state agency is more than 120 days delinquent on
16983 reimbursements due to the Unemployment Compensation Trust Fund,
16984 the tax collection service provider shall certify to the Chief
16985 Financial Officer the amount due and the Chief Financial Officer
16986 shall transfer the amount due to the Unemployment Compensation
16987 Trust Fund from the funds of the agency which legally may be
16988 used for that purpose. If a public employer other than a state
16989 agency is more than 120 days delinquent on reimbursements due to
16990 the Unemployment Compensation Trust Fund, upon request by the
16991 tax collection service provider after a hearing, the Department
16992 of Revenue or the Department of Financial Services, as
16993 applicable, shall deduct the amount owed by the public employer
16994 from any funds to be distributed by the applicable department to

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16995 the public employer for further distribution to the trust fund
16996 in accordance with this chapter. If an employer for whom the
16997 municipal or county tax collector collects taxes fails to make
16998 the reimbursements to the Unemployment Compensation Trust Fund
16999 required by this chapter, the tax collector after a hearing, at
17000 the request of the tax collection service provider and upon
17001 receipt of a certificate showing the amount owed by the
17002 employer, shall deduct the certified amount from any taxes
17003 collected for the employer and remit that amount to the tax
17004 collection service provider for further distribution to the
17005 trust fund in accordance with this chapter. This paragraph does
17006 not apply to amounts owed by a political subdivision of the
17007 state for benefits erroneously paid in which the claimant must
17008 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
17009 s. 443.151(6)(a) or (b) any sum as benefits received.
17010 Section 286. Paragraphs (b) and (c) of subsection (4) and
17011 subsection (7) of section 443.1315, Florida Statutes, are
17012 amended to read:
17013 443.1315 Treatment of Indian tribes.—
17014 (4)
17015 (b)1. Services performed for an Indian tribe or tribal unit
17016 that fails to make required reimbursements, including
17017 assessments of interest and penalty, after all collection
17018 activities deemed necessary by the tax collection service
17019 provider, subject to approval by Jobs Florida ~~the Agency for~~
17020 ~~Workforce Innovation~~, are exhausted may not be treated as
17021 employment for purposes of paragraph (1)(b).
17022 2. The tax collection service provider may determine that
17023 any Indian tribe that loses coverage under subparagraph 1. may

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17024 have services performed for the tribe subsequently included as
17025 employment for purposes of paragraph (1)(b) if all
17026 contributions, reimbursements, penalties, and interest are paid.
17027 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
17028 tax collection service provider shall immediately notify the
17029 United States Internal Revenue Service and the United States
17030 Department of Labor when an Indian tribe fails to make
17031 reimbursements required under this section, including
17032 assessments of interest and penalty, within 90 days after a
17033 final notice of delinquency.
17034 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17035 the state agency providing unemployment tax collection services
17036 shall adopt rules necessary to administer this section.
17037 Section 287. Section 443.1316, Florida Statutes, is amended
17038 to read:
17039 443.1316 Unemployment tax collection services; interagency
17040 agreement.—
17041 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17042 contract with the Department of Revenue, through an interagency
17043 agreement, to perform the duties of the tax collection service
17044 provider and provide other unemployment tax collection services
17045 under this chapter. Under the interagency agreement, the tax
17046 collection service provider may only implement:
17047 (a) The provisions of this chapter conferring duties upon
17048 the tax collection service provider.
17049 (b) The provisions of law conferring duties upon Jobs
17050 Florida ~~the Agency for Workforce Innovation~~ which are
17051 specifically delegated to the tax collection service provider in
17052 the interagency agreement.

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17053 (2)(a) The Department of Revenue is considered to be
17054 administering a revenue law of this state when the department
17055 implements this chapter, or otherwise provides unemployment tax
17056 collection services, under contract with Jobs Florida ~~the Agency~~
17057 ~~for Workforce Innovation~~ through the interagency agreement.
17058 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
17059 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
17060 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
17061 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
17062 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
17063 213.757 apply to the collection of unemployment contributions
17064 and reimbursements by the Department of Revenue unless
17065 prohibited by federal law.
17066 Section 288. Section 443.1317, Florida Statutes, is amended
17067 to read:
17068 443.1317 Rulemaking authority; enforcement of rules.—
17069 (1) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION~~.—
17070 (a) Except as otherwise provided in s. 443.012, Jobs
17071 Florida ~~the Agency for Workforce Innovation~~ has ultimate
17072 authority over the administration of the Unemployment
17073 Compensation Program.
17074 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
17075 adopt rules under ss. 120.536(1) and 120.54 to administer the
17076 provisions of this chapter conferring duties upon either Jobs
17077 Florida ~~the agency~~ or its tax collection service provider.
17078 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
17079 providing unemployment tax collection services under contract
17080 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
17081 interagency agreement pursuant to s. 443.1316 may adopt rules

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17082 under ss. 120.536(1) and 120.54, subject to approval by Jobs
17083 Florida ~~the Agency for Workforce Innovation~~, to administer the
17084 provisions of law described in s. 443.1316(1)(a) and (b) which
17085 are within this chapter. These rules must not conflict with the
17086 rules adopted by Jobs Florida ~~the Agency for Workforce~~
17087 ~~Innovation~~ or with the interagency agreement.
17088 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~
17089 ~~Workforce Innovation~~ may enforce any rule adopted by the state
17090 agency providing unemployment tax collection services to
17091 administer this chapter. The tax collection service provider may
17092 enforce any rule adopted by Jobs Florida ~~the Agency for~~
17093 ~~Workforce Innovation~~ to administer the provisions of law
17094 described in s. 443.1316(1)(a) and (b).
17095 Section 289. Paragraphs (b), (c), and (f) of subsection
17096 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
17097 and paragraph (c) of subsection (4) of section 443.141, Florida
17098 Statutes, are amended to read:
17099 443.141 Collection of contributions and reimbursements.—
17100 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
17101 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
17102 (b) *Penalty for delinquent, erroneous, incomplete, or*
17103 *insufficient reports.*—
17104 1. An employing unit that fails to file any report required
17105 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17106 collection service provider, in accordance with rules for
17107 administering this chapter, shall pay to the service provider
17108 for each delinquent report the sum of $25 for each 30 days or
17109 fraction thereof that the employing unit is delinquent, unless
17110 the agency or its service provider, whichever required the

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17111 report, finds that the employing unit has good reason for
17112 failing to file the report. Jobs Florida ~~The agency~~ or its
17113 service provider may assess penalties only through the date of
17114 the issuance of the final assessment notice. However, additional
17115 penalties accrue if the delinquent report is subsequently filed.
17116 2.a. An employing unit that files an erroneous, incomplete,
17117 or insufficient report with Jobs Florida ~~the Agency for~~
17118 ~~Workforce Innovation~~ or its tax collection service provider
17119 shall pay a penalty. The amount of the penalty is $50 or 10
17120 percent of any tax due, whichever is greater, but no more than
17121 $300 per report. The penalty shall be added to any tax, penalty,
17122 or interest otherwise due.
17123 b. Jobs Florida ~~The agency~~ or its tax collection service
17124 provider shall waive the penalty if the employing unit files an
17125 accurate, complete, and sufficient report within 30 days after a
17126 penalty notice is issued to the employing unit. The penalty may
17127 not be waived pursuant to this subparagraph more than one time
17128 during a 12-month period.
17129 c. As used in this subsection, the term “erroneous,
17130 incomplete, or insufficient report” means a report so lacking in
17131 information, completeness, or arrangement that the report cannot
17132 be readily understood, verified, or reviewed. Such reports
17133 include, but are not limited to, reports having missing wage or
17134 employee information, missing or incorrect social security
17135 numbers, or illegible entries; reports submitted in a format
17136 that is not approved by Jobs Florida ~~the agency~~ or its tax
17137 collection service provider; and reports showing gross wages
17138 that do not equal the total of the wages of each employee.
17139 However, the term does not include a report that merely contains

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17140 inaccurate data that was supplied to the employer by the
17141 employee, if the employer was unaware of the inaccuracy.
17142 3. Penalties imposed pursuant to this paragraph shall be
17143 deposited in the Special Employment Security Administration
17144 Trust Fund.
17145 4. The penalty and interest for a delinquent, erroneous,
17146 incomplete, or insufficient report may be waived if the penalty
17147 or interest is inequitable. The provisions of s. 213.24(1) apply
17148 to any penalty or interest that is imposed under this section.
17149 (c) *Application of partial payments.*—If a delinquency
17150 exists in the employment record of an employer not in
17151 bankruptcy, a partial payment less than the total delinquency
17152 amount shall be applied to the employment record as the payor
17153 directs. In the absence of specific direction, the partial
17154 payment shall be applied to the payor's employment record as
17155 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~
17156 ~~Innovation~~ or the state agency providing tax collection
17157 services.
17158 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
17159 ~~Workforce Innovation~~ and the state agency providing unemployment
17160 tax collection services may adopt rules to administer this
17161 subsection.
17162 (2) REPORTS, CONTRIBUTIONS, APPEALS.—
17163 (a) *Failure to make reports and pay contributions.*—If an
17164 employing unit determined by the tax collection service provider
17165 to be an employer subject to this chapter fails to make and file
17166 any report as and when required by this chapter or by any rule
17167 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
17168 agency providing tax collection services, for the purpose of

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17169 determining the amount of contributions due by the employer
17170 under this chapter, or if any filed report is found by the
17171 service provider to be incorrect or insufficient, and the
17172 employer, after being notified in writing by the service
17173 provider to file the report, or a corrected or sufficient
17174 report, as applicable, fails to file the report within 15 days
17175 after the date of the mailing of the notice, the tax collection
17176 service provider may:
17177 1. Determine the amount of contributions due from the
17178 employer based on the information readily available to it, which
17179 determination is deemed to be prima facie correct;
17180 2. Assess the employer the amount of contributions
17181 determined to be due; and
17182 3. Immediately notify the employer by mail of the
17183 determination and assessment including penalties as provided in
17184 this chapter, if any, added and assessed, and demand payment
17185 together with interest on the amount of contributions from the
17186 date that amount was due and payable.
17187 (b) *Hearings.*—The determination and assessment are final 15
17188 days after the date the assessment is mailed unless the employer
17189 files with the tax collection service provider within the 15
17190 days a written protest and petition for hearing specifying the
17191 objections thereto. The tax collection service provider shall
17192 promptly review each petition and may reconsider its
17193 determination and assessment in order to resolve the
17194 petitioner's objections. The tax collection service provider
17195 shall forward each petition remaining unresolved to Jobs Florida
17196 ~~the Agency for Workforce Innovation~~ for a hearing on the
17197 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~

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17198 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17199 petitioner of the time and place of the hearing. Jobs Florida
17200 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17201 to conduct hearings and to submit their findings together with a
17202 transcript of the proceedings before them and their
17203 recommendations to Jobs Florida ~~the agency~~ for its final order.
17204 Special deputies are subject to the prohibition against ex parte
17205 communications in s. 120.66. At any hearing conducted by Jobs
17206 Florida ~~the Agency for Workforce Innovation~~ or its special
17207 deputy, evidence may be offered to support the determination and
17208 assessment or to prove it is incorrect. In order to prevail,
17209 however, the petitioner must either prove that the determination
17210 and assessment are incorrect or file full and complete corrected
17211 reports. Evidence may also be submitted at the hearing to rebut
17212 the determination by the tax collection service provider that
17213 the petitioner is an employer under this chapter. Upon evidence
17214 taken before it or upon the transcript submitted to it with the
17215 findings and recommendation of its special deputy, Jobs Florida
17216 ~~the Agency for Workforce Innovation~~ shall either set aside the
17217 tax collection service provider’s determination that the
17218 petitioner is an employer under this chapter or reaffirm the
17219 determination. The amounts assessed under the final order,
17220 together with interest and penalties, must be paid within 15
17221 days after notice of the final order is mailed to the employer,
17222 unless judicial review is instituted in a case of status
17223 determination. Amounts due when the status of the employer is in
17224 dispute are payable within 15 days after the entry of an order
17225 by the court affirming the determination. However, any
17226 determination that an employing unit is not an employer under

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17227 this chapter does not affect the benefit rights of any
17228 individual as determined by an appeals referee or the commission
17229 unless:
17230 1. The individual is made a party to the proceedings before
17231 the special deputy; or
17232 2. The decision of the appeals referee or the commission
17233 has not become final or the employing unit and Jobs Florida ~~the~~
17234 ~~Agency for Workforce Innovation~~ were not made parties to the
17235 proceedings before the appeals referee or the commission.
17236 (c) *Appeals.*—Jobs Florida ~~The Agency for Workforce~~
17237 ~~Innovation~~ and the state agency providing unemployment tax
17238 collection services shall adopt rules prescribing the procedures
17239 for an employing unit determined to be an employer to file an
17240 appeal and be afforded an opportunity for a hearing on the
17241 determination. Pending a hearing, the employing unit must file
17242 reports and pay contributions in accordance with s. 443.131.
17243 (3) COLLECTION PROCEEDINGS.—
17244 (f) *Reproductions.*—In any proceedings in any court under
17245 this chapter, reproductions of the original records of Jobs
17246 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17247 service provider, the former Agency for Workforce Innovation,
17248 the former Department of Labor and Employment Security, or the
17249 commission, including, but not limited to, photocopies or
17250 microfilm, are primary evidence in lieu of the original records
17251 or of the documents that were transcribed into those records.
17252 (g) *Jeopardy assessment and warrant.*—If the tax collection
17253 service provider reasonably believes that the collection of
17254 contributions or reimbursements from an employer will be
17255 jeopardized by delay, the service provider may assess the

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17256 contributions or reimbursements immediately, together with
17257 interest or penalties when due, regardless of whether the
17258 contributions or reimbursements accrued are due, and may
17259 immediately issue a notice of lien and jeopardy warrant upon
17260 which proceedings may be conducted as provided in this section
17261 for notice of lien and warrant of the service provider. Within
17262 15 days after mailing the notice of lien by registered mail, the
17263 employer may protest the issuance of the lien in the same manner
17264 provided in paragraph (2)(a). The protest does not operate as a
17265 supersedeas or stay of enforcement unless the employer files
17266 with the sheriff seeking to enforce the warrant a good and
17267 sufficient surety bond in twice the amount demanded by the
17268 notice of lien or warrant. The bond must be conditioned upon
17269 payment of the amount subsequently found to be due from the
17270 employer to the tax collection service provider in the final
17271 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon
17272 protest of assessment. The jeopardy warrant and notice of lien
17273 are satisfied in the manner provided in this section upon
17274 payment of the amount finally determined to be due from the
17275 employer. If enforcement of the jeopardy warrant is not
17276 superseded as provided in this section, the employer is entitled
17277 to a refund from the fund of all amounts paid as contributions
17278 or reimbursements in excess of the amount finally determined to
17279 be due by the employer upon application being made as provided
17280 in this chapter.
17281 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17282 CONTRIBUTIONS AND REIMBURSEMENTS.—
17283 (c) Any agent or employee designated by Jobs Florida ~~the~~
17284 ~~Agency for Workforce Innovation~~ or its tax collection service

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17285 provider may administer an oath to any person for any return or
17286 report required by this chapter or by the rules of Jobs Florida
17287 ~~the Agency for Workforce Innovation~~ or the state agency
17288 providing unemployment tax collection services, and an oath made
17289 before Jobs Florida ~~the agency~~ or its service provider or any
17290 authorized agent or employee has the same effect as an oath made
17291 before any judicial officer or notary public of the state.
17292 Section 290. Section 443.151, Florida Statutes, is amended
17293 to read:
17294 443.151 Procedure concerning claims.—
17295 (1) POSTING OF INFORMATION.—
17296 (a) Each employer must post and maintain in places readily
17297 accessible to individuals in her or his employ printed
17298 statements concerning benefit rights, claims for benefits, and
17299 other matters relating to the administration of this chapter as
17300 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule
17301 prescribe. Each employer must supply to individuals copies of
17302 printed statements or other materials relating to claims for
17303 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17304 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17305 printed statements and other materials to each employer without
17306 cost to the employer.
17307 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17308 shall advise each individual filing a new claim for unemployment
17309 compensation, at the time of filing the claim, that:
17310 a. Unemployment compensation is subject to federal income
17311 tax.
17312 b. Requirements exist pertaining to estimated tax payments.
17313 c. The individual may elect to have federal income tax

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17314 deducted and withheld from the individual's payment of
17315 unemployment compensation at the amount specified in the federal
17316 Internal Revenue Code.
17317 d. The individual is not permitted to change a previously
17318 elected withholding status more than twice per calendar year.
17319 2. Amounts deducted and withheld from unemployment
17320 compensation must remain in the Unemployment Compensation Trust
17321 Fund until transferred to the federal taxing authority as
17322 payment of income tax.
17323 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17324 follow all procedures specified by the United States Department
17325 of Labor and the federal Internal Revenue Service pertaining to
17326 the deducting and withholding of income tax.
17327 4. If more than one authorized request for deduction and
17328 withholding is made, amounts must be deducted and withheld in
17329 accordance with the following priorities:
17330 a. Unemployment overpayments have first priority;
17331 b. Child support payments have second priority; and
17332 c. Withholding under this subsection has third priority.
17333 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17334 CLAIMANTS AND EMPLOYERS.—
17335 (a) *In general.*—Claims for benefits must be made in
17336 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17337 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17338 claimants and employers regarding monetary and nonmonetary
17339 determinations of eligibility. Investigations of issues raised
17340 in connection with a claimant which may affect a claimant's
17341 eligibility for benefits or charges to an employer's employment
17342 record shall be conducted by Jobs Florida ~~the agency~~ through

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17343 written, telephonic, or electronic means as prescribed by rule.
17344 (b) *Process.*—When the Unemployment Compensation Claims and
17345 Benefits Information System described in s. 443.1113 is fully
17346 operational, the process for filing claims must incorporate the
17347 process for registering for work with the workforce information
17348 systems established pursuant to s. 445.011. A claim for benefits
17349 may not be processed until the work registration requirement is
17350 satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17351 adopt rules as necessary to administer the work registration
17352 requirement set forth in this paragraph.
17353 (3) DETERMINATION OF ELIGIBILITY.—
17354 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17355 ~~Innovation~~ shall promptly provide a notice of claim to the
17356 claimant's most recent employing unit and all employers whose
17357 employment records are liable for benefits under the monetary
17358 determination. The employer must respond to the notice of claim
17359 within 20 days after the mailing date of the notice, or in lieu
17360 of mailing, within 20 days after the delivery of the notice. If
17361 a contributing employer fails to timely respond to the notice of
17362 claim, the employer's account may not be relieved of benefit
17363 charges as provided in s. 443.131(3)(a), notwithstanding
17364 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17365 necessary to implement the processes described in this paragraph
17366 relating to notices of claim.
17367 (b) *Monetary determinations.*—In addition to the notice of
17368 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17369 initial monetary determination to the claimant and each base
17370 period employer whose account is subject to being charged for
17371 its respective share of benefits on the claim. The monetary

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17372 determination must include a statement of whether and in what
17373 amount the claimant is entitled to benefits, and, in the event
17374 of a denial, must state the reasons for the denial. A monetary
17375 determination for the first week of a benefit year must also
17376 include a statement of whether the claimant was paid the wages
17377 required under s. 443.091(1)(g) and, if so, the first day of the
17378 benefit year, the claimant's weekly benefit amount, and the
17379 maximum total amount of benefits payable to the claimant for a
17380 benefit year. The monetary determination is final unless within
17381 20 days after the mailing of the notices to the parties' last
17382 known addresses, or in lieu of mailing, within 20 days after the
17383 delivery of the notices, an appeal or written request for
17384 reconsideration is filed by the claimant or other party entitled
17385 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17386 to implement the processes described in this paragraph relating
17387 to notices of monetary determinations and the appeals or
17388 reconsideration requests filed in response to such notices.
17389 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17390 receives information that may result in a denial of benefits,
17391 Jobs Florida ~~the agency~~ must complete an investigation of the
17392 claim required by subsection (2) and provide notice of a
17393 nonmonetary determination to the claimant and the employer from
17394 whom the claimant's reason for separation affects his or her
17395 entitlement to benefits. The determination must state the reason
17396 for the determination and whether the unemployment tax account
17397 of the contributing employer is charged for benefits paid on the
17398 claim. The nonmonetary determination is final unless within 20
17399 days after the mailing of the notices to the parties' last known
17400 addresses, or in lieu of mailing, within 20 days after the

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17401 delivery of the notices, an appeal or written request for
17402 reconsideration is filed by the claimant or other party entitled
17403 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17404 to implement the processes described in this paragraph relating
17405 to notices of nonmonetary determination and the appeals or
17406 reconsideration requests filed in response to such notices, and
17407 may adopt rules prescribing the manner and procedure by which
17408 employers within the base period of a claimant become entitled
17409 to notice of nonmonetary determination.
17410 (d) *Determinations in labor dispute cases.*—Whenever any
17411 claim involves a labor dispute described in s. 443.101(4), Jobs
17412 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17413 assign the claim to a special examiner who shall make a
17414 determination on the issues involving unemployment due to the
17415 labor dispute. The special examiner shall make the determination
17416 after an investigation, as necessary. The claimant or another
17417 party entitled to notice of the determination may appeal a
17418 determination under subsection (4).
17419 (e) *Redeterminations.*—
17420 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17421 reconsider a determination if it finds an error or if new
17422 evidence or information pertinent to the determination is
17423 discovered after a prior determination or redetermination. A
17424 redetermination may not be made more than 1 year after the last
17425 day of the benefit year unless the disqualification for making a
17426 false or fraudulent representation under s. 443.101(6) is
17427 applicable, in which case the redetermination may be made within
17428 2 years after the false or fraudulent representation. Jobs
17429 Florida ~~The agency~~ must promptly give notice of redetermination

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17430 to the claimant and to any employers entitled to notice in the
17431 manner prescribed in this section for the notice of an initial
17432 determination.
17433 2. If the amount of benefits is increased by the
17434 redetermination, an appeal of the redetermination based solely
17435 on the increase may be filed as provided in subsection (4). If
17436 the amount of benefits is decreased by the redetermination, the
17437 redetermination may be appealed by the claimant if a subsequent
17438 claim for benefits is affected in amount or duration by the
17439 redetermination. If the final decision on the determination or
17440 redetermination to be reconsidered was made by an appeals
17441 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17442 ~~Workforce Innovation~~ may apply for a revised decision from the
17443 body or court that made the final decision.
17444 3. If an appeal of an original determination is pending
17445 when a redetermination is issued, the appeal unless withdrawn is
17446 treated as an appeal from the redetermination.
17447 (4) APPEALS.—
17448 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17449 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17450 referees in accordance with s. 443.171(3) to hear and decide
17451 appealed claims. A person may not participate on behalf of Jobs
17452 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17453 referee in any case in which she or he is an interested party.
17454 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17455 alternates to serve in the absence or disqualification of any
17456 appeals referee on a temporary basis. These alternates must have
17457 the same qualifications required of appeals referees. Jobs
17458 Florida ~~The Agency for Workforce Innovation~~ shall provide the

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17459 commission and the appeals referees with proper facilities and
17460 assistance for the execution of their functions.
17461 (b) *Filing and hearing.*—
17462 1. The claimant or any other party entitled to notice of a
17463 determination may appeal an adverse determination to an appeals
17464 referee within 20 days after the date of mailing of the notice
17465 to her or his last known address or, if the notice is not
17466 mailed, within 20 days after the date of delivery of the notice.
17467 2. Unless the appeal is untimely or withdrawn or review is
17468 initiated by the commission, the appeals referee, after mailing
17469 all parties and attorneys of record a notice of hearing at least
17470 10 days before the date of hearing, notwithstanding the 14-day
17471 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17472 or reverse the determination. An appeal may not be withdrawn
17473 without the permission of the appeals referee.
17474 3. However, when an appeal appears to have been filed after
17475 the permissible time limit, the Office of Appeals may issue an
17476 order to show cause to the appellant, requiring the appellant to
17477 show why the appeal should not be dismissed as untimely. If the
17478 appellant does not, within 15 days after the mailing date of the
17479 order to show cause, provide written evidence of timely filing
17480 or good cause for failure to appeal timely, the appeal shall be
17481 dismissed.
17482 4. When an appeal involves a question of whether services
17483 were performed by a claimant in employment or for an employer,
17484 the referee must give special notice of the question and of the
17485 pendency of the appeal to the employing unit and to Jobs Florida
17486 ~~the Agency for Workforce Innovation~~, both of which become
17487 parties to the proceeding.

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17488 5. The parties must be notified promptly of the referee's
17489 decision. The referee's decision is final unless further review
17490 is initiated under paragraph (c) within 20 days after the date
17491 of mailing notice of the decision to the party's last known
17492 address or, in lieu of mailing, within 20 days after the
17493 delivery of the notice.
17494 (c) *Review by commission.*—The commission may, on its own
17495 motion, within the time limit in paragraph (b), initiate a
17496 review of the decision of an appeals referee. The commission may
17497 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17498 any adversely affected party entitled to notice of the decision
17499 to appeal the decision by filing an application within the time
17500 limit in paragraph (b). An adversely affected party has the
17501 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17502 ~~Workforce Innovation's~~ determination is not affirmed by the
17503 appeals referee. The commission may affirm, modify, or reverse
17504 the findings and conclusions of the appeals referee based on
17505 evidence previously submitted in the case or based on additional
17506 evidence taken at the direction of the commission. The
17507 commission may assume jurisdiction of or transfer to another
17508 appeals referee the proceedings on any claim pending before an
17509 appeals referee. Any proceeding in which the commission assumes
17510 jurisdiction before completion must be heard by the commission
17511 in accordance with the requirement of this subsection for
17512 proceedings before an appeals referee. When the commission
17513 denies an application to hear an appeal of an appeals referee's
17514 decision, the decision of the appeals referee is the decision of
17515 the commission for purposes of this paragraph and is subject to
17516 judicial review within the same time and manner as decisions of

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17517 the commission, except that the time for initiating review runs
17518 from the date of notice of the commission's order denying the
17519 application to hear an appeal.
17520 (d) *Procedure.*—The manner that appealed claims are
17521 presented must comply with the commission's rules. Witnesses
17522 subpoenaed under this section are allowed fees at the rate
17523 established by s. 92.142, and fees of witnesses subpoenaed on
17524 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17525 any claimant are deemed part of the expense of administering
17526 this chapter.
17527 (e) *Judicial review.*—Orders of the commission entered under
17528 paragraph (c) are subject to review only by notice of appeal in
17529 the district court of appeal in the appellate district in which
17530 the issues involved were decided by an appeals referee.
17531 Notwithstanding chapter 120, the commission is a party
17532 respondent to every such proceeding. Jobs Florida ~~The Agency for~~
17533 ~~Workforce Innovation~~ may initiate judicial review of orders in
17534 the same manner and to the same extent as any other party.
17535 (5) PAYMENT OF BENEFITS.—
17536 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17537 promptly pay benefits in accordance with a determination or
17538 redetermination regardless of any appeal or pending appeal.
17539 Before payment of benefits to the claimant, however, each
17540 employer who is liable for reimbursements in lieu of
17541 contributions for payment of the benefits must be notified, at
17542 the address on file with Jobs Florida ~~the Agency for Workforce~~
17543 ~~Innovation~~ or its tax collection service provider, of the
17544 initial determination of the claim and must be given 10 days to
17545 respond.

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17546 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17547 promptly pay benefits, regardless of whether a determination is
17548 under appeal if the determination allowing benefits is affirmed
17549 in any amount by an appeals referee or is affirmed by the
17550 commission, or if a decision of an appeals referee allowing
17551 benefits is affirmed in any amount by the commission. In these
17552 instances, a court may not issue an injunction, supersedeas,
17553 stay, or other writ or process suspending payment of benefits. A
17554 contributing employer that responded to the notice of claim
17555 within the time limit provided in subsection (3) may not,
17556 however, be charged with benefits paid under an erroneous
17557 determination if the decision is ultimately reversed. Benefits
17558 are not paid for any subsequent weeks of unemployment involved
17559 in a reversal.
17560 (c) The provisions of paragraph (b) relating to charging an
17561 employer liable for contributions do not apply to reimbursing
17562 employers.
17563 (6) RECOVERY AND RECOUPMENT.—
17564 (a) Any person who, by reason of her or his fraud, receives
17565 benefits under this chapter to which she or he is not entitled
17566 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17567 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17568 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17569 deducted from future benefits payable to her or him under this
17570 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17571 find the existence of fraud through a redetermination or
17572 decision under this section within 2 years after the fraud was
17573 committed. Any recovery or recoupment of benefits must be
17574 effected within 5 years after the redetermination or decision.

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17575 (b) Any person who, by reason other than her or his fraud,
17576 receives benefits under this chapter to which, under a
17577 redetermination or decision pursuant to this section, she or he
17578 is not entitled, is liable for repaying those benefits to Jobs
17579 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17580 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17581 have those benefits deducted from any future benefits payable to
17582 her or him under this chapter. Any recovery or recoupment of
17583 benefits must be effected within 3 years after the
17584 redetermination or decision.
17585 (c) Any person who, by reason other than fraud, receives
17586 benefits under this chapter to which she or he is not entitled
17587 as a result of an employer's failure to respond to a claim
17588 within the timeframe provided in subsection (3) is not liable
17589 for repaying those benefits to Jobs Florida ~~the Agency for~~
17590 ~~Workforce Innovation~~ on behalf of the trust fund or to have
17591 those benefits deducted from any future benefits payable to her
17592 or him under this chapter.
17593 (d) Recoupment from future benefits is not permitted if the
17594 benefits are received by any person without fault on the
17595 person's part and recoupment would defeat the purpose of this
17596 chapter or would be inequitable and against good conscience.
17597 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17598 collect the repayment of benefits without interest by the
17599 deduction of benefits through a redetermination or by a civil
17600 action.
17601 (f) Notwithstanding any other provision of this chapter,
17602 any person who is determined by this state, a cooperating state
17603 agency, the United States Secretary of Labor, or a court to have

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17604 received any payments under the Trade Act of 1974, as amended,
17605 to which the person was not entitled shall have those payments
17606 deducted from any regular benefits, as defined in s.
17607 443.1115(1)(e), payable to her or him under this chapter. Each
17608 such deduction may not exceed 50 percent of the amount otherwise
17609 payable. The payments deducted shall be remitted to the agency
17610 that issued the payments under the Trade Act of 1974, as
17611 amended, for return to the United States Treasury. Except for
17612 overpayments determined by a court, a deduction may not be made
17613 under this paragraph until a determination by the state agency
17614 or the United States Secretary of Labor is final.
17615 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17616 administrative proceeding conducted under this chapter, an
17617 employer or a claimant has the right, at his or her own expense,
17618 to be represented by counsel or by an authorized representative.
17619 Notwithstanding s. 120.62(2), the authorized representative need
17620 not be a qualified representative.
17621 (8) BILINGUAL REQUIREMENTS.—
17622 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17623 provide printed bilingual instructional and educational
17624 materials in the appropriate language in those counties in which
17625 5 percent or more of the households in the county are classified
17626 as a single-language minority.
17627 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17628 ensure that one-stop career centers and appeals offices located
17629 in counties subject to the requirements of paragraph (c)
17630 prominently post notices in the appropriate languages and that
17631 translators are available in those centers and offices.
17632 (c) As used in this subsection, the term "single-language

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17633 minority" means households that speak the same non-English
17634 language and that do not contain an adult fluent in English.
17635 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17636 estimates of the percentages of single-language minority
17637 households for each county by using data from the United States
17638 Bureau of the Census.
17639 Section 291. Subsection (1), paragraphs (a) and (c) of
17640 subsection (3), and subsection (4) of section 443.163, Florida
17641 Statutes, are amended to read:
17642 443.163 Electronic reporting and remitting of contributions
17643 and reimbursements.—
17644 (1) An employer may file any report and remit any
17645 contributions or reimbursements required under this chapter by
17646 electronic means. Jobs Florida ~~The Agency for Workforce~~
17647 ~~Innovation~~ or the state agency providing unemployment tax
17648 collection services shall adopt rules prescribing the format and
17649 instructions necessary for electronically filing reports and
17650 remitting contributions and reimbursements to ensure a full
17651 collection of contributions and reimbursements due. The
17652 acceptable method of transfer, the method, form, and content of
17653 the electronic means, and the method, if any, by which the
17654 employer will be provided with an acknowledgment shall be
17655 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17656 or its tax collection service provider. However, any employer
17657 who employed 10 or more employees in any quarter during the
17658 preceding state fiscal year must file the Employers Quarterly
17659 Reports (UCT-6) for the current calendar year and remit the
17660 contributions and reimbursements due by electronic means
17661 approved by the tax collection service provider. A person who

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17662 prepared and reported for 100 or more employers in any quarter
17663 during the preceding state fiscal year must file the Employers
17664 Quarterly Reports (UCT-6) for each calendar quarter in the
17665 current calendar year, beginning with reports due for the second
17666 calendar quarter of 2003, by electronic means approved by the
17667 tax collection service provider.
17668 (3) The tax collection service provider may waive the
17669 requirement to file an Employers Quarterly Report (UCT-6) by
17670 electronic means for employers that are unable to comply despite
17671 good faith efforts or due to circumstances beyond the employer's
17672 reasonable control.
17673 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17674 ~~Innovation~~ or its tax collection service provider, grounds for
17675 approving the waiver include, but are not limited to,
17676 circumstances in which the employer does not:
17677 1. Currently file information or data electronically with
17678 any business or government agency; or
17679 2. Have a compatible computer that meets or exceeds the
17680 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17681 ~~Innovation~~ or its tax collection service provider.
17682 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17683 state agency providing unemployment tax collection services may
17684 establish by rule the length of time a waiver is valid and may
17685 determine whether subsequent waivers will be authorized, based
17686 on this subsection.
17687 (4) As used in this section, the term "electronic means"
17688 includes, but is not limited to, electronic data interchange;
17689 electronic funds transfer; and use of the Internet, telephone,
17690 or other technology specified by Jobs Florida ~~the Agency for~~

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17691 ~~Workforce Innovation~~ or its tax collection service provider.
17692 Section 292. Section 443.171, Florida Statutes, is amended
17693 to read:
17694 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17695 commission; powers and duties; records and reports; proceedings;
17696 state-federal cooperation.—
17697 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~
17698 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17699 ~~The agency~~ may employ those persons, make expenditures, require
17700 reports, conduct investigations, and take other action necessary
17701 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17702 ~~for Workforce Innovation~~ shall annually submit information to
17703 Workforce Florida, Inc., covering the administration and
17704 operation of this chapter during the preceding calendar year for
17705 inclusion in the strategic plan under s. 445.006 and may make
17706 recommendations for amendment to this chapter.
17707 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17708 ~~for Workforce Innovation~~ shall cause to be printed and
17709 distributed to the public, or otherwise distributed to the
17710 public through the Internet or similar electronic means, the
17711 text of this chapter and of the rules for administering this
17712 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17713 providing unemployment tax collection services and any other
17714 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17715 ~~Workforce Innovation~~ shall furnish this information to any
17716 person upon request. However, any pamphlet, rules, circulars, or
17717 reports required by this chapter may not contain any matter
17718 except the actual data necessary to complete them or the actual
17719 language of the rule, together with the proper notices.

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17720 (3) PERSONNEL.—Subject to chapter 110 and the other
17721 provisions of this chapter, Jobs Florida ~~the Agency for~~
17722 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17723 prescribe the duties and powers of employees, accountants,
17724 attorneys, experts, and other persons as necessary for the
17725 performance of the ~~agency's~~ duties of Jobs Florida under this
17726 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17727 delegate to any person its power and authority under this
17728 chapter as necessary for the effective administration of this
17729 chapter and may bond any person handling moneys or signing
17730 checks under this chapter. The cost of these bonds must be paid
17731 from the Employment Security Administration Trust Fund.
17732 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17733 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17734 Inc., shall take all appropriate steps to reduce and prevent
17735 unemployment; to encourage and assist in the adoption of
17736 practical methods of career training, retraining, and career
17737 guidance; to investigate, recommend, advise, and assist in the
17738 establishment and operation, by municipalities, counties, school
17739 districts, and the state, of reserves for public works to be
17740 used in times of business depression and unemployment; to
17741 promote the reemployment of the unemployed workers throughout
17742 the state in every other way that may be feasible; to refer any
17743 claimant entitled to extended benefits to suitable work which
17744 meets the criteria of this chapter; and, to these ends, to carry
17745 on and publish the results of investigations and research
17746 studies.
17747 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17748 true and accurate work records, containing the information

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17749 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17750 its tax collection service provider. These records must be open
17751 to inspection and are subject to being copied by Jobs Florida
17752 ~~the Agency for Workforce Innovation~~ or its tax collection
17753 service provider at any reasonable time and as often as
17754 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17755 its tax collection service provider may require from any
17756 employing unit any sworn or unsworn reports, for persons
17757 employed by the employing unit, necessary for the effective
17758 administration of this chapter. However, a state or local
17759 governmental agency performing intelligence or
17760 counterintelligence functions need not report an employee if the
17761 head of that agency determines that reporting the employee could
17762 endanger the safety of the employee or compromise an ongoing
17763 investigation or intelligence mission. Information revealing the
17764 employing unit’s or individual’s identity obtained from the
17765 employing unit or from any individual through the administration
17766 of this chapter, is, except to the extent necessary for the
17767 proper presentation of a claim or upon written authorization of
17768 the claimant who has a workers’ compensation claim pending,
17769 confidential and exempt from s. 119.07(1). This confidential
17770 information is available only to public employees in the
17771 performance of their public duties. Any claimant, or the
17772 claimant’s legal representative, at a hearing before an appeals
17773 referee or the commission must be supplied with information from
17774 these records to the extent necessary for the proper
17775 presentation of her or his claim. Any employee or member of the
17776 commission, any employee of Jobs Florida ~~the Agency for~~
17777 ~~Workforce Innovation~~ or its tax collection service provider, or

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17778 any other person receiving confidential information who violates
17779 this subsection commits a misdemeanor of the second degree,
17780 punishable as provided in s. 775.082 or s. 775.083. However,
17781 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17782 collection service provider may furnish to any employer copies
17783 of any report previously submitted by that employer, upon the
17784 request of the employer. Jobs Florida ~~The Agency for Workforce~~
17785 ~~Innovation~~ or its tax collection service provider may charge a
17786 reasonable fee for copies of reports, which may not exceed the
17787 actual reasonable cost of the preparation of the copies as
17788 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17789 ~~Workforce Innovation~~ or the state agency providing tax
17790 collection services. Fees received by Jobs Florida ~~the Agency~~
17791 ~~for Workforce Innovation~~ or its tax collection service provider
17792 for copies furnished under this subsection must be deposited in
17793 the Employment Security Administration Trust Fund.
17794 (6) OATHS AND WITNESSES.—In the discharge of the duties
17795 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17796 ~~Innovation~~, its tax collection service provider, the members of
17797 the commission, and any authorized representative of any of
17798 these entities may administer oaths and affirmations, take
17799 depositions, certify to official acts, and issue subpoenas to
17800 compel the attendance of witnesses and the production of books,
17801 papers, correspondence, memoranda, and other records deemed
17802 necessary as evidence in connection with the administration of
17803 this chapter.
17804 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17805 issued to that person, any court of this state within the
17806 jurisdiction of which the inquiry is carried on, or within the

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17807 jurisdiction of which the person is found, resides, or transacts
17808 business, upon application by Jobs Florida ~~the Agency for~~
17809 ~~Workforce Innovation~~, its tax collection service provider, the
17810 commission, or any authorized representative of any of these
17811 entities has jurisdiction to order the person to appear before
17812 the entity to produce evidence or give testimony on the matter
17813 under investigation or in question. Failure to obey the order of
17814 the court may be punished by the court as contempt. Any person
17815 who fails or refuses without just cause to appear or testify; to
17816 answer any lawful inquiry; or to produce books, papers,
17817 correspondence, memoranda, and other records within her or his
17818 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
17819 ~~for Workforce Innovation~~, its tax collection service provider,
17820 the commission, or any authorized representative of any of these
17821 entities commits a misdemeanor of the second degree, punishable
17822 as provided in s. 775.082 or s. 775.083. Each day that a
17823 violation continues is a separate offense.
17824 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
17825 excused from appearing or testifying, or from producing books,
17826 papers, correspondence, memoranda, or other records, before Jobs
17827 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17828 service provider, the commission, or any authorized
17829 representative of any of these entities or as commanded in a
17830 subpoena of any of these entities in any proceeding before Jobs
17831 Florida ~~the Agency for Workforce Innovation~~, the commission, an
17832 appeals referee, or a special deputy on the ground that the
17833 testimony or evidence, documentary or otherwise, required of the
17834 person may incriminate her or him or subject her or him to a
17835 penalty or forfeiture. That person may not be prosecuted or

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17836 subjected to any penalty or forfeiture for or on account of any
17837 transaction, matter, or thing concerning which she or he is
17838 compelled, after having claimed her or his privilege against
17839 self-incrimination, to testify or produce evidence, documentary
17840 or otherwise, except that the person testifying is not exempt
17841 from prosecution and punishment for perjury committed while
17842 testifying.
17843 (9) STATE-FEDERAL COOPERATION.—
17844 (a)1. In the administration of this chapter, Jobs Florida
17845 ~~the Agency for Workforce Innovation~~ and its tax collection
17846 service provider shall cooperate with the United States
17847 Department of Labor to the fullest extent consistent with this
17848 chapter and shall take those actions, through the adoption of
17849 appropriate rules, administrative methods, and standards,
17850 necessary to secure for this state all advantages available
17851 under the provisions of federal law relating to unemployment
17852 compensation.
17853 2. In the administration of the provisions in s. 443.1115,
17854 which are enacted to conform with the Federal-State Extended
17855 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17856 ~~for Workforce Innovation~~ shall take those actions necessary to
17857 ensure that those provisions are interpreted and applied to meet
17858 the requirements of the federal act as interpreted by the United
17859 States Department of Labor and to secure for this state the full
17860 reimbursement of the federal share of extended benefits paid
17861 under this chapter which is reimbursable under the federal act.
17862 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17863 tax collection service provider shall comply with the
17864 regulations of the United States Department of Labor relating to

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17865 the receipt or expenditure by this state of funds granted under
17866 federal law; shall submit the reports in the form and containing
17867 the information the United States Department of Labor requires;
17868 and shall comply with directions of the United States Department
17869 of Labor necessary to assure the correctness and verification of
17870 these reports.
17871 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and
17872 its tax collection service provider may cooperate with every
17873 agency of the United States charged with administration of any
17874 unemployment insurance law.
17875 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17876 its tax collection service provider shall cooperate with the
17877 agencies of other states, and shall make every proper effort
17878 within their means, to oppose and prevent any further action
17879 leading to the complete or substantial federalization of state
17880 unemployment compensation funds or state employment security
17881 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17882 its tax collection service provider may make, and may cooperate
17883 with other appropriate agencies in making, studies as to the
17884 practicability and probable cost of possible new state-
17885 administered social security programs and the relative
17886 desirability of state, rather than federal, action in that field
17887 of study.
17888 Section 293. Subsections (1) and (2) of section 443.1715,
17889 Florida Statutes, are amended to read:
17890 443.1715 Disclosure of information; confidentiality.—
17891 (1) RECORDS AND REPORTS.—Information revealing an employing
17892 unit's or individual's identity obtained from the employing unit
17893 or any individual under the administration of this chapter, and

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17894 any determination revealing that information, except to the
17895 extent necessary for the proper presentation of a claim or upon
17896 written authorization of the claimant who has a workers'
17897 compensation claim pending or is receiving compensation
17898 benefits, is confidential and exempt from s. 119.07(1) and s.
17899 24(a), Art. I of the State Constitution. This confidential
17900 information may be released only to public employees in the
17901 performance of their public duties. Except as otherwise provided
17902 by law, public employees receiving this confidential information
17903 must maintain the confidentiality of the information. Any
17904 claimant, or the claimant's legal representative, at a hearing
17905 before an appeals referee or the commission is entitled to
17906 information from these records to the extent necessary for the
17907 proper presentation of her or his claim. A person receiving
17908 confidential information who violates this subsection commits a
17909 misdemeanor of the second degree, punishable as provided in s.
17910 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
17911 ~~Innovation~~ or its tax collection service provider may, however,
17912 furnish to any employer copies of any report submitted by that
17913 employer upon the request of the employer and may furnish to any
17914 claimant copies of any report submitted by that claimant upon
17915 the request of the claimant. Jobs Florida ~~The Agency for~~
17916 ~~Workforce Innovation~~ or its tax collection service provider may
17917 charge a reasonable fee for copies of these reports as
17918 prescribed by rule, which may not exceed the actual reasonable
17919 cost of the preparation of the copies. Fees received for copies
17920 under this subsection must be deposited in the Employment
17921 Security Administration Trust Fund.
17922 (2) DISCLOSURE OF INFORMATION.—

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17923 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
17924 ~~Workforce Innovation~~ or the state agency providing unemployment
17925 tax collection services adopts by rule, information declared
17926 confidential under this section is available to any agency of
17927 this or any other state, or any federal agency, charged with the
17928 administration of any unemployment compensation law or the
17929 maintenance of the one-stop delivery system, or the Bureau of
17930 Internal Revenue of the United States Department of the
17931 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
17932 ~~Development,~~ or the Florida Department of Revenue. Information
17933 obtained in connection with the administration of the one-stop
17934 delivery system may be made available to persons or agencies for
17935 purposes appropriate to the operation of a public employment
17936 service or a job-preparatory or career education or training
17937 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,
17938 on a quarterly basis, furnish the National Directory of New
17939 Hires with information concerning the wages and unemployment
17940 benefits paid to individuals, by the dates, in the format, and
17941 containing the information specified in the regulations of the
17942 United States Secretary of Health and Human Services. Upon
17943 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
17944 furnish any agency of the United States charged with the
17945 administration of public works or assistance through public
17946 employment, and may furnish to any state agency similarly
17947 charged, the name, address, ordinary occupation, and employment
17948 status of each recipient of benefits and the recipient's rights
17949 to further benefits under this chapter. Except as otherwise
17950 provided by law, the receiving agency must retain the
17951 confidentiality of this information as provided in this section.

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17952 The tax collection service provider may request the Comptroller
17953 of the Currency of the United States to examine the correctness
17954 of any return or report of any national banking association
17955 rendered under this chapter and may in connection with that
17956 request transmit any report or return for examination to the
17957 Comptroller of the Currency of the United States as provided in
17958 s. 3305(c) of the federal Internal Revenue Code.
17959 (b) The employer or the employer's workers' compensation
17960 carrier against whom a claim for benefits under chapter 440 has
17961 been made, or a representative of either, may request from Jobs
17962 Florida ~~the Agency for Workforce Innovation~~ records of wages of
17963 the employee reported to Jobs Florida ~~the agency~~ by any employer
17964 for the quarter that includes the date of the accident that is
17965 the subject of such claim and for subsequent quarters.
17966 1. The request must be made with the authorization or
17967 consent of the employee or any employer who paid wages to the
17968 employee after the date of the accident.
17969 2. The employer or carrier shall make the request on a form
17970 prescribed by rule for such purpose by the agency. Such form
17971 shall contain a certification by the requesting party that it is
17972 a party entitled to the information requested.
17973 3. Jobs Florida ~~The agency~~ shall provide the most current
17974 information readily available within 15 days after receiving the
17975 request.
17976 Section 294. Section 443.181, Florida Statutes, is amended
17977 to read:
17978 443.181 Public employment service.—
17979 (1) The one-stop delivery system established under s.
17980 445.009 is this state's public employment service as part of the

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17981 national system of public employment offices under 29 U.S.C. s.
17982 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under
17983 policy direction from Workforce Florida, Inc., shall cooperate
17984 with any official or agency of the United States having power or
17985 duties under 29 U.S.C. ss. 49-49l-1 and shall perform those
17986 duties necessary to secure to this state the funds provided
17987 under federal law for the promotion and maintenance of the
17988 state's public employment service. In accordance with 29 U.S.C.
17989 s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. Jobs Florida
17990 ~~The Agency for Workforce Innovation~~ is designated the state
17991 agency responsible for cooperating with the United States
17992 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
17993 ~~Agency for Workforce Innovation~~ shall appoint sufficient
17994 employees to administer this section. Jobs Florida ~~The Agency~~
17995 ~~for Workforce Innovation~~ may cooperate with or enter into
17996 agreements with the Railroad Retirement Board for the
17997 establishment, maintenance, and use of one-stop career centers.
17998 (2) All funds received by this state under 29 U.S.C. ss.
17999 49-49l-1 must be paid into the Employment Security
18000 Administration Trust Fund, and these funds are available to Jobs
18001 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
18002 provided by this chapter or by federal law. For the purpose of
18003 establishing and maintaining one-stop career centers, Jobs
18004 Florida ~~the Agency for Workforce Innovation~~ may enter into
18005 agreements with the Railroad Retirement Board or any other
18006 agency of the United States charged with the administration of
18007 an unemployment compensation law, with any political subdivision
18008 of this state, or with any private, nonprofit organization. As a
18009 part of any such agreement, Jobs Florida ~~the Agency for~~

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18010 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
18011 a contribution to the Employment Security Administration Trust
18012 Fund.
18013 Section 295. Subsections (1), (2), (3), and (4) of section
18014 443.191, Florida Statutes, are amended to read:
18015 443.191 Unemployment Compensation Trust Fund; establishment
18016 and control.—
18017 (1) There is established, as a separate trust fund apart
18018 from all other public funds of this state, an Unemployment
18019 Compensation Trust Fund, which shall be administered by Jobs
18020 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
18021 purposes of this chapter. The fund shall consist of:
18022 (a) All contributions and reimbursements collected under
18023 this chapter;
18024 (b) Interest earned on any moneys in the fund;
18025 (c) Any property or securities acquired through the use of
18026 moneys belonging to the fund;
18027 (d) All earnings of these properties or securities;
18028 (e) All money credited to this state's account in the
18029 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
18030 1103; and
18031 (f) Advances on the amount in the federal Unemployment
18032 Compensation Trust Fund credited to the state under 42 U.S.C. s.
18033 1321, as requested by the Governor or the Governor's designee.
18034
18035 Except as otherwise provided in s. 443.1313(4), all moneys in
18036 the fund shall be mingled and undivided.
18037 (2) The Chief Financial Officer is the ex officio treasurer
18038 and custodian of the fund and shall administer the fund in

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18039 accordance with the directions of Jobs Florida ~~the Agency for~~
18040 ~~Workforce Innovation~~. All payments from the fund must be
18041 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
18042 by an authorized agent. The Chief Financial Officer shall
18043 maintain within the fund three separate accounts:
18044 (a) A clearing account;
18045 (b) An Unemployment Compensation Trust Fund account; and
18046 (c) A benefit account.
18047
18048 All moneys payable to the fund, including moneys received from
18049 the United States as reimbursement for extended benefits paid by
18050 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
18051 forwarded to the Chief Financial Officer, who shall immediately
18052 deposit them in the clearing account. Refunds payable under s.
18053 443.141 may be paid from the clearing account. After clearance,
18054 all other moneys in the clearing account must be immediately
18055 deposited with the Secretary of the Treasury of the United
18056 States to the credit of this state’s account in the federal
18057 Unemployment Compensation Trust Fund notwithstanding any state
18058 law relating to the deposit, administration, release, or
18059 disbursement of moneys in the possession or custody of this
18060 state. The benefit account consists of all moneys requisitioned
18061 from this state’s account in the federal Unemployment
18062 Compensation Trust Fund. Except as otherwise provided by law,
18063 moneys in the clearing and benefit accounts may be deposited by
18064 the Chief Financial Officer, under the direction of Jobs Florida
18065 ~~the Agency for Workforce Innovation~~, in any bank or public
18066 depository in which general funds of the state are deposited,
18067 but a public deposit insurance charge or premium may not be paid

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18068 out of the fund. If any warrant issued against the clearing
18069 account or the benefit account is not presented for payment
18070 within 1 year after issuance, the Chief Financial Officer must
18071 cancel the warrant and credit without restriction the amount of
18072 the warrant to the account upon which it is drawn. When the
18073 payee or person entitled to a canceled warrant requests payment
18074 of the warrant, the Chief Financial Officer, upon direction of
18075 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
18076 new warrant, payable from the account against which the canceled
18077 warrant was drawn.
18078 (3) Moneys may only be requisitioned from the state's
18079 account in the federal Unemployment Compensation Trust Fund
18080 solely for the payment of benefits and extended benefits and for
18081 payment in accordance with rules prescribed by Jobs Florida ~~the~~
18082 ~~Agency for Workforce Innovation~~, or for the repayment of
18083 advances made pursuant to 42 U.S.C. s. 1321, as authorized by
18084 the Governor or the Governor's designee, except that money
18085 credited to this state's account under 42 U.S.C. s. 1103 may
18086 only be used exclusively as provided in subsection (5). Jobs
18087 Florida ~~The Agency for Workforce Innovation~~, through the Chief
18088 Financial Officer, shall requisition from the federal
18089 Unemployment Compensation Trust Fund amounts, not exceeding the
18090 amounts credited to this state's account in the fund, as
18091 necessary for the payment of benefits and extended benefits for
18092 a reasonable future period. Upon receipt of these amounts, the
18093 Chief Financial Officer shall deposit the moneys in the benefit
18094 account in the State Treasury and warrants for the payment of
18095 benefits and extended benefits shall be drawn upon the order of
18096 Jobs Florida ~~the Agency for Workforce Innovation~~ against the

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18097 account. All warrants for benefits and extended benefits are
18098 payable directly to the ultimate beneficiary. Expenditures of
18099 these moneys in the benefit account and refunds from the
18100 clearing account are not subject to any law requiring specific
18101 appropriations or other formal release by state officers of
18102 money in their custody. All warrants issued for the payment of
18103 benefits and refunds must bear the signature of the Chief
18104 Financial Officer. Any balance of moneys requisitioned from this
18105 state's account in the federal Unemployment Compensation Trust
18106 Fund which remains unclaimed or unpaid in the benefit account
18107 after the period for which the moneys were requisitioned shall
18108 be deducted from estimates for, and may be used for the payment
18109 of, benefits and extended benefits during succeeding periods,
18110 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
18111 ~~Innovation~~, shall be redeposited with the Secretary of the
18112 Treasury of the United States, to the credit of this state's
18113 account in the federal Unemployment Compensation Trust Fund, as
18114 provided in subsection (2).
18115 (4) Subsections (1), (2), and (3), to the extent they
18116 relate to the federal Unemployment Compensation Trust Fund,
18117 apply only while the fund continues to exist and while the
18118 Secretary of the Treasury of the United States continues to
18119 maintain for this state a separate account of all funds
18120 deposited by this state for the payment of benefits, together
18121 with this state's proportionate share of the earnings of the
18122 federal Unemployment Compensation Trust Fund, from which no
18123 other state is permitted to make withdrawals. If the federal
18124 Unemployment Compensation Trust Fund ceases to exist, or the
18125 separate account is no longer maintained, all moneys,

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18126 properties, or securities belonging to this state's account in
18127 the federal Unemployment Compensation Trust Fund must be
18128 transferred to the treasurer of the Unemployment Compensation
18129 Trust Fund, who must hold, invest, transfer, sell, deposit, and
18130 release those moneys, properties, or securities in a manner
18131 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
18132 accordance with this chapter. These moneys must, however, be
18133 invested in the following readily marketable classes of
18134 securities: bonds or other interest-bearing obligations of the
18135 United States or of the state. Further, the investment must at
18136 all times be made in a manner that allows all the assets of the
18137 fund to always be readily convertible into cash when needed for
18138 the payment of benefits. The treasurer may only dispose of
18139 securities or other properties belonging to the Unemployment
18140 Compensation Trust Fund under the direction of Jobs Florida ~~the~~
18141 ~~Agency for Workforce Innovation~~.
18142 Section 296. Section 443.211, Florida Statutes, is amended
18143 to read:
18144 443.211 Employment Security Administration Trust Fund;
18145 appropriation; reimbursement.—
18146 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
18147 created in the State Treasury the "Employment Security
18148 Administration Trust Fund." All moneys deposited into this fund
18149 remain continuously available to Jobs Florida ~~the Agency for~~
18150 ~~Workforce Innovation~~ for expenditure in accordance with this
18151 chapter and do not revert at any time and may not be transferred
18152 to any other fund. All moneys in this fund which are received
18153 from the Federal Government or any federal agency or which are
18154 appropriated by this state under ss. 443.171 and 443.181, except

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18155 money received under s. 443.191(5)(c), must be expended solely
18156 for the purposes and in the amounts found necessary by the
18157 authorized cooperating federal agencies for the proper and
18158 efficient administration of this chapter. The fund consists of:
18159 all moneys appropriated by this state; all moneys received from
18160 the United States or any federal agency; all moneys received
18161 from any other source for the administration of this chapter;
18162 any funds collected for enhanced, specialized, or value-added
18163 labor market information services; any moneys received from any
18164 agency of the United States or any other state as compensation
18165 for services or facilities supplied to that agency; any amounts
18166 received from any surety bond or insurance policy or from other
18167 sources for losses sustained by the Employment Security
18168 Administration Trust Fund or by reason of damage to equipment or
18169 supplies purchased from moneys in the fund; and any proceeds
18170 from the sale or disposition of such equipment or supplies. All
18171 money requisitioned and deposited in this fund under s.
18172 443.191(5)(c) remains part of the Unemployment Compensation
18173 Trust Fund and must be used only in accordance with s.
18174 443.191(5). All moneys in this fund must be deposited,
18175 administered, and disbursed in the same manner and under the
18176 same conditions and requirements as provided by law for other
18177 trust funds in the State Treasury. These moneys must be secured
18178 by the depositary in which they are held to the same extent and
18179 in the same manner as required by the general depositary law of
18180 the state, and collateral pledged must be maintained in a
18181 separate custody account. All payments from the Employment
18182 Security Administration Trust Fund must be approved by Jobs
18183 Florida ~~the Agency for Workforce Innovation~~ or by an authorized

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18184 agent and must be made by the Chief Financial Officer. Any
18185 balances in this fund do not revert at any time and must remain
18186 continuously available to Jobs Florida ~~the Agency for Workforce~~
18187 ~~Innovation~~ for expenditure consistent with this chapter.
18188 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
18189 There is created in the State Treasury the "Special Employment
18190 Security Administration Trust Fund," into which shall be
18191 deposited or transferred all interest on contributions and
18192 reimbursements, penalties, and fines or fees collected under
18193 this chapter. Interest on contributions and reimbursements,
18194 penalties, and fines or fees deposited during any calendar
18195 quarter in the clearing account in the Unemployment Compensation
18196 Trust Fund shall, as soon as practicable after the close of that
18197 calendar quarter and upon certification of Jobs Florida ~~the~~
18198 ~~Agency for Workforce Innovation~~, be transferred to the Special
18199 Employment Security Administration Trust Fund. The amount
18200 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
18201 required under this chapter to pay refunds of interest on
18202 contributions and reimbursements, penalties, and fines or fees
18203 collected and erroneously deposited into the clearing account in
18204 the Unemployment Compensation Trust Fund shall, however, be
18205 withheld from this transfer. The interest and penalties
18206 certified for transfer are deemed as being erroneously deposited
18207 in the clearing account, and their transfer to the Special
18208 Employment Security Administration Trust Fund is deemed to be a
18209 refund of the erroneous deposits. All moneys in this fund shall
18210 be deposited, administered, and disbursed in the same manner and
18211 under the same requirements as provided by law for other trust
18212 funds in the State Treasury. These moneys may not be expended or

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18213 be available for expenditure in any manner that would permit
18214 their substitution for, or permit a corresponding reduction in,
18215 federal funds that would, in the absence of these moneys, be
18216 available to finance expenditures for the administration of this
18217 chapter. This section does not prevent these moneys from being
18218 used as a revolving fund to cover lawful expenditures for which
18219 federal funds are requested but not yet received, subject to the
18220 charging of the expenditures against the funds when received.
18221 The moneys in this fund, with the approval of the Executive
18222 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
18223 ~~for Workforce Innovation~~ for paying administrative costs that
18224 are not chargeable against funds obtained from federal sources.
18225 All moneys in the Special Employment Security Administration
18226 Trust Fund shall be continuously available to Jobs Florida ~~the~~
18227 ~~Agency for Workforce Innovation~~ for expenditure in accordance
18228 with this chapter and do not revert at any time. All payments
18229 from the Special Employment Security Administration Trust Fund
18230 must be approved by Jobs Florida ~~the Agency for Workforce~~
18231 ~~Innovation~~ or by an authorized agent and shall be made by the
18232 Chief Financial Officer. The moneys in this fund are available
18233 to replace, as contemplated by subsection (3), expenditures from
18234 the Employment Security Administration Trust Fund which the
18235 United States Secretary of Labor, or other authorized federal
18236 agency or authority, finds are lost or improperly expended
18237 because of any action or contingency. The Chief Financial
18238 Officer is liable on her or his official bond for the faithful
18239 performance of her or his duties in connection with the Special
18240 Employment Security Administration Trust Fund.
18241 (3) REIMBURSEMENT OF FUND.—If any moneys received from the

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18242 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
18243 any unencumbered balances in the Employment Security
18244 Administration Trust Fund, any moneys granted to this state
18245 under the Wagner-Peyser Act, or any moneys made available by
18246 this state or its political subdivisions and matched by the
18247 moneys granted to this state under the Wagner-Peyser Act, are
18248 after reasonable notice and opportunity for hearing, found by
18249 the United States Secretary of Labor, because of any action or
18250 contingency, to be lost or expended for purposes other than, or
18251 in amounts in excess of, those allowed by the United States
18252 Secretary of Labor for the administration of this chapter, these
18253 moneys shall be replaced by moneys appropriated for that purpose
18254 from the General Revenue Fund to the Employment Security
18255 Administration Trust Fund for expenditure as provided in
18256 subsection (1). Upon receipt of notice of such a finding by the
18257 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
18258 ~~Workforce Innovation~~ shall promptly report the amount required
18259 for replacement to the Governor. The Governor shall, at the
18260 earliest opportunity, submit to the Legislature a request for
18261 the appropriation of the replacement funds.
18262 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
18263 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
18264 ~~Innovation~~ is responsible for the deposit, requisition,
18265 expenditure, approval of payment, reimbursement, and reporting
18266 in regard to the trust funds established by this section.
18267 Section 297. Section 443.221, Florida Statutes, is amended
18268 to read:
18269 443.221 Reciprocal arrangements.—
18270 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or

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18271 its tax collection service provider may enter into reciprocal
18272 arrangements with other states or with the Federal Government,
18273 or both, for considering services performed by an individual for
18274 a single employing unit for which services are performed by the
18275 individual in more than one state as services performed entirely
18276 within any one of the states:
18277 1. In which any part of the individual's service is
18278 performed;
18279 2. In which the individual has her or his residence; or
18280 3. In which the employing unit maintains a place of
18281 business.
18282 (b) For services to be considered as performed within a
18283 state under a reciprocal agreement, the employing unit must have
18284 an election in effect for those services, which is approved by
18285 the agency charged with the administration of such state's
18286 unemployment compensation law, under which all the services
18287 performed by the individual for the employing unit are deemed to
18288 be performed entirely within that state.
18289 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
18290 participate in any arrangements for the payment of compensation
18291 on the basis of combining an individual's wages and employment
18292 covered under this chapter with her or his wages and employment
18293 covered under the unemployment compensation laws of other
18294 states, which are approved by the United States Secretary of
18295 Labor, in consultation with the state unemployment compensation
18296 agencies, as reasonably calculated to assure the prompt and full
18297 payment of compensation in those situations and which include
18298 provisions for:
18299 1. Applying the base period of a single state law to a

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18300 claim involving the combining of an individual's wages and
18301 employment covered under two or more state unemployment
18302 compensation laws; and
18303 2. Avoiding the duplicate use of wages and employment
18304 because of the combination.
18305 (d) Contributions or reimbursements due under this chapter
18306 with respect to wages for insured work are, for the purposes of
18307 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
18308 to the fund as of the date payment was made as contributions or
18309 reimbursements therefor under another state or federal
18310 unemployment compensation law, but an arrangement may not be
18311 entered into unless it contains provisions for reimbursement to
18312 the fund of the contributions or reimbursements and the actual
18313 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
18314 ~~Innovation~~ or its tax collection service provider finds are fair
18315 and reasonable as to all affected interests.
18316 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18317 tax collection service provider may make to other state or
18318 federal agencies and receive from these other state or federal
18319 agencies reimbursements from or to the fund, in accordance with
18320 arrangements entered into under subsection (1).
18321 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
18322 tax collection service provider may enter into reciprocal
18323 arrangements with other states or the Federal Government, or
18324 both, for exchanging services, determining and enforcing payment
18325 obligations, and making available facilities and information.
18326 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
18327 collection service provider may conduct investigations, secure
18328 and transmit information, make available services and

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18329 facilities, and exercise other powers provided under this
18330 chapter to facilitate the administration of any unemployment
18331 compensation or public employment service law and, in a similar
18332 manner, accept and use information, services, and facilities
18333 made available to this state by the agency charged with the
18334 administration of any other unemployment compensation or public
18335 employment service law.
18336 (4) To the extent permissible under federal law, Jobs
18337 Florida ~~the Agency for Workforce Innovation~~ may enter into or
18338 cooperate in arrangements whereby facilities and services
18339 provided under this chapter and facilities and services provided
18340 under the unemployment compensation law of any foreign
18341 government may be used for the taking of claims and the payment
18342 of benefits under the employment security law of the state or
18343 under a similar law of that government.
18344 Section 298. Section 445.002, Florida Statutes, is amended
18345 to read:
18346 445.002 Definitions.—As used in this chapter, the term:
18347 ~~(1) "Agency" means the Agency for Workforce Innovation.~~
18348 (1)~~(2)~~ "Services and one-time payments" or "services," when
18349 used in reference to individuals who are not receiving temporary
18350 cash assistance, means nonrecurrent, short-term benefits
18351 designed to deal with a specific crisis situation or episode of
18352 need and other services; work subsidies; supportive services
18353 such as child care and transportation; services such as
18354 counseling, case management, peer support, and child care
18355 information and referral; transitional services, job retention,
18356 job advancement, and other employment-related services;
18357 nonmedical treatment for substance abuse or mental health

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18358 problems; teen pregnancy prevention; two-parent family support,
18359 including noncustodial parent employment; court-ordered
18360 supervised visitation, and responsible fatherhood services; and
18361 any other services that are reasonably calculated to further the
18362 purposes of the welfare transition program. Such terms do not
18363 include assistance as defined in federal regulations at 45
18364 C.F.R. s. 260.31(a).
18365 (2) ~~(3)~~ "Welfare transition services" means those workforce
18366 services provided to current or former recipients of temporary
18367 cash assistance under chapter 414.
18368 Section 299. Subsection (3) of section 445.003, Florida
18369 Statutes, is amended to read:
18370 445.003 Implementation of the federal Workforce Investment
18371 Act of 1998.—
18372 (3) FUNDING.—
18373 (a) Title I, Workforce Investment Act of 1998 funds;
18374 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
18375 based on the 5-year plan of Workforce Florida, Inc. The plan
18376 shall outline and direct the method used to administer and
18377 coordinate various funds and programs that are operated by
18378 various agencies. The following provisions shall also apply to
18379 these funds:
18380 1. At least 50 percent of the Title I funds for Adults and
18381 Dislocated Workers that are passed through to regional workforce
18382 boards shall be allocated to Individual Training Accounts unless
18383 a regional workforce board obtains a waiver from Workforce
18384 Florida, Inc. Tuition and fees qualify as an Individual Training
18385 Account expenditure, as do other programs developed by regional
18386 workforce boards in compliance with policies of Workforce

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18387 Florida, Inc.
18388 2. Fifteen percent of Title I funding shall be retained at
18389 the state level and shall be dedicated to state administration
18390 and used to design, develop, induce, and fund innovative
18391 Individual Training Account pilots, demonstrations, and
18392 programs. Of such funds retained at the state level, $2 million
18393 shall be reserved for the Incumbent Worker Training Program,
18394 created under s. 288.048 ~~subparagraph 3~~. Eligible state
18395 administration costs include the costs of: funding for the board
18396 and staff of Workforce Florida, Inc.; operating fiscal,
18397 compliance, and management accountability systems through
18398 Workforce Florida, Inc.; conducting evaluation and research on
18399 workforce development activities; and providing technical and
18400 capacity building assistance to regions at the direction of
18401 Workforce Florida, Inc. Notwithstanding s. 445.004, such
18402 administrative costs shall not exceed 25 percent of these funds.
18403 An amount not to exceed 75 percent of these funds shall be
18404 allocated to Individual Training Accounts and other workforce
18405 development strategies for other training designed and tailored
18406 by Workforce Florida, Inc., including, but not limited to,
18407 programs for incumbent workers, displaced homemakers,
18408 nontraditional employment, and enterprise zones. Workforce
18409 Florida, Inc., shall design, adopt, and fund Individual Training
18410 Accounts for distressed urban and rural communities.
18411 ~~3. The Incumbent Worker Training Program is created for the~~
18412 ~~purpose of providing grant funding for continuing education and~~
18413 ~~training of incumbent employees at existing Florida businesses.~~
18414 ~~The program will provide reimbursement grants to businesses that~~
18415 ~~pay for preapproved, direct, training-related costs.~~

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18416 ~~a. The Incumbent Worker Training Program will be~~
18417 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
18418 ~~at its discretion, may contract with a private business~~
18419 ~~organization to serve as grant administrator.~~
18420 ~~b. To be eligible for the program's grant funding, a~~
18421 ~~business must have been in operation in Florida for a minimum of~~
18422 ~~1 year prior to the application for grant funding; have at least~~
18423 ~~one full-time employee; demonstrate financial viability; and be~~
18424 ~~current on all state tax obligations. Priority for funding shall~~
18425 ~~be given to businesses with 25 employees or fewer, businesses in~~
18426 ~~rural areas, businesses in distressed inner-city areas,~~
18427 ~~businesses in a qualified targeted industry, businesses whose~~
18428 ~~grant proposals represent a significant upgrade in employee~~
18429 ~~skills, or businesses whose grant proposals represent a~~
18430 ~~significant layoff avoidance strategy.~~
18431 ~~c. All costs reimbursed by the program must be preapproved~~
18432 ~~by Workforce Florida, Inc., or the grant administrator. The~~
18433 ~~program will not reimburse businesses for trainee wages, the~~
18434 ~~purchase of capital equipment, or the purchase of any item or~~
18435 ~~service that may possibly be used outside the training project.~~
18436 ~~A business approved for a grant may be reimbursed for~~
18437 ~~preapproved, direct, training-related costs including tuition;~~
18438 ~~fees; books and training materials; and overhead or indirect~~
18439 ~~costs not to exceed 5 percent of the grant amount.~~
18440 ~~d. A business that is selected to receive grant funding~~
18441 ~~must provide a matching contribution to the training project,~~
18442 ~~including, but not limited to, wages paid to trainees or the~~
18443 ~~purchase of capital equipment used in the training project; must~~
18444 ~~sign an agreement with Workforce Florida, Inc., or the grant~~

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18445 ~~administrator to complete the training project as proposed in~~
18446 ~~the application; must keep accurate records of the project's~~
18447 ~~implementation process; and must submit monthly or quarterly~~
18448 ~~reimbursement requests with required documentation.~~
18449 ~~c. All Incumbent Worker Training Program grant projects~~
18450 ~~shall be performance-based with specific measurable performance~~
18451 ~~outcomes, including completion of the training project and job~~
18452 ~~retention. Workforce Florida, Inc., or the grant administrator~~
18453 ~~shall withhold the final payment to the grantee until a final~~
18454 ~~grant report is submitted and all performance criteria specified~~
18455 ~~in the grant contract have been achieved.~~
18456 ~~f. Workforce Florida, Inc., may establish guidelines~~
18457 ~~necessary to implement the Incumbent Worker Training Program.~~
18458 ~~g. No more than 10 percent of the Incumbent Worker Training~~
18459 ~~Program's total appropriation may be used for overhead or~~
18460 ~~indirect purposes.~~
18461 3.~~4.~~ At least 50 percent of Rapid Response funding shall be
18462 dedicated to Intensive Services Accounts and Individual Training
18463 Accounts for dislocated workers and incumbent workers who are at
18464 risk of dislocation. Workforce Florida, Inc., shall also
18465 maintain an Emergency Preparedness Fund from Rapid Response
18466 funds which will immediately issue Intensive Service Accounts
18467 and Individual Training Accounts as well as other federally
18468 authorized assistance to eligible victims of natural or other
18469 disasters. At the direction of the Governor, for events that
18470 qualify under federal law, these Rapid Response funds shall be
18471 released to regional workforce boards for immediate use. Funding
18472 shall also be dedicated to maintain a unit at the state level to
18473 respond to Rapid Response emergencies around the state, to work

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18474 with state emergency management officials, and to work with
18475 regional workforce boards. All Rapid Response funds must be
18476 expended based on a plan developed by Workforce Florida, Inc.,
18477 and approved by the Governor.
18478 (b) The administrative entity for Title I, Workforce
18479 Investment Act of 1998 funds, and Rapid Response activities,
18480 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which
18481 shall provide direction to regional workforce boards regarding
18482 Title I programs and Rapid Response activities pursuant to the
18483 direction of Workforce Florida, Inc.
18484 Section 300. Subsection (1), paragraph (a) of subsection
18485 (3), paragraphs (b), (c), (d), (e), and (g) of subsection (5),
18486 and subsection (12) of section 445.004, Florida Statutes, are
18487 amended to read:
18488 445.004 Workforce Florida, Inc.; creation; purpose;
18489 membership; duties and powers.—
18490 (1) There is created a not-for-profit corporation, to be
18491 known as "Workforce Florida, Inc.," which shall be registered,
18492 incorporated, organized, and operated in compliance with chapter
18493 617, and which shall not be a unit or entity of state government
18494 and shall be exempt from chapters 120 and 287. Workforce
18495 Florida, Inc., shall apply the procurement and expenditure
18496 procedures required by federal law for the expenditure of
18497 federal funds. Workforce Florida, Inc., shall be
18498 administratively housed within Jobs Florida ~~the Agency for~~
18499 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
18500 not be subject to control, supervision, or direction by Jobs
18501 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
18502 Legislature determines, however, that public policy dictates

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18503 that Workforce Florida, Inc., operate in the most open and
18504 accessible manner consistent with its public purpose. To this
18505 end, the Legislature specifically declares that Workforce
18506 Florida, Inc., its board, councils, and any advisory committees
18507 or similar groups created by Workforce Florida, Inc., are
18508 subject to the provisions of chapter 119 relating to public
18509 records, and those provisions of chapter 286 relating to public
18510 meetings.
18511 (3)(a) Workforce Florida, Inc., shall be governed by a
18512 board of directors, the number of directors to be determined by
18513 the Governor, whose membership and appointment must be
18514 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
18515 contain one member representing the licensed nonpublic
18516 postsecondary educational institutions authorized as individual
18517 training account providers, one member from the staffing service
18518 industry, at least one member who is a current or former
18519 recipient of welfare transition services as defined in s.
18520 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
18521 445.009(1), and five representatives of organized labor who
18522 shall be appointed by the Governor. Members described in Pub. L.
18523 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
18524 members. The importance of minority, gender, and geographic
18525 representation shall be considered when making appointments to
18526 the board.
18527 (5) Workforce Florida, Inc., shall have all the powers and
18528 authority, not explicitly prohibited by statute, necessary or
18529 convenient to carry out and effectuate the purposes as
18530 determined by statute, Pub. L. No. 105-220, and the Governor, as
18531 well as its functions, duties, and responsibilities, including,

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18532 but not limited to, the following:
18533 (b) Providing oversight and policy direction to ensure that
18534 the following programs are administered by Jobs Florida ~~the~~
18535 ~~Agency for Workforce Innovation~~ in compliance with approved
18536 plans and under contract with Workforce Florida, Inc.:
18537 1. Programs authorized under Title I of the Workforce
18538 Investment Act of 1998, Pub. L. No. 105-220, with the exception
18539 of programs funded directly by the United States Department of
18540 Labor under Title I, s. 167.
18541 2. Programs authorized under the Wagner-Peyser Act of 1933,
18542 as amended, 29 U.S.C. ss. 49 et seq.
18543 3. Activities authorized under Title II of the Trade Act of
18544 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
18545 Adjustment Assistance Program.
18546 4. Activities authorized under 38 U.S.C., chapter 41,
18547 including job counseling, training, and placement for veterans.
18548 5. Employment and training activities carried out under
18549 funds awarded to this state by the United States Department of
18550 Housing and Urban Development.
18551 6. Welfare transition services funded by the Temporary
18552 Assistance for Needy Families Program, created under the
18553 Personal Responsibility and Work Opportunity Reconciliation Act
18554 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
18555 of the Social Security Act, as amended.
18556 7. Displaced homemaker programs, provided under s. 446.50.
18557 8. The Florida Bonding Program, provided under Pub. L. No.
18558 97-300, s. 164(a)(1).
18559 9. The Food Assistance Employment and Training Program,
18560 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.

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18561 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
18562 and the Hunger Prevention Act, Pub. L. No. 100-435.
18563 10. The Quick-Response Training Program for participants in
18564 the welfare transition program, as provided under s. 288.047 ~~ss.~~
18565 ~~288.046-288.047~~. ~~Matching funds and in-kind contributions that~~
18566 ~~are provided by clients of the Quick-Response Training Program~~
18567 ~~shall count toward the requirements of s. 288.90151(5)(d),~~
18568 ~~pertaining to the return on investment from activities of~~
18569 ~~Enterprise Florida, Inc.~~
18570 11. The Work Opportunity Tax Credit, provided under the Tax
18571 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
18572 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
18573 12. Offender placement services, provided under ss.
18574 944.707-944.708.
18575 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to
18576 administer the provisions of this chapter which relate to
18577 implementing and administering the programs listed in paragraph
18578 (b) as well as rules related to eligible training providers and
18579 auditing and monitoring subrecipients of the workforce system
18580 grant funds.
18581 (d) Contracting with public and private entities as
18582 necessary to further the directives of this section. All
18583 contracts executed by Workforce Florida, Inc., must include
18584 specific performance expectations and deliverables. All
18585 Workforce Florida, Inc., contracts, including those solicited,
18586 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
18587 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
18588 s. 112.061, but shall be governed by subsection (1).
18589 (e) Notifying the Governor, the President of the Senate,

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18590 and the Speaker of the House of Representatives of noncompliance
18591 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
18592 agencies or obstruction of the board's efforts by such agencies.
18593 Upon such notification, the Executive Office of the Governor
18594 shall assist agencies to bring them into compliance with board
18595 objectives.
18596 (g) Establish a dispute resolution process for all
18597 memoranda of understanding or other contracts or agreements
18598 entered into between Jobs Florida ~~the agency~~ and regional
18599 workforce boards.
18600 (12) Workforce Florida, Inc., shall enter into agreement
18601 with Space Florida and collaborate with vocational institutes,
18602 community colleges, colleges, and universities in this state, to
18603 develop a workforce development strategy to implement the
18604 workforce provisions of s. 331.3051.
18605 Section 301. Paragraph (c) of subsection (2) of section
18606 445.006, Florida Statutes, is amended to read:
18607 445.006 Strategic and operational plans for workforce
18608 development.—
18609 (2) Workforce Florida, Inc., shall establish an operational
18610 plan to implement the state strategic plan. The operational plan
18611 shall be submitted to the Governor and the Legislature along
18612 with the strategic plan and must reflect the allocation of
18613 resources as appropriated by the Legislature to specific
18614 responsibilities enumerated in law. As a component of the
18615 operational plan required under this section, Workforce Florida,
18616 Inc., shall develop a workforce marketing plan, with the goal of
18617 educating individuals inside and outside the state about the
18618 employment market and employment conditions in the state. The

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18619 marketing plan must include, but need not be limited to,
18620 strategies for:
18621 (c) Coordinating with the Jobs Florida Partnership
18622 ~~Enterprise Florida~~, Inc., to ensure that workforce marketing
18623 efforts complement the economic development marketing efforts of
18624 the state.
18625 Section 302. Subsection (1) of section 445.007, Florida
18626 Statutes, is amended to read:
18627 445.007 Regional workforce boards.—
18628 (1) One regional workforce board shall be appointed in each
18629 designated service delivery area and shall serve as the local
18630 workforce investment board pursuant to Pub. L. No. 105-220. The
18631 membership of the board shall be consistent with Pub. L. No.
18632 105-220, Title I, s. 117(b), and contain one representative from
18633 a nonpublic postsecondary educational institution that is an
18634 authorized individual training account provider within the
18635 region and confers certificates and diplomas, one representative
18636 from a nonpublic postsecondary educational institution that is
18637 an authorized individual training account provider within the
18638 region and confers degrees, and three representatives of
18639 organized labor. The board shall include one nonvoting
18640 representative from a military installation if a military
18641 installation is located within the region and the appropriate
18642 military command or organization authorizes such representation.
18643 It is the intent of the Legislature that membership of a
18644 regional workforce board include persons who are current or
18645 former recipients of welfare transition assistance as defined in
18646 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
18647 s. 445.009(1) or that such persons be included as ex officio

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18648 members of the board or of committees organized by the board.
18649 The importance of minority and gender representation shall be
18650 considered when making appointments to the board. The board, its
18651 committees, subcommittees, and subdivisions, and other units of
18652 the workforce system, including units that may consist in whole
18653 or in part of local governmental units, may use any method of
18654 telecommunications to conduct meetings, including establishing a
18655 quorum through telecommunications, provided that the public is
18656 given proper notice of the telecommunications meeting and
18657 reasonable access to observe and, when appropriate, participate.
18658 Regional workforce boards are subject to chapters 119 and 286
18659 and s. 24, Art. I of the State Constitution. If the regional
18660 workforce board enters into a contract with an organization or
18661 individual represented on the board of directors, the contract
18662 must be approved by a two-thirds vote of the entire board, and
18663 the board member who could benefit financially from the
18664 transaction must abstain from voting on the contract. A board
18665 member must disclose any such conflict in a manner that is
18666 consistent with the procedures outlined in s. 112.3143.
18667 Section 303. Subsections (3) and (9) of section 445.009,
18668 Florida Statutes, are amended to read:
18669 445.009 One-stop delivery system.—
18670 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
18671 shall enter into a memorandum of understanding with Jobs Florida
18672 ~~the Agency for Workforce Innovation~~ for the delivery of
18673 employment services authorized by the federal Wagner-Peyser Act.
18674 This memorandum of understanding must be performance based.
18675 (a) Unless otherwise required by federal law, at least 90
18676 percent of the Wagner-Peyser funding must go into direct

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18677 customer service costs.
18678 (b) Employment services must be provided through the one-
18679 stop delivery system, under the guidance of one-stop delivery
18680 system operators. One-stop delivery system operators shall have
18681 overall authority for directing the staff of the workforce
18682 system. Personnel matters shall remain under the ultimate
18683 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.
18684 However, the one-stop delivery system operator shall submit to
18685 Jobs Florida ~~the agency~~ information concerning the job
18686 performance of ~~agency~~ employees of Jobs Florida who deliver
18687 employment services. Jobs Florida ~~The agency~~ shall consider any
18688 such information submitted by the one-stop delivery system
18689 operator in conducting performance appraisals of the employees.
18690 (c) Jobs Florida ~~The agency~~ shall retain fiscal
18691 responsibility and accountability for the administration of
18692 funds allocated to the state under the Wagner-Peyser Act. An
18693 ~~agency~~ employee of Jobs Florida who is providing services
18694 authorized under the Wagner-Peyser Act shall be paid using
18695 Wagner-Peyser Act funds.
18696 (9)(a) Workforce Florida, Inc., working with Jobs Florida
18697 ~~the Agency for Workforce Innovation~~, shall coordinate among the
18698 agencies a plan for a One-Stop Electronic Network made up of
18699 one-stop delivery system centers and other partner agencies that
18700 are operated by authorized public or private for-profit or not-
18701 for-profit agents. The plan shall identify resources within
18702 existing revenues to establish and support this electronic
18703 network for service delivery that includes Government Services
18704 Direct. If necessary, the plan shall identify additional funding
18705 needed to achieve the provisions of this subsection.

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18706 (b) The network shall assure that a uniform method is used
18707 to determine eligibility for and management of services provided
18708 by agencies that conduct workforce development activities. The
18709 Department of Management Services shall develop strategies to
18710 allow access to the databases and information management systems
18711 of the following systems in order to link information in those
18712 databases with the one-stop delivery system:
18713 1. The Unemployment Compensation Program under chapter 443
18714 ~~of the Agency for Workforce Innovation~~.
18715 2. The public employment service described in s. 443.181.
18716 3. The FLORIDA System and the components related to
18717 temporary cash assistance, food assistance, and Medicaid
18718 eligibility.
18719 4. The Student Financial Assistance System of the
18720 Department of Education.
18721 5. Enrollment in the public postsecondary education system.
18722 6. Other information systems determined appropriate by
18723 Workforce Florida, Inc.
18724 Section 304. Subsection (5) of section 445.016, Florida
18725 Statutes, is amended to read:
18726 445.016 Untried Worker Placement and Employment Incentive
18727 Act.—
18728 (5) Incentives must be paid according to the incentive
18729 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
18730 ~~Agency for Workforce Development~~, and the Department of Children
18731 and Family Services which costs the state less per placement
18732 than the state's 12-month expenditure on a welfare recipient.
18733 Section 305. Subsection (1) of section 445.024, Florida
18734 Statutes, is amended to read:

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18735 445.024 Work requirements.—
18736 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
18737 ~~Innovation~~ may develop activities under each of the following
18738 categories of work activities. The following categories of work
18739 activities, based on federal law and regulations, may be used
18740 individually or in combination to satisfy the work requirements
18741 for a participant in the temporary cash assistance program:
18742 (a) Unsubsidized employment.
18743 (b) Subsidized private sector employment.
18744 (c) Subsidized public sector employment.
18745 (d) On-the-job training.
18746 (e) Community service programs.
18747 (f) Work experience.
18748 (g) Job search and job readiness assistance.
18749 (h) Vocational educational training.
18750 (i) Job skills training directly related to employment.
18751 (j) Education directly related to employment.
18752 (k) Satisfactory attendance at a secondary school or in a
18753 course of study leading to a graduate equivalency diploma.
18754 (l) Providing child care services.
18755 Section 306. Subsection (1) of section 445.0325, Florida
18756 Statutes, is amended to read:
18757 445.0325 Welfare Transition Trust Fund.—
18758 (1) The Welfare Transition Trust Fund is created in the
18759 State Treasury, to be administered by Jobs Florida ~~the Agency~~
18760 ~~for Workforce Innovation~~. Funds shall be credited to the trust
18761 fund to be used for the purposes of the welfare transition
18762 program set forth in ss. 445.017-445.032.
18763 Section 307. Section 445.038, Florida Statutes, is amended

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18764 to read:
18765 445.038 Digital media; job training.—Workforce Florida,
18766 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
18767 may use funds dedicated for Incumbent Worker Training for the
18768 digital media industry. Training may be provided by public or
18769 private training providers for broadband digital media jobs
18770 listed on the targeted occupations list developed by the
18771 Workforce Estimating Conference or Workforce Florida, Inc.
18772 Programs that operate outside the normal semester time periods
18773 and coordinate the use of industry and public resources should
18774 be given priority status for funding.
18775 Section 308. Subsection (2), paragraph (b) of subsection
18776 (4), and subsections (5) and (6) of section 445.045, Florida
18777 Statutes, are amended to read:
18778 445.045 Development of an Internet-based system for
18779 information technology industry promotion and workforce
18780 recruitment.—
18781 (2) Workforce Florida, Inc., shall coordinate with the
18782 Agency for Enterprise Information Technology and Jobs Florida
18783 ~~the Agency for Workforce Innovation~~ to ensure links, where
18784 feasible and appropriate, to existing job information websites
18785 maintained by the state and state agencies and to ensure that
18786 information technology positions offered by the state and state
18787 agencies are posted on the information technology website.
18788 (4)
18789 (b) Workforce Florida, Inc., may enter into an agreement
18790 with the Agency for Enterprise Information Technology, Jobs
18791 Florida ~~the Agency for Workforce Innovation~~, or any other public
18792 agency with the requisite information technology expertise for

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18793 the provision of design, operating, or other technological
18794 services necessary to develop and maintain the website.
18795 (5) In furtherance of the requirements of this section that
18796 the website promote and market the information technology
18797 industry by communicating information on the scope of the
18798 industry in this state, Workforce Florida, Inc., shall
18799 coordinate its efforts with the high-technology industry
18800 marketing efforts of the Jobs Florida Partnership ~~Enterprise~~
18801 ~~Florida~~, Inc.~~, under s. 288.911.~~ Through links or actual
18802 content, the website developed under this section shall serve as
18803 a forum for distributing the marketing campaign developed by the
18804 Jobs Florida Partnership, ~~Enterprise Florida~~, Inc.~~, under s.~~
18805 ~~288.911.~~ In addition, Workforce Florida, Inc., shall solicit
18806 input from the not-for-profit corporation created to advocate on
18807 behalf of the information technology industry as an outgrowth of
18808 the Information Service Technology Development Task Force
18809 created under chapter 99-354, Laws of Florida.
18810 (6) In fulfilling its responsibilities under this section,
18811 Workforce Florida, Inc., may enlist the assistance of and act
18812 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
18813 Florida ~~The agency~~ is authorized and directed to provide the
18814 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
18815 ~~agency~~ consider necessary to implement this section.
18816 Section 309. Subsection (1), paragraph (b) of subsection
18817 (4), and subsection (5) of section 445.048, Florida Statutes,
18818 are amended to read:
18819 445.048 Passport to Economic Progress program.—
18820 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
18821 Workforce Florida, Inc., in conjunction with the Department of

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18822 Children and Family Services and Jobs Florida ~~the Agency for~~
18823 ~~Workforce Innovation~~, shall implement a Passport to Economic
18824 Progress program consistent with the provisions of this section.
18825 Workforce Florida, Inc., may designate regional workforce boards
18826 to participate in the program. Expenses for the program may come
18827 from appropriated revenues or from funds otherwise available to
18828 a regional workforce board which may be legally used for such
18829 purposes. Workforce Florida, Inc., must consult with the
18830 applicable regional workforce boards and the applicable local
18831 offices of the Department of Children and Family Services which
18832 serve the program areas and must encourage community input into
18833 the implementation process.
18834 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
18835 (b) Workforce Florida, Inc., in cooperation with the
18836 Department of Children and Family Services and Jobs Florida ~~the~~
18837 ~~Agency for Workforce Innovation~~, shall offer performance-based
18838 incentive bonuses as a component of the Passport to Economic
18839 Progress program. The bonuses do not represent a program
18840 entitlement and shall be contingent on achieving specific
18841 benchmarks prescribed in the self-sufficiency plan. If the funds
18842 appropriated for this purpose are insufficient to provide this
18843 financial incentive, the board of directors of Workforce
18844 Florida, Inc., may reduce or suspend the bonuses in order not to
18845 exceed the appropriation or may direct the regional boards to
18846 use resources otherwise given to the regional workforce to pay
18847 such bonuses if such payments comply with applicable state and
18848 federal laws.
18849 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
18850 Inc., in conjunction with the Department of Children and Family

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18851 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
18852 the regional workforce boards, shall conduct a comprehensive
18853 evaluation of the effectiveness of the program operated under
18854 this section. Evaluations and recommendations for the program
18855 shall be submitted by Workforce Florida, Inc., as part of its
18856 annual report to the Legislature.
18857 Section 310. Subsection (2) of section 445.049, Florida
18858 Statutes, is amended to read:
18859 445.049 Digital Divide Council.—
18860 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
18861 created in the Department of Education. The council shall
18862 consist of:
18863 (a) A representative from the information technology
18864 industry in this state appointed by the Governor.
18865 (b) The commissioner of Jobs Florida, or his or her
18866 designee ~~The director of the Office of Tourism, Trade, and~~
18867 ~~Economic Development in the Executive Office of the Governor~~.
18868 (c) The president of Workforce Florida, Inc.
18869 ~~(d) The director of the Agency for Workforce Innovation.~~
18870 (d) ~~(e)~~ The chair of itflorida.com, Inc.
18871 (e) ~~(f)~~ The Commissioner of Education.
18872 (f) ~~(g)~~ A representative of the information technology
18873 industry in this state appointed by the Speaker of the House of
18874 Representatives.
18875 (g) ~~(h)~~ A representative of the information technology
18876 industry in this state appointed by the President of the Senate.
18877 (h) ~~(i)~~ Two members of the House of Representatives, who
18878 shall be ex officio, nonvoting members of the council, appointed
18879 by the Speaker of the House of Representatives, one of whom

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18880 shall be a member of the Republican Caucus and the other of whom
18881 shall be a member of the Democratic Caucus.
18882 (i) ~~(j)~~ Two members of the Senate, who shall be ex officio,
18883 nonvoting members of the council, appointed by the President of
18884 the Senate, one of whom shall be a member of the Republican
18885 Caucus and the other of whom shall be a member of the Democratic
18886 Caucus.
18887 Section 311. Subsection (13) of section 445.051, Florida
18888 Statutes, is amended to read:
18889 445.051 Individual development accounts.—
18890 (13) Pursuant to policy direction by Workforce Florida,
18891 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18892 adopt such rules as are necessary to implement this act.
18893 Section 312. Section 445.056, Florida Statutes, is amended
18894 to read:
18895 445.056 Citizen Soldier Matching Grant Program.—Jobs
18896 Florida ~~The Agency for Workforce Innovation~~ shall implement the
18897 ~~establish a~~ matching grant program established by the former
18898 Agency for Workforce Innovation to award matching grants to
18899 private sector employers in this state which ~~that~~ provide wages
18900 to employees serving in the United States Armed Forces Reserves
18901 or the Florida National Guard while those employees are on
18902 federal active duty. A grant may not be provided for federal
18903 active duty served before January 1, 2005. Each grant shall be
18904 awarded to reimburse the employer for not more than one-half of
18905 the monthly wages paid to an employee who is a resident of this
18906 state for the actual period of federal active duty. The monthly
18907 grant per employee may not exceed one-half of the difference
18908 between the amount of monthly wages paid by the employer to the

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18909 employee at the level paid before the date the employee was
18910 called to federal active duty and the amount of the employee's
18911 active duty base pay, housing and variable allowances, and
18912 subsistence allowance. Jobs Florida shall implement the plan
18913 administered by the former Agency for Workforce Innovation ~~The~~
18914 ~~agency shall develop a plan by no later than October 1, 2005,~~
18915 ~~subject to the notice, review, and objection procedures of s.~~
18916 ~~216.177, to administer the application and payment procedures~~
18917 ~~for the matching grant program~~. ~~The Agency for Workforce~~
18918 ~~Innovation shall not award any matching grants prior to the~~
18919 ~~approval of the plan.~~
18920 Section 313. Section 446.41, Florida Statutes, is amended
18921 to read:
18922 446.41 Legislative intent with respect to rural workforce
18923 training and development; establishment of Rural Workforce
18924 Services Program.—In order that the state may achieve its full
18925 economic and social potential, consideration must be given to
18926 rural workforce training and development to enable its rural
18927 citizens as well as urban citizens to develop their maximum
18928 capacities and participate productively in our society. It is,
18929 therefore, the policy of the state to make available those
18930 services needed to assist individuals and communities in rural
18931 areas to improve their quality of life. It is with a great sense
18932 of urgency that a Rural Workforce Services Program is
18933 established within Jobs Florida ~~the Agency for Workforce~~
18934 ~~Innovation~~, under the direction of Workforce Florida, Inc., to
18935 provide equal access to all manpower training programs available
18936 to rural as well as urban areas.
18937 Section 314. Subsection (2) and paragraph (b) of subsection

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18938 (5) of section 446.44, Florida Statutes, is amended to read:
18939 446.44 Duties of Rural Workforce Services Program.—It shall
18940 be the direct responsibility of the Rural Workforce Services
18941 Program to promote and deliver employment and workforce services
18942 and resources to the rural undeveloped and underdeveloped
18943 counties of the state in an effort to:
18944 (2) Assist the Jobs Florida Partnership ~~Enterprise Florida~~,
18945 Inc., in attracting light, pollution-free industry to the rural
18946 counties.
18947 (5) Develop rural workforce programs that will be
18948 evaluated, planned, and implemented through communications and
18949 planning with appropriate:
18950 (b) Units of the Jobs Florida Partnership ~~Enterprise~~
18951 ~~Florida~~, Inc.
18952 Section 315. Section 446.50, Florida Statutes, is amended
18953 to read:
18954 446.50 Displaced homemakers; multiservice programs; report
18955 to the Legislature; Displaced Homemaker Trust Fund created.—
18956 (1) INTENT.—It is the intent of the Legislature to require
18957 Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into
18958 contracts with, and make grants to, public and nonprofit private
18959 entities for purposes of establishing multipurpose service
18960 programs to provide necessary training, counseling, and services
18961 for displaced homemakers so that they may enjoy the independence
18962 and economic security vital to a productive life.
18963 (2) DEFINITIONS.—For the purposes of this section the term~~:~~
18964 ~~(a)~~ "Displaced homemaker" means an individual who:
18965 (a)~~1.~~ Is 35 years of age or older;
18966 (b)~~2.~~ Has worked in the home, providing unpaid household

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18967 services for family members;
18968 (c)~~3.~~ Is not adequately employed, as defined by rule of the
18969 agency;
18970 (d)~~4.~~ Has had, or would have, difficulty in securing
18971 adequate employment; and
18972 (e)~~5.~~ Has been dependent on the income of another family
18973 member but is no longer supported by such income, or has been
18974 dependent on federal assistance.
18975 ~~(b) "Agency" means the Agency for Workforce Innovation~~.
18976 (3) ~~AGENCY~~ POWERS AND DUTIES OF JOBS FLORIDA.—
18977 (a) Jobs Florida ~~The agency~~, under plans established by
18978 Workforce Florida, Inc., shall establish, or contract for the
18979 establishment of, programs for displaced homemakers which shall
18980 include:
18981 1. Job counseling, by professionals and peers, specifically
18982 designed for a person entering the job market after a number of
18983 years as a homemaker.
18984 2. Job training and placement services, including:
18985 a. Training programs for available jobs in the public and
18986 private sectors, taking into account the skills and job
18987 experiences of a homemaker and developed by working with public
18988 and private employers.
18989 b. Assistance in locating available employment for
18990 displaced homemakers, some of whom could be employed in existing
18991 job training and placement programs.
18992 c. Utilization of the services of the state employment
18993 service in locating employment opportunities.
18994 3. Financial management services providing information and
18995 assistance with respect to insurance, including, but not limited

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18996 to, life, health, home, and automobile insurance, and taxes,
18997 estate and probate problems, mortgages, loans, and other related
18998 financial matters.
18999 4. Educational services, including high school equivalency
19000 degree and such other courses as Jobs Florida ~~the agency~~
19001 determines would be of interest and benefit to displaced
19002 homemakers.
19003 5. Outreach and information services with respect to
19004 federal and state employment, education, health, and
19005 unemployment assistance programs which Jobs Florida ~~the agency~~
19006 determines would be of interest and benefit to displaced
19007 homemakers.
19008 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
19009 with, and make grants to, public and nonprofit private entities
19010 for purposes of establishing multipurpose service programs for
19011 displaced homemakers under this section. Such grants and
19012 contracts shall be awarded pursuant to chapter 287 and based on
19013 criteria established in the state plan developed pursuant to
19014 this section. Jobs Florida ~~The agency~~ shall designate catchment
19015 areas that ~~which~~ together, shall compose ~~comprise~~ the entire
19016 state, and, to the extent possible from revenues in the
19017 Displaced Homemaker Trust Fund, Jobs Florida ~~the agency~~ shall
19018 contract with, and make grants to, entities that ~~which~~ will
19019 serve entire catchment areas so that displaced homemaker service
19020 programs are available statewide. These catchment areas shall be
19021 coterminous with the state's workforce development regions. Jobs
19022 Florida ~~The agency~~ may give priority to existing displaced
19023 homemaker programs when evaluating bid responses to the ~~agency's~~
19024 request for proposals.

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19025 2. In order to receive funds under this section, and unless
19026 specifically prohibited by law from doing so, an entity that
19027 provides displaced homemaker service programs must receive at
19028 least 25 percent of its funding from one or more local,
19029 municipal, or county sources or nonprofit private sources. In-
19030 kind contributions may be evaluated by Jobs Florida ~~the agency~~
19031 and counted as part of the required local funding.
19032 3. Jobs Florida ~~The agency~~ shall require an entity that
19033 receives funds under this section to maintain appropriate data
19034 to be compiled in an annual report to Jobs Florida ~~the agency~~.
19035 Such data shall include, but shall not be limited to, the number
19036 of clients served, the units of services provided, designated
19037 client-specific information including intake and outcome
19038 information specific to each client, costs associated with
19039 specific services and program administration, total program
19040 revenues by source and other appropriate financial data, and
19041 client followup information at specified intervals after the
19042 placement of a displaced homemaker in a job.
19043 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
19044 with the Commissioner of Education, the United States
19045 Commissioner of the Social Security Administration, and such
19046 other persons in the executive branch of the state government as
19047 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
19048 coordination of multipurpose service programs established under
19049 this section with existing programs of a similar nature.
19050 (d) Supervisory, technical, and administrative positions
19051 relating to programs established under this section shall, to
19052 the maximum extent practicable, be filled by displaced
19053 homemakers.

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19054 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
19055 minimum standards necessary for entities that provide displaced
19056 homemaker service programs to receive funds ~~from the agency~~ and
19057 any other rules necessary to administer this section.
19058 (4) STATE PLAN.—
19059 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
19060 develop a 3-year state plan for the displaced homemaker program
19061 which shall be updated annually. The plan must address, at a
19062 minimum, the need for programs specifically designed to serve
19063 displaced homemakers, any necessary service components for such
19064 programs in addition to those enumerated in this section, goals
19065 of the displaced homemaker program with an analysis of the
19066 extent to which those goals are being met, and recommendations
19067 for ways to address any unmet program goals. Any request for
19068 funds for program expansion must be based on the state plan.
19069 (b) Each annual update must address any changes in the
19070 components of the 3-year state plan and a report that ~~which~~ must
19071 include, but need not be limited to, the following:
19072 1. The scope of the incidence of displaced homemakers;
19073 2. A compilation and report, by program, of data submitted
19074 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
19075 displaced homemaker service programs;
19076 3. An identification and description of the programs in the
19077 state which ~~that~~ receive funding from Jobs Florida ~~the agency~~,
19078 including funding information; and
19079 4. An assessment of the effectiveness of each displaced
19080 homemaker service program based on outcome criteria established
19081 by rule of Jobs Florida ~~the agency~~.
19082 (c) The 3-year state plan must be submitted to the

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19083 President of the Senate, the Speaker of the House of
19084 Representatives, and the Governor on or before January 1, 2001,
19085 and annual updates of the plan must be submitted by January 1 of
19086 each subsequent year.
19087 (5) DISPLACED HOMEMAKER TRUST FUND.—
19088 (a) There is established within the State Treasury a
19089 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~
19090 ~~agency~~ for its administration of the displaced homemaker program
19091 and to fund displaced homemaker service programs according to
19092 criteria established under this section.
19093 (b) The trust fund shall receive funds generated from an
19094 additional fee on marriage license applications and dissolution
19095 of marriage filings as specified in ss. 741.01(3) and 28.101,
19096 respectively, and may receive funds from any other public or
19097 private source.
19098 (c) Funds that are not expended by Jobs Florida ~~the agency~~
19099 at the end of the budget cycle or through a supplemental budget
19100 approved by Jobs Florida ~~the agency~~ shall revert to the trust
19101 fund.
19102 Section 316. Section 446.52, Florida Statutes, is amended
19103 to read:
19104 446.52 Confidentiality of information.—Information about
19105 displaced homemakers who receive services under ss. 446.50 and
19106 446.51 which is received through files, reports, inspections, or
19107 otherwise, by Jobs Florida ~~the division~~ or by its authorized
19108 employees ~~of the division~~, by persons who volunteer services, or
19109 by persons who provide services to displaced homemakers under
19110 ss. 446.50 and 446.51 through contracts with the division is
19111 confidential and exempt from the provisions of s. 119.07(1).

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19112 Such information may not be disclosed publicly in such a manner
19113 as to identify a displaced homemaker, unless such person or the
19114 person's legal guardian provides written consent.
19115 Section 317. Paragraph (a) of subsection (3) of section
19116 448.109, Florida Statutes, is amended to read:
19117 448.109 Notification of the state minimum wage.—
19118 (3)(a) Each year the Jobs Florida ~~Agency for Workforce~~
19119 ~~Innovation~~ shall, on or before December 1, create and make
19120 available to employers a poster in English and in Spanish which
19121 reads substantially as follows:
19122
19123 NOTICE TO EMPLOYEES
19124
19125 The Florida minimum wage is $ ...(amount)... per hour,
19126 with a minimum wage of at least $ ...(amount)... per
19127 hour for tipped employees, in addition to tips, for
19128 January 1, ...(year)..., through December 31,
19129 ...(year)....
19130
19131 The rate of the minimum wage is recalculated yearly on
19132 September 30, based on the Consumer Price Index. Every
19133 year on January 1 the new Florida minimum wage takes
19134 effect.
19135
19136 An employer may not retaliate against an employee for
19137 exercising his or her right to receive the minimum
19138 wage. Rights protected by the State Constitution
19139 include the right to:
19140 1. File a complaint about an employer's alleged

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19141 noncompliance with lawful minimum wage requirements.
19142 2. Inform any person about an employer's alleged
19143 noncompliance with lawful minimum wage requirements.
19144 3. Inform any person of his or her potential
19145 rights under Section 24, Article X of the State
19146 Constitution and to assist him or her in asserting
19147 such rights.
19148
19149 An employee who has not received the lawful minimum
19150 wage after notifying his or her employer and giving
19151 the employer 15 days to resolve any claims for unpaid
19152 wages may bring a civil action in a court of law
19153 against an employer to recover back wages plus damages
19154 and attorney's fees.
19155
19156 An employer found liable for intentionally violating
19157 minimum wage requirements is subject to a fine of
19158 $1,000 per violation, payable to the state.
19159
19160 The Attorney General or other official designated by
19161 the Legislature may bring a civil action to enforce
19162 the minimum wage.
19163
19164 For details see Section 24, Article X of the State
19165 Constitution.
19166
19167 Section 318. Subsections (2), (4), and (11) of section
19168 448.110, Florida Statutes, are amended to read:
19169 448.110 State minimum wage; annual wage adjustment;

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19170 enforcement.—
19171 (2) The purpose of this section is to provide measures
19172 appropriate for the implementation of s. 24, Art. X of the State
19173 Constitution, in accordance with authority granted to the
19174 Legislature pursuant to s. 24(f), Art. X of the State
19175 Constitution. To implement s. 24, Art. X of the State
19176 Constitution, Jobs Florida is designated as the state Agency for
19177 Workforce Innovation.
19178 (4)(a) Beginning September 30, 2005, and annually on
19179 September 30 thereafter, Jobs Florida ~~the Agency for Workforce~~
19180 ~~Innovation~~ shall calculate an adjusted state minimum wage rate
19181 by increasing the state minimum wage by the rate of inflation
19182 for the 12 months prior to September 1. In calculating the
19183 adjusted state minimum wage, Jobs Florida ~~the agency~~ shall use
19184 the Consumer Price Index for Urban Wage Earners and Clerical
19185 Workers, not seasonally adjusted, for the South Region or a
19186 successor index as calculated by the United States Department of
19187 Labor. Each adjusted state minimum wage rate shall take effect
19188 on the following January 1, with the initial adjusted minimum
19189 wage rate to take effect on January 1, 2006.
19190 (b) The ~~Agency for Workforce Innovation and the~~ Department
19191 of Revenue and Jobs Florida shall annually publish the amount of
19192 the adjusted state minimum wage and the effective date.
19193 Publication shall occur by posting the adjusted state minimum
19194 wage rate and the effective date on the Internet home pages of
19195 Jobs Florida ~~the agency~~ and the department by October 15 of each
19196 year. In addition, to the extent funded in the General
19197 Appropriations Act, Jobs Florida ~~the agency~~ shall provide
19198 written notice of the adjusted rate and the effective date of

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19199 the adjusted state minimum wage to all employers registered in
19200 the most current unemployment compensation database. Such notice
19201 shall be mailed by November 15 of each year using the addresses
19202 included in the database. Employers are responsible for
19203 maintaining current address information in the unemployment
19204 compensation database. Jobs Florida is ~~The agency shall~~ not ~~be~~
19205 responsible for failure to provide notice due to incorrect or
19206 incomplete address information in the database. Jobs Florida ~~The~~
19207 ~~agency~~ shall provide the Department of Revenue with the adjusted
19208 state minimum wage rate information and effective date in a
19209 timely manner.
19210 (11) Except for calculating the adjusted state minimum wage
19211 and publishing the initial state minimum wage and any annual
19212 adjustments thereto, the authority of Jobs Florida ~~the Agency~~
19213 ~~for Workforce Innovation~~ in implementing s. 24, Art. X of the
19214 State Constitution, pursuant to this section, shall be limited
19215 to that authority expressly granted by the Legislature.
19216 Section 319. Section 450.161, Florida Statutes, is amended
19217 to read:
19218 450.161 Chapter not to affect career education of children;
19219 other exceptions.—Nothing in this chapter shall prevent minors
19220 of any age from receiving career education furnished by the
19221 United States, this state, or any county or other political
19222 subdivision of this state and duly approved by the Department of
19223 Education or other duly constituted authority, nor any
19224 apprentice indentured under a plan approved by the Department of
19225 Education ~~Division of Jobs and Benefits~~, or prevent the
19226 employment of any minor 14 years of age or older when such
19227 employment is authorized as an integral part of, or supplement

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19228 to, such a course in career education and is authorized by
19229 regulations of the district school board of the district in
19230 which such minor is employed, provided the employment is in
19231 compliance with the provisions of ss. 450.021(4) and 450.061.
19232 Exemptions for the employment of student learners 16 to 18 years
19233 of age are provided in s. 450.061. Such an exemption shall apply
19234 when:
19235 (1) The student learner is enrolled in a youth vocational
19236 training program under a recognized state or local educational
19237 authority.
19238 (2) Such student learner is employed under a written
19239 agreement that ~~which~~ provides:
19240 (a) That the work of the student learner in the occupation
19241 declared particularly hazardous shall be incidental to the
19242 training.
19243 (b) That such work shall be intermittent and for short
19244 periods of time and under the direct and close supervision of a
19245 qualified and experienced person.
19246 (c) That safety instructions shall be given by the school
19247 and correlated by the employer with on-the-job training.
19248 (d) That a schedule of organized and progressive work
19249 processes to be performed on the job shall have been prepared.
19250
19251 Each such written agreement shall contain the name of the
19252 student learner and shall be signed by the employer, the school
19253 coordinator and principal, and the parent or legal guardian.
19254 Copies of each agreement shall be kept on file by both the
19255 school and the employer. This exemption for the employment of
19256 student learners may be revoked in any individual situation when

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19257 it is found that reasonable precautions have not been observed
19258 for the safety of minors employed thereunder. A high school
19259 graduate may be employed in an occupation in which he or she has
19260 completed training as a student learner, as provided in this
19261 section, even though he or she is not yet 18 years of age.
19262 Section 320. Paragraph (j) of subsection (1) of section
19263 450.191, Florida Statutes, is amended to read:
19264 450.191 Executive Office of the Governor; powers and
19265 duties.—
19266 (1) The Executive Office of the Governor is authorized and
19267 directed to:
19268 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
19269 ~~Innovation~~ in the recruitment and referral of migrant laborers
19270 and other persons for the planting, cultivation, and harvesting
19271 of agricultural crops in Florida.
19272 Section 321. Paragraph (e) of subsection (2) of section
19273 450.31, Florida Statutes, is amended to read:
19274 450.31 Issuance, revocation, and suspension of, and refusal
19275 to issue or renew, certificate of registration.—
19276 (2) The department may revoke, suspend, or refuse to issue
19277 or renew any certificate of registration when it is shown that
19278 the farm labor contractor has:
19279 (e) Failed to pay unemployment compensation taxes as
19280 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
19281 or
19282 Section 322. Paragraph (d) of subsection (1) of section
19283 464.203, Florida Statutes, is amended to read:
19284 464.203 Certified nursing assistants; certification
19285 requirement.—

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19286 (1) The board shall issue a certificate to practice as a
19287 certified nursing assistant to any person who demonstrates a
19288 minimum competency to read and write and successfully passes the
19289 required background screening pursuant to s. 400.215 and meets
19290 one of the following requirements:
19291 (d) Has completed the curriculum developed by the
19292 Department of Education ~~under the Enterprise Florida Jobs and~~
19293 ~~Education Partnership Grant~~ and achieved a minimum score,
19294 established by rule of the board, on the nursing assistant
19295 competency examination, which consists of a written portion and
19296 skills-demonstration portion, approved by the board and
19297 administered at a site and by personnel approved by the
19298 department.
19299 Section 323. Subsection (3) of section 468.529, Florida
19300 Statutes, is amended to read:
19301 468.529 Licensee's insurance; employment tax; benefit
19302 plans.—
19303 (3) A licensed employee leasing company shall within 30
19304 days after initiation or termination notify its workers'
19305 compensation insurance carrier, the Division of Workers'
19306 Compensation of the Department of Financial Services, and the
19307 state agency providing unemployment tax collection services
19308 under contract with Jobs Florida ~~the Agency for Workforce~~
19309 ~~Innovation~~ through an interagency agreement pursuant to s.
19310 443.1316 of both the initiation or the termination of the
19311 company's relationship with any client company.
19312 Section 324. Paragraph (e) of subsection (1) of section
19313 469.002, Florida Statutes, is amended to read:
19314 469.002 Exemptions.—

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19315 (1) This chapter does not apply to:
19316 (e) An authorized employee of the United States, this
19317 state, or any municipality, county, or other political
19318 subdivision who has completed all training required by NESHAP
19319 and OSHA or by ASHARA for the activities described in this
19320 paragraph, while engaged in ~~asbestos-related activities set~~
19321 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
19322 the demolition of a building owned by that governmental unit,
19323 where such activities are within the scope of that employment
19324 and the employee does not hold out for hire or otherwise engage
19325 in asbestos abatement, contracting, or consulting.
19326 Section 325. Subsection (2) of section 469.003, Florida
19327 Statutes, is amended to read:
19328 469.003 License required.—
19329 (2)~~(a)~~ A ~~No~~ person may not prepare asbestos abatement
19330 specifications unless trained and licensed as an asbestos
19331 consultant as required by this chapter.
19332 ~~(b) Any person engaged in the business of asbestos surveys~~
19333 ~~prior to October 1, 1987, who has been certified by the~~
19334 ~~Department of Labor and Employment Security as a certified~~
19335 ~~asbestos surveyor, and who has complied with the training~~
19336 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
19337 ~~described in s. 255.553(1), (2), and (3). The Department of~~
19338 ~~Labor and Employment Security may, by rule, establish~~
19339 ~~violations, disciplinary procedures, and penalties for certified~~
19340 ~~asbestos surveyors.~~
19341 Section 326. Paragraph (b) of subsection (1) of section
19342 489.1455, Florida Statutes, is amended to read:
19343 489.1455 Journeyman; reciprocity; standards.—

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19344 (1) An individual who holds a valid, active journeyman
19345 license in the plumbing/pipe fitting, mechanical, or HVAC trades
19346 issued by any county or municipality in this state may work as a
19347 journeyman in the trade in which he or she is licensed in any
19348 county or municipality of this state without taking an
19349 additional examination or paying an additional license fee, if
19350 he or she:
19351 (b) Has completed an apprenticeship program registered with
19352 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19353 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19354 verifiable practical experience in the trade for which he or she
19355 is licensed, or demonstrates 6 years' verifiable practical
19356 experience in the trade for which he or she is licensed;
19357 Section 327. Paragraph (b) of subsection (1) of section
19358 489.5335, Florida Statutes, is amended to read:
19359 489.5335 Journeyman; reciprocity; standards.—
19360 (1) An individual who holds a valid, active journeyman
19361 license in the electrical trade issued by any county or
19362 municipality in this state may work as a journeyman in any other
19363 county or municipality of this state without taking an
19364 additional examination or paying an additional license fee, if
19365 he or she:
19366 (b) Has completed an apprenticeship program registered with
19367 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
19368 ~~of Labor and Employment Security~~ and demonstrates 4 years'
19369 verifiable practical experience in the electrical trade, or
19370 demonstrates 6 years' verifiable practical experience in the
19371 electrical trade;
19372 Section 328. Subsections (1) and (2), paragraph (b) of

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19373 subsection (3), and paragraph (b) of subsection (4) of section
19374 526.143, Florida Statutes, are amended to read:
19375 526.143 Alternate generated power capacity for motor fuel
19376 dispensing facilities.—
19377 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
19378 defined in s. 526.303(16), and each wholesaler, as defined in s.
19379 526.303(17), which sells motor fuel in this state must be
19380 capable of operating its distribution loading racks using an
19381 alternate generated power source for a minimum of 72 hours.
19382 Pending a postdisaster examination of the equipment by the
19383 operator to determine any extenuating damage that would render
19384 it unsafe to use, the facility must have such alternate
19385 generated power source available for operation within ~~no later~~
19386 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
19387 Installation of appropriate wiring, including a transfer switch,
19388 shall be performed by a certified electrical contractor. Each
19389 business that is subject to this subsection must keep a copy of
19390 the documentation of such installation on site or at its
19391 corporate headquarters. In addition, each business must keep a
19392 written statement attesting to the periodic testing and ensured
19393 operational capacity of the equipment. The required documents
19394 must be made available, upon request, to the Office ~~Division~~ of
19395 Emergency Management and the director of the county emergency
19396 management agency.
19397 (2) Each newly constructed or substantially renovated motor
19398 fuel retail outlet, as defined in s. 526.303(14), for which a
19399 certificate of occupancy is issued on or after July 1, 2006,
19400 shall be prewired with an appropriate transfer switch, and
19401 capable of operating all fuel pumps, dispensing equipment,

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19402 lifesafety systems, and payment-acceptance equipment using an
19403 alternate generated power source. As used in this subsection,
19404 the term “substantially renovated” means a renovation that
19405 results in an increase of greater than 50 percent in the
19406 assessed value of the motor fuel retail outlet. Local building
19407 inspectors shall include this equipment and operations check in
19408 the normal inspection process before issuing a certificate of
19409 occupancy. Each retail outlet that is subject to this subsection
19410 must keep a copy of the certificate of occupancy on site or at
19411 its corporate headquarters. In addition, each retail outlet must
19412 keep a written statement attesting to the periodic testing of
19413 and ensured operational capability of the equipment. The
19414 required documents must be made available, upon request, to the
19415 Office ~~Division~~ of Emergency Management and the director of the
19416 county emergency management agency.
19417 (3)
19418 (b) Installation of appropriate wiring and transfer
19419 switches must be performed by a certified electrical contractor.
19420 Each retail outlet that is subject to this subsection must keep
19421 a copy of the documentation of such installation on site or at
19422 its corporate headquarters. In addition, each retail outlet must
19423 keep a written statement attesting to the periodic testing of
19424 and ensured operational capacity of the equipment. The required
19425 documents must be made available, upon request, to the Office
19426 ~~Division~~ of Emergency Management and the director of the county
19427 emergency management agency.
19428 (4)
19429 (b) Subsections (2) and (3) do not apply to:
19430 1. An automobile dealer;

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19431 2. A person who operates a fleet of motor vehicles;
19432 3. A person who sells motor fuel exclusively to a fleet of
19433 motor vehicles; or
19434 4. A motor fuel retail outlet that has a written agreement
19435 with a public hospital, in a form approved by the Office
19436 ~~Division~~ of Emergency Management, wherein the public hospital
19437 agrees to provide the motor fuel retail outlet with an
19438 alternative means of power generation onsite so that the
19439 outlet's fuel pumps may be operated in the event of a power
19440 outage.
19441 Section 329. Paragraph (a) of subsection (1) and paragraph
19442 (b) of subsection (4) of section 526.144, Florida Statutes, are
19443 amended to read:
19444 526.144 Florida Disaster Motor Fuel Supplier Program.—
19445 (1)(a) There is created the Florida Disaster Motor Fuel
19446 Supplier Program within the Office of Emergency Management
19447 ~~Department of Community Affairs~~.
19448 (4)
19449 (b) Notwithstanding any other law or other ordinance and
19450 for the purpose of ensuring an appropriate emergency management
19451 response following major disasters in this state, the regulation
19452 of all other retail establishments participating in such
19453 response is ~~shall be~~ as follows:
19454 1. Regulation of retail establishments that meet the
19455 standards created by the Office ~~Division~~ of Emergency Management
19456 in the report required in s. 8, chapter 2006-71, Laws of
19457 Florida, by July 1, 2007, is preempted to the state and until
19458 such standards are adopted, the regulation of these retail
19459 establishments is preempted to the state;

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19460 2. The office ~~division~~ shall provide written certification
19461 of such preemption to retail establishments that qualify and
19462 ~~shall~~ provide such information to local governments upon
19463 request; and
19464 3. Regulation of retail establishments that do not meet the
19465 operational standards is subject to local government laws or
19466 ordinances.
19467 Section 330. Paragraph (i) of subsection (4) of section
19468 551.104, Florida Statutes, is amended to read:
19469 551.104 License to conduct slot machine gaming.—
19470 (4) As a condition of licensure and to maintain continued
19471 authority for the conduct of slot machine gaming, the slot
19472 machine licensee shall:
19473 (i) Create and file with the division a written policy for:
19474 1. Creating opportunities to purchase from vendors in this
19475 state, including minority vendors.
19476 2. Creating opportunities for employment of residents of
19477 this state, including minority residents.
19478 3. Ensuring opportunities for construction services from
19479 minority contractors.
19480 4. Ensuring that opportunities for employment are offered
19481 on an equal, nondiscriminatory basis.
19482 5. Training for employees on responsible gaming and working
19483 with a compulsive or addictive gambling prevention program to
19484 further its purposes as provided for in s. 551.118.
19485 6. The implementation of a drug-testing program that
19486 includes, but is not limited to, requiring each employee to sign
19487 an agreement that he or she understands that the slot machine
19488 facility is a drug-free workplace.

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19489

19490 The slot machine licensee shall use the Internet-based job-
19491 listing system of Jobs Florida ~~the Agency for Workforce~~
19492 ~~Innovation~~ in advertising employment opportunities. Beginning in
19493 June 2007, each slot machine licensee shall provide an annual
19494 report to the division containing information indicating
19495 compliance with this paragraph in regard to minority persons.
19496 Section 331. Section 553.62, Florida Statutes, is amended
19497 to read:
19498 553.62 State standard.—The Occupational Safety and Health
19499 Administration's excavation safety standards, 29 C.F.R. s.
19500 1926.650 Subpart P, are hereby incorporated as the state
19501 standard. ~~The Department of Labor and Employment Security may,~~
19502 ~~by rule, adopt updated or revised versions of those standards,~~
19503 ~~provided that the updated or revised versions are consistent~~
19504 ~~with the intent expressed in this act and s. 553.72, and are not~~
19505 ~~otherwise inconsistent with state law. Any rule adopted as~~
19506 ~~provided in this section shall be complied with upon its~~
19507 ~~effective date.~~
19508 Section 332. Paragraph (c) of subsection (1) of section
19509 570.248, Florida Statutes, is amended to read:
19510 570.248 Agricultural Economic Development Project Review
19511 Committee; powers and duties.—
19512 (1) There is created an Agricultural Economic Development
19513 Project Review Committee consisting of five members appointed by
19514 the commissioner. The members shall be appointed based upon the
19515 recommendations submitted by each entity represented on the
19516 committee and shall include:
19517 (c) One representative from the Jobs Florida Partnership

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19518 ~~Enterprise Florida~~, Inc.
19519 Section 333. Section 570.96, Florida Statutes, is amended
19520 to read:
19521 570.96 Agritourism.—The Department of Agriculture and
19522 Consumer Services may provide marketing advice, technical
19523 expertise, promotional support, and product development related
19524 to agritourism to assist the following in their agritourism
19525 initiatives: the Jobs Florida Partnership, Inc. ~~Florida~~
19526 ~~Commission on Tourism~~; convention and visitor bureaus; tourist
19527 development councils; economic development organizations; and
19528 local governments. In carrying out this responsibility, the
19529 department shall focus its agritourism efforts on rural and
19530 urban communities.
19531 Section 334. Subsection (1) of section 597.006, Florida
19532 Statutes, is amended to read:
19533 597.006 Aquaculture Interagency Coordinating Council.—
19534 (1) CREATION.—The Legislature finds and declares that there
19535 is a need for interagency coordination with regard to
19536 aquaculture by the following agencies: the Department of
19537 Agriculture and Consumer Services; Jobs Florida; ~~the Office of~~
19538 ~~Tourism, Trade, and Economic Development; the Department of~~
19539 ~~Community Affairs;~~ the Department of Environmental Protection;
19540 ~~the Department of Labor and Employment Security;~~ the Fish and
19541 Wildlife Conservation Commission; the statewide consortium of
19542 universities under the Florida Institute of Oceanography;
19543 Florida Agricultural and Mechanical University; the Institute of
19544 Food and Agricultural Sciences at the University of Florida; and
19545 the Florida Sea Grant Program. It is therefore the intent of the
19546 Legislature to hereby create an Aquaculture Interagency

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19547 Coordinating Council to act as an advisory body as defined in s.
19548 20.03(9).
19549 Section 335. Paragraph (d) of subsection (2) of section
19550 624.5105, Florida Statutes, is amended to read:
19551 624.5105 Community contribution tax credit; authorization;
19552 limitations; eligibility and application requirements;
19553 administration; definitions; expiration.—
19554 (2) ELIGIBILITY REQUIREMENTS.—
19555 (d) The project shall be located in an area designated as
19556 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
19557 ~~20.18(6)~~. Any project designed to construct or rehabilitate
19558 housing for low-income or very-low-income households as defined
19559 in s. 420.9071(19) and (28) is exempt from the area requirement
19560 of this paragraph.
19561 Section 336. Section 625.3255, Florida Statutes, is amended
19562 to read:
19563 625.3255 Capital participation instrument.—An insurer may
19564 invest in any capital participation instrument or evidence of
19565 indebtedness issued by the Jobs Florida Partnership, Inc.,
19566 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19567 Small and Minority Business Assistance Act.
19568 Section 337. Paragraph (b) of subsection (2) of section
19569 627.0628, Florida Statutes, is amended to read:
19570 627.0628 Florida Commission on Hurricane Loss Projection
19571 Methodology; public records exemption; public meetings
19572 exemption.—
19573 (2) COMMISSION CREATED.—
19574 (b) The commission shall consist of the following 11
19575 members:

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19576 1. The insurance consumer advocate.
19577 2. The senior employee of the State Board of Administration
19578 responsible for operations of the Florida Hurricane Catastrophe
19579 Fund.
19580 3. The Executive Director of the Citizens Property
19581 Insurance Corporation.
19582 4. The Director of the Office ~~Division~~ of Emergency
19583 Management ~~of the Department of Community Affairs~~.
19584 5. The actuary member of the Florida Hurricane Catastrophe
19585 Fund Advisory Council.
19586 6. An employee of the office who is an actuary responsible
19587 for property insurance rate filings and who is appointed by the
19588 director of the office.
19589 7. Five members appointed by the Chief Financial Officer,
19590 as follows:
19591 a. An actuary who is employed full time by a property and
19592 casualty insurer that ~~which~~ was responsible for at least 1
19593 percent of the aggregate statewide direct written premium for
19594 homeowner's insurance in the calendar year preceding the
19595 member's appointment to the commission.
19596 b. An expert in insurance finance who is a full-time member
19597 of the faculty of the State University System and who has a
19598 background in actuarial science.
19599 c. An expert in statistics who is a full-time member of the
19600 faculty of the State University System and who has a background
19601 in insurance.
19602 d. An expert in computer system design who is a full-time
19603 member of the faculty of the State University System.
19604 e. An expert in meteorology who is a full-time member of

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19605 the faculty of the State University System and who specializes
19606 in hurricanes.
19607 Section 338. Paragraph (b) of subsection (4) of section
19608 657.042, Florida Statutes, is amended to read:
19609 657.042 Investment powers and limitations.—A credit union
19610 may invest its funds subject to the following definitions,
19611 restrictions, and limitations:
19612 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
19613 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
19614 the credit union may be invested in any of the following:
19615 (b) Any capital participation instrument or evidence of
19616 indebtedness issued by the Jobs Florida Partnership, Inc.,
19617 ~~Florida Black Business Investment Board~~ pursuant to the Florida
19618 Small and Minority Business Assistance Act.
19619 Section 339. Paragraph (g) of subsection (4) of section
19620 658.67, Florida Statutes, is amended to read:
19621 658.67 Investment powers and limitations.—A bank may invest
19622 its funds, and a trust company may invest its corporate funds,
19623 subject to the following definitions, restrictions, and
19624 limitations:
19625 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
19626 LESS OF CAPITAL ACCOUNTS.—
19627 (g) Up to 10 percent of the capital accounts of a bank or
19628 trust company may be invested in any capital participation
19629 instrument or evidence of indebtedness issued by the Jobs
19630 Florida Partnership, Inc., ~~Florida Black Business Investment~~
19631 ~~Board~~ pursuant to the Florida Small and Minority Business
19632 Assistance Act.
19633 Section 340. Paragraph (d) of subsection (2) of section

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19634 768.13, Florida Statutes, is amended to read:
19635 768.13 Good Samaritan Act; immunity from civil liability.—
19636 (2)
19637 (d) Any person whose acts or omissions are not otherwise
19638 covered by this section and who participates in emergency
19639 response activities under the direction of or in connection with
19640 a community emergency response team, local emergency management
19641 agencies, the Office ~~Division~~ of Emergency Management ~~of the~~
19642 ~~Department of Community Affairs~~, or the Federal Emergency
19643 Management Agency is not liable for any civil damages as a
19644 result of care, treatment, or services provided gratuitously in
19645 such capacity and resulting from any act or failure to act in
19646 such capacity in providing or arranging further care, treatment,
19647 or services, if such person acts as a reasonably prudent person
19648 would have acted under the same or similar circumstances.
19649 Section 341. Subsection (14) of section 943.03, Florida
19650 Statutes, is amended to read:
19651 943.03 Department of Law Enforcement.—
19652 (14) The department, with respect to counter-terrorism
19653 efforts, responses to acts of terrorism within or affecting this
19654 state, and other matters related to the domestic security of
19655 Florida as it relates to terrorism, shall coordinate and direct
19656 the law enforcement, initial emergency, and other initial
19657 responses. The department shall work closely with the Office
19658 ~~Division~~ of Emergency Management, other federal, state, and
19659 local law enforcement agencies, fire and rescue agencies, first-
19660 responder agencies, and others involved in preparation against
19661 acts of terrorism in or affecting this state and in the response
19662 to such acts. The executive director of the department, or

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19663 another member of the department designated by the director,
19664 shall serve as Chief of Domestic Security for the purpose of
19665 directing and coordinating such efforts. The department and
19666 Chief of Domestic Security shall use the regional domestic
19667 security task forces as established in this chapter to assist in
19668 such efforts.
19669 Section 342. Section 943.03101, Florida Statutes, is
19670 amended to read:
19671 943.03101 Counter-terrorism coordination.—The Legislature
19672 finds that with respect to counter-terrorism efforts and initial
19673 responses to acts of terrorism within or affecting this state,
19674 specialized efforts of emergency management which ~~that~~ are
19675 unique to such situations are required and that these efforts
19676 intrinsically involve very close coordination of federal, state,
19677 and local law enforcement agencies with the efforts of all
19678 others involved in emergency-response efforts. In order to best
19679 provide this specialized effort ~~with respect to counter-~~
19680 ~~terrorism efforts and responses~~, the Legislature has determined
19681 that such efforts should be coordinated by and through the
19682 Department of Law Enforcement, working closely with the Office
19683 ~~Division~~ of Emergency Management and others involved in
19684 preparation against acts of terrorism in or affecting this
19685 state, and in the initial response to such acts, in accordance
19686 with the state comprehensive emergency management plan prepared
19687 pursuant to s. 252.35(2)(a).
19688 Section 343. Subsection (7) of section 943.0311, Florida
19689 Statutes, is amended to read:
19690 943.0311 Chief of Domestic Security; duties of the
19691 department with respect to domestic security.—

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19692 (7) As used in this section, the term "state agency"
19693 includes the Agency for Health Care Administration, ~~the Agency~~
19694 ~~for Workforce Innovation,~~ the Department of Agriculture and
19695 Consumer Services, the Department of Business and Professional
19696 Regulation, the Department of Children and Family Services, the
19697 Department of Citrus, ~~the Department of Community Affairs,~~ the
19698 Department of Corrections, the Department of Education, the
19699 Department of Elderly Affairs, the Office of Emergency
19700 Management, the Department of Environmental Protection, the
19701 Department of Financial Services, the Department of Health, the
19702 Department of Highway Safety and Motor Vehicles, Jobs Florida,
19703 the Department of Juvenile Justice, the Department of Law
19704 Enforcement, the Department of Legal Affairs, the Department of
19705 Management Services, the Department of Military Affairs, the
19706 Department of Revenue, the Department of State, the Department
19707 of the Lottery, the Department of Transportation, the Department
19708 of Veterans' Affairs, the Fish and Wildlife Conservation
19709 Commission, the Parole Commission, the State Board of
19710 Administration, and the Executive Office of the Governor.
19711 Section 344. Paragraph (d) of subsection (1) and subsection
19712 (3) of section 943.0312, Florida Statutes, are amended to read:
19713 943.0312 Regional domestic security task forces.—The
19714 Legislature finds that there is a need to develop and implement
19715 a statewide strategy to address prevention, preparation,
19716 protection, response, and recovery efforts by federal, state,
19717 and local law enforcement agencies, emergency management
19718 agencies, fire and rescue departments, first-responder personnel
19719 and others in dealing with potential or actual terrorist acts
19720 within or affecting this state.

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19721 (1) To assist the department and the Chief of Domestic
19722 Security in performing their roles and duties in this regard,
19723 the department shall establish a regional domestic security task
19724 force in each of the department's operational regions. The task
19725 forces shall serve in an advisory capacity to the department and
19726 the Chief of Domestic Security and shall provide support to the
19727 department in its performance of functions pertaining to
19728 domestic security.
19729 (d) The co-chairs of each task force may appoint
19730 subcommittees and subcommittee chairs as necessary in order to
19731 address issues related to the various disciplines represented on
19732 the task force, except that subcommittee chairs for emergency
19733 management shall be appointed with the approval of the director
19734 of the Office ~~Division~~ of Emergency Management. A subcommittee
19735 chair shall serve at the pleasure of the co-chairs.
19736 (3) The Chief of Domestic Security, in conjunction with the
19737 Office ~~Division~~ of Emergency Management, the regional domestic
19738 security task forces, and the various state entities responsible
19739 for establishing training standards applicable to state law
19740 enforcement officers and fire, emergency, and first-responder
19741 personnel shall identify appropriate equipment and training
19742 needs, curricula, and materials related to the effective
19743 response to suspected or actual acts of terrorism or incidents
19744 involving real or hoax weapons of mass destruction as defined in
19745 s. 790.166. Recommendations for funding for purchases of
19746 equipment, delivery of training, implementation of, or revision
19747 to basic or continued training required for state licensure or
19748 certification, or other related responses shall be made by the
19749 Chief of Domestic Security to the Domestic Security Oversight

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19750 Council, the Executive Office of the Governor, the President of
19751 the Senate, and the Speaker of the House of Representatives as
19752 necessary to ensure that the needs of this state with regard to
19753 the preparing, equipping, training, and exercising of response
19754 personnel are identified and addressed. In making such
19755 recommendations, the Chief of Domestic Security and the Office
19756 ~~Division~~ of Emergency Management shall identify all funding
19757 sources that may be available to fund such efforts.
19758 Section 345. Paragraph (a) of subsection (1), paragraph (b)
19759 of subsection (2), and paragraphs (a) and (b) of subsection (4)
19760 of section 943.0313, Florida Statutes, are amended to read:
19761 943.0313 Domestic Security Oversight Council.—The
19762 Legislature finds that there exists a need to provide executive
19763 direction and leadership with respect to terrorism prevention,
19764 preparation, protection, response, and recovery efforts by state
19765 and local agencies in this state. In recognition of this need,
19766 the Domestic Security Oversight Council is hereby created. The
19767 council shall serve as an advisory council pursuant to s.
19768 20.03(7) to provide guidance to the state's regional domestic
19769 security task forces and other domestic security working groups
19770 and to make recommendations to the Governor and the Legislature
19771 regarding the expenditure of funds and allocation of resources
19772 related to counter-terrorism and domestic security efforts.
19773 (1) MEMBERSHIP.—
19774 (a) The Domestic Security Oversight Council shall consist
19775 of the following voting members:
19776 1. The executive director of the Department of Law
19777 Enforcement.
19778 2. The director of the Office ~~Division~~ of Emergency

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19779 Management ~~within the Department of Community Affairs~~.
19780 3. The Attorney General.
19781 4. The Commissioner of Agriculture.
19782 5. The State Surgeon General.
19783 6. The Commissioner of Education.
19784 7. The State Fire Marshal.
19785 8. The adjutant general of the Florida National Guard.
19786 9. The state chief information officer.
19787 10. Each sheriff or chief of police who serves as a co-
19788 chair of a regional domestic security task force pursuant to s.
19789 943.0312(1)(b).
19790 11. Each of the department's special agents in charge who
19791 serve as a co-chair of a regional domestic security task force.
19792 12. Two representatives of the Florida Fire Chiefs
19793 Association.
19794 13. One representative of the Florida Police Chiefs
19795 Association.
19796 14. One representative of the Florida Prosecuting Attorneys
19797 Association.
19798 15. The chair of the Statewide Domestic Security
19799 Intelligence Committee.
19800 16. One representative of the Florida Hospital Association.
19801 17. One representative of the Emergency Medical Services
19802 Advisory Council.
19803 18. One representative of the Florida Emergency
19804 Preparedness Association.
19805 19. One representative of the Florida Seaport
19806 Transportation and Economic Development Council.
19807 (2) ORGANIZATION.—

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19808 (b) The executive director of the Department of Law
19809 Enforcement shall serve as chair of the council, and the
19810 director of the Office ~~Division~~ of Emergency Management ~~within~~
19811 ~~the Department of Community Affairs~~ shall serve as vice chair of
19812 the council. In the absence of the chair, the vice chair shall
19813 serve as chair. In the absence of the vice chair, the chair may
19814 name any member of the council to perform the duties of the
19815 chair if such substitution does not extend beyond a defined
19816 meeting, duty, or period of time.
19817 (4) EXECUTIVE COMMITTEE.—
19818 (a) The council shall establish an executive committee
19819 consisting of the following members:
19820 1. The executive director of the Department of Law
19821 Enforcement.
19822 2. The director of the Office ~~Division~~ of Emergency
19823 Management ~~within the Department of Community Affairs~~.
19824 3. The Attorney General.
19825 4. The Commissioner of Agriculture.
19826 5. The State Surgeon General.
19827 6. The Commissioner of Education.
19828 7. The State Fire Marshal.
19829 (b) The executive director of the Department of Law
19830 Enforcement shall serve as the chair of the executive committee,
19831 and the director of the Office ~~Division~~ of Emergency Management
19832 ~~within the Department of Community Affairs~~ shall serve as the
19833 vice chair of the executive committee.
19834 Section 346. Subsection (5) of section 944.012, Florida
19835 Statutes, is amended to read:
19836 944.012 Legislative intent.—The Legislature hereby finds

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19837 and declares that:
19838 (5) In order to make the correctional system an efficient
19839 and effective mechanism, the various agencies involved in the
19840 correctional process must coordinate their efforts. Where
19841 possible, interagency offices should be physically located
19842 within major institutions and should include representatives of
19843 the public employment service ~~the Florida State Employment~~
19844 ~~Service~~, the vocational rehabilitation programs of the
19845 Department of Education, and the Parole Commission. Duplicative
19846 and unnecessary methods of evaluating offenders must be
19847 eliminated and areas of responsibility consolidated in order to
19848 more economically utilize present scarce resources.
19849 Section 347. Section 944.708, Florida Statutes, is amended
19850 to read:
19851 944.708 Rules.—The Department of Corrections ~~and the Agency~~
19852 ~~for Workforce Innovation~~ shall adopt rules to implement the
19853 provisions of ss. 944.701-944.707.
19854 Section 348. Paragraph (h) of subsection (3) of section
19855 944.801, Florida Statutes, is amended to read:
19856 944.801 Education for state prisoners.—
19857 (3) The responsibilities of the Correctional Education
19858 Program shall be to:
19859 (h) Develop a written procedure for selecting programs to
19860 add to or delete from the vocational curriculum. The procedure
19861 shall include labor market analyses that ~~which~~ demonstrate the
19862 projected demand for certain occupations and the projected
19863 supply of potential employees. In conducting these analyses, the
19864 department shall evaluate the feasibility of adding vocational
19865 education programs that ~~which~~ have been identified by Jobs

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19866 Florida, the Department of Education, ~~the Agency for Workforce~~
19867 ~~Innovation~~ or a regional coordinating council as being in
19868 undersupply in this state. The department shall periodically
19869 reevaluate the vocational education programs in major
19870 institutions to determine which of the programs support and
19871 provide relevant skills to inmates who could be assigned to a
19872 correctional work program that is operated as a Prison Industry
19873 Enhancement Program.
19874 Section 349. Paragraph (d) of subsection (3) of section
19875 945.10, Florida Statutes, is amended to read:
19876 945.10 Confidential information.—
19877 (3) Due to substantial concerns regarding institutional
19878 security and unreasonable and excessive demands on personnel and
19879 resources if an inmate or an offender has unlimited or routine
19880 access to records of the Department of Corrections, an inmate or
19881 an offender who is under the jurisdiction of the department may
19882 not have unrestricted access to the department's records or to
19883 information contained in the department's records. However,
19884 except as to another inmate's or offender's records, the
19885 department may permit limited access to its records if an inmate
19886 or an offender makes a written request and demonstrates an
19887 exceptional need for information contained in the department's
19888 records and the information is otherwise unavailable.
19889 Exceptional circumstances include, but are not limited to:
19890 (d) The requested records contain information required to
19891 process an application or claim by the inmate or offender with
19892 the Internal Revenue Service, the Social Security
19893 Administration, Jobs Florida ~~the Agency for Workforce~~
19894 ~~Innovation,~~ or any other similar application or claim with a

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19895 state agency or federal agency.
19896 Section 350. Subsection (4) of section 985.601, Florida
19897 Statutes, is amended to read:
19898 985.601 Administering the juvenile justice continuum.—
19899 (4) The department shall maintain continuing cooperation
19900 with the Department of Education, the Department of Children and
19901 Family Services, ~~the Agency for Workforce Innovation,~~ Jobs
19902 Florida, and the Department of Corrections for the purpose of
19903 participating in agreements with respect to dropout prevention
19904 and the reduction of suspensions, expulsions, and truancy;
19905 increased access to and participation in GED, vocational, and
19906 alternative education programs; and employment training and
19907 placement assistance. The cooperative agreements between the
19908 departments shall include an interdepartmental plan to cooperate
19909 in accomplishing the reduction of inappropriate transfers of
19910 children into the adult criminal justice and correctional
19911 systems.
19912 Section 351. Subsections (1) and (2) of section 1002.375,
19913 Florida Statutes, are amended to read:
19914 1002.375 Alternative credit for high school courses; pilot
19915 project.—
19916 (1) The Commissioner of Education shall implement a pilot
19917 project in up to three school districts beginning in the 2008-
19918 2009 school year which allows school districts to award
19919 alternative course credit for students enrolled in nationally or
19920 state-recognized industry certification programs, as defined by
19921 the former Agency for Workforce Innovation or Jobs Florida, in
19922 accordance with the criteria described in s. 1003.492(2). The
19923 Commissioner of Education shall establish criteria for districts

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19924 that participate in the pilot program. School districts
19925 interested in participating in the program must submit a letter
19926 of interest by July 15, 2008, to the Commissioner of Education
19927 identifying up to five nationally or state-recognized industry
19928 certification programs, as defined by the former Agency for
19929 Workforce Innovation or Jobs Florida, in accordance with the
19930 criteria described in s. 1003.492(2), under which the district
19931 would like to award alternative credit for the eligible courses
19932 identified in subsection (2). The Commissioner of Education
19933 shall select up to three participating school districts by July
19934 30, 2008. The Commissioner of Education shall submit a report to
19935 the Governor, the President of the Senate, and the Speaker of
19936 the House of Representatives identifying the number of students
19937 choosing to earn alternative credit, the number of students that
19938 received alternative credit, and legislative recommendations for
19939 expanding the use of alternative credit for core academic
19940 courses required for high school graduation. The report shall be
19941 submitted by January 1, 2010.
19942 (2) For purposes of designing and implementing a successful
19943 pilot project, eligible alternative credit courses include
19944 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
19945 Alternative credits shall be awarded for courses in which a
19946 student is not enrolled, but for which the student may earn
19947 academic credit by enrolling in another course or sequence of
19948 courses required to earn a nationally or state-recognized
19949 industry certificate, as defined by the former Agency for
19950 Workforce Innovation or Jobs Florida, in accordance with the
19951 criteria described in s. 1003.492(2), of which the majority of
19952 the standards-based content in the course description is

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19953 consistent with the alternative credit course description
19954 approved by the Department of Education.
19955 Section 352. Paragraph (b) of subsection (4) and subsection
19956 (5) of section 1002.53, Florida Statutes, are amended to read:
19957 1002.53 Voluntary Prekindergarten Education Program;
19958 eligibility and enrollment.—
19959 (4)
19960 (b) The application must be submitted on forms prescribed
19961 by the department ~~Agency for Workforce Innovation~~ and must be
19962 accompanied by a certified copy of the child's birth
19963 certificate. The forms must include a certification, in
19964 substantially the form provided in s. 1002.71(6)(b)2., that the
19965 parent chooses the private prekindergarten provider or public
19966 school in accordance with this section and directs that payments
19967 for the program be made to the provider or school. The
19968 department ~~Agency for Workforce Innovation~~ may authorize
19969 alternative methods for submitting proof of the child's age in
19970 lieu of a certified copy of the child's birth certificate.
19971 (5) The early learning coalition shall provide each parent
19972 enrolling a child in the Voluntary Prekindergarten Education
19973 Program with a profile of every private prekindergarten provider
19974 and public school delivering the program within the county where
19975 the child is being enrolled. The profiles shall be provided to
19976 parents in a format prescribed by the department ~~Agency for~~
19977 ~~Workforce Innovation~~. The profiles must include, at a minimum,
19978 the following information about each provider and school:
19979 (a) The provider's or school's services, curriculum,
19980 instructor credentials, and instructor-to-student ratio; and
19981 (b) The provider's or school's kindergarten readiness rate

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19982 calculated in accordance with s. 1002.69, based upon the most
19983 recent available results of the statewide kindergarten
19984 screening.
19985 Section 353. Paragraphs (e) and (h) of subsection (3) of
19986 section 1002.55, Florida Statutes, are amended to read:
19987 1002.55 School-year prekindergarten program delivered by
19988 private prekindergarten providers.—
19989 (3) To be eligible to deliver the prekindergarten program,
19990 a private prekindergarten provider must meet each of the
19991 following requirements:
19992 (e) A private prekindergarten provider may assign a
19993 substitute instructor to temporarily replace a credentialed
19994 instructor if the credentialed instructor assigned to a
19995 prekindergarten class is absent, as long as the substitute
19996 instructor is of good moral character and has been screened
19997 before employment in accordance with level 2 background
19998 screening requirements in chapter 435. The department ~~Agency for~~
19999 ~~Workforce Innovation~~ shall adopt rules to implement this
20000 paragraph which shall include required qualifications of
20001 substitute instructors and the circumstances and time limits for
20002 which a private prekindergarten provider may assign a substitute
20003 instructor.
20004 (h) The private prekindergarten provider must register with
20005 the early learning coalition on forms prescribed by the
20006 department ~~Agency for Workforce Innovation~~.
20007 Section 354. Subsections (6) and (8) of section 1002.61,
20008 Florida Statutes, are amended to read:
20009 1002.61 Summer prekindergarten program delivered by public
20010 schools and private prekindergarten providers.—

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20011 (6) A public school or private prekindergarten provider may
20012 assign a substitute instructor to temporarily replace a
20013 credentialed instructor if the credentialed instructor assigned
20014 to a prekindergarten class is absent, as long as the substitute
20015 instructor is of good moral character and has been screened
20016 before employment in accordance with level 2 background
20017 screening requirements in chapter 435. This subsection does not
20018 supersede employment requirements for instructional personnel in
20019 public schools which are more stringent than the requirements of
20020 this subsection. The department ~~Agency for Workforce Innovation~~
20021 shall adopt rules to implement this subsection which shall
20022 include required qualifications of substitute instructors and
20023 the circumstances and time limits for which a public school or
20024 private prekindergarten provider may assign a substitute
20025 instructor.
20026 (8) Each public school delivering the summer
20027 prekindergarten program must also:
20028 (a) Register with the early learning coalition on forms
20029 prescribed by the department ~~Agency for Workforce Innovation~~;
20030 and
20031 (b) Deliver the Voluntary Prekindergarten Education Program
20032 in accordance with this part.
20033 Section 355. Subsections (6) and (8) of section 1002.63,
20034 Florida Statutes, are amended to read:
20035 1002.63 School-year prekindergarten program delivered by
20036 public schools.—
20037 (6) A public school prekindergarten provider may assign a
20038 substitute instructor to temporarily replace a credentialed
20039 instructor if the credentialed instructor assigned to a

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20040 prekindergarten class is absent, as long as the substitute
20041 instructor is of good moral character and has been screened
20042 before employment in accordance with level 2 background
20043 screening requirements in chapter 435. This subsection does not
20044 supersede employment requirements for instructional personnel in
20045 public schools which are more stringent than the requirements of
20046 this subsection. The department ~~Agency for Workforce Innovation~~
20047 shall adopt rules to implement this subsection which shall
20048 include required qualifications of substitute instructors and
20049 the circumstances and time limits for which a public school
20050 prekindergarten provider may assign a substitute instructor.
20051 (8) Each public school delivering the school-year
20052 prekindergarten program must:
20053 (a) Register with the early learning coalition on forms
20054 prescribed by the department ~~Agency for Workforce Innovation~~;
20055 and
20056 (b) Deliver the Voluntary Prekindergarten Education Program
20057 in accordance with this part.
20058 Section 356. Subsections (1) and (3) of section 1002.67,
20059 Florida Statutes, are amended to read:
20060 1002.67 Performance standards; curricula and
20061 accountability.—
20062 (1) ~~By April 1, 2005,~~ The department shall develop and
20063 adopt performance standards for students in the Voluntary
20064 Prekindergarten Education Program. The performance standards
20065 must address the age-appropriate progress of students in the
20066 development of:
20067 (a) The capabilities, capacities, and skills required under
20068 s. 1(b), Art. IX of the State Constitution; and

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20069 (b) Emergent literacy skills, including oral communication,
20070 knowledge of print and letters, phonemic and phonological
20071 awareness, and vocabulary and comprehension development.
20072 (3)(a) Each early learning coalition shall verify that each
20073 private prekindergarten provider delivering the Voluntary
20074 Prekindergarten Education Program within the coalition's county
20075 or multicounty region complies with this part. Each district
20076 school board shall verify that each public school delivering the
20077 program within the school district complies with this part.
20078 (b) If a private prekindergarten provider or public school
20079 fails or refuses to comply with this part, or if a provider or
20080 school engages in misconduct, the department ~~Agency for~~
20081 ~~Workforce Innovation~~ shall require the early learning coalition
20082 to remove the provider or ~~, and~~ ~~the Department of Education~~
20083 ~~shall require~~ the school district to remove the school~~,~~ from
20084 eligibility to deliver the Voluntary Prekindergarten Education
20085 Program and receive state funds under this part.
20086 (c)1. If the kindergarten readiness rate of a private
20087 prekindergarten provider or public school falls below the
20088 minimum rate adopted by the State Board of Education as
20089 satisfactory under s. 1002.69(6), the early learning coalition
20090 or school district, as applicable, shall require the provider or
20091 school to submit an improvement plan for approval by the
20092 coalition or school district, as applicable, and to implement
20093 the plan.
20094 2. If a private prekindergarten provider or public school
20095 fails to meet the minimum rate adopted by the State Board of
20096 Education as satisfactory under s. 1002.69(6) for 2 consecutive
20097 years, the early learning coalition or school district, as

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20098 applicable, shall place the provider or school on probation and
20099 must require the provider or school to take certain corrective
20100 actions, including the use of a curriculum approved by the
20101 department under paragraph (2)(c).
20102 3. A private prekindergarten provider or public school that
20103 is placed on probation must continue the corrective actions
20104 required under subparagraph 2., including the use of a
20105 curriculum approved by the department, until the provider or
20106 school meets the minimum rate adopted by the State Board of
20107 Education as satisfactory under s. 1002.69(6).
20108 4. If a private prekindergarten provider or public school
20109 remains on probation for 2 consecutive years and fails to meet
20110 the minimum rate adopted by the State Board of Education as
20111 satisfactory under s. 1002.69(6) and is not granted a good cause
20112 exemption by the department pursuant to s. 1002.69(7), the
20113 department ~~Agency for Workforce Innovation~~ shall require the
20114 early learning coalition or ~~the Department of Education shall~~
20115 ~~require~~ the school district to remove, as applicable, the
20116 provider or school from eligibility to deliver the Voluntary
20117 Prekindergarten Education Program and receive state funds for
20118 the program.
20119 (d) Each early learning coalition~~, the Agency for Workforce~~
20120 ~~Innovation,~~ and the department shall coordinate with the Child
20121 Care Services Program Office of the Department of Children and
20122 Family Services to minimize interagency duplication of
20123 activities for monitoring private prekindergarten providers for
20124 compliance with requirements of the Voluntary Prekindergarten
20125 Education Program under this part, the school readiness programs
20126 under s. 411.01, and the licensing of providers under ss.

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20127 402.301-402.319.
20128 Section 357. Paragraph (f) of subsection (7) of section
20129 1002.69, Florida Statutes, is amended to read:
20130 1002.69 Statewide kindergarten screening; kindergarten
20131 readiness rates.—
20132 (7)
20133 (f) The State Board of Education shall notify the
20134 department ~~Agency for Workforce Innovation~~ of any good cause
20135 exemption granted to a private prekindergarten provider under
20136 this subsection. If a good cause exemption is granted to a
20137 private prekindergarten provider who remains on probation for 2
20138 consecutive years, the department ~~Agency for Workforce~~
20139 ~~Innovation~~ shall notify the early learning coalition of the good
20140 cause exemption and direct that the coalition, notwithstanding
20141 s. 1002.67(3)(c)4., not remove the provider from eligibility to
20142 deliver the Voluntary Prekindergarten Education Program or to
20143 receive state funds for the program, if the provider meets all
20144 other applicable requirements of this part.
20145 Section 358. Paragraph (c) of subsection (3), subsection
20146 (4), paragraph (b) of subsection (5), and subsections (6) and
20147 (7) of section 1002.71, Florida Statutes, are amended to read:
20148 1002.71 Funding; financial and attendance reporting.—
20149 (3)
20150 (c) The initial allocation shall be based on estimated
20151 student enrollment in each coalition service area. The
20152 department ~~Agency for Workforce Innovation~~ shall reallocate
20153 funds among the coalitions based on actual full-time equivalent
20154 student enrollment in each coalition service area.
20155 (4) Notwithstanding s. 1002.53(3) and subsection (2):

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20156 (a) A child who, for any of the prekindergarten programs
20157 listed in s. 1002.53(3), has not completed more than 70 percent
20158 of the hours authorized to be reported for funding under
20159 subsection (2), or has not expended more than 70 percent of the
20160 funds authorized for the child under s. 1002.66, may withdraw
20161 from the program for good cause and reenroll in one of the
20162 programs. The total funding for a child who reenrolls in one of
20163 the programs for good cause may not exceed one full-time
20164 equivalent student. Funding for a child who withdraws and
20165 reenrolls in one of the programs for good cause shall be issued
20166 in accordance with the department's ~~agency's~~ uniform attendance
20167 policy adopted pursuant to paragraph (6)(d).
20168 (b) A child who has not substantially completed any of the
20169 prekindergarten programs listed in s. 1002.53(3) may withdraw
20170 from the program due to an extreme hardship that is beyond the
20171 child's or parent's control, reenroll in one of the summer
20172 programs, and be reported for funding purposes as a full-time
20173 equivalent student in the summer program for which the child is
20174 reenrolled.
20175
20176 A child may reenroll only once in a prekindergarten program
20177 under this section. A child who reenrolls in a prekindergarten
20178 program under this subsection may not subsequently withdraw from
20179 the program and reenroll. The department ~~Agency for Workforce~~
20180 ~~Innovation~~ shall establish criteria specifying whether a good
20181 cause exists for a child to withdraw from a program under
20182 paragraph (a), whether a child has substantially completed a
20183 program under paragraph (b), and whether an extreme hardship
20184 exists which is beyond the child's or parent's control under

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20185 paragraph (b).
20186 (5)
20187 (b) The department ~~Agency for Workforce Innovation~~ shall
20188 adopt procedures for the payment of private prekindergarten
20189 providers and public schools delivering the Voluntary
20190 Prekindergarten Education Program. The procedures shall provide
20191 for the advance payment of providers and schools based upon
20192 student enrollment in the program, the certification of student
20193 attendance, and the reconciliation of advance payments in
20194 accordance with the uniform attendance policy adopted under
20195 paragraph (6)(d). The procedures shall provide for the monthly
20196 distribution of funds by the department ~~Agency for Workforce~~
20197 ~~Innovation~~ to the early learning coalitions for payment by the
20198 coalitions to private prekindergarten providers and public
20199 schools. ~~The department shall transfer to the Agency for~~
20200 ~~Workforce Innovation at least once each quarter the funds~~
20201 ~~available for payment to private prekindergarten providers and~~
20202 ~~public schools in accordance with this paragraph from the funds~~
20203 ~~appropriated for that purpose.~~
20204 (6)(a) Each parent enrolling his or her child in the
20205 Voluntary Prekindergarten Education Program must agree to comply
20206 with the attendance policy of the private prekindergarten
20207 provider or district school board, as applicable. Upon
20208 enrollment of the child, the private prekindergarten provider or
20209 public school, as applicable, must provide the child’s parent
20210 with a copy of the provider’s or school district’s attendance
20211 policy, as applicable.
20212 (b)1. Each private prekindergarten provider’s and district
20213 school board’s attendance policy must require the parent of each

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20214 student in the Voluntary Prekindergarten Education Program to
20215 verify, each month, the student's attendance on the prior
20216 month's certified student attendance.
20217 2. The parent must submit the verification of the student's
20218 attendance to the private prekindergarten provider or public
20219 school on forms prescribed by the department ~~Agency for~~
20220 ~~Workforce Innovation~~. The forms must include, in addition to the
20221 verification of the student's attendance, a certification, in
20222 substantially the following form, that the parent continues to
20223 choose the private prekindergarten provider or public school in
20224 accordance with s. 1002.53 and directs that payments for the
20225 program be made to the provider or school:
20226
20227 VERIFICATION OF STUDENT'S ATTENDANCE
20228 AND CERTIFICATION OF PARENTAL CHOICE
20229
20230 I, ...(Name of Parent)..., swear (or affirm) that my child,
20231 ...(Name of Student)..., attended the Voluntary Prekindergarten
20232 Education Program on the days listed above and certify that I
20233 continue to choose ...(Name of Provider or School)... to deliver
20234 the program for my child and direct that program funds be paid
20235 to the provider or school for my child.
20236 ...(Signature of Parent)...
20237 ...(Date)...
20238
20239 3. The private prekindergarten provider or public school
20240 must keep each original signed form for at least 2 years. Each
20241 private prekindergarten provider must permit the early learning
20242 coalition, and each public school must permit the school

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20243 district, to inspect the original signed forms during normal
20244 business hours. The department ~~Agency for Workforce Innovation~~
20245 shall adopt procedures for early learning coalitions and school
20246 districts to review the original signed forms against the
20247 certified student attendance. The review procedures shall
20248 provide for the use of selective inspection techniques,
20249 including, but not limited to, random sampling. Each early
20250 learning coalition and the school districts must comply with the
20251 review procedures.
20252 (c) A private prekindergarten provider or school district,
20253 as applicable, may dismiss a student who does not comply with
20254 the provider's or district's attendance policy. A student
20255 dismissed under this paragraph is not removed from the Voluntary
20256 Prekindergarten Education Program and may continue in the
20257 program through reenrollment with another private
20258 prekindergarten provider or public school. Notwithstanding s.
20259 1002.53(6)(b), a school district is not required to provide for
20260 the admission of a student dismissed under this paragraph.
20261 (d) The department ~~Agency for Workforce Innovation~~ shall
20262 adopt, for funding purposes, a uniform attendance policy for the
20263 Voluntary Prekindergarten Education Program. The attendance
20264 policy must apply statewide and apply equally to all private
20265 prekindergarten providers and public schools. The attendance
20266 policy must include at least the following provisions:
20267 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
20268 ~~programs,~~ A student's attendance may be reported on a pro rata
20269 basis as a fractional part of a full-time equivalent student.
20270 2. At a maximum, 20 percent of the total payment made on
20271 behalf of a student to a private prekindergarten provider or a

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20272 public school may be for hours a student is absent.
20273 3. A private prekindergarten provider or public school may
20274 not receive payment for absences that occur before a student's
20275 first day of attendance or after a student's last day of
20276 attendance.
20277
20278 The uniform attendance policy shall be used only for funding
20279 purposes and does not prohibit a private prekindergarten
20280 provider or public school from adopting and enforcing its
20281 attendance policy under paragraphs (a) and (c).
20282 (7) The department ~~Agency for Workforce Innovation~~ shall
20283 require that administrative expenditures be kept to the minimum
20284 necessary for efficient and effective administration of the
20285 Voluntary Prekindergarten Education Program. Administrative
20286 policies and procedures shall be revised, to the maximum extent
20287 practicable, to incorporate the use of automation and electronic
20288 submission of forms, including those required for child
20289 eligibility and enrollment, provider and class registration, and
20290 monthly certification of attendance for payment. A school
20291 district may use its automated daily attendance reporting system
20292 for the purpose of transmitting attendance records to the early
20293 learning coalition in a mutually agreed-upon format. In
20294 addition, actions shall be taken to reduce paperwork, eliminate
20295 the duplication of reports, and eliminate other duplicative
20296 activities. Beginning with the 2010-2011 fiscal year, each early
20297 learning coalition may retain and expend no more than 4.5
20298 percent of the funds paid by the coalition to private
20299 prekindergarten providers and public schools under paragraph
20300 (5)(b). Funds retained by an early learning coalition under this

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20301 subsection may be used only for administering the Voluntary
20302 Prekindergarten Education Program and may not be used for the
20303 school readiness program or other programs.
20304 Section 359. Subsection (1) of section 1002.72, Florida
20305 Statutes, is amended to read:
20306 1002.72 Records of children in the Voluntary
20307 Prekindergarten Education Program.—
20308 (1)(a) The records of a child enrolled in the Voluntary
20309 Prekindergarten Education Program held by an early learning
20310 coalition, the department ~~Agency for Workforce Innovation~~, or a
20311 Voluntary Prekindergarten Education Program provider are
20312 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
20313 of the State Constitution. For purposes of this section, such
20314 records include assessment data, health data, records of teacher
20315 observations, and personal identifying information of an
20316 enrolled child and his or her parent.
20317 (b) This exemption applies to the records of a child
20318 enrolled in the Voluntary Prekindergarten Education Program held
20319 by an early learning coalition, the department ~~Agency for~~
20320 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
20321 Program provider before, on, or after the effective date of this
20322 exemption.
20323 Section 360. Subsections (1) and (5) of section 1002.77,
20324 Florida Statutes, are amended to read:
20325 1002.77 Florida Early Learning Advisory Council.—
20326 (1) There is created the Florida Early Learning Advisory
20327 Council within the department ~~Agency for Workforce Innovation~~.
20328 The purpose of the advisory council is to submit recommendations
20329 to the department ~~and the Agency for Workforce Innovation~~ on the

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20330 early learning policy of this state, including recommendations
20331 relating to administration of the Voluntary Prekindergarten
20332 Education Program under this part and the school readiness
20333 programs under s. 411.01.
20334 (5) The department ~~Agency for Workforce Innovation~~ shall
20335 provide staff and administrative support for the advisory
20336 council.
20337 Section 361. Section 1002.79, Florida Statutes, is amended
20338 to read:
20339 1002.79 Rulemaking authority.—
20340 ~~(1)~~ The State Board of Education shall adopt rules under
20341 ss. 120.536(1) and 120.54 to administer the provisions of this
20342 part ~~conferring duties upon the department~~.
20343 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
20344 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~
20345 ~~this part conferring duties upon the agency.~~
20346 Section 362. Subsections (2) and (3), paragraph (c) of
20347 subsection (4), and subsection (5) of section 1003.491, Florida
20348 Statutes, are amended to read:
20349 1003.491 Florida Career and Professional Education Act.—The
20350 Florida Career and Professional Education Act is created to
20351 provide a statewide planning partnership between the business
20352 and education communities in order to attract, expand, and
20353 retain targeted, high-value industry and to sustain a strong,
20354 knowledge-based economy.
20355 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
20356 school board shall develop, in collaboration with local
20357 workforce boards and postsecondary institutions approved to
20358 operate in the state, a strategic 5-year plan to address and

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20359 meet local and regional workforce demands. If involvement of the
20360 local workforce board in the strategic plan development is not
20361 feasible, the local school board, with the approval of Jobs
20362 Florida ~~the Agency for Workforce Innovation~~, shall collaborate
20363 with the most appropriate local business leadership board. Two
20364 or more school districts may collaborate in the development of
20365 the strategic plan and offer a career and professional academy
20366 as a joint venture. Such plans must describe in detail
20367 provisions for efficient transportation of students, maximum use
20368 of shared resources, and access to courses through the Florida
20369 Virtual School when appropriate. Each strategic plan shall ~~be~~
20370 ~~completed no later than June 30, 2008, and shall~~ include
20371 provisions to have in place at least one operational career and
20372 professional academy, pursuant to s. 1003.492~~, no later than the~~
20373 ~~beginning of the 2008-2009 school year~~.
20374 (3) The strategic 5-year plan developed jointly between the
20375 local school district, local workforce boards, and state-
20376 approved postsecondary institutions shall be constructed and
20377 based on:
20378 (a) Research conducted to objectively determine local and
20379 regional workforce needs for the ensuing 5 years, using labor
20380 projections of the United States Department of Labor and Jobs
20381 Florida ~~the Agency for Workforce Innovation~~;
20382 (b) Strategies to develop and implement career academies
20383 based on those careers determined to be in high demand;
20384 (c) Maximum use of private sector facilities and personnel;
20385 (d) Strategies that ensure instruction by industry-
20386 certified faculty and standards and strategies to maintain
20387 current industry credentials and for recruiting and retaining

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20388 faculty to meet those standards;
20389 (e) Alignment to requirements for middle school career
20390 exploration and high school redesign;
20391 (f) Provisions to ensure that courses offered through
20392 career and professional academies are academically rigorous,
20393 meet or exceed appropriate state-adopted subject area standards,
20394 result in attainment of industry certification, and, when
20395 appropriate, result in postsecondary credit;
20396 (g) Establishment of student eligibility criteria in career
20397 and professional academies which include opportunities for
20398 students who have been unsuccessful in traditional classrooms
20399 but who show aptitude to participate in academies. School boards
20400 shall address the analysis of eighth grade student achievement
20401 data to provide opportunities for students who may be deemed as
20402 potential dropouts to participate in career and professional
20403 academies;
20404 (h) Strategies to provide sufficient space within academies
20405 to meet workforce needs and to provide access to all interested
20406 and qualified students;
20407 (i) Strategies to engage Department of Juvenile Justice
20408 students in career and professional academy training that leads
20409 to industry certification;
20410 (j) Opportunities for high school students to earn weighted
20411 or dual enrollment credit for higher-level career and technical
20412 courses;
20413 (k) Promotion of the benefits of the Gold Seal Bright
20414 Futures Scholarship;
20415 (l) Strategies to ensure the review of district pupil-
20416 progression plans and to amend such plans to include career and

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20417 professional courses and to include courses that may qualify as
20418 substitute courses for core graduation requirements and those
20419 that may be counted as elective courses; and
20420 (m) Strategies to provide professional development for
20421 secondary guidance counselors on the benefits of career and
20422 professional academies.
20423 (4) The State Board of Education shall establish a process
20424 for the continual and uninterrupted review of newly proposed
20425 core secondary courses and existing courses requested to be
20426 considered as core courses to ensure that sufficient rigor and
20427 relevance is provided for workforce skills and postsecondary
20428 education and aligned to state curriculum standards. The review
20429 of newly proposed core secondary courses shall be the
20430 responsibility of a curriculum review committee whose membership
20431 is approved by the Workforce Florida Board as described in s.
20432 445.004, and shall include:
20433 (c) Three workforce representatives recommended by Jobs
20434 Florida ~~the Agency for Workforce Innovation~~.
20435 (5) The submission and review of newly proposed core
20436 courses shall be conducted electronically, and each proposed
20437 core course shall be approved or denied within 60 days. All
20438 courses approved as core courses for high school graduation
20439 purposes shall be immediately added to the Course Code
20440 Directory. Approved core courses shall also be reviewed and
20441 considered for approval for dual enrollment credit. The Board of
20442 Governors and the Commissioner of Education shall jointly
20443 recommend an annual deadline for approval of new core courses to
20444 be included for purposes of postsecondary admissions and dual
20445 enrollment credit the following academic year. The State Board

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20446 of Education shall establish an appeals process in the event
20447 that a proposed course is denied which shall require a consensus
20448 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and
20449 the Commissioner of Education within 15 days. ~~The curriculum~~
20450 ~~review committee must be established and operational no later~~
20451 ~~than September 1, 2007.~~
20452 Section 363. Subsections (2) and (3) of section 1003.492,
20453 Florida Statutes, are amended to read:
20454 1003.492 Industry-certified career education programs.—
20455 (2) The State Board of Education shall use the expertise of
20456 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
20457 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
20458 for implementing an industry certification process. Industry
20459 certification shall be defined by Jobs Florida ~~the Agency for~~
20460 ~~Workforce Innovation~~, based upon the highest available national
20461 standards for specific industry certification, to ensure student
20462 skill proficiency and to address emerging labor market and
20463 industry trends. A regional workforce board or a career and
20464 professional academy may apply to Workforce Florida, Inc., to
20465 request additions to the approved list of industry
20466 certifications based on high-demand job requirements in the
20467 regional economy. The list of industry certifications approved
20468 by Workforce Florida, Inc., and the Department of Education
20469 shall be published and updated annually by a date certain, to be
20470 included in the adopted rule.
20471 (3) The Department of Education shall collect student
20472 achievement and performance data in industry-certified career
20473 education programs and shall work with Workforce Florida, Inc.,
20474 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.

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20475 The data collection and analyses shall examine the performance
20476 of participating students over time. Performance factors shall
20477 include, but not be limited to, graduation rates, retention
20478 rates, Florida Bright Futures Scholarship awards, additional
20479 educational attainment, employment records, earnings, industry
20480 certification, and employer satisfaction. The results of this
20481 study shall be submitted to the President of the Senate and the
20482 Speaker of the House of Representatives annually by December 31.
20483 Section 364. Paragraphs (f) and (k) of subsection (4) of
20484 section 1003.493, Florida Statutes, are amended to read:
20485 1003.493 Career and professional academies.—
20486 (4) Each career and professional academy must:
20487 (f) Provide instruction in careers designated as high
20488 growth, high demand, and high pay by the local workforce
20489 development board, the chamber of commerce, or Jobs Florida ~~the~~
20490 ~~Agency for Workforce Innovation~~.
20491 (k) Include an evaluation plan developed jointly with the
20492 Department of Education and the local workforce board. The
20493 evaluation plan must include an assessment tool based on
20494 national industry standards, such as the Career Academy National
20495 Standards of Practice, and outcome measures, including, but not
20496 limited to, achievement of national industry certifications
20497 identified in the Industry Certification Funding List, pursuant
20498 to rules adopted by the State Board of Education, graduation
20499 rates, enrollment in postsecondary education, business and
20500 industry satisfaction, employment and earnings, awards of
20501 postsecondary credit and scholarships, and student achievement
20502 levels and learning gains on statewide assessments administered
20503 under s. 1008.22(3)(c). The Department of Education shall use

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20504 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
20505 identifying industry experts to participate in developing and
20506 implementing such assessments.
20507 Section 365. Subsection (3) of section 1003.575, Florida
20508 Statutes, is amended to read:
20509 1003.575 Assistive technology devices; findings;
20510 interagency agreements.—Accessibility, utilization, and
20511 coordination of appropriate assistive technology devices and
20512 services are essential as a young person with disabilities moves
20513 from early intervention to preschool, from preschool to school,
20514 from one school to another, and from school to employment or
20515 independent living. To ensure that an assistive technology
20516 device issued to a young person as part of his or her
20517 individualized family support plan, individual support plan, or
20518 an individual education plan remains with the individual through
20519 such transitions, the following agencies shall enter into
20520 interagency agreements, as appropriate, to ensure the
20521 transaction of assistive technology devices:
20522 (3) The Voluntary Prekindergarten Education Program
20523 administered by the Department of Education ~~and the Agency for~~
20524 ~~Workforce Innovation~~.
20525
20526 Interagency agreements entered into pursuant to this section
20527 shall provide a framework for ensuring that young persons with
20528 disabilities and their families, educators, and employers are
20529 informed about the utilization and coordination of assistive
20530 technology devices and services that may assist in meeting
20531 transition needs, and shall establish a mechanism by which a
20532 young person or his or her parent may request that an assistive

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20533 technology device remain with the young person as he or she
20534 moves through the continuum from home to school to postschool.
20535 Section 366. Subsection (4) of section 1003.4285, Florida
20536 Statutes, is amended to read:
20537 1003.4285 Standard high school diploma designations.—Each
20538 standard high school diploma shall include, as applicable:
20539 (4) A designation reflecting a Florida Ready to Work
20540 Credential in accordance with s. 445.06 ~~s. 1004.99~~.
20541 Section 367. Paragraph (j) of subsection (4) of section
20542 1003.493, Florida Statutes, is amended to read:
20543 1003.493 Career and professional academies.—
20544 (4) Each career and professional academy must:
20545 (j) Provide opportunities for students to obtain the
20546 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
20547 ~~1004.99~~.
20548 Section 368. Paragraphs (a), (e), and (f) of subsection (4)
20549 and paragraph (c) of subsection (5) of section 1004.226, Florida
20550 Statutes, are amended to read:
20551 1004.226 The 21st Century Technology, Research, and
20552 Scholarship Enhancement Act.—
20553 (4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—
20554 The Florida Technology, Research, and Scholarship Board is
20555 created within the Board of Governors of the State University
20556 System to guide the establishment of Centers of Excellence, the
20557 attraction of world class scholars, and the commercialization of
20558 products and services developed from the research and
20559 development conducted at state universities.
20560 (a) The board shall consist of 11 members. Five members
20561 shall be appointed by the Governor, one of whom the Governor

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20562 shall appoint as chair of the board, one of whom must be a
20563 member of the board of directors of the Jobs Florida Partnership
20564 ~~Enterprise Florida~~, Inc., and one of whom must be a member of
20565 the Board of Governors of the State University System. Three
20566 members shall be appointed by the President of the Senate, and
20567 three members shall be appointed by the Speaker of the House of
20568 Representatives. Appointed members must be representative of
20569 business leaders, industrial researchers, academic researchers,
20570 scientists, and leaders in the emerging and advanced technology
20571 sector. Appointed members may not serve for more than 4 years,
20572 and any vacancy that occurs during these appointees' terms shall
20573 be filled in the same manner as the original appointment. A
20574 majority of members constitutes a quorum.
20575 (e) The board shall recommend to the Board of Governors the
20576 qualifications, standards, and requirements for approval of
20577 investments in Centers of Excellence under this act. The board
20578 may form committees of its members and is encouraged to consult
20579 with the Jobs Florida Partnership ~~Enterprise Florida~~, Inc., the
20580 Florida Research Consortium, Bio-Florida, IT Florida, the
20581 Florida Aviation Aerospace Alliance, and any other entity whose
20582 input may be helpful in determining the requirements and
20583 standards for the program.
20584 (f) The board shall review and approve State University
20585 Research Commercialization Assistance Grants under subsection
20586 (7). The board is encouraged to consult with the Jobs Florida
20587 Partnership ~~Enterprise Florida~~, Inc.; entities with prior
20588 experience in early stage business investment; and any other
20589 entity whose input may be helpful in evaluating grant proposals.
20590 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

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20591 (c) The board, in consultation with senior administrators
20592 of state universities, state university foundation directors,
20593 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
20594 ~~Development~~, the board of directors of the Jobs Florida
20595 Partnership ~~Enterprise Florida~~, Inc., and leading members of
20596 private industry, shall develop and recommend to the Board of
20597 Governors criteria for the 21st Century World Class Scholars
20598 Program. Such criteria shall address, at a minimum, the
20599 following:
20600 1. The presence of distinguished faculty members, including
20601 whether the university has a substantial history of external
20602 funding, along with the strong potential for attracting a
20603 scholar of national or international eminence.
20604 2. The presence of academically outstanding students, along
20605 with the promise and potential for attracting additional highly
20606 qualified students.
20607 3. The presence of adequate research and scholarly support
20608 services.
20609 4. The existence of an academic environment having
20610 appropriate infrastructure, including buildings, classrooms,
20611 libraries, laboratories, and specialized equipment, that is
20612 conducive to the conduct of the highest quality of scholarship
20613 and research.
20614 5. The demonstration of concordance with Florida's
20615 strategic plan for economic development or an emphasis on one or
20616 more emerging sciences or technologies that could favorably
20617 impact the state's economic future.
20618 Section 369. Paragraph (d) of subsection (5) of section
20619 1004.65, Florida Statutes, is amended to read:

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20620 1004.65 Florida colleges; governance, mission, and
20621 responsibilities.—
20622 (5) The primary mission and responsibility of Florida
20623 colleges is responding to community needs for postsecondary
20624 academic education and career degree education. This mission and
20625 responsibility includes being responsible for:
20626 (d) Promoting economic development for the state within
20627 each Florida college district through the provision of special
20628 programs, including, but not limited to, the:
20629 1. Programs relating to the Jobs Florida Partnership, Inc
20630 ~~Enterprise Florida-related programs~~.
20631 2. Technology transfer centers.
20632 3. Economic development centers.
20633 4. Workforce literacy programs.
20634 Section 370. Subsection (5) of section 1004.77, Florida
20635 Statutes, is amended to read:
20636 1004.77 Centers of technology innovation.—
20637 (5) The State Board of Education shall give priority in the
20638 designation of centers to those community colleges that
20639 specialize in technology in environmental areas and in areas
20640 related to target industries of the Jobs Florida Partnership
20641 ~~Enterprise Florida~~, Inc. Priority in designation shall also be
20642 given to community colleges that develop new and improved
20643 manufacturing techniques and related business practices.
20644 Section 371. Paragraph (b) of subsection (10) of section
20645 1004.78, Florida Statutes, is amended to read:
20646 1004.78 Technology transfer centers at community colleges.—
20647 (10) The State Board of Education may award grants to
20648 community colleges, or consortia of public and private colleges

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20649 and universities and other public and private entities, for the
20650 purpose of supporting the objectives of this section. Grants
20651 awarded pursuant to this subsection shall be in accordance with
20652 rules of the State Board of Education. Such rules shall include
20653 the following provisions:
20654 (b) Grants to centers funded with state revenues
20655 appropriated specifically for technology transfer activities
20656 shall be reviewed and approved by the State Board of Education
20657 using proposal solicitation, evaluation, and selection
20658 procedures established by the state board in consultation with
20659 the Jobs Florida Partnership ~~Enterprise Florida~~, Inc. Such
20660 procedures may include designation of specific areas or
20661 applications of technology as priorities for the receipt of
20662 funding.
20663 Section 372. Subsection (3) of section 1008.39, Florida
20664 Statutes, is amended to read:
20665 1008.39 Florida Education and Training Placement
20666 Information Program.—
20667 (3) The Florida Education and Training Placement
20668 Information Program must not make public any information that
20669 could identify an individual or the individual's employer. The
20670 Department of Education must ensure that the purpose of
20671 obtaining placement information is to evaluate and improve
20672 public programs or to conduct research for the purpose of
20673 improving services to the individuals whose social security
20674 numbers are used to identify their placement. If an agreement
20675 assures that this purpose will be served and that privacy will
20676 be protected, the Department of Education shall have access to
20677 the unemployment insurance wage reports maintained by Jobs

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20678 Florida ~~the Agency for Workforce Innovation~~, the files of the
20679 Department of Children and Family Services that contain
20680 information about the distribution of public assistance, the
20681 files of the Department of Corrections that contain records of
20682 incarcerations, and the files of the Department of Business and
20683 Professional Regulation that contain the results of licensure
20684 examination.
20685 Section 373. Subsection (3) of section 1008.41, Florida
20686 Statutes, is amended to read:
20687 1008.41 Workforce education; management information
20688 system.—
20689 (3) Planning and evaluation of job-preparatory programs
20690 shall be based on standard sources of data and use standard
20691 occupational definitions and coding structures, including, but
20692 not limited to:
20693 (a) The Florida Occupational Information System;
20694 (b) The Florida Education and Training Placement
20695 Information Program;
20696 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;
20697 (d) The United States Department of Labor; and
20698 (e) Other sources of data developed using statistically
20699 valid procedures.
20700 Section 374. Subsections (2), (3), (4), (5), and (6) of
20701 section 1011.76, Florida Statutes, are amended to read:
20702 1011.76 Small School District Stabilization Program.—
20703 (2) In order to participate in this program, a school
20704 district must be located in a rural area of critical economic
20705 concern designated by the Executive Office of the Governor, and
20706 the district school board must submit a resolution to Jobs

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20707 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20708 requesting participation in the program. A rural area of
20709 critical economic concern must be a rural community, or a region
20710 composed of such, that has been adversely affected by an
20711 extraordinary economic event or a natural disaster or that
20712 presents a unique economic development concern or opportunity of
20713 regional impact. The resolution must be accompanied with
20714 documentation of the economic conditions in the community,
20715 provide information indicating the negative impact of these
20716 conditions on the school district's financial stability, and the
20717 school district must participate in a best financial management
20718 practices review to determine potential efficiencies that could
20719 be implemented to reduce program costs in the district.
20720 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
20721 ~~Development~~, in consultation with the Department of Education,
20722 shall review the resolution and other information required by
20723 subsection (2) and determine whether the school district is
20724 eligible to participate in the program. Factors influencing the
20725 office's determination may include, but are not limited to,
20726 reductions in the county tax roll resulting from business
20727 closures or other causes, or a reduction in student enrollment
20728 due to business closures or impacts in the local economy.
20729 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
20730 Florida ~~the Office of Tourism, Trade, and Economic Development~~
20731 authorizes a school district to participate in the program, the
20732 Legislature may give priority to that district for a best
20733 financial management practices review in the school district,
20734 subject to approval pursuant to s. 1008.35(7), to the extent
20735 that funding is provided annually for such purpose in the

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20736 General Appropriations Act. The scope of the review shall be as
20737 set forth in s. 1008.35.
20738 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
20739 of Education may award the school district a stabilization grant
20740 intended to protect the district from continued financial
20741 reductions. The amount of the grant will be determined by the
20742 Department of Education and may be equivalent to the amount of
20743 the decline in revenues projected for the next fiscal year. In
20744 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
20745 ~~Economic Development~~ may implement a rural economic development
20746 initiative to identify the economic factors that are negatively
20747 impacting the community and may consult with the Jobs Florida
20748 Partnership, Inc. ~~Enterprise Florida, Inc.~~, in developing a plan
20749 to assist the county with its economic transition. The grant
20750 will be available to the school district for a period of up to 5
20751 years to the extent that funding is provided for such purpose in
20752 the General Appropriations Act.
20753 (6) Based on the availability of funds, Jobs Florida ~~the~~
20754 ~~Office of Tourism, Trade, and Economic Development~~ or the
20755 Department of Education may enter into contracts or issue grants
20756 necessary to implement the program.
20757 Section 375. Section 1012.2251, Florida Statutes, is
20758 amended to read:
20759 1012.2251 End-of-course examinations for Merit Award
20760 Program. ~~Beginning with the 2007-2008 school year,~~ School
20761 districts that participate in the Merit Award Program under s.
20762 1012.225 must be able to administer end-of-course examinations
20763 based on the Sunshine State Standards in order to measure a
20764 student's understanding and mastery of the entire course in all

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20765 grade groupings and subjects for any year in which the districts
20766 participate in the program. The statewide standardized
20767 assessment, College Board Advanced Placement Examination,
20768 International Baccalaureate examination, Advanced International
20769 Certificate of Education examination, or examinations resulting
20770 in national or state industry certification recognized by Jobs
20771 Florida ~~the Agency for Workforce Innovation~~ satisfy the
20772 requirements of this section for the respective grade groupings
20773 and subjects assessed by these examinations and assessments.
20774 Section 376. Section 20.505, Florida Statutes, is
20775 transferred, renumbered as section 20.605, Florida Statutes, and
20776 amended to read:
20777 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
20778 ~~Agency for Workforce Innovation~~.—
20779 (1) The Administrative Trust Fund is created within Jobs
20780 Florida ~~the Agency for Workforce Innovation~~.
20781 (2) Funds shall be used for the purpose of supporting the
20782 administrative functions of Jobs Florida ~~the agency~~ as required
20783 by law, pursuant to legislative appropriation or an approved
20784 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
20785 to the provisions of chapter 216.
20786 (3) Notwithstanding the provisions of s. 216.301 and
20787 pursuant to s. 216.351, any balance in the trust fund at the end
20788 of any fiscal year shall remain in the trust fund at the end of
20789 the year and shall be available for carrying out the purposes of
20790 the trust fund.
20791 Section 377. Section 1004.99, Florida Statutes, is
20792 transferred, renumbered as section 445.06, Florida Statutes, and
20793 amended to read:

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20794 445.06 ~~1004.99~~ Florida Ready to Work Certification
20795 Program.—
20796 (1) There is created the Florida Ready to Work
20797 Certification Program to enhance the workplace skills of
20798 Floridians ~~Florida's students~~ to better prepare them for
20799 successful employment in specific occupations.
20800 (2) The Florida Ready to Work Certification Program may be
20801 conducted in public middle and high schools, community colleges,
20802 technical centers, one-stop career centers, vocational
20803 rehabilitation centers, and Department of Juvenile Justice
20804 educational facilities. The program may be made available to
20805 other entities that provide job training. Jobs Florida, in
20806 coordination with the Department of Education, shall establish
20807 institutional readiness criteria for program implementation.
20808 (3) The Florida Ready to Work Certification Program shall
20809 be composed of:
20810 (a) A comprehensive identification of workplace skills for
20811 each occupation identified for inclusion in the program by Jobs
20812 Florida ~~the Agency for Workforce Innovation~~ and the Department
20813 of Education.
20814 (b) A preinstructional assessment that delineates an
20815 individual's ~~the student's~~ mastery level on the specific
20816 workplace skills identified for that occupation.
20817 (c) A targeted instructional program limited to those
20818 identified workplace skills in which the individual ~~student~~ is
20819 not proficient as measured by the preinstructional assessment.
20820 Instruction must utilize a web-based program and be customized
20821 to meet identified specific needs of local employers.
20822 (d) A Florida Ready to Work Credential and portfolio

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20823 awarded to individuals ~~students~~ upon successful completion of
20824 the instruction. Each portfolio must delineate the skills
20825 demonstrated by the individuals ~~student~~ as evidence of the
20826 individual's ~~student's~~ preparation for employment.
20827 (4) A Florida Ready to Work Credential shall be awarded to
20828 an individual ~~a student~~ who successfully passes assessments in
20829 Reading for Information, Applied Mathematics, and Locating
20830 Information or any other assessments of comparable rigor. Each
20831 assessment shall be scored on a scale of 3 to 7. The level of
20832 the credential each individual ~~student~~ receives is based on the
20833 following:
20834 (a) A bronze-level credential requires a minimum score of 3
20835 or above on each of the assessments.
20836 (b) A silver-level credential requires a minimum score of 4
20837 or above on each of the assessments.
20838 (c) A gold-level credential requires a minimum score of 5
20839 or above on each of the assessments.
20840 (5) Jobs Florida ~~The State Board of Education~~, in
20841 consultation with the Department of Education ~~Agency for~~
20842 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
20843 and 120.54 to implement the provisions of this section.
20844 Section 378. Section 14.2015, Florida Statutes, is
20845 repealed.
20846 Section 379. Section 20.18, Florida Statutes, is repealed.
20847 Section 380. Section 20.50, Florida Statutes, is repealed.
20848 Section 381. Sections 255.551, 255.552, 255.553, 255.5535,
20849 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
20850 255.561, 255.562, and 255.563, Florida Statutes, are repealed.
20851 Section 382. Section 287.115, Florida Statutes, is

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20852 repealed.
20853 Section 383. Section 288.038, Florida Statutes, is
20854 repealed.
20855 Section 384. Section 288.063, Florida Statutes, is
20856 repealed.
20857 Section 385. Sections 288.1221, 288.1222, 288.1223,
20858 288.1224, 288.1226, and 288.1227, Florida Statutes, are
20859 repealed.
20860 Section 386. Sections 288.7065, 288.707, 288.708, 288.709,
20861 288.7091, and 288.712, Florida Statutes, are repealed.
20862 Section 387. Section 288.12295, Florida Statutes, is
20863 repealed.
20864 Section 388. Section 288.90151, Florida Statutes, is
20865 repealed.
20866 Section 389. Section 288.9415, Florida Statutes, is
20867 repealed.
20868 Section 390. Section 288.9618, Florida Statutes, is
20869 repealed.
20870 Section 391. Section 288.982, Florida Statutes, is
20871 repealed.
20872 Section 392. Section 411.0105, Florida Statutes, is
20873 repealed.
20874 Section 393. Section 446.60, Florida Statutes, is repealed.
20875 Section 394. Section 1002.75, Florida Statutes, is
20876 repealed.
20877 Section 395. This act shall take effect July 1, 2011.

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