

COMMITTEE MEETING EXPANDED AGENDA**BUDGET SUBCOMMITTEE ON TRANSPORTATION,
TOURISM, AND ECONOMIC DEVELOPMENT
APPROPRIATIONS****Senator Gaetz, Chair
Senator Margolis, Vice Chair****MEETING DATE:** Thursday, March 24, 2011**TIME:** 1:15 —3:15 p.m.**PLACE:** *Toni Jennings Committee Room, 110 Senate Office Building***MEMBERS:** Senator Gaetz, Chair; Senator Margolis, Vice Chair; Senators Alexander, Benacquisto, Bennett, Bogdanoff, Bullard, Dean, Diaz de la Portilla, Evers, Fasano, Hill, Latvala, Norman, Sachs, Smith, and Sobel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Budget Work Session		

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Substantive Changes

- 201.15 (s. 1 of bill) (eliminating doc stamp distributions to State/Local Housing Trust Funds)
- 420.0005 (s. 4 of bill) (revising provisions relating to administration of State Housing Trust Fund)
- 420.507 (s. 12 of bill) (deposits into State House Trust Fund/appropriation of expenditures, etc)
- 420.508 (s. 13 of bill) (deposits into State House Trust Fund/appropriation of expenditures, etc)
- 420.5087 (s. 14 of bill) (requiring appropriation of funds and to be deposited into State Housing Trust Fund, etc.)
- 420.5088 (s. 15 of bill) (requiring appropriation of funds and to be deposited into State Housing Trust Fund, etc)
- 420.5089 (s. 16 of bill) (requiring appropriation of funds and to be deposited into State Housing Trust Fund, etc)
- 420.5091 (s. 17 of bill) (requiring certain funds to be deposited into State Housing Trust Fund)

- 420.5092 (s. 18 of bill) (revision provisions of the Housing Guarantee Program)
- 420.525 (s. 20 of bill) (requiring appropriation of funds and to be deposited into State Housing Trust Fund, etc)
- 420.526 (s. 21 of bill) (providing for certain monies to be accounted by FHFC and repaid/deposited into State Housing Trust Fund)
- 420.529 (s. 22 of bill) (providing for certain monies to be accounted by FHFC and repaid/deposited into State Housing Trust Fund)
- 420.9073 (s. 28 of bill) (revising local housing distribution provisions under SHIP)
- 420.9079 (s. 29 of bill) (revising provisions relating to administration of Local Gov't Housing Trust Fund)
- 201.0205 (s. 30 of bill) (changing source of funding for certain local housing programs)

Renaming DCA as “Jobs Florida” and/or replacing Secretary with Commissioner of Jobs Florida

- 420.0003 (s. 2 of bill)
- 420.0004 (s. 3 of bill)
- 420.101 (s. 5 of bill)
- 420.111 (s. 6 of bill)
- 420.36 (s. 7 of bill)
- 420.424 (s. 8 of bill)
- 420.503 (s. 9 of bill)
- 420.504 (s. 10 of bill)
- 420.506 (s. 11 of bill)
- 420.5095 (s. 19 of bill)
- 420.602 (s. 23 of bill)
- 420.606 (s. 24 of bill)
- 420.609 (s. 25 of bill)
- 420.622 (s. 26 of bill)
- 420.631 (s. 27 of bill)

Definitions

- 420.0004 (s. 3 of bill)
- 420.524 (s. 8 of bill)
- 420.503 (s. 9 of bill)
- 420.602 (s. 23 of bill)
- 420.631 (s. 27 of bill)

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A bill to be entitled
An act relating to the Florida Housing Finance Corporation; amending s. 201.15, F.S.; deleting provisions on the distributions of documentary stamp tax revenues to the State Housing Trust Fund and the Local Government Housing Trust Fund; conforming cross-references; amending ss. 420.0003 and 420.0004, F.S.; replacing references to the Department of Community Affairs with Jobs Florida; amending s. 420.0005, F.S.; providing for the deposit of certain moneys into the State Housing Trust Fund within the State Treasury; replacing references to the Secretary of the Department of Community Affairs with the Commissioner of Jobs Florida; subjecting expenditures from the State Housing Fund for administrative and personnel costs to appropriation by the Legislature; providing for the interest received on investments of moneys of the State Housing Fund in excess of the amounts appropriated for the current fiscal year to be credited to the General Revenue Fund; amending ss. 420.101, 420.111, 420.36, 420.424, 420.503, 420.504, and 420.506, F.S.; replacing references to the Department of Community Affairs with Jobs Florida and replacing references to the Secretary of the Department of Community Affairs with the Commissioner of Jobs Florida; amending s. 420.507, F.S.; providing for certain moneys to be deposited into the State Housing Trust Fund; subjecting expenditures of funds to appropriation by the Legislature; deleting

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provisions exempting the corporation from certain state budgetary requirements; deleting the provision that authorize the corporation to retain unused operational expenditures; amending s. 420.508, F.S.; providing for the deposit of certain moneys into the State Housing Trust Fund; providing that expenditures from the Florida Housing Finance Corporation Fund are subject to appropriation by the Legislature; amending s. 420.5087, F.S.; conforming a cross-reference; requiring that loan repayments and certain proceeds be accounted for by the corporation and be deposited into the State Housing Trust Fund; deleting a provision that prohibits loan repayments and certain proceeds from reverting to the General Revenue Fund; requiring that expenditures from the State Apartment Incentive Loan Fund be subject to appropriation by the Legislature; authorizing the corporation to seek a budget amendment to use certain funds for construction in fiscal years subsequent to the fiscal years for which the funds were appropriated; requiring the corporation to account for certain funds and to deposit them into the State Housing Trust Fund; requiring the corporation to seek a budget amendment to transfer funds for its loan loss insurance reserve; amending s. 420.5088, F.S.; revising provisions relating to the Florida Homeownership Assistance Program; requiring the corporation to account for certain monies deposited into the State Housing Trust Fund; subjecting expenditures from the Florida

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Homeownership Assistance Fund to appropriation by the
Legislature; amending s. 420.5089, F.S.; revising
provisions relating to the HOME Investment Partnership
Program; requiring the corporation to account for
certain monies deposited into the State Housing Trust
Fund; authorizing the corporation to seek a budget
amendment to use certain funds for construction in
fiscal years subsequent to the fiscal years for which
the funds were appropriated; providing for certain
funds to be deposited into the State Housing Trust
Fund; amending s. 420.5091, F.S.; revising provisions
relating to the HOPE Program; providing for the
deposit of certain funds into the State Housing Trust
Fund; amending s. 420.5092, F.S.; revising provisions
relating to the Florida Affordable Housing Guarantee
Program; authorizing certain funds to be used to
support the Florida Affordable Housing Guarantee
Program; conforming cross-references; amending s.
420.5095, F.S.; replacing a reference to the
Department of Community Affairs with Jobs Florida;
amending s. 420.525, F.S.; requiring that expenditures
from the Housing Predevelopment Fund be subject to
appropriation by the Legislature; authorizing the
corporation to seek a budget amendment to use certain
funds for predevelopment activities in fiscal years
subsequent to the fiscal years for which the funds
were appropriated; providing for certain monies to be
accounted by the corporation and deposited into the
State Housing Trust Fund; deleting a provision that

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prohibits certain funds, loan repayments, proceeds from reverting to the General Revenue Fund; amending ss. 420.526 and 420.529, F.S.; providing for certain monies to be accounted by the corporation and repaid to, or deposited into, the State Housing Trust Fund; amending s. 420.602, F.S.; redefining definitions; amending ss. 420.606, 420.609, 420.622, and 420.631, F.S.; replacing references to the Department of Community Affairs with Jobs Florida and replacing references to the Secretary of the Department of Community Affairs with the Commissioner of Jobs Florida; amending s. 420.9073, F.S.; revising local housing distribution provisions under the State Housing Initiatives Partnership Program; amending s. 420.9079, F.S.; providing for the deposit of certain monies into the Local Government Housing Trust Fund; providing for the interest on certain investments of the Local Government Housing Trust Fund to be credited to the General Revenue Fund; amending s. 201.0205, F.S.; changing the source of funding for certain local housing programs; providing an effective date.

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

Section 1. Subsections (9) through (17) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the

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Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

~~(9) The lesser of 7.53 percent of the remaining taxes or \$107 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and used as follows:~~

~~(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.~~

~~(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.~~

~~(10) The lesser of 8.66 percent of the remaining taxes or \$136 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and used as follows:~~

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146 ~~(a) Twelve and one-half percent of that amount shall be~~
147 ~~deposited into the State Housing Trust Fund and be expended by~~
148 ~~the Department of Community Affairs and by the Florida Housing~~
149 ~~Finance Corporation for the purposes for which the State Housing~~
150 ~~Trust Fund was created and exists by law.~~

151 ~~(b) Eighty-seven and one-half percent of that amount shall~~
152 ~~be distributed to the Local Government Housing Trust Fund and~~
153 ~~used for the purposes for which the Local Government Housing~~
154 ~~Trust Fund was created and exists by law. Funds from this~~
155 ~~category may also be used to provide for state and local~~
156 ~~services to assist the homeless.~~

157 (9)~~(11)~~ The distribution of proceeds deposited into the
158 Water Management Lands Trust Fund and the Conservation and
159 Recreation Lands Trust Fund, pursuant to subsections (4) and
160 (5), may not be used for land acquisition but may be used for
161 preacquisition costs associated with land purchases. The
162 Legislature intends that the Florida Forever program supplant
163 the acquisition programs formerly authorized under ss. 259.032
164 and 373.59.

165 (10)~~(12)~~ Amounts distributed pursuant to subsections (5),
166 (6), (7), and (8) are subject to the payment of debt service on
167 outstanding Conservation and Recreation Lands revenue bonds.

168 (11)~~(13)~~ In each fiscal year that the remaining taxes
169 exceed collections in the prior fiscal year, the stated maximum
170 dollar amounts provided in subsections (2), (4), (6), and (7)~~, and~~
171 ~~(9), and (10)~~ shall each be increased by an amount equal to 10
172 percent of the increase in the remaining taxes collected under
173 this chapter multiplied by the applicable percentage provided in
174 those subsections.

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175 ~~(12)(14)~~ If the payment requirements in any year for bonds
176 outstanding on July 1, 2007, or bonds issued to refund such
177 bonds, exceed the limitations of this section, distributions to
178 the trust fund from which the bond payments are made must be
179 increased to the lesser of the amount needed to pay bond
180 obligations or the limit of the applicable percentage
181 distribution provided in subsections (1)-(8) ~~subsections (1)-~~
182 ~~(10)~~.

183 ~~(13)(15) Distributions to the State Housing Trust Fund~~
184 ~~pursuant to subsections (9) and (10) must be sufficient to cover~~
185 Amounts required to be transferred to the Florida Affordable
186 Housing Guarantee Program's annual debt service reserve and
187 guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to the
188 amount required to be transferred to such reserve and fund based
189 on the percentage distribution of documentary stamp tax revenues
190 to the State Housing Trust Fund which was ~~is~~ in effect in the
191 2004-2005 fiscal year shall be distributed to the State Housing
192 Trust Fund.

193 ~~(14)(16)~~ If amounts necessary to pay debt service or any
194 other amounts payable with respect to Preservation 2000 bonds,
195 Florida Forever bonds, or Everglades Restoration bonds
196 authorized before January 1, 2010, exceed the amounts
197 distributable pursuant to subsection (1), all moneys
198 distributable pursuant to this section are available for such
199 obligations and transferred in the amounts necessary to pay such
200 obligations when due. However, amounts distributable pursuant to
201 subsection (2), subsection (3), subsection (4), subsection (5),
202 or subsection (13) ~~paragraph (9)(a), or paragraph (10)(a)~~ are
203 not available to pay such obligations to the extent that such

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204 moneys are necessary to pay debt service on bonds secured by
205 revenues pursuant to those provisions.

206 (15)~~(17)~~ After the distributions provided in the preceding
207 subsections, any remaining taxes shall be paid into the State
208 Treasury to the credit of the General Revenue Fund.

209 Section 2. Paragraph (e) of subsection (3) and subsection
210 (4) of section 420.0003, Florida Statutes, are amended to read:
211 420.0003 State housing strategy.—

212 (3) POLICIES.—

213 (e) *Housing production or rehabilitation programs.*—New
214 programs for housing production or rehabilitation shall be
215 developed in accordance with the following general guidelines as
216 appropriate for the purpose of the specific program:

217 1. State and local governments shall provide incentives to
218 encourage the private sector to be the primary delivery vehicle
219 for the development of affordable housing.

220 2. State funds should be heavily leveraged to achieve the
221 maximum local and private commitment of funds while achieving
222 the program objectives.

223 3. To the maximum extent possible, state funds should be
224 expended to provide housing units rather than to support program
225 administration.

226 4. State money should be used, when possible, as loans
227 rather than grants.

228 5. State funds should be available only to local
229 governments that provide incentives or financial assistance for
230 housing.

231 6. State funds should be made available only for projects
232 that ~~which~~ are consistent with the local government

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comprehensive plan.

7. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with Jobs Florida ~~the Department of Community Affairs~~ to bring the plan into compliance.

8. Mixed income projects should be encouraged, to avoid a concentration of low-income residents in one area or project.

9. Distribution of state housing funds should be flexible and consider the regional and local needs, resources, and capabilities of housing producers.

10. Income levels used to determine program eligibility should be adjusted for family size in determining the eligibility of specific beneficiaries.

11. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing shall be made available for that purpose.

(4) IMPLEMENTATION.—Jobs Florida ~~The Department of Community Affairs~~ and the Florida Housing Finance Corporation in carrying out the strategy articulated herein shall have the following duties:

(a) The fiscal resources of Jobs Florida ~~the Department of Community Affairs~~ shall be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs shall be established at the state and local levels.

2. The Shimberg Center for Affordable Housing at the University of Florida shall develop and maintain statewide data

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on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

(b) The agency strategic plan of Jobs Florida ~~the Department of Community Affairs~~ shall include specific goals, objectives, and strategies that implement the housing policies in this section and shall include the strategic plan for housing production prepared by the corporation pursuant to s. 420.511.

(c) The Shimberg Center for Affordable Housing, in consultation with Jobs Florida ~~the Department of Community Affairs~~ and the Florida Housing Finance Corporation, shall review and evaluate existing housing rehabilitation, production, and finance programs to determine their consistency with relevant policies in this section and identify the needs of specific populations, including, but not limited to, elderly and handicapped persons, and shall recommend statutory modifications where appropriate. The Shimberg Center for Affordable Housing, in consultation with Jobs Florida ~~the Department of Community Affairs~~ and the corporation, shall also evaluate the degree of coordination between state housing programs, and between state, federal, and local housing activities, and shall recommend improved program linkages. The recommendations required above and a report of any programmatic modifications made as a result of these policies shall be included in the housing report required by s. 420.6075, beginning December 31, 1991, and every 5 years thereafter.

(d) The department and the corporation are anticipated to

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conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 3. Subsection (6) of section 420.0004, Florida Statutes, is amended to read:

420.0004 Definitions.—As used in this part, unless the context otherwise indicates:

(6) "Department" means Jobs Florida ~~the Department of Community Affairs.~~

Section 4. Section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—There is hereby established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, including all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so

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available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon certification by the Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~ that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the commissioner ~~secretary~~ shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, as appropriated by the Legislature ~~but such costs may not exceed 5 percent of the moneys deposited into such fund.~~ ~~To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated.~~ Moneys in the State Housing Fund in excess of the amounts appropriated for the current fiscal year ~~which are not currently needed for the purposes of this chapter~~ shall be deposited with the Treasury to the credit of the State Housing Trust Fund and may be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the General Revenue ~~State Housing~~ Fund.

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Section 5. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall consist of the following persons, who shall be nonvoting members: the Commissioner ~~secretary~~ of Jobs Florida ~~the Department of Community Affairs~~ or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 6. Subsection (8) of section 420.111, Florida Statutes, is amended to read:

420.111 Housing Development Corporation of Florida;

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378 additional powers.—In furtherance of its purposes and in
379 addition to the powers now or hereafter conferred on business
380 corporations by chapter 607, the corporation shall, subject to
381 the restrictions and limitations herein contained, have the
382 following powers:

383 (8) To cooperate with, and avail itself of the facilities
384 of, the United States Department of Housing and Urban
385 Development, Jobs Florida ~~the Department of Community Affairs,~~
386 and any other similar local, state, or Federal Government
387 agency; and to cooperate with and assist, and otherwise
388 encourage, organizations in the various communities of the state
389 on the promotion, assistance, and development of the housing and
390 economic welfare of such communities or of this state or any
391 part thereof.

392 Section 7. Section 420.36, Florida Statutes, is amended to
393 read:

394 420.36 Low-income Emergency Home Repair Program.—There is
395 established within Jobs Florida ~~the Department of Community~~
396 ~~Affairs~~ the Low-income Emergency Home Repair Program to assist
397 low-income persons, especially the elderly and physically
398 disabled, in making emergency repairs which directly affect
399 their health and safety.

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

401 (a) "Grantee" means a local public or private nonprofit
402 agency currently receiving funds from the department to conduct
403 a weatherization assistance program in one or more counties or a
404 public or nonprofit agency chosen as outlined in subparagraph
405 (4)(c)4.

406 (b) "Subgrantee" means a local public or private nonprofit

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agency experienced in weatherization, emergency repairs, or rehabilitation of housing.

(2) A person is eligible to receive assistance if that person has an income in relation to that person's family size which is at or below 125 percent of the poverty level as specified annually in the federal Office of Management and Budget Poverty Guidelines. Eligible persons over 60 years of age and eligible persons who are physically disabled shall be given priority in the program.

(3)(a) Allowable repairs, including materials and labor, which may be charged under the program include:

1. Correcting deficiencies in support beams, load-bearing walls, and floor joists.

2. Repair or replacement of unsafe or nonfunctional space heating or water heating systems.

3. Egress or physically disabled accessibility repairs, improvements, or assistive devices, including wheelchair ramps, steps, porches, handrails, or other health and safety measures.

4. Plumbing, pump, well, and line repairs to ensure safe drinking water and sanitary sewage.

5. Electrical repairs.

6. Repairs to deteriorating walls, floors, and roofs.

7. Other interior and exterior repairs as necessary for the health and safety of the resident.

(b) Administrative expenses may not exceed 10 percent of the total grant funds.

(c) Each grantee shall be required to provide an in-kind or cash match of at least 20 percent of the funds granted. Grantees and subgrantees shall be encouraged to use community resources

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to provide such match, including family, church, and neighborhood volunteers and materials provided by local groups and businesses. Grantees shall coordinate with local governments through their community development block grant entitlement programs and other housing programs, local housing partnerships, and agencies under contract to a lead agency for the provisions of services under the Community Care for the Elderly Act, ss. 430.201-430.207.

(4)(a) Funds appropriated to the department for the program shall be deposited in the Energy Consumption Trust Fund. Administrative and personnel costs incurred by the department in implementing the provisions of this section may be paid from the fund.

(b) The grantee may subgrant these funds to a subgrantee if the grantee is unable to serve all of the county or the target population. Grantee and subgrantee eligibility shall be determined by the department.

(c) Funds shall be distributed to grantees and subgrantees as follows:

1. For each county, a base amount of at least \$3,000 shall be set aside from the total funds available, and such amount shall be deducted from the total amount appropriated by the Legislature.

2. The balance of the funds appropriated by the Legislature shall be divided by the total poverty population of the state, and this quotient shall be multiplied by each county's share of the poverty population. That amount plus the base of at least \$3,000 shall constitute each county's share. A grantee which serves more than one county shall receive the base amount plus

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the poverty population share for each county to be served.

Contracts with grantees may be renewed annually.

3. The funds allocated to each county shall be offered first to an existing weatherization assistance program grantee in good standing, as determined by the department, that can provide services to the target population of low-income persons, low-income elderly persons, and low-income physically disabled persons throughout the county.

4. If a weatherization assistance program grantee is not available to serve the entire county area, the funds shall be distributed through the following process:

a. An announcement of funding availability shall be provided to the county. The county may elect to administer the program.

b. If the county elects not to administer the program, the department shall establish rules to address the selection of one or more public or private not-for-profit agencies that are experienced in weatherization, rehabilitation, or emergency repair to administer the program.

5. If no eligible agency agrees to serve a county, the funds for that county shall be distributed to grantees having the best performance record as determined by department rule. At the end of the contract year, any uncontracted or unexpended funds shall be returned to the Energy Consumption Trust Fund and reallocated under the next year's contracting cycle.

(5) The department may perform all actions appropriate and necessary to carry out the purposes of this section, including, but not limited to:

(a) Entering into contracts and agreements with the Federal

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Government, agencies of the state, local governments, or any person, association, corporation, or entity.

(b) Seeking and accepting funding from any public or private source.

(c) Adopting and enforcing rules consistent with this section.

Section 8. Subsections (1) and (2) of section 420.424, Florida Statutes, are amended to read:

420.424 Definitions.—As used in ss. 420.421-420.429:

~~(2)(1)~~ "Department" means Jobs Florida ~~the Department of Community Affairs~~.

~~(1)(2)~~ "Commissioner ~~Secretary~~" means the Commissioner ~~Secretary of Jobs Florida Community Affairs~~.

Section 9. Subsection (12) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(12) "Department" means Jobs Florida ~~the Department of Community Affairs~~.

Section 10. Subsections (1) and (3) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(1) There is created within Jobs Florida ~~the Department of Community Affairs~~ a public corporation and a public body corporate and politic, to be known as the "Florida Housing Finance Corporation." It is declared to be the intent of and constitutional construction by the Legislature that the Florida Housing Finance Corporation constitutes an entrepreneurial public corporation organized to provide and promote the public

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welfare by administering the governmental function of financing or refinancing housing and related facilities in Florida and that the corporation is not a department of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution, but is functionally related to Jobs Florida ~~the Department of Community Affairs~~ in which it is placed. The executive function of state government to be performed by the Commissioner of Jobs Florida ~~secretary of the department~~ in the conduct of the business of the Florida Housing Finance Corporation must be performed pursuant to a contract to monitor and set performance standards for the implementation of the business plan for the provision of housing approved for the corporation as provided in s. 420.0006. This contract shall include the performance standards for the provision of affordable housing in Florida established in the business plan described in s. 420.511.

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by Jobs Florida ~~the Department of Community Affairs~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the Commissioner ~~Secretary of Jobs Florida~~ Community Affairs as an ex officio and voting member and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage

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banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

Section 11. Section 420.506, Florida Statutes, is amended to read:

420.506 Executive director; agents and employees.—The appointment and removal of an executive director shall be by the Commissioner ~~Secretary~~ of Jobs Florida ~~Community Affairs~~, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. The board is authorized, notwithstanding the provisions of s. 216.262, to develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board of directors of the corporation is entitled to establish travel procedures and guidelines for employees of the corporation. The executive director's office and the

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corporation's files and records must be located in Leon County.

Section 12. Subsections (10) and (28) of section 420.507, Florida Statutes, are amended, present subsections (32) through (47) of that section are renumbered as subsections (31) through (46), respectively, and present subsections (31) and (32) of that section are amended, to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(10) To contract for and to accept gifts, grants, loans, or other aid from the United States Government or any person or corporation for deposit into the State Housing Trust Fund and to expend such funds as appropriated by the Legislature.

(28) To expend amounts appropriated by the Legislature ~~advanced~~ from the State Housing Trust Fund for the purposes of this part.

(30) To prepare and submit to the commissioner ~~secretary~~ of the department a budget request for purposes of the corporation, which request shall, ~~notwithstanding the provisions of chapter 216 and in accordance with s. 216.351,~~ contain a request for operational expenditures and separate requests for other authorized corporation programs. ~~The request shall not be required to contain information on the number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10).~~ The commissioner ~~secretary~~ is authorized to include within the department's budget request the corporation's budget request

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in the form as authorized by this section.

~~(31) Notwithstanding the provisions of s. 216.301, to retain any unused operational expenditure appropriation for other lawful purposes of the corporation.~~

~~(32)(33)~~ To receive federal funding in connection with the corporation's programs ~~directly~~ from the Federal Government for deposit into the State Housing Trust Fund and to expend such funds as appropriated by the Legislature.

Section 13. Subsection (5) of section 420.508, Florida Statutes, is amended to read:

420.508 Special powers; multifamily and single-family projects.—The corporation shall have the special power to:

(5) Establish with a qualified depository meeting the requirements of chapter 280, a separate fund to be known as the "Florida Housing Finance Corporation Fund," to be administered by the corporation in accordance with the purposes of this chapter. All fees collected by the corporation ~~directly~~ from the Federal Government for administration of the United States Department of Housing and Urban Development Section 8 housing program, all annual administrative fees collected by trustees for bond programs and remitted to the corporation, all expense fees related to costs of bond issuance collected by trustees and remitted to the corporation, and all tax credit program fees must be deposited into the State Housing Trust Fund in the State Treasury. The Florida Housing Finance Corporation Fund shall be utilized for the purposes of the corporation, including payment of administrative expenses. Expenditures from the Florida Housing Finance Corporation Fund shall ~~not be required to be included in the corporation's budget request or be subject to~~

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639 appropriation by the Legislature.

640 Section 14. Paragraph (c) of subsection (6) and subsections
641 (7) and (8) of section 420.5087, Florida Statutes, are amended
642 to read:

643 420.5087 State Apartment Incentive Loan Program.—There is
644 hereby created the State Apartment Incentive Loan Program for
645 the purpose of providing first, second, or other subordinated
646 mortgage loans or loan guarantees to sponsors, including for-
647 profit, nonprofit, and public entities, to provide housing
648 affordable to very-low-income persons.

649 (6) On all state apartment incentive loans, except loans
650 made to housing communities for the elderly to provide for
651 lifesafety, building preservation, health, sanitation, or
652 security-related repairs or improvements, the following
653 provisions shall apply:

654 (c) The corporation shall provide by rule for the
655 establishment of a review committee composed of the department
656 and corporation staff and shall establish by rule a scoring
657 system for evaluation and competitive ranking of applications
658 submitted in this program, including, but not limited to, the
659 following criteria:

660 1. Tenant income and demographic targeting objectives of
661 the corporation.

662 2. Targeting objectives of the corporation which will
663 ensure an equitable distribution of loans between rural and
664 urban areas.

665 3. Sponsor's agreement to reserve the units for persons or
666 families who have incomes below 50 percent of the state or local
667 median income, whichever is higher, for a time period to exceed

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the minimum required by federal law or the provisions of this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost except that the share of the loan attributable to units serving extremely-low-income persons shall be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience, including whether the developer and general contractor have substantial experience, as provided in s. 420.507(46) ~~s. 420.507(47)~~.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-

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work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Domicile of the developer and general contractor, as provided in s. 420.507(46) ~~s. 420.507(47)~~.

(7) There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 a separate fund to be named the "State Apartment Incentive Loan Fund," which shall be administered by the corporation according to the provisions of this program. ~~Any amounts held in the State Apartment Incentive Loan Trust Fund for such purpose as of January 1, 1998, must be transferred to the corporation for deposit in the State Apartment Incentive Loan Fund and the State Apartment Incentive Loan Trust Fund must be closed.~~ There shall be deposited into the fund moneys from the State Housing Trust Fund as created by s. 420.0005, or moneys received from any other source, for the purpose of this program ~~and all proceeds derived from the use of such moneys.~~ However ~~In addition,~~ all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under the provisions of the State Apartment Incentive Loan Program shall be accounted for by the corporation and deposited into ~~in~~ the State Housing Trust Fund in the Treasury ~~and shall not revert to the General Revenue Fund.~~ Expenditures from the State Apartment Incentive Loan Fund shall ~~not be required to be included in the~~

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corporation's ~~budget request or~~ be subject to appropriation by the Legislature. If the construction period extends beyond a loan commitment for program funds is entered into during the state fiscal year for which the program funds are ~~were~~ appropriated, or the fiscal year in which the loan commitment is entered, the funds may ~~shall continue to~~ be used in a subsequent fiscal year upon the approval of a budget amendment for such funds from the Legislative Budget Commission ~~made available for use during the entire construction period, even if it extends beyond the state fiscal year in which the loan commitment was entered.~~

(8) If a default on a loan occurs, the corporation may foreclose on any mortgage or security interest or commence any legal action to protect the interest of the corporation or the fund and recover the amount of the unpaid principal, accrued interest, and fees on behalf of the fund. The corporation may acquire real and personal property or any interest therein when that acquisition is necessary or appropriate to protect any loan; to sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270; and, if that sale, transfer, or conveyance cannot be effected within a reasonable time, to lease such property for occupancy by eligible persons. All sums recovered from the sale, transfer, conveyance, or lease of such property shall be accounted for by the corporation and deposited into the State Housing Trust Apartment Incentive Loan Fund in the Treasury. The corporation may not transfer funds for its loan loss insurance reserve except upon approval of a budget amendment for such funds by the Legislative Budget Commission.

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Section 15. Subsection (4) of section 420.5088, Florida Statutes, is amended to read:

420.5088 Florida Homeownership Assistance Program.—There is created the Florida Homeownership Assistance Program for the purpose of assisting low-income and moderate-income persons in purchasing a home as their primary residence by reducing the cost of the home with below-market construction financing, by reducing the amount of down payment and closing costs paid by the borrower to a maximum of 5 percent of the purchase price, or by reducing the monthly payment to an affordable amount for the purchaser. Loans shall be made available at an interest rate that does not exceed 3 percent. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(4) There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 the Florida Homeownership Assistance Fund to be administered by the corporation according to the provisions of this program. ~~Any amounts held in the Florida Homeownership Assistance Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Florida Homeownership Assistance Fund, whereupon the Florida Homeownership Assistance Trust Fund must be closed.~~ There shall be deposited in the fund moneys from the State Housing Trust Fund created by s. 420.0005, or moneys received from any other source, ~~for the purpose of this program and all proceeds derived from the use of such moneys.~~ However In addition, all unencumbered funds, loan repayments, proceeds from the sale of any property, and any other proceeds that would

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otherwise accrue pursuant to the activities of the programs described in this section shall be accounted for by the corporation and deposited into the State Housing Trust ~~transferred to this~~ Fund in the State Treasury. In addition, all loan repayments, proceeds from the sale of any property, and any other proceeds that would otherwise accrue pursuant to the activities conducted under the provisions of the Florida Homeownership Assistance Program shall be accounted for by the corporation and deposited into ~~in~~ the State Housing Trust Fund in the Treasury and ~~shall not revert to the General Revenue Fund~~. Expenditures from the Florida Homeownership Assistance Fund shall ~~not be required to be included in the corporation's budget request or~~ be subject to appropriation by the Legislature.

Section 16. Subsections (1) and (10) of section 420.5089, Florida Statutes, are amended to read:

420.5089 HOME Investment Partnership Program; HOME Investment Partnership Fund.—

(1) There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 the HOME Investment Partnership Fund, which shall be administered by the corporation according to the provisions of the HOME Investment Partnership Program which is hereby created. ~~Any amounts held in the HOME Partnership Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the HOME Investment Partnership Fund, whereupon the HOME Partnership Trust Fund must be closed.~~ There shall be deposited into the fund moneys appropriated from the State Housing Trust Fund.

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813 ~~However or Moneys received from any other source for the purpose~~
814 ~~of this program, and all proceeds derived from the use of such~~
815 ~~moneys. In addition, all loan repayments, proceeds from the sale~~
816 ~~of any property, and any other proceeds that would otherwise~~
817 ~~accrue pursuant to the activities conducted under the provisions~~
818 ~~of the HOME Investment Partnership Program shall be~~ accounted
819 for by the corporation and deposited into the State Housing
820 Trust Fund in the Treasury and shall not revert to the General
821 ~~Revenue Fund.~~ Expenditures from the HOME Investment Partnership
822 Fund shall ~~not be required to be included in the corporation's~~
823 ~~budget request or be subject to appropriation by the~~
824 Legislature. If the construction period extends beyond the state
825 fiscal year in which the funds are appropriated, the funds may
826 be used in a subsequent fiscal year upon the approval of a
827 budget amendment for such funds by the Legislative Budget
828 Commission.

829 (10) All sums recovered from the sale, transfer,
830 conveyance, or lease of such property shall be deposited into
831 the State Housing Trust ~~HOME Investment Partnership Fund~~ for
832 expenditure as appropriated by the Legislature.

833 Section 17. Section 420.5091, Florida Statutes, is amended
834 to read:

835 420.5091 HOPE Program.—

836 (1) The corporation may adopt rules to implement the HOPE
837 Program, created by the 1990 National Affordable Housing Act, to
838 make loans and grants, foreclose on any mortgage or security
839 interest, or commence any legal action to protect the interest
840 of the corporation and recover the amount of the unpaid
841 principal, accrued interest, and fees. The corporation may

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842 acquire real and personal property or any interest in the
843 property if that acquisition is necessary to protect any loan;
844 sell, transfer, and convey any such property to a buyer without
845 regard to the provisions of chapters 253 and 270; and, if that
846 sale, transfer, or conveyance cannot be effected within a
847 reasonable time, lease such property for occupancy by eligible
848 persons. All sums recovered from the sale, transfer, conveyance,
849 or lease of such property shall be deposited into the State
850 Housing Trust ~~HOME Investment Partnership~~ Fund in the Treasury.

851 (2) The corporation shall monitor all projects funded under
852 this section to ensure compliance with federal and state
853 requirements. The corporation may inspect such projects or
854 records pertaining to those projects at any reasonable time.

855 Section 18. Subsections (3), (5), and (6) of section
856 420.5092, Florida Statutes, are amended to read:

857 420.5092 Florida Affordable Housing Guarantee Program.—

858 (3) Amounts on deposit in the State Housing Trust Fund or
859 amounts received by the Florida Housing Finance Corporation as
860 program funds from loan programs funded with state moneys may
861 also be used to support the Florida Affordable Housing Guarantee
862 Program. Such use, if any, is in addition to those purposes for
863 which the State Housing Trust Fund was created, and such moneys
864 shall be obligated and committed in accordance with the
865 corporation certification provided for in subsection (6).

866 (5) Pursuant to s. 16, Art. VII of the State Constitution,
867 the corporation may issue, in accordance with s. 420.509,
868 revenue bonds of the corporation to establish the guarantee
869 fund. Such revenue bonds shall be primarily payable from and
870 secured by annual debt service reserves, from interest earned on

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funds on deposit in the guarantee fund, from fees, charges, and reimbursements established by the corporation for the issuance of affordable housing guarantees, and from any other revenue sources received by the corporation and deposited by the corporation into the guarantee fund for the issuance of affordable housing guarantees. To the extent such primary revenue sources are considered insufficient by the corporation, pursuant to the certification provided in subsection (6), to fully fund the annual debt service reserve, the certified deficiency in such reserve shall be additionally payable from the first proceeds of the documentary stamp tax moneys deposited into the State Housing Trust Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year.

(6)(a) If the primary revenue sources to be used for repayment of revenue bonds used to establish the guarantee fund are insufficient for such repayment, the annual principal and interest due on each series of revenue bonds shall be payable from funds in the annual debt service reserve. The corporation shall, before June 1 of each year, perform a financial audit to determine whether at the end of the state fiscal year there will be on deposit in the guarantee fund an annual debt service reserve from interest earned pursuant to the investment of the guarantee fund, fees, charges, and reimbursements received from issued affordable housing guarantees and other revenue sources available to the corporation. Based upon the findings in such guarantee fund financial audit, the corporation shall certify to the Chief Financial Officer the amount of any projected deficiency in the annual debt service reserve for any series of outstanding bonds as of the end of the state fiscal year and the

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amount necessary to maintain such annual debt service reserve. Upon receipt of such certification, the Chief Financial Officer shall transfer to the annual debt service reserve, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount certified as necessary to maintain the annual debt service reserve.

(b) If the claims payment obligations under affordable housing guarantees from amounts on deposit in the guarantee fund would cause the claims paying rating assigned to the guarantee fund to be less than the third-highest rating classification of any nationally recognized rating service, which classifications being consistent with s. 215.84(3) and rules adopted thereto by the State Board of Administration, the corporation shall certify to the Chief Financial Officer the amount of such claims payment obligations. Upon receipt of such certification, the Chief Financial Officer shall transfer to the guarantee fund, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(13) ~~s. 201.15(9)(a) and (10)(a)~~ during the ensuing state fiscal year, the amount certified as necessary to meet such obligations, such transfer to be subordinate to any transfer referenced in paragraph (a) ~~and not to exceed 50 percent of the amounts distributed to the State Housing Trust Fund pursuant to s. 201.15(9)(a) and (10)(a) during the preceding state fiscal year.~~

Section 19. Paragraph (e) of subsection (12) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

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(12) All eligible applications shall:

(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with Jobs Florida ~~the Department of Community Affairs~~ in evaluating the use of regulatory incentives by applicants.

Section 20. Section 420.525, Florida Statutes, is amended to read:

420.525 Housing Predevelopment Fund.—

(1) There is authorized to be established by the corporation with a qualified public depository meeting the requirements of chapter 280 a separate fund to be named the “Housing Predevelopment Fund” which shall be administered by the corporation according to the provisions of ss. 420.521-420.529.

~~Any amounts held in the Housing Predevelopment Trust Fund for such purposes as of January 1, 1998, must be transferred to the corporation for deposit in the Housing Predevelopment Fund, whereupon the Housing Predevelopment Trust Fund must be closed.~~

There shall be deposited into the fund moneys appropriated from the State Housing Trust Fund as created by s. 420.0005 or moneys received from any other source, for the purpose of this program ~~and all proceeds derived from the use of such moneys.~~

Administrative and personnel costs incurred in implementing the provisions of ss. 420.521-420.529 may be paid from the fund.

Expenditures from the Housing Predevelopment Fund shall ~~not be required to be included in the corporation’s budget request or~~ be subject to appropriation by the Legislature. If the predevelopment period extends beyond the state fiscal year in

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958 which the funds are appropriated, the funds may be used in a
959 subsequent fiscal year upon the approval of a budget amendment
960 for such funds by the Legislative Budget Commission.

961 (2) All unencumbered funds, loan repayments, proceeds from
962 the sale of any property, existing funds remaining in the
963 following programs, and any other proceeds that would otherwise
964 accrue pursuant to the activities conducted under this program
965 and the provisions of the following programs shall be accounted
966 for by the corporation and deposited into ~~in~~ the State Housing
967 Trust Fund in the Treasury ~~and shall not revert to the General~~
968 ~~Revenue Fund:~~

969 (a) The Rural Housing Land Acquisition and Site Development
970 Act;

971 (b) The Farmworker Housing Assistance Act; and

972 (c) The Community-Based Organization Loan Program created
973 by the Affordable Housing Planning and Community Assistance Act.

974 Section 21. Subsection (5) of section 420.526, Florida
975 Statutes, is amended to read:

976 420.526 Predevelopment Loan Program; loans and grants
977 authorized; activities eligible for support.—

978 (5) Any funds paid out of the Housing Predevelopment Fund
979 for activities under ss. 420.521-420.529 which are reimbursed to
980 the sponsor from another source shall be accounted for by the
981 corporation and repaid to the State Housing Trust Fund in the
982 Treasury for expenditure as appropriated by the Legislature.

983 Section 22. Section 420.529, Florida Statutes, is amended
984 to read:

985 420.529 Default by sponsor.—If a default on a loan occurs,
986 the corporation may foreclose on any mortgage or security

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interest or commence any legal action to protect the interest of the corporation or the fund and recover the amount of the unpaid principal, accrued interest, and fees on behalf of the fund. The corporation may also acquire real and personal property or any interest in the property if such acquisition is necessary or appropriate to protect any loan; to sell, transfer, and convey any such property to a buyer without regard to the provisions of chapters 253 and 270; and, if such sale, transfer, or conveyance cannot be effected within a reasonable time, to lease such property for occupancy by eligible persons. All sums recovered from the sale, transfer, conveyance, or lease of such property shall be accounted for by the corporation and deposited into the State Housing Trust Predevelopment Fund in the Treasury for expenditure as appropriated by the Legislature.

Section 23. Subsections (4) through (10) of section 420.602, Florida Statutes, are amended to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

(4) "Commissioner" means the Commissioner of Jobs Florida.

(5)~~(4)~~ "Community-based organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis within a designated area, including a municipality, county, or area of more than one municipality or county.

(6)~~(5)~~ "Corporation" means the Florida Housing Finance Corporation as created in s. 420.504.

(7)~~(6)~~ "Department" means Jobs Florida ~~the Department of Community Affairs.~~

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1016 (8)~~(7)~~ "Fund" means the Florida Affordable Housing Trust
1017 Fund as created in this part.

1018 (9)~~(8)~~ "Low-income persons" means one or more natural
1019 persons or a family, the total annual adjusted gross household
1020 income of which does not exceed 80 percent of the median annual
1021 adjusted gross income for households within the state, or 80
1022 percent of the median annual adjusted gross income for
1023 households within the metropolitan statistical area (MSA) or, if
1024 not within an MSA, within the county in which the person or
1025 family resides, whichever is greater.

1026 (10)~~(9)~~ "Moderate-income persons" means one or more natural
1027 persons or a family, the total annual adjusted gross household
1028 income of which is less than 120 percent of the median annual
1029 adjusted gross income for households within the state, or 120
1030 percent of the median annual adjusted gross income for
1031 households within the metropolitan statistical area (MSA) or, if
1032 not within an MSA, within the county in which the household is
1033 located, whichever is greater.

1034 ~~(10) "Secretary" means the Secretary of Community Affairs.~~
1035 Section 24. Subsections (3) and (4) of section 420.606,
1036 Florida Statutes, are amended to read:

1037 420.606 Training and technical assistance program.—

1038 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—Jobs Florida
1039 ~~The Department of Community Affairs~~ shall be responsible for
1040 securing the necessary expertise to provide training and
1041 technical assistance to staff of local governments, to staff of
1042 state agencies, as appropriate, and to community-based
1043 organizations, and to persons forming such organizations, which
1044 are formed for the purpose of developing new housing and

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rehabilitating existing housing which is affordable for very-low-income persons, low-income persons, and moderate-income persons.

(a) The training component of the program shall be designed to build the housing development capacity of community-based organizations and local governments as a permanent resource for the benefit of communities in this state.

1. The scope of training shall include, but not be limited to, real estate development skills related to affordable housing, including the construction process and property management and disposition, the development of public-private partnerships to reduce housing costs, model housing projects, and management and board responsibilities of community-based organizations.

2. Training activities may include, but are not limited to, materials for self-instruction, workshops, seminars, internships, coursework, and special programs developed in conjunction with state universities and community colleges.

(b) The technical assistance component of the program shall be designed to assist applicants for state-administered programs in developing applications and in expediting project implementation. Technical assistance activities for the staffs of community-based organizations and local governments who are directly involved in the production of affordable housing may include, but are not limited to, workshops for program applicants, onsite visits, guidance in achieving project completion, and a newsletter to community-based organizations and local governments.

(4) POWERS.—Jobs Florida ~~The Department of Community~~

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Affairs may do all things necessary or appropriate to carry out the purposes of this section, including exercising the power to:

(a) Enter into contracts and agreements with the Federal Government or with other agencies of the state, with local governments, or with any other person, association, corporation, or entity;

(b) Seek and accept funding from any public or private source; and

(c) Adopt and enforce rules consistent with this section.

Section 25. Subsection (5) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to the Commissioner ~~secretary~~ of Jobs Florida ~~the Department of Community Affairs~~ and the executive director of the corporation.

Section 26. Subsection (2) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of a 17-member council of public and private agency representatives who shall develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Family Services, or his or her designee; the

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1103 Commissioner ~~Secretary of Jobs Florida Community Affairs~~, or his
1104 or her designee, to advise the council on issues related to
1105 rural development; the State Surgeon General, or his or her
1106 designee; the Executive Director of Veterans' Affairs, or his or
1107 her designee; the Secretary of Corrections, or his or her
1108 designee; the Secretary of Health Care Administration, or his or
1109 her designee; the Commissioner of Education, or his or her
1110 designee; the Director of Workforce Florida, Inc., or his or her
1111 designee; one representative of the Florida Association of
1112 Counties; one representative from the Florida League of Cities;
1113 one representative of the Florida Supportive Housing Coalition;
1114 the Executive Director of the Florida Housing Finance
1115 Corporation, or his or her designee; one representative of the
1116 Florida Coalition for the Homeless; and four members appointed
1117 by the Governor. The council members shall be volunteer, nonpaid
1118 persons and shall be reimbursed for travel expenses only. The
1119 appointed members of the council shall be appointed to staggered
1120 2-year terms, and the council shall meet at least four times per
1121 year. The importance of minority, gender, and geographic
1122 representation must be considered when appointing members to the
1123 council.

1124 Section 27. Subsections (2) and (7) of section 420.631,
1125 Florida Statutes, are amended to read:

1126 420.631 Definitions relating to Urban Homesteading Act.—As
1127 used in ss. 420.630-420.635:

1128 (2) "Department" means Jobs Florida ~~the Department of~~
1129 ~~Community Affairs~~.

1130 (7) "Office" means the Office of Urban Opportunity within
1131 Jobs Florida ~~the Department of Community Affairs~~.

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Section 28. Section 420.9073, Florida Statutes, is amended to read:

420.9073 Local housing distributions.—

(1) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. One-third ~~Each county's share of the funds appropriated to the corporation to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(9)~~ shall be distributed ~~calculated~~ by the corporation for each fiscal year as follows:

(a) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, shall receive the guaranteed amount for each fiscal year.

(b) Each county other than a county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population excluding the population of any county that has implemented the provisions of chapter 83-220, Laws of Florida, as amended by chapters 84-270, 86-152, and 89-252, Laws of Florida, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount as determined in

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subsection (3), the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to such percentage multiplied by one-third of the total funds appropriated to the corporation from ~~received by the Local Government Housing Trust Fund pursuant to s. 201.15(9)~~ reduced by the guaranteed amount paid to all counties.

(2) Distributions calculated in this section shall be disbursed on a quarterly or more frequent basis by the corporation pursuant to s. 420.9072, subject to availability of funds. Two-thirds ~~Each county's share of the funds appropriated to the corporation to be distributed from the portion of the funds in the Local Government Housing Trust Fund received pursuant to s. 201.15(10)~~ shall be distributed ~~calculated~~ by the corporation for each fiscal year as follows:

(a) Each county shall receive the guaranteed amount for each fiscal year.

(b) Each county may receive an additional share calculated as follows:

1. Multiply each county's percentage of the total state population, by the total funds to be distributed.

2. If the result in subparagraph 1. is less than the guaranteed amount as determined in subsection (3), that county's additional share shall be zero.

3. For each county in which the result in subparagraph 1. is greater than the guaranteed amount, the amount calculated in subparagraph 1. shall be reduced by the guaranteed amount. The

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result for each such county shall be expressed as a percentage of the amounts so determined for all counties. Each such county shall receive an additional share equal to this percentage multiplied by two-thirds of the total funds appropriated from ~~received by~~ the Local Government Housing Trust Fund ~~pursuant to s. 201.15(10)~~ as reduced by the guaranteed amount paid to all counties.

(3) Calculation of guaranteed amounts:

(a) The guaranteed amount under subsection (1) shall be \$116,667. ~~calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(9) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.~~

(b) The guaranteed amount under subsection (2) shall be \$233,333. ~~calculated for each state fiscal year by multiplying \$350,000 by a fraction, the numerator of which is the amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15(10) and the denominator of which is the total amount of funds distributed to the Local Government Housing Trust Fund pursuant to s. 201.15.~~

(4) Funds distributed pursuant to this section may not be pledged to pay debt service on any bonds.

(5) Notwithstanding subsections (1)-(4), the corporation may withhold up to \$5 million of the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide additional funding to counties and eligible municipalities where a state of emergency has been declared by

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the Governor pursuant to chapter 252. Any portion of the withheld funds not distributed by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

(6) Notwithstanding subsections (1)-(4), the corporation may withhold up to \$5 million from the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide funding to counties and eligible municipalities to purchase properties subject to a State Housing Initiative Partnership Program lien and on which foreclosure proceedings have been initiated by any mortgagee. Each county and eligible municipality that receives funds under this subsection shall repay such funds to the corporation not later than the expenditure deadline for the fiscal year in which the funds were awarded. Amounts not repaid shall be withheld from the subsequent year's distribution. Any portion of such funds not distributed under this subsection by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

(7) A county receiving local housing distributions under this section or an eligible municipality that receives local housing distributions under an interlocal agreement shall expend those funds in accordance with the provisions of ss. 420.907-420.9079, rules of the corporation, and the county's local housing assistance plan.

Section 29. Section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(1) There is created in the State Treasury the Local Government Housing Trust Fund, which shall be administered by the corporation on behalf of the department according to the

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provisions of ss. 420.907-420.9076 and this section. There shall be deposited into the fund all moneys appropriated by the Legislature ~~a portion of the documentary stamp tax revenues as provided in s. 201.15~~, moneys received from any other source for the purposes of ss. 420.907-420.9076 and this section, and all proceeds derived from the investment of such moneys. Moneys in the fund that are not currently needed for the purposes of the programs administered pursuant to ss. 420.907-420.9076 and this section shall be deposited with the Treasury to the credit of the fund and may be invested as provided by law. The interest received on any such investment shall be credited to the General Revenue Fund.

(2) The corporation shall administer the fund exclusively for the purpose of implementing the programs described in ss. 420.907-420.9076 and this section. With the exception of monitoring the activities of counties and eligible municipalities to determine local compliance with program requirements, the corporation shall not receive appropriations from the fund for administrative or personnel costs. For the purpose of implementing the compliance monitoring provisions of s. 420.9075(9), the corporation may request a maximum of one-quarter of 1 percent of the annual appropriation per state fiscal year. When such funding is appropriated, the corporation shall deduct the amount appropriated prior to calculating the local housing distribution pursuant to ss. 420.9072 and 420.9073.

Section 30. Section 201.0205, Florida Statutes, is amended to read:

201.0205 Counties that have implemented ch. 83-220;

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1277 inapplicability of 10-cent tax increase by s. 2, ch. 92-317,
1278 Laws of Florida.—The 10-cent tax increase in the documentary
1279 stamp tax levied by s. 2, chapter 92-317, does not apply to
1280 deeds and other taxable instruments relating to real property
1281 located in any county that has implemented the provisions of
1282 chapter 83-220, Laws of Florida, as amended by chapters 84-270,
1283 86-152, and 89-252, Laws of Florida. Each such county and each
1284 eligible jurisdiction within such county shall not be eligible
1285 to participate in programs funded pursuant to s. 420.9073(1) ~~s.~~
1286 ~~201.15(9)~~. However, each such county and each eligible
1287 jurisdiction within such county shall be eligible to participate
1288 in programs funded pursuant to s. 420.9073(2) ~~s. 201.15(10)~~.

1289 Section 31. This act shall take effect July 1, 2011.

Draft of bill creating “Jobs Florida” and making conforming changes

SECTION BY SECTION ANALYSIS

An act relating to governmental reorganization

TRANSFERS

Section 1: Pages: 15-17	Transfers from the Agency for Workforce Innovation: the Office of Early Learning Services to the Department of Education (including the transfer of policies and procedures); the Offices of Unemployment Compensation and Workforce Services to Jobs Florida; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
Section 2: Pages: 17-19	Transfers from the Department of Community Affairs: the Florida Housing Finance Corporation, the Division of Housing and Community Development, and the Division of Community Planning to Jobs Florida; the Division of Emergency Management to the Executive Office of the Governor and renaming it as the “Office of Emergency Management”; the Florida Building Commission to the Department of Business and Professional Regulation; the responsibilities under the Florida Communities Trust and the responsibilities under the Stan Mayfield Working Waterfronts program to the Department of Environmental Protection; the responsibilities under the special district information program to the Department of Financial Services; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
Section 3: Pages: 19-20	Transfers functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to Jobs Florida, and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
Section 4: Pages: 21-23	Provides direction for the transfers outlined above. Provides for a transition period from July 1, 2011, through October 1, 2011. Provides for the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to develop and implement transition plans. Directs any state agency identified by one of the three affected agencies to cooperate fully in the plan. Directs the Governor to designate staff members from the Office of Planning and Budgeting to serve as primary representative for each agency during the transition and make reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Authorizes the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act. Directs the Governor, upon recommendation of one of the affected agencies, to submit amendments or supplemental information to or to seek waivers from appropriate Federal agencies or departments as necessary.

Section 5: Pages: 23-27	Provides direction for the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., and Space Florida into the Jobs Florida Partnership, Inc. Directs the not-for-profit entities to enter into a plan for merger and transfers the functions of Space Florida to the Jobs Florida Partnership, Inc. Provides legislative intent with respect to the merger of the entities into the Jobs Florida Partnership, Inc. Provides for a transition period, from July 1, 2011, through December 31, 2011, and the continuation of operations until the end of the transition period. Requires the Governor to appoint a representative to coordinate the transition plan. Provides for the transfer of title in real or tangible property held by the entities to the Department of Management Services to be leased to Jobs Florida. Provides for the transfer of any funds held in trust by the entities to be transferred to the Jobs Florida Partnership, Inc., to be used for their original purposes. Directs the Governor, upon recommendation of one of the affected entities, to submit amendments or supplemental information to or to seek waivers from appropriate Federal agencies or departments as necessary. Provides for the continuation of lease agreements for employees, if they are retained.
Section 6: Page: 27	Directs the Division of Statutory Revision to prepare conforming legislation.

STATUTORY AMENDMENTS & CREATIONS

Section 7: Pages: 27-28	Creates s. 14.2016, F.S., which establishes the Office of Emergency Management within the Executive Office of the Governor.
Section 8: Page: 28	Amends s. 20.15, F.S., which establishes the Division of Early Learning within the Department of Education and provides for the division to administer the school readiness system and the Voluntary Prekindergarten Education Program.
Section 9: Pages: 28-37	Creates s. 20.60, F.S., which establishes Jobs Florida as a new department of state government. This section provides for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishes divisions of Jobs Florida and specifies their responsibilities; specifies the responsibilities of the Commissioner of Jobs Florida; limits the amount of the commissioner's public remuneration; and specifies powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to Jobs Florida.

Section 10: Page: 38	Updates an obsolete reference in s. 112.044, F.S., to the former Department of Labor and Employment Security.
Sections 11-14: Pages: 38-42	Amend ss. 163.3164, 163.3177, 163.3180, and 163.3184, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.
Section 15: Pages: 43-55	Amends s. 163.3191, F.S., related to the evaluation and appraisal report (EAR) process: • Creates an exemption from the EAR process for local governments that have not experiences significant growth; • Makes the issues in the EAR process optional for the local government to include; • Does not require local governments to adopt the EAR reports and Jobs Florida does not review them – they are simply supporting data for any EAR amendments; • Jobs Florida no longer has to report on the EAR process.

Section 16: Pages: 55-68	Amends s. 163.3245, F.S., to remove the pilot program status of the optional sector planning process: • Authorizes a local government or more than one local government to adopt a sector plan for long-term conservation and development, without advance approval by Jobs Florida. Removes the limit on the number of such plans. • Increases the minimum acreage requirement from 5,000 to 15,000. • Elaborates on the planning standards for a long-term master plan for the entire planning area. Requires the master plan to have a planning period longer than the maximum 20-year period used today in most comprehensive plans. • Retains the current Jobs Florida plan amendment review process for master plans. • Retains the general 1,000-acre threshold for a detailed specific area plan (“DSAP”) for development to implement a portion of the master plan, but provides the DSAP shall be adopted by local development order, not plan amendment. • Requires that a DSAP must be consistent with the long-term master plan but eliminates the requirement for it to have “a full range of land uses.” • Grants Jobs Florida new powers to seek judicial review of a DSAP which is not consistent with the adopted long-term master plan. • Elaborates on the planning standards for the DSAP and allows it to have a planning period longer than the maximum 20-year period used in most plans. • Provides that the master plan and the DSAP do not have to show “need”. • Requires Jobs Florida to consult with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and water management districts concerning the design of conservation areas. • Requires metropolitan planning organization (MPO) to make its transportation plans consistent with an adopted master plan, to the maximum extent feasible. • Requires a water management district to incorporate a master plan’s water resources and water supply projects into its regional water supply plan. • Adds to an adopted DSAP the down-zoning protection required by law for DRIs. • Authorizes a local government and developer to enter into a development agreement for lands with a master plan or DSAP, under certain conditions. • Allows previously adopted large-area plans which meet the planning requirements of s. 163.3245, F.S., to be governed by the revised statute. • Protects the right to continue agricultural or silvicultural uses, and to establish new such uses, in areas governed by a master plan or DSAP.
Section 17: Pages: 68-69	Amends s. 163.3246, F.S., to conform to changes made by the act.
Section 18: Pages: 69-78	Amends 163.32465, F.S., to expand the alternative state review pilot program to the entire state. The program decreases the amount of time it takes to review comprehensive plan amendments by limiting state review in the process.

Section 19: Page: 78	Creates s. 288.005, F.S., to provide definitions for use in ch. 288, F.S., and includes definitions of the terms “economic benefits” and “commissioner.”
Section 20: Pages: 78-80	Creates s. 288.048, F.S., to transfer the incumbent worker training program, currently administered by Workforce Florida, Inc., in s. 445.003, F.S., within Jobs Florida. The act provides for the administration of the program by Jobs Florida in conjunction with Workforce Florida, Inc.
Section 21: Pages: 80-82	Amends s. 288.061, F.S., to modify the review and approval process for applications by businesses seeking state economic incentives. Specifically: • Jobs Florida will coordinate with the Jobs Florida Partnership, Inc., at the beginning of the process the review of each application. • The application review is broadened from simply determining whether the application is complete to an evaluation of what types of state and local permits might be required, whether the permits can be waived, and what type and amount of state incentives might be available for the applicant. • With Jobs Florida involved at the very beginning of the application review process, the current 34-day schedule from review to approval is collapsed to 24 days. The proposed schedule would be: ○ Within <u>10 business days</u> after receiving the application, the business applicant will be informed that the application is complete, as well as a discussion of the permitting issues, types of incentive available, and amount of incentives available. ○ Within <u>14 business days</u> after the initial review and communication with the applicant, Jobs Florida will issue a letter either approving or denying the applicant. • One agreement or final order with an applicant may be entered into for all of the incentives offered. • The release of incentive funds still is guided by the statutory requirements for each incentive program.
Section 22: Pages: 82-85	Makes a number of changes to s. 288.095, F.S., including: • Replaces references to the Office of Tourism, Trade, and Economic Development with Jobs Florida. • Adds to the Economic Development Trust Fund the federal funds designated for the Incumbent Worker Training program under s. 288.048 (which transfers this program from Workforce Florida, Inc., to Jobs Florida) and any funds appropriated in the Qualified Expenditure Category – Economic Development Tools. • Limits the use of the Incumbent Worker Training funds for specific permitted purposes. • Limits the use of the funds in the Qualified Expenditure Category – Economic Development Tools upon the submittal of a business plan describing the intended use of the funds by Jobs Florida to the Legislative Budget Commission (LBC), and approval of that plan by the LBC

Section 23: Page: 85	Provides that Part VII of ch. 288, F.S., is substantially amended by this act, and changes the name/subject of Part VII from “Enterprise Florida, Inc.,” to “Jobs Florida Partnership, Inc.”
Section 24: Pages: 85-89	Substantially amends s. 288.901, F.S., to create the Jobs Florida Partnership, Inc., (the Partnership), as a not-for-profit corporation that contracts with Jobs Florida. Provides that the Partnership is subject to the provisions of chs. 119 and 286, F.S., and that its board of directors is subject to certain requirements in ch. 112, F.S. Specifies purposes of the Partnership. Creates an 11-member board of directors, which the Governor chairs, and allows this board to appoint up to 10 at-large members from the private sector, who may provide annual contributions to the Partnership. Specifies that the Jobs Florida commissioner serves as an ex officio, non-voting member of the board of directors. Prohibits the Partnership from endorsing any candidate for any public office.
Section 25: Pages: 90-92	Substantially amends s. 288.9015, F.S., to specify the powers of the Partnership and its board of directors. Such powers include securing funding for Partnership operations, entering into contracts, and hiring staff. Prohibits the board from pledging the full faith and credit of the state.
Section 26: Pages: 92-93	Substantially amends s. 288.903, F.S., to specify the duties of the Partnership. Such duties include the responsible and prudent management of public and private funds received by the Partnership; managing the Florida Opportunity Fund, Florida Development Finance Corporation, the Small Business Technology Growth Program, and the Cypress Fund; preparing an annual report and an annual incentives report; and assisting the Office of Property Management of the Division of Strategic Business Development of Jobs Florida in managing state-owned property or assets essential to Partnership activities.
Section 27: Pages: 93-96	Substantially amends s. 288.904, F.S., to create provisions for the funding and budget of the Partnership. This section provides for legislative appropriations for the Partnership and each statutorily created division (see Section 33) and requires a private match equal to at least 35 percent of the legislative appropriations. The section also provides a listing of potential sources of private funding. The board of directors is directed to develop an annual budget. Provides a process for the Partnership to enter into an agreement with the Jobs Florida department to obtain the legislative funding and requires performance measures in the contract. Requires review of the Partnership’s activities as a return on the public’s financial investment, including hiring an economic analysis firm to develop such an analysis.
Section 28: Pages: 96-97	Substantially amends s. 288.905, F.S., to direct the Partnership’s board of directors to hire a president, who shall serve at the pleasure of the governor. Provides that the president shall also be known as the “commerce secretary.” Defines the president’s role and responsibilities. Specifies that no employee of the Partnership may earn more than the governor unless the employee’s contract provides for performance-based bonuses.

Section 29: Pages: 97-98	Substantially amends s. 288.906, F.S., to require an annual report from the Partnership by December 1 of each year. This section specifies the content of the annual report and requires the annual reports prepared by the divisions within the Partnership to be included as addenda.
Section 30: Pages: 99-101	Creates s. 288.907, F.S., to require an annual <u>incentives</u> report from the Partnership by December 30 of each year. This section specifies the required content of the report, including an analysis of the economic benefits of state incentives.
Section 31: Pages: 101-102	Substantially amends s. 288.911, F.S., to require the Partnership, with assistance of its Division of Tourism Promotion, to create a marketing campaign to promote the state and attract, develop, and retain businesses in target industries and high-impact industries.
Section 32: Page: 102	Creates s. 288.912, F.S., to direct certain counties and municipalities, or their local economic development organizations, to annually provide to the Partnership an overview of local economic development activities and identification of any industries the area is trying to attract.
Section 33: Pages: 102-104	Creates s. 288.920, F.S., to specify divisions within the Partnerships: • The Division of International Trade and Business Development; • The Division of Business Retention and Recruitment; • The Division of Tourism Promotion; • The Division of Space Industry Development; • The Division of Black Business Development; and • The Division of Sports Industry Development. This section provides for staff to be hired for the divisions, and for each division to have a 15-member advisory board, selected by the Governor upon a recommended list from the Partnership's board of directors.
Section 34: Pages: 104-106	Creates s. 288.921, F.S., which specifies the responsibilities for the Division of International Trade and Business Development and its advisory board. Requires an annual report by October 15.
Section 35: Page: 106	Creates s. 288.922, F.S., which specifies the responsibilities for the Division of Business Retention and Recruitment and its advisory board. Requires an annual report by October 15.
Section 36: Pages: 106-109	Creates s. 288.923, F.S., which specifies the responsibilities for the Division of Tourism Promotion and its advisory board, including the development of a 4-year marketing plan. Requires an annual report by October 15.

Section 37: Pages: 109-112	Creates s. 288.924, F.S., which specifies the responsibilities for the Division of Space Industry Development and its advisory board. Requires an annual report by October 15.
Section 38: Pages: 112-114	Creates s. 288.925, F.S., which specifies the responsibilities for the Division of Black Business Development and its advisory board. Requires an annual report by October 15.
Section 39: Pages: 114-117	Transfers, renumbers, and amends s. 288.1229, F.S., as 288.926, F.S., to specify the responsibilities for the Division of Sports Industry Development and its advisory board. Requires an annual report by October 15.
Section 40: Pages: 117-118	Amends s. 409.942, F.S., to conform to changes made by the act by removing a requirement of Workforce Florida, Inc., to participate in the electronic benefit transfer program of the Department of Children and Families.
Section 41: Pages: 118-123	Amends s. 411.0102, F.S., to conform to changes made by the act, and includes a provision of s. 19, ch. 2010-210, L.O.F., requiring each participating early learning coalition board to develop a plan for the use of child care purchasing pool funds.
Section 42: Pages: 123-125	Amends s. 1002.73, F.S., to incorporate the operational and administrative responsibilities of the Agency for Workforce Innovation for the Voluntary Prekindergarten Program. This also includes requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions.

Sections 43-65, 67-68, 70, 75-77, 79-92, 94-200, 204-303, 306-322, 324-336, 339-346, and 349-375
(Begins on Page 125)

Amend ss. 443.211, 433.221, 445.002, 445.003, 445.004, 445.006, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 446.41, 446.44, 446.50, 446.52, 448.109, 448.110, 450.191, 450.31, 468.529, 526.143, 526.144, 551.104, 570.248, 570.96, 597.006, 624.5105, 625.3255, 627.0628, 657.042, 658.67, 768.13, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, 944.708, 944.801, 945.10, 985.601, 1001.10, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493, 1004.226, 1004.65, 1004.77, 1004.78, 1008.39, 1008.41, 1011.76, 1012.2251, 11.45, 14.20195, 15.18, 15.182, 16.615, 39.001, 45.031, 69.041, 112.3135, 119.071, 120.80, 125.01045, 159.803, 159.8081, 159.8083, 163.03, 163.3178, 163.360, 166.0446, 175.021, 186.504, 186.505, 196.012, 212.02, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37,

252.371, 252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 272.11, 282.34, 282.709, 288.012, 288.017, 288.018, 288.019, 288.021, 288.035, 288.047, 288.065, 288.0655, 288.0656, 288.06561, 288.0657, 288.0658, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1083, 288.1088, 288.1089, 288.1095, 288.1162, 288.11621, 288.1168, 288.1169, 288.1171, 288.122, 288.12265, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.35, 288.386, 288.7011, 288.7015, 288.705, 288.706, 288.7094, 288.7102, 288.714, 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809, 288.826, 288.95155, 288.955, 288.9519, 288.9520, 288.9603, 288.9604, 288.9605, 288.9606, 288.9614, 288.9624, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.22, 320.08058, 331.360, 331.370, 334.044, 339.08, 339.135, 339.175, 364.0135, 377.703, 377.804, 380.06, 380.115, 380.285, 381.0054, 381.0086, 381.7354, 381.855, 383.14, 402.281, 402.45, 402.56, 403.42, 403.7032, 403.973, 409.017, 409.1451, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0103, 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.295, 414.411, 420.631, 420.635, 429.907, 440.12, 440.15, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, 443.191, 161.54, 163.3221, 380.031, and 215.559, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

In addition to conforming to changes made by the act, the following sections specifically:

Sections 64-65: Pages: 159-162	Amend ss. 448.109, 448.110, F.S., to conform to provisions made by the act, including designating Jobs Florida as the “state Agency for Workforce Innovation” to implement s. 24, Art. X of the State Constitution for purposes of calculating the minimum wage.
Section 204: Pages: 334-340	Amends s. 288.012, F.S., to conform to provisions made by the act, and includes changing the term “foreign” to “international.”
Section 220: Pages: 385-402	Amends s. 288.106, F.S., to conform to provisions made by the act, and includes requiring Jobs Florida to review and evaluate each application for the economic benefits of each award of tax refunds and state incentives.

Sections 223 and 224: Pages: 415-422; 422-425	Amends ss. 288.1081 and 288.1082, F.S.; to establish the Economic Gardening Business Loan Program and the Economic Gardening Technical Assistance Program as permanent programs. It deleting provisions for future repeal of the loan program, obsolete provisions, and conforms provisions to changes made by the act.
Section 226: Pages: 429-433	Amends s. 288.1088, F.S. to: • Specifies “joint review” of quick action closing fund applications by the Jobs Florida commissioner and Enterprise Florida, Inc. • Reduces from 22 days to 7 days the time-frame when the Jobs Florida commissioner will recommend to the Governor a business project for quick action closing funding. • Permits the Governor to approve projects valued at less than \$1 million without Legislative consultation or approval. • For projects valued between \$1 million and \$5 million, when recommending projects for approval to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the Senate and House economic development appropriations committees, the Governor is required to: - o Provide <u>in writing</u> a description, in addition to the already required evaluation, of projects recommended; and - o Consult with the President and Speaker for final approval no sooner than 3 days after providing the written project descriptions and evaluations. • Any project valued at greater than \$5 million must receive approval from the Legislative Budget Commission.
Section 230: Pages: 448-455	Amends s. 288.11621, F.S. to update provisions relating to development of a one-time Spring Training strategic plan, to require an update every 5 years, beginning in 2015. Also, clarifies that the updated plan should explore “alternatives” for financing spring training facilities.
Section 256: Page: 492	Amends s. 288.826, F.S., to conform to provisions made by the act, and includes changing the term “foreign” to “international.”
Section 325: Pages: 576-578	Amends s. 409.946, F.S., to: • Reduces the Inner City Review Panel from 7 to 6 members. This is recommended for 2 reasons: - o There is no need for OTTED to appoint the board and serve on it; - o DCA is removed from the board; and - o Taking OTTED’s place is a “local economic development agency.”

Sections 376-378: Pages: 712-713	Amend ss. 161.54, 163.3221, and 380.031, F.S., to conform to changes made by the act – changes references to the Department of Community Affairs as the “state land planning agency” to Jobs Florida.
Sections 379: Pages: 713-717	Amends s. 215.559, F.S., to extend the repeal date of the Hurricane Loss Mitigation Program to 2021. This section also makes conforming provisions to changes made by the act and deletes an obsolete provision.

Specifically, the following sections make changes to update obsolete references to the former Department of Labor and Employment Security or the former Department of Commerce:

Sections 66, 69, 71-74, 78, 81, 93, 130, 131, 187, 189, 192, 201-203, 208, 209, 229, 231, 232, 304, 305, 323, 337, 338, 347, and 348:
(*Begins on Page 162*)

Amend ss. 450.161, 464.203, 469.002, 469.003, 489.1455, 489.5335, 553.62, 597.006, 944.012, 45.031, 69.041, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1162, 288.1168, 288.1169, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, and 440.49, , F.S.

STATUTORY TRANSFERS

Section 39: Pages: 114-117	Transfers, renumbers, and amends s. 288.1229, F.S., as 288.926, F.S., to specify the responsibilities for the Division of Sports Industry Development and its advisory board. Requires an annual report by October 15.
Section 380: Pages: 717-718	Transfers, renumbers, and amends s. 20.505, F.S., as 20.605, F.S., to conform to changes made by the act.
Section 381: Pages: 718-719	Transfers, renumbers, and amends s. 331.369, F.S., as 445.06, F.S., to conform to changes made by the act and update obsolete references.
Section 382: Pages: 719-821	Transfers, renumbers, and amends s. 1004.99, F.S., as 445.06, F.S., to transfer administration of the Florida Ready to Work Certification Program to Jobs Florida.

STATUTORY REPEALS

Pages 721-722

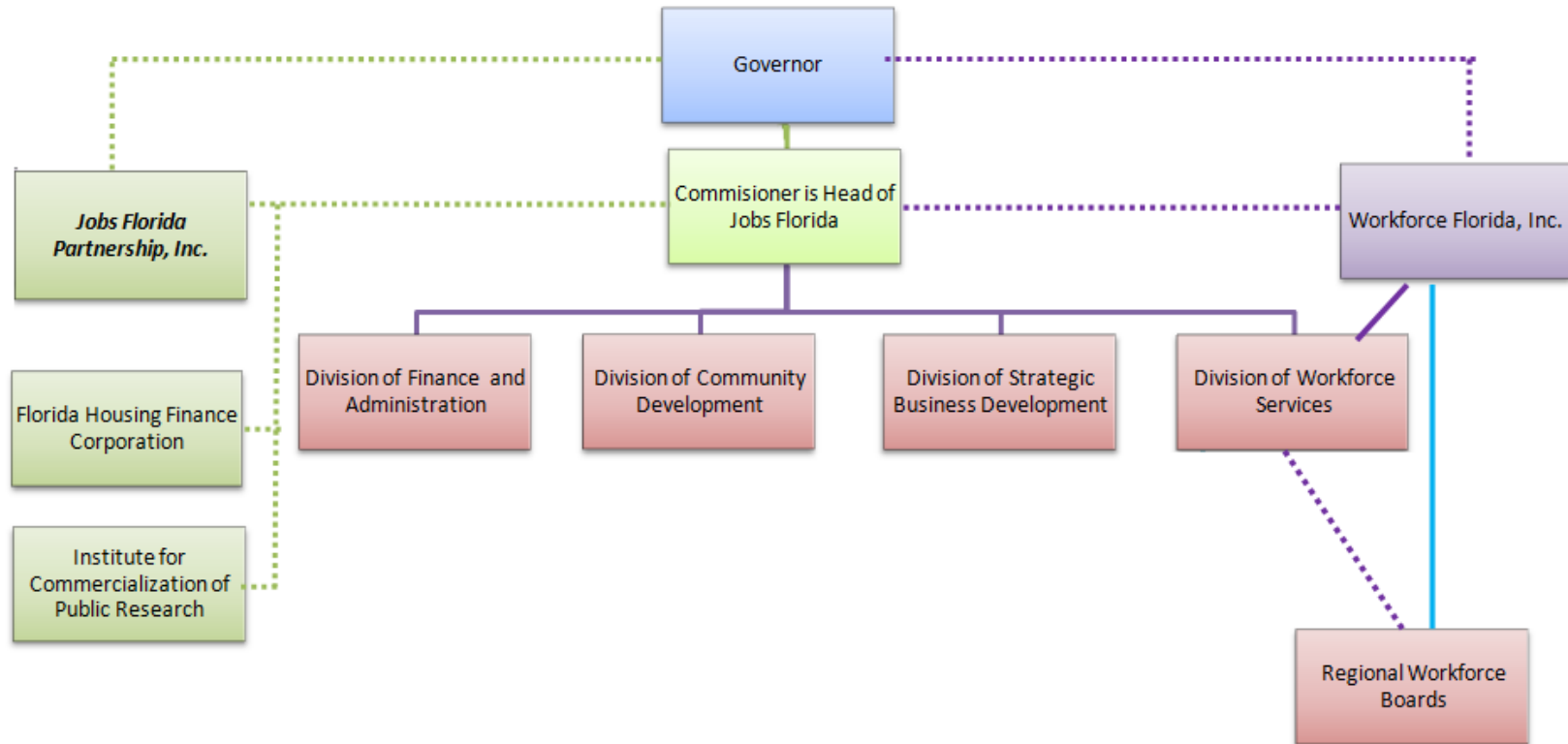
Section 383:	Repeals s. 14.2015, F.S., which relates to the creation of the Office of Tourism, Trade, and Economic Development. This repeal is to conform to changes made by the act.
Section 384:	Repeals s. 20.18, F.S., which relates to the creation of the Department of Community Affairs. This repeal is to conform to changes made by the act.
Section 385:	Repeals s. 20.50, F.S., which relates to the creation of the Agency for Workforce Innovation. This repeal is to conform to changes made by the act.
Section 386:	Repeals obsolete ss. 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, F.S., which relate to the abatement of asbestos in state buildings.
Section 387:	Repeals obsolete s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed.
Section 388:	Repeals obsolete s. 288.038, F.S., which relates to agreements appointing county tax collectors as agents of the Department of Labor and Employment Security for licenses and other similar registrations.
Section 389:	Repeals s. 288.063, F.S., which relates to contracts for transportations projects with the Office of Tourism, Trade, and Economic Development.
Section 390:	Repeals ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, F.S., which relate to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation. Much of the substance of these sections is now contained in Section 36 of the act, which creates s. 288.923, F.S., and the Division of Tourism Promotion within the Jobs Florida Partnership, Inc.
Section 391:	Repeals ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., which relate to the Black Business Investment Board. Much of the substance of these sections is now contained in Section 38 of the act, which creates s. 288.925, F.S., and the Division of Black Business Development within the Jobs Florida Partnership, Inc.
Section 392:	Repeals s. 288.12295, F.S., which relates to a public records exception to donors of the Florida Sports Foundation. The substance of the Florida Sports Foundation has been transferred to s. 288.926, F.S., which creates the Division of Sports Industry Development within the Jobs Florida Partnership, Inc. (See Section 39 of the act).
Sections 393 and 394:	Repeal ss. 288.90151 and 288.9415, F.S., which relates to Enterprise Florida, Inc. Much of the substance of Enterprise Florida, Inc., is now contained in Sections 34 and 35 of the act, which create the Division of International Trade and Business Development and the Division of Business Retention and Recruitment within the Jobs Florida Partnership, Inc. (ss. 288.921 and 288.922, F.S.).

Section 395:	Repeals s. 288.9618, F.S., which relates to an economic development program for microenterprises.
Section 396:	Repeals s. 288.982, F.S., which relates to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process.
Section 397:	Repeals ss. 331.301, 331.3011, 331.302, 331.303, 331.304, 331.305, 331.3051, 331.306, 331.307, 331.3081, 331.309, 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.330, 331.331, 331.332, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.341, 331.342, 331.343, 331.344, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.353, 331.354, and 331.355, F.S., which relate to Space Florida. Much of the substance of these sections is now contained in Section 37 of the act, which creates s. 288.924, F.S., and the Division of Space Industry Development within the Jobs Florida Partnership, Inc.
Section 398:	Repeals s. 411.0105, F.S., which designates the Agency for Workforce Innovation as the lead agency to administer specified federal laws related to early learning and school readiness. This repeal is to conform to changes made by the act.
Section 399:	Repeals obsolete s. 446.60, F.S., which relates to assistance for displaced local exchange telecommunications company workers.
Section 400:	Repeals s. 1002.75, F.S., which relates to responsibilities of the Agency for Workforce Innovation in the Voluntary Prekindergarten Program. This repeal is to conform to changes made by the act.

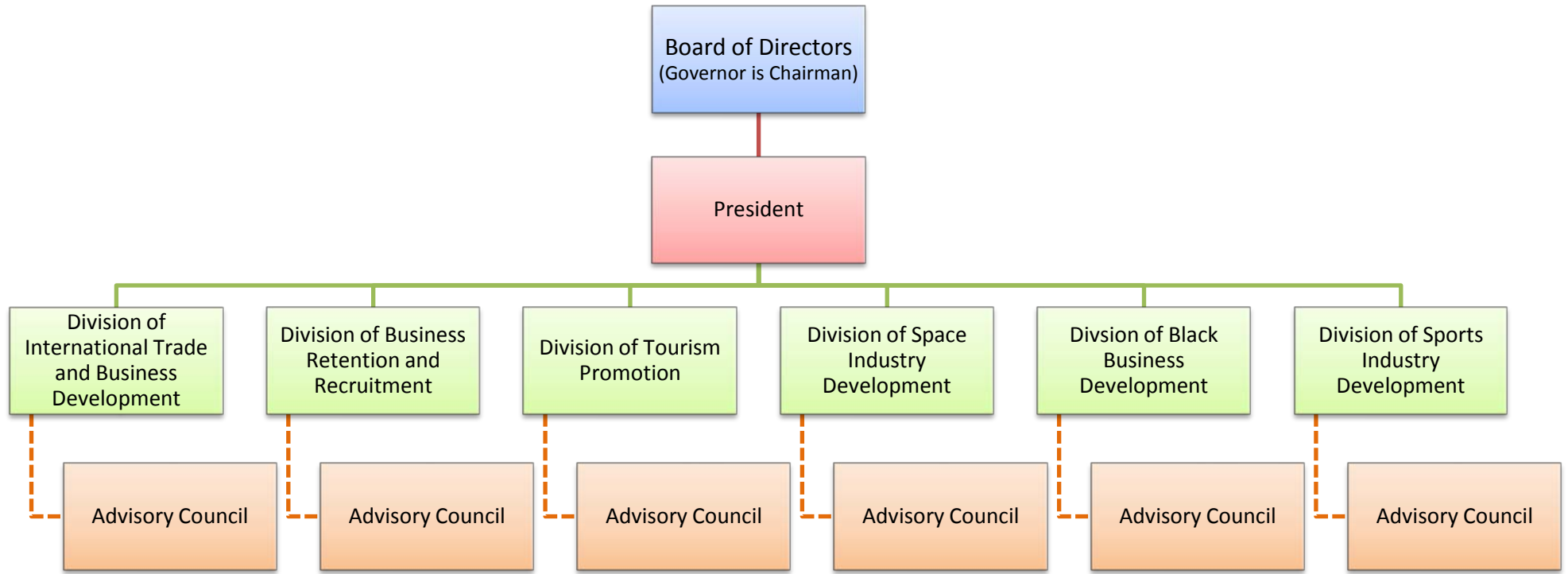
EFFECTIVE DATE

Section 401: Page: 722	Provides an effective date of July 1, 2011.

Jobs Florida (Department)



Jobs Florida Partnership, Inc.



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A bill to be entitled
An act relating to governmental reorganization;
transferring the functions and trust funds of the
Agency for Workforce Innovation to other agencies;
transferring the Office of Early Learning Services to
the Department of Education; transferring the Office
of Unemployment Compensation to Jobs Florida;
transferring the Office of Workforce Services to Jobs
Florida; transferring the functions and trust funds of
the Department of Community Affairs to other agencies;
transferring the Florida Housing Finance Corporation
to Jobs Florida; transferring the Division of Housing
and Community Development to Jobs Florida;
transferring the Division of Community Planning to
Jobs Florida; transferring the Division of Emergency
Management to the Executive Office of the Governor and
renaming it as the "Office of Emergency Management";
transferring the Florida Building Commission to the
Department of Business and Professional Regulation;
transferring the responsibilities under the Florida
Communities Trust to the Department of Environmental
Protection; transferring the responsibilities under
the Stan Mayfield Working Waterfronts program to the
Department of Environmental Protection; transferring
the responsibilities under the special district
information program to the Department of Financial
Services; transferring functions and trust funds of
the Office of Tourism, Trade, and Economic Development
in the Executive Office of the Governor to Jobs

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Florida; providing legislative intent with respect to the transfer of programs and administrative responsibilities; providing for a transition period; providing for coordination between the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development and other state agencies to implement the transition; requiring that the Governor appoint a representative to coordinate the transition plan; requiring that the Governor submit information and obtain waivers as required by federal law; authorizing the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act; directing the not-for-profit entities to enter into a plan for merger; transferring the functions of Space Florida to the Jobs Florida Partnership, Inc.; providing legislative intent with respect to the merger of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., and Space Florida into the Jobs Florida Partnership, Inc.; providing for a transition period; providing for the transfer of title in real or tangible property held by the entities to the Department of Management Services to be leased to Jobs Florida; requiring that the Governor appoint a representative to coordinate the transition plan; providing for the transfer of any

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funds held in trust by the entities to be transferred to the Jobs Florida Partnership, Inc., to be used for their original purposes; requiring that the Governor submit information and obtain waivers as required by federal law; providing a directive to the Division of Statutory Revision to prepare conforming legislation; creating s. 14.2016, F.S.; establishing the Office of Emergency Management within the Executive Office of the Governor; providing for the director of the office to serve at the pleasure of the Governor; amending s. 20.15, F.S.; establishing the Division of Early Learning within the Department of Education; providing for the office to administer the school readiness system and the Voluntary Prekindergarten Education Program; amending s. 20.60, F.S.; creating Jobs Florida as a new department of state government; providing for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishing divisions of Jobs Florida and specifying their responsibilities; providing for Jobs Florida to serve as the designated agency for the purposes of federal workforce development grants; authorizing Jobs Florida to contract for training for employees of administrative entities and case managers of contracted providers; specifying that the Unemployment Appeals Commission is not subject to control, supervision, or direction from Jobs Florida; specifying the responsibilities of the Commissioner of Jobs Florida; limiting the amount of the

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

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

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providing that detailed specific area plans shall be adopted by local development orders; requiring that detailed specific area plans include a buildout date and precluding certain changes in the development until after that date; authorizing certain development agreements between the developer and the local government; providing for continuation of certain existing land uses; amending s. 163.3246, F.S.; deleting the word "optional" from the phrase "optional sector plans" to conform to changes made by the act; amending s. 163.32465, F.S.; making the alternative state review of comprehensive plan amendments applicable statewide; creating s. 288.005, F.S.; defining "economic benefits" and "commissioner"; creating s. 288.048, F.S.; creating the incumbent worker training program within Jobs Florida; providing for the program to provide preapproved, direct, training-related costs; providing for the administration of the program by Jobs Florida in conjunction with Workforce Florida, Inc.; amending s. 288.061, F.S.; providing for Jobs Florida to review applications for state economic development incentives; authorizing Jobs Florida to enter into an agreement with an applicant relating to all incentives offered by the state; amending s. 288.095, F.S.; providing for the Economic Development Incentives account to be used for certain economic development incentives programs; providing for Jobs Florida to approve applications for certification or requests for

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175 participation in certain economic development
176 programs; substantially amending Part VII of ch. 288,
177 F.S.; amending s. 288.901, F.S.; creating the Jobs
178 Florida Partnership, Inc., as a not-for-profit
179 corporation; specifying that the Partnership is
180 subject to the provisions of ch. 119, F.S., and ch.
181 286, F.S.; specifying that partnership's board of
182 directors are subject to certain requirements in ch.
183 112, F.S.; specifying the purposes of the Partnership;
184 creating the board of directors for the Partnership;
185 naming the governor as chair of the board of
186 directors; specifying appointment procedures, terms of
187 office, selecting a vice chairperson, filling
188 vacancies, and removal of board members; providing for
189 the appointment of at-large members to the board of
190 directors; specifying terms; allowing the at-large
191 members to make contributions to the partnership;
192 specifying that the Jobs Florida commissioner shall
193 serve as an ex officio, non-voting member of the board
194 of directors; specifying that members of the board of
195 directors shall serve without compensation, but may be
196 reimbursed for all reasonable, necessary and actual
197 expenses as determined by the board of directors;
198 amending s. 288.9015, F.S.; specifying the powers of
199 the Partnership and the board of directors;
200 authorizing liberal construction of the Partnership's
201 statutory powers; prohibiting the Partnership from
202 pledging the full faith and credit of the state;
203 allowing the Partnership to indemnify, and purchase

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204 and maintain insurance on its board members, officers,
205 and employees; amending s. 288.903, F.S.; specifying
206 the duties of the Partnership; amending s. 288.904,
207 F.S.; providing for legislative appropriations;
208 requiring a private match equal to at least 35 percent
209 of the appropriation of public funds; providing
210 potential sources of private funding; directing the
211 board of directors to develop annual budgets;
212 providing process for the Partnership to enter into an
213 agreement with the Department of Jobs Florida in order
214 to obtain the legislative funding; requiring
215 performance measures; requiring review of the
216 Partnership's activities as a return on the public's
217 financial investment; directing the Partnership to
218 consult with the Office of Economic and Demographic
219 Research when hiring an economic analysis firm to
220 prepare the return on investment and when hiring a
221 survey research firm to develop, analyze and report on
222 the results of its customer satisfaction survey;
223 amending s. 288.905, F.S.; directing the Partnership's
224 board of directors to hire a president, who shall
225 serve at the pleasure of the governor; defining the
226 president's role and responsibilities; specifying that
227 no employee of the Partnership shall earn more than
228 the governor, but provides for the granting of
229 performance-based incentive payments to employees that
230 may increase their total compensation in excess of the
231 governor's; amending s. 288.906, F.S.; requiring an
232 annual report by December 1 of each year; specifying

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233 content of annual report; requiring that annual
234 reports prepared by the divisions within the
235 Partnership be included as addenda; creating s.
236 288.907, F.S.; requiring the Partnership to create an
237 annual incentives report; specifying the required
238 components of the report; amending s. 288.911, F.S.;
239 requiring the Partnership to promote and market this
240 state to businesses in target industries and high-
241 impact industries; creating s. 288.912, F.S.;
242 requiring that certain counties and municipalities
243 annually provide to the Partnership an overview of
244 certain local economic development activities;
245 creating s. 288.920, F.S.; specifying divisions within
246 the Partnerships; providing for hiring of staff;
247 specifying each division to have a 15-member advisory
248 board; specifying selection and appointments to the
249 advisory boards; creating s. 288.921, F.S.; creating
250 the Division of International Trade and Business
251 Development; specifying its responsibilities;
252 providing for administration of a grant program;
253 specifying minimum responsibilities of the advisory
254 board; requiring an annual report; creating s.
255 288.922, F.S.; creating the Division of Business
256 Retention and Recruitment; specifying its
257 responsibilities; specifying minimum responsibilities
258 of the advisory board; requiring an annual report;
259 creating s. 288.923, F.S.; creating the Division of
260 Tourism Promotion; specifying definitions; specifying
261 the division's responsibilities and duties, including

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262 a 4-year marketing plan; specifying minimum
263 responsibilities of the advisory board; requiring an
264 annual report; creating s. 288.924, F.S.; creating the
265 Division of Space Industry Development; specifying a
266 definition; specifying the division's responsibilities
267 and duties; requiring an annual report; specifying
268 minimum responsibilities of the advisory board;
269 creating s. 288.925, F.S.; creating the Division of
270 Black Business Development; specifying the division's
271 responsibilities and duties; requiring an annual
272 report; specifying minimum responsibilities of the
273 advisory board; transferring, renumbering, and
274 amending s. 288.1229, F.S.; creating the Division of
275 Sports Industry Development; specifying the division's
276 responsibilities; requiring an annual report;
277 specifying minimum responsibilities of the advisory
278 board; amending s. 409.942, F.S.; repealing
279 requirements of Workforce Florida, Inc., to establish
280 an electronic transfer benefit program; amending s.
281 411.0102, F.S.; requiring each participating early
282 learning coalition board to develop a plan for the use
283 of child care purchasing pool funds; amending s.
284 1002.73, F.S.; requiring the Department of Education
285 to administer the operational requirements of the
286 Voluntary Prekindergarten Education Program; requiring
287 the Department of Education to adopt procedures
288 governing the administration of the Voluntary
289 Prekindergarten Education Program by the early
290 learning coalitions and school districts; requiring

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291 the Department of Education to adopt procedures for
 292 the distribution of funds to early learning
 293 coalitions; amending ss. 11.45, 14.20195, 15.18,
 294 15.182, 16.615, 39.001, 45.031 69.041, 112.3135,
 295 119.071, 120.80, 125.01045, 159.803, 159.8081,
 296 159.8083, 163.03, 163.3178, 163.360, 166.0446,
 297 175.021, 186.504, 186.505, 196.012, 212.02, 212.08,
 298 212.096, 212.097, 212.098, 213.053, 215.5586, 216.136,
 299 216.292, 216.231, 218.64, 220.03, 220.183, 220.191,
 300 222.15, 250.06, 252.32, 252.34, 252.35, 252.355,
 301 252.3568, 252.36, 252.365, 252.37, 252.371, 252.373,
 302 252.38, 252.385, 252.40, 252.41, 252.42, 252.43,
 303 252.44, 252.46, 252.55, 252.60, 252.61, 252.82,
 304 252.83, 252.85, 252.86, 252.87, 252.88, 252.936,
 305 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142,
 306 272.11, 282.34, 282.709, 287.09431, 287.09451,
 307 287.0947, 288.012, 288.017, 288.018, 288.019, 288.021,
 308 288.035, 288.047, 288.065, 288.0655, 288.0656,
 309 288.06561, 288.0657, 288.0658, 288.0659, 288.075,
 310 288.1045, 288.106, 288.107, 288.108, F.S.; conforming
 311 provisions to changes made by the act; conforming
 312 cross-references; deleting obsolete provisions;
 313 amending ss. 288.1081 and 288.1082, F.S.; establishing
 314 the Economic Gardening Business Loan Program and the
 315 Economic Gardening Technical Assistance Program as
 316 permanent programs; deleting provisions for future
 317 repeal of the loan program; conforming provisions to
 318 changes made by the act; amending ss. 288.1082,
 319 288.1083, 288.1088, 288.1089, 288.1095, 288.1162,

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320 288.11621, 288.1168, 288.1169, 288.1171, 288.122,
321 288.12265, 288.124, 288.1251, 288.1252, 288.1253,
322 288.1254, 288.35, 288.386, 288.7011, 288.705, 288.706,
323 288.7094, 288.7102, 288.71025, 288.7103, 288.714,
324 288.773, 288.774, 288.776, 288.7771, 288.816, 288.809,
325 288.826, 288.95155, 288.955, 288.9519, 288.9520,
326 288.9603, 288.9604, 288.9605, 288.9606, 288.9614,
327 288.9624, 288.9625, 288.975, 288.980, 288.984,
328 288.9913, 288.9914, 288.9916, 288.9917, 288.9918,
329 299.9919, 288.9920, 288.9921, 290.004, 290.0055,
330 290.0056, 290.0065, 290.0066, 290.00710, 290.0072,
331 290.00725, 290.0073, 290.0074, 290.0077, 290.014,
332 311.09, 311.11, 311.115, 311.22, 320.08058, 331.360,
333 331.370, 334.044, 339.08, 339.135, 339.175, 364.0135,
334 377.703, 377.711, 377.712, 377.804, 380.06, 380.115,
335 380.285, 381.0054, 381.0086, 381.7354, 381.855 383.14,
336 402.281, 402.45, 402.56, 403.42, 403.7032, 403.973,
337 409.017, 409.1451, 409.2576, 409.944, 409.946, 411.01,
338 411.0101, 411.01013, 411.01014, 411.01015, 411.0103,
339 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24,
340 414.40, 414.295, 414.411, 420.631, 420.635, 429.907,
341 440.12, 440.15, 440.381, 440.385, 440.49, 443.012,
342 443.036, 443.041, 443.051, 443.071, 443.091, 443.101,
343 443.111, 443.1113, 443.1115, 443.1116, 443.1215,
344 443.1216, 443.1217, 443.131, 443.1312, 443.1313,
345 443.1315, 443.1316, 443.1317, 443.141, 443.151,
346 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211,
347 443.221, 445.002, 445.003, 445.004, 445.006, 445.007,
348 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045,

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349 445.048, 445.049, 445.051, 445.056, 446.41, 446.44,
 350 446.50, 446.52, 448.109, 448.110, 450.161, 450.191,
 351 450.31, 464.203, 468.529, 469.002, 469.003, 489.1455,
 352 489.5335, 526.143, 526.144, 551.104, 553.62, 570.96,
 353 597.006, 624.5105, 625.3255, 627.0628, 657.042,
 354 658.67, 768.13, 943.03, 943.03101, 943.0311, 943.0312,
 355 943.0313, 944.012, 944.708, 944.801, 945.10, 985.601,
 356 1001.10, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63,
 357 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79,
 358 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285,
 359 1003.493, 1004.226, 1004.65, 1004.77, 1004.78,
 360 1008.39, 1008.41, 1011.76, 1012.2251, 161.54,
 361 163.3221, and 380.031, F.S.; conforming provisions to
 362 changes made by the act; conforming cross-references;
 363 deleting obsolete provisions; amending s. 215.559,
 364 F.S.; extending the repeal date of the Hurricane Loss
 365 Mitigation Program; conforming provisions to changes
 366 made by the act; deleting an obsolete provision;
 367 transferring, renumbering, and amending ss. 20.505,
 368 331.369, and 1004.99, F.S.; conforming provisions to
 369 changes made by the act; repealing s. 14.2015, F.S.,
 370 which relates to the creation of the Office of
 371 Tourism, Trade, and Economic Development; repealing s.
 372 20.18, F.S., which relates to the creation of the
 373 Department of Community Affairs; repealing s. 20.50,
 374 F.S., which relates to the creation of the Agency for
 375 Workforce Innovation; repealing ss. 255.551, 255.552,
 376 255.553, 255.5535, 255.555, 255.556, 255.557,
 377 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562,

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and 255.563, F.S., which relates to the abatement of asbestos in state buildings; repealing s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed; repealing s. 288.038, F.S., which relates to agreements appointing county tax collectors as an agent of the Department of Labor and Employment Security for licenses and other similar registrations; repealing s. 288.063, F.S., which relates to contracts for transportation projects with the Office of Tourism, Trade, and Economic Development; repealing ss. 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, F.S., which relate to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation; repealing ss. 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, F.S., which relate to the Black Business Investment Board; repealing s. 288.12295, F.S., which relates to a public records exemption for donors for a direct support organization on promotion and development of sports-related industries and amateur athletics; repealing s. 288.90151, F.S., which relates to Return on investment from activities of Enterprise Florida, Inc.; repealing s. 288.9618, F.S., which relates to an economic development program for microenterprises; repealing s. 288.982, F.S., which relates to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process;

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repealing s. 288.9415, F.S., which relates to Enterprise Florida, Inc., and international trade grants; repealing ss. 331.301, 331.3011, 331.302, 331.303, 331.304, 331.305, 331.3051, 331.306, 331.307, 331.3081, 331.309, 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317, 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324, 331.325, 331.326, 331.327, 331.328, 331.329, 331.330, 331.331, 331.332, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338, 331.339, 331.340, 331.341, 331.342, 331.343, 331.344, 331.345, 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.353, 331.354, and 331.355, F.S., which relate to Space Florida; repealing s. 411.0105, F.S., which designates the Agency for Workforce Innovation as the lead agency to administer specified federal laws; repealing s. 446.60, F.S., which relates to assistance for displaced local exchange telecommunications company workers; providing an effective date.

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

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

(1) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds relating to the following programs in the Agency for Workforce

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Innovation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, as follows:

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

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

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

(2) The following trust funds are transferred:

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

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

1. The Administrative Trust Fund.

2. The Employment Security Administration Trust Fund.

3. The Special Employment Security Administration Trust Fund.

4. The Unemployment Compensation Benefit Trust Fund.

5. The Unemployment Compensation Clearing Trust Fund.

6. The Revolving Trust Fund.

7. The Welfare Transition Trust Fund.

8. The Displaced Homemaker Trust Fund.

(3) Any binding contract or interagency agreement existing on or before July 1, 2011, between the Agency for Workforce Innovation, or an entity or agent of the agency, and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or

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465 agreement with the successor department, agency, or entity
466 responsible for the program, activity, or functions relative to
467 the contract or agreement.

468 (4) All powers, duties, functions, records, offices,
469 personnel, property, pending issues, and existing contracts,
470 administrative authority, administrative rules, and unexpended
471 balances of appropriations, allocations, and other funds
472 relating to the Agency for Workforce Innovation, and not
473 specifically delineated for transfer within this section are
474 transferred by a type two transfer to Jobs Florida.

475 Section 2. Type two transfers from the Department of
476 Community Affairs.—

477 (1) All powers, duties, functions, records, offices,
478 personnel, property, pending issues, and existing contracts,
479 administrative authority, administrative rules, and unexpended
480 balances of appropriations, allocations, and other funds
481 relating to the following programs in the Department of
482 Community Affairs are transferred by a type two transfer, as
483 defined in s. 20.06(2), Florida Statutes, as follows:

484 (a) The Florida Housing Finance Corporation is transferred
485 to Jobs Florida.

486 (b) The Division of Housing and Community Development is
487 transferred to Jobs Florida.

488 (c) The Division of Community Planning is transferred to
489 Jobs Florida.

490 (d) The Division of Emergency Management is transferred to
491 the Executive Office of the Governor, and is renamed the Office
492 of Emergency Management.

493 (e) The Florida Building Commission is transferred to the

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Department of Business and Professional Regulation.

(f) The responsibilities under the Florida Communities Trust, part III of chapter 380, Florida Statutes, are transferred to the Department of Environmental Protection.

(g) The responsibilities under the Stan Mayfield Working Waterfronts program authorized in s. 380.5105, Florida Statutes, are transferred to the Department of Environmental Protection.

(h) The responsibilities of the Special District Information Program under chapter 189, Florida Statutes, are transferred to the Department of Financial Services.

(2) The following trust funds are transferred:

(a) From the Department of Community Affairs to Jobs Florida:

1. The Administrative Trust Fund.

2. The State Housing Trust Fund.

3. The Community Services Block Grant Trust Fund.

4. The Local Government Housing Trust Fund.

5. The Florida Small Cities Community Development Block Grant Trust Fund.

6. The Federal Grants Trust Fund.

7. The Grants and Donations Trust Fund.

8. The Energy Consumption Trust Fund.

9. The Low-Income Home Energy Assistance Trust Fund.

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

1. The Emergency Management Preparedness and Assistance Trust Fund.

2. The Federal Emergency Management Programs Support Trust Fund.

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3. The U.S. Contributions Trust Fund.

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

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

1. The Florida Forever Program Trust Fund.

2. The Florida Communities Trust Fund.

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

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

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

(1) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended

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balances of appropriations, allocations, and other funds
relating to the Office of Tourism, Trade and Economic
Development in the Executive Office of the Governor are
transferred by a type two transfer, as defined in s. 20.06(2),
Florida Statutes, to Jobs Florida.

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

1. The Economic Development Trust Fund.
2. The Economic Development Transportation Trust Fund.
3. The Tourism Promotional Trust Fund.
4. The Professional Sports Development Trust Fund.
5. The Florida International Trade and Promotion Trust
Fund.

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

(4) All powers, duties, functions, records, offices,
personnel, property, pending issues, and existing contracts,
administrative authority, administrative rules, and unexpended
balances of appropriations, allocations, and other funds
relating to the Office of Tourism, Trade and Economic
Development in the Executive Office of the Governor, and not
specifically delineated for transfer within this section are

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581 transferred by a type two transfer to Jobs Florida.

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

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

608 (3) The Governor shall designate a staff member of the
609 Office of Planning and Budgeting to serve as the Governor's

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primary representative on matters related to implementing this act for the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade and Economic Development and the transition plans required under this section. Each representative shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress of implementing this act and the transition plans, including, but not limited to, any adverse impact or negative consequences on programs and services, of meeting any deadline imposed by this act, any difficulties experienced by the Agency for Workforce Innovation, the Department of Community Affairs, or the Office of Tourism, Trade and Economic Development in securing the full participation and cooperation of applicable state agencies. Each representative shall also coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, that may be necessary to implement this act.

(4) Notwithstanding ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Commission, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

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

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Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

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

Section 5. (1) The not-for-profit corporations established in ss. 288.901, 288.1229, 288.1226, and 288.707, F.S., and the independent special district established in s. 331.302, F.S., are merged into a new not-for-profit corporation established by this act called the "Jobs Florida Partnership, Inc."

(2) Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, and the Florida Black Business Investment Board, Inc., must enter into a plan of merger to merge into the Jobs Florida Partnership, Inc. Such merger must be complete by December 31, 2011. The merger is governed by the provisions of chapter 617, F.S., related to the merger of not-for-profit corporations.

(3) All powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds

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relating to the independent special district of Space Florida
are transferred to the Jobs Florida Partnership, Inc.

(4) It is the intent of the Legislature that the changes
made by this act be accomplished with minimal disruption of
services provided to the public and with minimal disruption to
employees of any organization. To that end, the Legislature
directs that notwithstanding the changes made by this act,
Enterprise Florida, Inc., the Florida Sports Foundation
Incorporated, the Florida Tourism Industry Marketing Corporation
d/b/a VISIT Florida, the Florida Black Business Investment
Board, Inc., and Space Florida may continue with such powers,
duties, functions, records, offices, personnel, property,
pending issues, and existing contracts as provided in Florida
Statutes 2010 until December 31, 2011. The Legislature believes
that a transition period between the effective date of this act
and December 31, 2011, is appropriate and warranted.

(5) The Governor shall designate a staff member of the
Office of Planning and Budgeting to serve as the Governor's
primary representative on matters related to implementing this
act for the merger of Enterprise Florida, Inc., the Florida
Sports Foundation Incorporated, the Florida Tourism Industry
Marketing Corporation d/b/a VISIT Florida, the Florida Black
Business Investment Board, Inc., and Space Florida into the Jobs
Florida Partnership, Inc., and the transition plans required
under this section. The representative shall report to the
Governor, the President of the Senate, and the Speaker of the
House of Representatives on the progress of implementing this
act and the transition plans, including, but not limited to, any
adverse impact or negative consequences on programs and

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697 services, of meeting any deadline imposed by this act, any
698 difficulties experienced by the entities. The representative
699 shall also coordinate the submission of any budget amendments,
700 in accordance with chapter 216, Florida Statutes, that may be
701 necessary to implement this act.

702 (6) Title to any real or tangible personal property assets
703 that Enterprise Florida, Inc., the Florida Sports Foundation
704 Incorporated, the Florida Tourism Industry Marketing Corporation
705 d/b/a VISIT Florida, the Florida Black Business Investment
706 Board, Inc., and Space Florida may have acquired or held title
707 to as a corporation under ch. 617 or as an independent special
708 district is transferred to the Department of Management Services
709 and shall be leased to the Office of Property Management within
710 the Department of Jobs Florida for use by the Jobs Florida
711 Partnership, Inc., and its divisions and program. The Office of
712 Property Management shall manage the property on behalf of the
713 relevant division or program within the Jobs Florida
714 Partnership, Inc..

715 (7) Any funds held in trust that were donated to or earned
716 by Enterprise Florida, Inc., the Florida Sports Foundation
717 Incorporated, the Florida Tourism Industry Marketing Corporation
718 d/b/a VISIT Florida, the Florida Black Business Investment
719 Board, Inc., and Space Florida under a previous incarnation as a
720 corporation under ch. 617 or as an independent special district
721 shall be transferred to the Jobs Florida Partnership, Inc., to
722 be used by the relevant division for their original purposes.

723 (8) Upon the recommendation and guidance of Enterprise
724 Florida, Inc., the Florida Sports Foundation Incorporated, the
725 Florida Tourism Industry Marketing Corporation d/b/a VISIT

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Florida, the Florida Black Business Investment Board, Inc., or Space Florida, the Governor shall submit in a timely manner to the applicable Federal departments or agencies any necessary amendments or supplemental information concerning plans that the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The Governor shall seek any waivers from the requirements of Federal law or rules which may be necessary to administer the provisions of this act.

(9) The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the Jobs Florida Partnership, Inc., shall become the custodian of any property of Enterprise Florida, Inc., the Florida Sports Foundation Incorporated, the Florida Tourism Industry Marketing Corporation d/b/a VISIT Florida, the Florida Black Business Investment Board, Inc., or Space Florida on December 21, 2011, if not before by plan of merger.

(10) The Department of Management Services may establish a lease agreement program under which the Jobs Florida Partnership, Inc., may hire any individual who was employed by Enterprise Florida, Inc., or the Florida Black Business Investment Board, Inc., under a previous lease agreement under ss. 228.901(2) or 228.708(2), Florida Statutes 2010. Under such agreement, the employee shall retain his or her status as a state employee but shall work under the direct supervision of the Jobs Florida Partnership, Inc. Retention of state employee

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status shall include the right to participate in the Florida Retirement System and shall continue until the employee voluntarily or involuntarily terminates his or her status with the Jobs Florida Partnership, Inc. The Department of Management Services shall establish the terms and conditions of such lease agreements.

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

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

14.2016 Office of Emergency Management.—The Office of Emergency Management is established within the Executive Office of the Governor. The office shall be a separate budget entity, as provided in the General Appropriations Act, and shall prepare and submit a budget request in accordance with chapter 216. The office shall be responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities under part I of chapter 252. The director of the office shall be appointed by and serve at the pleasure of

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the Governor, and shall be the head of the office for all
purposes. The office shall administer programs to apply rapidly
all available aid to communities stricken by an emergency as
defined in s. 252.34 and, for this purpose, shall provide
liaison with federal agencies and other public and private
agencies.

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

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

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

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

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

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

20.60 Jobs Florida; creation; powers and duties.—

(1) There is created a department that, notwithstanding the

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provisions of s. 20.04(1), shall be called Jobs Florida.

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

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

(a) The Division of Strategic Business Development.

(b) The Division of Community Development.

(c) The Division of Workforce Services.

(d) The Division of Finance and Administration.

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

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

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

(c) Ensure that, to the maximum extent possible, there is a link between the economic development and workforce development goals and strategies of the state.

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842 (d) Manage the activities of public-private partnerships
843 and state agencies in order to avoid duplication and promote
844 coordinated and consistent implementation of programs in areas
845 including, but not limited to, tourism; international trade and
846 investment; business recruitment, creation, retention, and
847 expansion; minority and small business development; rural
848 community development; commercialization of products, services,
849 or ideas developed in public universities or other public
850 institutions; and the development and promotion of professional
851 and amateur sporting events.

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

855 (a) The Division of Strategic Business Development shall:

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

865 2. Administer certain tax refund, tax credits, and grants
866 programs created in law. Notwithstanding any other provision of
867 law, Jobs Florida may expend interest earned from the investment
868 of program funds deposited in the Grants and Donations Trust
869 Fund to contract for the administration of those programs, or
870 portions of the programs, assigned to Jobs Florida by law, by

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the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

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

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

5. Develop a 5-year statewide strategic plan. The strategic plan shall include, but is not limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive

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marketing, international development, and export assistance,
which lead to more and better jobs and higher wages for all
geographic regions, disadvantaged communities, and populations
of the state, including rural areas, minority businesses, and
urban core areas.

c. Development of realistic policies and programs to
further the economic diversity of the state, its regions, and
their associated industrial clusters.

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

c. Promotion of the successful long-term economic
development of the state with increased emphasis in market
research and information.

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

c. Identification of business sectors that are of current
or future importance to the state's economy and to the state's
global business image, and development of specific strategies to

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929 promote the development of such sectors.

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

936 7. Assist the Jobs Florida Partnership, Inc., and its
937 divisions and programs, through the Office of Property
938 Management, in managing any state-owned property or assets that
939 are essential to the activities of the Partnership's various
940 boards.

941 (b) The Division of Community Development shall administer:

942 1. The Community Services Block Grant Program.

943 2. The Community Development Block Grant Program in chapter
944 290.

945 3. The Low-Income Home Energy Assistance Program in chapter
946 409.

947 4. The Weatherization Assistance Program in chapter 409.

948 5. The Neighborhood Stabilization Program.

949 6. The local comprehensive planning process and the
950 development of regional impact process.

951 7. The Front Porch Florida Initiative through the Office of
952 Urban Opportunity, which is created within the division. The
953 purpose of the office is to administer the Front Porch Florida
954 initiative, a comprehensive, community-based urban core
955 redevelopment program that enables urban core residents to craft
956 solutions to the unique challenges of each designated community.

957 8. Any other related programs.

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(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board.

2. Jobs Florida shall ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to regional workforce boards shall emanate from Jobs Florida pursuant to plans and policies of Workforce Florida, Inc. Workforce Florida, Inc., shall be responsible for all policy directions to the regional workforce boards.

b. Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of Jobs Florida shall apply.

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

4. Implement the state's unemployment compensation program.

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Jobs Florida shall ensure that the state appropriately administers the unemployment compensation program pursuant to state and federal law.

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

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

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

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

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1016 1. Manage all activities and responsibilities of the
1017 department.

1018 2. Serve as the Governor's chief negotiator for business
1019 recruitment and business expansion.

1020 3. Serve as the manager for the state with respect to
1021 contracts with the Jobs Florida Partnership, Inc., the Institute
1022 for the Commercialization of Public Research, and all applicable
1023 direct-support organizations. To accomplish the provisions of
1024 this section and applicable provisions of chapter 288, and
1025 notwithstanding the provisions of part I of chapter 287, the
1026 commissioner shall enter into specific contracts with the Jobs
1027 Florida Partnership, Inc., the Institute for the
1028 Commercialization of Public Research, and other appropriate
1029 direct-support organizations. Such contracts may be for
1030 multiyear terms and shall include specific performance measures
1031 for each year.

1032 4. Serve as the state protocol officer. In consultation
1033 with the Governor and other governmental officials, the
1034 commissioner shall develop, maintain, publish, and distribute
1035 the state protocol manual.

1036 (b) Notwithstanding any other law, resolution, or rule to
1037 the contrary, the commissioner may not receive more in public
1038 remuneration annually than \$130,000, pursuant to the General
1039 Appropriations Act, and for the purposes of the Florida
1040 Retirement System, only the commissioner's public remuneration
1041 may be considered.

1042 (10) The Chief Inspector General in the Executive Office of
1043 the Governor:

1044 (a) Shall advise public-private partnerships in their

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development, utilization, and improvement of internal control
measures necessary to ensure fiscal accountability.

(b) May conduct, direct, and supervise audits relating to
the programs and operations of public-private partnerships.

(c) Shall receive and investigate complaints of fraud,
abuses, and deficiencies relating to programs and operations of
public-private partnerships.

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

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

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

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

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

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

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1074 (13) Jobs Florida may adopt rules to administer the
1075 provisions of law conferring duties upon it.

1076 Section 10. Paragraph (d) of subsection (2) and subsection
1077 (5) of section 112.044, Florida Statutes, are amended to read:

1078 112.044 Public employers, employment agencies, labor
1079 organizations; discrimination based on age prohibited;
1080 exceptions; remedy.—

1081 (2) DEFINITIONS.—For the purpose of this act:

1082 ~~(d) "Department" means the Department of Labor and~~
1083 ~~Employment Security.~~

1084 (5) NOTICE TO BE POSTED.—Each employer, employment agency,
1085 and labor organization shall post and keep posted in conspicuous
1086 places upon its premises notices ~~a notice to be prepared or~~
1087 ~~approved by the department setting forth such information as~~
1088 required by the United States Department of Labor and the United
1089 States Equal Employment Opportunity Commission ~~department deems~~
1090 ~~appropriate to effectuate the purposes of this act.~~

1091 Section 11. Subsections (20) and (31) of section 163.3164,
1092 Florida Statutes, is amended to read:

1093 163.3164 Local Government Comprehensive Planning and Land
1094 Development Regulation Act; definitions.—As used in this act:

1095 (20) "State land planning agency" means Jobs Florida ~~the~~
1096 ~~Department of Community Affairs.~~

1097 (31) "~~Optional~~ Sector plan" means the ~~an optional~~ process
1098 authorized by s. 163.3245 in which one or more local governments
1099 engage in long-term planning for a large area and ~~by agreement~~
1100 ~~with the state land planning agency are allowed to address~~
1101 regional development of regional impact issues through adoption
1102 of detailed specific area plans within the planning area ~~within~~

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1103 ~~certain designated geographic areas identified in the local~~
1104 ~~comprehensive plan~~ as a means of fostering innovative planning
1105 and development strategies in s. 163.3177(11)(a) and (b),
1106 furthering the purposes of this part and part I of chapter 380,
1107 reducing overlapping data and analysis requirements, protecting
1108 regionally significant resources and facilities, and addressing
1109 extrajurisdictional impacts. The term includes an optional
1110 sector plan that was adopted pursuant to the Optional Sector
1111 Plan program.

1112 Section 12. Paragraph (d) of subsection (15) of section
1113 163.3177, Florida Statutes, is amended to read:

1114 163.3177 Required and optional elements of comprehensive
1115 plan; studies and surveys.—

1116 (15)

1117 (d) This subsection does not apply to a ~~an optional~~ sector
1118 plan adopted pursuant to s. 163.3245, a rural land stewardship
1119 area designated pursuant to subsection (11), or any
1120 comprehensive plan amendment that includes an inland port
1121 terminal or affiliated port development.

1122 Section 13. Paragraph (a) of subsection (12) of section
1123 163.3180, Florida Statutes, is amended to read:

1124 163.3180 Concurrency.—

1125 (12)(a) A development of regional impact may satisfy the
1126 transportation concurrency requirements of the local
1127 comprehensive plan, the local government's concurrency
1128 management system, and s. 380.06 by payment of a proportionate-
1129 share contribution for local and regionally significant traffic
1130 impacts, if:

1131 1. The development of regional impact which, based on its

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location or mix of land uses, is designed to encourage pedestrian or other nonautomotive modes of transportation;

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

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

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

The proportionate-share contribution may be applied to any transportation facility to satisfy the provisions of this subsection and the local comprehensive plan, but, for the purposes of this subsection, the amount of the proportionate-share contribution shall be calculated based upon the cumulative number of trips from the proposed development expected to reach roadways during the peak hour from the complete buildout of a stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the

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time of developer payment, of the improvement necessary to maintain the adopted level of service. For purposes of this subsection, "construction cost" includes all associated costs of the improvement. Proportionate-share mitigation shall be limited to ensure that a development of regional impact meeting the requirements of this subsection mitigates its impact on the transportation system but is not responsible for the additional cost of reducing or eliminating backlogs. This subsection also applies to Florida Quality Developments pursuant to s. 380.061 and to detailed specific area plans implementing ~~optional~~ sector plans pursuant to s. 163.3245.

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

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

(2) COORDINATION.—Each comprehensive plan or plan amendment proposed to be adopted pursuant to this part, except amendments adopted pursuant to ss. 163.32465 or 163.3187(1)(c) and (3), shall be transmitted, adopted, and reviewed in the manner prescribed in this section. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this section, to the local governing body responsible for the comprehensive plan. The state land planning agency shall maintain a single file concerning any proposed or adopted plan amendment submitted by a local government for any review under this section. Copies of all correspondence, papers, notes, memoranda, and other documents received or generated by the state land planning agency must be placed in the appropriate

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file. Paper copies of all electronic mail correspondence must be placed in the file. The file and its contents must be available for public inspection and copying as provided in chapter 119.

(4) INTERGOVERNMENTAL REVIEW.—The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12), the state land planning agency shall submit a copy to the Department of Education ~~Office of Educational Facilities of the Commissioner of Education~~ for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(11) ADMINISTRATION COMMISSION.—

(c) The sanctions provided by paragraphs (a) and (b) do ~~shall~~ not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part,

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and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s. 163.3191(11)~~.

Section 15. Section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

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

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

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

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

~~Furthermore,~~

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

(a) Adopted comprehensive plans be reviewed through such

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evaluation process to respond to changes in state, regional, and local policies on planning and growth management and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

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

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

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

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

(b) The extent of vacant and developable land.

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

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

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

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

(g) An assessment of whether the plan objectives within each element, as they relate to major issues, have been achieved. The report shall include, as appropriate, an identification as to whether unforeseen or unanticipated changes

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1306 in circumstances have resulted in problems or opportunities with
1307 respect to major issues identified in each element and the
1308 social, economic, and environmental impacts of the issue.

1309 (h) A brief assessment of successes and shortcomings
1310 related to each element of the plan.

1311 (i) The identification of any actions or corrective
1312 measures, including whether plan amendments are anticipated to
1313 address the major issues identified and analyzed in the report.
1314 Such identification shall include, as appropriate, new
1315 population projections, new revised planning timeframes, a
1316 revised future conditions map or map series, an updated capital
1317 improvements element, and any new and revised goals, objectives,
1318 and policies for major issues identified within each element.
1319 This paragraph shall not require the submittal of the plan
1320 amendments with the evaluation and appraisal report.

1321 (j) A summary of the public participation program and
1322 activities undertaken by the local government in preparing the
1323 report.

1324 (k) The coordination of the comprehensive plan with
1325 existing public schools and those identified in the applicable
1326 educational facilities plan adopted pursuant to s. 1013.35. The
1327 assessment shall address, where relevant, the success or failure
1328 of the coordination of the future land use map and associated
1329 planned residential development with public schools and their
1330 capacities, as well as the joint decisionmaking processes
1331 engaged in by the local government and the school board in
1332 regard to establishing appropriate population projections and
1333 the planning and siting of public school facilities. For those
1334 counties or municipalities that do not have a public schools

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interlocal agreement or public school facilities element, the assessment shall determine whether the local government continues to meet the criteria of s. 163.3177(12). If the county or municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments pursuant to the requirements of the public school facilities element, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h)2. and 163.31777 in order to fully participate in the school concurrency system.

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

(m) If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies

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may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

(n) An assessment of whether the criteria adopted pursuant to s. 163.3177(6)(a) were successful in achieving compatibility with military installations.

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

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

(4)~~(3)~~ Voluntary scoping meetings may be conducted by each local government or several local governments within the same county that agree to meet together. Joint meetings among all local governments in a county are encouraged. ~~All scoping meetings shall be completed at least 1 year prior to the established adoption date of the report.~~ The purpose of the meetings shall be to distribute data and resources available to assist in the preparation of the report, to provide input on major issues in each community that should be addressed in the report, and to advise on the extent of the effort for the components of subsection (3)~~(2)~~. If scoping meetings are held,

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the local government is encouraged to ~~shall~~ invite each state and regional reviewing agency, as well as adjacent and other affected local governments. A preliminary list of new data and major issues that have emerged since the adoption of the original plan, or the most recent evaluation and appraisal report-based update amendments, should be developed by state and regional entities and involved local governments for distribution at the scoping meeting. For purposes of this subsection, a "scoping meeting" is a meeting conducted to determine the scope of review of the evaluation and appraisal report by parties to which the report relates.

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

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~~(5) Ninety days prior to the scheduled adoption date, the local government may provide a proposed evaluation and appraisal report to the state land planning agency and distribute copies to state and regional commenting agencies as prescribed by rule, adjacent jurisdictions, and interested citizens for review. All review comments, including comments by the state land planning agency, shall be transmitted to the local government and state land planning agency within 30 days after receipt of the proposed report.~~

~~(6) The governing body, after considering the review comments and recommended changes, if any, shall adopt the evaluation and appraisal report by resolution or ordinance at a public hearing with public notice. The governing body shall adopt the report in conformity with its public participation procedures adopted as required by s. 163.3181. The local government shall submit to the state land planning agency three copies of the report, a transmittal letter indicating the dates of public hearings, and a copy of the adoption resolution or ordinance. The local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report, or to all the reviewing agencies if a proposed report was not provided pursuant to subsection (5), including the adjacent local governments. Within 60 days after receipt, the state land planning agency shall review the adopted report and make a preliminary sufficiency determination that shall be forwarded by the agency to the local government for its consideration. The state land planning agency shall issue a final sufficiency determination within 90 days after receipt of the adopted evaluation and appraisal report.~~

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1451 (6)~~(7)~~ The intent of the evaluation and appraisal process
1452 is the preparation of a plan update that clearly and concisely
1453 achieves the purpose of this section. The evaluation and
1454 appraisal report shall be submitted as data and analysis in
1455 support of the evaluation and appraisal report based amendments.

1456 ~~Toward this end, the sufficiency review of the state land~~
1457 ~~planning agency shall concentrate on whether the evaluation and~~
1458 ~~appraisal report sufficiently fulfills the components of~~
1459 ~~subsection (2). If the state land planning agency determines~~
1460 ~~that the report is insufficient, the governing body shall adopt~~
1461 ~~a revision of the report and submit the revised report for~~
1462 ~~review pursuant to subsection (6).~~

1463 ~~(8) The state land planning agency may delegate the review~~
1464 ~~of evaluation and appraisal reports, including all state land~~
1465 ~~planning agency duties under subsections (4)-(7), to the~~
1466 ~~appropriate regional planning council. When the review has been~~
1467 ~~delegated to a regional planning council, any local government~~
1468 ~~in the region may elect to have its report reviewed by the~~
1469 ~~regional planning council rather than the state land planning~~
1470 ~~agency. The state land planning agency shall by agreement~~
1471 ~~provide for uniform and adequate review of reports and shall~~
1472 ~~retain oversight for any delegation of review to a regional~~
1473 ~~planning council.~~

1474 (7)~~(9)~~ The state land planning agency may establish a
1475 phased schedule for adoption of evaluation and appraisal report
1476 based amendments ~~reports~~. The schedule shall provide each local
1477 government at least 7 years from plan adoption or last
1478 established adoption date for evaluation and appraisal report
1479 based amendments ~~a report~~ and shall allot approximately one-

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

(8)~~(10)~~ The governing body shall amend its comprehensive plan based on the recommendations in the report and shall update the comprehensive plan based on the components of subsection (3)~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187, and 163.3189. Amendments to update a comprehensive plan based on the evaluation and appraisal report shall be adopted during a single amendment cycle within the time period established by the state land planning agency's schedule authorized in subsection (7) ~~18 months after the report is determined to be sufficient by the state land planning agency~~, except the state land planning agency may grant an extension for adoption of a portion of such amendments. The state land planning agency may grant a 6-month extension for the adoption of such amendments if the request is justified by good and sufficient cause as determined by the agency. An additional extension may also be granted if the

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request will result in greater coordination between transportation and land use, for the purposes of improving Florida's transportation system, as determined by the agency in coordination with the Metropolitan Planning Organization program. Except for local governments exempted from preparing evaluation and appraisal reports pursuant to subsection (1), beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the evaluation and appraisal report shall result in a local government being prohibited from adopting amendments to the comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency. The prohibition on plan amendments shall commence when the update amendments to the comprehensive plan are past due. The comprehensive plan as amended shall be in compliance as defined in s. 163.3184(1)(b). Within 6 months after the effective date of the update amendments to the comprehensive plan, the local government shall provide to the state land planning agency and to all agencies designated by rule a complete copy of the updated comprehensive plan.

(9)~~(11)~~ The Administration Commission may impose the sanctions provided by s. 163.3184(11) against any local government that fails to ~~adopt and submit a report, or that fails to~~ implement its report through timely and sufficient amendments to its local plan, except for reasons of excusable delay or valid planning reasons agreed to by the state land planning agency or found present by the Administration Commission. Sanctions for untimely or insufficient plan amendments shall be prospective only and shall begin after a

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final order has been issued by the Administration Commission and a reasonable period of time has been allowed for the local government to comply with an adverse determination by the Administration Commission through adoption of plan amendments that are in compliance. The state land planning agency may initiate, and an affected person may intervene in, such a proceeding by filing a petition with the Division of Administrative Hearings, which shall appoint an administrative law judge and conduct a hearing pursuant to ss. 120.569 and 120.57(1) and shall submit a recommended order to the Administration Commission. The affected local government shall be a party to any such proceeding. The commission may implement this subsection by rule.

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

~~(13) The state land planning agency shall regularly review the evaluation and appraisal report process and submit a report to the Governor, the Administration Commission, the Speaker of the House of Representatives, the President of the Senate, and the respective community affairs committees of the Senate and the House of Representatives. The first report shall be submitted by December 31, 2004, and subsequent reports shall be submitted every 5 years thereafter. At least 9 months before the due date of each report, the Secretary of Community Affairs shall appoint a technical committee of at least 15 members to assist in the preparation of the report. The membership of the technical committee shall consist of representatives of local governments, regional planning councils, the private sector, and environmental organizations. The report shall assess the~~

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effectiveness of the evaluation and appraisal report process.

(11)(14) The requirement of subsection (8)(10) prohibiting a local government from adopting amendments to the local comprehensive plan until the evaluation and appraisal report update amendments have been adopted and transmitted to the state land planning agency does not apply to a plan amendment proposed for adoption by the appropriate local government as defined in s. 163.3178(2)(k) in order to integrate a port comprehensive master plan with the coastal management element of the local comprehensive plan as required by s. 163.3178(2)(k) if the port comprehensive master plan or the proposed plan amendment does not cause or contribute to the failure of the local government to comply with the requirements of the this section ~~evaluation and appraisal report~~.

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

163.3245 ~~Optional~~ Sector plans.—

(1) In recognition of the benefits of ~~conceptual~~ long-range planning for the buildout of an area, and detailed planning for specific areas, ~~as a demonstration project, the requirements of s. 380.06 may be addressed as identified by this section for up to five~~ local governments or combinations of local governments may which adopt into their the comprehensive plans a ~~plan~~ an ~~optional~~ sector plan in accordance with this section. This section is intended to promote and encourage long-term planning for conservation, development, and agriculture on a landscape scale; to further the intent of s. 163.3177(11), which supports innovative and flexible planning and development strategies, and the purposes of this part, and part I of chapter 380, to

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1596 facilitate protection of regionally significant water courses
 1597 and wildlife corridors; and to avoid duplication of effort in
 1598 terms of the level of data and analysis required for a
 1599 development of regional impact, while ensuring the adequate
 1600 mitigation of impacts to applicable regional resources and
 1601 facilities, including those within the jurisdiction of other
 1602 local governments, as would otherwise be provided. ~~Optional~~
 1603 Sector plans are intended for substantial geographic areas that
 1604 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
 1605 local governmental jurisdictions and are to emphasize urban form
 1606 and protection of regionally significant resources and public
 1607 facilities. ~~The state land planning agency may approve optional~~
 1608 ~~sector plans of less than 5,000 acres based on local~~
 1609 ~~circumstances if it is determined that the plan would further~~
 1610 ~~the purposes of this part and part I of chapter 380. Preparation~~
 1611 ~~of an optional sector plan is authorized by agreement between~~
 1612 ~~the state land planning agency and the applicable local~~
 1613 ~~governments under s. 163.3171(4). An optional sector plan may be~~
 1614 ~~adopted through one or more comprehensive plan amendments under~~
 1615 ~~s. 163.3184. However, an optional~~ A sector plan may not be
 1616 adopted ~~authorized~~ in an area of critical state concern.

1617 (2) Upon the request of a local government having
 1618 jurisdiction, ~~The state land planning agency may enter into an~~
 1619 ~~agreement to authorize preparation of an optional sector plan~~
 1620 ~~upon the request of one or more local governments based on~~
 1621 ~~consideration of problems and opportunities presented by~~
 1622 ~~existing development trends; the effectiveness of current~~
 1623 ~~comprehensive plan provisions; the potential to further the~~
 1624 ~~state comprehensive plan, applicable strategic regional policy~~

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

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~~public the optional sector planning process and the terms and conditions of the proposed agreement. The local government shall hold a duly noticed public hearing to execute the agreement. All meetings between the department and the local government must be open to the public.~~

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

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

1. A ~~long-range conceptual~~ framework map that:
 - a. At a minimum, generally depicts ~~identifies anticipated~~ areas of urban, agricultural, rural, and conservation land use; and
 - b. Identifies allowed uses in various parts of the planning area, specifies maximum and minimum densities and intensities of use, and provides the conceptual framework for the development pattern in developed areas with graphic illustrations based on a

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hierarchy of places and functional place-making components.

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

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

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

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

6.4- General principles and guidelines addressing that ~~address~~ the urban form and the interrelationships of anticipated future land uses, the protection and, as appropriate, restoration and management of lands identified for permanent preservation, and a discussion, at the applicant's option, of

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the extent, if any, to which the plan will address restoring key ecosystems, achieving a more clean, healthy environment, limiting urban sprawl, providing a range of housing types, protecting wildlife and natural areas, advancing the efficient use of land and other resources, and creating quality communities of a design that promotes travel by multiple transportation modes, and enhancing the prospects for the creation of jobs.

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

A long-term master plan adopted pursuant to this section must be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan, must specify the projected population within the planning area during the chosen planning period, and may include a phasing or staging schedule that allocates a portion of the local government's future growth to the planning area through the planning period.

A long-term master plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis.

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

1. Development or conservation of an area of adequate size to accommodate a level of development which achieves a

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functional relationship between a full range of land uses within the area and to encompass at least 1,000 acres consistent with the long-term master plan. The local government ~~state land planning agency~~ may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the detailed specific area plan furthers the purposes of this part and part I of chapter 380.

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

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

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

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

~~6.4.~~ Public facilities necessary to serve development in the detailed specific area plan for the short term, including developer contributions in a ~~financially feasible~~ 5-year capital improvement schedule of the affected local government.

~~7.5.~~ Detailed analysis and identification of specific measures to assure the protection or conservation of lands

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1770 identified in the long-term master plan to be permanently
1771 preserved and, as appropriate, restored or managed, of
1772 ~~regionally significant natural resources~~ and other important
1773 resources both within and outside the host jurisdiction,
1774 ~~including those regionally significant resources identified in~~
1775 ~~chapter 9J-2, Florida Administrative Code.~~

1776 ~~8.6.~~ Detailed principles and guidelines addressing that
1777 ~~address the urban form and the interrelationships of anticipated~~
1778 ~~future land uses; and a discussion, at the applicant's option,~~
1779 ~~of the extent, if any, to which the plan will address restoring~~
1780 ~~key ecosystems,~~ achieving a more clean, healthy environment;
1781 limiting urban sprawl;
1782 providing a range of housing types;
1783 protecting wildlife and natural areas;
1784 advancing the efficient
1785 use of land and other resources; ~~and~~ creating quality
1786 communities of a design that promotes travel by multiple
1787 transportation modes; and enhancing the prospects for the
1788 creation of jobs.

1787 ~~9.7.~~ Identification of specific procedures to facilitate
1788 ensure intergovernmental coordination to address
1789 extrajurisdictional impacts from ~~of~~ the detailed specific area
1790 plan.

1791
1792 A detailed specific area plan adopted by local development order
1793 pursuant to this section may be based upon a planning period
1794 longer than the generally applicable planning period of the
1795 local comprehensive plan and must specify the projected
1796 population within the specific planning area during the chosen
1797 planning period. A detailed specific area plan adopted pursuant
1798 to this section is not required to demonstrate need based upon

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1799 projected population growth or on any other basis.

1800 (c) In its review of a long-term master plan, the state
1801 land planning agency shall consult with the Department of
1802 Agriculture and Consumer Services, the Department of
1803 Environmental Protection, the Florida Fish and Wildlife
1804 Conservation Commission, and the applicable water management
1805 district regarding the design of areas for protection and
1806 conservation of regionally significant natural resources and for
1807 the protection and, as appropriate, restoration and management
1808 of lands identified for permanent preservation.

1809 (d) The state land planning agency may initiate a civil
1810 action pursuant to s. 163.3215 with respect to a detailed
1811 specific area plan that is not consistent with a long-term
1812 master plan adopted pursuant to this section. For purposes of
1813 such a proceeding, the state land planning agency shall be
1814 deemed an aggrieved and adversely affected party. Regardless of
1815 whether the local government has adopted an ordinance that
1816 establishes a local process which meets the requirements of s.
1817 163.3215(4), judicial review of a detailed specific area plan
1818 initiated by the state land planning agency shall be de novo
1819 pursuant to s. 163.3215(3) and not by petition for writ of
1820 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1821 adversely affected party is subject to s. 163.3215 in all
1822 respects when initiating a consistency challenge to a detailed
1823 specific area plan.

1824 (e) This subsection does ~~may not be construed to prevent~~
1825 preparation and approval of the optional sector plan and
1826 detailed specific area plan concurrently or in the same
1827 submission.

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

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

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

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

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

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

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

(d) The detailed specific area plan must establish a

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

(6) Concurrent with or subsequent to review and adoption of
a long-term master plan pursuant to subsection (3)(a), an
applicant may apply for master development approval pursuant to
s. 380.06(21) for the entire planning area in order to establish
a buildout date until which the approved uses and densities and
intensities of use of the master plan are not subject to
downzoning, unit density reduction, or intensity reduction,
unless the local government can demonstrate that implementation
of the master plan is not continuing in good faith based on
standards established by plan policy, or that substantial
changes in the conditions underlying the approval of the master
plan have occurred, or that the master plan was based on
substantially inaccurate information provided by the applicant,
or that change is clearly established to be essential to the
public health, safety, or welfare. Review of the application for
master development approval shall be at a level of detail
appropriate for the long-term and conceptual nature of the long-
term master plan and, to the maximum extent possible, shall only

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consider information provided in the application for a long-term master plan. Notwithstanding any provision of s. 380.06 to the contrary, an increment of development in such an approved master development plan shall be approved by a detailed specific area plan pursuant to subsection (3)(b) and is exempt from review pursuant to s 380.06. ~~Beginning December 1, 1999, and each year thereafter, the department shall provide a status report to the Legislative Committee on Intergovernmental Relations regarding each optional sector plan authorized under this section.~~

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

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

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

(10) Notwithstanding any provision to the contrary of s. 380.06; chapter 163, part II; or any planning agreement or plan policy, a landowner or developer who has received approval of a master development of regional impact development order pursuant to s. 380.06(21) may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

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

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

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

163.3246 Local government comprehensive planning certification program.—

(9)(a) Upon certification all comprehensive plan amendments associated with the area certified must be adopted and reviewed in the manner described in ss. 163.3184(1), (2), (7), (14), (15), and (16) and 163.3187, such that state and regional agency review is eliminated. The department may not issue any

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objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by s. 163.3184(1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment.

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

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

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

(1) LEGISLATIVE FINDINGS.—

(a) The Legislature finds that local governments in this state have a wide diversity of resources, conditions, abilities, and needs. The Legislature also finds that comprehensive planning has been implemented throughout the state and that it is appropriate for local governments to have the primary role in planning for their growth. ~~the needs and resources of urban areas are different from those of rural areas and that different~~

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~~planning and growth management approaches, strategies, and techniques are required in urban areas. The state role in overseeing growth management should reflect this diversity and should vary based on local government conditions, capabilities, needs, and extent of development. Thus, the Legislature recognizes and finds that reduced state oversight of local comprehensive planning is justified for some local governments in urban areas.~~

(b) The Legislature finds and declares that this state's local governments ~~urban areas~~ require a reduced level of state oversight ~~because of their high degree of urbanization and the planning capabilities and resources of many of their local governments. An alternative state review process that is adequate to protect issues of regional or statewide importance should be created for appropriate local governments in these areas. Further, the Legislature finds that development, including urban infill and redevelopment, should be encouraged in these urban areas. The Legislature finds that an alternative~~ Accordingly, the process provided by this section for amending local comprehensive plans ~~is in these areas should be~~ established with the ~~an~~ objective of streamlining the process and recognizing local responsibility and accountability.

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

(2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT PROGRAM. Pinellas and Broward Counties, and the municipalities~~

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2031 ~~within these counties, and Jacksonville, Miami, Tampa, and~~
2032 ~~Hialeah shall follow an alternative state review process~~
2033 ~~provided in this section. The process for amending a~~
2034 ~~comprehensive plan described in this section is applicable~~
2035 ~~statewide. Municipalities within the pilot counties may elect,~~
2036 ~~by super majority vote of the governing body, not to participate~~
2037 ~~in the pilot program. In addition to the pilot program~~
2038 ~~jurisdictions, any local government may use the alternative~~
2039 ~~state review process to designate an urban service area as~~
2040 ~~defined in s. 163.3164(29) in its comprehensive plan.~~

2041 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
2042 ~~UNDER THE PILOT PROGRAM.—~~

2043 (a) Plan amendments adopted by the local governments ~~pilot~~
2044 ~~program jurisdictions shall follow the alternate, are subject to~~
2045 ~~the expedited process in subsections (4) and (5), except as set~~
2046 ~~forth in paragraphs (b)-(e) of this subsection.~~

2047 (b) Amendments that qualify as small-scale development
2048 amendments may continue to be adopted ~~by the pilot program~~
2049 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

2050 (c) Plan amendments that propose a rural land stewardship
2051 area pursuant to s. 163.3177(11)(d); propose an optional sector
2052 plan; update a comprehensive plan based on an evaluation and
2053 appraisal report; implement new statutory requirements; or new
2054 plans for newly incorporated municipalities are subject to state
2055 review as set forth in s. 163.3184.

2056 (d) Local governments ~~Pilot program jurisdictions shall~~
2057 ~~be~~ subject to the frequency and timing requirements for plan
2058 amendments set forth in ss. 163.3187 and 163.3191, except where
2059 otherwise stated in this section.

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(e) The mediation and expedited hearing provisions in s. 163.3189(3) apply to all plan amendments adopted pursuant to this section ~~by the pilot program jurisdictions.~~

(4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT PROGRAM.~~

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

(b) The agencies and local governments specified in paragraph (a) may provide comments regarding the amendment or amendments to the local government. The regional planning council review and comment shall be limited to effects on

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

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

(a) The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, on a weekday at least 5 days

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2118 after the day the second advertisement is published pursuant to
2119 the requirements of chapter 125 or chapter 166. Adoption of
2120 comprehensive plan amendments must be by ordinance and requires
2121 an affirmative vote of a majority of the members of the
2122 governing body present at the second hearing.

2123 (b) All comprehensive plan amendments adopted by the
2124 governing body along with the supporting data and analysis shall
2125 be transmitted within 10 days of the second public hearing to
2126 the state land planning agency and any other agency or local
2127 government that provided timely comments under paragraph (4)(b).

2128 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
2129 ~~PROGRAM.~~—

2130 (a) Any “affected person” as defined in s. 163.3184(1)(a)
2131 may file a petition with the Division of Administrative Hearings
2132 pursuant to ss. 120.569 and 120.57, with a copy served on the
2133 affected local government, to request a formal hearing to
2134 challenge whether the amendments are “in compliance” as defined
2135 in s. 163.3184(1)(b). This petition must be filed with the
2136 Division within 30 days after the local government adopts the
2137 amendment. The state land planning agency may intervene in a
2138 proceeding instituted by an affected person.

2139 (b) The state land planning agency may file a petition with
2140 the Division of Administrative Hearings pursuant to ss. 120.569
2141 and 120.57, with a copy served on the affected local government,
2142 to request a formal hearing. This petition must be filed with
2143 the Division within 30 days after the state land planning agency
2144 notifies the local government that the plan amendment package is
2145 complete. For purposes of this section, an adopted amendment
2146 package shall be deemed complete if it contains a full, executed

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2147 copy of the adoption ordinance or ordinances; in the case of a
2148 text amendment, a full copy of the amended language in
2149 legislative format with new words inserted in the text
2150 underlined, and words to be deleted lined through with hyphens;
2151 in the case of a future land use map amendment, a copy of the
2152 future land use map clearly depicting the parcel, its existing
2153 future land use designation, and its adopted designation; and a
2154 copy of any data and analyses the local government deems
2155 appropriate. The state land planning agency shall notify the
2156 local government of any deficiencies within 5 working days of
2157 receipt of an amendment package.

2158 (c) The state land planning agency's challenge shall be
2159 limited to those issues raised in the comments provided by the
2160 reviewing agencies pursuant to paragraph (4)(b). The state land
2161 planning agency may challenge a plan amendment that has
2162 substantially changed from the version on which the agencies
2163 provided comments. ~~For the purposes of this pilot program,~~ The
2164 Legislature strongly encourages the state land planning agency
2165 to focus any challenge on issues of regional or statewide
2166 importance.

2167 (d) An administrative law judge shall hold a hearing in the
2168 affected local jurisdiction. The local government's
2169 determination that the amendment is "in compliance" is presumed
2170 to be correct and shall be sustained unless it is shown by a
2171 preponderance of the evidence that the amendment is not "in
2172 compliance."

2173 (e) If the administrative law judge recommends that the
2174 amendment be found not in compliance, the judge shall submit the
2175 recommended order to the Administration Commission for final

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agency action. The Administration Commission shall enter a final order within 45 days after its receipt of the recommended order.

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

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

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

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

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

~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~

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GOVERNMENTS. Local governments and specific areas that have been designated for alternate review process pursuant to ss. 163.3246 and 163.3184(17) and (18) are not subject to this section.

~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall not promulgate rules to implement this pilot program.~~

~~(9) REPORT. The Office of Program Policy Analysis and Government Accountability shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2008, a report and recommendations for implementing a statewide program that addresses the legislative findings in subsection (1) in areas that meet urban criteria. The Office of Program Policy Analysis and Government Accountability in consultation with the state land planning agency shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. Additionally, the office shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations shall include the following:~~

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

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

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~~(c) Criteria for determining issues of regional or statewide importance that are to be protected in the alternative state review process.~~

~~(d) In preparing the report and recommendations, the Office of Program Policy Analysis and Government Accountability shall consult with the state land planning agency, the Department of Transportation, the Department of Environmental Protection, and the regional planning agencies in identifying highly developed local governments to participate in the alternative expedited state review process. The Office of Program Policy Analysis and Governmental Accountability shall also solicit citizen input in the potentially affected areas and consult with the affected local governments and stakeholder groups.~~

Section 19. Section 288.005, Florida Statutes, is created to read:

288.005 Definitions.—As used in this chapter, the following words and phrases shall have the following meanings and references:

(1) "Economic benefits" means the direct, indirect, and induced gains in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.

(2) "Commissioner" means the commissioner of Jobs Florida, unless otherwise stated.

Section 20. Section 288.048, Florida Statutes, is created to read:

288.048 Incumbent worker training for economic development.—

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2263 (1) The Incumbent Worker Training Program is created within
2264 Jobs Florida for the purpose of providing grant funding for
2265 continuing education and training of incumbent employees at
2266 existing Florida businesses. The program will provide
2267 reimbursement grants to businesses that pay for preapproved,
2268 direct, training-related costs.

2269 (2) The Incumbent Worker Training Program is administered
2270 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
2271 Florida, at its discretion, may contract with a private business
2272 organization to serve as the grant administrator.

2273 (3) To be eligible for the program's grant funding, a
2274 business must have been in operation in this state for at least
2275 1 year before applying for grant funding; have at least one
2276 full-time employee; demonstrate financial viability; and be
2277 current on all state tax obligations. Priority for funding shall
2278 be given to businesses having 25 or fewer employees, businesses
2279 in rural areas, businesses in distressed inner-city areas,
2280 businesses in a qualified targeted industry, businesses whose
2281 grant proposals represent a significant upgrade in employee
2282 skills, or businesses whose grant proposals represent a
2283 significant layoff avoidance strategy.

2284 (4) All costs reimbursed by the program must be preapproved
2285 by Jobs Florida or the grant administrator. The program will not
2286 reimburse businesses for trainee wages, the purchase of capital
2287 equipment, or the purchase of any item or service that may be
2288 used outside the training project. A business approved for a
2289 grant may be reimbursed for preapproved, direct, training-
2290 related costs including tuition, fees, books and training
2291 materials, and overhead or indirect costs not to exceed 5

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percent of the grant amount.

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

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

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

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

Section 21. Section 288.061, Florida Statutes, is amended to read:

288.061 Economic development incentive application process.—

(1) Within 10 business days after receiving a submitted

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2321 economic development incentive application, the Division of
2322 Strategic Business Development of Jobs Florida and designated
2323 staff of the Jobs Florida Partnership, Inc. ~~Enterprise Florida,~~
2324 ~~Inc.~~, shall review the application and inform the applicant
2325 business whether or not its application is complete, whether and
2326 what type of state and local permits may be necessary for the
2327 applicant's project, whether it is possible to waive such
2328 permits, and what state incentives and amounts of such
2329 incentives may be available to the applicant. ~~Within 10 business~~
2330 ~~days after the application is deemed complete, Enterprise~~
2331 ~~Florida, Inc., shall evaluate the application and recommend~~
2332 ~~approval or disapproval of the application to the director of~~
2333 ~~the Office of Tourism, Trade, and Economic Development. In~~
2334 ~~recommending an applicant business for approval, Enterprise~~
2335 ~~Florida, Inc., shall include in its evaluation a recommended~~
2336 ~~grant award amount and a review of the applicant's ability to~~
2337 ~~meet specific program criteria.~~

2338 (2) Within 14 business ~~10 calendar~~ days after the initial
2339 review and communication with the applicant, Jobs Florida shall
2340 ~~the Office of Tourism, Trade, and Economic Development receives~~
2341 ~~the evaluation and recommendation from Enterprise Florida, Inc.,~~
2342 ~~the Office shall notify Enterprise Florida, Inc., whether or not~~
2343 ~~the application is reviewable. Within 22 calendar days after the~~
2344 ~~Office receives the recommendation from Enterprise Florida,~~
2345 ~~Inc., the director of the Office shall review the application~~
2346 ~~and issue a letter of certification to the applicant that~~
2347 ~~approves or disapproves an applicant business and includes a~~
2348 ~~justification of that decision, unless the business requests an~~
2349 ~~extension of that time.~~

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

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

Section 22. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

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

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

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the express purpose of economic development projects.

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

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

(c) In order to expend the funds appropriated to the Qualified Expenditure Category – Economic Development Tools, Jobs Florida must provide a business plan that includes

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performance measures to the Legislative Budget Commission on how the department intends to expend the funds for economic development purposes and must receive approval from the Legislative Budget Commission to expend those funds.

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

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Inc., ~~in the collection of data related to business performance and incentive payments.~~

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

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

Section 23. Part VII of chapter 288, Florida Statutes is substantially amended by this act and renamed Jobs Florida Partnership, Inc.

Section 24. Section 288.901, Florida Statutes, is amended to read:

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

288.901 Jobs Florida Partnership, Inc.—

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

(b) However, the Legislature determines it is in the best interest of the state and reflects the state’s public policy that Jobs Florida Partnership, Inc., operate in the most open and accessible manner consistent with its public purposes. To

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2466 this end, the Legislature specifically declares that Jobs
2467 Florida Partnership, Inc., and its divisions, boards and
2468 advisory councils, or similar entities created or managed by the
2469 Jobs Florida Partnership, Inc., are subject to the provisions of
2470 chapter 119, relating to public records and those provisions of
2471 chapter 286 relating to public meetings and records.

2472 (c) Additionally, the Legislature determines that it is in
2473 the public interest for the members of the Jobs Florida
2474 Partnership, Inc., board of directors to be subject to the
2475 requirements of ss. 112.3135, 112.3143, and 112.313, excluding
2476 subsection (2) of 112.313, notwithstanding the fact that the
2477 board members are not public officers or employees. For purposes
2478 of those sections, the board members shall be considered to be
2479 public officers or employees. The exemption set forth in s.
2480 212.313(12) for advisory boards applies to the members of the
2481 Jobs Florida Partnership, Inc., board of directors. Further,
2482 each member of the board of directors who is not otherwise
2483 required to file financial disclosures pursuant to s. 8, Art. II
2484 of the State Constitution or s. 112.3144, shall file disclosure
2485 of financial interests pursuant to s. 112.3145.

2486 (2) PURPOSES.—Jobs Florida Partnership, Inc., hereafter
2487 referred to as the Partnership in Part VII of ch. 288, will act
2488 as an economic-development organization for the state, utilizing
2489 private- and public-sector expertise in collaboration with the
2490 Department of Jobs Florida to:

2491 (a) Increase private investment in Florida;
2492 (b) Advance international and domestic trade opportunities;
2493 (c) Market the state both as a pro-business location for
2494 new investment and as an unparalleled tourist destination;

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2495 (d) Revitalize Florida's space and aerospace industries,
2496 and promote emerging complementary industries;

2497 (e) Promote opportunities for minority-owned businesses;
2498 and

2499 (f) Assist and market professional and amateur sport teams
2500 and sporting events in Florida.

2501 (3) PERFORMANCE.—The Partnership shall enter into a
2502 performance-based agreement with the department of Jobs Florida,
2503 pursuant to s. 20.60, which includes annual measurements of the
2504 Partnership's performance.

2505 (4) GOVERNANCE.—The Partnership shall be governed by an 11-
2506 member board of directors. The Governor shall serve on the board
2507 as the chair, and shall appoint four other members. Three
2508 members shall be appointed by the President of the Senate, and
2509 three shall be appointed by the Speaker of the House of
2510 Representatives. All appointees are subject to Senate
2511 confirmation.

2512 (a) In making their appointments, the Governor, the
2513 President of the Senate, and the Speaker of the House of
2514 Representatives shall ensure that the composition of the board
2515 of directors reflects the diversity of Florida's business
2516 community and is representative of the economic development
2517 goals in subsection (2). The board must include at least one
2518 director for each of the following areas of expertise:
2519 international business, tourism marketing, the space or
2520 aerospace industry, managing or financing a minority-owned
2521 business, manufacturing, finance and accounting, and sports
2522 marketing.

2523 (b) The Governor, the President of the Senate, and the

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2524 Speaker of the House of Representatives also shall consider
2525 appointees who reflect Florida's racial, ethnic, and gender
2526 diversity, as well as the geographic distribution, of the
2527 population of the state.

2528 (c) Appointed members shall serve 4-year terms, except that
2529 initially, to provide for staggered terms, the Governor, the
2530 President of the Senate, and the Speaker of the House of
2531 Representatives shall each appoint one member to serve a 2-year
2532 term and 1 member to serve a 3-year term, with the remaining
2533 initial appointees serving 4-year terms. All subsequent
2534 appointments shall be for 4-year terms.

2535 (d) Initial appointments must be made by October 1, 2011,
2536 and be eligible for confirmation at the earliest available
2537 Senate session.

2538 (e) Any member is eligible for reappointment, except that
2539 no member may serve more than two terms.

2540 (f) A vacancy on the board of directors shall be filled for
2541 the remainder of the unexpired term. Vacancies on the board
2542 shall be filled by appointment by the Governor, the President of
2543 the Senate, or the Speaker of the House of Representatives,
2544 respectively, depending on who appointed the member whose
2545 vacancy is to be filled or whose term has expired.

2546 (g) Appointed members may be removed by the Governor, the
2547 President of the Senate, or the Speaker of the House of
2548 Representatives, respectively, for cause. Absence from three
2549 consecutive meetings results in automatic removal.

2550 (5) AT-LARGE BOARD MEMBERS.—Notwithstanding the provisions
2551 of subsection (4), the board of directors may by resolution
2552 appoint up to 10 at-large members to the board from the private

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

(6) EX OFFICIO BOARD MEMBER.—Additionally, the commissioner of the Department of Jobs Florida shall be an ex officio, non-voting member of the board of directors.

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

(8) SERVICE.—Members of the board of directors shall serve without compensation, but members of Jobs Florida Partnership, Inc., and the advisory councils created in s. 288.920, may be reimbursed for all reasonable, necessary, and actual expenses, as determined by the board of directors.

(9) PROHIBITION.—The Partnership shall not endorse any

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2582 candidate for any elected public office, nor shall it contribute
2583 moneys to the campaign of any such candidate.

2584 Section 25. Section 288.9015, Florida Statutes, is amended
2585 to read:

2586 (Substantial rewording of this section. See s. 288.9015,
2587 F.S., for present text.)

2588 288.9015 Powers of the Partnership and the board of
2589 directors.—

2590 (1) The Partnership shall integrate its efforts in business
2591 recruitment and expansion, job creation, marketing the state for
2592 tourism and sports, and promoting economic opportunities for
2593 minority-owned businesses and rural and distressed urban
2594 communities with those of the commissioner of the Department of
2595 Jobs Florida, to create an aggressive, agile, and collaborative
2596 effort to reinvigorate the state's economy.

2597 (2) The Partnership's board of directors shall have the
2598 power to:

2599 (a) Secure funding for its programs and activities, and for
2600 its boards from federal, state, local, and private sources and
2601 from fees charged for services and published materials.

2602 (b) Solicit, receive, hold, invest, and administer any
2603 grant, payment, or gift of funds or property and make
2604 expenditures consistent with the powers granted to it.

2605 (c) Make and enter into contracts and other instruments
2606 necessary or convenient for the exercise of its powers and
2607 functions. A contract executed by the Partnership with a person
2608 or organization under which such person or organization agrees
2609 to perform economic development services or similar business-
2610 assistance services on behalf of the Partnership or the state

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2611 must include provisions requiring a performance report on the
2612 contracted activities and must account for proper use of funds
2613 provided under the contract, coordinate with other components of
2614 state and local economic development systems, and avoid
2615 duplication of existing state and local services and activities.

2616 (d) Elect or appoint such officers, employees, and agents
2617 as required for its activities and for its divisions, and pay
2618 such persons reasonable compensation.

2619 (e) Carry forward any unexpended state appropriations into
2620 succeeding fiscal years.

2621 (f) Except for the divisions and advisory boards created in
2622 s. 288.920, create and dissolve advisory divisions, working
2623 groups, task forces, or similar organizations, as necessary to
2624 carry out its mission. Members of advisory divisions, working
2625 groups, task forces, or similar organizations created by the
2626 Partnership shall serve without compensation, but may be
2627 reimbursed for reasonable, necessary, and actual expenses, as
2628 determined by the Partnership's board of directors.

2629 (g) Sue and be sued, and appear and defend in all actions
2630 and proceedings, in its corporate name to the same extent as a
2631 natural person.

2632 (h) Adopt, use, and alter a common corporate seal for the
2633 Partnership and its divisions. Notwithstanding any provisions of
2634 chapter 617 to the contrary, this seal is not required to
2635 contain the words "corporation not for profit."

2636 (i) Adopt, amend, and repeal bylaws, not inconsistent with
2637 the powers granted to it or the articles of incorporation, for
2638 the administration of the Partnership's activities and the
2639 exercise of its corporate powers.

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

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

(l) Procure insurance or require bond against any loss in connection with the property of the Partnership and its divisions, in such amounts and from such insurers as is necessary or desirable.

(3) The powers granted to the Partnership shall be liberally construed in order that the Partnership may pursue and succeed in its responsibilities under this part.

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

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

Section 26. Section 288.903, Florida Statutes, is amended to read:

(Substantial rewording of this section. See s. 288.903, F.S., for present text.)

288.903 Duties of the Partnership.—The Partnership shall have the following duties:

(1) Responsibly and prudently manage all public and private

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funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.

(2) Administer the entities or programs created pursuant to Part IX of ch. 288; ss. 288.9622-288.9624; ss. 288.95155 and 288.9519; and ch. 95-429, L.O.F., line 1680Y.

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

(4) Assist the Department of Jobs Florida with the development of an annual and a long-range strategic business blueprint for economic development.

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

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

Section 27. Section 288.904, Florida Statutes, is amended to read:

(Substantial rewording of this section. See s. 288.904, F.S., for present text.)

288.904 Funding for the Partnership; return on the public's investment.—

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

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288.920.

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

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

1. Cash given directly to the Partnership for its operations, including contributions from at-large members of the board of directors;

2. Cash donations from the divisions' advisory councils or from organizations assisted by the divisions;

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

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

5. Co-payments, stock, warrants, royalties, or other private resources dedicated to the Partnership or its divisions.

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

(b) The Partnership's board of directors shall adopt for

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each upcoming fiscal year an operating budget for the
organization, including its divisions, that specifies the
intended uses of the state's operating investment and a plan for
securing private-sector support.

(3) The Partnership shall fully comply with the performance
measures, standards, and sanctions in its contract with the
Department of Jobs Florida, under s. 20.60. The Department of
Jobs Florida shall ensure, to the maximum extent possible, that
the contract performance measures are consistent with
performance measures that it is required to develop and track
under performance-based program budgeting. The contract shall
also include performance measures for the divisions.

(4) The Legislature intends to review the Partnership's
performance in achieving the performance goals stated in its
annual agreement with the Department of Jobs Florida to
determine whether the public is receiving a positive return on
its investment in the Partnership and its divisions. It also is
the intent of the Legislature that the Partnership coordinates
its operations with local economic-development organizations to
maximize the state and local return-on-investment to create jobs
for Floridians.

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

(6) The Partnership, in consultation with the Office of
Economic and Demographic Research, shall hire an economic
analysis firm to develop the methodology for establishing and
reporting the return on the public's investment and in-kind

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contributions as described in this section and shall hire a firm experienced in survey research to develop, analyze, and report on the results of the customer-satisfaction survey. The Office of Economic and Demographic Research shall review and offer feedback on the methodology before it is implemented.

Section 28. Section 288.905, Florida Statutes, is amended to read:

(Substantial rewording of this section. See s. 288.905, F.S., for present text.)

288.905 President and employees of the Jobs Florida Partnership, Inc.—

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

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

(3) No employee of the Partnership may receive compensation for employment that exceeds the salary paid to the Governor, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides

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the basis for the award of incentive payments that increase the
employee's total compensation to a level above the salary paid
to the Governor.

Section 29. Section 288.906, Florida Statutes, is amended
to read:

(Substantial rewording of this section. See s. 288.904,
F.S., for present text.)

288.906 Annual report of the Partnership and its divisions;
audits.—

(1) Prior to December 1 of each year, the Partnership shall
submit to the Governor, the President of the Senate, the Speaker
of the House of Representatives, the Senate Minority Leader, and
the House Minority Leader a complete and detailed report
including, but not limited to:

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

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

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

(d) A description of the operations and accomplishments of

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the Partnership and its divisions with respect to aggressively marketing Florida's rural communities and distressed urban communities as locations for potential new investment and job creation, aggressively assisting in the creation, retention, and expansion of existing businesses and job growth in these communities, and aggressively assisting these communities in the identification and development of new economic development opportunities.

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

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

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

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

(2) The detailed report required by this section shall also

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include the information identified in subsection (1), if applicable, for each division established within the Partnership.

Section 30. Section 288.907, Florida Statutes, is created to read:

288.907 Annual incentives report.—

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

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

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

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created, and actual wages paid for incentive agreements
completed during the previous 3 years for each target industry
sector.

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

1. The number of economic development incentive
applications received.

2. The number of recommendations made to the Department of
Jobs Florida by the Partnership, including the number
recommended for approval and the number recommended for denial.

3. The number of final decisions issued by Department of
Jobs Florida for approval and for denial.

4. The projects for which a tax refund, tax credit, or cash
grant agreement was executed, identifying:

a. The number of jobs committed to be created.

b. The amount of capital investments committed to be made.

c. The annual average wage committed to be paid.

d. The amount of state economic development incentives
committed to the project from each incentive program under the
project's terms of agreement with the Department of Jobs
Florida.

(c) For economic development projects that received tax
refunds, tax credits, or cash grants under the terms of an
agreement for incentives, the report must identify:

1. The number of jobs actually created.

2. The amount of capital investments actually made.

3. The annual average wage paid.

(d) For a project receiving economic development incentives
approved by the Department of Jobs Florida and receiving federal

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or local incentives, the report must include a description of the federal or local incentives, if available.

(e) The report must state the number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the Department of Jobs Florida and consequently are not receiving incentives.

(f) The report must include an analysis of the economic benefits, as defined in s. 288.005(1), of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities.

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

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

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

Section 31. Section 288.911, Florida Statutes, is amended to read:

(Substantial rewording of this section. See s. 288.911, F.S., for present text.)

288.911 Creation and implementation of a marketing and image campaign.—

(1) The Partnership, with the assistance of its Division of Tourism Promotion and the private sector, shall create a marketing campaign to help attract, develop, and retain target

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industry businesses and high-impact businesses to this state.
The campaign must be coordinated with any existing economic
development promotion efforts in this state, and shall be
jointly funded from private and public resources.

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

Section 32. Section 288.912, Florida Statutes, is created
to read:

288.912 Inventory of communities seeking to recruit
businesses.—By September 30 of each year, a county or
municipality that has a population of at least 25,000 or its
local economic development organization must submit to the Jobs
Florida Partnership, Inc., a brief overview of the strengths,
services, and economic development incentives that its community
offers. The local government or its local economic development
organization also must identify any industries that it is
encouraging to locate or relocate to its area.

Section 33. Section 288.920, Florida Statutes, is created
to read:

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

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

(a) Division of International Trade and Business Development;

(b) Division of Business Retention and Recruitment;

(c) Division of Tourism Promotion;

(d) Division of Space Industry Development;

(e) Division of Black Business Development; and

(f) Division of Sports Industry Development.

(2)(a) The officers and agents of the divisions shall be hired and their annual compensation established by the president of the Partnership, as deemed appropriate by the board of directors, and may be eligible for performance bonuses pursuant to s. 288.903(3).

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

(3) Each division shall have an advisory council, comprised of Florida residents with expertise in each division's particular responsibilities. The Partnership may submit nominations of persons to serve on each advisory council to the Governor, who will select the members of each advisory council from the lists submitted.

(4) The term for an advisory council member is 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

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2988 (5) Advisory council members shall serve without
2989 compensation, but may be reimbursed for all reasonable,
2990 necessary, and actual expenses, as determined by the
2991 Partnership's board of directors.

2992 Section 34. Section 288.921, Florida Statutes, is created
2993 to read:

2994 288.921 Division of International Trade and Business
2995 Development; responsibilities; advisory council.—

2996 (1) Created within the Partnership is the Division of
2997 International Trade and Business Development.

2998 (2) The division shall be responsible for:

2999 (a) Developing business leads that generate increased
3000 foreign investment in Florida;

3001 (b) Developing programs, such as international trade shows,
3002 that establish viable overseas markets for Florida products and
3003 services;

3004 (c) Facilitate the development and implementation of
3005 strategies to secure financing for exporting Florida products
3006 and services;

3007 (d) Promote opportunities for international joint-venture
3008 relationships, using the resources of academic, business, and
3009 other institutions;

3010 (e) Coordinate and facilitate trade assistance for Florida
3011 businesses;

3012 (f) Participate in discussions and planning exercises with
3013 the Florida Seaport Advisory Council, the state Department of
3014 Transportation, and statewide transportation logistics and
3015 intermodal mobility organizations regarding proposed
3016 improvements to Florida's infrastructure to attract and manage

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international cargo and commerce.

(2) The division also shall assist the Department of Jobs Florida commissioner with administering a grant program for promotion of international trade.

(a) A county, municipality, economic development council, or a not-for-profit association of businesses organized to assist in the promotion of international trade may apply for a grant of state funds for the promotion of international trade.

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

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

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

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

(3) The division shall draft and submit an annual report by October 15 that details the division's activities during the prior fiscal year, and any recommendations for improving current statutes related to international trade and business development.

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(4) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to make recommendations to the Partnership's board of directors on matters pertaining to international trade and business development; projects for the division to undertake; and staffing of the division.

Section 35. Section 288.922, Florida Statutes, is created to read:

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

(1) Created within the Partnership is the Division for Business Retention and Recruitment.

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

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

(4) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to make recommendations to the Partnership board of directors on matters pertaining to innovative methods of business development and recruitment efforts; changes to existing economic development incentives or implementation of new types of incentives; targeted industries for recruitment or retention; and staffing of the division.

Section 36. Section 288.923, Florida Statutes, is created to read:

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288.923 Divisions of Tourism Promotion; definitions; responsibilities; advisory council.—

(1) There is hereby created within the Partnership the Division of Tourism Promotion.

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

(a) "Tourism promotion" means any marketing efforts exercised to attract domestic and international visitors from outside the state to destinations in Florida and to stimulate Florida resident tourism to areas within the state.

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

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

(3) The division's responsibilities and duties include, but are not limited to:

(a) Advising the commissioner of the Department of Jobs Florida and the Partnership on development of domestic and international tourism promotional campaigns featuring Florida;

(b) Developing and implementing, in conjunction with its private partners, an annual tourism marketing campaign that

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targets each region of the state, each season of the year, and traditional as well as new tourist populations; and

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

1. Sustain overall tourism growth in Florida;

2. Expand to new or under-represented tourist markets;

3. Solidify traditional and loyal tourist markets;

4. Coordinate efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private-sector partners to create a seamless, four-season advertising campaign for the state and its regions;

5. Develop innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population;

6. Consider innovative sources of state funding for tourism marketing; and

7. Develop and update periodically an emergency response component to address natural and man-made disasters from a marketing stand point.

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

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performance metrics on these recommendations.

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

(4) A 15-member advisory council shall be appointed, pursuant to s. 288.920, to make recommendations to the Partnership's board of directors on matters pertaining to ways to improve or enhance Florida's tourism promotion efforts; research on tourist populations and trends; innovative tourism funding proposals; and staffing of the division.

Section 37. Section 288.924, Florida Statutes, is created to read:

288.924 Division of Space Industry Development; responsibilities; advisory council.—

(1) Created within the Partnership is the Division of Space Industry Development.

(2) As used in this section, the term "Spaceport territory" means the following property:

(a) Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Air Force Base, Cape Canaveral Air Force Station, or John F. Kennedy Space Center. The territory consisting of areas within the John F. Kennedy Space Center and the Cape Canaveral Air Force Station may be referred to as the "Cape Canaveral Spaceport."

(b) Certain real property located in Santa Rosa, Okaloosa, Gulf, and Walton Counties that is included within the 1997 boundaries of Eglin Air Force Base.

(c) Certain real property at Cape San Blas in Gulf County.

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(3) The primary responsibilities and duties of the Division of Space Industry Development include, but are not limited, to:

(a) Promoting and facilitating launch activity within the state by supporting and assisting commercial launch operators in completing and submitting required documentation and gaining approvals and authorization from the required federal agencies for launching from Florida.

(b) Managing spaceport territory by:

1. Seeking federal support and developing partnerships to renew and upgrade the infrastructure and technologies at the Cape Canaveral Air Force Station, the John F. Kennedy Space Center, and the Eastern Range that will enhance space and military programs of the Federal Government, and improve access for commercial launch activities.

2. Supporting federal efforts to clarify roles and responsibilities of federal agencies and eliminate duplicative federal rules and policies, in an effort to streamline access for commercial launch users.

3. Acting as the lead negotiator for the Department of Jobs Florida, pursue development of commercial spaceports in the state, in addition to those defined herein, through partnerships with counties or municipalities, the Federal Government, or private entities.

4. Consulting, as necessary, with the appropriate federal, state, and local authorities, including the National Aeronautics and Space Administration, the Federal Aviation Administration, the Department of Defense, the Department of Transportation, the Florida National Guard, and industry on all aspects of establishing and operating spaceport infrastructure and related

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3191 facilities within the state.

3192 5. Contracting for the operations of the state's Space Life
3193 Sciences Laboratory.

3194 (c) Assisting the Department of Jobs Florida and the
3195 Partnership in developing a comprehensive plan to retain,
3196 expand, attract, and create space and aerospace industries,
3197 public or private, which result in the creation of high-value-
3198 added businesses and jobs in this state. This plan also shall
3199 include a marketing and promotional component to convince space
3200 and aerospace businesses that Florida is the best location for
3201 their activities and investments.

3202 (d) Creating a business plan to foster the growth and
3203 development of the aerospace industry. The business plan must
3204 address business development, finance, spaceport operations,
3205 research and development, workforce development, and education.
3206 The business plan must be updated at least every 2 years.

3207 (e) Assisting the Department of Jobs Florida and the
3208 Partnership in their workforce development efforts by
3209 coordinating with post-secondary educational institutions and
3210 other public and private partners to retain, train, and retrain
3211 workers, from entry-level skills training through to technician-
3212 level, and 4-year degrees and higher, with the skills most
3213 relevant to aerospace employers.

3214 (f) Drafting and submitting an annual report by October 15
3215 that details the division's activities of the prior fiscal year,
3216 and any recommendations for improving current statutes related
3217 to the space and aerospace industry.

3218 (4)(a) A 15-member advisory council shall be appointed,
3219 pursuant to s. 288.920, to make recommendations to the

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Partnership's board of directors on matters pertaining to ways to improve or enhance Florida's efforts to expand its existing space and aerospace industry; to improve management and use of Florida's state-owned real property assets related to space and aerospace; how best to retain and, if necessary, retrain Florida's highly skilled space and aerospace workforce; and how to strengthen bonds among Florida, NASA, the Department of Defense, and private space and aerospace industries.

(b) Each of the following areas of expertise or experience must be represented by at least one advisory council member: human space-flight programs; commercial launches into space; organized labor with experience working in the aerospace industry; aerospace-related industries; a commercial company working under Federal Government contracts to conduct space-related business; an aerospace company whose primary client is the United States Department of Defense; and an alternative energy enterprise with potential for aerospace applications.

Section 38. Section 288.925, Florida Statutes, is created to read:

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

(1) Created within the Partnership is the Division of Black Business Development.

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

(a) Administering the Black Business Loan Program in s. 288.7102 and assisting in the creation of a long-range strategic policy for that program.

(b) Evaluating the unmet need for capital by black business

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enterprises in the state, and providing a 5-year projection of the need for capital by black business enterprises. The division may contract with an independent entity to prepare the projection once every 5 years.

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

(d) Advising the Department of Jobs Florida and the Partnership about the needs black business enterprises.

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

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

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

(h) Marketing the Black Business Loan Program and related services to black business enterprises through all appropriate media outlets, including media targeting the African-American community.

(i) Submitting an annual report by October 15 of each year to the Partnership's board of directors that details the previous fiscal year's activities of the black business investment corporations that make the loans to qualified businesses, pursuant to s. 288.7102; identifiable trends from

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the previous fiscal year's loan activity; and any recommended
changes to the current program.

(3) A 15-member advisory council shall be appointed,
pursuant to s. 288.920, to make recommendations to the
Partnership's board of directors on such matters as how to
improve minority business access to capital; recommendations on
how to provide technical assistance and other business resources
to minority-owned businesses; and staffing of the division.
Members of the advisory council must have experience in
business, including financial services, banking, or economic
development. At least one of the appointees must have experience
in venture capitalism.

Section 39. Section 288.1229, Florida Statutes, is
transferred, renumbered as section 288.926, Florida Statutes,
and amended to read:

(Substantial rewording of this section. See s. 288.1229,
F.S., for present text.)

288.926 Division of Sports Industry Development;
responsibilities; duties; advisory council.-

(1) Created within the Partnership is the Division of
Sports Industry Development.

(2) The division is responsible for:

(a) The promotion and development of professional and
amateur sports industries and related industries for the purpose
of improving the economic presence of these industries in
Florida.

(b) The promotion of amateur athletic participation for the
citizens of Florida, and the promotion of Florida as a host for
national and international amateur athletic competitions for the

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3307 purpose of encouraging and increasing the direct and ancillary
3308 economic benefits of amateur athletic events and competitions.

3309 (c) The retention of professional sports franchises,
3310 including the spring training operations of Major League
3311 Baseball.

3312 (d) The drafting and submittal of an annual report, due
3313 each October 15, to the Partnership, that details the division's
3314 activities for the prior fiscal year and any recommendations for
3315 improving current statutes related to sports and related
3316 industries.

3317 (2) The division shall have the following duties:

3318 (a) Develop, foster, and coordinate services and programs
3319 for amateur sports for all Floridians.

3320 (b) Sponsor amateur sports workshops, clinics, conferences,
3321 and other similar activities.

3322 (c) Give recognition to outstanding developments and
3323 achievements in, and contributions to, amateur sports.

3324 (d) Encourage, support, and assist local governments and
3325 communities in the development of or hosting of local amateur
3326 athletic events and competitions.

3327 (e) Promote Florida as a host for national and
3328 international amateur athletic competitions.

3329 (f) Continue the amateur sports programs previously
3330 conducted by the Florida Governor's Council on Physical Fitness
3331 and Amateur Sports created under the former s. 14.22.

3332 (g) Encourage and continue the use of volunteers in its
3333 amateur sports programs to the maximum extent possible.

3334 (h) Develop, foster, and coordinate services and programs
3335 designed to encourage the participation of Florida's youth in

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Olympic sports activities and competitions.

(i) Foster and coordinate services and programs designed to contribute to the physical fitness of the citizens of Florida.

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

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

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(4)(a) A 15-member advisory council shall be appointed,
pursuant to s. 288.920, to make recommendations to the
Partnership board of directors on the activities and staffing of
the division.

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

Section 40. Subsection (4) of section 409.942, Florida
Statutes, is amended to read:

409.942 Electronic benefit transfer program.—

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

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~~developing an electronic benefit transfer program for the
workforce development system that is fully compatible with the
department's electronic benefit transfer program. The agency
shall reimburse the department for all costs incurred in
providing such assistance and shall pay all costs for the
development of the workforce electronic benefit transfer
program.~~

Section 41. Section 411.0102, Florida Statutes, is amended
to read:

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

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

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

(b) It is the intent of the Legislature to promote

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

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

(3) There is created a body politic and corporate known as the Child Care Executive Partnership which shall establish and govern the Child Care Executive Partnership Program. The purpose of the Child Care Executive Partnership Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources so that Florida communities may create local flexible partnerships with employers. The Child

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Care Executive Partnership Program funds shall be used at the discretion of local communities to meet the needs of working parents. A child care purchasing pool shall be developed with the state, federal, and local funds to provide subsidies to low-income working parents whose family income does not exceed the allowable income for any federally subsidized child care program with a dollar-for-dollar match from employers, local government, and other matching contributions. The funds used from the child care purchasing pool must be used to supplement or extend the use of existing public or private funds.

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

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

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

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

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

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

2. Adopting an official seal.

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

4. Contracting with public or private entities as necessary.

5. Approving an annual budget.

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

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

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

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

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

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

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

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

(e) Each participating early learning coalition board shall

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

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

Section 42. Section 1002.73, Florida Statutes, is amended
to read:

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

(1) The department shall administer the accountability
requirements and operational requirements of the Voluntary
Prekindergarten Education Program at the state level.

(2) The department shall adopt procedures for its:

(a) Approval of prekindergarten director credentials under
ss. 1002.55 and 1002.57.

(b) Approval of emergent literacy training courses under
ss. 1002.55 and 1002.59.

(c) Administration of the statewide kindergarten screening
and calculation of kindergarten readiness rates under s.
1002.69.

(d) Approval of specialized instructional services
providers under s. 1002.66.

(e) Granting of a private prekindergarten provider's or
public school's request for a good cause exemption under s.
1002.69(7).

(3) The department shall adopt procedures governing the

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administration of the Voluntary Prekindergarten Education Program by the early learning coalitions and school districts for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of private prekindergarten providers and public schools under s. 1002.53.

(c) Registering private prekindergarten providers and public schools to deliver the program under ss. 1002.55, 1002.61, and 1002.63.

(d) Determining the eligibility of private prekindergarten providers to deliver the program under ss. 1002.55 and 1002.61.

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

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

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

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

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

(4) The department shall adopt procedures governing the administration of the Voluntary Prekindergarten Education

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Program by the early learning coalitions and school districts
for:

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

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

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

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

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

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

~~(6)(3)~~ Except as provided by law, the department may not
impose requirements on a private prekindergarten provider or
public school that does not deliver the Voluntary
Prekindergarten Education Program or receive state funds under
this part.

Section 43. Section 443.211, Florida Statutes, is amended
to read:

443.211 Employment Security Administration Trust Fund;
appropriation; reimbursement.—

(1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is

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3626 created in the State Treasury the "Employment Security
3627 Administration Trust Fund." All moneys deposited into this fund
3628 remain continuously available to Jobs Florida ~~the Agency for~~
3629 ~~Workforce Innovation~~ for expenditure in accordance with this
3630 chapter and do not revert at any time and may not be transferred
3631 to any other fund. All moneys in this fund which are received
3632 from the Federal Government or any federal agency or which are
3633 appropriated by this state under ss. 443.171 and 443.181, except
3634 money received under s. 443.191(5)(c), must be expended solely
3635 for the purposes and in the amounts found necessary by the
3636 authorized cooperating federal agencies for the proper and
3637 efficient administration of this chapter. The fund consists of:
3638 all moneys appropriated by this state; all moneys received from
3639 the United States or any federal agency; all moneys received
3640 from any other source for the administration of this chapter;
3641 any funds collected for enhanced, specialized, or value-added
3642 labor market information services; any moneys received from any
3643 agency of the United States or any other state as compensation
3644 for services or facilities supplied to that agency; any amounts
3645 received from any surety bond or insurance policy or from other
3646 sources for losses sustained by the Employment Security
3647 Administration Trust Fund or by reason of damage to equipment or
3648 supplies purchased from moneys in the fund; and any proceeds
3649 from the sale or disposition of such equipment or supplies. All
3650 money requisitioned and deposited in this fund under s.
3651 443.191(5)(c) remains part of the Unemployment Compensation
3652 Trust Fund and must be used only in accordance with s.
3653 443.191(5). All moneys in this fund must be deposited,
3654 administered, and disbursed in the same manner and under the

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3655 same conditions and requirements as provided by law for other
3656 trust funds in the State Treasury. These moneys must be secured
3657 by the depositary in which they are held to the same extent and
3658 in the same manner as required by the general depositary law of
3659 the state, and collateral pledged must be maintained in a
3660 separate custody account. All payments from the Employment
3661 Security Administration Trust Fund must be approved by Jobs
3662 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
3663 agent and must be made by the Chief Financial Officer. Any
3664 balances in this fund do not revert at any time and must remain
3665 continuously available to Jobs Florida ~~the Agency for Workforce~~
3666 ~~Innovation~~ for expenditure consistent with this chapter.

3667 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
3668 There is created in the State Treasury the "Special Employment
3669 Security Administration Trust Fund," into which shall be
3670 deposited or transferred all interest on contributions and
3671 reimbursements, penalties, and fines or fees collected under
3672 this chapter. Interest on contributions and reimbursements,
3673 penalties, and fines or fees deposited during any calendar
3674 quarter in the clearing account in the Unemployment Compensation
3675 Trust Fund shall, as soon as practicable after the close of that
3676 calendar quarter and upon certification of Jobs Florida ~~the~~
3677 ~~Agency for Workforce Innovation~~, be transferred to the Special
3678 Employment Security Administration Trust Fund. The amount
3679 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
3680 required under this chapter to pay refunds of interest on
3681 contributions and reimbursements, penalties, and fines or fees
3682 collected and erroneously deposited into the clearing account in
3683 the Unemployment Compensation Trust Fund shall, however, be

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3684 withheld from this transfer. The interest and penalties
 3685 certified for transfer are deemed as being erroneously deposited
 3686 in the clearing account, and their transfer to the Special
 3687 Employment Security Administration Trust Fund is deemed to be a
 3688 refund of the erroneous deposits. All moneys in this fund shall
 3689 be deposited, administered, and disbursed in the same manner and
 3690 under the same requirements as provided by law for other trust
 3691 funds in the State Treasury. These moneys may not be expended or
 3692 be available for expenditure in any manner that would permit
 3693 their substitution for, or permit a corresponding reduction in,
 3694 federal funds that would, in the absence of these moneys, be
 3695 available to finance expenditures for the administration of this
 3696 chapter. This section does not prevent these moneys from being
 3697 used as a revolving fund to cover lawful expenditures for which
 3698 federal funds are requested but not yet received, subject to the
 3699 charging of the expenditures against the funds when received.
 3700 The moneys in this fund, with the approval of the Executive
 3701 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
 3702 ~~for Workforce Innovation~~ for paying administrative costs that
 3703 are not chargeable against funds obtained from federal sources.
 3704 All moneys in the Special Employment Security Administration
 3705 Trust Fund shall be continuously available to Jobs Florida ~~the~~
 3706 ~~Agency for Workforce Innovation~~ for expenditure in accordance
 3707 with this chapter and do not revert at any time. All payments
 3708 from the Special Employment Security Administration Trust Fund
 3709 must be approved by Jobs Florida ~~the Agency for Workforce~~
 3710 ~~Innovation~~ or by an authorized agent and shall be made by the
 3711 Chief Financial Officer. The moneys in this fund are available
 3712 to replace, as contemplated by subsection (3), expenditures from

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the Employment Security Administration Trust Fund which the United States Secretary of Labor, or other authorized federal agency or authority, finds are lost or improperly expended because of any action or contingency. The Chief Financial Officer is liable on her or his official bond for the faithful performance of her or his duties in connection with the Special Employment Security Administration Trust Fund.

(3) REIMBURSEMENT OF FUND.—If any moneys received from the United States Secretary of Labor under 42 U.S.C. ss. 501-504, any unencumbered balances in the Employment Security Administration Trust Fund, any moneys granted to this state under the Wagner-Peyser Act, or any moneys made available by this state or its political subdivisions and matched by the moneys granted to this state under the Wagner-Peyser Act, are after reasonable notice and opportunity for hearing, found by the United States Secretary of Labor, because of any action or contingency, to be lost or expended for purposes other than, or in amounts in excess of, those allowed by the United States Secretary of Labor for the administration of this chapter, these moneys shall be replaced by moneys appropriated for that purpose from the General Revenue Fund to the Employment Security Administration Trust Fund for expenditure as provided in subsection (1). Upon receipt of notice of such a finding by the United States Secretary of Labor, Jobs Florida ~~the Agency for Workforce Innovation~~ shall promptly report the amount required for replacement to the Governor. The Governor shall, at the earliest opportunity, submit to the Legislature a request for the appropriation of the replacement funds.

(4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its

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duties under s. 443.181, Jobs Florida ~~the Agency for Workforce Innovation~~ is responsible for the deposit, requisition, expenditure, approval of payment, reimbursement, and reporting in regard to the trust funds established by this section.

Section 44. Section 443.221, Florida Statutes, is amended to read:

443.221 Reciprocal arrangements.—

(1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or with the Federal Government, or both, for considering services performed by an individual for a single employing unit for which services are performed by the individual in more than one state as services performed entirely within any one of the states:

1. In which any part of the individual's service is performed;

2. In which the individual has her or his residence; or

3. In which the employing unit maintains a place of business.

(b) For services to be considered as performed within a state under a reciprocal agreement, the employing unit must have an election in effect for those services, which is approved by the agency charged with the administration of such state's unemployment compensation law, under which all the services performed by the individual for the employing unit are deemed to be performed entirely within that state.

(c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment

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covered under this chapter with her or his wages and employment covered under the unemployment compensation laws of other states, which are approved by the United States Secretary of Labor, in consultation with the state unemployment compensation agencies, as reasonably calculated to assure the prompt and full payment of compensation in those situations and which include provisions for:

1. Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws; and

2. Avoiding the duplicate use of wages and employment because of the combination.

(d) Contributions or reimbursements due under this chapter with respect to wages for insured work are, for the purposes of ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid to the fund as of the date payment was made as contributions or reimbursements therefor under another state or federal unemployment compensation law, but an arrangement may not be entered into unless it contains provisions for reimbursement to the fund of the contributions or reimbursements and the actual earnings thereon as Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider finds are fair and reasonable as to all affected interests.

(2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may make to other state or federal agencies and receive from these other state or federal agencies reimbursements from or to the fund, in accordance with arrangements entered into under subsection (1).

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(3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may enter into reciprocal arrangements with other states or the Federal Government, or both, for exchanging services, determining and enforcing payment obligations, and making available facilities and information. Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may conduct investigations, secure and transmit information, make available services and facilities, and exercise other powers provided under this chapter to facilitate the administration of any unemployment compensation or public employment service law and, in a similar manner, accept and use information, services, and facilities made available to this state by the agency charged with the administration of any other unemployment compensation or public employment service law.

(4) To the extent permissible under federal law, Jobs Florida ~~the Agency for Workforce Innovation~~ may enter into or cooperate in arrangements whereby facilities and services provided under this chapter and facilities and services provided under the unemployment compensation law of any foreign government may be used for the taking of claims and the payment of benefits under the employment security law of the state or under a similar law of that government.

Section 45. Section 445.002, Florida Statutes, is amended to read:

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

~~(1) "Agency" means the Agency for Workforce Innovation.~~

~~(1)(2)~~ "Services and one-time payments" or "services," when used in reference to individuals who are not receiving temporary

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cash assistance, means nonrecurrent, short-term benefits designed to deal with a specific crisis situation or episode of need and other services; work subsidies; supportive services such as child care and transportation; services such as counseling, case management, peer support, and child care information and referral; transitional services, job retention, job advancement, and other employment-related services; nonmedical treatment for substance abuse or mental health problems; teen pregnancy prevention; two-parent family support, including noncustodial parent employment; court-ordered supervised visitation, and responsible fatherhood services; and any other services that are reasonably calculated to further the purposes of the welfare transition program. Such terms do not include assistance as defined in federal regulations at 45 C.F.R. s. 260.31(a).

(2)~~(3)~~ "Welfare transition services" means those workforce services provided to current or former recipients of temporary cash assistance under chapter 414.

Section 46. Subsection (3) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.—

(3) FUNDING.—

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the 5-year plan of Workforce Florida, Inc. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by various agencies. The following provisions shall also apply to

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these funds:

1. At least 50 percent of the Title I funds for Adults and Dislocated Workers that are passed through to regional workforce boards shall be allocated to Individual Training Accounts unless a regional workforce board obtains a waiver from Workforce Florida, Inc. Tuition and fees qualify as an Individual Training Account expenditure, as do other programs developed by regional workforce boards in compliance with policies of Workforce Florida, Inc.

2. Fifteen percent of Title I funding shall be retained at the state level and shall be dedicated to state administration and used to design, develop, induce, and fund innovative Individual Training Account pilots, demonstrations, and programs. Of such funds retained at the state level, \$2 million shall be reserved for the Incumbent Worker Training Program, created under s. 288.048 ~~subparagraph 3~~. Eligible state administration costs include the costs of: funding for the board and staff of Workforce Florida, Inc.; operating fiscal, compliance, and management accountability systems through Workforce Florida, Inc.; conducting evaluation and research on workforce development activities; and providing technical and capacity building assistance to regions at the direction of Workforce Florida, Inc. Notwithstanding s. 445.004, such administrative costs shall not exceed 25 percent of these funds. An amount not to exceed 75 percent of these funds shall be allocated to Individual Training Accounts and other workforce development strategies for other training designed and tailored by Workforce Florida, Inc., including, but not limited to, programs for incumbent workers, displaced homemakers,

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nontraditional employment, and enterprise zones. Workforce Florida, Inc., shall design, adopt, and fund Individual Training Accounts for distressed urban and rural communities.

~~3. The Incumbent Worker Training Program is created for the purpose of providing grant funding for continuing education and training of incumbent employees at existing Florida businesses. The program will provide reimbursement grants to businesses that pay for preapproved, direct, training-related costs.~~

~~a. The Incumbent Worker Training Program will be administered by Workforce Florida, Inc. Workforce Florida, Inc., at its discretion, may contract with a private business organization to serve as grant administrator.~~

~~b. To be eligible for the program's grant funding, a business must have been in operation in Florida for a minimum of 1 year prior to the application for grant funding; have at least one full-time employee; demonstrate financial viability; and be current on all state tax obligations. Priority for funding shall be given to businesses with 25 employees or fewer, businesses in rural areas, businesses in distressed inner-city areas, businesses in a qualified targeted industry, businesses whose grant proposals represent a significant upgrade in employee skills, or businesses whose grant proposals represent a significant layoff avoidance strategy.~~

~~c. All costs reimbursed by the program must be preapproved by Workforce Florida, Inc., or the grant administrator. The program will not reimburse businesses for trainee wages, the purchase of capital equipment, or the purchase of any item or service that may possibly be used outside the training project. A business approved for a grant may be reimbursed for~~

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preapproved, direct, training-related costs including tuition; fees; books and training materials; and overhead or indirect costs not to exceed 5 percent of the grant amount.

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

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

f. Workforce Florida, Inc., may establish guidelines necessary to implement the Incumbent Worker Training Program.

g. No more than 10 percent of the Incumbent Worker Training Program's total appropriation may be used for overhead or indirect purposes.

3.4. At least 50 percent of Rapid Response funding shall be dedicated to Intensive Services Accounts and Individual Training Accounts for dislocated workers and incumbent workers who are at risk of dislocation. Workforce Florida, Inc., shall also maintain an Emergency Preparedness Fund from Rapid Response

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3945 funds which will immediately issue Intensive Service Accounts
3946 and Individual Training Accounts as well as other federally
3947 authorized assistance to eligible victims of natural or other
3948 disasters. At the direction of the Governor, for events that
3949 qualify under federal law, these Rapid Response funds shall be
3950 released to regional workforce boards for immediate use. Funding
3951 shall also be dedicated to maintain a unit at the state level to
3952 respond to Rapid Response emergencies around the state, to work
3953 with state emergency management officials, and to work with
3954 regional workforce boards. All Rapid Response funds must be
3955 expended based on a plan developed by Workforce Florida, Inc.,
3956 and approved by the Governor.

3957 (b) The administrative entity for Title I, Workforce
3958 Investment Act of 1998 funds, and Rapid Response activities,
3959 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which
3960 shall provide direction to regional workforce boards regarding
3961 Title I programs and Rapid Response activities pursuant to the
3962 direction of Workforce Florida, Inc.

3963 Section 47. Subsection (1), paragraph (a) of subsection
3964 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection
3965 (5) of section 445.004, Florida Statutes, are amended to read:

3966 445.004 Workforce Florida, Inc.; creation; purpose;
3967 membership; duties and powers.—

3968 (1) There is created a not-for-profit corporation, to be
3969 known as "Workforce Florida, Inc.," which shall be registered,
3970 incorporated, organized, and operated in compliance with chapter
3971 617, and which shall not be a unit or entity of state government
3972 and shall be exempt from chapters 120 and 287. Workforce
3973 Florida, Inc., shall apply the procurement and expenditure

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procedures required by federal law for the expenditure of federal funds. Workforce Florida, Inc., shall be administratively housed within Jobs Florida ~~the Agency for Workforce Innovation~~; however, Workforce Florida, Inc., shall not be subject to control, supervision, or direction by Jobs Florida ~~the Agency for Workforce Innovation~~ in any manner. The Legislature determines, however, that public policy dictates that Workforce Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that Workforce Florida, Inc., its board, councils, and any advisory committees or similar groups created by Workforce Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

(3)(a) Workforce Florida, Inc., shall be governed by a board of directors, the number of directors to be determined by the Governor, whose membership and appointment must be consistent with Pub. L. No. 105-220, Title I, s. 111(b), and contain one member representing the licensed nonpublic postsecondary educational institutions authorized as individual training account providers, one member from the staffing service industry, at least one member who is a current or former recipient of welfare transition services as defined in s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s. 445.009(1), and five representatives of organized labor who shall be appointed by the Governor. Members described in Pub. L. No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting members. The importance of minority, gender, and geographic

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representation shall be considered when making appointments to the board.

(5) Workforce Florida, Inc., shall have all the powers and authority, not explicitly prohibited by statute, necessary or convenient to carry out and effectuate the purposes as determined by statute, Pub. L. No. 105-220, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing oversight and policy direction to ensure that the following programs are administered by Jobs Florida ~~the Agency for Workforce Innovation~~ in compliance with approved plans and under contract with Workforce Florida, Inc.:

1. Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Activities authorized under Title II of the Trade Act of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade Adjustment Assistance Program.

4. Activities authorized under 38 U.S.C., chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

6. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act

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of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

7. Displaced homemaker programs, provided under s. 446.50.

8. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

9. The Food Assistance Employment and Training Program, provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; and the Hunger Prevention Act, Pub. L. No. 100-435.

10. The Quick-Response Training Program, provided under ss. 288.046-288.047. ~~Matching funds and in-kind contributions that are provided by clients of the Quick-Response Training Program shall count toward the requirements of s. 288.90151(5)(d), pertaining to the return on investment from activities of Enterprise Florida, Inc.~~

11. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

12. Offender placement services, provided under ss. 944.707-944.708.

(c) Jobs Florida ~~the agency~~ may adopt rules necessary to administer the provisions of this chapter which relate to implementing and administering the programs listed in paragraph (b) as well as rules related to eligible training providers and auditing and monitoring subrecipients of the workforce system grant funds.

(d) Contracting with public and private entities as necessary to further the directives of this section. All contracts executed by Workforce Florida, Inc., must include

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specific performance expectations and deliverables. All Workforce Florida, Inc., contracts, including those solicited, managed, or paid by Jobs Florida ~~the Agency for Workforce Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from s. 112.061, but shall be governed by subsection (1).

(e) Notifying the Governor, the President of the Senate, and the Speaker of the House of Representatives of noncompliance by Jobs Florida ~~the Agency for Workforce Innovation~~ or other agencies or obstruction of the board's efforts by such agencies. Upon such notification, the Executive Office of the Governor shall assist agencies to bring them into compliance with board objectives.

(g) Establish a dispute resolution process for all memoranda of understanding or other contracts or agreements entered into between Jobs Florida ~~the agency~~ and regional workforce boards.

(12) Workforce Florida, Inc., shall enter into agreement with the Jobs Florida Partnership, Inc., ~~Space Florida~~ and collaborate with vocational institutes, community colleges, colleges, and universities in this state, to develop a workforce development strategy to implement the workforce provisions of s. 288.924 ~~s. 331.3051~~.

Section 48. Paragraph (c) of subsection (2) of section 445.006, Florida Statutes, is amended to read:

445.006 Strategic and operational plans for workforce development.—

(2) Workforce Florida, Inc., shall establish an operational plan to implement the state strategic plan. The operational plan shall be submitted to the Governor and the Legislature along

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with the strategic plan and must reflect the allocation of resources as appropriated by the Legislature to specific responsibilities enumerated in law. As a component of the operational plan required under this section, Workforce Florida, Inc., shall develop a workforce marketing plan, with the goal of educating individuals inside and outside the state about the employment market and employment conditions in the state. The marketing plan must include, but need not be limited to, strategies for:

(c) Coordinating with the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ to ensure that workforce marketing efforts complement the economic development marketing efforts of the state.

Section 49. Subsection (1) of section 445.007, Florida Statutes, is amended to read:

445.007 Regional workforce boards.—

(1) One regional workforce board shall be appointed in each designated service delivery area and shall serve as the local workforce investment board pursuant to Pub. L. No. 105-220. The membership of the board shall be consistent with Pub. L. No. 105-220, Title I, s. 117(b), and contain one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers certificates and diplomas, one representative from a nonpublic postsecondary educational institution that is an authorized individual training account provider within the region and confers degrees, and three representatives of organized labor. The board shall include one nonvoting representative from a military installation if a military

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installation is located within the region and the appropriate military command or organization authorizes such representation. It is the intent of the Legislature that membership of a regional workforce board include persons who are current or former recipients of welfare transition assistance as defined in s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s. 445.009(1) or that such persons be included as ex officio members of the board or of committees organized by the board. The importance of minority and gender representation shall be considered when making appointments to the board. The board, its committees, subcommittees, and subdivisions, and other units of the workforce system, including units that may consist in whole or in part of local governmental units, may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of the telecommunications meeting and reasonable access to observe and, when appropriate, participate. Regional workforce boards are subject to chapters 119 and 286 and s. 24, Art. I of the State Constitution. If the regional workforce board enters into a contract with an organization or individual represented on the board of directors, the contract must be approved by a two-thirds vote of the entire board, and the board member who could benefit financially from the transaction must abstain from voting on the contract. A board member must disclose any such conflict in a manner that is consistent with the procedures outlined in s. 112.3143.

Section 50. Subsections (3) and (9) of section 445.009, Florida Statutes, are amended to read:
445.009 One-stop delivery system.—

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4148 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
4149 shall enter into a memorandum of understanding with Jobs Florida
4150 ~~the Agency for Workforce Innovation~~ for the delivery of
4151 employment services authorized by the federal Wagner-Peyser Act.
4152 This memorandum of understanding must be performance based.

4153 (a) Unless otherwise required by federal law, at least 90
4154 percent of the Wagner-Peyser funding must go into direct
4155 customer service costs.

4156 (b) Employment services must be provided through the one-
4157 stop delivery system, under the guidance of one-stop delivery
4158 system operators. One-stop delivery system operators shall have
4159 overall authority for directing the staff of the workforce
4160 system. Personnel matters shall remain under the ultimate
4161 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.
4162 However, the one-stop delivery system operator shall submit to
4163 Jobs Florida ~~the agency~~ information concerning the job
4164 performance of ~~agency~~ employees of Jobs Florida who deliver
4165 employment services. Jobs Florida ~~The agency~~ shall consider any
4166 such information submitted by the one-stop delivery system
4167 operator in conducting performance appraisals of the employees.

4168 (c) Jobs Florida ~~The agency~~ shall retain fiscal
4169 responsibility and accountability for the administration of
4170 funds allocated to the state under the Wagner-Peyser Act. An
4171 ~~agency~~ employee of Jobs Florida who is providing services
4172 authorized under the Wagner-Peyser Act shall be paid using
4173 Wagner-Peyser Act funds.

4174 (9)(a) Workforce Florida, Inc., working with Jobs Florida
4175 ~~the Agency for Workforce Innovation~~, shall coordinate among the
4176 agencies a plan for a One-Stop Electronic Network made up of

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one-stop delivery system centers and other partner agencies that are operated by authorized public or private for-profit or not-for-profit agents. The plan shall identify resources within existing revenues to establish and support this electronic network for service delivery that includes Government Services Direct. If necessary, the plan shall identify additional funding needed to achieve the provisions of this subsection.

(b) The network shall assure that a uniform method is used to determine eligibility for and management of services provided by agencies that conduct workforce development activities. The Department of Management Services shall develop strategies to allow access to the databases and information management systems of the following systems in order to link information in those databases with the one-stop delivery system:

1. The Unemployment Compensation Program under chapter 443 ~~of the Agency for Workforce Innovation.~~

2. The public employment service described in s. 443.181.

3. The FLORIDA System and the components related to temporary cash assistance, food assistance, and Medicaid eligibility.

4. The Student Financial Assistance System of the Department of Education.

5. Enrollment in the public postsecondary education system.

6. Other information systems determined appropriate by Workforce Florida, Inc.

Section 51. Subsection (5) of section 445.016, Florida Statutes, is amended to read:

445.016 Untried Worker Placement and Employment Incentive Act.—

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(5) Incentives must be paid according to the incentive schedule developed by Workforce Florida, Inc., Jobs Florida ~~the Agency for Workforce Development~~, and the Department of Children and Family Services which costs the state less per placement than the state's 12-month expenditure on a welfare recipient.

Section 52. Subsection (1) of section 445.024, Florida Statutes, is amended to read:

445.024 Work requirements.—

(1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce Innovation~~ may develop activities under each of the following categories of work activities. The following categories of work activities, based on federal law and regulations, may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

- (a) Unsubsidized employment.
- (b) Subsidized private sector employment.
- (c) Subsidized public sector employment.
- (d) On-the-job training.
- (e) Community service programs.
- (f) Work experience.
- (g) Job search and job readiness assistance.
- (h) Vocational educational training.
- (i) Job skills training directly related to employment.
- (j) Education directly related to employment.
- (k) Satisfactory attendance at a secondary school or in a course of study leading to a graduate equivalency diploma.
- (l) Providing child care services.

Section 53. Subsection (1) of section 445.0325, Florida Statutes, is amended to read:

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445.0325 Welfare Transition Trust Fund.—

(1) The Welfare Transition Trust Fund is created in the State Treasury, to be administered by Jobs Florida ~~the Agency for Workforce Innovation~~. Funds shall be credited to the trust fund to be used for the purposes of the welfare transition program set forth in ss. 445.017-445.032.

Section 54. Section 445.038, Florida Statutes, is amended to read:

445.038 Digital media; job training.—Workforce Florida, Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~, may use funds dedicated for Incumbent Worker Training for the digital media industry. Training may be provided by public or private training providers for broadband digital media jobs listed on the targeted occupations list developed by the Workforce Estimating Conference or Workforce Florida, Inc. Programs that operate outside the normal semester time periods and coordinate the use of industry and public resources should be given priority status for funding.

Section 55. Subsection (2), paragraph (b) of subsection (4), and subsections (5) and (6) of section 445.045, Florida Statutes, are amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(2) Workforce Florida, Inc., shall coordinate with the Agency for Enterprise Information Technology and Jobs Florida ~~the Agency for Workforce Innovation~~ to ensure links, where feasible and appropriate, to existing job information websites maintained by the state and state agencies and to ensure that

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information technology positions offered by the state and state agencies are posted on the information technology website.

(4)

(b) Workforce Florida, Inc., may enter into an agreement with the Agency for Enterprise Information Technology, Jobs Florida ~~the Agency for Workforce Innovation~~, or any other public agency with the requisite information technology expertise for the provision of design, operating, or other technological services necessary to develop and maintain the website.

(5) In furtherance of the requirements of this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, Workforce Florida, Inc., shall coordinate its efforts with the high-technology industry marketing efforts of the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc., under s. 288.911~~. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc., under s. 288.911~~. In addition, Workforce Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.

(6) In fulfilling its responsibilities under this section, Workforce Florida, Inc., may enlist the assistance of and act through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs Florida ~~The agency~~ is authorized and directed to provide the

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services that Workforce Florida, Inc., and Jobs Florida the agency consider necessary to implement this section.

Section 56. Subsection (1), paragraph (b) of subsection (4), and subsection (5) of section 445.048, Florida Statutes, are amended to read:

445.048 Passport to Economic Progress program.—

(1) AUTHORIZATION.—Notwithstanding any law to the contrary, Workforce Florida, Inc., in conjunction with the Department of Children and Family Services and Jobs Florida ~~the Agency for Workforce Innovation~~, shall implement a Passport to Economic Progress program consistent with the provisions of this section. Workforce Florida, Inc., may designate regional workforce boards to participate in the program. Expenses for the program may come from appropriated revenues or from funds otherwise available to a regional workforce board which may be legally used for such purposes. Workforce Florida, Inc., must consult with the applicable regional workforce boards and the applicable local offices of the Department of Children and Family Services which serve the program areas and must encourage community input into the implementation process.

(4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

(b) Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and Jobs Florida ~~the Agency for Workforce Innovation~~, shall offer performance-based incentive bonuses as a component of the Passport to Economic Progress program. The bonuses do not represent a program entitlement and shall be contingent on achieving specific benchmarks prescribed in the self-sufficiency plan. If the funds appropriated for this purpose are insufficient to provide this

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financial incentive, the board of directors of Workforce Florida, Inc., may reduce or suspend the bonuses in order not to exceed the appropriation or may direct the regional boards to use resources otherwise given to the regional workforce to pay such bonuses if such payments comply with applicable state and federal laws.

(5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida, Inc., in conjunction with the Department of Children and Family Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and the regional workforce boards, shall conduct a comprehensive evaluation of the effectiveness of the program operated under this section. Evaluations and recommendations for the program shall be submitted by Workforce Florida, Inc., as part of its annual report to the Legislature.

Section 57. Subsection (2) of section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.—

(2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is created in the Department of Education. The council shall consist of:

(a) A representative from the information technology industry in this state appointed by the Governor.

(b) The commissioner of Jobs Florida, or his or her designee ~~The director of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor.~~

(c) The president of Workforce Florida, Inc.

~~(d) The director of the Agency for Workforce Innovation.~~

(d)~~(e)~~ The chair of itflorida.com, Inc.

(e)~~(f)~~ The Commissioner of Education.

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4351 ~~(f)(g)~~ A representative of the information technology
4352 industry in this state appointed by the Speaker of the House of
4353 Representatives.

4354 ~~(g)(h)~~ A representative of the information technology
4355 industry in this state appointed by the President of the Senate.

4356 ~~(h)(i)~~ Two members of the House of Representatives, who
4357 shall be ex officio, nonvoting members of the council, appointed
4358 by the Speaker of the House of Representatives, one of whom
4359 shall be a member of the Republican Caucus and the other of whom
4360 shall be a member of the Democratic Caucus.

4361 ~~(i)(j)~~ Two members of the Senate, who shall be ex officio,
4362 nonvoting members of the council, appointed by the President of
4363 the Senate, one of whom shall be a member of the Republican
4364 Caucus and the other of whom shall be a member of the Democratic
4365 Caucus.

4366 Section 58. Subsection (13) of section 445.051, Florida
4367 Statutes, is amended to read:

4368 445.051 Individual development accounts.—

4369 (13) Pursuant to policy direction by Workforce Florida,
4370 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
4371 adopt such rules as are necessary to implement this act.

4372 Section 59. Section 445.056, Florida Statutes, is amended
4373 to read:

4374 445.056 Citizen Soldier Matching Grant Program.—Jobs
4375 Florida ~~The Agency for Workforce Innovation~~ shall implement the
4376 ~~establish a matching grant program established by the former~~
4377 Agency for Workforce Innovation to award matching grants to
4378 private sector employers in this state that provide wages to
4379 employees serving in the United States Armed Forces Reserves or

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the Florida National Guard while those employees are on federal active duty. A grant may not be provided for federal active duty served before January 1, 2005. Each grant shall be awarded to reimburse the employer for not more than one-half of the monthly wages paid to an employee who is a resident of this state for the actual period of federal active duty. The monthly grant per employee may not exceed one-half of the difference between the amount of monthly wages paid by the employer to the employee at the level paid before the date the employee was called to federal active duty and the amount of the employee's active duty base pay, housing and variable allowances, and subsistence allowance. Jobs Florida shall implement the plan administered by the former Agency for Workforce Innovation ~~The agency shall develop a plan by no later than October 1, 2005, subject to the notice, review, and objection procedures of s. 216.177, to administer the application and payment procedures for the matching grant program. The Agency for Workforce Innovation shall not award any matching grants prior to the approval of the plan.~~

Section 60. Section 446.41, Florida Statutes, is amended to read:

446.41 Legislative intent with respect to rural workforce training and development; establishment of Rural Workforce Services Program.—In order that the state may achieve its full economic and social potential, consideration must be given to rural workforce training and development to enable its rural citizens as well as urban citizens to develop their maximum capacities and participate productively in our society. It is, therefore, the policy of the state to make available those

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services needed to assist individuals and communities in rural areas to improve their quality of life. It is with a great sense of urgency that a Rural Workforce Services Program is established within Jobs Florida ~~the Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., to provide equal access to all manpower training programs available to rural as well as urban areas.

Section 61. Subsection (2) and paragraph (b) of subsection (5) of section 446.44, Florida Statutes, is amended to read:

446.44 Duties of Rural Workforce Services Program.—It shall be the direct responsibility of the Rural Workforce Services Program to promote and deliver employment and workforce services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

(2) Assist the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, in attracting light, pollution-free industry to the rural counties.

(5) Develop rural workforce programs that will be evaluated, planned, and implemented through communications and planning with appropriate:

(b) Units of the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

Section 62. Section 446.50, Florida Statutes, is amended to read:

446.50 Displaced homemakers; multiservice programs; report to the Legislature; Displaced Homemaker Trust Fund created.—

(1) INTENT.—It is the intent of the Legislature to require Jobs Florida ~~the Agency for Workforce Innovation~~ to enter into contracts with, and make grants to, public and nonprofit private

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entities for purposes of establishing multipurpose service programs to provide necessary training, counseling, and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life.

(2) DEFINITIONS.—For the purposes of this section the term—

~~(a)~~ “Displaced homemaker” means an individual who:

(a)1— Is 35 years of age or older;

(b)2— Has worked in the home, providing unpaid household services for family members;

(c)3— Is not adequately employed, as defined by rule of the agency;

(d)4— Has had, or would have, difficulty in securing adequate employment; and

(e)5— Has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on federal assistance.

~~(b) “Agency” means the Agency for Workforce Innovation.~~

(3) AGENCY POWERS AND DUTIES OF JOBS FLORIDA.—

(a) Jobs Florida ~~The agency~~, under plans established by Workforce Florida, Inc., shall establish, or contract for the establishment of, programs for displaced homemakers which shall include:

1. Job counseling, by professionals and peers, specifically designed for a person entering the job market after a number of years as a homemaker.

2. Job training and placement services, including:

a. Training programs for available jobs in the public and private sectors, taking into account the skills and job experiences of a homemaker and developed by working with public

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and private employers.

b. Assistance in locating available employment for displaced homemakers, some of whom could be employed in existing job training and placement programs.

c. Utilization of the services of the state employment service in locating employment opportunities.

3. Financial management services providing information and assistance with respect to insurance, including, but not limited to, life, health, home, and automobile insurance, and taxes, estate and probate problems, mortgages, loans, and other related financial matters.

4. Educational services, including high school equivalency degree and such other courses as Jobs Florida ~~the agency~~ determines would be of interest and benefit to displaced homemakers.

5. Outreach and information services with respect to federal and state employment, education, health, and unemployment assistance programs which Jobs Florida ~~the agency~~ determines would be of interest and benefit to displaced homemakers.

(b)1. Jobs Florida ~~The agency~~ shall enter into contracts with, and make grants to, public and nonprofit private entities for purposes of establishing multipurpose service programs for displaced homemakers under this section. Such grants and contracts shall be awarded pursuant to chapter 287 and based on criteria established in the state plan developed pursuant to this section. Jobs Florida ~~The agency~~ shall designate catchment areas which together shall comprise the entire state, and, to the extent possible from revenues in the Displaced Homemaker

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Trust Fund, Jobs Florida ~~the agency~~ shall contract with, and make grants to, entities which will serve entire catchment areas so that displaced homemaker service programs are available statewide. These catchment areas shall be coterminous with the state's workforce development regions. Jobs Florida ~~The agency~~ may give priority to existing displaced homemaker programs when evaluating bid responses to the ~~agency's~~ request for proposals.

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

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

(c) Jobs Florida ~~The agency~~ shall consult and cooperate with the Commissioner of Education, the United States Commissioner of the Social Security Administration, and such other persons in the executive branch of the state government as

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4525 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
4526 coordination of multipurpose service programs established under
4527 this section with existing programs of a similar nature.

4528 (d) Supervisory, technical, and administrative positions
4529 relating to programs established under this section shall, to
4530 the maximum extent practicable, be filled by displaced
4531 homemakers.

4532 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
4533 minimum standards necessary for entities that provide displaced
4534 homemaker service programs to receive funds ~~from the agency~~ and
4535 any other rules necessary to administer this section.

4536 (4) STATE PLAN.—

4537 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
4538 develop a 3-year state plan for the displaced homemaker program
4539 which shall be updated annually. The plan must address, at a
4540 minimum, the need for programs specifically designed to serve
4541 displaced homemakers, any necessary service components for such
4542 programs in addition to those enumerated in this section, goals
4543 of the displaced homemaker program with an analysis of the
4544 extent to which those goals are being met, and recommendations
4545 for ways to address any unmet program goals. Any request for
4546 funds for program expansion must be based on the state plan.

4547 (b) Each annual update must address any changes in the
4548 components of the 3-year state plan and a report which must
4549 include, but need not be limited to, the following:

- 4550 1. The scope of the incidence of displaced homemakers;
4551 2. A compilation and report, by program, of data submitted
4552 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
4553 displaced homemaker service programs;

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3. An identification and description of the programs in the state that receive funding from Jobs Florida ~~the agency~~, including funding information; and

4. An assessment of the effectiveness of each displaced homemaker service program based on outcome criteria established by rule of Jobs Florida ~~the agency~~.

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

(5) DISPLACED HOME MAKER TRUST FUND.—

(a) There is established within the State Treasury a Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the agency~~ for its administration of the displaced homemaker program and to fund displaced homemaker service programs according to criteria established under this section.

(b) The trust fund shall receive funds generated from an additional fee on marriage license applications and dissolution of marriage filings as specified in ss. 741.01(3) and 28.101, respectively, and may receive funds from any other public or private source.

(c) Funds that are not expended by Jobs Florida ~~the agency~~ at the end of the budget cycle or through a supplemental budget approved by Jobs Florida ~~the agency~~ shall revert to the trust fund.

Section 63. Section 446.52, Florida Statutes, is amended to read:

446.52 Confidentiality of information.—Information about

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displaced homemakers who receive services under ss. 446.50 and 446.51 which is received through files, reports, inspections, or otherwise, by Jobs Florida ~~the division~~ or by its authorized employees ~~of the division~~, by persons who volunteer services, or by persons who provide services to displaced homemakers under ss. 446.50 and 446.51 through contracts with the division is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a displaced homemaker, unless such person or the person's legal guardian provides written consent.

Section 64. Paragraph (a) of subsection (3) of section 448.109, Florida Statutes, is amended to read:

448.109 Notification of the state minimum wage.—

(3)(a) Each year the Jobs Florida ~~Agency for Workforce Innovation~~ shall, on or before December 1, create and make available to employers a poster in English and in Spanish which reads substantially as follows:

NOTICE TO EMPLOYEES

The Florida minimum wage is \$...(amount)... per hour, with a minimum wage of at least \$...(amount)... per hour for tipped employees, in addition to tips, for January 1, ...(year)..., through December 31, ...(year)....

The rate of the minimum wage is recalculated yearly on September 30, based on the Consumer Price Index. Every year on January 1 the new Florida minimum wage takes

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effect.

An employer may not retaliate against an employee for exercising his or her right to receive the minimum wage. Rights protected by the State Constitution include the right to:

1. File a complaint about an employer's alleged noncompliance with lawful minimum wage requirements.
2. Inform any person about an employer's alleged noncompliance with lawful minimum wage requirements.
3. Inform any person of his or her potential rights under Section 24, Article X of the State Constitution and to assist him or her in asserting such rights.

An employee who has not received the lawful minimum wage after notifying his or her employer and giving the employer 15 days to resolve any claims for unpaid wages may bring a civil action in a court of law against an employer to recover back wages plus damages and attorney's fees.

An employer found liable for intentionally violating minimum wage requirements is subject to a fine of \$1,000 per violation, payable to the state.

The Attorney General or other official designated by the Legislature may bring a civil action to enforce the minimum wage.

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For details see Section 24, Article X of the State Constitution.

Section 65. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. To implement s. 24, Art. X of the State Constitution, Jobs Florida is designated as the state Agency for Workforce Innovation.

(4)(a) Beginning September 30, 2005, and annually on September 30 thereafter, Jobs Florida ~~the Agency for Workforce Innovation~~ shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, Jobs Florida ~~the agency~~ shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) ~~The Agency for Workforce Innovation and the Department of Revenue~~ and Jobs Florida shall annually publish the amount of

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the adjusted state minimum wage and the effective date.
 Publication shall occur by posting the adjusted state minimum wage rate and the effective date on the Internet home pages of Jobs Florida ~~the agency~~ and the department by October 15 of each year. In addition, to the extent funded in the General Appropriations Act, Jobs Florida ~~the agency~~ shall provide written notice of the adjusted rate and the effective date of the adjusted state minimum wage to all employers registered in the most current unemployment compensation database. Such notice shall be mailed by November 15 of each year using the addresses included in the database. Employers are responsible for maintaining current address information in the unemployment compensation database. Jobs Florida is ~~The agency shall~~ not be responsible for failure to provide notice due to incorrect or incomplete address information in the database. Jobs Florida ~~The agency~~ shall provide the Department of Revenue with the adjusted state minimum wage rate information and effective date in a timely manner.

(11) Except for calculating the adjusted state minimum wage and publishing the initial state minimum wage and any annual adjustments thereto, the authority of Jobs Florida ~~the Agency for Workforce Innovation~~ in implementing s. 24, Art. X of the State Constitution, pursuant to this section, shall be limited to that authority expressly granted by the Legislature.

Section 66. Section 450.161, Florida Statutes, is amended to read:

450.161 Chapter not to affect career education of children; other exceptions.—Nothing in this chapter shall prevent minors of any age from receiving career education furnished by the

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United States, this state, or any county or other political subdivision of this state and duly approved by the Department of Education or other duly constituted authority, nor any apprentice indentured under a plan approved by the Department of Education ~~Division of Jobs and Benefits~~, or prevent the employment of any minor 14 years of age or older when such employment is authorized as an integral part of, or supplement to, such a course in career education and is authorized by regulations of the district school board of the district in which such minor is employed, provided the employment is in compliance with the provisions of ss. 450.021(4) and 450.061. Exemptions for the employment of student learners 16 to 18 years of age are provided in s. 450.061. Such an exemption shall apply when:

(1) The student learner is enrolled in a youth vocational training program under a recognized state or local educational authority.

(2) Such student learner is employed under a written agreement which provides:

(a) That the work of the student learner in the occupation declared particularly hazardous shall be incidental to the training.

(b) That such work shall be intermittent and for short periods of time and under the direct and close supervision of a qualified and experienced person.

(c) That safety instructions shall be given by the school and correlated by the employer with on-the-job training.

(d) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

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Each such written agreement shall contain the name of the student learner and shall be signed by the employer, the school coordinator and principal, and the parent or legal guardian. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student learners may be revoked in any individual situation when it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he or she has completed training as a student learner, as provided in this section, even though he or she is not yet 18 years of age.

Section 67. Paragraph (j) of subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.—

(1) The Executive Office of the Governor is authorized and directed to:

(j) Cooperate with Jobs Florida ~~the Agency for Workforce Innovation~~ in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

Section 68. Paragraph (e) of subsection (2) of section 450.31, Florida Statutes, is amended to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.—

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

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(e) Failed to pay unemployment compensation taxes as determined by Jobs Florida ~~the Agency for Workforce Innovation~~; or

Section 69. Paragraph (d) of subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215 and meets one of the following requirements:

(d) Has completed the curriculum developed by the Department of Education ~~under the Enterprise Florida Jobs and Education Partnership Grant~~ and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

Section 70. Subsection (3) of section 468.529, Florida Statutes, is amended to read:

468.529 Licensee's insurance; employment tax; benefit plans.—

(3) A licensed employee leasing company shall within 30 days after initiation or termination notify its workers' compensation insurance carrier, the Division of Workers' Compensation of the Department of Financial Services, and the state agency providing unemployment tax collection services

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under contract with Jobs Florida ~~the Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 of both the initiation or the termination of the company's relationship with any client company.

Section 71. Paragraph (e) of subsection (1) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision who has completed all training required by NESHAP and OSHA or by ASHARA for the activities described in this paragraph, while engaged in ~~asbestos-related activities set forth in s. 255.5535 and~~ asbestos-related activities involving the demolition of a building owned by that governmental unit, where such activities are within the scope of that employment and the employee does not hold out for hire or otherwise engage in asbestos abatement, contracting, or consulting.

Section 72. Subsection (2) of section 469.003, Florida Statutes, is amended to read:

469.003 License required.—

(2)(a) ~~A~~ No person may not prepare asbestos abatement specifications unless trained and licensed as an asbestos consultant as required by this chapter.

~~(b) Any person engaged in the business of asbestos surveys prior to October 1, 1987, who has been certified by the Department of Labor and Employment Security as a certified asbestos surveyor, and who has complied with the training requirements of s. 469.013(1)(b), may provide survey services as~~

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described in ~~s. 255.553(1), (2), and (3)~~. The Department of Labor and Employment Security may, by rule, establish violations, disciplinary procedures, and penalties for certified asbestos surveyors.

Section 73. Paragraph (b) of subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the plumbing/pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 ~~the Department of Labor and Employment Security~~ and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed;

Section 74. Paragraph (b) of subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) An individual who holds a valid, active journeyman license in the electrical trade issued by any county or municipality in this state may work as a journeyman in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:

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(b) Has completed an apprenticeship program registered with a registration agency defined in 29 C.F.R. 29.2 ~~the Department of Labor and Employment Security~~ and demonstrates 4 years' verifiable practical experience in the electrical trade, or demonstrates 6 years' verifiable practical experience in the electrical trade;

Section 75. Subsections (1) and (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 526.143, Florida Statutes, are amended to read:

526.143 Alternate generated power capacity for motor fuel dispensing facilities.—

(1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as defined in s. 526.303(16), and each wholesaler, as defined in s. 526.303(17), which sells motor fuel in this state must be capable of operating its distribution loading racks using an alternate generated power source for a minimum of 72 hours. Pending a postdisaster examination of the equipment by the operator to determine any extenuating damage that would render it unsafe to use, the facility must have such alternate generated power source available for operation within no later than 36 hours after a major disaster as defined in s. 252.34. Installation of appropriate wiring, including a transfer switch, shall be performed by a certified electrical contractor. Each business that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each business must keep a written statement attesting to the periodic testing and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Office ~~Division~~ of

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Emergency Management and the director of the county emergency management agency.

(2) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303(14), for which a certificate of occupancy is issued on or after July 1, 2006, shall be prewired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, lifesafety systems, and payment-acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building inspectors shall include this equipment and operations check in the normal inspection process before issuing a certificate of occupancy. Each retail outlet that is subject to this subsection must keep a copy of the certificate of occupancy on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of and ensured operational capability of the equipment. The required documents must be made available, upon request, to the Office Division ~~Division~~ of Emergency Management and the director of the county emergency management agency.

(3)

(b) Installation of appropriate wiring and transfer switches must be performed by a certified electrical contractor. Each retail outlet that is subject to this subsection must keep a copy of the documentation of such installation on site or at its corporate headquarters. In addition, each retail outlet must keep a written statement attesting to the periodic testing of

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and ensured operational capacity of the equipment. The required documents must be made available, upon request, to the Office ~~Division~~ of Emergency Management and the director of the county emergency management agency.

(4)

(b) Subsections (2) and (3) do not apply to:

1. An automobile dealer;

2. A person who operates a fleet of motor vehicles;

3. A person who sells motor fuel exclusively to a fleet of motor vehicles; or

4. A motor fuel retail outlet that has a written agreement with a public hospital, in a form approved by the Office ~~Division~~ of Emergency Management, wherein the public hospital agrees to provide the motor fuel retail outlet with an alternative means of power generation onsite so that the outlet's fuel pumps may be operated in the event of a power outage.

Section 76. Paragraph (a) of subsection (1) and paragraph (b) of subsection (4) of section 526.144, Florida Statutes, are amended to read:

526.144 Florida Disaster Motor Fuel Supplier Program.—

(1)(a) There is created the Florida Disaster Motor Fuel Supplier Program within the Office of Emergency Management ~~Department of Community Affairs~~.

(4)

(b) Notwithstanding any other law or other ordinance and for the purpose of ensuring an appropriate emergency management response following major disasters in this state, the regulation of all other retail establishments participating in such

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response is ~~shall be~~ as follows:

1. Regulation of retail establishments that meet the standards created by the Office ~~Division~~ of Emergency Management in the report required in s. 8, chapter 2006-71, Laws of Florida, by July 1, 2007, is preempted to the state and until such standards are adopted, the regulation of these retail establishments is preempted to the state;

2. The office ~~division~~ shall provide written certification of such preemption to retail establishments that qualify and ~~shall~~ provide such information to local governments upon request; and

3. Regulation of retail establishments that do not meet the operational standards is subject to local government laws or ordinances.

Section 77. Paragraph (i) of subsection (4) of section 551.104, Florida Statutes, is amended to read:

551.104 License to conduct slot machine gaming.—

(4) As a condition of licensure and to maintain continued authority for the conduct of slot machine gaming, the slot machine licensee shall:

(i) Create and file with the division a written policy for:

1. Creating opportunities to purchase from vendors in this state, including minority vendors.

2. Creating opportunities for employment of residents of this state, including minority residents.

3. Ensuring opportunities for construction services from minority contractors.

4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis.

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5. Training for employees on responsible gaming and working with a compulsive or addictive gambling prevention program to further its purposes as provided for in s. 551.118.

6. The implementation of a drug-testing program that includes, but is not limited to, requiring each employee to sign an agreement that he or she understands that the slot machine facility is a drug-free workplace.

The slot machine licensee shall use the Internet-based job-listing system of Jobs Florida ~~the Agency for Workforce Innovation~~ in advertising employment opportunities. Beginning in June 2007, each slot machine licensee shall provide an annual report to the division containing information indicating compliance with this paragraph in regard to minority persons.

Section 78. Section 553.62, Florida Statutes, is amended to read:

553.62 State standard.—The Occupational Safety and Health Administration's excavation safety standards, 29 C.F.R. s. 1926.650 Subpart P, are hereby incorporated as the state standard. ~~The Department of Labor and Employment Security may, by rule, adopt updated or revised versions of those standards, provided that the updated or revised versions are consistent with the intent expressed in this act and s. 553.72, and are not otherwise inconsistent with state law. Any rule adopted as provided in this section shall be complied with upon its effective date.~~

Section 79. Paragraph (c) of subsection (1) of section 570.248, Florida Statutes, is amended to read:

570.248 Agricultural Economic Development Project Review

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Committee; powers and duties.—

(1) There is created an Agricultural Economic Development Project Review Committee consisting of five members appointed by the commissioner. The members shall be appointed based upon the recommendations submitted by each entity represented on the committee and shall include:

(c) One representative from the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc.~~

Section 80. Section 570.96, Florida Statutes, is amended to read:

570.96 Agritourism.—The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: the Jobs Florida Partnership, Inc. ~~Florida Commission on Tourism~~; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 81. Subsection (1) of section 597.006, Florida Statutes, is amended to read:

597.006 Aquaculture Interagency Coordinating Council.—

(1) CREATION.—The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services; Jobs Florida; ~~the Office of Tourism, Trade, and Economic Development; the Department of~~

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~~Community Affairs;~~ the Department of Environmental Protection;
~~the Department of Labor and Employment Security;~~ the Fish and
Wildlife Conservation Commission; the statewide consortium of
universities under the Florida Institute of Oceanography;
Florida Agricultural and Mechanical University; the Institute of
Food and Agricultural Sciences at the University of Florida; and
the Florida Sea Grant Program. It is therefore the intent of the
Legislature to hereby create an Aquaculture Interagency
Coordinating Council to act as an advisory body as defined in s.
20.03(9).

Section 82. Paragraph (d) of subsection (2) of section
624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization;
limitations; eligibility and application requirements;
administration; definitions; expiration.—

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area designated as
an enterprise zone or a Front Porch Community ~~pursuant to s.~~
~~20.18(6).~~ Any project designed to construct or rehabilitate
housing for low-income or very-low-income households as defined
in s. 420.9071(19) and (28) is exempt from the area requirement
of this paragraph.

Section 83. Section 625.3255, Florida Statutes, is amended
to read:

625.3255 Capital participation instrument.—An insurer may
invest in any capital participation instrument or evidence of
indebtedness issued by the Jobs Florida Partnership, Inc.,
~~Florida Black Business Investment Board~~ pursuant to the Florida
Small and Minority Business Assistance Act.

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Section 84. Paragraph (b) of subsection (2) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.—

(2) COMMISSION CREATED.—

(b) The commission shall consist of the following 11 members:

1. The insurance consumer advocate.

2. The senior employee of the State Board of Administration responsible for operations of the Florida Hurricane Catastrophe Fund.

3. The Executive Director of the Citizens Property Insurance Corporation.

4. The Director of the Office Division of Emergency Management ~~of the Department of Community Affairs~~.

5. The actuary member of the Florida Hurricane Catastrophe Fund Advisory Council.

6. An employee of the office who is an actuary responsible for property insurance rate filings and who is appointed by the director of the office.

7. Five members appointed by the Chief Financial Officer, as follows:

a. An actuary who is employed full time by a property and casualty insurer which was responsible for at least 1 percent of the aggregate statewide direct written premium for homeowner's insurance in the calendar year preceding the member's appointment to the commission.

b. An expert in insurance finance who is a full-time member

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of the faculty of the State University System and who has a background in actuarial science.

c. An expert in statistics who is a full-time member of the faculty of the State University System and who has a background in insurance.

d. An expert in computer system design who is a full-time member of the faculty of the State University System.

e. An expert in meteorology who is a full-time member of the faculty of the State University System and who specializes in hurricanes.

Section 85. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by the Jobs Florida Partnership, Inc., ~~Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 86. Paragraph (g) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR

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LESS OF CAPITAL ACCOUNTS.—

(g) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by the Jobs Florida Partnership, Inc., ~~Florida Black Business Investment Board~~ pursuant to the Florida Small and Minority Business Assistance Act.

Section 87. Paragraph (d) of subsection (2) of section 768.13, Florida Statutes, is amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Office ~~Division~~ of Emergency Management ~~of the Department of Community Affairs~~, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

Section 88. Subsection (14) of section 943.03, Florida Statutes, is amended to read:

943.03 Department of Law Enforcement.—

(14) The department, with respect to counter-terrorism efforts, responses to acts of terrorism within or affecting this state, and other matters related to the domestic security of

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Florida as it relates to terrorism, shall coordinate and direct the law enforcement, initial emergency, and other initial responses. The department shall work closely with the Office ~~Division~~ of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, first-responder agencies, and others involved in preparation against acts of terrorism in or affecting this state and in the response to such acts. The executive director of the department, or another member of the department designated by the director, shall serve as Chief of Domestic Security for the purpose of directing and coordinating such efforts. The department and Chief of Domestic Security shall use the regional domestic security task forces as established in this chapter to assist in such efforts.

Section 89. Section 943.03101, Florida Statutes, is amended to read:

943.03101 Counter-terrorism coordination.—The Legislature finds that with respect to counter-terrorism efforts and initial responses to acts of terrorism within or affecting this state, specialized efforts of emergency management which ~~that~~ are unique to such situations are required and that these efforts intrinsically involve very close coordination of federal, state, and local law enforcement agencies with the efforts of all others involved in emergency-response efforts. In order to best provide this specialized effort ~~with respect to counter-terrorism efforts and responses,~~ the Legislature has determined that such efforts should be coordinated by and through the Department of Law Enforcement, working closely with the Office ~~Division~~ of Emergency Management and others involved in

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preparation against acts of terrorism in or affecting this state, and in the initial response to such acts, in accordance with the state comprehensive emergency management plan prepared pursuant to s. 252.35(2)(a).

Section 90. Subsection (7) of section 943.0311, Florida Statutes, is amended to read:

943.0311 Chief of Domestic Security; duties of the department with respect to domestic security.—

(7) As used in this section, the term “state agency” includes the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Citrus, ~~the Department of Community Affairs~~, the Department of Corrections, the Department of Education, the Department of Elderly Affairs, the Office of Emergency Management, the Department of Environmental Protection, the Department of Financial Services, the Department of Health, the Department of Highway Safety and Motor Vehicles, Jobs Florida, the Department of Juvenile Justice, the Department of Law Enforcement, the Department of Legal Affairs, the Department of Management Services, the Department of Military Affairs, the Department of Revenue, the Department of State, the Department of the Lottery, the Department of Transportation, the Department of Veterans’ Affairs, the Fish and Wildlife Conservation Commission, the Parole Commission, the State Board of Administration, and the Executive Office of the Governor.

Section 91. Paragraph (d) of subsection (1) and subsection (3) of section 943.0312, Florida Statutes, are amended to read:

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943.0312 Regional domestic security task forces.—The Legislature finds that there is a need to develop and implement a statewide strategy to address prevention, preparation, protection, response, and recovery efforts by federal, state, and local law enforcement agencies, emergency management agencies, fire and rescue departments, first-responder personnel and others in dealing with potential or actual terrorist acts within or affecting this state.

(1) To assist the department and the Chief of Domestic Security in performing their roles and duties in this regard, the department shall establish a regional domestic security task force in each of the department's operational regions. The task forces shall serve in an advisory capacity to the department and the Chief of Domestic Security and shall provide support to the department in its performance of functions pertaining to domestic security.

(d) The co-chairs of each task force may appoint subcommittees and subcommittee chairs as necessary in order to address issues related to the various disciplines represented on the task force, except that subcommittee chairs for emergency management shall be appointed with the approval of the director of the Office Division of Emergency Management. A subcommittee chair shall serve at the pleasure of the co-chairs.

(3) The Chief of Domestic Security, in conjunction with the Office Division of Emergency Management, the regional domestic security task forces, and the various state entities responsible for establishing training standards applicable to state law enforcement officers and fire, emergency, and first-responder personnel shall identify appropriate equipment and training

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needs, curricula, and materials related to the effective response to suspected or actual acts of terrorism or incidents involving real or hoax weapons of mass destruction as defined in s. 790.166. Recommendations for funding for purchases of equipment, delivery of training, implementation of, or revision to basic or continued training required for state licensure or certification, or other related responses shall be made by the Chief of Domestic Security to the Domestic Security Oversight Council, the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives as necessary to ensure that the needs of this state with regard to the preparing, equipping, training, and exercising of response personnel are identified and addressed. In making such recommendations, the Chief of Domestic Security and the Office ~~Division~~ of Emergency Management shall identify all funding sources that may be available to fund such efforts.

Section 92. Paragraph (a) of subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (b) of subsection (4) of section 943.0313, Florida Statutes, are amended to read:

943.0313 Domestic Security Oversight Council.—The Legislature finds that there exists a need to provide executive direction and leadership with respect to terrorism prevention, preparation, protection, response, and recovery efforts by state and local agencies in this state. In recognition of this need, the Domestic Security Oversight Council is hereby created. The council shall serve as an advisory council pursuant to s. 20.03(7) to provide guidance to the state's regional domestic security task forces and other domestic security working groups and to make recommendations to the Governor and the Legislature

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regarding the expenditure of funds and allocation of resources related to counter-terrorism and domestic security efforts.

(1) MEMBERSHIP.—

(a) The Domestic Security Oversight Council shall consist of the following voting members:

1. The executive director of the Department of Law Enforcement.

2. The director of the Office ~~Division~~ of Emergency Management ~~within the Department of Community Affairs.~~

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

8. The adjutant general of the Florida National Guard.

9. The state chief information officer.

10. Each sheriff or chief of police who serves as a co-chair of a regional domestic security task force pursuant to s. 943.0312(1)(b).

11. Each of the department's special agents in charge who serve as a co-chair of a regional domestic security task force.

12. Two representatives of the Florida Fire Chiefs Association.

13. One representative of the Florida Police Chiefs Association.

14. One representative of the Florida Prosecuting Attorneys Association.

15. The chair of the Statewide Domestic Security Intelligence Committee.

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16. One representative of the Florida Hospital Association.

17. One representative of the Emergency Medical Services
Advisory Council.

18. One representative of the Florida Emergency
Preparedness Association.

19. One representative of the Florida Seaport
Transportation and Economic Development Council.

(2) ORGANIZATION.—

(b) The executive director of the Department of Law
Enforcement shall serve as chair of the council, and the
director of the Office ~~Division~~ of Emergency Management ~~within~~
~~the Department of Community Affairs~~ shall serve as vice chair of
the council. In the absence of the chair, the vice chair shall
serve as chair. In the absence of the vice chair, the chair may
name any member of the council to perform the duties of the
chair if such substitution does not extend beyond a defined
meeting, duty, or period of time.

(4) EXECUTIVE COMMITTEE.—

(a) The council shall establish an executive committee
consisting of the following members:

1. The executive director of the Department of Law
Enforcement.

2. The director of the Office ~~Division~~ of Emergency
Management ~~within the Department of Community Affairs~~.

3. The Attorney General.

4. The Commissioner of Agriculture.

5. The State Surgeon General.

6. The Commissioner of Education.

7. The State Fire Marshal.

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(b) The executive director of the Department of Law Enforcement shall serve as the chair of the executive committee, and the director of the Office Division of Emergency Management ~~within the Department of Community Affairs~~ shall serve as the vice chair of the executive committee.

Section 93. Subsection (5) of section 944.012, Florida Statutes, is amended to read:

944.012 Legislative intent.—The Legislature hereby finds and declares that:

(5) In order to make the correctional system an efficient and effective mechanism, the various agencies involved in the correctional process must coordinate their efforts. Where possible, interagency offices should be physically located within major institutions and should include representatives of the public employment service ~~the Florida State Employment Service~~, the vocational rehabilitation programs of the Department of Education, and the Parole Commission. Duplicative and unnecessary methods of evaluating offenders must be eliminated and areas of responsibility consolidated in order to more economically utilize present scarce resources.

Section 94. Section 944.708, Florida Statutes, is amended to read:

944.708 Rules.—The Department of Corrections ~~and the Agency for Workforce Innovation~~ shall adopt rules to implement the provisions of ss. 944.701-944.707.

Section 95. Paragraph (h) of subsection (3) of section 944.801, Florida Statutes, is amended to read:

944.801 Education for state prisoners.—

(3) The responsibilities of the Correctional Education

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Program shall be to:

(h) Develop a written procedure for selecting programs to add to or delete from the vocational curriculum. The procedure shall include labor market analyses which demonstrate the projected demand for certain occupations and the projected supply of potential employees. In conducting these analyses, the department shall evaluate the feasibility of adding vocational education programs which have been identified by Jobs Florida, the Department of Education, ~~the Agency for Workforce Innovation~~ or a regional coordinating council as being in undersupply in this state. The department shall periodically reevaluate the vocational education programs in major institutions to determine which of the programs support and provide relevant skills to inmates who could be assigned to a correctional work program that is operated as a Prison Industry Enhancement Program.

Section 96. Paragraph (d) of subsection (3) of section 945.10, Florida Statutes, is amended to read:

945.10 Confidential information.—

(3) Due to substantial concerns regarding institutional security and unreasonable and excessive demands on personnel and resources if an inmate or an offender has unlimited or routine access to records of the Department of Corrections, an inmate or an offender who is under the jurisdiction of the department may not have unrestricted access to the department's records or to information contained in the department's records. However, except as to another inmate's or offender's records, the department may permit limited access to its records if an inmate or an offender makes a written request and demonstrates an exceptional need for information contained in the department's

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records and the information is otherwise unavailable.

Exceptional circumstances include, but are not limited to:

(d) The requested records contain information required to process an application or claim by the inmate or offender with the Internal Revenue Service, the Social Security Administration, Jobs Florida ~~the Agency for Workforce Innovation~~, or any other similar application or claim with a state agency or federal agency.

Section 97. Subsection (4) of section 985.601, Florida Statutes, is amended to read:

985.601 Administering the juvenile justice continuum.—

(4) The department shall maintain continuing cooperation with the Department of Education, the Department of Children and Family Services, ~~the Agency for Workforce Innovation~~, Jobs Florida, and the Department of Corrections for the purpose of participating in agreements with respect to dropout prevention and the reduction of suspensions, expulsions, and truancy; increased access to and participation in GED, vocational, and alternative education programs; and employment training and placement assistance. The cooperative agreements between the departments shall include an interdepartmental plan to cooperate in accomplishing the reduction of inappropriate transfers of children into the adult criminal justice and correctional systems.

Section 98. Paragraph (q) of subsection (6) of section 1001.10, Florida Statutes, is amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(6) Additionally, the commissioner has the following

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general powers and duties:

(q) To enter into agreement with the Jobs Florida Partnership, Inc., ~~Space Florida~~ to develop innovative aerospace-related education programs that promote mathematics and science education for grades K-20.

Section 99. Subsections (1) and (2) of section 1002.375, Florida Statutes, are amended to read:

1002.375 Alternative credit for high school courses; pilot project.—

(1) The Commissioner of Education shall implement a pilot project in up to three school districts beginning in the 2008-2009 school year which allows school districts to award alternative course credit for students enrolled in nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2). The Commissioner of Education shall establish criteria for districts that participate in the pilot program. School districts interested in participating in the program must submit a letter of interest by July 15, 2008, to the Commissioner of Education identifying up to five nationally or state-recognized industry certification programs, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2), under which the district would like to award alternative credit for the eligible courses identified in subsection (2). The Commissioner of Education shall select up to three participating school districts by July 30, 2008. The Commissioner of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of

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the House of Representatives identifying the number of students choosing to earn alternative credit, the number of students that received alternative credit, and legislative recommendations for expanding the use of alternative credit for core academic courses required for high school graduation. The report shall be submitted by January 1, 2010.

(2) For purposes of designing and implementing a successful pilot project, eligible alternative credit courses include Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology. Alternative credits shall be awarded for courses in which a student is not enrolled, but for which the student may earn academic credit by enrolling in another course or sequence of courses required to earn a nationally or state-recognized industry certificate, as defined by the former Agency for Workforce Innovation or Jobs Florida, in accordance with the criteria described in s. 1003.492(2), of which the majority of the standards-based content in the course description is consistent with the alternative credit course description approved by the Department of Education.

Section 100. Paragraph (b) of subsection (4) and subsection (5) of section 1002.53, Florida Statutes, are amended to read:

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.—

(4)

(b) The application must be submitted on forms prescribed by the department ~~Agency for Workforce Innovation~~ and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.71(6)(b)2., that the

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parent chooses the private prekindergarten provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department ~~Agency for Workforce Innovation~~ may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(5) The early learning coalition shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every private prekindergarten provider and public school delivering the program within the county where the child is being enrolled. The profiles shall be provided to parents in a format prescribed by the department ~~Agency for Workforce Innovation~~. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, instructor credentials, and instructor-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.69, based upon the most recent available results of the statewide kindergarten screening.

Section 101. Paragraphs (e) and (h) of subsection (3) of section 1002.55, Florida Statutes, are amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(e) A private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed

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instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. The department ~~Agency for Workforce Innovation~~ shall adopt rules to implement this paragraph which shall include required qualifications of substitute instructors and the circumstances and time limits for which a private prekindergarten provider may assign a substitute instructor.

(h) The private prekindergarten provider must register with the early learning coalition on forms prescribed by the department ~~Agency for Workforce Innovation~~.

Section 102. Subsections (6) and (8) of section 1002.61, Florida Statutes, are amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(6) A public school or private prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department ~~Agency for Workforce Innovation~~ shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and

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the circumstances and time limits for which a public school or private prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the summer prekindergarten program must also:

(a) Register with the early learning coalition on forms prescribed by the department ~~Agency for Workforce Innovation~~; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 103. Subsections (6) and (8) of section 1002.63, Florida Statutes, are amended to read:

1002.63 School-year prekindergarten program delivered by public schools.—

(6) A public school prekindergarten provider may assign a substitute instructor to temporarily replace a credentialed instructor if the credentialed instructor assigned to a prekindergarten class is absent, as long as the substitute instructor is of good moral character and has been screened before employment in accordance with level 2 background screening requirements in chapter 435. This subsection does not supersede employment requirements for instructional personnel in public schools which are more stringent than the requirements of this subsection. The department ~~Agency for Workforce Innovation~~ shall adopt rules to implement this subsection which shall include required qualifications of substitute instructors and the circumstances and time limits for which a public school prekindergarten provider may assign a substitute instructor.

(8) Each public school delivering the school-year

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prekindergarten program must:

(a) Register with the early learning coalition on forms prescribed by the department ~~Agency for Workforce Innovation~~; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

Section 104. Subsections (1) and (3) of section 1002.67, Florida Statutes, are amended to read:

1002.67 Performance standards; curricula and accountability.—

(1) ~~By April 1, 2005,~~ The department shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(3)(a) Each early learning coalition shall verify that each private prekindergarten provider delivering the Voluntary Prekindergarten Education Program within the coalition's county or multicounty region complies with this part. Each district school board shall verify that each public school delivering the program within the school district complies with this part.

(b) If a private prekindergarten provider or public school fails or refuses to comply with this part, or if a provider or school engages in misconduct, the department ~~Agency for~~

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5569 ~~Workforce Innovation~~ shall require the early learning coalition
5570 to remove the provider or ~~, and the Department of Education~~
5571 ~~shall require~~ the school district to remove the school, from
5572 eligibility to deliver the Voluntary Prekindergarten Education
5573 Program and receive state funds under this part.

5574 (c)1. If the kindergarten readiness rate of a private
5575 prekindergarten provider or public school falls below the
5576 minimum rate adopted by the State Board of Education as
5577 satisfactory under s. 1002.69(6), the early learning coalition
5578 or school district, as applicable, shall require the provider or
5579 school to submit an improvement plan for approval by the
5580 coalition or school district, as applicable, and to implement
5581 the plan.

5582 2. If a private prekindergarten provider or public school
5583 fails to meet the minimum rate adopted by the State Board of
5584 Education as satisfactory under s. 1002.69(6) for 2 consecutive
5585 years, the early learning coalition or school district, as
5586 applicable, shall place the provider or school on probation and
5587 must require the provider or school to take certain corrective
5588 actions, including the use of a curriculum approved by the
5589 department under paragraph (2)(c).

5590 3. A private prekindergarten provider or public school that
5591 is placed on probation must continue the corrective actions
5592 required under subparagraph 2., including the use of a
5593 curriculum approved by the department, until the provider or
5594 school meets the minimum rate adopted by the State Board of
5595 Education as satisfactory under s. 1002.69(6).

5596 4. If a private prekindergarten provider or public school
5597 remains on probation for 2 consecutive years and fails to meet

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the minimum rate adopted by the State Board of Education as satisfactory under s. 1002.69(6) and is not granted a good cause exemption by the department pursuant to s. 1002.69(7), the department ~~Agency for Workforce Innovation~~ shall require the early learning coalition or ~~the Department of Education~~ shall ~~require~~ the school district to remove, as applicable, the provider or school from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(d) Each early learning coalition, ~~the Agency for Workforce Innovation~~, and the department shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize interagency duplication of activities for monitoring private prekindergarten providers for compliance with requirements of the Voluntary Prekindergarten Education Program under this part, the school readiness programs under s. 411.01, and the licensing of providers under ss. 402.301-402.319.

Section 105. Paragraph (f) of subsection (7) of section 1002.69, Florida Statutes, is amended to read:

1002.69 Statewide kindergarten screening; kindergarten readiness rates.—

(7)

(f) The State Board of Education shall notify the department ~~Agency for Workforce Innovation~~ of any good cause exemption granted to a private prekindergarten provider under this subsection. If a good cause exemption is granted to a private prekindergarten provider who remains on probation for 2 consecutive years, the department ~~Agency for Workforce~~

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~~Innovation~~ shall notify the early learning coalition of the good cause exemption and direct that the coalition, notwithstanding s. 1002.67(3)(c)4., not remove the provider from eligibility to deliver the Voluntary Prekindergarten Education Program or to receive state funds for the program, if the provider meets all other applicable requirements of this part.

Section 106. Paragraph (c) of subsection (3), subsection (4), paragraph (b) of subsection (5), and subsections (6) and (7) of section 1002.71, Florida Statutes, are amended to read:

1002.71 Funding; financial and attendance reporting.—

(3)

(c) The initial allocation shall be based on estimated student enrollment in each coalition service area. The department ~~Agency for Workforce Innovation~~ shall reallocate funds among the coalitions based on actual full-time equivalent student enrollment in each coalition service area.

(4) Notwithstanding s. 1002.53(3) and subsection (2):

(a) A child who, for any of the prekindergarten programs listed in s. 1002.53(3), has not completed more than 70 percent of the hours authorized to be reported for funding under subsection (2), or has not expended more than 70 percent of the funds authorized for the child under s. 1002.66, may withdraw from the program for good cause and reenroll in one of the programs. The total funding for a child who reenrolls in one of the programs for good cause may not exceed one full-time equivalent student. Funding for a child who withdraws and reenrolls in one of the programs for good cause shall be issued in accordance with the department's ~~agency's~~ uniform attendance policy adopted pursuant to paragraph (6)(d).

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(b) A child who has not substantially completed any of the prekindergarten programs listed in s. 1002.53(3) may withdraw from the program due to an extreme hardship that is beyond the child's or parent's control, reenroll in one of the summer programs, and be reported for funding purposes as a full-time equivalent student in the summer program for which the child is reenrolled.

A child may reenroll only once in a prekindergarten program under this section. A child who reenrolls in a prekindergarten program under this subsection may not subsequently withdraw from the program and reenroll. The department ~~Agency for Workforce Innovation~~ shall establish criteria specifying whether a good cause exists for a child to withdraw from a program under paragraph (a), whether a child has substantially completed a program under paragraph (b), and whether an extreme hardship exists which is beyond the child's or parent's control under paragraph (b).

(5)

(b) The department ~~Agency for Workforce Innovation~~ shall adopt procedures for the payment of private prekindergarten providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments in accordance with the uniform attendance policy adopted under paragraph (6)(d). The procedures shall provide for the monthly distribution of funds by the department ~~Agency for Workforce~~

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5685 ~~Innovation to the early learning coalitions for payment by the~~
5686 ~~coalitions to private prekindergarten providers and public~~
5687 ~~schools. The department shall transfer to the Agency for~~
5688 ~~Workforce Innovation at least once each quarter the funds~~
5689 ~~available for payment to private prekindergarten providers and~~
5690 ~~public schools in accordance with this paragraph from the funds~~
5691 ~~appropriated for that purpose.~~

5692 (6)(a) Each parent enrolling his or her child in the
5693 Voluntary Prekindergarten Education Program must agree to comply
5694 with the attendance policy of the private prekindergarten
5695 provider or district school board, as applicable. Upon
5696 enrollment of the child, the private prekindergarten provider or
5697 public school, as applicable, must provide the child's parent
5698 with a copy of the provider's or school district's attendance
5699 policy, as applicable.

5700 (b)1. Each private prekindergarten provider's and district
5701 school board's attendance policy must require the parent of each
5702 student in the Voluntary Prekindergarten Education Program to
5703 verify, each month, the student's attendance on the prior
5704 month's certified student attendance.

5705 2. The parent must submit the verification of the student's
5706 attendance to the private prekindergarten provider or public
5707 school on forms prescribed by the department ~~Agency for~~
5708 ~~Workforce Innovation~~. The forms must include, in addition to the
5709 verification of the student's attendance, a certification, in
5710 substantially the following form, that the parent continues to
5711 choose the private prekindergarten provider or public school in
5712 accordance with s. 1002.53 and directs that payments for the
5713 program be made to the provider or school:

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VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, ...(Name of Parent)..., swear (or affirm) that my child,
...(Name of Student)..., attended the Voluntary Prekindergarten
Education Program on the days listed above and certify that I
continue to choose ...(Name of Provider or School)... to deliver
the program for my child and direct that program funds be paid
to the provider or school for my child.

...(Signature of Parent)...

...(Date)...

3. The private prekindergarten provider or public school
must keep each original signed form for at least 2 years. Each
private prekindergarten provider must permit the early learning
coalition, and each public school must permit the school
district, to inspect the original signed forms during normal
business hours. The department ~~Agency for Workforce Innovation~~
shall adopt procedures for early learning coalitions and school
districts to review the original signed forms against the
certified student attendance. The review procedures shall
provide for the use of selective inspection techniques,
including, but not limited to, random sampling. Each early
learning coalition and the school districts must comply with the
review procedures.

(c) A private prekindergarten provider or school district,
as applicable, may dismiss a student who does not comply with
the provider's or district's attendance policy. A student

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dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another private prekindergarten provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(d) The department ~~Agency for Workforce Innovation~~ shall adopt, for funding purposes, a uniform attendance policy for the Voluntary Prekindergarten Education Program. The attendance policy must apply statewide and apply equally to all private prekindergarten providers and public schools. The attendance policy must include at least the following provisions:

1. ~~Beginning with the 2009-2010 fiscal year for school-year programs,~~ A student's attendance may be reported on a pro rata basis as a fractional part of a full-time equivalent student.

2. At a maximum, 20 percent of the total payment made on behalf of a student to a private prekindergarten provider or a public school may be for hours a student is absent.

3. A private prekindergarten provider or public school may not receive payment for absences that occur before a student's first day of attendance or after a student's last day of attendance.

The uniform attendance policy shall be used only for funding purposes and does not prohibit a private prekindergarten provider or public school from adopting and enforcing its attendance policy under paragraphs (a) and (c).

(7) The department ~~Agency for Workforce Innovation~~ shall require that administrative expenditures be kept to the minimum

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necessary for efficient and effective administration of the Voluntary Prekindergarten Education Program. Administrative policies and procedures shall be revised, to the maximum extent practicable, to incorporate the use of automation and electronic submission of forms, including those required for child eligibility and enrollment, provider and class registration, and monthly certification of attendance for payment. A school district may use its automated daily attendance reporting system for the purpose of transmitting attendance records to the early learning coalition in a mutually agreed-upon format. In addition, actions shall be taken to reduce paperwork, eliminate the duplication of reports, and eliminate other duplicative activities. Beginning with the 2010-2011 fiscal year, each early learning coalition may retain and expend no more than 4.5 percent of the funds paid by the coalition to private prekindergarten providers and public schools under paragraph (5)(b). Funds retained by an early learning coalition under this subsection may be used only for administering the Voluntary Prekindergarten Education Program and may not be used for the school readiness program or other programs.

Section 107. Subsection (1) of section 1002.72, Florida Statutes, is amended to read:

1002.72 Records of children in the Voluntary Prekindergarten Education Program.—

(1)(a) The records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

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of the State Constitution. For purposes of this section, such records include assessment data, health data, records of teacher observations, and personal identifying information of an enrolled child and his or her parent.

(b) This exemption applies to the records of a child enrolled in the Voluntary Prekindergarten Education Program held by an early learning coalition, the department ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten Education Program provider before, on, or after the effective date of this exemption.

Section 108. Subsections (1) and (5) of section 1002.77, Florida Statutes, are amended to read:

1002.77 Florida Early Learning Advisory Council.—

(1) There is created the Florida Early Learning Advisory Council within the department ~~Agency for Workforce Innovation~~. The purpose of the advisory council is to submit recommendations to the department ~~and the Agency for Workforce Innovation~~ on the early learning policy of this state, including recommendations relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(5) The department ~~Agency for Workforce Innovation~~ shall provide staff and administrative support for the advisory council.

Section 109. Section 1002.79, Florida Statutes, is amended to read:

1002.79 Rulemaking authority.—

~~(1)~~ The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this

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part ~~conferring duties upon the department.~~

~~(2) The Agency for Workforce Innovation shall adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of this part conferring duties upon the agency.~~

Section 110. Subsection (2), paragraph (a) of subsection (3), paragraph (c) of subsection (4), and subsection (5) of section 1003.491, Florida Statutes, are amended to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

~~(2) Beginning with the 2007-2008 school year,~~ Each district school board shall develop, in collaboration with local workforce boards and postsecondary institutions approved to operate in the state, a strategic 5-year plan to address and meet local and regional workforce demands. If involvement of the local workforce board in the strategic plan development is not feasible, the local school board, with the approval of Jobs Florida ~~the Agency for Workforce Innovation~~, shall collaborate with the most appropriate local business leadership board. Two or more school districts may collaborate in the development of the strategic plan and offer a career and professional academy as a joint venture. Such plans must describe in detail provisions for efficient transportation of students, maximum use of shared resources, and access to courses through the Florida Virtual School when appropriate. Each strategic plan shall ~~be completed no later than June 30, 2008, and shall include~~

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provisions to have in place at least one operational career and professional academy, pursuant to s. 1003.492, ~~no later than the beginning of the 2008-2009 school year.~~

(3) The strategic 5-year plan developed jointly between the local school district, local workforce boards, and state-approved postsecondary institutions shall be constructed and based on:

(a) Research conducted to objectively determine local and regional workforce needs for the ensuing 5 years, using labor projections of the United States Department of Labor and Jobs Florida ~~the Agency for Workforce Innovation~~;

(4) The State Board of Education shall establish a process for the continual and uninterrupted review of newly proposed core secondary courses and existing courses requested to be considered as core courses to ensure that sufficient rigor and relevance is provided for workforce skills and postsecondary education and aligned to state curriculum standards. The review of newly proposed core secondary courses shall be the responsibility of a curriculum review committee whose membership is approved by the Workforce Florida Board as described in s. 445.004, and shall include:

(c) Three workforce representatives recommended by Jobs Florida ~~the Agency for Workforce Innovation~~.

(5) The submission and review of newly proposed core courses shall be conducted electronically, and each proposed core course shall be approved or denied within 60 days. All courses approved as core courses for high school graduation purposes shall be immediately added to the Course Code Directory. Approved core courses shall also be reviewed and

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considered for approval for dual enrollment credit. The Board of Governors and the Commissioner of Education shall jointly recommend an annual deadline for approval of new core courses to be included for purposes of postsecondary admissions and dual enrollment credit the following academic year. The State Board of Education shall establish an appeals process in the event that a proposed course is denied which shall require a consensus ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and the Commissioner of Education within 15 days. ~~The curriculum review committee must be established and operational no later than September 1, 2007.~~

Section 111. Subsections (2) and (3) of section 1003.492, Florida Statutes, are amended to read:

1003.492 Industry-certified career education programs.—

(2) The State Board of Education shall use the expertise of Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to develop and adopt rules pursuant to ss. 120.536(1) and 120.54 for implementing an industry certification process. Industry certification shall be defined by Jobs Florida ~~the Agency for Workforce Innovation~~, based upon the highest available national standards for specific industry certification, to ensure student skill proficiency and to address emerging labor market and industry trends. A regional workforce board or a career and professional academy may apply to Workforce Florida, Inc., to request additions to the approved list of industry certifications based on high-demand job requirements in the regional economy. The list of industry certifications approved by Workforce Florida, Inc., and the Department of Education shall be published and updated annually by a date certain, to be

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included in the adopted rule.

(3) The Department of Education shall collect student achievement and performance data in industry-certified career education programs and shall work with Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data. The data collection and analyses shall examine the performance of participating students over time. Performance factors shall include, but not be limited to, graduation rates, retention rates, Florida Bright Futures Scholarship awards, additional educational attainment, employment records, earnings, industry certification, and employer satisfaction. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives annually by December 31.

Section 112. Paragraphs (f) and (k) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(f) Provide instruction in careers designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or Jobs Florida ~~the Agency for Workforce Innovation.~~

(k) Include an evaluation plan developed jointly with the Department of Education and the local workforce board. The evaluation plan must include an assessment tool based on national industry standards, such as the Career Academy National Standards of Practice, and outcome measures, including, but not limited to, achievement of national industry certifications identified in the Industry Certification Funding List, pursuant to rules adopted by the State Board of Education, graduation

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rates, enrollment in postsecondary education, business and industry satisfaction, employment and earnings, awards of postsecondary credit and scholarships, and student achievement levels and learning gains on statewide assessments administered under s. 1008.22(3)(c). The Department of Education shall use Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in identifying industry experts to participate in developing and implementing such assessments.

Section 113. Subsection (3) of section 1003.575, Florida Statutes, is amended to read:

1003.575 Assistive technology devices; findings; interagency agreements.—Accessibility, utilization, and coordination of appropriate assistive technology devices and services are essential as a young person with disabilities moves from early intervention to preschool, from preschool to school, from one school to another, and from school to employment or independent living. To ensure that an assistive technology device issued to a young person as part of his or her individualized family support plan, individual support plan, or an individual education plan remains with the individual through such transitions, the following agencies shall enter into interagency agreements, as appropriate, to ensure the transaction of assistive technology devices:

(3) The Voluntary Prekindergarten Education Program administered by the Department of Education ~~and the Agency for Workforce Innovation.~~

Interagency agreements entered into pursuant to this section shall provide a framework for ensuring that young persons with

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disabilities and their families, educators, and employers are informed about the utilization and coordination of assistive technology devices and services that may assist in meeting transition needs, and shall establish a mechanism by which a young person or his or her parent may request that an assistive technology device remain with the young person as he or she moves through the continuum from home to school to postschool.

Section 114. Subsection (4) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—Each standard high school diploma shall include, as applicable:

(4) A designation reflecting a Florida Ready to Work Credential in accordance with s. 445.06 ~~1004.99~~.

Section 115. Paragraph (j) of subsection (4) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies.—

(4) Each career and professional academy must:

(j) Provide opportunities for students to obtain the Florida Ready to Work Certification pursuant to s. 445.06 ~~1004.99~~.

Section 116. Paragraphs (a), (e), and (f) of subsection (4) and paragraph (c) of subsection (5) of section 1004.226, Florida Statutes, are amended to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.—

(4) FLORIDA TECHNOLOGY, RESEARCH, AND SCHOLARSHIP BOARD.—
The Florida Technology, Research, and Scholarship Board is created within the Board of Governors of the State University System to guide the establishment of Centers of Excellence, the

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6004 attraction of world class scholars, and the commercialization of
6005 products and services developed from the research and
6006 development conducted at state universities.

6007 (a) The board shall consist of 11 members. Five members
6008 shall be appointed by the Governor, one of whom the Governor
6009 shall appoint as chair of the board, one of whom must be a
6010 member of the board of directors of the Jobs Florida
6011 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ and one of whom
6012 must be a member of the Board of Governors of the State
6013 University System. Three members shall be appointed by the
6014 President of the Senate, and three members shall be appointed by
6015 the Speaker of the House of Representatives. Appointed members
6016 must be representative of business leaders, industrial
6017 researchers, academic researchers, scientists, and leaders in
6018 the emerging and advanced technology sector. Appointed members
6019 may not serve for more than 4 years, and any vacancy that occurs
6020 during these appointees' terms shall be filled in the same
6021 manner as the original appointment. A majority of members
6022 constitutes a quorum.

6023 (e) The board shall recommend to the Board of Governors the
6024 qualifications, standards, and requirements for approval of
6025 investments in Centers of Excellence under this act. The board
6026 may form committees of its members and is encouraged to consult
6027 with the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~
6028 ~~Inc.,~~ the Florida Research Consortium, Bio-Florida, IT Florida,
6029 the Florida Aviation Aerospace Alliance, and any other entity
6030 whose input may be helpful in determining the requirements and
6031 standards for the program.

6032 (f) The board shall review and approve State University

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Research Commercialization Assistance Grants under subsection (7). The board is encouraged to consult with the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~; entities with prior experience in early stage business investment; and any other entity whose input may be helpful in evaluating grant proposals.

(5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

(c) The board, in consultation with senior administrators of state universities, state university foundation directors, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~, the board of directors of the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, and leading members of private industry, shall develop and recommend to the Board of Governors criteria for the 21st Century World Class Scholars Program. Such criteria shall address, at a minimum, the following:

1. The presence of distinguished faculty members, including whether the university has a substantial history of external funding, along with the strong potential for attracting a scholar of national or international eminence.

2. The presence of academically outstanding students, along with the promise and potential for attracting additional highly qualified students.

3. The presence of adequate research and scholarly support services.

4. The existence of an academic environment having appropriate infrastructure, including buildings, classrooms, libraries, laboratories, and specialized equipment, that is conducive to the conduct of the highest quality of scholarship and research.

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5. The demonstration of concordance with Florida's strategic plan for economic development or an emphasis on one or more emerging sciences or technologies that could favorably impact the state's economic future.

Section 117. Paragraph (d) of subsection (5) of section 1004.65, Florida Statutes, is amended to read:

1004.65 Florida colleges; governance, mission, and responsibilities.—

(5) The primary mission and responsibility of Florida colleges is responding to community needs for postsecondary academic education and career degree education. This mission and responsibility includes being responsible for:

(d) Promoting economic development for the state within each Florida college district through the provision of special programs, including, but not limited to, the:

1. Jobs Florida Partnership ~~Enterprise Florida~~-related programs.

2. Technology transfer centers.

3. Economic development centers.

4. Workforce literacy programs.

Section 118. Subsection (5) of section 1004.77, Florida Statutes, is amended to read:

1004.77 Centers of technology innovation.—

(5) The State Board of Education shall give priority in the designation of centers to those community colleges that specialize in technology in environmental areas and in areas related to target industries of the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc~~. Priority in designation shall also be given to community colleges that develop new and improved

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manufacturing techniques and related business practices.

Section 119. Paragraph (b) of subsection (10) of section 1004.78, Florida Statutes, is amended to read:

Section 119.78 Technology transfer centers at community colleges.—

(10) The State Board of Education may award grants to community colleges, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Education. Such rules shall include the following provisions:

(b) Grants to centers funded with state revenues appropriated specifically for technology transfer activities shall be reviewed and approved by the State Board of Education using proposal solicitation, evaluation, and selection procedures established by the state board in consultation with the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc.~~ Such procedures may include designation of specific areas or applications of technology as priorities for the receipt of funding.

Section 120. Subsection (3) of section 1008.39, Florida Statutes, is amended to read:

1008.39 Florida Education and Training Placement Information Program.—

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of

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obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by Jobs Florida ~~the Agency for Workforce Innovation~~, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

Section 121. Subsection (3) of section 1008.41, Florida Statutes, is amended to read:

1008.41 Workforce education; management information system.—

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

- (a) The Florida Occupational Information System;
- (b) The Florida Education and Training Placement Information Program;
- (c) Jobs Florida ~~The Agency for Workforce Innovation~~;
- (d) The United States Department of Labor; and
- (e) Other sources of data developed using statistically valid procedures.

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6149 Section 122. Subsections (2), (3), (4), (5), and (6) of
6150 section 1011.76, Florida Statutes, are amended to read:

6151 1011.76 Small School District Stabilization Program.—

6152 (2) In order to participate in this program, a school
6153 district must be located in a rural area of critical economic
6154 concern designated by the Executive Office of the Governor, and
6155 the district school board must submit a resolution to Jobs
6156 Florida ~~the Office of Tourism, Trade, and Economic Development~~
6157 requesting participation in the program. A rural area of
6158 critical economic concern must be a rural community, or a region
6159 composed of such, that has been adversely affected by an
6160 extraordinary economic event or a natural disaster or that
6161 presents a unique economic development concern or opportunity of
6162 regional impact. The resolution must be accompanied with
6163 documentation of the economic conditions in the community,
6164 provide information indicating the negative impact of these
6165 conditions on the school district's financial stability, and the
6166 school district must participate in a best financial management
6167 practices review to determine potential efficiencies that could
6168 be implemented to reduce program costs in the district.

6169 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6170 ~~Development~~, in consultation with the Department of Education,
6171 shall review the resolution and other information required by
6172 subsection (2) and determine whether the school district is
6173 eligible to participate in the program. Factors influencing the
6174 office's determination may include, but are not limited to,
6175 reductions in the county tax roll resulting from business
6176 closures or other causes, or a reduction in student enrollment
6177 due to business closures or impacts in the local economy.

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6178 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
6179 Florida ~~the Office of Tourism, Trade, and Economic Development~~
6180 authorizes a school district to participate in the program, the
6181 Legislature may give priority to that district for a best
6182 financial management practices review in the school district,
6183 subject to approval pursuant to s. 1008.35(7), to the extent
6184 that funding is provided annually for such purpose in the
6185 General Appropriations Act. The scope of the review shall be as
6186 set forth in s. 1008.35.

6187 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
6188 of Education may award the school district a stabilization grant
6189 intended to protect the district from continued financial
6190 reductions. The amount of the grant will be determined by the
6191 Department of Education and may be equivalent to the amount of
6192 the decline in revenues projected for the next fiscal year. In
6193 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
6194 ~~Economic Development~~ may implement a rural economic development
6195 initiative to identify the economic factors that are negatively
6196 impacting the community and may consult with the Jobs Florida
6197 Partnership, Inc. ~~Enterprise Florida, Inc.,~~ in developing a plan
6198 to assist the county with its economic transition. The grant
6199 will be available to the school district for a period of up to 5
6200 years to the extent that funding is provided for such purpose in
6201 the General Appropriations Act.

6202 (6) Based on the availability of funds, Jobs Florida ~~the~~
6203 ~~Office of Tourism, Trade, and Economic Development~~ or the
6204 Department of Education may enter into contracts or issue grants
6205 necessary to implement the program.

6206 Section 123. Section 1012.2251, Florida Statutes, is

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amended to read:

1012.2251 End-of-course examinations for Merit Award Program. ~~Beginning with the 2007-2008 school year,~~ School districts that participate in the Merit Award Program under s. 1012.225 must be able to administer end-of-course examinations based on the Sunshine State Standards in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national or state industry certification recognized by Jobs Florida ~~the Agency for Workforce Innovation~~ satisfy the requirements of this section for the respective grade groupings and subjects assessed by these examinations and assessments.

Section 124. Paragraph (i) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

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

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

(i) The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ including any of its boards, advisory committees, or similar groups created by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ and programs. The audit report may not reveal the identity of any person who has anonymously made a

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6236 donation to the Jobs Florida Partnership, Inc., Enterprise
6237 ~~Florida, Inc.,~~ pursuant to this paragraph. The identity of a
6238 donor or prospective donor to the Jobs Florida Partnership,
6239 Inc., Enterprise Florida, Inc., who desires to remain anonymous
6240 and all information identifying such donor or prospective donor
6241 are confidential and exempt from the provisions of s. 119.07(1)
6242 and s. 24(a), Art. I of the State Constitution. Such anonymity
6243 shall be maintained in the auditor's report.

6244 Section 125. Paragraph (b) of subsection (2) of section
6245 14.20195, Florida Statutes, is amended to read:

6246 14.20195 Suicide Prevention Coordinating Council; creation;
6247 membership; duties.—There is created within the Statewide Office
6248 for Suicide Prevention a Suicide Prevention Coordinating
6249 Council. The council shall develop strategies for preventing
6250 suicide.

6251 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
6252 shall consist of 28 voting members.

6253 (b) The following state officials or their designees shall
6254 serve on the coordinating council:

- 6255 1. The Secretary of Elderly Affairs.
- 6256 2. The State Surgeon General.
- 6257 3. The Commissioner of Education.
- 6258 4. The Secretary of Health Care Administration.
- 6259 5. The Secretary of Juvenile Justice.
- 6260 6. The Secretary of Corrections.
- 6261 7. The executive director of the Department of Law
6262 Enforcement.
- 6263 8. The executive director of the Department of Veterans'
6264 Affairs.

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9. The Secretary of Children and Family Services.

10. The commissioner ~~director~~ of Jobs Florida ~~the Agency for Workforce Innovation~~.

Section 126. Section 15.18, Florida Statutes, is amended to read:

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

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

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

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and

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exchange groups.

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

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

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

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

Section 127. Section 15.182, Florida Statutes, is amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to Jobs Florida ~~Office of Tourism, Trade, and Economic Development.~~—

(1) If a musical, cultural, or artistic organization that receives state funding is traveling internationally for a presentation, performance, or other significant public viewing,

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including an organization associated with a college or university, such organization shall notify Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ of its intentions to travel, together with the date, time, and location of each appearance.

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

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

Section 128. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

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

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall

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consist of 19 members appointed as follows:

(j) The commissioner ~~director~~ of Jobs Florida ~~the Agency for Workforce Innovation~~ or his or her designee.

Section 129. Paragraph (a) of subsection (8) and paragraph (a) of subsection (9) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(8) PLAN FOR COMPREHENSIVE APPROACH.—

(a) The office shall develop a state plan for the promotion of adoption, support of adoptive families, and prevention of abuse, abandonment, and neglect of children and shall submit the state plan to the Speaker of the House of Representatives, the President of the Senate, and the Governor no later than December 31, 2008. The Department of Children and Family Services, the Department of Corrections, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Law Enforcement, and the Agency for Persons with Disabilities, ~~and the Agency for Workforce Innovation~~ shall participate and fully cooperate in the development of the state plan at both the state and local levels. Furthermore, appropriate local agencies and organizations shall be provided an opportunity to participate in the development of the state plan at the local level. Appropriate local groups and organizations shall include, but not be limited to, community mental health centers; guardian ad litem programs for children under the circuit court; the school boards of the local school districts; the Florida local advocacy councils; community-based care lead agencies; private or public organizations or programs

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with recognized expertise in working with child abuse prevention programs for children and families; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; law enforcement agencies; and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).

(9) FUNDING AND SUBSEQUENT PLANS.—

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

Section 130. Paragraph (a) of subsection (7) of section 45.031, Florida Statutes, is amended to read:

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

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the court.

(7) DISBURSEMENTS OF PROCEEDS.—

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

Section 131. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

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

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

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whether a default against the department, Jobs Florida, or the former Agency for Workforce Innovation, ~~or the former Department of Labor and Employment Security~~ has been entered for failure to file an answer or other responsive pleading.

Section 132. Subsection (3) of section 112.3135, Florida Statutes, is amended to read:

112.3135 Restriction on employment of relatives.—

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

Section 133. Paragraph (d) of subsection (2) and paragraph (f) of subsection (5) of section 119.071, Florida Statutes, are amended to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency ~~emergencies~~, as defined in s. 252.34(3), are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the

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Department of Law Enforcement, or the Office of Emergency Management ~~the Department of Community Affairs~~ as having an official need for access to the inventory or comprehensive policies or plans.

(5) OTHER PERSONAL INFORMATION.—

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

Section 134. Subsection (10) of section 120.80, Florida Statutes, is amended to read:

120.80 Exceptions and special requirements; agencies.—

(10) JOBS FLORIDA AGENCY FOR WORKFORCE INNOVATION.—

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

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

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deputies, or unemployment appeals referees.

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

Section 135. Subsection (1) of section 125.01045, Florida Statutes, is amended to read:

125.01045 Prohibition of fees for first responder services.—

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

Section 136. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

159.803 Definitions.—As used in this part, the term:

(11) “Florida First Business project” means any project which is certified by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~

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Trade, and Economic Development may certify those projects meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state.

Section 137. Paragraph (a) of subsection (2) of section 159.8081, Florida Statutes, is amended to read:

159.8081 Manufacturing facility bond pool.—

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

Section 138. Section 159.8083, Florida Statutes, is amended to read:

159.8083 Florida First Business allocation pool.—The

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6555 Florida First Business allocation pool is hereby established.
6556 The Florida First Business allocation pool shall be available
6557 solely to provide written confirmation for private activity
6558 bonds to finance Florida First Business projects certified by
6559 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
6560 ~~Development~~ as eligible to receive a written confirmation.
6561 Allocations from such pool shall be awarded statewide pursuant
6562 to procedures specified in s. 159.805, except that the
6563 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
6564 First Business projects that are eligible for a carryforward
6565 shall not lose their allocation pursuant to s. 159.809(3) on
6566 October 1, or pursuant to s. 159.809(4) on November 16, if they
6567 have applied for and have been granted a carryforward by the
6568 division pursuant to s. 159.81(1). In issuing written
6569 confirmations of allocations for Florida First Business
6570 projects, the division shall use the Florida First Business
6571 allocation pool. If allocation is not available from the Florida
6572 First Business allocation pool, the division shall issue written
6573 confirmations of allocations for Florida First Business projects
6574 pursuant to s. 159.806 or s. 159.807, in such order. For the
6575 purpose of determining priority within a regional allocation
6576 pool or the state allocation pool, notices of intent to issue
6577 bonds for Florida First Business projects to be issued from a
6578 regional allocation pool or the state allocation pool shall be
6579 considered to have been received by the division at the time it
6580 is determined by the division that the Florida First Business
6581 allocation pool is unavailable to issue confirmation for such
6582 Florida First Business project. If the total amount requested in
6583 notices of intent to issue private activity bonds for Florida

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First Business projects exceeds the total amount of the Florida First Business allocation pool, the director shall forward all timely notices of intent to issue, which are received by the division for such projects, to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ which shall render a decision as to which notices of intent to issue are to receive written confirmations. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~, in consultation with the division, shall develop rules to ensure that the allocation provided in such pool is available solely to provide written confirmations for private activity bonds to finance Florida First Business projects and that such projects are feasible and financially solvent.

Section 139. Section 163.03, Florida Statutes, is amended to read:

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

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

(a) Supervise and administer the activities of Jobs Florida ~~the department~~ and shall advise the Governor, the Cabinet, and the Legislature with respect to matters affecting community affairs and local government and participate in the formulation of policies which best use ~~utilize~~ the resources of state government for the benefit of local government.

(b) Render services to local governments by assisting, upon request, in applying for and securing federal and state funds

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and by assisting the Executive Office of the Governor in coordinating the activities of the state with federal programs for assistance in and solution of urban problems.

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

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

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

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

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

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

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programs and services.

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

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

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

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

1. Advisory and informational services to local governments.

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

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

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

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

(l)~~(m)~~ Perform such other functions, duties, or responsibilities as may be hereafter assigned to him or her by law.

(2) It is the intent of this section, with respect to federal grant-in-aid programs, that Jobs Florida ~~the department~~ serve as the agency for disseminating information to local

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governments regarding the availability of federal grant-in-aid assistance to local governments in their efforts to secure federal grant-in-aid assistance, but only upon the request of such local governments, and for assisting local governments in maintaining liaison and communications with federal agencies concerning federal grant-in-aid programs. Nothing contained herein shall be construed to require consent, approval, or authorization from Jobs Florida ~~the department~~ as a condition to any application for or acceptance of grants-in-aid from the United States Government.

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

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

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

(c) Federal housing assistance programs.

(d) Community Services Block Grant programs.

(e) Federal weatherization grant programs.

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

Section 140. Paragraph (d) of subsection (2) and subsection (3) of section 163.3178, Florida Statutes, are amended to read:
163.3178 Coastal management.—

(2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted

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pursuant to general or special law; and contain:

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

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

Section 141. Subsection (10) of section 163.360, Florida Statutes, is amended to read:

163.360 Community redevelopment plans.—

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

Section 142. Subsection (1) of section 166.0446, Florida
Statutes, is amended to read:

166.0446 Prohibition of fees for first responder services.—

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

Section 143. Subsection (1) of section 175.021, Florida
Statutes, is amended to read:

175.021 Legislative declaration.—

(1) It is hereby declared by the Legislature that
firefighters, ~~as hereinafter defined~~, perform state and

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

Section 144. Paragraph (c) of subsection (4) of section 186.504, Florida Statutes, is amended to read:

186.504 Regional planning councils; creation; membership.—

(4) In addition to voting members appointed pursuant to paragraph (2)(c), the Governor shall appoint the following ex

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officio nonvoting members to each regional planning council:

(c) A representative nominated by Jobs Florida Enterprise
~~Florida, Inc., and the Office of Tourism, Trade, and Economic~~
~~Development.~~

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

Section 145. Subsection (11) of section 186.505, Florida
Statutes, is amended to read:

186.505 Regional planning councils; powers and duties.—Any
regional planning council created hereunder shall have the
following powers:

(11) To cooperate, in the exercise of its planning
functions, with federal and state agencies in planning for
emergency management as defined in ~~under~~ s. 252.34(4).

Section 146. Subsection (6) of section 196.012, Florida
Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the
following terms are defined as follows, except where the context
clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function
shall be deemed to be served or performed when the lessee under
any leasehold interest created in property of the United States,
the state or any of its political subdivisions, or any
municipality, agency, special district, authority, or other
public body corporate of the state is demonstrated to perform a
function or serve a governmental purpose which could properly be
performed or served by an appropriate governmental unit or which

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6816 is demonstrated to perform a function or serve a purpose which
 6817 would otherwise be a valid subject for the allocation of public
 6818 funds. For purposes of the preceding sentence, an activity
 6819 undertaken by a lessee which is permitted under the terms of its
 6820 lease of real property designated as an aviation area on an
 6821 airport layout plan which has been approved by the Federal
 6822 Aviation Administration and which real property is used for the
 6823 administration, operation, business offices and activities
 6824 related specifically thereto in connection with the conduct of
 6825 an aircraft full service fixed base operation which provides
 6826 goods and services to the general aviation public in the
 6827 promotion of air commerce shall be deemed an activity which
 6828 serves a governmental, municipal, or public purpose or function.
 6829 Any activity undertaken by a lessee which is permitted under the
 6830 terms of its lease of real property designated as a public
 6831 airport as defined in s. 332.004(14) by municipalities,
 6832 agencies, special districts, authorities, or other public bodies
 6833 corporate and public bodies politic of the state, a spaceport ~~as~~
 6834 ~~defined in s. 331.303,~~ or which is located in a deepwater port
 6835 identified in s. 403.021(9)(b) and owned by one of the foregoing
 6836 governmental units, subject to a leasehold or other possessory
 6837 interest of a nongovernmental lessee that is deemed to perform
 6838 an aviation, airport, aerospace, maritime, or port purpose or
 6839 operation shall be deemed an activity that serves a
 6840 governmental, municipal, or public purpose. The term "spaceport"
 6841 means any area of land or water, or any manmade object or
 6842 facility located therein, developed by the Jobs Florida
 6843 Partnership, Inc., which area is intended for public use or for
 6844 the launching, takeoff, and landing of spacecraft and aircraft,

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6845 and includes any appurtenant areas which are used or intended
6846 for public use, for spaceport buildings, or for other spaceport
6847 facilities, spaceport projects, or rights-of-way. The use by a
6848 lessee, licensee, or management company of real property or a
6849 portion thereof as a convention center, visitor center, sports
6850 facility with permanent seating, concert hall, arena, stadium,
6851 park, or beach is deemed a use that serves a governmental,
6852 municipal, or public purpose or function when access to the
6853 property is open to the general public with or without a charge
6854 for admission. If property deeded to a municipality by the
6855 United States is subject to a requirement that the Federal
6856 Government, through a schedule established by the Secretary of
6857 the Interior, determine that the property is being maintained
6858 for public historic preservation, park, or recreational purposes
6859 and if those conditions are not met the property will revert
6860 back to the Federal Government, then such property shall be
6861 deemed to serve a municipal or public purpose. The term
6862 "governmental purpose" also includes a direct use of property on
6863 federal lands in connection with the Federal Government's Space
6864 Exploration Program or spaceport activities as defined in s.
6865 212.02(22). Real property and tangible personal property owned
6866 by the Federal Government or the Jobs Florida Partnership, Inc.,
6867 ~~Space Florida~~ and used for defense and space exploration
6868 purposes or which is put to a use in support thereof shall be
6869 deemed to perform an essential national governmental purpose and
6870 shall be exempt. "Owned by the lessee" as used in this chapter
6871 does not include personal property, buildings, or other real
6872 property improvements used for the administration, operation,
6873 business offices and activities related specifically thereto in

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connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of "ownership," buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed "owned" by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(15), and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator's provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public hospital.

Section 147. Subsection (22) of section 212.02, Florida Statutes, is amended to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(22) "Spaceport activities" means activities directed or sponsored by the Jobs Florida Partnership, Inc., ~~Space Florida~~ on spaceport territory pursuant to its powers and responsibilities ~~under the Space Florida Act.~~

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Section 148. Paragraphs (j) and (p) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) *Machinery and equipment used in semiconductor, defense, or space technology production.*—

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Building materials purchased for use in manufacturing or

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expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ in order to qualify for exemption under this paragraph.

4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

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

b. The Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~

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6961 ~~Inc.,~~ shall review each submitted initial application and
6962 determine whether or not the application is complete within 5
6963 working days. Once complete, the Jobs Florida Partnership, Inc.,
6964 ~~Enterprise Florida, Inc.,~~ shall, within 10 working days,
6965 evaluate the application and recommend approval or disapproval
6966 to Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
6967 ~~Development.~~

6968 c. Upon receipt of the initial application and
6969 recommendation from the Jobs Florida Partnership, Inc.,
6970 ~~Enterprise Florida, Inc.,~~ or upon receipt of a certification
6971 renewal statement, Jobs Florida ~~the Office of Tourism, Trade,~~
6972 ~~and Economic Development~~ shall certify within 5 working days
6973 those applicants who are found to meet the requirements of this
6974 section and notify the applicant, the Jobs Florida Partnership,
6975 Inc., ~~Enterprise Florida, Inc.,~~ and the department of the
6976 original certification or certification renewal. If Jobs Florida
6977 ~~the Office of Tourism, Trade, and Economic Development~~ finds
6978 that the applicant does not meet the requirements, it shall
6979 notify the applicant and the Jobs Florida Partnership, Inc.,
6980 ~~Enterprise Florida, Inc.,~~ within 10 working days that the
6981 application for certification has been denied and the reasons
6982 for denial. Jobs Florida ~~The Office of Tourism, Trade, and~~
6983 ~~Economic Development~~ has final approval authority for
6984 certification under this section.

6985 d. The initial application and certification renewal
6986 statement must indicate, for program evaluation purposes only,
6987 the average number of full-time equivalent employees at the
6988 facility over the preceding calendar year, the average wage and
6989 benefits paid to those employees over the preceding calendar

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year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ in evaluating and verifying information provided in the application for exemption.

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

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

7. As used in this paragraph, the term:

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

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

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

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

(p) *Community contribution tax credit for donations.*—

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

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

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

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

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

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

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

2. Eligibility requirements.—

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7077 a. A community contribution by a person must be in the
7078 following form:

7079 (I) Cash or other liquid assets;

7080 (II) Real property;

7081 (III) Goods or inventory; or

7082 (IV) Other physical resources as identified by Jobs Florida
7083 ~~the Office of Tourism, Trade, and Economic Development.~~

7084 b. All community contributions must be reserved exclusively
7085 for use in a project. As used in this sub-subparagraph, the term
7086 "project" means any activity undertaken by an eligible sponsor
7087 which is designed to construct, improve, or substantially
7088 rehabilitate housing that is affordable to low-income or very-
7089 low-income households as defined in s. 420.9071(19) and (28);
7090 designed to provide commercial, industrial, or public resources
7091 and facilities; or designed to improve entrepreneurial and job-
7092 development opportunities for low-income persons. A project may
7093 be the investment necessary to increase access to high-speed
7094 broadband capability in rural communities with enterprise zones,
7095 including projects that result in improvements to communications
7096 assets that are owned by a business. A project may include the
7097 provision of museum educational programs and materials that are
7098 directly related to any project approved between January 1,
7099 1996, and December 31, 1999, and located in an enterprise zone
7100 designated pursuant to s. 290.0065. This paragraph does not
7101 preclude projects that propose to construct or rehabilitate
7102 housing for low-income or very-low-income households on
7103 scattered sites. With respect to housing, contributions may be
7104 used to pay the following eligible low-income and very-low-
7105 income housing-related activities:

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

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

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

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

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

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(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s.
1009.983;

(X) An enterprise zone development agency created under s.
290.0056;

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

(XII) Units of local government;

(XIII) Units of state government; or

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

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

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

e.(I) If, during the first 10 business days of the state
fiscal year, eligible tax credit applications for projects that

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7164 provide homeownership opportunities for low-income or very-low-
7165 income households as defined in s. 420.9071(19) and (28) are
7166 received for less than the annual tax credits available for
7167 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
7168 ~~Economic Development~~ shall grant tax credits for those
7169 applications and shall grant remaining tax credits on a first-
7170 come, first-served basis for any subsequent eligible
7171 applications received before the end of the state fiscal year.
7172 If, during the first 10 business days of the state fiscal year,
7173 eligible tax credit applications for projects that provide
7174 homeownership opportunities for low-income or very-low-income
7175 households as defined in s. 420.9071(19) and (28) are received
7176 for more than the annual tax credits available for those
7177 projects, Jobs Florida ~~the office~~ shall grant the tax credits
7178 for those applications as follows:

7179 (A) If tax credit applications submitted for approved
7180 projects of an eligible sponsor do not exceed \$200,000 in total,
7181 the credits shall be granted in full if the tax credit
7182 applications are approved.

7183 (B) If tax credit applications submitted for approved
7184 projects of an eligible sponsor exceed \$200,000 in total, the
7185 amount of tax credits granted pursuant to sub-sub-sub-
7186 subparagraph (A) shall be subtracted from the amount of
7187 available tax credits, and the remaining credits shall be
7188 granted to each approved tax credit application on a pro rata
7189 basis.

7190 (II) If, during the first 10 business days of the state
7191 fiscal year, eligible tax credit applications for projects other
7192 than those that provide homeownership opportunities for low-

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

3. Application requirements.—

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

b. Any person seeking to participate in this program must
submit an application for tax credit to Jobs Florida ~~the office~~
which sets forth the name of the sponsor, a description of the
project, and the type, value, and purpose of the contribution.
The sponsor shall verify the terms of the application and

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7222 indicate its receipt of the contribution, which verification
7223 must be in writing and accompany the application for tax credit.
7224 The person must submit a separate tax credit application to Jobs
7225 Florida ~~the office~~ for each individual contribution that it
7226 makes to each individual project.

7227 c. Any person who has received notification from Jobs
7228 Florida ~~the office~~ that a tax credit has been approved must
7229 apply to the department to receive the refund. Application must
7230 be made on the form prescribed for claiming refunds of sales and
7231 use taxes and be accompanied by a copy of the notification. A
7232 person may submit only one application for refund to the
7233 department within any 12-month period.

7234 4. Administration.—

7235 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7236 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
7237 120.54 necessary to administer this paragraph, including rules
7238 for the approval or disapproval of proposals by a person.

7239 b. The decision of Jobs Florida ~~the office~~ must be in
7240 writing, and, if approved, the notification shall state the
7241 maximum credit allowable to the person. Upon approval, Jobs
7242 Florida ~~the office~~ shall transmit a copy of the decision to the
7243 Department of Revenue.

7244 c. Jobs Florida ~~The office~~ shall periodically monitor all
7245 projects in a manner consistent with available resources to
7246 ensure that resources are used in accordance with this
7247 paragraph; however, each project must be reviewed at least once
7248 every 2 years.

7249 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
7250 ~~Department of Community Affairs and~~ the statewide and regional

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housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

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

Section 149. Paragraph (d) of subsection (1) of section 212.096, Florida Statutes, is amended to read:

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

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

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

A person shall be deemed to be employed if the person performs duties in connection with the operations of the business on a

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regular, full-time basis, provided the person is performing such duties for an average of at least 36 hours per week each month. The person must be performing such duties at a business site located in the enterprise zone.

Section 150. Paragraphs (a) and (e) of subsection (1) and subsections (6), (7), and (10) of section 212.097, Florida Statutes, are amended to read:

212.097 Urban High-Crime Area Job Tax Credit Program.—

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks). A call center or similar customer service operation that services a multistate market or international market is also an eligible business. In addition, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts

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are receipts from retail sales, except such receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified high-crime area and the tier ranking of that area must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

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

1. Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances;
2. Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism;
3. Highest percentage of reported index crimes that are violent in nature;
4. Highest overall index crime volume for the area; and
5. Highest overall index crime rate for the geographic

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area.

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

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

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

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

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

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that build or rebuild the economic viability of the area.

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

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

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

(c) The percentage of reported index crimes that are violent in nature;

(d) The reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and

(e) The arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

(10)(a) In order to claim this credit, an eligible business must file under oath with Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ a statement that includes the name and address of the eligible business and any other information that is required to process the application.

(b) Applications shall be reviewed and certified pursuant to s. 288.061.

(c) The maximum credit amount that may be approved during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for tier-one areas. The Department of Revenue, in conjunction with Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~, shall notify the governing bodies in areas designated as urban high-crime areas when the \$5 million maximum amount has been reached. Applications must be

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considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

Section 151. Paragraphs (a) and (c) of subsection (1) and subsections (6), and (7), of section 212.098, Florida Statutes, are amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) “Eligible business” means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); SIC 7996 (amusement parks); and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106. A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications

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used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

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

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

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

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

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7454 4. Average weekly manufacturing wage, based upon the most
7455 recent data available.

7456 (6)(a) In order to claim this credit, an eligible business
7457 must file under oath with Jobs Florida ~~the Office of Tourism,~~
7458 ~~Trade, and Economic Development~~ a statement that includes the
7459 name and address of the eligible business, the starting salary
7460 or hourly wages paid to the new employee, and any other
7461 information that the Department of Revenue requires.

7462 (b) Within 30 working days after receipt of an application
7463 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
7464 ~~Economic Development~~ shall review the application to determine
7465 whether it contains all the information required by this
7466 subsection and meets the criteria set out in this section.
7467 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
7468 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
7469 all applications that contain the information required by this
7470 subsection and meet the criteria set out in this section as
7471 eligible to receive a credit.

7472 (c) The maximum credit amount that may be approved during
7473 any calendar year is \$5 million. The Department of Revenue, in
7474 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
7475 ~~Economic Development~~, shall notify the governing bodies in areas
7476 designated as qualified counties when the \$5 million maximum
7477 amount has been reached. Applications must be considered for
7478 approval in the order in which they are received without regard
7479 to whether the credit is for a new or existing business. This
7480 limitation applies to the value of the credit as contained in
7481 approved applications. Approved credits may be taken in the time
7482 and manner allowed pursuant to this section.

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

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

Section 152. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

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

2. After the distribution under subparagraph 1., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department

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shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0440 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

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

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6. Of the remaining proceeds:

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

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise.

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7570 However, not more than \$416,670 may be distributed monthly in
7571 the aggregate to all certified applicants for facilities for
7572 spring training franchises. Distributions begin 60 days after
7573 such certification and continue for not more than 30 years,
7574 except as otherwise provided in s. 288.11621. A certified
7575 applicant identified in this sub-subparagraph may not receive
7576 more in distributions than expended by the applicant for the
7577 public purposes provided for in s. 288.1162(5) or s.
7578 288.11621(3).

7579 c. Beginning 30 days after notice by Jobs Florida ~~the~~
7580 ~~Office of Tourism, Trade, and Economic Development~~ to the
7581 Department of Revenue that an applicant has been certified as
7582 the professional golf hall of fame pursuant to s. 288.1168 and
7583 is open to the public, \$166,667 shall be distributed monthly,
7584 for up to 300 months, to the applicant.

7585 d. Beginning 30 days after notice by Jobs Florida ~~the~~
7586 ~~Office of Tourism, Trade, and Economic Development~~ to the
7587 Department of Revenue that the applicant has been certified as
7588 the International Game Fish Association World Center facility
7589 pursuant to s. 288.1169, and the facility is open to the public,
7590 \$83,333 shall be distributed monthly, for up to 168 months, to
7591 the applicant. This distribution is subject to reduction
7592 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
7593 made, after certification and before July 1, 2000.

7594 7. All other proceeds must remain in the General Revenue
7595 Fund.

7596 Section 153. Subsection (4) and paragraphs (k) and (w) of
7597 subsection (8) of section 213.053, Florida Statutes, as amended
7598 by chapter 2010-280, Laws of Florida, are amended to read:

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213.053 Confidentiality and information sharing.—

(4) The department, while providing unemployment tax collection services under contract with Jobs Florida ~~the Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316, may release unemployment tax rate information to the agent of an employer, which agent provides payroll services for more than 100 ~~500~~ employers, pursuant to the terms of a memorandum of understanding. The memorandum of understanding must state that the agent affirms, subject to the criminal penalties contained in ss. 443.171 and 443.1715, that the agent will retain the confidentiality of the information, that the agent has in effect a power of attorney from the employer which permits the agent to obtain unemployment tax rate information, and that the agent shall provide the department with a copy of the employer's power of attorney upon request.

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

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

2. Information relative to tax credits taken by a business under s. 220.191 and exemptions or tax refunds received by a business under s. 212.08(5)(j) to Jobs Florida ~~the Office of~~

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~~Tourism, Trade, and Economic Development~~, or its employees or agents that are identified in writing by Jobs Florida to the department, in the administration and evaluation of the capital investment tax credit program authorized in s. 220.191 and the semiconductor, defense, and space tax exemption program authorized in s. 212.08(5)(j).

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

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

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

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7657
7658 Disclosure of information under this subsection shall be
7659 pursuant to a written agreement between the executive director
7660 and the agency. Such agencies, governmental or nongovernmental,
7661 shall be bound by the same requirements of confidentiality as
7662 the Department of Revenue. Breach of confidentiality is a
7663 misdemeanor of the first degree, punishable as provided by s.
7664 775.082 or s. 775.083.

7665 Section 154. Paragraph (j) of subsection (4) of section
7666 215.5586, Florida Statutes, is amended to read:

7667 215.5586 My Safe Florida Home Program.—There is established
7668 within the Department of Financial Services the My Safe Florida
7669 Home Program. The department shall provide fiscal
7670 accountability, contract management, and strategic leadership
7671 for the program, consistent with this section. This section does
7672 not create an entitlement for property owners or obligate the
7673 state in any way to fund the inspection or retrofitting of
7674 residential property in this state. Implementation of this
7675 program is subject to annual legislative appropriations. It is
7676 the intent of the Legislature that the My Safe Florida Home
7677 Program provide trained and certified inspectors to perform
7678 inspections for owners of site-built, single-family, residential
7679 properties and grants to eligible applicants as funding allows.
7680 The program shall develop and implement a comprehensive and
7681 coordinated approach for hurricane damage mitigation that may
7682 include the following:

7683 (4) ADVISORY COUNCIL.—There is created an advisory council
7684 to provide advice and assistance to the department regarding
7685 administration of the program. The advisory council shall

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consist of:

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

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

Section 155. Paragraph (b) of subsection (8) of section
216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and
principals.—

(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

(b) The Department of Education ~~Agency for Workforce~~
~~Innovation~~ shall provide information on needs and waiting lists
for school readiness programs, and information on the needs for
the Voluntary Prekindergarten Education Program, as requested by
the Early Learning Programs Estimating Conference or individual
conference principals in a timely manner.

Section 156. Paragraph (a) of subsection (6) of section
216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(6) The Chief Financial Officer shall transfer from any
available funds of an agency or the judicial branch the
following amounts and shall report all such transfers and the

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reasons therefor to the legislative appropriations committees and the Executive Office of the Governor:

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

Section 157. Subsection (1) of section 216.231, Florida Statutes, is amended to read:

216.231 Release of certain classified appropriations.—

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

(b) The release of appropriated funds classified as “emergency” shall be approved only if ~~when~~ an act or circumstance caused by an act of God, civil disturbance, natural

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7744 disaster, or other circumstance of an emergency nature
7745 threatens, endangers, or damages the property, safety, health,
7746 or welfare of the state or its residents ~~citizens~~, which
7747 condition has not been provided for in appropriation acts of the
7748 Legislature. Funds allocated for this purpose may be used to pay
7749 overtime pay to personnel of agencies called upon to perform
7750 extra duty because of any civil disturbance or other emergency
7751 as defined in s. 252.34(3) and to provide the required state
7752 match for federal grants under the federal Disaster Relief Act.

7753 Section 158. Paragraph (a) of subsection (3) of section
7754 218.64, Florida Statutes, is amended to read:

7755 218.64 Local government half-cent sales tax; uses;
7756 limitations.—

7757 (3) Subject to ordinances enacted by the majority of the
7758 members of the county governing authority and by the majority of
7759 the members of the governing authorities of municipalities
7760 representing at least 50 percent of the municipal population of
7761 such county, counties may use up to \$2 million annually of the
7762 local government half-cent sales tax allocated to that county
7763 for funding for any of the following applicants:

7764 (a) A certified applicant as a facility for a new or
7765 retained professional sports franchise under s. 288.1162 or a
7766 certified applicant as defined in s. 288.11621 for a facility
7767 for a spring training franchise. It is the Legislature's intent
7768 that the provisions of s. 288.1162, including, but not limited
7769 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
7770 ~~Economic Development~~ except for the limitation on the number of
7771 certified applicants or facilities as provided in that section
7772 and the restrictions set forth in s. 288.1162(8), shall apply to

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an applicant's facility to be funded by local government as provided in this subsection.

Section 159. Paragraph (ff) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(ff) "Job" means a full-time position, as consistent with terms used by Jobs Florida ~~the Agency for Workforce Innovation~~ and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation resulting directly from business operations in this state. The term may not include a temporary construction job involved with the construction of facilities or any job that has previously been included in any application for tax credits under s. 212.096. The term also includes employment of an employee leased from an employee leasing company licensed under chapter 468 if the employee has been continuously leased to the employer for an average of at least 36 hours per week for more than 6 months.

Section 160. Paragraph (d) of subsection (1), paragraphs (b), (c), and (d) of subsection (2), and subsections (3), and (4) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.—

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

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

(2) ELIGIBILITY REQUIREMENTS.—

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

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

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

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the

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amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide homeownership opportunities for low-income or very-low-income households as defined in s.

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

420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the office shall grant the tax credits for those applications on a pro rata basis.

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

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter

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421;

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

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A regional workforce board;

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

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

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

12. Units of local government;

13. Units of state government; or

14. Such other agency as Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area designated as an enterprise zone or a Front Porch Florida Community pursuant to ~~s. 20.18(6)~~. Any project designed to construct or rehabilitate housing for low-income or very-low-income

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

(3) APPLICATION REQUIREMENTS.—

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

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

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

(4) ADMINISTRATION.—

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

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

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

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

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

Section 161. Paragraphs (e), (f), (g), and (h) of subsection (1) and subsections (5) and (6) of section 220.191, Florida Statutes, are amended to read:

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220.191 Capital investment tax credit.—

(1) DEFINITIONS.—For purposes of this section:

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

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

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

~~(g)(h)~~ “Qualifying project” means:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and certified by Jobs Florida ~~the office~~ pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries;

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the

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average private sector wage in the area as defined in s. 288.106(2), and make a cumulative capital investment of at least \$100 million after July 1, 2005. Jobs may be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter shall not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years; or

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by Jobs Florida ~~the Agency for Workforce Innovation or its successor~~, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least \$250 million.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. Jobs Florida ~~The office~~, upon a recommendation by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a

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minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6) Jobs Florida ~~The office~~, in consultation with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 162. Subsection (2) of section 222.15, Florida Statutes, is amended to read:

222.15 Wages or unemployment compensation payments due deceased employee may be paid spouse or certain relatives.—

(2) It is also lawful for Jobs Florida ~~the Agency for Workforce Innovation~~, in case of death of any unemployed individual, to pay to those persons referred to in subsection (1) any unemployment compensation payments that may be due to the individual at the time of his or her death.

Section 163. Subsections (3) and (4) of section 250.06, Florida Statutes, are amended to read:

250.06 Commander in chief.—

(3) The Governor may, in order to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, respond to an emergency as defined in s. 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling of all or any portion of the militia of this state ~~Florida~~ into the services of the United States, may increase the Florida National Guard and organize it in accordance with rules and regulations governing the Armed Forces of the United States. Such organization and increase may be pursuant to or in advance of any call made by the President of the United States. If the

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Florida National Guard is activated into service of the United States, another organization may not be designated as the Florida National Guard.

(4) The Governor may, in order to preserve the public peace, execute the laws of the state, enhance domestic security, respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34(3) or imminent danger thereof, or respond to any need for emergency aid to civil authorities as specified in s. 250.28, order into state active duty all or any part of the militia which he or she deems proper.

Section 164. Paragraphs (a) and (b) of subsection (1) of section 252.32, Florida Statutes, are amended to read:

252.32 Policy and purpose.—

(1) Because of the existing and continuing possibility of the occurrence of emergencies and disasters resulting from natural, technological, or manmade causes; in order to ensure that preparations of this state will be adequate to deal with, reduce vulnerability to, and recover from such emergencies and disasters; to provide for the common defense and to protect the public peace, health, and safety; and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary:

(a) To create a state emergency management agency to be known as the "Office ~~Division~~ of Emergency Management," to authorize the creation of local organizations for emergency management in the political subdivisions of the state, and to authorize cooperation with the Federal Government and the governments of other states.

(b) To confer upon the Governor, the Office ~~Division~~ of

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Emergency Management, and the governing body of each political subdivision of the state the emergency powers provided herein.

Section 165. Section 252.34, Florida Statutes, is amended to read:

252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~, the term:

(1) "Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States. Disasters are ~~shall be~~ identified by the severity of resulting damage, as follows:

(a) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.

(b) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.

(c) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

~~(2) "Division" means the Division of Emergency Management of the Department of Community Affairs, or the successor to that division.~~

~~(2)(3)~~ "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

~~(3)(4)~~ "Emergency management" means the preparation for,

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the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

(a) Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.

(b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

(c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.

(d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(e) Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.

(f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(4)~~(5)~~ "Local emergency management agency" means an organization created in accordance with ~~the provisions of ss.~~ 252.31-252.90 to discharge the emergency management responsibilities and functions of a political subdivision.

(5)~~(6)~~ "Manmade emergency" means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other

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action impairing the orderly administration of government.

(6)~~(7)~~ "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(7) "Office" means the Office of Emergency Management within the Executive Office of the Governor, or the successor to that office.

(8) "Political subdivision" means any county or municipality created pursuant to law.

(9) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.

Section 166. Section 252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; ~~Division of Emergency Management.~~—

(1) The office ~~division~~ is responsible for maintaining a comprehensive statewide program of emergency management and for coordinating the. ~~The division is responsible for coordination with~~ efforts of the Federal Government with other departments and agencies of state government, with county and municipal governments and school boards, and with private agencies that have a role in emergency management.

(2) The office ~~division~~ is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties ~~under ss. 252.31-252.90,~~ the office ~~division~~ shall:

(a) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the

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emergency management plans and programs of the Federal Government. The office ~~division~~ must adopt the plan as a rule in accordance with chapter 120. The plan shall be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the office ~~division~~ shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must ~~shall~~ be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each region of the state; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate

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staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for monitoring mutual aid agreements; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and

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goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the office ~~division~~.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises must ~~shall~~ be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

The complete state comprehensive emergency management plan must ~~shall~~ be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on February 1 of every even-numbered year.

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(b) Adopt standards and requirements for county emergency management plans. The standards and requirements must ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan. If a municipality elects to establish an emergency management program, it must adopt a city emergency management plan that complies with all standards and requirements applicable to county emergency management plans.

(c) Assist political subdivisions in preparing and maintaining emergency management plans.

(d) Review periodically political subdivision emergency management plans for consistency with the state comprehensive emergency management plan and standards and requirements adopted under this section.

(e) Cooperate with the President, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matters pertaining to emergency management in the state and the nation and incidents thereof and, in connection therewith, take any measures that it deems proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action, including the direction or control of:

1. Emergency management drills, tests, or exercises of whatever nature.

2. Warnings and signals for tests and drills, attacks, or other imminent emergencies or threats thereof and the mechanical devices to be used in connection with such warnings and signals.

(f) Make recommendations to the Legislature, building code

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organizations, and political subdivisions for zoning, building, and other land use controls; safety measures for securing mobile homes or other nonpermanent or semipermanent structures; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact.

(g) In accordance with the state comprehensive emergency management plan and program for emergency management, ascertain the requirements of the state and its political subdivisions for equipment and supplies of all kinds in the event of an emergency; plan for and ~~either~~ procure supplies, medicines, materials, and equipment or enter into memoranda of agreement or open purchase orders that will ensure their availability; and use and employ from time to time any of the property, services, and resources within the state in accordance with ss. 252.31-252.90.

(h) Anticipate trends and promote innovations that will enhance the emergency management system.

(i) Institute statewide public awareness programs. This shall include an intensive public educational campaign on emergency preparedness issues, including, but not limited to, the personal responsibility of individual citizens to be self-sufficient for up to 72 hours following a natural or manmade disaster. The public educational campaign must ~~shall~~ include relevant information on statewide disaster plans, evacuation routes, fuel suppliers, and shelters. All educational materials must be available in alternative formats and mediums to ensure that they are available to persons with disabilities.

(j) In cooperation with ~~The Division of Emergency Management and~~ the Department of Education, shall ~~shall~~ coordinate

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with the Agency for Persons with Disabilities to provide an educational outreach program on disaster preparedness and readiness to individuals who have limited English skills and identify persons who are in need of assistance but are not defined under special-needs criteria.

(k) Prepare and distribute to appropriate state and local officials catalogs of federal, state, and private assistance programs.

(l) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters.

(m) Establish a schedule of fees that may be charged by local emergency management agencies for review of emergency management plans on behalf of external agencies and institutions. In establishing such schedule, the office division shall consider facility size, review complexity, and other factors.

(n) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This includes ~~shall include~~ a continuous training program for agencies and individuals that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures.

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8324 (o) ~~Review~~ Periodically review emergency operating
8325 procedures of state agencies and recommend revisions as needed
8326 to ensure consistency with the state comprehensive emergency
8327 management plan and program.

8328 (p) Make such surveys of industries, resources, and
8329 facilities within the state, both public and private, as are
8330 necessary to carry out the purposes of ss. 252.31-252.90.

8331 (q) Prepare, in advance if ~~whenever~~ possible, such
8332 executive orders, proclamations, and rules for issuance by the
8333 Governor as are necessary or appropriate for coping with
8334 emergencies and disasters.

8335 (r) Cooperate with the Federal Government and any public or
8336 private agency or entity in achieving any purpose of ss. 252.31-
8337 252.90 and in implementing programs for mitigation, preparation,
8338 response, and recovery.

8339 (s) ~~By January 1, 2007, the Division of Emergency~~
8340 ~~Management shall~~ Complete an inventory of portable generators
8341 owned by the state and local governments which are capable of
8342 operating during a major disaster. The inventory must identify,
8343 at a minimum, the location of each generator, the number of
8344 generators stored at each specific location, the agency to which
8345 each generator belongs, the primary use of the generator by the
8346 owner agency, and the names, addresses, and telephone numbers of
8347 persons having the authority to loan the stored generators as
8348 authorized by the office ~~Division of Emergency Management~~ during
8349 a declared emergency.

8350 (t) ~~The division shall~~ Maintain an inventory list of
8351 generators owned by the state and local governments. In
8352 addition, the office ~~division~~ may keep a list of private

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entities, along with appropriate contact information, which offer generators for sale or lease. The list of private entities shall be available to the public for inspection in written and electronic formats.

(u) Assist political subdivisions with the creation and training of urban search and rescue teams and promote the development and maintenance of a state urban search and rescue program.

(v) Delegate, as necessary and appropriate, authority vested in it under ss. 252.31-252.90 and provide for the subdelegation of such authority.

(w) Report biennially to the President of the Senate, the Speaker of the House of Representatives, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions.

(x) In accordance with chapter 120, create, implement, administer, adopt, amend, and rescind rules, programs, and plans needed to carry out the provisions of ss. 252.31-252.90 with due consideration for, and in cooperating with, the plans and programs of the Federal Government. In addition, the office ~~division~~ may adopt rules in accordance with chapter 120 to administer and distribute federal financial predisaster and postdisaster assistance for prevention, mitigation, preparedness, response, and recovery.

(y) Do other things necessary, incidental, or appropriate for the implementation of ss. 252.31-252.90.

Section 167. Subsection (2) of section 252.355, Florida Statutes, is amended to read:

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252.355 Registry of persons with special needs; notice.—

(2) The office ~~Department of Community Affairs~~ shall be the designated lead agency responsible for community education and outreach to the public, including special needs clients, regarding registration and special needs shelters and general information regarding shelter stays.

Section 168. Section 252.3568, Florida Statutes, is amended to read:

252.3568 Emergency sheltering of persons with pets.—In accordance with s. 252.35, the office ~~division~~ shall address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan and shall include the requirement for similar strategies in its standards and requirements for local comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the office ~~division~~ in determining strategies regarding this activity.

Section 169. Subsections (8) and (9) of section 252.36, Florida Statutes, are amended to read:

252.36 Emergency management powers of the Governor.—

(8) The Governor shall delegate emergency responsibilities to the officers and agencies of the state and of the political subdivisions thereof prior to an emergency or threat of an emergency and shall utilize the services and facilities of existing officers and agencies of the state and of the political subdivisions thereof, including their personnel and other resources, as the primary emergency management forces of the state, and all such officers and agencies shall cooperate with and extend their services and facilities to the office ~~division~~,

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as it may require.

(9) The Governor and the office ~~division~~ shall establish agencies and offices and appoint executive, professional, technical, clerical, and other personnel as may be necessary to carry out the provisions of ss. 252.31-252.90.

Section 170. Subsections (2), (3), and (4) of section 252.365, Florida Statutes, are amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(2) The emergency coordination officer is responsible for coordinating with the office ~~division~~ on emergency preparedness issues, preparing and maintaining emergency preparedness and postdisaster response and recovery plans for such agency, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.

(3) These individuals shall be responsible for ensuring that each state agency and facility, such as a prison, office building, or university, has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by the office ~~division~~.

(a) The disaster-preparedness plan must outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances. The plan must identify a baseline of preparedness for a full range of potential emergencies to establish a viable capability to perform essential functions during any emergency or other situation that disrupts normal operations.

(b) The plan must include, at a minimum, the following

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elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; and schedules and procedures for periodic tests, training, and exercises.

(c) The office ~~division~~ shall develop and distribute guidelines for developing and implementing the plan. Each agency is encouraged to initiate and complete development of its plan immediately, but no later than July 1, 2003.

(4) The head of each agency shall notify the Governor and the office ~~division~~ in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 171. Subsection (4) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.—

(4)(a) Whenever the Federal Government or any agency or officer thereof offers to the state or, through the state, to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, or loan for the purposes of emergency management, the state, acting through the office ~~division~~, or such political subdivision, acting with the consent of the Governor or the Governor's authorized representative, may accept such offer. Upon such acceptance, the office ~~division~~ or the presiding officer or governing body of

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such political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer and the rules and regulations of the agency making the offer.

(b) Whenever any person, firm, or corporation offers to the state or to any political subdivision thereof services, equipment, supplies, materials, or funds by way of gift, grant, loan, or other agreement for the purpose of emergency management, the state, acting through the office ~~division~~, or such political subdivision, acting through its governing body or a local emergency management agency, may accept such offer. Upon such acceptance, the office ~~division~~ or the presiding officer or governing body of the political subdivision may authorize receipt of the gift, grant, or loan on behalf of the state or such political subdivision, subject to the terms of the offer.

Section 172. Section 252.371, Florida Statutes, is amended to read:

252.371 Emergency Management, Preparedness, and Assistance Trust Fund.—There is created the Emergency Management, Preparedness, and Assistance Trust Fund to be administered by the office ~~Department of Community Affairs~~.

Section 173. Subsections (1) and (3) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.—

(1) Funds appropriated from the Emergency Management, Preparedness, and Assistance Trust Fund shall be allocated by the office ~~Department of Community Affairs~~ for the following purposes:

(a) To implement and administer state and local emergency

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management programs, including administration, training, and operations.

(b) For grants and loans to state or regional agencies, local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to, projects that will promote public education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan, including the State Fire Marshal's Office for coordinating the Florida fire services. The office division shall establish criteria and procedures for competitive allocation of these funds by rule. No more than 5 percent of any award made pursuant to this subparagraph may be used for administrative expenses. This competitive criteria must give priority consideration to hurricane evacuation shelter retrofit projects.

(c) To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

(3) If adequate funds are available as determined by the office division, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position.

Section 174. Paragraphs (a), (b), and (e) of subsection (1) of section 252.38, Florida Statutes, are amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens

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is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the office ~~division~~. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(b) which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(b) Each county emergency management agency created and established pursuant to ss. 252.31-252.90 shall have a director. The director must meet the minimum training and education qualifications established in a job description approved by the county. The director shall be appointed by the board of county commissioners or the chief administrative officer of the county,

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as described in chapter 125 or the county charter, if applicable, to serve at the pleasure of the appointing authority, in conformance with applicable resolutions, ordinances, and laws. A county constitutional officer, or an employee of a county constitutional officer, may be appointed as director following prior notification to the division. Each board of county commissioners shall promptly inform the office ~~division~~ of the appointment of the director and other personnel. Each director has direct responsibility for the organization, administration, and operation of the county emergency management agency. The director shall coordinate emergency management activities, services, and programs within the county and shall serve as liaison to the office ~~division~~ and other local emergency management agencies and organizations.

(e) County emergency management agencies may charge and collect fees for the review of emergency management plans on behalf of external agencies and institutions. Fees must be reasonable and may not exceed the cost of providing a review of emergency management plans in accordance with fee schedules established by the office ~~division~~.

Section 175. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

(2)(a) The office ~~division~~ shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and

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located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the office ~~division~~ or the local emergency management agency.

(b) By January 31 of each even-numbered year, the office ~~division~~ shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The plan shall identify the general location and square footage of special needs shelters, by regional planning council region, during the next 5 years. The plan shall also include information on the availability of shelters that accept pets. The Department of Health shall assist the office ~~division~~ in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

(3) The office ~~division~~ shall annually provide to the President of the Senate, the Speaker of the House of Representatives, and the Governor a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to regional planning council regions with hurricane evacuation shelter deficits. Retrofitting facilities in regions with public hurricane evacuation shelter deficits shall be given first priority ~~and should be completed~~

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8614 by 2003. All recommended facilities should be retrofitted by
8615 2008. The owner or lessee of a public hurricane evacuation
8616 shelter that is included on the list of facilities recommended
8617 for retrofitting is not required to perform any recommended
8618 improvements.

8619 Section 176. Subsection (1) of section 252.40, Florida
8620 Statutes, is amended to read:

8621 252.40 Mutual aid arrangements.—

8622 (1) The governing body of each political subdivision of the
8623 state is authorized to develop and enter into mutual aid
8624 agreements within the state for reciprocal emergency aid and
8625 assistance in case of emergencies too extensive to be dealt with
8626 unassisted. Copies of such agreements shall be sent to the
8627 office division. Such agreements shall be consistent with the
8628 state comprehensive emergency management plan and program, and
8629 in time of emergency it shall be the duty of each local
8630 emergency management agency to render assistance in accordance
8631 with the provisions of such mutual aid agreements to the fullest
8632 possible extent.

8633 Section 177. Subsection (1) and paragraph (c) of subsection
8634 (2) of section 252.41, Florida Statutes, are amended to read:

8635 252.41 Emergency management support forces.—

8636 (1) The office division is authorized to provide, within or
8637 without the state, such support from available personnel,
8638 equipment, and other resources of state agencies and the
8639 political subdivisions of the state as may be necessary to
8640 reinforce emergency management agencies in areas stricken by
8641 emergency. Such support shall be rendered with due consideration
8642 of the plans of the Federal Government, this state, the other

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states, and of the criticalness of the existing situation.
Emergency management support forces shall be called to duty upon
orders of the office ~~division~~ and shall perform functions in any
part of the state or, upon the conditions specified in this
section, in other states.

(2) Personnel of emergency management support forces while
on duty, whether within or without the state, shall:

(c) If they are not employees of the state or a political
subdivision thereof, they shall be entitled to the same rights
and immunities as are provided by law for the employees of this
state and to such compensation as may be fixed by the office
~~division~~. All personnel of emergency management support forces
shall, while on duty, be subject to the operational control of
the authority in charge of emergency management activities in
the area in which they are serving and shall be reimbursed for
all actual and necessary travel and subsistence expenses to the
extent of funds available.

Section 178. Section 252.42, Florida Statutes, is amended
to read:

252.42 Government equipment, services, and facilities.—In
the event of any emergency, the office ~~division~~ may make
available any equipment, services, or facilities owned or
organized by the state or its political subdivisions for use in
the affected area upon request of the duly constituted authority
of the area or upon the request of any recognized and accredited
relief agency through such duly constituted authority.

Section 179. Subsections (2), (4), and (5) of section
252.43, Florida Statutes, are amended to read:

252.43 Compensation.—

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(2) Compensation owed for personal services shall be only such as may be fixed by the office ~~division~~.

(4) Any person claiming compensation for the use, damage, loss, or destruction of property under ss. 252.31-252.60 shall file a claim therefor with the office ~~division~~ in the form and manner that the office ~~division~~ provides.

(5) Unless the amount of compensation owed on account of property damaged, lost, or destroyed is agreed between the claimant and the office ~~division~~, the amount of compensation shall be calculated in the same manner as compensation due for a taking of property pursuant to the condemnation laws of this state.

Section 180. Subsections (2) and (3) of section 252.44, Florida Statutes, are amended to read:

252.44 Emergency mitigation.—

(2) The appropriate state agencies, in conjunction with the office ~~division~~, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence, manmade or natural. The studies under this subsection shall concentrate on means of reducing or avoiding the dangers caused by these occurrences or the consequences thereof.

(3) If the office ~~division~~ believes, on the basis of the studies or other competent evidence, that an area is susceptible to an emergency of catastrophic proportions without adequate warning; that existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the emergency; and that changes in zoning

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regulations, other land use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the Governor. If the Governor upon review of the recommendation finds after public hearing that changes are essential, she or he shall so recommend to the agencies or political subdivisions with jurisdiction over the area and subject matter. If no action, or insufficient action, pursuant to her or his recommendations is taken within the time specified by the Governor, she or he shall so inform the Legislature and request legislative action appropriate to mitigate the impact of such an emergency.

Section 181. Subsections (1) and (2) of section 252.46, Florida Statutes, are amended to read:

252.46 Orders and rules.—

(1) In accordance with the provisions of chapter 120, the political subdivisions of the state and other agencies designated or appointed by the Governor or in the state comprehensive emergency management plan are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of ss. 252.31-252.90, but which are not inconsistent with any orders or rules adopted by the office ~~division~~ or by any state agency exercising a power delegated to it by the Governor or the office ~~division~~.

(2) All orders and rules adopted by the office ~~division~~ or any political subdivision or other agency authorized by ss. 252.31-252.90 to make orders and rules have full force and effect of law after adoption in accordance with the provisions

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of chapter 120 in the event of issuance by the office ~~division~~ or any state agency or, if promulgated by a political subdivision of the state or agency thereof, when filed in the office of the clerk or recorder of the political subdivision or agency promulgating the same. All existing laws, ordinances, and rules inconsistent with the provisions of ss. 252.31-252.90, or any order or rule issued under the authority of ss. 252.31-252.90, shall be suspended during the period of time and to the extent that such conflict exists.

Section 182. Subsection (5) of section 252.55, Florida Statutes, is amended to read:

252.55 Civil Air Patrol, Florida Wing.—

(5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially furnish the office ~~Bureau of Emergency Management~~ a 2-year projection of the goals and objectives of the Civil Air Patrol which shall be reported in the office's ~~division's~~ biennial report submitted pursuant to s. 252.35.

Section 183. Subsection (3) and paragraph (a) of subsection (4) of section 252.60, Florida Statutes, are amended to read:

252.60 Radiological emergency preparedness.—

(3) EMERGENCY RESPONSE PLANS.—In addition to the other plans required by this chapter, the office ~~division~~ shall develop, prepare, test, and implement as needed, in conjunction with the appropriate counties and the affected operator, such radiological emergency response plans and preparedness requirements as may be imposed by the United States Nuclear Regulatory Commission or the Federal Emergency Management Agency as a requirement for obtaining or continuing the appropriate licenses for a commercial nuclear electric generating facility.

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(4) POWERS AND DUTIES.—In implementing the requirements of this section, the director of the office ~~secretary of the department~~, or the director's ~~secretary's~~ designated representative, shall:

(a) Negotiate and enter into such additional contracts and arrangements among the office ~~division~~, appropriate counties, and each operator to provide for the level of funding and the respective roles of each in the development, preparation, testing, and implementation of the plans.

Section 184. Section 252.61, Florida Statutes, is amended to read:

252.61 List of persons for contact relating to release of toxic substances into atmosphere.—The Office of Emergency Management ~~Department of Community Affairs~~ shall maintain a list of contact persons ~~after the survey pursuant to s. 403.771 is completed.~~

Section 185. Section 252.82, Florida Statutes, is amended to read:

252.82 Definitions.—As used in this part:

(1) "Commission" means the State Hazardous Materials Emergency Response Commission created pursuant to s. 301 of EPCRA.

(2) "Committee" means any local emergency planning committee established in the state pursuant to s. 301 of EPCRA.

~~(3) "Department" means the Department of Community Affairs.~~

(3)~~(4)~~ "Facility" means facility as defined in s. 329 of EPCRA. Vehicles placarded according to title 49 Code of Federal Regulations are ~~shall not be~~ considered a facility except for purposes of s. 304 of EPCRA.

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(4)~~(5)~~ "Hazardous material" means any hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of EPCRA.

(5)~~(6)~~ "EPCRA" means the Emergency Planning and Community Right-to-Know Act of 1986, title III of the Superfund Amendments and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-329, 42 U.S.C. ss. 11001 et seq.; and federal regulations adopted thereunder.

(6) "Office" means the Office of Emergency Management within the Executive Office of the Governor.

(7) "Trust fund" means the Operating Trust Fund of the ~~office Department of Community Affairs~~.

Section 186. Section 252.83, Florida Statutes, is amended to read:

252.83 Powers and duties of the ~~office department~~.

(1) The ~~office department~~ shall have the authority:

(a) To coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities under part I of this chapter, and activities and with the related activities of other agencies, keeping separate accounts for all activities supported or partially supported from the Operating Trust Fund.

(b) To make rules, with the advice and consent of the commission, to implement this part.

(2) The ~~office department~~ shall provide administrative support, including staff, facilities, materials, and services, to the commission and shall provide funding to the committees to enable the commission and the committees to perform their functions under EPCRA and this part.

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(3) The office ~~department~~ and the commission, to the extent possible, shall use the emergency planning capabilities of local governments to reduce duplication and paperwork to achieve the intent of this part. It is the intent of the Legislature that this part be implemented in the most cost-efficient manner possible, with the least possible financial impact on local government and the community.

Section 187. Subsections (1), (3), (4), and (5) of section 252.85, Florida Statutes, are amended to read:

252.85 Fees.—

(1) Any owner or operator of a facility required under s. 302 or s. 312 of EPCRA, or by s. 252.87, to submit a notification or an annual inventory form to the commission shall be required to pay an annual registration fee. The fee for any company, including all facilities under common ownership or control, shall not be less than \$25 nor more than \$2,000. The office ~~department~~ shall establish a reduced fee, of not less than \$25 nor more than \$500, applicable to any owner or operator regulated under part I of chapter 368, chapter 527, or s. 376.303, which does not have present any extremely hazardous substance, as defined by EPCRA, in excess of a threshold planning quantity, as established by EPCRA. The office ~~department~~ shall establish a reduced fee of not less than \$25 nor more than \$1,000, applicable to any owner or operator of a facility with a Standard Industrial Classification Code of 01, 02, or 07, which is eligible for the "routine agricultural use" exemption provided in ss. 311 and 312 of EPCRA. The fee under this subsection shall be based on the number of employees employed within the state at facilities under the common

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ownership or control of such owner or operator, which number shall be determined, to the extent possible, in accordance with data supplied by Jobs Florida or its tax collection service provider ~~the Department of Labor and Employment Security~~. In order to avoid the duplicative reporting of seasonal and temporary agricultural employees, fees applicable to owners or operators of agricultural facilities, which are eligible for the "routine agricultural use" reporting exemption provided in ss. 311 and 312 of EPCRA, shall be based on employee data which most closely reflects such owner or operator's permanent nonseasonal workforce. The office ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection without regard to the number of facilities under common ownership or control. The office ~~department~~ may require owners or operators of multiple facilities to demonstrate common ownership or control for purposes of this subsection.

(3) Any owner or operator of a facility that is required to submit a report or filing under s. 313 of EPCRA shall pay an annual reporting fee not to exceed \$150 for those s. 313 EPCRA listed substances in effect on January 1, 2005. The office ~~department~~ shall establish by rule the date by which the fee is to be paid, as well as a formula or method of determining the applicable fee under this subsection.

(4)(a) The office ~~department~~ may assess a late fee for the failure to submit a report or filing that substantially complies with the requirements of EPCRA or s. 252.87 by the specified date or for failure to pay any fee, including any late fee, required by this section. This late fee shall be in addition to

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the fee otherwise imposed pursuant to this section. If the office ~~department~~ elects to impose a late fee, it shall provide the owner or operator with a written notice that identifies the specific requirements which have not been met and advises of its intent to assess a late fee.

(b) The office ~~department~~ may impose a late fee, subject to the limitations set forth below:

1. If the report, filing, or fee is submitted within 30 days after the receipt of the office's ~~department's~~ notice, no late fee may be assessed.

2. If the report, filing, or fee is not submitted within 30 days after the receipt of the office's ~~department's~~ notice, the office ~~department~~ may impose a late fee in an amount equal to the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$2,000.

3. If the report, filing, or fee is not submitted within 90 days after the receipt of the office's ~~department's~~ notice, the office ~~department~~ may issue a second notice. If the report, filing, or fee is not submitted within 30 days after receipt of the office's ~~department's~~ second notice, the office ~~department~~ may assess a second late fee in an amount equal to twice the amount of the annual registration fee, filing fee, or s. 313 fee due, not to exceed \$4,000.

4. The office ~~department~~ may consider, but is not limited to considering, the following factors in assessing late fees: good faith attempt to comply; history of noncompliance; ability to pay or continue in business; threat to health and safety posed by noncompliance; and degree of culpability.

(5) The office ~~department~~ shall establish by rule the dates

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by which the fee is to be paid, as well as a formula or method of determining the facility registration fee and late fee.

Section 188. Subsections (1) and (3) of section 252.86, Florida Statutes, are amended to read:

252.86 Penalties and remedies.—

(1) The owner or operator of a facility, an employer, or any other person submitting written information pursuant to EPCRA or this part to the commission, a committee, or a fire department shall be liable for a civil penalty of \$5,000 for each item of information in the submission that is false, if such person knew or should have known the information was false or if such person submitted the information with reckless disregard of its truth or falsity. The office ~~department~~ may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for the amount indicated in this subsection. However, the court may receive evidence in mitigation.

(3) Any provision of s. 325 or s. 326 of EPCRA which creates a federal cause of action shall create a corresponding cause of action under state law, with jurisdiction in the circuit courts. Any provision of s. 325 or s. 326 of EPCRA which imposes or authorizes the imposition of a civil penalty by the Administrator of the Environmental Protection Agency, or which creates a liability to the United States, shall impose or authorize the imposition of such a penalty by the office ~~department~~ or create such a liability to and for the benefit of the state, to be paid into the Operating Trust Fund. Venue shall be proper in the county where the violation occurred or where the defendant has its principal place of business.

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8933 Section 189. Subsections (4) and (7) of section 252.87,
8934 Florida Statutes, are amended to read:

8935 252.87 Supplemental state reporting requirements.—

8936 (4) Each employer that owns or operates a facility in this
8937 state at which hazardous materials are present in quantities at
8938 or above the thresholds established under ss. 311(b) and 312(b)
8939 of EPCRA shall comply with the reporting requirements of ss. 311
8940 and 312 of EPCRA. Such employer shall also be responsible for
8941 notifying the office ~~department~~, the local emergency planning
8942 committee, and the local fire department in writing within 30
8943 days if there is a discontinuance or abandonment of the
8944 employer's business activities that could affect any stored
8945 hazardous materials.

8946 (7) The office ~~department~~ shall avoid duplicative reporting
8947 requirements by utilizing the reporting requirements of other
8948 state agencies that regulate hazardous materials to the extent
8949 feasible and shall request the information authorized under
8950 EPCRA. With the advice and consent of the State Emergency
8951 Response Commission for Hazardous Materials, the office
8952 ~~department~~ may require by rule that the maximum daily amount
8953 entry on the chemical inventory report required under s. 312 of
8954 EPCRA provide for reporting in estimated actual amounts. The
8955 office ~~department~~ may also require by rule an entry for the
8956 Federal Employer Identification Number on this report. To the
8957 extent feasible, the office ~~department~~ shall encourage and
8958 accept required information in a form initiated through
8959 electronic data interchange and shall describe by rule the
8960 format, manner of execution, and method of electronic
8961 transmission necessary for using such form. To the extent

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feasible, the Department of Financial Services, the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Public Service Commission, the Department of Revenue, ~~the Department of Labor and Employment Security,~~ and other state agencies which regulate hazardous materials shall coordinate with the office department in order to avoid duplicative requirements contained in each agency's respective reporting or registration forms. The other state agencies that inspect facilities storing hazardous materials and suppliers and distributors of covered substances shall assist the office department in informing the facility owner or operator of the requirements of this part. The office department shall provide the other state agencies with the necessary information and materials to inform the owners and operators of the requirements of this part to ensure that the budgets of these agencies are not adversely affected.

Section 190. Subsection (4) of section 252.88, Florida Statutes, is amended to read:

252.88 Public records.—

(4) The office department, the commission, and the committees shall furnish copies of public records submitted under EPCRA or this part, and may charge a fee of \$1 per page per person per year for over 25 pages of materials copied.

Section 191. Subsections (3), (8), (9), and (19) of section 252.936, Florida Statutes, are amended to read:

252.936 Definitions.—As used in this part, the term:

(3) "Audit" means a review of information at, ~~a stationary source subject to s. 112(r)(7),~~ or submitted by, a stationary source subject to s. 112(r)(7), to determine whether that

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stationary source is in compliance with ~~the requirements of~~ this part and rules adopted to administer ~~implement~~ this part. Audits must include a review of the adequacy of the stationary source's Risk Management Plan, may consist of reviews of information submitted to the office ~~department~~ or the United States Environmental Protection Agency to determine whether the plan is complete or whether revisions to the plan are needed, and the reviews may be conducted at the stationary source to confirm that information onsite is consistent with reported information.

~~(8) "Department" means the Department of Community Affairs.~~

~~(8)(9)~~ (8) "Inspection" means a review of information at a stationary source subject to s. 112(r)(7), including documentation and operating practices and access to the source and to any area where an accidental release could occur, to determine whether the stationary source is in compliance with ~~the requirements of~~ this part or rules adopted to administer ~~implement~~ this part.

(9) "Office" means the Office of Emergency Management in the Executive Office of the Governor.

~~(19) "Trust fund" means the Operating Trust Fund of the office established in the department's Division of Emergency Management.~~

Section 192. Section 252.937, Florida Statutes, is amended to read:

252.937 Office ~~Department~~ powers and duties.—

(1) The office ~~department~~ has the power and duty to:

(a)1. Seek delegation from the United States Environmental Protection Agency to implement the Accidental Release Prevention Program under s. 112(r)(7) of the Clean Air Act and the federal

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implementing regulations for specified sources subject to s. 112(r)(7) of the Clean Air Act. Implementation for all other sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~ be performed by the United States Environmental Protection Agency; and

2. Ensure the timely submission of Risk Management Plans and any subsequent revisions of Risk Management Plans.

(b) Adopt, modify, and repeal rules, with the advice and consent of the commission, necessary to obtain delegation from the United States Environmental Protection Agency and to administer the s. 112(r)(7) Accidental Release Prevention Program in this state for the specified stationary sources with no expansion or addition of the regulatory program.

(c) Make and execute contracts and other agreements necessary or convenient to the administration ~~implementation~~ of this part.

(d) Coordinate its activities under this part with its other emergency management responsibilities, including its responsibilities and activities under parts I, II, and III of this chapter and with the related activities of other state and local agencies, keeping separate accounts for all activities conducted under this part which are supported or partially supported from the trust fund.

(e) Establish, with the advice and consent of the commission, a technical assistance and outreach program ~~on or before January 31, 1999,~~ to assist owners and operators of specified stationary sources subject to s. 112(r)(7) in complying with the reporting and fee requirements of this part. This program is designed to facilitate and ensure timely

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submission of proper certifications or compliance schedules and timely submission and registration of Risk Management Plans and revised registrations and Risk Management Plans if ~~when~~ required for these sources.

(f) Make a quarterly report to the State Emergency Response Commission on income and expenses for the state's Accidental Release Prevention Program under this part.

(2) To ensure that this program is self-supporting, the office ~~department~~ shall provide administrative support, including staff, facilities, materials, and services to implement this part for specified stationary sources subject to s. 252.939 and shall provide necessary funding to local emergency planning committees and county emergency management agencies for work performed to implement this part. Each state agency with regulatory, inspection, or technical assistance programs for specified stationary sources subject to this part shall enter into a memorandum of understanding with the office ~~department~~ which specifically outlines how each agency's staff, facilities, materials, and services will be used ~~utilized~~ to support implementation. ~~At a minimum, these agencies and programs include: the Department of Environmental Protection's Division of Air Resources Management and Division of Water Resource Management, and the Department of Labor and Employment Security's Division of Safety.~~ It is the Legislature's intent to implement this part as efficiently and economically as possible, using existing expertise and resources, if available and appropriate.

(3) To prevent the duplication of investigative efforts and resources, the office ~~department~~, on behalf of the commission,

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shall coordinate with any federal agencies or agents thereof, including the federal Chemical Safety and Hazard Investigation Board, or its successor, which are performing accidental release investigations for specified stationary sources, and may coordinate with any agencies of the state which are performing accidental release investigations. This accidental release investigation coordination is not intended to limit or take the place of any individual agency accidental release investigation under separate authority.

(4) To promote efficient administration of this program and specified stationary sources, ~~the only~~ the office ~~agency which~~ may seek delegation from the United States Environmental Protection Agency for this program ~~is the Florida Department of Community Affairs~~. Further, ~~the office may Florida Department of Community Affairs~~ shall not delegate this program to any local environmental agency.

Section 193. Section 252.943, Florida Statutes, is amended to read:

252.943 Public records.—

(1) The office ~~Department of Community Affairs~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, contained in a risk management plan from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge

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methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the office ~~department~~ are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to an order of court.

(2) The office ~~department~~ shall protect records, reports, or information or particular parts thereof, other than release or emissions data, obtained from an investigation, inspection, or audit from public disclosure pursuant to ss. 112(r) and 114(c) of the federal Clean Air Act and authorities cited therein, based upon a showing satisfactory to the Administrator of the United States Environmental Protection Agency, by any owner or operator of a stationary source subject to the Accidental Release Prevention Program, that public release of such records, reports, or information would divulge methods or processes entitled to protection as trade secrets as provided for in 40 C.F.R. part 2, subpart B. Such records, reports, or information held by the office ~~department~~ are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, unless a final determination has been made by the Administrator of the Environmental Protection Agency that such records, reports, or information are not entitled to trade secret protection, or pursuant to a court ~~an order of~~ court.

Section 194. Section 252.946, Florida Statutes, is amended

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to read:

252.946 Public records.—With regard to information submitted to the United States Environmental Protection Agency under this part or s. 112(r)(7), the office ~~department of Community Affairs~~, the State Hazardous Materials Emergency Response Commission, and any local emergency planning committee may assist persons in electronically accessing such information held by the United States Environmental Protection Agency in its centralized database. If requested, the office ~~department~~, the commission, or a committee may furnish copies of such United States Environmental Protection Agency records.

Section 195. Paragraph (b) of subsection (1) of section 255.099, Florida Statutes, is amended to read:

255.099 Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(b) A contractor required to employ state residents must contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post the contractor's employment needs in the state's job bank system.

Section 196. Paragraph (b) of subsection (1) of section 259.035, Florida Statutes, is amended to read:

259.035 Acquisition and Restoration Council.—

(1) There is created the Acquisition and Restoration

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Council.

(b) The five remaining appointees shall be composed of the Secretary of Environmental Protection, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, the director of the Division of Historical Resources of the Department of State, ~~and the secretary of the Department of Community Affairs,~~ or their respective designees.

Section 197. Paragraph (d) of subsection (1) of section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is created within the department the Florida Greenways and Trails Council which shall advise the department in the execution of the department's powers and duties under this chapter. The council shall be composed of 20 ~~21~~ members, consisting of:

(d) The 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.

2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

~~3. The Secretary of Community Affairs or a designee.~~

3.4. The Secretary of Transportation or a designee.

~~4.5.~~ The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.

~~5.6.~~ The director of the Division of Historical Resources of the Department of State or a designee.

~~6.7.~~ A representative of the water management districts.

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Membership on the council shall rotate among the five districts.
The districts shall determine the order of rotation.

~~7.8-~~ A representative of a federal land management agency.
The Secretary of Environmental Protection shall identify the
appropriate federal agency and request designation of a
representative from the agency to serve on the council.

~~8.9-~~ A representative of the regional planning councils to
be appointed by the Secretary of Environmental Protection ~~in~~
~~consultation with the Secretary of Community Affairs~~. Membership
on the council shall rotate among the seven regional planning
councils. The regional planning councils shall determine the
order of rotation.

~~9.10-~~ A representative of local governments to be appointed
by the Secretary of Environmental Protection ~~in consultation~~
~~with the Secretary of Community Affairs~~. Membership shall
alternate between a county representative and a municipal
representative.

Section 198. Section 272.11, Florida Statutes, is amended
to read:

272.11 Capitol information center.—The Jobs Florida
Partnership, Inc., ~~Florida Commission on Tourism~~ shall
establish, maintain, and operate a Capitol information center
somewhere within the area of the Capitol Center and employ
personnel or enter into contracts to maintain same.

Section 199. Paragraph (a) of subsection (4) of section
282.34, Florida Statutes, is amended to read:

282.34 Statewide e-mail service.—A state e-mail system that
includes the delivery and support of e-mail, messaging, and
calendaring capabilities is established as an enterprise

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information technology service as defined in s. 282.0041. The service shall be designed to meet the needs of all executive branch agencies. The primary goals of the service are to minimize the state investment required to establish, operate, and support the statewide service; reduce the cost of current e-mail operations and the number of duplicative e-mail systems; and eliminate the need for each state agency to maintain its own e-mail staff.

(4) All agencies must be completely migrated to the statewide e-mail service as soon as financially and operationally feasible, but no later than June 30, 2015.

(a) The following statewide e-mail service implementation schedule is established for state agencies:

1. Phase 1.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2012: the Agency for Enterprise Information Technology; ~~the Department of Community Affairs, including the Division of Emergency Management;~~ the Department of Corrections; the Department of Health; the Department of Highway Safety and Motor Vehicles; the Department of Management Services, including the Division of Administrative Hearings, the Division of Retirement, the Commission on Human Relations, and the Public Employees Relations Commission; the Southwood Shared Resource Center; and the Department of Revenue.

2. Phase 2.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2013: the Department of Business and Professional Regulation; the Department of Education, including the Board of Governors; the Department of Environmental Protection; the Department of

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Juvenile Justice; the Department of the Lottery; the Department of State; the Department of Law Enforcement; the Department of Veterans' Affairs; the Judicial Administration Commission; the Public Service Commission; and the Statewide Guardian Ad Litem Office.

3. Phase 3.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2014: the Agency for Health Care Administration; ~~the Agency for Workforce Innovation~~; the Department of Financial Services, including the Office of Financial Regulation and the Office of Insurance Regulation; the Department of Agriculture and Consumer Services; the Executive Office of the Governor, including the Office of Emergency Management; the Department of Transportation; the Fish and Wildlife Conservation Commission; the Agency for Persons With Disabilities; the Northwood Shared Resource Center; and the State Board of Administration.

4. Phase 4.—The following agencies must be completely migrated to the statewide e-mail system by June 30, 2015: the Department of Children and Family Services; the Department of Citrus; the Department of Elderly Affairs; and the Department of Legal Affairs.

Section 200. Paragraphs (a) and (d) of subsection (1) and subsection (4) of section 282.709, Florida Statutes, are amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(1) The department may acquire and administer a statewide radio communications system to serve law enforcement units of state agencies, and to serve local law enforcement agencies

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through mutual aid channels.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Office ~~Division~~ of Emergency Management ~~of the Department of Community Affairs~~, establish policies, procedures, and standards to be incorporated into a comprehensive management plan for the use and operation of the statewide radio communications system.

(d) The department shall exercise its powers and duties under this part to plan, manage, and administer the mutual aid channels in the statewide radio communication system.

1. In implementing such powers and duties, the department shall consult and act in conjunction with the Department of Law Enforcement and the Office ~~Division~~ of Emergency Management ~~of the Department of Community Affairs~~, and shall manage and administer the mutual aid channels in a manner that reasonably addresses the needs and concerns of the involved law enforcement agencies and emergency response agencies and entities.

2. The department may make the mutual aid channels available to federal agencies, state agencies, and agencies of the political subdivisions of the state for the purpose of public safety and domestic security.

(4) The department may create and administer an interoperability network to enable interoperability between various radio communications technologies and to serve federal agencies, state agencies, and agencies of political subdivisions of the state for the purpose of public safety and domestic security.

(a) The department shall, in conjunction with the Department of Law Enforcement and the Office ~~Division~~ of

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Emergency Management ~~of the Department of Community Affairs~~, exercise its powers and duties pursuant to this chapter to plan, manage, and administer the interoperability network. The office may:

1. Enter into mutual aid agreements among federal agencies, state agencies, and political subdivisions of the state for the use of the interoperability network.

2. Establish the cost of maintenance and operation of the interoperability network and charge subscribing federal and local law enforcement agencies for access and use of the network. The department may not charge state law enforcement agencies identified in paragraph (2)(a) to use the network.

3. In consultation with the Department of Law Enforcement and the Office Division of Emergency Management ~~of the Department of Community Affairs~~, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Office Division of Emergency Management ~~of the Department of Community Affairs~~, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 201. Section 287.09431, Florida Statutes, is amended to read:

287.09431 Statewide and interlocal agreement on certification of business concerns for the status of minority business enterprise.—The statewide and interlocal agreement on

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certification of business concerns for the status of minority business enterprise is hereby enacted and entered into with all jurisdictions or organizations legally joining therein. If, within 2 years from the date that the certification core criteria are approved by the Department of Management Services ~~Department of Labor and Employment Security~~, the agreement included herein is not executed by a majority of county and municipal governing bodies that administer a minority business assistance program on the effective date of this act, then the Legislature shall review this agreement. It is the intent of the Legislature that if the agreement is not executed by a majority of the requisite governing bodies, then a statewide uniform certification process should be adopted, and that said agreement should be repealed and replaced by a mandatory state government certification process.

ARTICLE I

PURPOSE, FINDINGS, AND POLICY.—

(1) The parties to this agreement, desiring by common action to establish a uniform certification process in order to reduce the multiplicity of applications by business concerns to state and local governmental programs for minority business assistance, declare that it is the policy of each of them, on the basis of cooperation with one another, to remedy social and economic disadvantage suffered by certain groups, resulting in their being historically underutilized in ownership and control of commercial enterprises. Thus, the parties seek to address this history by increasing the participation of the identified

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groups in opportunities afforded by government procurement.

(2) The parties find that the State of Florida presently certifies firms for participation in the minority business assistance programs of the state. The parties find further that some counties, municipalities, school boards, special districts, and other divisions of local government require a separate, yet similar, and in most cases redundant certification in order for businesses to participate in the programs sponsored by each government entity.

(3) The parties find further that this redundant certification has proven to be unduly burdensome to the minority-owned firms intended to benefit from the underlying purchasing incentives.

(4) The parties agree that:

(a) They will facilitate integrity, stability, and cooperation in the statewide and interlocal certification process, and in other elements of programs established to assist minority-owned businesses.

(b) They shall cooperate with agencies, organizations, and associations interested in certification and other elements of minority business assistance.

(c) It is the purpose of this agreement to provide for a uniform process whereby the status of a business concern may be determined in a singular review of the business information for these purposes, in order to eliminate any undue expense, delay, or confusion to the minority-owned businesses in seeking to participate in the minority business assistance programs of state and local jurisdictions.

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ARTICLE II

DEFINITIONS.—As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

(1) "Awarding organization" means any political subdivision or organization authorized by law, ordinance, or agreement to enter into contracts and for which the governing body has entered into this agreement.

(2) "Department" means the Department of Management Services ~~Department of Labor and Employment Security~~.

(3) "Minority" means a person who is a lawful, permanent resident of the state, having origins in one of the minority groups as described and adopted by the Department of Management Services ~~Department of Labor and Employment Security~~, hereby incorporated by reference.

(4) "Minority business enterprise" means any small business concern as defined in subsection (6) that meets all of the criteria described and adopted by the Department of Management Services ~~Department of Labor and Employment Security~~, hereby incorporated by reference.

(5) "Participating state or local organization" means any political subdivision of the state or organization designated by such that elects to participate in the certification process pursuant to this agreement, which has been approved according to s. 287.0943(3) and has legally entered into this agreement.

(6) "Small business concern" means an independently owned and operated business concern which is of a size and type as described and adopted by vote related to this agreement of the commission, hereby incorporated by reference.

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ARTICLE III

STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

(1) All awarding organizations shall accept a certification granted by any participating organization which has been approved according to s. 287.0943(3) and has entered into this agreement, as valid status of minority business enterprise.

(2) A participating organization shall certify a business concern that meets the definition of minority business enterprise in this agreement, in accordance with the duly adopted eligibility criteria.

(3) All participating organizations shall issue notice of certification decisions granting or denying certification to all other participating organizations within 14 days of the decision. Such notice may be made through electronic media.

(4) No certification will be granted without an onsite visit to verify ownership and control of the prospective minority business enterprise, unless verification can be accomplished by other methods of adequate verification or assessment of ownership and control.

(5) The certification of a minority business enterprise pursuant to the terms of this agreement shall not be suspended, revoked, or otherwise impaired except on any grounds which would be sufficient for revocation or suspension of a certification in the jurisdiction of the participating organization.

(6) The certification determination of a party may be challenged by any other participating organization by the issuance of a timely written notice by the challenging

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organization to the certifying organization's determination within 10 days of receiving notice of the certification decision, stating the grounds therefor.

(7) The sole accepted grounds for challenge shall be the failure of the certifying organization to adhere to the adopted criteria or the certifying organization's rules or procedures, or the perpetuation of a misrepresentation or fraud by the firm.

(8) The certifying organization shall reexamine its certification determination and submit written notice to the applicant and the challenging organization of its findings within 30 days after the receipt of the notice of challenge.

(9) If the certification determination is affirmed, the challenging agency may subsequently submit timely written notice to the firm of its intent to revoke certification of the firm.

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement shall be construed to repeal or otherwise modify any ordinance, law, or regulation of a party relating to the existing minority business assistance provisions and procedures by which minority business enterprises participate therein.

ARTICLE V

TERM.—The term of the agreement shall be 5 years, after which it may be reexecuted by the parties.

ARTICLE VI

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9484
9485 AGREEMENT EVALUATION.—The designated state and local
9486 officials may meet from time to time as a group to evaluate
9487 progress under the agreement, to formulate recommendations for
9488 changes, or to propose a new agreement.

9489
9490 ARTICLE VII
9491

9492 OTHER ARRANGEMENTS.—Nothing in this agreement shall be
9493 construed to prevent or inhibit other arrangements or practices
9494 of any party in order to comply with federal law.

9495
9496 ARTICLE VIII
9497

9498 EFFECT AND WITHDRAWAL.—

9499 (1) This agreement shall become effective when properly
9500 executed by a legal representative of the participating
9501 organization, when enacted into the law of the state and after
9502 an ordinance or other legislation is enacted into law by the
9503 governing body of each participating organization. Thereafter it
9504 shall become effective as to any participating organization upon
9505 the enactment of this agreement by the governing body of that
9506 organization.

9507 (2) Any party may withdraw from this agreement by enacting
9508 legislation repealing the same, but no such withdrawal shall
9509 take effect until one year after the governing body of the
9510 withdrawing party has given notice in writing of the withdrawal
9511 to the other parties.

9512 (3) No withdrawal shall relieve the withdrawing party of

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any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other participating organization related to this agreement.

(2) The provisions of this agreement shall constitute neither a waiver of any governmental immunity under Florida law nor a waiver of any defenses of the parties under Florida law. The provisions of this agreement are solely for the benefit of its executors and not intended to create or grant any rights, contractual or otherwise, to any person or entity.

ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Diversity, and venue for any legal action in connection with this agreement shall lie, for any participating organization except the Office of Supplier Diversity, exclusively in the county where the participating organization is located. This agreement shall be governed by and construed in accordance with the laws and court decisions of the state.

ARTICLE XI

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CONSTRUCTION AND SEVERABILITY.—This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the State Constitution or the United States Constitution, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the State Constitution, the agreement shall remain in full force and effect as to all severable matters.

Section 202. Paragraphs (h) and (o) of subsection (4) of section 287.09451, Florida Statutes, are amended to read:

287.09451 Office of Supplier Diversity; powers, duties, and functions.—

(4) The Office of Supplier Diversity shall have the following powers, duties, and functions:

(h) To develop procedures to investigate complaints against minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting minority status to the Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, ~~the Department of Labor and Employment Security shall refer~~ the matter shall be referred to the office of the Attorney General, Department of

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Legal Affairs, for prosecution.

(o)1. To establish a system to record and measure the use of certified minority business enterprises in state contracting. This system shall maintain information and statistics on certified minority business enterprise participation, awards, dollar volume of expenditures and agency goals, and other appropriate types of information to analyze progress in the access of certified minority business enterprises to state contracts and to monitor agency compliance with this section. Such reporting must include, but is not limited to, the identification of all subcontracts in state contracting by dollar amount and by number of subcontracts and the identification of the utilization of certified minority business enterprises as prime contractors and subcontractors by dollar amounts of contracts and subcontracts, number of contracts and subcontracts, minority status, industry, and any conditions or circumstances that significantly affected the performance of subcontractors. Agencies shall report their compliance with the requirements of this reporting system at least annually and at the request of the office. All agencies shall cooperate with the office in establishing this reporting system. Except in construction contracting, all agencies shall review contracts costing in excess of CATEGORY FOUR as defined in s. 287.017 to determine if such contracts could be divided into smaller contracts to be separately solicited and awarded, and shall, when economical, offer such smaller contracts to encourage minority participation.

2. To report agency compliance with the provisions of subparagraph 1. for the preceding fiscal year to the Governor

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and Cabinet, the President of the Senate, and the Speaker of the House of Representatives, ~~and the secretary of the Department of Labor and Employment Security~~ on or before February 1 of each year. The report must contain, at a minimum, the following:

a. Total expenditures of each agency by industry.

b. The dollar amount and percentage of contracts awarded to certified minority business enterprises by each state agency.

c. The dollar amount and percentage of contracts awarded indirectly to certified minority business enterprises as subcontractors by each state agency.

d. The total dollar amount and percentage of contracts awarded to certified minority business enterprises, whether directly or indirectly, as subcontractors.

e. A statement and assessment of good faith efforts taken by each state agency.

f. A status report of agency compliance with subsection (6), as determined by the Minority Business Enterprise Office.

Section 203. Subsections (1) and (5) of section 287.0947, Florida Statutes, are amended to read:

287.0947 Florida Advisory Council on Small and Minority Business Development; creation; membership; duties.—

(1) ~~On or after October 1, 1996,~~ The Secretary of Management Services ~~the Department of Labor and Employment Security~~ may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons,

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9629 financiers, and others with business development experience who
9630 can provide invaluable insight and expertise for this state in
9631 the diversification of its markets and networking of business
9632 opportunities. The council shall initially consist of 19
9633 persons, each of whom is or has been actively engaged in small
9634 and minority business development, either in private industry,
9635 in governmental service, or as a scholar of recognized
9636 achievement in the study of such matters. Initially, the council
9637 shall consist of members representing all regions of the state
9638 and shall include at least one member from each group identified
9639 within the definition of "minority person" in s. 288.703(3),
9640 considering also gender and nationality subgroups, and shall
9641 consist of the following:

9642 (a) Four members consisting of representatives of local and
9643 federal small and minority business assistance programs or
9644 community development programs.

9645 (b) Eight members composed of representatives of the
9646 minority private business sector, including certified minority
9647 business enterprises and minority supplier development councils,
9648 among whom at least two shall be women and at least four shall
9649 be minority persons.

9650 (c) Two representatives of local government, one of whom
9651 shall be a representative of a large local government, and one
9652 of whom shall be a representative of a small local government.

9653 (d) Two representatives from the banking and insurance
9654 industry.

9655 (e) Two members from the private business sector,
9656 representing the construction and commodities industries.

9657 (f) A member from the board of directors of the Jobs

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Florida Partnership, Inc ~~The chairperson of the Florida Black Business Investment Board or the chairperson's designee.~~

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

(5) The powers and duties of the council include, but are not limited to: researching and reviewing the role of small and minority businesses in the state's economy; reviewing issues and emerging topics relating to small and minority business economic development; studying the ability of financial markets and institutions to meet small business credit needs and determining the impact of government demands on credit for small businesses; assessing the implementation of s. 187.201(21) ~~187.201(22)~~, requiring a state economic development comprehensive plan, as it relates to small and minority businesses; assessing the reasonableness and effectiveness of efforts by any state agency or by all state agencies collectively to assist minority business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small and minority business development which are of importance to the international strategic planning and activities of this state.

Section 204. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international foreign ~~foreign~~ offices.—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy

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of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international ~~foreign~~ offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state entities, ~~local entities~~, and international governmental ~~foreign~~ entities, ~~and private businesses~~.

(1) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ is authorized to:

(a) Establish and operate offices in other ~~foreign~~ countries for the purpose of promoting ~~the~~ trade and economic development opportunities of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in other ~~foreign~~ countries containing provisions which may be in conflict with general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in foreign currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of foreign currency by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ to meet such obligations shall be subject only to s. 216.311.

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(2) Each international ~~foreign~~ office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~ office is located.

(c) Provisions for access to information for Florida businesses through the Florida Trade Data Center. Each international ~~foreign~~ office shall obtain and forward trade leads and inquiries to the center on a regular basis.

(d) Identification of new and emerging market opportunities for Florida businesses. Each international ~~foreign~~ office shall provide the Florida Trade Data Center with a compilation of foreign buyers and importers in industry sector priority areas on an annual basis. In return, the Florida Trade Data Center shall make available to each international ~~foreign~~ office, and to the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., ~~the Florida Commission on Tourism,~~ the Florida Ports Council, the Department of State, the Department of Citrus, and the Department of Agriculture and Consumer Services, trade industry, commodity, and opportunity information. This information shall be provided to such offices and entities either free of charge or on a fee basis with fees set only to recover the costs of

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providing the information.

(e) Provision of access for Florida businesses to the services of the Florida Trade Data Center, international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of international ~~foreign~~ buyers and importers contacted, and the amount and type of marketing conducted.

(3) By October 1 of each year, each international ~~foreign~~ office shall submit to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ a complete and detailed report on its activities and accomplishments during the preceding fiscal year. In a format provided by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., the report must set forth information on:

(a) The number of Florida companies assisted.

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

(c) The number of trade leads generated.

(d) The number of investment projects announced.

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

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective

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operation of the office.

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

(j) Marketing activities conducted.

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

(l) Activities conducted with Florida's other ~~Florida~~ international ~~foreign~~ offices.

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

(4) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~, in connection with the establishment, operation, and management of any of its offices located in another a ~~foreign~~ country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international ~~foreign~~ office, such action shall constitute continuing authority for Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with

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respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, ~~and subject to s. 288.1224(9),~~ foreign offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, ~~and subject to s. 288.1224(9),~~ such offices may also be collocated with other foreign offices of the state.

(6) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ is authorized to make and to enter into contracts with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and the Florida Commission on Tourism to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and the Florida Commission on Tourism to the same degree and subject to the same

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conditions as applied to Jobs Florida ~~the Office of Tourism,~~
~~Trade, and Economic Development.~~ To the greatest extent
possible, such contracts shall include provisions for
cooperative agreements or strategic alliances between private
businesses and state entities, international, foreign entities,
and local governmental entities, ~~and private businesses~~ to
operate international ~~foreign~~ offices.

Section 205. Subsections (1) and (3) of section 288.017,
Florida Statutes, are amended to read:

288.017 Cooperative advertising matching grants program.—

(1) The Florida Commission on Tourism is authorized to
establish a cooperative advertising matching grants program and,
pursuant thereto, to make expenditures and enter into contracts
with local governments and nonprofit corporations for the
purpose of publicizing the tourism advantages of the state. Jobs
Florida ~~The Office of Tourism, Trade, and Economic Development,~~
based on recommendations from the Florida Commission on Tourism,
shall have final approval of grants awarded through this
program. The commission may contract with its direct-support
organization to administer the program.

(3) The Florida Commission on Tourism shall conduct an
annual competitive selection process for the award of grants
under the program. In determining its recommendations for the
grant awards, the commission shall consider the demonstrated
need of the applicant for advertising assistance, the
feasibility and projected benefit of the applicant's proposal,
the amount of nonstate funds that will be leveraged, and such
other criteria as the commission deems appropriate. In
evaluating grant applications, Jobs Florida ~~the Office~~ shall

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consider recommendations from the Florida Commission on Tourism. Jobs Florida ~~the Office~~, however, has final approval authority for any grant under this section.

Section 206. Section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be \$35,000, or \$100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

(2) In approving the participants, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ shall consider the demonstrated need of the applicant for assistance and require the following:

(a) Documentation of official commitments of support from each of the units of local government represented by the regional organization.

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(b) Demonstration that each unit of local government has made a financial or in-kind commitment to the regional organization.

(c) Demonstration that the private sector has made financial or in-kind commitments to the regional organization.

(d) Demonstration that the organization is in existence and actively involved in economic development activities serving the region.

(e) Demonstration of the manner in which the organization is or will coordinate its efforts with those of other local and state organizations.

(3) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ may also contract for the development of an enterprise zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities.

(4) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ may expend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ may contract with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to the Jobs Florida Partnership,

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9919 ~~Inc., Enterprise Florida, Inc.,~~ for this purpose shall be
9920 released quarterly and shall be calculated based on the
9921 applications in process.

9922 Section 207. Subsection (4) of section 288.019, Florida
9923 Statutes, is amended to read:

9924 288.019 Rural considerations in grant review and evaluation
9925 processes.—Notwithstanding any other law, and to the fullest
9926 extent possible, the member agencies and organizations of the
9927 Rural Economic Development Initiative (REDI) as defined in s.
9928 288.0656(6)(a) shall review all grant and loan application
9929 evaluation criteria to ensure the fullest access for rural
9930 counties as defined in s. 288.0656(2) to resources available
9931 throughout the state.

9932 (4) For existing programs, the modified evaluation criteria
9933 and scoring procedure must be delivered to Jobs Florida ~~the~~
9934 ~~Office of Tourism, Trade, and Economic Development~~ for
9935 distribution to the REDI agencies and organizations. The REDI
9936 agencies and organizations shall review and make comments.
9937 Future rules, programs, evaluation criteria, and scoring
9938 processes must be brought before a REDI meeting for review,
9939 discussion, and recommendation to allow rural counties fuller
9940 access to the state's resources.

9941 Section 208. Subsection (1) of section 288.021, Florida
9942 Statutes, is amended to read:

9943 288.021 Economic development liaison.—

9944 (1) The heads of the Department of Transportation, the
9945 Department of Environmental Protection and an additional member
9946 appointed by the secretary of the department, ~~the Department of~~
9947 ~~Labor and Employment Security,~~ the Department of Education, the

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9948 ~~Department of Community Affairs,~~ the Department of Management
9949 Services, the Department of Revenue, the Fish and Wildlife
9950 Conservation Commission, each water management district, and
9951 each Department of Transportation District office shall
9952 designate a high-level staff member from within such agency to
9953 serve as the economic development liaison for the agency. This
9954 person shall report to the agency head and have general
9955 knowledge both of the state's permitting and other regulatory
9956 functions and of the state's economic goals, policies, and
9957 programs. This person shall also be the primary point of contact
9958 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~
9959 ~~and Economic Development~~ on issues and projects important to the
9960 economic development of Florida, including its rural areas, to
9961 expedite project review, to ensure a prompt, effective response
9962 to problems arising with regard to permitting and regulatory
9963 functions, and to work closely with the other economic
9964 development liaisons to resolve interagency conflicts.

9965 Section 209. Subsection (1) of section 288.035, Florida
9966 Statutes, is amended to read:

9967 288.035 Economic development activities.—

9968 (1) The Florida Public Service Commission may authorize
9969 public utilities to recover reasonable economic development
9970 expenses. For purposes of this section, recoverable "economic
9971 development expenses" are those expenses described in subsection
9972 (2) which are consistent with criteria to be established by
9973 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
9974 ~~June 30, 1996, or as those criteria are later modified by the~~
9975 ~~Office of Tourism, Trade, and Economic Development.~~

9976 Section 210. Section 288.047, Florida Statutes, is amended

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to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created within
Jobs Florida to meet the workforce-skill needs of existing, new,
and expanding industries. The program shall be administered in
conjunction with ~~by~~ Workforce Florida, Inc., the Jobs Florida
Partnership, Inc., ~~in conjunction with Enterprise Florida, Inc.,~~
and the Department of Education. Workforce Florida, Inc., shall
adopt guidelines for the administration of this program.

Workforce Florida, Inc., shall provide technical services and
shall help to identify businesses that seek services through the
program. ~~Workforce Florida, Inc., may contract with Enterprise~~
~~Florida, Inc., or administer this program directly, if it is~~
~~determined that such an arrangement maximizes the amount of the~~
~~Quick Response grant going to direct services.~~

(2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
instruction funded pursuant to this section is not available
through the local community college or school district and that
the instruction promotes economic development by providing
specialized training to new workers or retraining for current
employees to meet changing skill requirements caused by new
technology or new product lines and to prevent potential
layoffs. Such funds may not be expended to provide training for
instruction related to retail businesses or to reimburse
businesses for trainee wages. Funds made available pursuant to
this section may not be expended in connection with the
relocation of a business from one community to another community
in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
determines that without such relocation the business will move

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outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) Requests for funding through the Quick-Response Training Program may be produced through inquiries from a specific business or industry, inquiries from a school district director of career education or community college occupational dean on behalf of a business or industry, or through official state or local economic development efforts. In allocating funds for the purposes of the program, Jobs Florida ~~Workforce Florida, Inc.,~~ shall establish criteria for approval of requests for funding and shall select the entity that provides the most efficient, cost-effective instruction meeting such criteria. Program funds may be allocated to any career center, community college, or state university. Program funds may be allocated to private postsecondary institutions only upon a review that includes, but is not limited to, accreditation and licensure documentation and prior approval by Jobs Florida ~~Workforce Florida, Inc.~~ Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term may not exceed 24 months. Costs and expenditures for the Quick-Response Training Program must be documented and separated from those incurred by the training provider.

(4) For the first 6 months of each fiscal year, Jobs Florida ~~Workforce Florida, Inc.,~~ shall set aside 30 percent of the amount appropriated for the Quick-Response Training Program by the Legislature to fund instructional programs for businesses located in an enterprise zone or brownfield area. Any

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unencumbered funds remaining undisbursed from this set-aside at the end of the 6-month period may be used to provide funding for any program qualifying for funding pursuant to this section.

(5) Prior to the allocation of funds for any request pursuant to this section, Jobs Florida ~~Workforce Florida, Inc.~~, shall prepare a grant agreement between the business or industry requesting funds, the educational institution receiving funding through the program, and Jobs Florida ~~Workforce Florida, Inc.~~. Such agreement must include, but is not limited to:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs, not to exceed 5 percent of the grant amount.

(d) An identification of special program requirements that are not addressed otherwise in the agreement.

(e) Permission to access information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. Information which, if released, would disclose the identity of the person to whom the information pertains or disclose the identity of the person's employer is confidential and exempt from the provisions of s. 119.07(1). The agreement must specify that any evaluations published subsequent to the instruction may not identify the

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employer or any individual participant.

(6) For the purposes of this section, Jobs Florida
~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
services, or property of any kind from any agency, corporation,
or individual.

(7) In providing instruction pursuant to this section,
materials that relate to methods of manufacture or production,
potential trade secrets, business transactions, or proprietary
information received, produced, ascertained, or discovered by
employees of the respective departments, district school boards,
community college district boards of trustees, or other
personnel employed for the purposes of this section is
confidential and exempt from the provisions of s. 119.07(1). The
state may seek copyright protection for all instructional
materials and ancillary written documents developed wholly or
partially with state funds as a result of instruction provided
pursuant to this section, except for materials that are
confidential and exempt from the provisions of s. 119.07(1).

(8) There is created a Quick-Response Training Program for
participants in the welfare transition program. Workforce
Florida, Inc., in conjunction with Jobs Florida, may award
quick-response training grants and develop applicable guidelines
for the training of participants in the welfare transition
program. In addition to a local economic development
organization, grants must be endorsed by the applicable regional
workforce board.

(a) Training funded pursuant to this subsection may not
exceed 12 months, and may be provided by the local community
college, school district, regional workforce board, or the

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business employing the participant, including on-the-job training. Training will provide entry-level skills to new workers, including those employed in retail, who are participants in the welfare transition program.

(b) Participants trained pursuant to this subsection must be employed at a wage not less than \$6 per hour.

(c) Funds made available pursuant to this subsection may be expended in connection with the relocation of a business from one community to another community if approved by Workforce Florida, Inc.

~~(9) Notwithstanding any other provision of law, eligible matching contributions received under the Quick-Response Training Program under this section may be counted toward the private sector support of Enterprise Florida, Inc., under s. 288.90151(5)(d).~~

~~(9)(10) Jobs Florida Workforce Florida, Inc., and Enterprise Florida, Inc.,~~ shall ensure maximum coordination and cooperation in administering this section, in such a manner that any division of responsibility between the two organizations which relates to marketing or administering the Quick-Response Training Program is not apparent to a business that inquires about or applies for funding under this section. ~~The organizations shall provide such~~ A business shall be provided with a single point of contact for information and assistance.

Section 211. Subsections (1), (2), and (3) of section 288.065, Florida Statutes, are amended to read:

288.065 Rural Community Development Revolving Loan Fund.—

(1) The Rural Community Development Revolving Loan Fund Program is established within Jobs Florida ~~in the Office of~~

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~~Tourism, Trade, and Economic Development~~ to facilitate the use of existing federal, state, and local financial resources by providing local governments with financial assistance to further promote the economic viability of rural communities. These funds may be used to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially initiatives addressing employment opportunities for residents of these communities.

(2)(a) The program shall provide for long-term loans, loan guarantees, and loan loss reserves to units of local governments, or economic development organizations substantially underwritten by a unit of local government, within counties with populations of 75,000 or fewer, or within any county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer, based on the most recent official population estimate as determined under s. 186.901, including those residing in incorporated areas and those residing in unincorporated areas of the county, or to units of local government, or economic development organizations substantially underwritten by a unit of local government, within a rural area of critical economic concern.

(b) Requests for loans shall be made by application to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. Loans shall be made pursuant to agreements specifying the terms and conditions agreed to between the applicant and Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. The loans shall be the legal obligations of the applicant.

(c) All repayments of principal and interest shall be returned to the loan fund and made available for loans to other

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10151 applicants. However, in a rural area of critical economic
10152 concern designated by the Governor, and upon approval by Jobs
10153 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
10154 repayments of principal and interest may be retained by the
10155 applicant if such repayments are dedicated and matched to fund
10156 regionally based economic development organizations representing
10157 the rural area of critical economic concern.

10158 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10159 ~~Development~~ shall manage the fund, establishing loan practices
10160 that must include, but are not limited to, procedures for
10161 establishing loan interest rates, uses of funding, application
10162 procedures, and application review procedures. Jobs Florida ~~The~~
10163 ~~Office of Tourism, Trade, and Economic Development~~ shall have
10164 final approval authority for any loan under this section.

10165 Section 212. Subsections (1), (2), (3), and (4) of section
10166 288.0655, Florida Statutes, are amended to read:

10167 288.0655 Rural Infrastructure Fund.—

10168 (1) There is created within Jobs Florida ~~the Office of~~
10169 ~~Tourism, Trade, and Economic Development~~ the Rural
10170 Infrastructure Fund to facilitate the planning, preparing, and
10171 financing of infrastructure projects in rural communities which
10172 will encourage job creation, capital investment, and the
10173 strengthening and diversification of rural economies by
10174 promoting tourism, trade, and economic development.

10175 (2)(a) Funds appropriated by the Legislature shall be
10176 distributed by Jobs Florida ~~the Office~~ through grant programs
10177 that maximize the use of federal, local, and private resources,
10178 including, but not limited to, those available under the Small
10179 Cities Community Development Block Grant Program.

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(b) To facilitate access of rural communities and rural areas of critical economic concern as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, Jobs Florida ~~the Office~~ may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites and upgrades to or development of public tourism infrastructure. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include

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publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(c) To facilitate timely response and induce the location or expansion of specific job creating opportunities, Jobs Florida ~~the Office~~ may award grants for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities. Authorized grants shall be up to \$50,000 for an employment project with a business committed to create at least 100 jobs; 7 up to \$150,000 for an employment project with a business committed to create at least 300 jobs; 7 and up to \$300,000 for a project in a rural area of critical economic concern. Grants awarded under this paragraph may be used in conjunction with grants awarded under paragraph (b), provided that the total amount of both grants does not exceed 30 percent of the total project cost. In evaluating applications under this paragraph, Jobs Florida ~~the~~

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Office shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(d) Jobs Florida ~~By September 1, 1999, the Office~~ shall participate in ~~pursue execution of~~ a memorandum of agreement with the United States Department of Agriculture under which state funds available through the Rural Infrastructure Fund may be advanced, in excess of the prescribed state share, for a project that has received from the department a preliminary determination of eligibility for federal financial support. State funds in excess of the prescribed state share which are advanced pursuant to this paragraph and the memorandum of agreement shall be reimbursed when funds are awarded under an application for federal funding.

(e) To enable local governments to access the resources available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~ may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph shall not exceed \$75,000 each, except in the case of a project in a rural area of critical economic concern, in which case the grant shall not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of critical economic concern must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the office shall consider the

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extent to which the application seeks to minimize administrative and consultant expenses.

(3) Jobs Florida ~~the office~~, in consultation with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., VISIT Florida, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of the economic benefit of the projects and their long-term viability. Jobs Florida ~~The office~~ shall have final approval for any grant under this section.

(4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~ shall, in consultation with the organizations listed in subsection (3), and other organizations, re-evaluate existing develop guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. Jobs Florida ~~The office~~ shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located ~~location of the project~~ in an enterprise zone, ~~the location of the project in a community development corporation service area, or in an urban high-crime area as the location of the project in a county~~ designated under s. 212.097, the unemployment rate of the county in which the project would be located ~~surrounding area~~, and the poverty rate of the community.

Section 213. Paragraph (b) of subsection (1), paragraphs (b) and (e) of subsection (2), paragraph (a) of subsection (6),

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and subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(1)(b) The Rural Economic Development Initiative, known as “REDI,” is created within Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~, and the participation of state and regional agencies in this initiative is authorized.

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

(b) “Catalyst site” means a parcel or parcels of land within a rural area of critical economic concern that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for the purposes of locating a catalyst project.

(e) “Rural community” means:

1. A county with a population of 75,000 or fewer.
2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in paragraph (c) and verified by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~.

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For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

~~1. The Department of Community Affairs.~~

~~1.2.~~ The Department of Transportation.

~~2.3.~~ The Department of Environmental Protection.

~~3.4.~~ The Department of Agriculture and Consumer Services.

~~4.5.~~ The Department of State.

~~5.6.~~ The Department of Health.

~~6.7.~~ The Department of Children and Family Services.

~~7.8.~~ The Department of Corrections.

~~9. The Agency for Workforce Innovation.~~

~~8.10.~~ The Department of Education.

~~9.11.~~ The Department of Juvenile Justice.

~~10.12.~~ The Fish and Wildlife Conservation Commission.

~~11.13.~~ Each water management district.

~~12.14. The Jobs Florida Partnership, Inc. Enterprise Florida, Inc.~~

~~13.15.~~ Workforce Florida, Inc.

~~16. The Florida Commission on Tourism or VISIT Florida.~~

~~14.17.~~ The Florida Regional Planning Council Association.

~~15.18.~~ The Agency for Health Care Administration.

~~16.19.~~ The Institute of Food and Agricultural Sciences (IFAS).

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An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the director of Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~.

(7)(a) REDI may recommend to the Governor up to three rural areas of critical economic concern. The Governor may by executive order designate up to three rural areas of critical economic concern which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but not be limited to: the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), ~~transportation projects under s. 288.063,~~ the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.

(b) Designation as a rural area of critical economic concern under this subsection shall be contingent upon the execution of a memorandum of agreement among Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~; the governing body of the county; and the governing bodies of any municipalities to be included within a rural area of critical economic concern. Such agreement shall specify the terms and conditions of the designation, including, but not limited to, the duties and responsibilities of the county and any

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participating municipalities to take actions designed to facilitate the retention and expansion of existing businesses in the area, as well as the recruitment of new businesses to the area.

(c) Each rural area of critical economic concern may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, identified as a catalyst project by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and confirmed as a catalyst project by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development.~~ All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 214. Subsections (2) and (3) of section 288.06561, Florida Statutes, are amended to read:

288.06561 Reduction or waiver of financial match requirements.—Notwithstanding any other law, the member agencies and organizations of the Rural Economic Development Initiative (REDI), as defined in s. 288.0656(6)(a), shall review the financial match requirements for projects in rural areas as defined in s. 288.0656(2).

(2) Agencies and organizations shall ensure that all proposals are submitted to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for review by the REDI agencies.

(3) These proposals shall be delivered to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for distribution to the REDI agencies and organizations. A meeting of REDI agencies and organizations must be called within 30 days

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after receipt of such proposals for REDI comment and recommendations on each proposal.

Section 215. Subsections (2) and (4) of section 288.0657, Florida Statutes, are amended to read:

288.0657 Florida rural economic development strategy grants.—

(2) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ may accept and administer moneys appropriated to the office for providing grants to assist rural communities to develop and implement strategic economic development plans.

(4) Jobs Florida ~~Enterprise Florida, Inc., and VISIT Florida,~~ shall establish criteria for reviewing grant applications. These criteria shall include, but are not limited to, the degree of participation and commitment by the local community and the application's consistency with local comprehensive plans or the application's proposal to ensure such consistency. ~~The International Trade and Economic Development Board of Enterprise Florida, Inc., and VISIT Florida,~~ Jobs Florida shall review each application for a grant and shall submit annually to the Office for approval a list of all applications that are recommended by the board and VISIT Florida, arranged in order of priority. Jobs Florida The office may approve grants only to the extent that funds are appropriated for such grants by the Legislature.

Section 216. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to

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assist the Jobs Florida Partnership, Inc. ~~Florida Commission on Tourism; the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida;~~ convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term "nature-based recreation" means leisure activities related to the state's lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 217. Section 288.0659, Florida Statutes, is amended to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within Jobs Florida ~~the Office of Tourism, Trade, and Economic Development.~~ The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

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

(a) "Local government" means a county or municipality.

~~(b) "Office" means the Office of Tourism, Trade, and~~

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Economic Development.

(b)(c) "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) Jobs Florida The Office may accept and administer moneys appropriated by the Legislature ~~to the Office~~ for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with Jobs Florida ~~the Office~~. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, Jobs Florida ~~the office~~ shall

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review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, Jobs Florida ~~the Office~~ shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Jobs Florida ~~the Office~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to

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10528 this section may not be used by the receiving local government
10529 to supplant matching commitments required of the local
10530 government pursuant to other state or federal incentive
10531 programs.

10532 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
10533 an application for a grant, Jobs Florida ~~the Office~~ shall
10534 approve a preliminary grant allocation or disapprove the
10535 application. The preliminary grant allocation shall be based on
10536 estimates of qualified business assistance submitted by the
10537 local government and shall equal 50 percent of the amount of the
10538 estimated qualified business assistance or \$50,000, whichever is
10539 less. The preliminary grant allocation shall be executed by
10540 contract with the local government. The contract shall set forth
10541 the terms and conditions, including the timeframes within which
10542 the final grant award will be disbursed. The final grant award
10543 may not exceed the preliminary grant allocation. Jobs Florida
10544 ~~the Office~~ may approve preliminary grant allocations only to the
10545 extent that funds are appropriated for such grants by the
10546 Legislature.

10547 (a) Preliminary grant allocations that are revoked or
10548 voluntarily surrendered shall be immediately available for
10549 reallocation.

10550 (b) Recipients of preliminary grant allocations shall
10551 promptly report to Jobs Florida ~~the Office~~ the date on which the
10552 local government's permitting and approval process is completed
10553 and the date on which all qualified business assistance is
10554 completed.

10555 (9) Jobs Florida ~~the Office~~ shall make a final grant award
10556 to a local government within 30 days after receiving information

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from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or \$50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually by the Legislature for the program may be used by Jobs Florida ~~the Office~~ for direct administrative costs associated with implementing this section.

Section 218. Paragraph (a) of subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

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

(a) “Economic development agency” means:

1. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development;~~

2. Any industrial development authority created in accordance with part III of chapter 159 or by special law;

~~3. Space Florida created in part II of chapter 331;~~

~~3.4.~~ The public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto;

~~4.5.~~ Any research and development authority created in accordance with part V of chapter 159; or

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10586 ~~5.6-~~ Any private agency, person, partnership, corporation,
10587 or business entity when authorized by the state, a municipality,
10588 or a county to promote the general business interests or
10589 industrial interests of the state or that municipality or
10590 county.

10591 Section 219. Paragraphs (c), (h), (p), and (r) of
10592 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
10593 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
10594 of subsection (5), paragraphs (a), (b), and (c) of subsection
10595 (6), and subsections (7) and (8) of section 288.1045, Florida
10596 Statutes, are amended, and present paragraphs (i) through (u) of
10597 subsection (1) are redesignated as paragraphs (h) through (s),
10598 respectively, to read:

10599 288.1045 Qualified defense contractor and space flight
10600 business tax refund program.—

10601 (1) DEFINITIONS.—As used in this section:

10602 (c) “Business unit” means an employing unit, as defined in
10603 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
10604 ~~Workforce Innovation~~ for unemployment compensation purposes or
10605 means a subcategory or division of an employing unit that is
10606 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
10607 a reporting unit.

10608 ~~(h) “Director” means the director of the Office of Tourism,~~
10609 ~~Trade, and Economic Development.~~

10610 ~~(p) “Office” means the Office of Tourism, Trade, and~~
10611 ~~Economic Development.~~

10612 ~~(p)(r)~~ “Qualified applicant” means an applicant that has
10613 been approved by Jobs Florida ~~the director~~ to be eligible for
10614 tax refunds pursuant to this section.

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10615 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

10616 (a) There shall be allowed, from the Economic Development
10617 Trust Fund, a refund to a qualified applicant for the amount of
10618 eligible taxes certified by Jobs Florida ~~the director~~ which were
10619 paid by such qualified applicant. The total amount of refunds
10620 for all fiscal years for each qualified applicant shall be
10621 determined pursuant to subsection (3). The annual amount of a
10622 refund to a qualified applicant shall be determined pursuant to
10623 subsection (5).

10624 (d) Contingent upon an annual appropriation by the
10625 Legislature, Jobs Florida ~~the director~~ may approve not more in
10626 tax refunds than the amount appropriated to the Economic
10627 Development Trust Fund for tax refunds, for a fiscal year
10628 pursuant to subsection (5) and s. 288.095.

10629 (e) For the first 6 months of each fiscal year, Jobs
10630 Florida ~~the director~~ shall set aside 30 percent of the amount
10631 appropriated for refunds pursuant to this section by the
10632 Legislature to provide tax refunds only to qualified applicants
10633 who employ 500 or fewer full-time employees in this state. Any
10634 unencumbered funds remaining undisbursed from this set-aside at
10635 the end of the 6-month period may be used to provide tax refunds
10636 for any qualified applicants pursuant to this section.

10637 (f) After entering into a tax refund agreement pursuant to
10638 subsection (4), a qualified applicant may:

10639 1. Receive refunds from the account for corporate income
10640 taxes due and paid pursuant to chapter 220 by that business
10641 beginning with the first taxable year of the business which
10642 begins after entering into the agreement.

10643 2. Receive refunds from the account for the following taxes

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due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Intangible personal property taxes paid pursuant to chapter 199.

c. Emergency excise taxes paid pursuant to chapter 221.

d. Excise taxes paid on documents pursuant to chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on June 1, 1996.

f. State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19.

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by Jobs Florida the Office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. ~~The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The Office may make~~

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~~supplemental tax refund payments to allow for tax refunds for
communications services taxes paid by an eligible qualified
defense contractor after October 1, 2001.~~

(h) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.—

(a) To apply for certification as a qualified applicant pursuant to this section, an applicant must file an application with Jobs Florida ~~the Office~~ which satisfies the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j). An applicant may not apply for certification pursuant to this section after a proposal has been submitted for a new Department of Defense contract, after the applicant has made the decision to consolidate an existing Department of Defense contract in this state for which such applicant is seeking certification, after a proposal has been submitted for a new space flight business contract in this state, after the applicant has made the decision to consolidate an existing space flight business contract in this state for which such applicant is seeking certification, or after the applicant has made the decision to convert defense production jobs to nondefense production jobs for which such applicant is

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seeking certification.

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

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10731 9. The number of full-time equivalent jobs in this state to
10732 be retained by the project.

10733 10. A brief statement concerning the applicant's need for
10734 tax refunds, and the proposed uses of such refunds by the
10735 applicant.

10736 11. A resolution adopted by the governing board of the
10737 county or municipality in which the project will be located,
10738 which recommends the applicant be approved as a qualified
10739 applicant, and which indicates that the necessary commitments of
10740 local financial support for the applicant exist. Prior to the
10741 adoption of the resolution, the county commission may review the
10742 proposed public or private sources of such support and determine
10743 whether the proposed sources of local financial support can be
10744 provided or, for any applicant whose project is located in a
10745 county designated by the Rural Economic Development Initiative,
10746 a resolution adopted by the county commissioners of such county
10747 requesting that the applicant's project be exempt from the local
10748 financial support requirement.

10749 12. Any additional information requested by Jobs Florida
10750 ~~the Office~~.

10751 (c) Applications for certification based on the conversion
10752 of defense production jobs to nondefense production jobs must be
10753 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
10754 Florida ~~the Office~~ and must include, but are not limited to, the
10755 following information:

10756 1. The applicant's federal employer identification number,
10757 the applicant's Florida sales tax registration number, and a
10758 signature of an officer of the applicant.

10759 2. The permanent location of the manufacturing, assembling,

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10760 fabricating, research, development, or design facility in this
10761 state at which the project is or is to be located.

10762 3. The Department of Defense contract numbers of the
10763 contract under which the defense production jobs will be
10764 converted to nondefense production jobs.

10765 4. The date the contract was executed, and the date the
10766 contract is due to expire or is expected to expire, or was
10767 canceled.

10768 5. The commencement date for the nondefense production
10769 operations in this state.

10770 6. The number of net new full-time equivalent Florida jobs
10771 included in the nondefense production project as of December 31
10772 of each year and the average wage of such jobs.

10773 7. The total number of full-time equivalent employees
10774 employed by the applicant in this state.

10775 8. The percentage of the applicant's gross receipts derived
10776 from Department of Defense contracts during the 5 taxable years
10777 immediately preceding the date the application is submitted.

10778 9. The number of full-time equivalent jobs in this state to
10779 be retained by the project.

10780 10. A brief statement concerning the applicant's need for
10781 tax refunds, and the proposed uses of such refunds by the
10782 applicant.

10783 11. A resolution adopted by the governing board of the
10784 county or municipality in which the project will be located,
10785 which recommends the applicant be approved as a qualified
10786 applicant, and which indicates that the necessary commitments of
10787 local financial support for the applicant exist. Prior to the
10788 adoption of the resolution, the county commission may review the

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proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida ~~the Office~~.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to Jobs Florida ~~the Office~~ as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the

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contract in this state.

7. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

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

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida ~~the Office~~.

(e) To qualify for review by Jobs Florida ~~the Office~~, the application of an applicant must, at a minimum, establish the following to the satisfaction of the office:

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1. The jobs proposed to be provided under the application, pursuant to subparagraph (b)6., subparagraph (c)6., or subparagraph (j)6., must pay an estimated annual average wage equaling at least 115 percent of the average wage in the area where the project is to be located.

2. The consolidation of a Department of Defense contract must result in a net increase of at least 25 percent in the number of jobs at the applicant's facilities in this state or the addition of at least 80 jobs at the applicant's facilities in this state.

3. The conversion of defense production jobs to nondefense production jobs must result in net increases in nondefense employment at the applicant's facilities in this state.

4. The Department of Defense contract or the space flight business contract cannot allow the business to include the costs of relocation or retooling in its base as allowable costs under a cost-plus, or similar, contract.

5. A business unit of the applicant must have derived not less than 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the applicant's last fiscal year, and must have derived not less than an average of 60 percent of its gross receipts in this state from Department of Defense contracts or space flight business contracts over the 5 years preceding the date an application is submitted pursuant to this section. This subparagraph does not apply to any application for certification based on a contract for reuse of a defense-related facility.

6. The reuse of a defense-related facility must result in the creation of at least 100 jobs at such facility.

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7. A new space flight business contract or the consolidation of a space flight business contract must result in net increases in space flight business employment at the applicant's facilities in this state.

(f) Each application meeting the requirements of paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or paragraphs (e) and (j) must be submitted to the office for a determination of eligibility. Jobs Florida ~~the Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, taking into account the extent to which the project contributes to the state's high-technology base, and the long-term impact of the project and the applicant on the state's economy.

2. The economic benefit of the jobs created or retained by the project in this state, taking into account the cost and average wage of each job created or retained, and the potential risk to existing jobs.

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

4. The local commitment and support for the project and applicant.

5. The impact of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The dependence of the local community on the defense industry or space flight business.

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10905 7. The impact of any tax refunds granted pursuant to this
10906 section on the viability of the project and the probability that
10907 the project will occur in this state if such tax refunds are
10908 granted to the applicant, taking into account the expected long-
10909 term commitment of the applicant to economic growth and
10910 employment in this state.

10911 8. The length of the project, or the expected long-term
10912 commitment to this state resulting from the project.

10913 (g) Applications shall be reviewed and certified pursuant
10914 to s. 288.061. If appropriate, Jobs Florida ~~the director~~ shall
10915 enter into a written agreement with the qualified applicant
10916 pursuant to subsection (4).

10917 (h) Jobs Florida ~~The director~~ may not certify any applicant
10918 as a qualified applicant when the value of tax refunds to be
10919 included in that letter of certification exceeds the available
10920 amount of authority to certify new businesses as determined in
10921 s. 288.095(3). A letter of certification that approves an
10922 application must specify the maximum amount of a tax refund that
10923 is to be available to the contractor for each fiscal year and
10924 the total amount of tax refunds for all fiscal years.

10925 (i) This section does not create a presumption that an
10926 applicant should receive any tax refunds under this section.

10927 (j) Applications for certification based upon a new space
10928 flight business contract or the consolidation of a space flight
10929 business contract must be submitted to the office as prescribed
10930 by the office and must include, but are not limited to, the
10931 following information:

10932 1. The applicant's federal employer identification number,
10933 the applicant's Florida sales tax registration number, and a

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signature of an officer of the applicant.

2. The permanent location of the space flight business facility in this state where the project is or will be located.

3. The new space flight business contract number, the space flight business contract numbers of the contract to be consolidated, or the request-for-proposal number of a proposed space flight business contract.

4. The date the contract was executed and the date the contract is due to expire, is expected to expire, or was canceled.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The total number of full-time equivalent employees employed by the applicant in this state.

8. The percentage of the applicant's gross receipts derived from space flight business contracts during the 5 taxable years immediately preceding the date the application is submitted.

9. The number of full-time equivalent jobs in this state to be retained by the project.

10. A brief statement concerning the applicant's need for tax refunds and the proposed uses of such refunds by the applicant.

11. A resolution adopted by the governing board of the county or municipality in which the project will be located which recommends the applicant be approved as a qualified applicant and indicates that the necessary commitments of local

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financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

12. Any additional information requested by Jobs Florida ~~the office~~.

(4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

(a) A qualified applicant shall enter into a written agreement with Jobs Florida ~~the Office~~ containing, but not limited to, the following:

1. The total number of full-time equivalent jobs in this state that are or will be dedicated to the qualified applicant's project, the average wage of such jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of a refund that the qualified applicant is eligible to receive for each fiscal year, based on the job creation or retention and maintenance schedule specified in subparagraph 1.

3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs Florida ~~the Office~~ to review and verify the financial and personnel records of the qualified applicant to ascertain whether the qualified applicant is complying with the

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requirements of this section.

4. The date by which, in each fiscal year, the qualified applicant may file a claim pursuant to subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support shall be annually available and will be paid to the Economic Development Trust Fund.

(b) Compliance with the terms and conditions of the agreement is a condition precedent for receipt of tax refunds each year. The failure to comply with the terms and conditions of the agreement shall result in the loss of eligibility for receipt of all tax refunds previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by Jobs Florida ~~the director~~, unless the qualified applicant is eligible to receive and elects to accept a prorated refund under paragraph (5)(g) or Jobs Florida ~~the Office~~ grants the qualified applicant an economic-stimulus exemption.

1. A qualified applicant may submit, in writing, a request to Jobs Florida ~~the Office~~ for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., Jobs Florida ~~the director~~ shall have 45 days to notify the requesting qualified applicant, in writing, if its exemption has been

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granted or denied. In determining if an exemption should be granted, Jobs Florida ~~the director~~ shall consider the extent to which negative economic conditions in the requesting qualified applicant's industry, the effects of the impact of a named hurricane or tropical storm, or specific acts of terrorism affecting the qualified applicant have prevented the qualified applicant from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(g) or an economic-stimulus exemption under this paragraph, a qualified applicant must agree to renegotiate its tax refund agreement with Jobs Florida ~~the Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and ~~the Office~~ procedures of Jobs Florida governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax refund agreement with the qualified applicant as required by this subparagraph. When amending the agreement of a qualified applicant receiving an economic-stimulus exemption, Jobs Florida ~~the Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

~~4. A qualified applicant may submit a request for an economic-stimulus exemption to the Office in lieu of any tax refund claim scheduled to be submitted after January 1, 2005, but before July 1, 2006.~~

~~4.5.~~ A qualified applicant that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

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(c) The agreement shall be signed by the commissioner
~~director~~ and the authorized officer of the qualified applicant.

(d) The agreement must contain the following legend,
clearly printed on its face in bold type of not less than 10
points:

"This agreement is neither a general obligation of the
State of Florida, nor is it backed by the full faith
and credit of the State of Florida. Payment of tax
refunds are conditioned on and subject to specific
annual appropriations by the Florida Legislature of
funds sufficient to pay amounts authorized in s.
288.1045, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund,
qualified applicants who have entered into a written agreement
with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
have entered into a valid new Department of Defense contract,
entered into a valid new space flight business contract,
commenced the consolidation of a space flight business contract,
commenced the consolidation of a Department of Defense contract,
commenced the conversion of defense production jobs to
nondefense production jobs, or entered into a valid contract for
reuse of a defense-related facility must apply by January 31 of
each fiscal year to Jobs Florida ~~the Office~~ for tax refunds
scheduled to be paid from the appropriation for the fiscal year
that begins on July 1 following the January 31 claims-submission
date. Jobs Florida ~~The Office~~ may, upon written request, grant a

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30-day extension of the filing date. The application must include a notarized signature of an officer of the applicant.

(d) Jobs Florida ~~The director~~, with assistance from ~~the Office~~, the Department of Revenue, ~~and the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submitting the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified applicant for the annual tax refund. Jobs Florida ~~The Office~~ may grant an extension of this date upon the request of the qualified applicant for the purpose of filing additional information in support of the claim.

(e) The total amount of tax refunds approved by Jobs Florida ~~the director~~ under this section in any fiscal year may not exceed the amount authorized under s. 288.095(3).

(g) A prorated tax refund, less a 5 percent penalty, shall be approved for a qualified applicant provided all other applicable requirements have been satisfied and the applicant proves to the satisfaction of Jobs Florida ~~the director~~ that it has achieved at least 80 percent of its projected employment and that the average wage paid by the qualified applicant is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified applicant would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which

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was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(6) ADMINISTRATION.—

(a) Jobs Florida ~~The Office~~ may adopt rules pursuant to chapter 120 for the administration of this section.

(b) Jobs Florida ~~The Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes with the appropriate agency or authority including the Department of Revenue, Jobs Florida ~~the Agency for Workforce Innovation~~, or any local government or authority.

(c) To facilitate the process of monitoring and auditing applications made under this program, Jobs Florida ~~the Office~~ may provide a list of qualified applicants to the Department of Revenue, ~~to the Agency for Workforce Innovation~~, or to any local government or authority. Jobs Florida ~~the Office~~ may request the assistance of said entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the Office may approve a waiver of the local financial support requirement for a business located in any of the following counties in which businesses received emergency loans administered by the Office in response to the named hurricanes of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler, Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee, Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk, Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A waiver may be granted only if the Office determines that the local financial support cannot be provided or that doing so~~

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would effect a demonstrable hardship on the unit of local government providing the local financial support. If the Office grants a waiver of the local financial support requirement, the state shall pay 100 percent of the refund due to an eligible business. The waiver shall apply for tax refund applications made for fiscal years 2004-2005, 2005-2006, and 2006-2007.

(7)~~(8)~~ EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2014. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 220. Paragraphs (d), (f), (n), (p), (r), and (t) of subsection (2), paragraphs (a), (b), and (f) of subsection (3), subsection (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), (f), and (g) of subsection (6), and subsection (7) of section 288.106, Florida Statutes, are amended, and present paragraphs (g) through (u) of subsection (2) are redesignated as paragraphs (f) through (q), respectively, to read:

288.106 Tax refund program for qualified target industry businesses.—

(2) DEFINITIONS.—As used in this section:

(d) "Business" means an employing unit, as defined in s. 443.036, that is registered for unemployment compensation purposes with the state agency providing unemployment tax collection services ~~under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316,~~ or a subcategory or division of an employing unit that is accepted by the state agency providing unemployment tax collection services as a reporting unit.

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(f) ~~"Director" means the Director of the Office of Tourism, Trade, and Economic Development.~~

(n) ~~"Office" means the Office of Tourism, Trade, and Economic Development.~~

(n)(p) "Qualified target industry business" means a target industry business approved by Jobs Florida ~~the Office~~ to be eligible for tax refunds under this section.

(q) ~~"Return on investment" means the gain in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives.~~

(o)(r) "Rural city" means a city having a population of 10,000 or fewer, or a city having a population of greater than 10,000 but fewer than 20,000 that has been determined by Jobs Florida ~~the Office~~ to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(q)(t) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by Jobs Florida ~~the Office~~ in consultation with the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.:~~

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods

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11195 to, or provide services in, international markets and businesses
11196 that replace domestic and international imports of goods or
11197 services.

11198 2. Stability.—The industry should not be subject to
11199 periodic layoffs, whether due to seasonality or sensitivity to
11200 volatile economic variables such as weather. The industry should
11201 also be relatively resistant to recession, so that the demand
11202 for products of this industry is not typically subject to
11203 decline during an economic downturn.

11204 3. High wage.—The industry should pay relatively high wages
11205 compared to statewide or area averages.

11206 4. Market and resource independent.—The location of
11207 industry businesses should not be dependent on Florida markets
11208 or resources as indicated by industry analysis, except for
11209 businesses in the renewable energy industry.

11210 5. Industrial base diversification and strengthening.—The
11211 industry should contribute toward expanding or diversifying the
11212 state's or area's economic base, as indicated by analysis of
11213 employment and output shares compared to national and regional
11214 trends. Special consideration should be given to industries that
11215 strengthen regional economies by adding value to basic products
11216 or building regional industrial clusters as indicated by
11217 industry analysis. Special consideration should also be given to
11218 the development of strong industrial clusters that include
11219 defense and homeland security businesses.

11220 6. Positive economic impact ~~benefits~~.—The industry is
11221 expected to have strong positive economic impacts on or benefits
11222 to the state or regional economies.
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The term does not include any business engaged in retail industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~ make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, Jobs Florida the Office, in consultation with the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~ economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible

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taxes certified by Jobs Florida ~~the Office~~ that were paid by the business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (4). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (6).

(b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1., or equal to \$6,000 multiplied by the number of jobs if the project is located in a rural community or an enterprise zone.

2. A qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to \$2,000 multiplied by the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to \$1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to \$2,000 multiplied by the

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number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(f) Refunds made available under this section may not be expended in connection with the relocation of a business from one community to another community in the state unless Jobs Florida ~~the Office~~ determines that, without such relocation, the business will move outside the state or determines that the business has a compelling economic rationale for relocation and that the relocation will create additional jobs.

(4) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with Jobs Florida ~~the Office~~ before the business decides to locate in this state or before the business decides to expand its existing operations in this state. The application must include, but need not be limited to, the following information:

1. The applicant's federal employer identification number and, if applicable, state sales tax registration number.

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2. The proposed permanent location of the applicant's facility in this state at which the project is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President, and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

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11340 10. A resolution adopted by the governing board of the
11341 county or municipality in which the project will be located,
11342 which resolution recommends that the project be approved as a
11343 qualified target industry business and specifies that the
11344 commitments of local financial support necessary for the target
11345 industry business exist. Before the passage of such resolution,
11346 the office may also accept an official letter from an authorized
11347 local economic development agency that endorses the proposed
11348 target industry project and pledges that sources of local
11349 financial support for such project exist. For the purposes of
11350 making pledges of local financial support under this
11351 subparagraph, the authorized local economic development agency
11352 shall be officially designated by the passage of a one-time
11353 resolution by the local governing board.

11354 11. Any additional information requested by Jobs Florida
11355 ~~the Office~~.

11356 (b) To qualify for review by Jobs Florida ~~the Office~~, the
11357 application of a target industry business must, at a minimum,
11358 establish the following to the satisfaction of the office:

11359 1.a. The jobs proposed to be created under the application,
11360 pursuant to subparagraph (a)4., must pay an estimated annual
11361 average wage equaling at least 115 percent of the average
11362 private sector wage in the area where the business is to be
11363 located or the statewide private sector average wage. The
11364 governing board of the county where the qualified target
11365 industry business is to be located shall notify Jobs Florida ~~the~~
11366 ~~Office~~ and the Jobs Florida Partnership, Inc., Enterprise
11367 ~~Florida, Inc.,~~ which calculation of the average private sector
11368 wage in the area must be used as the basis for the business's

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wage commitment. In determining the average annual wage, Jobs Florida ~~the Office~~ shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. Jobs Florida ~~the Office~~ may waive the average wage requirement at the request of the local governing body recommending the project and the Jobs Florida Partnership, Inc ~~Enterprise Florida, Inc.~~ Jobs Florida ~~the Office~~ may waive the wage requirement for a project located in a brownfield area designated under s. 376.80, in a rural city, in a rural community, in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, only if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If Jobs Florida ~~the Office~~ elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the project and, in the case of an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. At the request of the local governing body recommending the project and the Jobs Florida Partnership, Inc., ~~Enterprise~~

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~~Florida, Inc.,~~ Jobs Florida ~~the Office~~ may waive this requirement for a business in a rural community or enterprise zone if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ make such a request, the request must be transmitted in writing, and the specific justification for the request must be explained. If Jobs Florida ~~the Office~~ elects to grant the request, the grant must be stated in writing, and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project must be within an industry identified by Jobs Florida ~~the Office~~ as a target industry business that contributes to the economic growth of the state and the area in which the business is located, that produces a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area's and state's economic progress.

(c) Each application meeting the requirements of paragraph (b) must be submitted to Jobs Florida ~~the Office~~ for determination of eligibility. Jobs Florida ~~the Office~~ shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state's economy, consistent with the state strategic economic development plan adopted by the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

2. The economic benefits ~~return on investment~~ of the

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proposed award of tax refunds under this section and the
economic benefits of ~~return on investment~~ for state incentives
proposed for the project. The term "economic benefits" has the
same meaning as in s. 288.005(1). The Office of Economic and
Demographic Research shall review and evaluate the methodology
and model used to calculate the economic benefits ~~return on~~
~~investment~~ and shall report its findings by September 1 of every
3rd year, ~~beginning September 1, 2010,~~ to the President of the
Senate and the Speaker of the House of Representatives.

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

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

5. The effect of the project on the unemployment rate in
the county where the project will be located.

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

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

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

(d) Applications shall be reviewed and certified pursuant
to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
review projections of the tax refunds the business would be

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11456 eligible to receive in each fiscal year based on the creation
11457 and maintenance of the net new Florida jobs specified in
11458 subparagraph (a)4. as of December 31 of the preceding state
11459 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
11460 into a written agreement with the qualified target industry
11461 business pursuant to subsection (5).

11462 (e) Jobs Florida ~~the Office~~ may not certify any target
11463 industry business as a qualified target industry business if the
11464 value of tax refunds to be included in that letter of
11465 certification exceeds the available amount of authority to
11466 certify new businesses as determined in s. 288.095(3). However,
11467 if the commitments of local financial support represent less
11468 than 20 percent of the eligible tax refund payments, or to
11469 otherwise preserve the viability and fiscal integrity of the
11470 program, the office may certify a qualified target industry
11471 business to receive tax refund payments of less than the
11472 allowable amounts specified in paragraph (3)(b). A letter of
11473 certification that approves an application must specify the
11474 maximum amount of tax refund that will be available to the
11475 qualified industry business in each fiscal year and the total
11476 amount of tax refunds that will be available to the business for
11477 all fiscal years.

11478 (f) This section does not create a presumption that an
11479 applicant will receive any tax refunds under this section.
11480 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
11481 letters, upon the request of prospective applicants, as to the
11482 applicants' eligibility and the potential amount of refunds.

11483 (5) TAX REFUND AGREEMENT.—

11484 (a) Each qualified target industry business must enter into

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11485 a written agreement with Jobs Florida ~~the Office~~ that specifies,
11486 at a minimum:

11487 1. The total number of full-time equivalent jobs in this
11488 state that will be dedicated to the project, the average wage of
11489 those jobs, the definitions that will apply for measuring the
11490 achievement of these terms during the pendency of the agreement,
11491 and a time schedule or plan for when such jobs will be in place
11492 and active in this state.

11493 2. The maximum amount of tax refunds that the qualified
11494 target industry business is eligible to receive on the project
11495 and the maximum amount of a tax refund that the qualified target
11496 industry business is eligible to receive for each fiscal year,
11497 based on the job creation and maintenance schedule specified in
11498 subparagraph 1.

11499 3. That Jobs Florida ~~the Office~~ may review and verify the
11500 financial and personnel records of the qualified target industry
11501 business to ascertain whether that business is in compliance
11502 with this section.

11503 4. The date by which, in each fiscal year, the qualified
11504 target industry business may file a claim under subsection (6)
11505 to be considered to receive a tax refund in the following fiscal
11506 year.

11507 5. That local financial support will be annually available
11508 and will be paid to the account. Jobs Florida ~~the Office~~ may not
11509 enter into a written agreement with a qualified target industry
11510 business if the local financial support resolution is not passed
11511 by the local governing body within 90 days after Jobs Florida
11512 ~~the Office~~ has issued the letter of certification under
11513 subsection (4).

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11514 6. That Jobs Florida ~~the Office~~ may conduct a review of the
11515 business to evaluate whether the business is continuing to
11516 contribute to the area's or state's economy.

11517 7. That in the event the business does not complete the
11518 agreement, the business will provide Jobs Florida ~~the Office~~
11519 with the reasons the business was unable to complete the
11520 agreement.

11521 (b) Compliance with the terms and conditions of the
11522 agreement is a condition precedent for the receipt of a tax
11523 refund each year. The failure to comply with the terms and
11524 conditions of the tax refund agreement results in the loss of
11525 eligibility for receipt of all tax refunds previously authorized
11526 under this section and the revocation by Jobs Florida ~~the Office~~
11527 of the certification of the business entity as a qualified
11528 target industry business, unless the business is eligible to
11529 receive and elects to accept a prorated refund under paragraph
11530 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
11531 economic recovery extension.

11532 1. A qualified target industry business may submit a
11533 request to Jobs Florida ~~the Office~~ for an economic recovery
11534 extension. The request must provide quantitative evidence
11535 demonstrating how negative economic conditions in the business's
11536 industry, the effects of a named hurricane or tropical storm, or
11537 specific acts of terrorism affecting the qualified target
11538 industry business have prevented the business from complying
11539 with the terms and conditions of its tax refund agreement.

11540 2. Upon receipt of a request under subparagraph 1., Jobs
11541 Florida ~~the Office~~ has 45 days to notify the requesting
11542 business, in writing, whether its extension has been granted or

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denied. In determining whether an extension should be granted, Jobs Florida ~~the Office~~ shall consider the extent to which negative economic conditions in the requesting business's industry have occurred in the state or the effects of a named hurricane or tropical storm or specific acts of terrorism affecting the qualified target industry business have prevented the business from complying with the terms and conditions of its tax refund agreement. Jobs Florida ~~the Office~~ shall consider current employment statistics for this state by industry, including whether the business's industry had substantial job loss during the prior year, when determining whether an extension shall be granted.

3. As a condition for receiving a prorated refund under paragraph (6)(e) or an economic recovery extension under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with Jobs Florida ~~the Office~~ to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic recovery extension, Jobs Florida ~~the Office~~ shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic recovery extension, Jobs Florida ~~the Office~~ may extend the duration of the agreement for a period not to exceed 2 years.

4. A qualified target industry business may submit a request for an economic recovery extension to Jobs Florida ~~the Office~~ in lieu of any tax refund claim scheduled to be submitted

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after January 1, 2009, but before July 1, 2012.

5. A qualified target industry business that receives an economic recovery extension may not receive a tax refund for the period covered by the extension.

(c) The agreement must be signed by the commissioner ~~director~~ and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. Jobs Florida ~~The Office~~ may grant an extension of this period at the written request of the qualified target industry business.

(6) ANNUAL CLAIM FOR REFUND.—

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with Jobs Florida ~~the Office~~ under subsection (5) must apply by January 31 of each fiscal year to the office for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. Jobs Florida ~~The Office~~ may, upon written request, grant a 30-day extension of the filing date.

(c) Jobs Florida ~~the Office~~ may waive the requirement for proof of taxes paid in future years for a qualified target industry business that provides the office with proof that, in a single year, the business has paid an amount of state taxes from the categories in paragraph (3)(d) that is at least equal to the total amount of tax refunds that the business may receive through successful completion of its tax refund agreement.

(f) Jobs Florida ~~the Office~~, with such assistance as may be

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required from the Department of Revenue ~~or the Agency for Workforce Innovation~~, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. Jobs Florida ~~the Office~~ may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(g) The total amount of tax refund claims approved by Jobs Florida ~~the Office~~ under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(7) ADMINISTRATION.—

(a) Jobs Florida ~~the Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, ~~the Agency for Workforce Innovation~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this section, Jobs Florida ~~the Office~~ may provide a list of qualified target industry businesses to the Department of Revenue, ~~to the Agency for Workforce Innovation~~, or to any local government or authority. Jobs Florida ~~The Office~~ may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (3).

(c) Funds specifically appropriated for tax refunds for

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qualified target industry businesses under this section may not be used by Jobs Florida ~~the Office~~ for any purpose other than the payment of tax refunds authorized by this section.

(d) Beginning with tax refund agreements signed after July 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the causes for any business's failure to complete its agreement and shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall be submitted by December 1 of each year beginning in 2011.

Section 221. Paragraphs (d) and (g) of subsection (1), subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of subsection (4), and subsection (5) of section 288.107, Florida Statutes, are amended, and present paragraphs (e) through (h) of subsection (1) are redesignated as paragraphs (d) through (g), to read:

288.107 Brownfield redevelopment bonus refunds.—

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

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(g) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by Jobs Florida ~~the Office~~ as specified in the final order and allowed from the account as follows:

(a) A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area that is claimed on the qualified target industry business's annual

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refund claim authorized in s. 288.106(6).

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

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in paragraph (1)(e) and must have indicated on the qualified target industry business tax refund application form submitted in accordance with s. 288.106(4) or other similar agreement for other eligible business as defined in paragraph (1)(e) that the project for which the application is submitted is or will be located in a brownfield area and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry business tax refund agreement with Jobs Florida ~~the Office~~ that indicates that the business has been certified as a qualified target industry business located in a brownfield area and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the

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requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by Jobs Florida ~~the Office~~ which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 or other eligible business as defined in paragraph (1)(e) and the administrative rules and policies for that section.

(f) Applications shall be reviewed and certified pursuant to s. 288.061. Jobs Florida ~~The Office~~ shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in paragraph (1)(e) which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) Jobs Florida ~~The Office~~ shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) Jobs Florida ~~The director~~, with such assistance as may be required from ~~the Office~~ and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

(i) The total amount of the bonus refunds approved by Jobs Florida ~~the director~~ under this section in any fiscal year must

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not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by Jobs Florida ~~the Office~~ for brownfield redevelopment bonus refunds under this section in a fiscal year, Jobs Florida ~~the Office~~ shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, Jobs Florida ~~the Office~~ shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(5) ADMINISTRATION.—

(a) Jobs Florida ~~the Office~~ may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, ~~the Agency for Workforce Innovation~~, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, Jobs Florida ~~the Office~~ may provide a list of qualified target industry businesses to the Department of Revenue, ~~to the Agency for Workforce~~

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11746 ~~Innovation~~, to the Department of Environmental Protection, or to
11747 any local government authority. Jobs Florida ~~the office~~ may
11748 request the assistance of those entities with respect to
11749 monitoring the payment of the taxes listed in s. 288.106(3).

11750 Section 222. Paragraphs (a), (b), (c), and (d) of
11751 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
11752 subsection (4), paragraphs (a) and (c) of subsection (5), and
11753 subsections (6) and (7) of section 288.108, Florida Statutes,
11754 are amended, and present paragraphs (e) through (j) of
11755 subsection (2) are redesignated as paragraphs (c) through (h),
11756 respectively, to read:

11757 288.108 High-impact business.—

11758 (2) DEFINITIONS.—As used in this section, the term:

11759 (a) “Eligible high-impact business” means a business in one
11760 of the high-impact sectors identified by the Jobs Florida
11761 Partnership, Inc., ~~Enterprise Florida, Inc.,~~ and certified by
11762 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
11763 ~~Development~~ as provided in subsection (5), which is making a
11764 cumulative investment in the state of at least \$50 million and
11765 creating at least 50 new full-time equivalent jobs in the state
11766 or a research and development facility making a cumulative
11767 investment of at least \$25 million and creating at least 25 new
11768 full-time equivalent jobs. Such investment and employment must
11769 be achieved in a period not to exceed 3 years after the date the
11770 business is certified as a qualified high-impact business.

11771 (b) “Qualified high-impact business” means a business in
11772 one of the high-impact sectors that has been certified by Jobs
11773 Florida ~~the Office~~ as a qualified high-impact business to
11774 receive a high-impact sector performance grant.

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~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(b) Jobs Florida ~~The Office~~ may, in consultation with ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, Jobs Florida ~~the Office~~ shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5).

1. A qualified high-impact business making a cumulative investment of \$50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of \$500,000 to \$1 million.

2. A qualified high-impact business making a cumulative investment of \$100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of \$1 million to \$2 million.

3. A qualified high-impact business making a cumulative investment of \$800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of \$10 million to \$12 million.

4. A qualified high-impact business engaged in research and development making a cumulative investment of \$25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of \$700,000 to \$1 million.

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5. A qualified high-impact business engaged in research and development making a cumulative investment of \$75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of \$2 million to \$3 million.

6. A qualified high-impact business engaged in research and development making a cumulative investment of \$150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of \$3.5 million to \$4.5 million.

(d) The balance of the performance grant award shall be paid to the qualified high-impact business upon the business's certification that full operations have commenced and that the full investment and employment goals specified in the qualified high-impact business agreement have been met and verified by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. The verification must occur not later than 60 days after the qualified high-impact business has provided the certification specified in this paragraph.

(e) Jobs Florida ~~The office~~ may, upon a showing of reasonable cause for delay and significant progress toward the achievement of the investment and employment goals specified in the qualified high-impact business agreement, extend the date for commencement of operations, not to exceed an additional 2 years beyond the limit specified in paragraph (2)(a), but in no case may any high-impact sector performance grant payment be made to the business until the scheduled goals have been achieved.

(4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE GRANTS.—

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(a) The total amount of active performance grants scheduled for payment by Jobs Florida ~~the office~~ in any single fiscal year may not exceed the lesser of \$30 million or the amount appropriated by the Legislature for that fiscal year for qualified high-impact business performance grants. If the scheduled grant payments are not made in the year for which they were scheduled in the qualified high-impact business agreement and are rescheduled as authorized in paragraph (3)(e), they are, for purposes of this paragraph, deemed to have been paid in the year in which they were originally scheduled in the qualified high-impact business agreement.

(b) If the Legislature does not appropriate an amount sufficient to satisfy the qualified high-impact business performance grant payments scheduled for any fiscal year, Jobs Florida ~~the Office~~ shall, not later than July 15 of that year, determine the proportion of each grant payment which may be paid by dividing the amount appropriated for qualified high-impact business performance grant payments for the fiscal year by the total performance grant payments scheduled in all performance grant agreements for the fiscal year. The amount of each grant scheduled for payment in that fiscal year must be multiplied by the resulting quotient. All businesses affected by this calculation must be notified by August 1 of each fiscal year. If, after the payment of all the refund claims, funds remain in the appropriation for payment of qualified high-impact business performance grants, Jobs Florida ~~the Office~~ shall recalculate the proportion for each performance grant payment and adjust the amount of each claim accordingly.

(5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

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(a) Any eligible business, as defined in subsection (2), shall apply to the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., for consideration as a qualified high-impact business before the business has made a decision to locate or expand a facility in this state. The application, developed by Jobs Florida ~~The Office of Tourism, Trade, and Economic Development,~~ in consultation with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., must include, but is not limited to, the following information:

1. A complete description of the type of facility, business operations, and product or service associated with the project.

2. The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.

3. The cumulative amount of investment to be dedicated to this project within 3 years.

4. A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.

5. A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.

6. Any additional information requested by Jobs Florida and the Jobs Florida Partnership, Inc. Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development.

(c) Jobs Florida ~~The director~~ and the qualified high-impact business shall enter into a performance grant agreement setting forth the conditions for payment of the qualified high-impact business performance grant. The agreement shall include the

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total amount of the qualified high-impact business facility performance grant award, the performance conditions that must be met to obtain the award, including the employment, average salary, investment, the methodology for determining if the conditions have been met, and the schedule of performance grant payments.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the office, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) Jobs Florida ~~the Office~~ has authority, only after recommendation from the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact

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performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations that the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ may have for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~

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~~Inc.~~, shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during the at least one meeting per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision ~~required in s. 14.2015(2)(e).~~

(f) If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) and the quarterly meeting as required in paragraph (e), the board of directors of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance

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grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, the board of directors of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., may recommend that the office consider the designation of the sector as a high-impact business sector.

(g) Upon receiving a recommendation from the board of directors of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., together with the study required in paragraph (c) and a summary of the findings and recommendations of the sector-business network required in paragraph (d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the quarterly meeting as required in paragraph (e), Jobs Florida ~~the Office~~ shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and designate the sector as a high-impact business sector or notify the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., for further evaluation. In any case, Jobs Florida ~~the director's~~ decision must be in writing and justify the reasons for the decision.

(h) If Jobs Florida ~~the Office~~ designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material

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provided by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and Jobs Florida ~~the Office of Tourism, Trade, and Economic Development's~~ evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.

(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.

(7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules necessary to carry out the provisions of this section.

Section 223. Section 288.1081, Florida Statutes, is amended to read:

288.1081 Economic Gardening Business Loan ~~Pilot~~ Program.—

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

(2) The Legislature finds that it is vital to the overall health and growth of the state's economy to promote favorable conditions for expanding Florida businesses that demonstrate the

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ability to grow. The Legislature further finds that, due to the current extraordinary economic challenges confronting the state, there exists a public purpose in expending state resources to stimulate investment in Florida's economy. It is therefore the intent of the Legislature that resources be provided for the loan ~~pilot~~ program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. A statement that the loan is a joint obligation of the business and of each person who owns at least 20 percent of the business.

14. Any additional information requested by Jobs Florida ~~the office~~ or the loan administrator.

(c) The loan administrator, after verifying the accuracy of a submitted application, shall award the loan to the applicant if the administrator determines that the applicant, as compared to other applicants submitting applications, is in the best position to use the loan to continue making a successful long-

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term business commitment to the state. The loan administrator also shall consider the following factors:

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

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

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

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

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

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

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

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

(d) The period of the loan is 4 years.

(e) The interest rate of the loan is 2 percent. However, if the borrower does not create the projected number of jobs within the terms of the loan agreement, the interest rate shall be increased for the remaining period of the loan to the prime rate published in the Wall Street Journal, as of the date specified

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12123 in the loan agreement, plus 4 percentage points. The loan
12124 agreement may provide flexibility in meeting the projected
12125 number of jobs for delays due to governmental regulatory issues,
12126 including, but not limited to, permitting.

12127 (f) For the first 12 months of the loan, payment is due for
12128 interest only, payable during the twelfth month. Thereafter,
12129 payment for interest and principal is due each month until the
12130 loan is paid in full. Interest and principal payments are based
12131 on the unpaid balance of the total loan amount.

12132 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
12133 qualified entities to serve as loan administrators for the ~~pilot~~
12134 program. A loan administrator must:

12135 1. Be a Florida corporation not for profit incorporated
12136 under chapter 617 which has its principal place of business in
12137 the state.

12138 2. Have 5 years of verifiable experience of lending to
12139 businesses in this state.

12140 3. Submit an application to Jobs Florida ~~the Office~~ on
12141 forms prescribed by Jobs Florida ~~the Office~~. The application
12142 must include the loan administrator's business plan for its
12143 proposed lending activities under the ~~pilot~~ program, including,
12144 but not limited to, a description of its outreach efforts,
12145 underwriting, credit policies and procedures, credit decision
12146 processes, monitoring policies and procedures, and collection
12147 practices; the membership of its board of directors; and samples
12148 of its currently used loan documentation. The application must
12149 also include a detailed description and supporting documentation
12150 of the nature of the loan administrator's partnerships with
12151 local or regional economic and business development

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organizations.

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

(c) Jobs Florida ~~The Office~~ shall disburse from the Economic Development Trust Fund to the loan administrator the appropriations provided for the ~~pilot~~ program. Disbursements to the loan administrator must not exceed the aggregate amount of the loans authorized in the grant agreement. Jobs Florida ~~the Office~~ may not disburse more than 50 percent of the aggregate amount of the loans authorized in the grant agreement until Jobs Florida ~~the Office~~ verifies the borrowers' use of the loan proceeds and the loan administrator's successful credit decisionmaking policies.

(e) A loan administrator, after collecting the servicing fee in accordance with paragraph (d), shall use ~~remit~~ the borrower's collected interest, principal payments, and charges for late payments to provide additional loans to eligible borrowers under this section ~~the office on a quarterly basis~~. If the borrower defaults on the loan, the loan administrator shall initiate collection efforts to seek repayment of the loan. The

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loan administrator may, upon collecting payments for a defaulted loan, ~~shall remit the payments to the office but,~~ deduct the costs of the administrator's collection efforts to the extent authorized in the grant agreement, and shall use the remaining payments to provide additional loans to eligible borrowers under this section ~~may deduct the costs of the administrator's collection efforts. The Office shall deposit all funds received under this paragraph in the General Revenue Fund.~~

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

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

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

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

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

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

Section 224. Section 288.1082, Florida Statutes, is amended to read:

288.1082 Economic Gardening Technical Assistance ~~Pilot~~ Program.—

(1) There is created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ the Economic Gardening

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Technical Assistance ~~Pilot~~ Program. The purpose of the ~~pilot~~ program is to stimulate investment in Florida's economy by providing technical assistance for expanding businesses in the state. ~~As used in this section, the term "Office" means the Office of Tourism, Trade, and Economic Development.~~

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

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

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

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

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(4)(a) To be eligible for assistance under the ~~pilot~~ program, a business must be a for-profit, privately held, investment-grade business that employs at least 10 persons but not more than 50 persons, has maintained its principal place of business in the state for at least the previous 2 years, generates at least \$1 million but not more than \$25 million in annual revenue, qualifies for the tax refund program for qualified target industry businesses under s. 288.106, and, during 3 of the previous 5 years, has increased both its number of full-time equivalent employees in this state and its gross revenues.

(b) The A contracted entity administering the ~~pilot~~ program, in selecting the eligible businesses to receive assistance, shall choose businesses in more than one industry cluster and, to the maximum extent practicable, shall choose businesses that are geographically distributed throughout Florida or are in partnership with businesses that are geographically distributed throughout Florida.

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

1. Attend a minimum number of meetings between the business and the contracted entity administering the ~~pilot~~ program.
2. Report job creation data in the manner prescribed by the contracted entity administering the ~~pilot~~ program.
3. Provide financial data in the manner prescribed by the contracted entity administering the program.

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12297 (b) Jobs Florida ~~The office~~ or the contracted entity
12298 administering the ~~pilot~~ program may prescribe in the agreement
12299 additional reporting requirements that are necessary to track
12300 the progress of the business and monitor the business's
12301 implementation of the assistance. The contracted entity shall
12302 report the information to Jobs Florida ~~the office~~ on a quarterly
12303 basis.

12304 (6) The A contracted entity administering the ~~pilot~~ program
12305 is authorized to promote the general business interests or
12306 industrial interests of the state.

12307 (7) Jobs Florida ~~The Office~~ shall review the progress of
12308 the a contracted entity administering the ~~pilot~~ program at least
12309 once each 6 months and shall determine whether the contracted
12310 entity is meeting its contractual obligations for administering
12311 the ~~pilot~~ program. Jobs Florida ~~The Office~~ may terminate and
12312 rebid a contract if the contracted entity does not meet its
12313 contractual obligations.

12314 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
12315 ~~2009, the Office~~ shall submit a report to the Governor, the
12316 President of the Senate, and the Speaker of the House of
12317 Representatives which describes in detail the progress of the
12318 ~~pilot~~ program. The report must include, at a minimum, the number
12319 of businesses receiving assistance, the number of full-time
12320 equivalent jobs created as a result of the assistance, if any,
12321 the amount of wages paid to employees in the newly created jobs,
12322 and the locations and types of economic activity undertaken by
12323 the businesses.

12324 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
12325 120.536(1) and 120.54 to administer this section.

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Section 225. Subsection (1), paragraph (f) of subsection (2), and subsections (4), (5), and (9) of section 288.1083, Florida Statutes, are amended, and present paragraph (g) of subsection (2) is redesignated as paragraph (f), to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.—

(1) The Manufacturing and Spaceport Investment Incentive Program is created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

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

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(4) To receive a refund, a business entity must first apply to Jobs Florida ~~the Office~~ for a tax refund allocation. The entity shall provide such information in the application as reasonably required by Jobs Florida ~~the Office~~. Further, the business entity shall provide such information as is required by Jobs Florida ~~the Office~~ to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after Jobs Florida ~~the Office~~ receives an application for a refund, Jobs Florida ~~the Office~~ shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to Jobs Florida ~~the~~

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Office beginning July 1, 2010, for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, Jobs Florida ~~the Office~~ shall allocate the maximum amount of \$50,000 per entity until the entire \$19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, Jobs Florida ~~the Office~~ shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. Jobs Florida ~~The Office~~ shall allocate the maximum amount of \$50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. Jobs Florida ~~The Office~~ shall allocate the maximum amount of \$50,000 per entity until the entire \$24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, Jobs Florida ~~The Office~~ shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed

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of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from Jobs Florida ~~the Office~~ must apply to the office for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by Jobs Florida ~~the Office~~ to calculate the refund amount, including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by Jobs Florida ~~the Office~~ to establish the entity's base year purchases. If, upon reviewing the application, Jobs Florida ~~the Office~~ determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to Jobs Florida ~~the Office~~ was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, Jobs Florida ~~the Office~~ shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the office receives the application for certification.

(9) Jobs Florida ~~the Office~~ shall adopt emergency rules

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governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for demonstrating base year purchases and eligible equipment purchases.

Section 226. Subsections (2) and (3) of section 288.1088, Florida Statutes, are amended to read:

288.1088 Quick Action Closing Fund.—

(2) There is created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ the Quick Action Closing Fund. Projects eligible for receipt of funds from the Quick Action Closing Fund shall:

(a) Be in an industry as referenced in s. 288.106.

(b) Have a positive economic benefit ~~payback~~ ratio of at least 5 to 1.

(c) Be an inducement to the project's location or expansion in the state.

(d) Pay an average annual wage of at least 125 percent of the areawide or statewide private sector average wage.

(e) Be supported by the local community in which the project is to be located.

(3)(a) Jobs Florida and the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., shall jointly review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Jobs Florida Enterprise Florida, Inc., in consultation with the Jobs Florida Partnership, Inc., ~~the Office of Tourism, Trade, and Economic Development,~~ may waive these criteria:

1. Based on extraordinary circumstances;

2. In order to mitigate the impact of the conclusion of the

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space shuttle program; or

3. In rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) Jobs Florida and the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall jointly evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

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6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(c)1. Within 7 business ~~22 calendar~~ days after evaluating a project, Jobs Florida ~~receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development~~ shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, Jobs Florida ~~the director~~ shall include proposed performance conditions that the project must meet to obtain incentive funds.

2. The Governor may approve projects valued at less than \$1 million without consulting the Legislature.

3. For projects valued at \$1 million to \$5 millions, the Governor shall provide in writing the description and evaluation of projects recommended for approval to the President of the Senate, and the Speaker of the House of Representatives, and the chairs of the Senate and House appropriations committees that

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oversee economic development funding, and, no sooner than three
days subsequent to providing the written project descriptions
and evaluations, shall consult with the President of the Senate
and the Speaker of the House of Representatives before giving
final approval for a project. At least 14 days before releasing
funds for a project, the Executive Office of the Governor shall
recommend approval of the project and the release of funds by
delivering notice of such action pursuant to the legislative
consultation and review requirements set forth in s. 216.177.
The recommendation must include proposed performance conditions
that the project must meet in order to obtain funds.

4. If the chair or vice chair of the Legislative Budget
Commission or the President of the Senate or the Speaker of the
House of Representatives timely advises the Executive Office of
the Governor, in writing, that such action or proposed action
exceeds the delegated authority of the Executive Office of the
Governor or is contrary to legislative policy or intent, the
Executive Office of the Governor shall void the release of funds
and instruct the Office of Tourism, Trade, and Economic
Development to immediately change such action or proposed action
until the Legislative Budget Commission or the Legislature
addresses the issue. Notwithstanding such requirement, any
project exceeding \$5 million ~~\$2,000,000~~ must be approved by the
Legislative Budget Commission prior to the funds being released.

(d) Upon the approval of the Governor, Jobs Florida ~~the~~
~~director of the Office of Tourism, Trade, and Economic~~
~~Development~~ and the business shall enter into a contract that
sets forth the conditions for payment of moneys from the fund.
The contract must include the total amount of funds awarded; the

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performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature.

(e) The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

Section 227. Subsection (1), paragraphs (b), (f), and (o) of subsection (2), and subsections (3), (4), (5), (6), (7), (8), (9), (11), and (12) of section 288.1089, Florida Statutes, are amended, and present paragraphs (g) through (s) of subsection (2) are redesignated as paragraphs (f) through (q), respectively, to read:

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ to ensure that sufficient resources are available to allow the state to respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewal energy projects.

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

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(b) "Average private sector wage" means the statewide average wage in the private sector or the average of all private sector wages in the county or in the standard metropolitan area in which the project is located as determined by Jobs Florida ~~the Agency for Workforce Innovation~~.

~~(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.~~

~~(o) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(3) To be eligible for consideration for an innovation incentive award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, before making a decision to locate new operations in this state or expand an existing operation in this state. The application must include, but not be limited to:

(a) The applicant's federal employer identification number, unemployment account number, and state sales tax registration number. If such numbers are not available at the time of application, they must be submitted to the office in writing prior to the disbursement of any payments under this section.

(b) The location in this state at which the project is located or is to be located.

(c) A description of the type of business activity, product, or research and development undertaken by the applicant, including six-digit North American Industry Classification System codes for all activities included in the project.

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12587 (d) The applicant's projected investment in the project.

12588 (e) The total investment, from all sources, in the project.

12589 (f) The number of net new full-time equivalent jobs in this
12590 state the applicant anticipates having created as of December 31
12591 of each year in the project and the average annual wage of such
12592 jobs.

12593 (g) The total number of full-time equivalent employees
12594 currently employed by the applicant in this state, if
12595 applicable.

12596 (h) The anticipated commencement date of the project.

12597 (i) A detailed explanation of why the innovation incentive
12598 is needed to induce the applicant to expand or locate in the
12599 state and whether an award would cause the applicant to locate
12600 or expand in this state.

12601 (j) If applicable, an estimate of the proportion of the
12602 revenues resulting from the project that will be generated
12603 outside this state.

12604 (4) To qualify for review by Jobs Florida ~~the Office~~, the
12605 applicant must, at a minimum, establish the following to the
12606 satisfaction of Jobs Florida and the Jobs Florida Partnership,
12607 Inc. Enterprise Florida, Inc., and the Office:

12608 (a) The jobs created by the project must pay an estimated
12609 annual average wage equaling at least 130 percent of the average
12610 private sector wage. Jobs Florida ~~The Office~~ may waive this
12611 average wage requirement at the request of the Jobs Florida
12612 Partnership, Inc., Enterprise Florida, Inc., for a project
12613 located in a rural area, a brownfield area, or an enterprise
12614 zone, when the merits of the individual project or the specific
12615 circumstances in the community in relationship to the project

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warrant such action. A recommendation for waiver by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ must include a specific justification for the waiver and be transmitted to Jobs Florida ~~the Office~~ in writing. If Jobs Florida ~~the director~~ elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.

(b) A research and development project must:

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

2. Demonstrate a plan for significant higher education collaboration.

3. Provide the state, at a minimum, a break-even return on investment within a 20-year period.

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

(c) An innovation business project in this state, other than a research and development project, must:

1.a. Result in the creation of at least 1,000 direct, new jobs at the business; or

b. Result in the creation of at least 500 direct, new jobs if the project is located in a rural area, a brownfield area, or an enterprise zone.

2. Have an activity or product that is within an industry that is designated as a target industry business under s. 288.106 or a designated sector under s. 288.108.

3.a. Have a cumulative investment of at least \$500 million

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within a 5-year period; or

b. Have a cumulative investment that exceeds \$250 million within a 10-year period if the project is located in a rural area, brownfield area, or an enterprise zone.

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

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

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

2. Provide the state, at a minimum, a break-even return on investment within a 20-year period;

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

4. Be located in this state; and

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

(5) The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall evaluate proposals for all three categories of innovation incentive awards and transmit recommendations for awards to Jobs Florida ~~the Office~~. Before making its recommendations on alternative and renewable energy projects, the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall solicit comments and recommendations from the Florida

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Energy and Climate Commission. For each project, the evaluation and recommendation to Jobs Florida ~~the office~~ must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the

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12703 local community in which the project is to be located to induce
12704 the applicant's location or expansion, taking into consideration
12705 local resources and abilities.

12706 (k) A recommendation for specific performance criteria the
12707 applicant would be expected to achieve in order to receive
12708 payments from the fund and penalties or sanctions for failure to
12709 meet or maintain performance conditions.

12710 (l) Additional evaluative criteria for a research and
12711 development facility project, including:

12712 1. A description of the extent to which the project has the
12713 potential to serve as catalyst for an emerging or evolving
12714 cluster.

12715 2. A description of the extent to which the project has or
12716 could have a long-term collaborative research and development
12717 relationship with one or more universities or community colleges
12718 in this state.

12719 3. A description of the existing or projected impact of the
12720 project on established clusters or targeted industry sectors.

12721 4. A description of the project's contribution to the
12722 diversity and resiliency of the innovation economy of this
12723 state.

12724 5. A description of the project's impact on special needs
12725 communities, including, but not limited to, rural areas,
12726 distressed urban areas, and enterprise zones.

12727 (m) Additional evaluative criteria for alternative and
12728 renewable energy proposals, including:

12729 1. The availability of matching funds or other in-kind
12730 contributions applied to the total project from an applicant.
12731 The commission shall give greater preference to projects that

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provide such matching funds or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

(6) In consultation with the Jobs Florida Partnership, Inc., Jobs Florida ~~Enterprise Florida, Inc., the Office~~ may negotiate the proposed amount of an award for any applicant meeting the requirements of this section. In negotiating such

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award, Jobs Florida ~~the office~~ shall consider the amount of the incentive needed to cause the applicant to locate or expand in this state in conjunction with other relevant applicant impact and cost information and analysis as described in this section. Particular emphasis shall be given to the potential for the project to stimulate additional private investment and high-quality employment opportunities in the area.

(7) Upon receipt of the evaluation and recommendation from the Jobs Florida Partnership, Inc., Jobs Florida Enterprise Florida, Inc., ~~the director~~ shall recommend to the Governor the approval or disapproval of an award. In recommending approval of an award, Jobs Florida ~~the director~~ shall include proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that must be met before the receipt of any incentive funds. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives before giving approval for an award. Upon review and approval of an award by the Legislative Budget Commission, the Executive Office of the Governor shall release the funds.

(8)(a) After the conditions set forth in subsection (7) have been met, Jobs Florida ~~the director~~ shall issue a letter certifying the applicant as qualified for an award. Jobs Florida ~~the Office~~ and the award recipient shall enter into an agreement that sets forth the conditions for payment of the incentive funds. The agreement must include, at a minimum:

1. The total amount of funds awarded.
2. The performance conditions that must be met in order to obtain the award or portions of the award, including, but not

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limited to, net new employment in the state, average wage, and total cumulative investment.

3. Demonstration of a baseline of current service and a measure of enhanced capability.

4. The methodology for validating performance.

5. The schedule of payments.

6. Sanctions for failure to meet performance conditions, including any clawback provisions.

(b) Additionally, agreements signed on or after July 1, 2009, must include the following provisions:

1. Notwithstanding subsection (4), a requirement that the jobs created by the recipient of the incentive funds pay an annual average wage at least equal to the relevant industry's annual average wage or at least 130 percent of the average private sector wage, whichever is greater.

2. A reinvestment requirement. Each recipient of an award shall reinvest up to 15 percent of net royalty revenues, including revenues from spin-off companies and the revenues from the sale of stock it receives from the licensing or transfer of inventions, methods, processes, and other patentable discoveries conceived or reduced to practice using its facilities in Florida or its Florida-based employees, in whole or in part, and to which the recipient of the grant becomes entitled during the 20 years following the effective date of its agreement with the office. Each recipient of an award also shall reinvest up to 15 percent of the gross revenues it receives from naming opportunities associated with any facility it builds in this state. Reinvestment payments shall commence no later than 6 months after the recipient of the grant has received the final

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disbursement under the contract and shall continue until the maximum reinvestment, as specified in the contract, has been paid. Reinvestment payments shall be remitted to the office for deposit in the Biomedical Research Trust Fund for companies specializing in biomedicine or life sciences, or in the Economic Development Trust Fund for companies specializing in fields other than biomedicine or the life sciences. If these trust funds no longer exist at the time of the reinvestment, the state's share of reinvestment shall be deposited in their successor trust funds as determined by law. Each recipient of an award shall annually submit a schedule of the shares of stock held by it as payment of the royalty required by this paragraph and report on any trades or activity concerning such stock. Each recipient's reinvestment obligations survive the expiration or termination of its agreement with the state.

3. Requirements for the establishment of internship programs or other learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

4. A requirement that the recipient submit quarterly reports and annual reports related to activities and performance to Jobs Florida ~~the Office~~, according to standardized reporting periods.

5. A requirement for an annual accounting to Jobs Florida ~~the Office~~ of the expenditure of funds disbursed under this section.

6. A process for amending the agreement.

(9) Jobs Florida, assisted by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, shall validate ~~assist the Office~~ ~~in validating~~ the performance of an innovation business, a

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research and development facility, or an alternative and renewable energy business that has received an award. At the conclusion of the innovation incentive award agreement, or its earlier termination, Jobs Florida ~~Enterprise Florida, Inc.,~~ shall, within 90 days, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing whether the recipient of the innovation incentive grant achieved its specified outcomes.

(11)(a) ~~Beginning January 5, 2010, and every year thereafter,~~ On January 5 each year, Jobs Florida ~~the Office~~ shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the recipients of grants from the Innovation Incentive Program during the previous 12 months and an evaluation ~~by the office~~ of whether the recipients are catalysts for additional direct and indirect economic development in Florida.

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

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Partnership, Inc., ~~the office, Enterprise Florida, Inc.,~~ and local or regional economic development organizations; interviews with the parties involved; and any other relevant data. Such report should also include legislative recommendations, if necessary, on how to improve the Innovation Incentive Program so that the program reaches its anticipated potential as a catalyst for direct and indirect economic development in this state.

(12) Jobs Florida ~~the Office~~ may seek the assistance of the Office of Program Policy Analysis and Government Accountability, the Legislature's Office of Economic and Demographic Research, and other entities for the purpose of developing performance measures or techniques to quantify the synergistic economic development impacts that awardees of grants are having within their communities.

Section 228. Section 288.1095, Florida Statutes, is amended to read:

288.1095 Information concerning the One-Stop Permitting System. ~~Jobs Florida The Office of Tourism, Trade, and Economic Development~~ shall develop literature that explains the One-Stop Permitting System and identifies those counties that have been designated as Quick Permitting Counties. The literature must be updated at least once each year. To the maximum extent feasible, state agencies and the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall distribute such literature and inform the public of the One-Stop Permitting System and the Quick Permitting Counties. In addition, the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall provide this information to prospective, new, expanding, and relocating businesses seeking to conduct business in this state,

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municipalities, counties, economic-development organizations, and chambers of commerce.

Section 229. Subsections (1) and (2), paragraphs (d) and (e) of subsection (4), paragraph (a) of subsection (6), and subsection (8) of section 288.1162, Florida Statutes, are amended to read:

288.1162 Professional sports franchises; duties.—

(1) The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall serve as the state agency for screening applicants for state funding under s. 212.20 and for certifying an applicant as a facility for a new or retained professional sports franchise.

(2) The Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding under s. 212.20.

(4) Before certifying an applicant as a facility for a new or retained professional sports franchise, the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development must determine that:

(d) The applicant has projections, verified by the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

(e) The applicant has an independent analysis or study, verified by the Division of Strategic Business Development of Jobs Florida Office of Tourism, Trade, and Economic Development, which demonstrates that the amount of the revenues generated by

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the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.

(6)(a) The Division of Strategic Business Development of Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any facility certified as a facility for a new or retained professional sports franchise. The Division of Strategic Business Development of Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~ shall certify no more than eight facilities as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996. The division ~~office~~ may make no more than one certification for any facility.

(8) An applicant is not qualified for certification under this section if the franchise formed the basis for a previous certification, unless the previous certification was withdrawn by the facility or invalidated by the Division of Strategic Business Development of Jobs Florida ~~Office of Tourism, Trade, and Economic Development~~ or the former Department of Commerce before any funds were distributed under s. 212.20. This subsection does not disqualify an applicant if the previous certification occurred between May 23, 1993, and May 25, 1993; however, any funds to be distributed under s. 212.20 for the second certification shall be offset by the amount distributed to the previous certified facility. Distribution of funds for the second certification shall not be made until all amounts payable for the first certification are distributed.

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Section 230. Subsections (1), (2), (4), (5), (6), (7), and (8) of section 288.11621, Florida Statutes, are amended, to read:

288.11621 Spring training baseball franchises.—

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

(a) "Agreement" means a certified, signed lease between an applicant that applies for certification on or after July 1, 2010, and the spring training franchise for the use of a facility.

(b) "Applicant" means a unit of local government as defined in s. 218.369, including local governments located in the same county that have partnered with a certified applicant before the effective date of this section or with an applicant for a new certification, for purposes of sharing in the responsibilities of a facility.

(c) "Certified applicant" means a facility for a spring training franchise that was certified before July 1, 2010, under s. 288.1162(5), Florida Statutes 2009, or a unit of local government that is certified under this section.

(d) "Facility" means a spring training stadium, playing fields, and appurtenances intended to support spring training activities.

(e) "Local funds" and "local matching funds" mean funds provided by a county, municipality, or other local government.

~~(f) "Office" means The Office of Tourism, Trade, and Economic Development.~~

(2) CERTIFICATION PROCESS.—

(a) Before certifying an applicant to receive state funding for a facility for a spring training franchise, Jobs Florida the

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Office must verify that:

1. The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.

2. The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.

3. The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.

4. The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.

5. The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

(b) Jobs Florida ~~The office~~ shall competitively evaluate applications for state funding of a facility for a spring training franchise. The total number of certifications may not exceed 10 at any time. The evaluation criteria must include,

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with priority given in descending order to, the following items:

1. The anticipated effect on the economy of the local community where the spring training facility is to be built, including projections on paid attendance, local and state tax collections generated by spring training games, and direct and indirect job creation resulting from the spring training activities. Priority shall be given to applicants who can demonstrate the largest projected economic impact.

2. The amount of the local matching funds committed to a facility relative to the amount of state funding sought, with priority given to applicants that commit the largest amount of local matching funds relative to the amount of state funding sought.

3. The potential for the facility to serve multiple uses.

4. The intended use of the funds by the applicant, with priority given to the funds being used to acquire a facility, construct a new facility, or renovate an existing facility.

5. The length of time that a spring training franchise has been under an agreement to conduct spring training activities within an applicant's geographic location or jurisdiction, with priority given to applicants having agreements with the same franchise for the longest period of time.

6. The length of time that an applicant's facility has been used by one or more spring training franchises, with priority given to applicants whose facilities have been in continuous use as facilities for spring training the longest.

7. The term remaining on a lease between an applicant and a spring training franchise for a facility, with priority given to applicants having the shortest lease terms remaining.

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13051 8. The length of time that a spring training franchise
13052 agrees to use an applicant's facility if an application is
13053 granted under this section, with priority given to applicants
13054 having agreements for the longest future use.

13055 9. The net increase of total active recreation space owned
13056 by the applicant after an acquisition of land for the facility,
13057 with priority given to applicants having the largest percentage
13058 increase of total active recreation space that will be available
13059 for public use.

13060 10. The location of the facility in a brownfield, an
13061 enterprise zone, a community redevelopment area, or other area
13062 of targeted development or revitalization included in an urban
13063 infill redevelopment plan, with priority given to applicants
13064 having facilities located in these areas.

13065 (c) Each applicant certified on or after July 1, 2010,
13066 shall enter into an agreement with the office that:

13067 1. Specifies the amount of the state incentive funding to
13068 be distributed.

13069 2. States the criteria that the certified applicant must
13070 meet in order to remain certified.

13071 3. States that the certified applicant is subject to
13072 decertification if the certified applicant fails to comply with
13073 this section or the agreement.

13074 4. States that the Jobs Florida Office may recover state
13075 incentive funds if the certified applicant is decertified.

13076 5. Specifies information that the certified applicant must
13077 report to the Jobs Florida Office.

13078 6. Includes any provision deemed prudent by the Jobs
13079 Florida Office.

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(4) ANNUAL REPORTS.—On or before September 1 of each year, a certified applicant shall submit to Jobs Florida ~~the Office~~ a report that includes, but is not limited to:

(a) A copy of its most recent annual audit.

(b) A detailed report on all local and state funds expended to date on the project being financed under this section.

(c) A copy of the contract between the certified local governmental entity and the spring training team.

(d) A cost-benefit analysis of the team's impact on the community.

(e) Evidence that the certified applicant continues to meet the criteria in effect when the applicant was certified.

(5) DECERTIFICATION.—

(a) Jobs Florida ~~The Office~~ shall decertify a certified applicant upon the request of the certified applicant.

(b) Jobs Florida ~~The Office~~ shall decertify a certified applicant if the certified applicant does not:

1. Have a valid agreement with a spring training franchise; or

2. Satisfy its commitment to provide local matching funds to the facility.

However, decertification proceedings against a local government certified before July 1, 2010, shall be delayed until 12 months after the expiration of the local government's existing agreement with a spring training franchise, and without a new agreement being signed, if the certified local government can demonstrate to the office that it is in active negotiations with a major league spring training franchise, other than the

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franchise that was the basis for the original certification.

(c) A certified applicant has 60 days after it receives a notice of intent to decertify from Jobs Florida ~~the Office~~ to petition ~~the office's director~~ for review of the decertification. Within 45 days after receipt of the request for review, Jobs Florida ~~the director~~ must notify a certified applicant of the outcome of the review.

(d) Jobs Florida ~~the Office~~ shall notify the Department of Revenue that a certified applicant is decertified within 10 days after the order of decertification becomes final. The Department of Revenue shall immediately stop the payment of any funds under this section that were not encumbered by the certified applicant under subparagraph (3)(a)2.

(e) Jobs Florida ~~the Office~~ shall order a decertified applicant to repay all of the unencumbered state funds that the local government received under this section and any interest that accrued on those funds. The repayment must be made within 60 days after the decertification order becomes final. These funds shall be deposited into the General Revenue Fund.

(f) A local government as defined in s. 218.369 may not be decertified by Jobs Florida if it has paid or pledged for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or for the reimbursement of such costs or the refinancing of bonds issued for the acquisition, construction, reconstruction, or renovation of the facility for which the local government was certified, or

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for the reimbursement of such costs or the refinancing of bonds issued for such purpose. This subsection does not preclude or restrict the ability of a certified local government to refinance, refund, or defease such bonds.

(6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the Office~~ decertifies a unit of local government, Jobs Florida ~~the Office~~ may accept applications for an additional certification. A unit of local government may not be certified for more than one spring training franchise at any time.

(7) STRATEGIC PLANNING.—

(a) Jobs Florida ~~The Office~~ shall request assistance from the Jobs Florida Partnership, Inc., Florida Sports Foundation and the Florida Grapefruit League Association to update every 5 years the spring training ~~develop a~~ comprehensive strategic plan that ~~to~~:

1. Explores alternatives for financing ~~Finance~~ spring training facilities.

2. Evaluates and monitors ~~Monitor and oversee~~ the use of state funds awarded to applicants.

3. Identifies ~~Identify~~ the financial impact that spring training has on the state and ways in which to maintain or improve that impact.

4. Identifies ~~Identify~~ opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.

5. Identifies ~~Identify~~ efforts made by other states to maintain or develop partnerships with baseball spring training teams.

6. Develops ~~Develop~~ recommendations for the Legislature to

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sustain or improve this state's spring training tradition.

(b) Jobs Florida ~~The office~~ shall submit a copy of the updated strategic plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 of every fifth year, beginning in 2015, ~~2010~~.

(8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules to implement the certification, decertification, and decertification review processes required by this section.

Section 231. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.—

(1) The Division of Strategic Business Development of Jobs Florida ~~Department of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of fame facility in the state.

(2) Prior to certifying the professional golf hall of fame facility, the Division of Strategic Business Development of Jobs Florida ~~Department of Commerce~~ must determine that:

(a) The professional golf hall of fame facility is the only professional golf hall of fame in the United States recognized by the PGA Tour, Inc.

(b) The applicant is a unit of local government as defined in s. 218.369 or a private sector group that has contracted to construct or operate the professional golf hall of fame facility on land owned by a unit of local government.

(c) The municipality in which the professional golf hall of fame facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution

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13196 after a public hearing that the application serves a public
13197 purpose.

13198 (d) There are existing projections that the professional
13199 golf hall of fame facility will attract a paid attendance of
13200 more than 300,000 annually.

13201 (e) There is an independent analysis or study, using
13202 methodology approved by the division ~~department~~, which
13203 demonstrates that the amount of the revenues generated by the
13204 taxes imposed under chapter 212 with respect to the use and
13205 operation of the professional golf hall of fame facility will
13206 equal or exceed \$2 million annually.

13207 (f) The applicant has submitted an agreement to provide \$2
13208 million annually in national and international media promotion
13209 of the professional golf hall of fame facility, Florida, and
13210 Florida tourism, through the PGA Tour, Inc., or its affiliates,
13211 at the then-current commercial rate, during the period of time
13212 that the facility receives funds pursuant to s. 212.20. The
13213 Office of Tourism, Trade, and Economic Development and the PGA
13214 Tour, Inc., or its affiliates, must agree annually on a
13215 reasonable percentage of advertising specifically allocated for
13216 generic Florida advertising. The Office of Tourism, Trade, and
13217 Economic Development shall have final approval of all generic
13218 advertising. Failure on the part of the PGA Tour, Inc., or its
13219 affiliates to annually provide the advertising as provided in
13220 this paragraph or subsection (6) shall result in the termination
13221 of funding as provided in s. 212.20.

13222 (g) Documentation exists that demonstrates that the
13223 applicant has provided, is capable of providing, or has
13224 financial or other commitments to provide more than one-half of

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the costs incurred or related to the improvement and development of the facility.

(h) The application is signed by an official senior executive of the applicant and is notarized according to Florida law providing for penalties for falsification.

(4) Upon determining that an applicant is or is not certifiable, the Division of Strategic Business Development of Jobs Florida ~~Secretary of Commerce~~ shall notify the applicant of his or her status by means of an official letter. If certifiable, the division ~~secretary~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the professional golf hall of fame facility to the public and notify the Office of Tourism, Trade, and Economic Development of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the division ~~Office of Tourism, Trade, and Economic Development~~ that the professional golf hall of fame facility is open to the public.

Section 232. Section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

(1) The Division of Strategic Business Development of Jobs Florida ~~Department of Commerce~~ shall serve as the state agency approving applicants for funding pursuant to s. 212.20 and for certifying the applicant as the International Game Fish Association World Center facility. For purposes of this section,

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“facility” means the International Game Fish Association World Center, and “project” means the International Game Fish Association World Center and new colocated improvements by private sector concerns who have made cash or in-kind contributions to the facility of \$1 million or more.

(2) Prior to certifying this facility, the division ~~department~~ must determine that:

(a) The International Game Fish Association World Center is the only fishing museum, Hall of Fame, and international administrative headquarters in the United States recognized by the International Game Fish Association, and that one or more private sector concerns have committed to donate to the International Game Fish Association land upon which the International Game Fish Association World Center will operate.

(b) International Game Fish Association is a not-for-profit Florida corporation that has contracted to construct and operate the facility.

(c) The municipality in which the facility is located, or the county if the facility is located in an unincorporated area, has certified by resolution after a public hearing that the facility serves a public purpose.

(d) There are existing projections that the International Game Fish Association World Center facility and the colocated facilities of private sector concerns will attract an attendance of more than 1.8 million annually.

(e) There is an independent analysis or study, using methodology approved by the division ~~department~~, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and

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operation of the project will exceed \$1 million annually.

(f) There are existing projections that the project will attract more than 300,000 persons annually who are not residents of the state.

(g) The applicant has submitted an agreement to provide \$500,000 annually in national and international media promotion of the facility, at the then-current commercial rates, during the period of time that the facility receives funds pursuant to s. 212.20. Failure on the part of the applicant to annually provide the advertising as provided in this paragraph shall result in the termination of the funding as provided in s. 212.20. The applicant can discharge its obligation under this paragraph by contracting with other persons, including private sector concerns who participate in the project.

(h) Documentation exists that demonstrates that the applicant has provided, and is capable of providing, or has financial or other commitments to provide, more than one-half of the cost incurred or related to the improvements and the development of the facility.

(i) The application is signed by senior officials of the International Game Fish Association and is notarized according to Florida law providing for penalties for falsification.

(3) The applicant may use funds provided pursuant to s. 212.20 for the purpose of paying for the construction, reconstruction, renovation, promotion, or operation of the facility, or to pay or pledge for payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the construction, reconstruction, or renovation of

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the facility or for the reimbursement of such costs or by refinancing of bonds issued for such purposes.

(4) Upon determining that an applicant is or is not certifiable, the Division of Strategic Business Development of Jobs Florida ~~Department of Commerce~~ shall notify the applicant of its status by means of an official letter. If certifiable, the division ~~Department of Commerce~~ shall notify the executive director of the Department of Revenue and the applicant of such certification by means of an official letter granting certification. From the date of such certification, the applicant shall have 5 years to open the facility to the public and notify the division ~~Department of Commerce~~ of such opening. The Department of Revenue shall not begin distributing funds until 30 days following notice by the division ~~Department of Commerce~~ that the facility is open to the public.

(5) The Department of Revenue may audit as provided in s. 213.34 to verify that the contributions pursuant to this section have been expended as required by this section.

(6) The Division of Strategic Business Development of Jobs Florida ~~Department of Commerce~~ must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall be abated until certification

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criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction remains in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 233. Paragraph (d) of subsection (1), and subsections (2), and (3) of section 288.1171, Florida Statutes, are amended, and present paragraphs (e) through (g) of subsection (1) are redesignated as paragraphs (d) through (f), respectively, to read:

288.1171 Motorsports entertainment complex; definitions; certification; duties.—

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

~~(d) "Office" means The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor.~~

(2) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall serve as the state agency for screening applicants for local option funding under s. 218.64(3) and for certifying an applicant as a motorsports entertainment complex. Jobs Florida ~~The Office~~ shall develop and adopt rules for the receipt and processing of applications for funding under s. 218.64(3). Jobs Florida ~~The Office~~ shall make a determination regarding any application filed by an applicant not later than 120 days after the application is filed.

(3) Before certifying an applicant as a motorsports entertainment complex, Jobs Florida ~~the Office~~ must determine

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that:

(a) A unit of local government holds title to the land on which the motorsports entertainment complex is located or holds title to the motorsports entertainment complex.

(b) The municipality in which the motorsports entertainment complex is located, or the county if the motorsports entertainment complex is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.

Section 234. Section 288.122, Florida Statutes, is amended to read:

288.122 Tourism Promotional Trust Fund.—There is created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~ the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations ~~of the Florida Commission on Tourism,~~ and to support tourism promotion and marketing activities, services, functions, and programs administered by the Jobs Florida Partnership, Inc., ~~Florida Commission on Tourism~~ through a contract with Jobs Florida ~~the commission's direct support organization created under s. 288.1226.~~

Section 235. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to the Jobs Florida Partnership, Inc., ~~Florida Commission on Tourism~~ which shall ~~contract with the commission's direct support organization to~~ employ all welcome center staff.

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(2) The Jobs Florida Partnership, Inc., ~~Florida Commission on Tourism, through its direct support organization,~~ shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, the Jobs Florida Partnership, Inc., ~~commission~~ shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation.

Section 236. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—The Jobs Florida Partnership, Inc., ~~Commission on Tourism~~ is authorized to establish a convention grants program and, pursuant thereto, to recommend to Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. The commission shall establish guidelines governing the award of grants and the administration of this program. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed

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\$40,000.

Section 237. Subsection (1) of section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(a) There is hereby created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ the Office of Film and Entertainment for the purpose of developing, marketing, promoting, and providing services to the state's entertainment industry.

(b) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The commissioner of Jobs Florida ~~Executive Director of the Office of Tourism, Trade, and Economic Development~~ has the responsibility to hire the film commissioner. Qualifications for the film commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;

2. Marketing and promotion experience related to the film and entertainment industries to be served;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

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4. Experience working with a variety of state and local governmental agencies.

Section 238. Subsections (1) and (2), paragraph (3) of subsection (3), and paragraphs (d), (f), (g), and (h) of subsection (5) of section 288.1252, Florida Statutes, are amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(1) CREATION.—There is hereby created within Jobs Florida ~~The Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor~~, for administrative purposes only, the Florida Film and Entertainment Advisory Council.

(2) PURPOSE.—The purpose of the council shall be to serve as an advisory body to Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ and to the Office of Film and Entertainment to provide these offices with industry insight and expertise related to developing, marketing, promoting, and providing service to the state's entertainment industry.

(3) MEMBERSHIP.—

(e) A representative of the Jobs Florida Partnership, Inc., and Enterprise Florida, Inc., a representative of Workforce Florida, Inc., ~~and a representative of VISIT Florida~~ shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(5) POWERS AND DUTIES.—The Florida Film and Entertainment Advisory Council shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

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(d) Consider and study the needs of the entertainment industry for the purpose of advising the film commissioner and Jobs Florida ~~The Office of Tourism, Trade, and Economic Development.~~

(f) Consider all matters submitted to it by the film commissioner and Jobs Florida ~~the Office of Tourism, Trade, and Economic Development.~~

(g) Advise and consult with the film commissioner and Jobs Florida ~~The Office of Tourism, Trade, and Economic Development,~~ at their request or upon its own initiative, regarding the promulgation, administration, and enforcement of all laws and rules relating to the entertainment industry.

(h) Suggest policies and practices for the conduct of business by the Office of Film and Entertainment or by Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ that will improve internal operations affecting the entertainment industry and will enhance the economic development initiatives of the state for the industry.

Section 239. Subsections (1), (2), (3), and (4) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term “travel expenses” means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment, which costs are defined and prescribed by rules adopted by Jobs Florida ~~The Office of Tourism, Trade, and Economic Development,~~ subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, Jobs

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13515 Florida ~~The Office of Tourism, Trade, and Economic Development~~
13516 shall adopt rules by which it may make expenditures by
13517 reimbursement to: the Governor, the Lieutenant Governor,
13518 security staff of the Governor or Lieutenant Governor, the
13519 Commissioner of Film and Entertainment, or staff of the Office
13520 of Film and Entertainment for travel expenses or entertainment
13521 expenses incurred by such individuals solely and exclusively in
13522 connection with the performance of the statutory duties of the
13523 Office of Film and Entertainment. The rules are subject to
13524 approval by the Chief Financial Officer before adoption. The
13525 rules shall require the submission of paid receipts, or other
13526 proof of expenditure prescribed by the Chief Financial Officer,
13527 with any claim for reimbursement.

13528 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13529 ~~Development~~ shall prepare an annual report of the expenditures
13530 of the Office of Film and Entertainment and provide such report
13531 to the Legislature no later than December 30 of each year for
13532 the expenditures of the previous fiscal year. The report shall
13533 consist of a summary of all travel, entertainment, and
13534 incidental expenses incurred within the United States and all
13535 travel, entertainment, and incidental expenses incurred outside
13536 the United States, as well as a summary of all successful
13537 projects that developed from such travel.

13538 (4) The Office of Film and Entertainment and its employees
13539 and representatives, when authorized, may accept and use
13540 complimentary travel, accommodations, meeting space, meals,
13541 equipment, transportation, and any other goods or services
13542 necessary for or beneficial to the performance of the office's
13543 duties and purposes, so long as such acceptance or use is not in

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13544 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
13545 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
13546 develop internal controls to ensure that such goods or services
13547 accepted or used pursuant to this subsection are limited to
13548 those that will assist solely and exclusively in the furtherance
13549 of the office's goals and are in compliance with part III of
13550 chapter 112.

13551 Section 240. Paragraph (a) of subsection (1), paragraphs
13552 (d), (f), and (g) of subsection (3), paragraphs (c) and (d) of
13553 subsection (4), paragraph (a) of subsection (5), and paragraph
13554 (b) of subsection (9) of section 288.1254, Florida Statutes, are
13555 amended to read:

13556 288.1254 Entertainment industry financial incentive
13557 program.—

13558 (1) DEFINITIONS.—As used in this section, the term:

13559 (a) "Certified production" means a qualified production
13560 that has tax credits allocated to it by Jobs Florida ~~the Office~~
13561 ~~of Tourism, Trade, and Economic Development~~ based on the
13562 production's estimated qualified expenditures, up to the
13563 production's maximum certified amount of tax credits, by Jobs
13564 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
13565 The term does not include a production if its first day of
13566 principal photography or project start date in this state occurs
13567 before the production is certified by Jobs Florida ~~The Office of~~
13568 ~~Tourism, Trade, and Economic Development~~, unless the production
13569 spans more than 1 fiscal year, was a certified production on its
13570 first day of principal photography or project start date in this
13571 state, and submits an application for continuing the same
13572 production for the subsequent fiscal year.

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(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(d) *Certification*.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ shall reject the recommendation or certify the maximum recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(f) *Verification of actual qualified expenditures*.—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the

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required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ the final verified amount of actual qualified expenditures made by the certified production.

2. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(g) *Promoting Florida.*—The Office of Film and Entertainment shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement of a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The size and placement of such logo shall be commensurate to other logos used. If no logos are used,

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the statement "Filmed in Florida using Florida's Entertainment Industry Financial Incentive," or a similar statement approved by the Office of Film and Entertainment, shall be used. The Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Jobs Florida Partnership, Inc., ~~Florida Tourism Industry Marketing Corporation~~ in consultation with the Commissioner of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(c) *Withdrawal of tax credit eligibility.*—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) *Election and distribution of tax credits.*—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~

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~~Economic Development~~ after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(5) TRANSFER OF TAX CREDITS.—

(a) *Authorization*.—Upon application to the Office of Film and Entertainment and approval by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall notify the Department of Revenue of the election and transfer.

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(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(b) *Revocation of tax credits.*—~~Jobs Florida The Office of Tourism, Trade, and Economic Development~~ may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

Section 241. Subsection (2) of section 288.35, Florida Statutes, is amended to read:

288.35 Definitions.—The following terms, wherever used or referred to in this part, shall have the following meanings:

(2) “Government agency” means the state or any county or political subdivision thereof; any state agency; any consolidated government of a county, and some or all of the municipalities located within the county; any chartered municipality in the state; and any of the institutions of such consolidated governments, counties, or municipalities. Specifically included are airports, port authorities, and industrial authorities, ~~and Space Florida.~~

Section 242. Section 288.386, Florida Statutes, is amended to read:

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288.386 Florida-Caribbean Basin Trade Initiative.—

(1) Contingent upon a specific appropriation, the Seaport Employment Training Grant Program (STEP) shall establish and administer the Florida-Caribbean Basin Trade Initiative for the purpose of assisting small and medium-sized businesses to become involved in international activities and helping them to identify markets with product demand, identify strategic alliances in those markets, and obtain the financing to effectuate trade opportunities in the Caribbean Basin. The initiative must focus assistance to businesses located in urban communities. The initiative shall offer export readiness, assistance and referral services, internships, seminars, workshops, conferences, and e-commerce plus mentoring and matchmaking services, but shall coordinate with and not duplicate those services provided by the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

(2) To enhance initiative effectiveness and leverage resources, STEP shall coordinate initiative activities with the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ United States Export Assistance Centers, Florida Export Finance Corporation, Florida Trade Data Center, Small Business Development Centers, and any other organizations STEP deems appropriate. The coordination may encompass export assistance and referral services, export financing, job-training programs, educational programs, market research and development, market promotion, trade missions, e-commerce, and mentoring and matchmaking services relative to the expansion of trade between Florida and the Caribbean Basin. The initiative shall also form alliances with multilateral, international, and domestic funding

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programs from Florida, the United States, and the Caribbean Basin to coordinate systems and programs for fundamental assistance in facilitating trade and investment.

(3) STEP shall administer the Florida-Caribbean Basin Trade Initiative pursuant to a performance-based contract with Jobs Florida, which ~~the Office of Tourism, Trade, and Economic Development~~. ~~The Office of Tourism, Trade, and Economic Development~~ shall develop performance measures, standards, and sanctions for the initiative. Performance measures must include, but are not limited to, the number of businesses assisted; the number of urban businesses assisted; and the increase in value of exports to the Caribbean which is attributable to the initiative.

Section 243. Section 288.7011, Florida Statutes, is amended to read:

288.7011 Assistance to certified development corporation.—Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ is authorized to enter into contracts with a nonprofit, statewide development corporation certified pursuant to s. 503 of the Small Business Investment Act of 1958, as amended, to permit such corporation to locate and contract for administrative and technical staff assistance and support, including, without limitation, assistance to the development corporation in the packaging and servicing of loans for the purpose of stimulating and expanding the availability of private equity capital and long-term loans to small businesses. Such assistance and support will cease when the corporation has received state support in an amount the equivalent of \$250,000 per year over a 5-year period beginning July 1, 1997. Any

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contract between Jobs Florida ~~the Office~~ and such corporation shall specify that the records of the corporation must be available for audit by Jobs Florida ~~the Office~~ and by the Auditor General.

Section 244. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. In carrying out duties as provided by law, the ombudsman shall consult with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., at which point Jobs Florida ~~the office~~ may recommend to improve the regulatory environment of this state. The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(2), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

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(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 245. Section 288.705, Florida Statutes, is amended to read:

288.705 Statewide contracts register.—All state agencies shall in a timely manner provide the Florida Small Business Development Center Procurement System with all formal solicitations for contractual services, supplies, and commodities. The Small Business Development Center shall coordinate with Minority Business Development Centers to compile and distribute this information to small and minority businesses requesting such service for the period of time necessary to familiarize the business with the market represented by state agencies. On or before February 1 of each year, the Small Business Development Center shall report to Jobs Florida ~~the Agency for Workforce Innovation~~ on the use of the statewide contracts register. The report shall include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

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(2) The number of solicitations received from each state agency during the calendar year.

(3) The method of distributing solicitation information to businesses requesting such service.

(4) The total number of businesses using the service.

(5) The percentage of businesses using the service which are owned and controlled by minorities.

(6) The percentage of service-disabled veteran business enterprises using the service.

Section 246. Subsection (12) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(12) The Department of Management Services shall collaborate with the Jobs Florida Partnership, Inc., ~~Florida Black Business Investment Board, Inc.~~, and Jobs Florida the ~~Office of Tourism, Trade, and Economic Development~~ to assist in the development and enhancement of black business enterprises.

Section 247. Subsection (2) of section 288.7094, Florida Statutes, is amended to read:

288.7094 Black business investment corporations.—

(2) A black business investment corporation that meets the requirements of s. 288.7102(4) is eligible to participate in the Black Business Loan Program and shall receive priority consideration by Jobs Florida the ~~Office of Tourism, Trade, and Economic Development~~ for participation in the program.

Section 248. Section 288.7102, Florida Statutes, is amended to read:

288.7102 Black Business Loan Program.—

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(1) The Black Business Loan Program is established in Jobs Florida, which ~~the Office of Tourism, Trade, and Economic Development. Under the program, the office~~ shall annually certify eligible recipients and subsequently disburse funds appropriated by the Legislature, through such eligible recipients, to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.

(2) Jobs Florida ~~The office~~ shall establish an application and annual certification process for entities seeking funds to participate in providing loans, loan guarantees, or investments in black business enterprises pursuant to the Florida Black Business Investment Act. Jobs Florida ~~The office~~ shall process all applications and recertifications submitted by June 1 on or before July 31.

(3) If the Black Business Loan Program is appropriated any funding in a fiscal year, Jobs Florida ~~the Office~~ shall distribute an equal amount of the appropriation, calculated as the total annual appropriation divided by the total number of program recipients certified on or before July 31 of that fiscal year.

(4) To be eligible to receive funds and provide loans, loan guarantees, or investments under this section, a recipient must:

(a) Be a corporation registered in the state.

(b) For an existing recipient, annually submit to Jobs Florida ~~the office~~ a financial audit performed by an independent certified public account for the most recently completed fiscal year, which audit does not reveal any material weaknesses or instances of material noncompliance.

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(c) For a new recipient:

1. Demonstrate that its board of directors includes citizens of the state experienced in the development of black business enterprises.

2. Demonstrate that the recipient has a business plan that allows the recipient to operate in a manner consistent with the requirements of the Jobs Florida Partnership, Inc., ss. 288.707-288.714 and the rules of Jobs Florida ~~the office~~.

3. Demonstrate that the recipient has the technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.

4. Demonstrate that the recipient has established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.

5. Demonstrate that the recipient can provide a private match equal to 20 percent of the amount of funds provided by the office.

(d) For an existing or new recipient, agree to maintain the recipient's books and records relating to funds received by the office according to generally accepted accounting principles and in accordance with the requirements of s. 215.97(7) and to make those books and records available to Jobs Florida ~~the office~~ for inspection upon reasonable notice.

(5) Each eligible recipient must meet the requirements of the Jobs Florida Partnership, Inc., provisions of ss. 288.707-288.714, the terms of the contract between the recipient and Jobs Florida ~~the Office~~, and any other applicable state or federal laws. An entity may not receive funds ~~under ss. 288.707-~~

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288.714 unless the entity meets annual certification requirements.

(6) Upon approval by Jobs Florida ~~the Office~~ and before release of the funds as provided in this section, Jobs Florida ~~the Office~~ shall issue a letter certifying the applicant as qualified for an award. Jobs Florida ~~the Office~~ and the applicant shall enter into an agreement that sets forth the conditions for award of the funds. The agreement must include the total amount of funds awarded; the performance conditions that must be met once the funding has been awarded, including, but not limited to, compliance with all of the requirements of this section for eligible recipients of funds under this section; and sanctions for failure to meet performance conditions, including any provisions to recover awards.

(7) Jobs Florida ~~The Office~~, in consultation with the board, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

(8) A black business investment corporation certified by Jobs Florida ~~the Office~~ as an eligible recipient under this section is authorized to use funds appropriated for the Black Business Loan Program in any of the following forms:

(a) Purchases of stock, preferred or common, voting or nonvoting; however, no more than 40 percent of the funds may be used for direct investments in black business enterprises;

(b) Loans or loan guarantees, with or without recourse, in either a subordinated or priority position; or

(c) Technical support to black business enterprises, not to exceed 9 percent of the funds received, and direct administrative costs, not to exceed 12 percent of the funds

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received.

(9) It is the intent of the Legislature that if any one type of investment mechanism authorized in subsection (8) is held to be invalid, all other valid mechanisms remain available.

(10) All loans, loan guarantees, and investments, and any income related thereto, shall be used to carry out the public purpose of ~~ss. 288.707-288.714, which is~~ to develop black business enterprises. This subsection does not preclude a reasonable profit for the participating black business investment corporation or for return of equity developed to the state and participating financial institutions upon any distribution of the assets or excess income of the investment corporation.

Section 249. Section 288.714, Florida Statutes, is amended to read:

288.714 Quarterly and annual reports.—

(1) Each recipient of state funds under s. 288.7102 shall provide to Jobs Florida ~~the Office~~ a quarterly report within 15 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102, including, but not limited to:

(a) The dollar amount of all loans or loan guarantees made to black business enterprises, the percentages of the loans guaranteed, and the names and identification of the types of businesses served.

(b) Loan performance information.

(c) The amount and nature of all other financial assistance provided to black business enterprises.

(d) The amount and nature of technical assistance provided

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to black business enterprises, including technical assistance services provided in areas in which such services are otherwise unavailable.

(e) A balance sheet for the recipient, including an explanation of all investments and administrative and operational expenses.

(f) A summary of all services provided to nonblack business enterprises, including the dollar value and nature of such services and the names and identification of the types of businesses served.

(g) Any other information as required by policies adopted by Jobs Florida ~~the Office~~.

(2) Jobs Florida ~~The Office~~ must compile a summary of all quarterly reports and provide a copy of the summary to the board within 30 days after the end of each calendar quarter that includes a detailed summary of the recipient's performance of the duties imposed by s. 288.7102.

(3) By August 31 of each year, Jobs Florida ~~the Office~~ shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the performance of the Black Business Loan Program. The report must include a cumulative summary of quarterly report data required by subsection (1).

~~(4) By August 31 of each year, the board shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed report of the board's performance, including:~~

~~(a) A description of the strategies implemented by the board to increase private investment in black business~~

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enterprises.

~~(b) A summary of the board's performance of its duties under ss. 288.707-288.712.~~

~~(c) The most recent 5-year projection of the need for capital by black business enterprises.~~

~~(d) Recommendations for legislative or other changes to enhance the development and expansion of black business enterprises in the state.~~

~~(e) A projection of the program's activities during the next 12 months.~~

Section 250. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance

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Association, the Jobs Florida Partnership, Inc., Enterprise
~~Florida, Inc., and its boards,~~ and other private and public
programs and organizations, domestic and foreign, designed to
provide export assistance and export-related financing.

Section 251. Paragraph (b) of subsection (3) of section
288.774, Florida Statutes, is amended to read:

288.774 Powers and limitations.—

(3)

(b) In providing assistance, the board shall be guided by
the statewide economic development plan adopted by Jobs Florida
and the Jobs Florida Partnership, Inc pursuant to s. 288.905.

Section 252. Paragraph (a) of subsection (1) and paragraphs
(a), (c), and (g) of subsection (3) of section 288.776, Florida
Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors
consisting of 15 members representing all geographic areas of
the state. Minority and gender representation must be considered
when making appointments to the board. The board membership must
include:

1. A representative of the following businesses, all of
which must be registered to do business in this state: a foreign
bank, a state bank, a federal bank, an insurance company
involved in covering trade financing risks, and a small or
medium-sized exporter.

2. The following persons or their designee: the President
of the Jobs Florida Partnership, Inc., Enterprise Florida, Inc.,
the Chief Financial Officer, the Secretary of State, and a
senior official of the United States Department of Commerce, ~~and~~

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~~the chair of the Florida Black Business Investment Board.~~

(3) The board shall:

(a) Prior to the expenditure of funds from the export finance account, adopt bylaws, rules, and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws, rules, and policies shall be reviewed and approved by the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., prior to final adoption by the board.

(c) Issue an annual report to the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1. Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2. Access of small and medium-sized businesses in this state to federal export financing programs.

3. Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4. Other economic and social benefits to international programs in this state.

(g) Consult with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., ~~and its boards,~~ or any state or federal agency, to ensure that the respective loan guarantee or

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working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

Section 253. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.— The corporation shall annually prepare and submit to Jobs Florida ~~Enterprise Florida, Inc.,~~ for inclusion in its annual report required by s. 288.095 a complete and detailed report setting forth:

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

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

Section 254. Section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(1) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall be responsible for consular operations and the sister city and sister state program and shall serve as liaison with foreign, federal, and other state international organizations and with county and municipal governments in Florida.

(2) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The office shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The office shall promulgate rules which shall:

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14124 (a) Establish a viable system of registration for foreign
14125 government officials residing or having jurisdiction in the
14126 state. Emphasis shall be placed on maintaining active
14127 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
14128 ~~and Economic Development~~ and the United States Department of
14129 State in order to be currently informed regarding foreign
14130 governmental personnel stationed in, or with official
14131 responsibilities for, Florida. Active dialogue shall also be
14132 maintained with foreign countries which historically have had
14133 dealings with Florida in order to keep them informed of the
14134 proper procedure for registering with the state.

14135 (b) Maintain and systematically update a current and
14136 accurate list of all such foreign governmental officials,
14137 consuls, or consulates.

14138 (c) Issue certificates to such foreign governmental
14139 officials after verification pursuant to proper investigations
14140 through United States Department of State sources and the
14141 appropriate foreign government.

14142 (d) Verify entitlement to sales and use tax exemptions
14143 pursuant to United States Department of State guidelines and
14144 identification methods.

14145 (e) Verify entitlement to issuance of special motor vehicle
14146 license plates by the Division of Motor Vehicles of the
14147 Department of Highway Safety and Motor Vehicles to honorary
14148 consuls or such other officials representing foreign governments
14149 who are not entitled to issuance of special Consul Corps license
14150 plates by the United States Government.

14151 (f) Establish a system of communication to provide all
14152 state and local law enforcement agencies with information

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regarding proper procedures relating to the arrest or incarceration of a foreign citizen.

(g) Request the Department of Law Enforcement to provide transportation and protection services when necessary pursuant to s. 943.68.

(h) Coordinate, when necessary, special activities between foreign governments and Florida state and local governments. These may include Consular Corps Day, Consular Corps conferences, and various other social, cultural, or educational activities.

(i) Notify all newly arrived foreign governmental officials of the services offered by Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~.

(3) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall operate the sister city and sister state program and establish such new programs as needed to further global understanding through the interchange of people, ideas, and culture between Florida and the world. To accomplish this purpose, the office shall have the power and authority to:

(a) Coordinate and carry out activities designed to encourage the state and its subdivisions to participate in sister city and sister state affiliations with foreign countries and their subdivisions. Such activities may include a State of Florida sister cities conference.

(b) Encourage cooperation with and disseminate information pertaining to the Sister Cities International Program and any other program whose object is to promote linkages with foreign countries and their subdivisions.

(c) Maximize any aid available from all levels of

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government, public and private agencies, and other entities to facilitate such activities.

(d) Establish a viable system of registration for sister city and sister state affiliations between the state and foreign countries and their subdivisions. Such system shall include a method to determine that sufficient ties are properly established as well as a method to supervise how these ties are maintained.

(e) Maintain a current and accurate listing of all such affiliations. Sister city affiliations shall not be discouraged between the state and any country specified in s. 620(f)(1) of the federal Foreign Assistance Act of 1961, as amended, with whom the United States is currently conducting diplomatic relations unless a mandate from the United States Government expressly prohibits such affiliations.

(4) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to the Jobs Florida Partnership, Inc. Enterprise Florida, Inc. In addition, Jobs Florida ~~the office~~ shall serve as liaison with other states with respect to international programs of interest to Florida. The office shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~

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Development shall have the power and duty to encourage the relocation to Florida of consular offices and multilateral and international agencies and organizations.

(6) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development, through membership on the board of directors of Enterprise Florida, Inc.,~~ shall help to contribute an international perspective to the state's development efforts.

Section 255. Paragraph (a) of subsection (1) and subsection (2) of section 288.809, Florida Statutes, are amended to read:

288.809 Florida Intergovernmental Relations Foundation; use of property; board of directors; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Florida Intergovernmental Relations Foundation" means a direct-support organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to solicit, receive, hold, invest, and administer property and, subject to the approval of Jobs Florida ~~the Office of Tourism, Trade, and Economic Development,~~ to make expenditures to or for the promotion of intergovernmental relations programs; and

3. Which Jobs Florida ~~the Office of Tourism, Trade, and Economic Development,~~ after review, has certified to be operating in a manner consistent with the policies and goals of the office.

(2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism, Trade, and Economic Development:~~

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(a) Is authorized to permit the use of property, facilities, and personal services of Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ by the foundation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the foundation must comply in order to use property, facilities, or personal services of the department. Such conditions shall provide for budget and audit review and for oversight by the Office of Tourism, Trade, and Economic Development.

(c) Shall not permit the use of property, facilities, or personal services of the foundation if the foundation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

Section 256. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida International Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for the operation of the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc., and its boards~~ and for the operation of Florida international ~~foreign~~ offices under s. 288.012.

Section 257. Section 288.95155, Florida Statutes, is amended to read:

288.95155 Florida Small Business Technology Growth Program.—

(1) The Florida Small Business Technology Growth Program is

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hereby established to provide financial assistance to businesses in this state having high job growth and emerging technology potential and fewer than 100 employees. The program shall be administered and managed by the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

(2)(a) ~~Enterprise Florida, Inc.,~~ The Jobs Florida Partnership, Inc., shall establish a separate small business technology growth account in the Florida Technology Research Investment Fund for purposes of this section. Moneys in the account shall consist of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

~~(b) For the 2009-2010 fiscal year only, Enterprise Florida, Inc., shall advance up to \$600,000 from the account to the Institute for Commercialization of Public Research for its operations. This paragraph expires July 1, 2010.~~

(3) Pursuant to s. 216.351, the amount of any moneys appropriated to the account which are unused at the end of the fiscal year shall not be subject to reversion under s. 216.301. All moneys in the account are continuously appropriated to the account and may be used for loan guarantees, letter of credit guarantees, cash reserves for loan and letter of credit guarantees, payments of claims pursuant to contracts for guarantees, subordinated loans, loans with warrants, royalty investments, equity investments, and operations of the program. Any claim against the program shall be paid solely from the account. Neither the credit nor the taxing power of the state

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shall be pledged to secure the account or moneys in the account,
other than from moneys appropriated or assigned to the account,
and the state shall not be liable or obligated in any way for
any claims against the account or against the Jobs Florida
Partnership, Inc. ~~Enterprise Florida, Inc.~~

(4) Awards of assistance from the program shall be
finalized subject to the policies and procedures of the Jobs
Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~ The Jobs
Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
leverage at least one dollar of matching investment for each
dollar awarded from the program. The Jobs Florida Partnership,
Inc., ~~Enterprise Florida, Inc.,~~ shall give the highest priority
to moderate-risk and high-risk ventures that offer the greatest
opportunity for compelling economic development impact. The Jobs
Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall
establish for each award a risk-reward timetable that profiles
the risks of the assistance, estimates the potential economic
development impact, and establishes a timetable for reviewing
the success or failure of the assistance. By December 31 of each
year, the Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~
~~Inc.,~~ shall evaluate, on a portfolio basis, the results of all
awards of assistance made from the program during the year.

(5) The Jobs Florida Partnership, Inc., ~~Enterprise Florida,~~
~~Inc.,~~ shall prepare for inclusion in Job Florida's ~~and include~~
~~in its~~ annual report required by s. 288.095 a report on the
financial status of the program. The report must specify the
assets and liabilities of the program within the current fiscal
year and must include a portfolio update that lists all of the
businesses assisted, the private dollars leveraged by each

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business assisted, and the growth in sales and in employment of each business assisted.

Section 258. Paragraph (e) of subsection (2), paragraph (a) of subsection (4), subsection (7), paragraph (b) of subsection (8), subsection (9), paragraph (l) of subsection (10), and subsection (15) of section 288.955, Florida Statutes, are amended, and present subsections (16) and (17) of that section are renumbered as subsections (15) and (16), respectively, to read:

288.955 Scripps Florida Funding Corporation.—

(2) CREATION.—

(e) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the corporation as requested by the corporation. In the event of the dissolution of the corporation, Jobs Florida ~~the office~~ shall be the corporation's successor in interest and shall assume all rights, duties, and obligations of the corporation under any contract to which the corporation is then a party and under law.

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by a board of directors.

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The commissioner of Jobs Florida or the commissioner's designee ~~director of the Office of Tourism, Trade, and Economic Development or the director's designee~~ shall serve as an ex-officio, nonvoting member of the board of directors.

(7) INVESTMENT OF FUNDS.—The corporation must enter into an

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14356 agreement with the State Board of Administration under which
14357 funds received by the corporation from Jobs Florida ~~the Office~~
14358 ~~of Tourism, Trade, and Economic Development~~ which are not
14359 disbursed to the grantee shall be invested by the State Board of
14360 Administration on behalf of the corporation. Funds shall be
14361 invested in suitable instruments authorized under s. 215.47 and
14362 specified in investment guidelines established and agreed to by
14363 the State Board of Administration and the corporation.

14364 (8) CONTRACT.—

14365 (b) The contract, at a minimum, must contain provisions:

14366 1. Specifying the procedures and schedules that govern the
14367 disbursement of funds under this section and specifying the
14368 conditions or deliverables that the grantee must satisfy before
14369 the release of each disbursement.

14370 2. Requiring the grantee to submit to the corporation a
14371 business plan in a form and manner prescribed by the
14372 corporation.

14373 3. Prohibiting The Scripps Research Institute or the
14374 grantee from establishing other biomedical science or research
14375 facilities in any state other than this state or California for
14376 a period of 12 years from the commencement of the contract.
14377 Nothing in this subparagraph shall prohibit the grantee from
14378 establishing or engaging in normal collaborative activities with
14379 other organizations.

14380 4. Governing the ownership of or security interests in real
14381 property and personal property, including, but not limited to,
14382 research equipment, obtained through the financial support of
14383 state or local government, including a provision that in the
14384 event of a breach of the contract or in the event the grantee

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ceases operations in this state, such property purchased with state funds shall revert to the state and such property purchased with local funds shall revert to the local governing authority.

5. Requiring the grantee to be an equal opportunity employer.

6. Requiring the grantee to maintain a policy of awarding preference in employment to residents of this state, as defined by law, except for professional scientific staff positions requiring a doctoral degree, postdoctoral training positions, and graduate student positions.

7. Requiring the grantee to maintain a policy of making purchases from vendors in this state, to the extent it is cost-effective and scientifically sound.

8. Requiring the grantee to use the Internet-based job-listing system of Jobs Florida ~~the Agency for Workforce Innovation~~ in advertising employment opportunities.

9. Requiring the grantee to establish accredited science degree programs.

10. Requiring the grantee to establish internship programs to create learning opportunities for educators and secondary, postsecondary, graduate, and doctoral students.

11. Requiring the grantee to submit data to the corporation on the activities and performance during each fiscal year and to provide to the corporation an annual accounting of the expenditure of funds disbursed under this section.

12. Establishing that the corporation shall review the activities of the grantee to assess the grantee's financial and operational compliance with the provisions of the contract and

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with relevant provisions of law.

13. Authorizing the grantee, when feasible, to use information submitted by it to the Federal Government or to other organizations awarding research grants to the grantee to help meet reporting requirements imposed under this section or the contract, if the information satisfies the reporting standards of this section and the contract.

14. Requiring the grantee during the first 7 years of the contract to create 545 positions and to acquire associated research equipment for the grantee's facility in this state, and pay for related maintenance of the equipment, in a total amount of not less than \$45 million.

15. Requiring the grantee to progress in the creation of the total number of jobs prescribed in subparagraph 14. on the following schedule: At least 38 positions in the 1st year, 168 positions in the 2nd year, 280 positions in the 3rd year, 367 positions in the 4th year, 436 positions in the 5th year, 500 positions in the 6th year, and 545 positions in the 7th year. The board may allow the grantee to deviate downward from such employee levels by 25 percent in any year, to allow the grantee flexibility in achieving the objectives set forth in the business plan provided to the corporation; however, the grantee must have no fewer than 545 positions by the end of the 7th year.

16. Requiring the grantee to allow the corporation to retain an independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of the grantee in order to audit the expenditure of funds disbursed to the grantee. The independent certified public accountant shall

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not disclose any confidential or proprietary scientific information of the grantee.

17. Requiring the grantee to purchase liability insurance and governing the coverage level of such insurance.

(9) PERFORMANCE EXPECTATIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include a provision that the grantee, in cooperation with Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~, shall report to the corporation on performance expectations that reflect the aspirations of the Governor and the Legislature for the benefits accruing to this state as a result of the funds appropriated pursuant to this section. These shall include, but are not limited to, performance expectations addressing:

(a) The number and dollar value of research grants obtained from the Federal Government or sources other than this state.

(b) The percentage of total research dollars received by The Scripps Research Institute from sources other than this state which is used to conduct research activities by the grantee in this state.

(c) The number or value of patents obtained by the grantee.

(d) The number or value of licensing agreements executed by the grantee.

(e) The extent to which research conducted by the grantee results in commercial applications.

(f) The number of collaborative agreements reached and maintained with colleges and universities in this state and with research institutions in this state, including agreements that foster participation in research opportunities by public and

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private colleges and universities and research institutions in this state with significant minority populations, including historically black colleges and universities.

(g) The number of collaborative partnerships established and maintained with businesses in this state.

(h) The total amount of funding received by the grantee from sources other than the State of Florida.

(i) The number or value of spin-off businesses created in this state as a result of commercialization of the research of the grantee.

(j) The number or value of businesses recruited to this state by the grantee.

(k) The establishment and implementation of policies to promote supplier diversity using the guidelines developed by the Office of Supplier Diversity under s. 287.09451 and to comply with the ordinances, including any small business ordinances, enacted by the county and which are applicable to the biomedical research institution and campus located in this state.

(l) The designation by the grantee of a representative to coordinate with the Office of Supplier Diversity.

(m) The establishment and implementation of a program to conduct workforce recruitment activities at public and private colleges and universities and community colleges in this state which request the participation of the grantee.

The contract shall require the grantee to provide information to the corporation on the progress in meeting these performance expectations on an annual basis. It is the intent of the Legislature that, in fulfilling its obligation to work with

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Florida's public and private colleges and universities, Scripps Florida work with such colleges and universities regardless of size.

(10) DISBURSEMENT CONDITIONS.—In addition to the provisions prescribed in subsection (8), the contract between the corporation and the grantee shall include disbursement conditions that must be satisfied by the grantee as a condition for the continued disbursement of funds under this section. These disbursement conditions shall be negotiated between the corporation and the grantee and shall not be designed to impede the ability of the grantee to attain full operational status. The disbursement conditions may be appropriately varied as to timeframes, numbers, values, and percentages. The disbursement conditions shall include, but are not limited to, the following areas:

(l) Beginning June 2004, the grantee shall commence collaboration efforts with Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ by complying with reasonable requests for cooperation in economic development efforts in the biomed/biotech industry. No later than July 2004, the grantee shall designate a person who shall be charged with assisting in these collaborative efforts.

~~(15) PROGRAM EVALUATION.—~~

~~(a) Before January 1, 2007, the Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the Office of Tourism, Trade, and Economic Development and the corporation relating to the provisions of this section. The audit shall assess the implementation and outcomes of activities under this section. At a minimum, the~~

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audit shall address:

1. ~~Performance of the Office of Tourism, Trade, and Economic Development in disbursing funds appropriated under this section.~~

2. ~~Performance of the corporation in managing and enforcing the contract with the grantee.~~

3. ~~Compliance by the corporation with the provisions of this section and the provisions of the contract.~~

4. ~~Economic activity generated through funds disbursed under the contract.~~

(b) ~~Before January 1, 2010, the Office of Program Policy Analysis and Government Accountability shall update the report required under this subsection. In addition to addressing the items prescribed in paragraph (a), the updated report shall include a recommendation on whether the Legislature should retain the statutory authority for the corporation.~~

~~A report of each audit's findings and recommendations shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives. In completing the performance audits required under this subsection, the Office of Program Policy Analysis and Government Accountability shall maximize the use of reports submitted by the grantee to the Federal Government or to other organizations awarding research grants to the grantee.~~

Section 259. Subsection (1) and paragraph (a) of subsection (2) of section 288.9519, Florida Statutes, is amended to read:

288.9519 Not-for-profit corporation.—

(1) It is the intent of the Legislature to promote the

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development of the state economy and to authorize the establishment of a not-for-profit organization that shall promote the competitiveness and profitability of high-technology business and industry through technology development projects of importance to specific manufacturing sectors in this state. This not-for-profit corporation shall work cooperatively with the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, and shall avoid duplicating the activities, programs, and functions of the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

(2) In addition to all other powers and authority, not explicitly prohibited by statutes, this not-for-profit organization has the following powers and duties:

(a) To receive funds appropriated to the organization by the Legislature. Such funds may not duplicate funds appropriated to the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, but shall serve to further the advancement of the state economy, jointly and collaboratively with the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

Section 260. Section 288.9520, Florida Statutes, is amended to read:

288.9520 Public records exemption.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other

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14588 organizations, are confidential and exempt from the provisions
14589 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
14590 except that a recipient of the Jobs Florida Partnership, Inc.,
14591 ~~Enterprise Florida, Inc.,~~ research funds shall make available,
14592 upon request, the title and description of the research project,
14593 the name of the researcher, and the amount and source of funding
14594 provided for the project.

14595 Section 261. Subsection (10) of section 288.9603, Florida
14596 Statutes, is amended to read:

14597 288.9603 Definitions.—

14598 (10) "Partnership" means the Jobs Florida Partnership, Inc.
14599 ~~Enterprise Florida, Inc.~~

14600 Section 262. Subsection (2) of section 288.9604, Florida
14601 Statutes, is amended to read:

14602 288.9604 Creation of the authority.—

14603 (2) The Governor, subject to confirmation by the Senate,
14604 shall appoint the board of directors of the corporation, who
14605 shall be five in number. The terms of office for the directors
14606 shall be for 4 years from the date of their appointment. A
14607 vacancy occurring during a term shall be filled for the
14608 unexpired term. A director shall be eligible for reappointment.
14609 At least three of the directors of the corporation shall be
14610 bankers who have been selected by the Governor from a list of
14611 bankers who were nominated by the Jobs Florida Partnership,
14612 Inc., ~~Enterprise Florida, Inc.,~~ and one of the directors shall
14613 be an economic development specialist. The chairperson of the
14614 advisory council for the Division of Black Business Development
14615 of the Jobs Florida Partnership, Inc., ~~Florida Black Business~~
14616 ~~Investment Board~~ shall be an ex officio member of the board of

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the corporation.

Section 263. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with the Jobs Florida Partnership, Inc., ~~Florida Black Business Investment Board~~ concerning the issuance of bonds and other forms of indebtedness and capital ~~for the purposes of ss. 288.707-288.714.~~

Section 264. Subsection (1) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(1) When authorized by a public agency pursuant to s. 163.01(7), the corporation has power in its corporate capacity, in its discretion, to issue revenue bonds or other evidences of indebtedness which a public agency has the power to issue, from time to time to finance the undertaking of any purpose of this act ~~and ss. 288.707-288.714,~~ including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has the power to issue refunding bonds for the payment or retirement of bonds previously issued. Bonds issued pursuant to this section shall bear the name "Florida Development Finance Corporation Revenue Bonds." The security for such bonds may be based upon such revenues as are legally available. In anticipation of the sale of such revenue bonds, the corporation may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date

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of issuance of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued. Any bond, note, or other form of indebtedness issued pursuant to this act shall mature no later than the end of the 30th fiscal year after the fiscal year in which the bond, note, or other form of indebtedness was issued.

Section 265. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ may take any action that it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, to address the needs of microenterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 266. Paragraphs (a), (b), and (d) of subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall facilitate the creation of the Florida Opportunity Fund, a private, not-for-profit corporation organized and operated under chapter 617. The Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ shall be the fund's sole shareholder or member. The fund is not a public corporation

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or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section. Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of the Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

(b) The board of directors for the fund shall be a five member board appointed by vote of the board of directors of the Jobs Florida Partnership, Inc., and board members shall serve terms as provided in the fund's organizational documents. ~~The vice chair of Enterprise Florida, Inc., shall select from among its sitting board of directors a five-person appointment committee. The appointment committee shall select five initial members of a board of directors for the fund.~~

(c) The persons elected to the ~~initial~~ board of directors ~~by the appointment committee~~ shall include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate ~~by the appointment committee.~~

~~(d) After election of the initial board of directors, vacancies on the board shall be filled by vote of the board of directors of Enterprise Florida, Inc., and board members shall serve terms as provided in the fund's organizational documents.~~

(d)(e) Members of the board are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have an interest in any venture capital investment selected by the fund under ss. 288.9621-288.9624.

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14704 (e)~~(f)~~ Members of the board shall serve without
14705 compensation, but members, the president of the board, and other
14706 board employees may be reimbursed for all reasonable, necessary,
14707 and actual expenses as determined and approved by the board
14708 pursuant to s. 112.061.

14709 (f)~~(g)~~ The fund shall have all powers granted under its
14710 organizational documents and shall indemnify members to the
14711 broadest extent permissible under the laws of this state.

14712 Section 267. Subsections (3), (4), (5), and (6) of section
14713 288.9625, Florida Statutes, are amended to read:

14714 288.9625 Institute for the Commercialization of Public
14715 Research.—There is established the Institute for the
14716 Commercialization of Public Research.

14717 (3) The articles of incorporation of the institute must be
14718 approved in a written agreement with Jobs Florida Enterprise
14719 ~~Florida, Inc.~~ The agreement and the articles of incorporation
14720 shall:

14721 (a) Provide that the institute shall provide equal
14722 employment opportunities for all persons regardless of race,
14723 color, religion, gender, national origin, age, handicap, or
14724 marital status;

14725 (b) Provide that the institute is subject to the public
14726 records and meeting requirements of s. 24, Art. I of the State
14727 Constitution;

14728 (c) Provide that all officers, directors, and employees of
14729 the institute shall be governed by the code of ethics for public
14730 officers and employees as set forth in part III of chapter 112;

14731 (d) Provide that members of the board of directors of the
14732 institute are responsible for the prudent use of all public and

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private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The affairs of the institute shall be managed by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. The board of directors shall consist of the following five members:

(a) The commissioner of Jobs Florida ~~chair of Enterprise Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.

(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.

(c) Three directors appointed by the Governor to 3-year staggered terms, to which the directors may be reappointed.

(5) The board of directors shall provide a copy of the institute's annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, ~~Enterprise Florida, Inc.~~, and the president of the university at which the institute is located.

(6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president and the board of trustees of the university where the institute is located, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail

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or supplemental data relative to the operation of the institute.

Section 268. Subsections (3), (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

(3) No later than 6 months after the designation of a military base for closure by the Federal Government, each host local government shall notify the Jobs Florida ~~secretary of the Department of Community Affairs and the director of the Office of Tourism, Trade, and Economic Development~~ in writing, by hand delivery or return receipt requested, as to whether it intends to use the optional provisions provided in this act. If a host local government does not opt to use the provisions of this act, land use planning and regulation pertaining to base reuse activities within those host local governments shall be subject to all applicable statutory requirements, including those contained within chapters 163 and 380.

(8) At the request of a host local government, Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that shall participate in the workshop shall include any affected local governments; the Department of Environmental Protection; Jobs Florida ~~the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs; the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management~~

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districts and regional planning councils. The purposes of the workshop shall be to assist the host local government to understand issues of concern to the above listed entities pertaining to the military base site and to identify opportunities for better coordination of planning and review efforts with the information and analyses generated by the federal environmental impact statement process and the federal community base reuse planning process.

(9) If a host local government elects to use the optional provisions of this act, it shall, no later than 12 months after notifying the agencies of its intent pursuant to subsection (3) either:

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; Jobs Florida ~~the Office of Tourism, Trade, and Economic Development; the Department of Community Affairs;~~ the Department of Transportation; the Department of Health; the Department of Children and Family Services; the Department of Juvenile Justice; the Department of Agriculture and Consumer Services; the Department of State; the Fish and Wildlife Conservation Commission; and any applicable water management districts and regional planning councils, or

(b) Petition Jobs Florida ~~the secretary of the Department of Community Affairs~~ for an extension of the deadline for submitting a proposed reuse plan. Such an extension request must be justified by changes or delays in the closure process by the federal Department of Defense or for reasons otherwise deemed to promote the orderly and beneficial planning of the subject military base reuse. Jobs Florida ~~The secretary of the~~

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Department of Community Affairs may grant extensions to the required submission date of the reuse plan.

Section 269. Paragraph (b) of subsection (1), paragraphs (a) and (c) of subsection (2) and subsections (3), (4), (5), (6), (7), and (9) of section 288.980, Florida Statutes, are amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)

(b) The Florida Defense Alliance, an organization within the Jobs Florida Partnership, Inc., ~~Enterprise Florida~~, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for ~~Enterprise Florida~~ defense-related activity of the Jobs Florida Partnership, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~.

(2)(a) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ is authorized to award grants from any funds available to it to support activities related to the retention of military installations potentially affected by federal base closure or realignment.

(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(c), the amount of any grant

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provided to an applicant may not exceed \$250,000. Jobs Florida
~~The Office of Tourism, Trade, and Economic Development~~ shall
require that an applicant:

1. Represent a local government with a military
installation or military installations that could be adversely
affected by federal base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action
delineating how the eligible project will be administered and
accomplished.

4. Provide documentation describing the potential for
realignment or closure of a military installation located in the
applicant's community and the adverse impacts such realignment
or closure will have on the applicant's community.

(3) The Florida Economic Reinvestment Initiative is
established to respond to the need for this state and defense-
dependent communities in this state to develop alternative
economic diversification strategies to lessen reliance on
national defense dollars in the wake of base closures and
reduced federal defense expenditures and the need to formulate
specific base reuse plans and identify any specific
infrastructure needed to facilitate reuse. The initiative shall
consist of the following three distinct grant programs to be
administered by Jobs Florida ~~the Office of Tourism, Trade, and
Economic Development~~:

(a) The Florida Defense Planning Grant Program, through
which funds shall be used to analyze the extent to which the
state is dependent on defense dollars and defense infrastructure
and prepare alternative economic development strategies. The

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state shall work in conjunction with defense-dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.

(b) The Florida Defense Implementation Grant Program, through which funds shall be made available to defense-dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

(4) The Defense Infrastructure Grant Program is created. The Jobs Florida ~~director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. It is not the intent, however, to fund on-base

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military construction projects. Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish guidelines to implement the purpose of this subsection.

(5)(a) The Defense-Related Business Adjustment Program is hereby created. The Jobs Florida ~~Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate the development of the Defense-Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel

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and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.

(b) Jobs Florida ~~The Office~~ shall require that an applicant:

1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.

2. Agree to match at least 50 percent of any funds awarded by the department in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.

3. Prepare a coordinated program or plan delineating how the funds will be administered.

4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.

(6) The Retention of Military Installations Program is created. The Jobs Florida ~~Director of the Office of Tourism, Trade, and Economic Development~~ shall coordinate and implement this program. ~~The sum of \$1.2 million is appropriated from the General Revenue Fund for fiscal year 1999-2000 to the Office of Tourism, Trade, and Economic Development to implement this program for military installations located in counties with a population greater than 824,000. The funds shall be used to assist military installations potentially affected by federal base closure or realignment in covering current operating costs in an effort to retain the installation in this state. An eligible military installation for this program shall include a provider of simulation solutions for war-fighting~~

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14965 ~~experimentation, testing, and training which employs at least~~
14966 ~~500 civilian and military employees and has been operating in~~
14967 ~~the state for a period of more than 10 years.~~

14968 (7) The Jobs Florida ~~director~~ may award nonfederal matching
14969 funds specifically appropriated for construction, maintenance,
14970 and analysis of a Florida defense workforce database. Such funds
14971 will be used to create a registry of worker skills that can be
14972 used to match the worker needs of companies that are relocating
14973 to this state or to assist workers in relocating to other areas
14974 within this state where similar or related employment is
14975 available.

14976 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
14977 ~~Development~~ shall establish guidelines to implement and carry
14978 out the purpose and intent of this section.

14979 Section 270. Paragraphs (a), (e), and (f) of subsection (2)
14980 of section 288.984, Florida Statutes, are amended to read:

14981 288.984 Florida Council on Military Base and Mission
14982 Support.—The Florida Council on Military Base and Mission
14983 Support is established. The council shall provide oversight and
14984 direction for initiatives, claims, and actions taken on behalf
14985 of the state, its agencies, and political subdivisions under
14986 this part.

14987 (2) MEMBERSHIP.—

14988 (a) The council shall be composed of nine members. The
14989 President of the Senate, the Speaker of the House of
14990 Representatives, and the Governor shall each appoint three
14991 members as follows:

14992 1. The President of the Senate shall appoint one member of
14993 the Senate, one community representative from a community-based

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defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

2. The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.

3. The Governor shall appoint the commissioner of Jobs Florida or the commissioner's designee, a board member of the Jobs Florida Partnership, Inc., ~~director or designee of the Office of Tourism, Trade, and Economic Development, the vice chairperson or designee of Enterprise Florida, Inc.~~, and one at-large member.

(e) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall provide administrative support to the council.

(f) ~~The Secretary of Community Affairs or his or her designee,~~ the Secretary of Environmental Protection or his or her designee, the Secretary of Transportation or his or her designee, the Adjutant General of the state or his or her designee, and the executive director of the Department of Veterans' Affairs or his or her designee shall attend meetings held by the council and provide assistance, information, and support as requested by the council.

Section 271. Subsection (5) of section 288.9913, Florida Statutes, is amended, and present subsections (6) through (10)

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of that section are renumbered as subsections (5) through (9) of that section, to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

~~(5) "Office" means the Office of Tourism, Trade, and Economic Development.~~

~~(7)(8)~~ "Qualified community development entity" means an entity that:

(b) Is the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., or an entity created by the Jobs Florida Partnership, Inc. Enterprise Florida, Inc.

Section 272. Subsections (1), (2), and (3), and paragraphs (a) and (b) of subsection (4), and subsection (6) of section 288.9914, Florida Statutes, are amended to read:

288.9914 Certification of qualified investments; investment issuance reporting.—

(1) ELIGIBLE INDUSTRIES.—

(a) Jobs Florida ~~The office~~, in consultation with the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., shall designate industries using the North American Industry Classification System which are eligible to receive low-income community investments. The designated industries must be those industries that have the greatest potential to create strong positive impacts on or benefits to the state, regional, and local economies.

(b) A qualified community development entity may not make a qualified low-income community investment in a business unless the principal activities of the business are within an eligible industry. Jobs Florida ~~the Office~~ may waive this limitation if

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the office determines that the investment will have a positive impact on a community.

(2) APPLICATION.—A qualified community development entity must submit an application to Jobs Florida ~~the office~~ to approve a proposed investment as a qualified investment. The application must include:

(a) The name, address, and tax identification number of the qualified community development entity.

(b) Proof of certification as a qualified community development entity under 26 U.S.C. s. 45D.

(c) A copy of an allocation agreement executed by the entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state.

(d) A verified statement by the chief executive officer of the entity that the allocation agreement remains in effect.

(e) A description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security.

(f) The name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment.

(g) A detailed explanation of the proposed use of the proceeds from a proposed qualified investment.

(h) A nonrefundable application fee of \$1,000, payable to Jobs Florida ~~the office~~.

(i) A statement that the entity will invest only in the industries designated by Jobs Florida ~~the office~~.

(j) The entity's plans for the development of relationships with community-based organizations, local community development

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offices and organizations, and economic development organizations. The entity must also explain steps it has taken to implement its plans to develop these relationships.

(k) A statement that the entity will not invest in a qualified active low-income community business unless the business will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

(3) REVIEW.—

(a) Jobs Florida ~~The office~~ shall review applications to approve an investment as a qualified investment in the order received. The office shall approve or deny an application within 30 days after receipt.

(b) If Jobs Florida ~~the office~~ intends to deny the application, the office shall inform the applicant of the basis of the proposed denial. The applicant shall have 15 days after it receives the notice of the intent to deny the application to submit a revised application to Jobs Florida ~~the office~~. Jobs Florida ~~the office~~ shall issue a final order approving or denying the revised application within 30 days after receipt.

(c) Jobs Florida ~~The office~~ may not approve a cumulative amount of qualified investments that may result in the claim of more than \$97.5 million in tax credits during the existence of the program or more than \$20 million in tax credits in a single state fiscal year. However, the potential for a taxpayer to carry forward an unused tax credit may not be considered in calculating the annual limit.

(4) APPROVAL.—

(a) Jobs Florida ~~The office~~ shall provide a copy of the

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15110 final order approving an investment as a qualified investment to
15111 the qualified community development entity and to the
15112 department. The notice shall include the identity of the
15113 taxpayers who are eligible to claim the tax credits and the
15114 amount that may be claimed by each taxpayer.

15115 (b) Jobs Florida ~~The office~~ shall approve an application
15116 for part of the amount of the proposed investment if the amount
15117 of tax credits available is insufficient.

15118 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
15119 qualified community development entity must provide Jobs Florida
15120 ~~the office~~ with evidence of the receipt of the cash in exchange
15121 for the qualified investment within 30 business days after
15122 receipt.

15123 Section 273. Subsection (2) of section 288.9916, Florida
15124 Statutes, is amended to read:

15125 288.9916 New markets tax credit.—

15126 (2) A tax credit earned under this section may not be sold
15127 or transferred, except as provided in this subsection.

15128 (a) A partner, member, or shareholder of a partnership,
15129 limited liability company, S-corporation, or other “pass-
15130 through” entity may claim the tax credit pursuant to an
15131 agreement among the partners, members, or shareholders. Any
15132 change in the allocation of a tax credit under the agreement
15133 must be reported to Jobs Florida ~~the office~~ and to the
15134 department.

15135 (b) Eligibility to claim a tax credit transfers to
15136 subsequent purchasers of a qualified investment. Such transfers
15137 must be reported to Jobs Florida ~~the office~~ and to the
15138 department along with the identity, tax identification number,

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and tax credit amount allocated to a taxpayer pursuant to paragraph (a). The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred.

Section 274. Section 288.9917, Florida Statutes, is amended to read:

288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.—

(1) A qualified community development entity that has issued a qualified investment shall submit the following to Jobs Florida ~~the office~~ within 30 days after each credit allowance date:

(a) A list of all qualified active low-income community businesses in which a qualified low-income community investment was made since the last credit allowance date. The list shall also describe the type and amount of investment in each business and the address of the principal location of each business. The list must be verified by the chief executive officer of the community development entity.

(b) Bank records, wire transfer records, or similar documents that provide evidence of the qualified low-income community investments made since the last credit allowance date.

(c) A verified statement by the chief financial or accounting officer of the community development entity that no redemption or principal repayment was made with respect to the qualified investment since the previous credit allowance date.

(d) Information relating to the recapture of the federal new markets tax credit since the last credit allowance date.

(2) Jobs Florida ~~The office~~ shall certify in writing to the

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qualified community development entity and to the department the amount of the tax credit authorized for each taxpayer eligible to claim the tax credit in the tax year containing the last credit allowance date.

Section 275. Section 288.9918, Florida Statutes, is amended to read:

288.9918 Annual reporting by a community development entity.—A community development entity that has issued a qualified investment shall submit an annual report to Jobs Florida ~~the office~~ by April 30 after the end of each year which includes a credit allowance date. The report shall include:

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

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

(3) The names of the counties in which the qualified active low-income businesses are located which received qualified low-income community investments.

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

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

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(6) Other information and documentation required by Jobs Florida ~~the office~~ to verify continued certification as a qualified community development entity under 26 U.S.C. s. 45D.

Section 276. Section 288.9919, Florida Statutes, is amended to read:

288.9919 Audits and examinations; penalties.—

(1) AUDITS.—A community development entity that issues an investment approved by Jobs Florida ~~the office~~ as a qualified investment shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, an entity that makes a qualified investment or receives a qualified low-income community investment is not a subrecipient for the purposes of s. 215.97.

(2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct examinations to verify compliance with the New Markets Development Program Act.

Section 277. Section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~ shall direct the department, at any time before December 31, 2022, to recapture all or a portion of a tax credit authorized pursuant to the New Markets Development Program Act if one or more of the following occur:

(a) The Federal Government recaptures any portion of the federal new markets tax credit. The recapture by the department shall equal the recapture by the Federal Government.

(b) The qualified community development entity redeems or makes a principal repayment on a qualified investment before the

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final allowance date. The recapture by the department shall equal the redemption or principal repayment divided by the purchase price and multiplied by the tax credit authorized to a taxpayer for the qualified investment.

(c)1. The qualified community development entity fails to invest at least 85 percent of the purchase price in qualified low-income community investments within 12 months after the issuance of a qualified investment; or

2. The qualified community development entity fails to maintain 85 percent of the purchase price in qualified low-income community investments until the last credit allowance date for a qualified investment.

For the purposes of this paragraph, an investment by a qualified community development entity includes principal recovered from an investment for 12 months after its recovery or principal recovered after the sixth credit allowance date. Principal held for longer than 12 months or recovered before the sixth credit allowance date is not an investment unless it is reinvested in a qualified low-income community investment.

(d) The qualified community development entity fails to provide Jobs Florida ~~the office~~ with information, reports, or documentation required by the New Markets Development Program Act.

(e) Jobs Florida ~~The office~~ determines that a taxpayer received tax credits to which the taxpayer was not entitled.

(2) Jobs Florida ~~The office~~ shall provide notice to the qualified community development entity and the department of a proposed recapture of a tax credit. The entity shall have 6

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months following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. Jobs Florida ~~the office~~ shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month period. The final order of recapture shall be provided to the entity, the department, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(3) An entity that submits fraudulent information to Jobs Florida ~~the office~~ is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed by investors in the entity's qualified investments. This penalty is in addition to any other penalty that may be imposed by law.

Section 278. Section 288.9921, Florida Statutes, is amended to read:

288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

Section 279. Subsection (5) of section 290.004, Florida Statutes, is amended, and present subsections (6) and (7) of that subsection are renumbered as subsections (5) and (6), respectively, to read:

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

~~(5) "Office" means The Office of Tourism, Trade, and Economic Development.~~

Section 280. Subsection (1) and paragraphs (a) and (b) of

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subsection (6) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local nominating procedure.—

(1) If, pursuant to s. 290.0065, an opportunity exists for designation of a new enterprise zone, any county or municipality, or a county and one or more municipalities together, may apply to Jobs Florida ~~the office~~ for the designation of an area as an enterprise zone after completion of the following:

(a) The adoption by the governing body or bodies of a resolution which:

1. Finds that an area exists in such county or municipality, or in both the county and one or more municipalities, which chronically exhibits extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

2. Determines that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of such county or municipality, or such county and one or more municipalities; and

3. Determines that the revitalization of such area can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the area.

(b) The creation of an enterprise zone development agency pursuant to s. 290.0056.

(c) The creation and adoption of a strategic plan pursuant to s. 290.0057.

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(6)(a) Jobs Florida ~~The office~~ may approve a change in the boundary of any enterprise zone which was designated pursuant to s. 290.0065. A boundary change must continue to satisfy the requirements of subsections (3), (4), and (5).

(b) Upon a recommendation by the enterprise zone development agency, the governing body of the jurisdiction which authorized the application for an enterprise zone may apply to Jobs Florida ~~the Office~~ for a change in boundary once every 3 years by adopting a resolution that:

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

2. Describes specifically and, to the extent required by Jobs Florida ~~the office~~, the boundary change to be made.

Section 281. Subsections (11) and (12) of section 290.0056, Florida Statutes, are amended to read:

290.0056 Enterprise zone development agency.—

(11) Prior to December 1 of each year, the agency shall submit to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ a complete and detailed written report setting forth:

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

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

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

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

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

(f) Any other information required by Jobs Florida ~~the office~~.

(12) In the event that the nominated area selected by the governing body is not designated a state enterprise zone, the governing body may dissolve the agency after receiving notification from Jobs Florida ~~the office~~ that the area was not designated as an enterprise zone.

Section 282. Subsections (2) and (4), paragraph (a) of subsection (6), and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(2) If, pursuant to subsection (4), Jobs Florida ~~the office~~ does not redesignate an enterprise zone, a governing body of a county or municipality or the governing bodies of a county and one or more municipalities jointly, pursuant to s. 290.0055, may apply for designation of an enterprise zone to take the place of the enterprise zone not redesignated and request designation of an enterprise zone. Jobs Florida ~~the Office~~, in consultation with Enterprise Florida, Inc., shall determine which areas nominated by such governing bodies meet the criteria outlined in s. 290.0055 and are the most appropriate for designation as state enterprise zones. Each application made pursuant to s. 290.0055 shall be ranked competitively based on the pervasive poverty, unemployment, and general distress of the area; the strategic plan, including local fiscal and regulatory incentives, prepared pursuant to s. 290.0057; and the prospects for new investment and economic development in the area.

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Pervasive poverty, unemployment, and general distress shall be weighted 35 percent; strategic plan and local fiscal and regulatory incentives shall be weighted 40 percent; and prospects for new investment and economic development in the area shall be weighted 25 percent.

(4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~ may redesignate any state enterprise zone having an effective date on or before January 1, 2005, as a state enterprise zone upon completion and submittal to the office by the governing body for an enterprise zone of the following:

1. An updated zone profile for the enterprise zone based on the most recent census data that complies with s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

2. A resolution passed by the governing body for that enterprise zone requesting redesignation and explaining the reasons the conditions of the zone merit redesignation.

3. Measurable goals for the enterprise zone developed by the enterprise zone development agency, which may be the goals established in the enterprise zone's strategic plan.

The governing body may also submit a request for a boundary change in an enterprise zone in the same application to Jobs Florida ~~the office~~ as long as the new area complies with the requirements of s. 290.0055, except that pervasive poverty criteria may be set aside for rural enterprise zones.

(b) In consultation with Enterprise Florida, Inc., Jobs Florida ~~the office~~ shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution,

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determine whether the enterprise zone merits redesignation. Jobs Florida ~~the office~~ may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.

2. Use of enterprise zone incentives during the life of the enterprise zone.

If Jobs Florida ~~the office~~ determines that the enterprise zone merits redesignation, Jobs Florida ~~the office~~ shall notify the governing body in writing of its approval of redesignation.

(c) If the enterprise zone is redesignated, Jobs Florida ~~the office~~ shall determine if the measurable goals submitted are reasonable. If Jobs Florida ~~the office~~ determines that the goals are reasonable, it ~~the office~~ shall notify the governing body in writing that the goals have been approved.

(d) If Jobs Florida ~~the office~~ denies redesignation of an enterprise zone, it ~~the office~~ shall notify the governing body in writing of the denial. Any county or municipality having jurisdiction over an area denied redesignation as a state enterprise zone pursuant to this subsection may not apply for designation of that area for 1 year following the date of denial.

(6)(a) Jobs Florida ~~the office~~, in consultation with Enterprise Florida, Inc., may develop guidelines necessary for the approval of areas under this section by the director.

(7) Upon approval by Jobs Florida ~~the director~~ of a resolution authorizing an area to be an enterprise zone pursuant to this section, Jobs Florida ~~the office~~ shall assign a unique identifying number to that resolution. Jobs Florida ~~the office~~

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shall provide the Department of Revenue and Enterprise Florida, Inc., with a copy of each resolution approved, together with its identifying number.

Section 283. Subsection (1) of section 290.0066, Florida Statutes, is amended to read:

290.0066 Revocation of enterprise zone designation.—

(1) Jobs Florida ~~The director~~ may revoke the designation of an enterprise zone if the department ~~director~~ determines that the governing body or bodies:

(a) Have failed to make progress in achieving the benchmarks set forth in the strategic plan or measurable goals; or

(b) Have not complied substantially with the strategic plan or measurable goals.

Section 284. Section 290.00710, Florida Statutes, is amended to read:

290.00710 Enterprise zone designation for the City of Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Lakeland, which zone shall encompass an area up to 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055.

Notwithstanding s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish the

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initial effective date of the enterprise zone designated pursuant to this section.

Section 285. Section 290.0072, Florida Statutes, is amended to read:

290.0072 Enterprise zone designation for the City of Winter Haven.—The City of Winter Haven may apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the City of Winter Haven, which zone shall encompass an area up to 5 square miles. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 286. Section 290.00725, Florida Statutes, is amended to read:

290.00725 Enterprise zone designation for the City of Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone for an area within the western portion of the city, which zone shall encompass an area up to 5 square miles. The application must be submitted by December 31, 2009, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade,~~

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and ~~Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated under this section.

Section 287. Section 290.0073, Florida Statutes, is amended to read:

290.0073 Enterprise zone designation for Indian River County, the City of Vero Beach, and the City of Sebastian.— Indian River County, the City of Vero Beach, and the City of Sebastian may jointly apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 288. Section 290.0074, Florida Statutes, is amended to read:

290.0074 Enterprise zone designation for Sumter County.— Sumter County may apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone encompassing an area not to exceed 10 square miles. The application must be submitted by December 31, 2005.

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Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 289. Section 290.0077, Florida Statutes, is amended to read:

290.0077 Enterprise zone designation for Orange County and the municipality of Apopka.—Orange County and the municipality of Apopka may jointly apply to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for designation of one enterprise zone. The application must be submitted by December 31, 2005, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ may designate one enterprise zone under this section. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 290. Section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) By February 1 of each year, the Department of Revenue shall submit an annual report to Jobs Florida ~~the Office of~~

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~~Tourism, Trade, and Economic Development~~ detailing the usage and revenue impact by county of the state incentives listed in s. 290.007.

(2) By March 1 of each year, Jobs Florida ~~the office~~ shall submit an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report shall include the information provided by the Department of Revenue pursuant to subsection (1) and the information provided by enterprise zone development agencies pursuant to s. 290.0056. In addition, the report shall include an analysis of the activities and accomplishments of each enterprise zone.

Section 291. Subsections (3), (5), (8), (9), (10), and (11) of section 311.09, Florida Statutes, are amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(3) The council shall prepare a 5-year Florida Seaport Mission Plan defining the goals and objectives of the council concerning the development of port facilities and an intermodal transportation system consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155. The Florida Seaport Mission Plan shall include specific recommendations for the construction of transportation facilities connecting any port to another transportation mode and for the efficient, cost-effective development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing economic benefits to the state. The council shall update the 5-year Florida Seaport Mission Plan annually and

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shall submit the plan no later than February 1 of each year to the President of the Senate, the Speaker of the House of Representatives, ~~Jobs Florida, the Office of Tourism, Trade, and Economic Development;~~ and the Department of Transportation; ~~and the Department of Community Affairs.~~ The council shall develop programs, based on an examination of existing programs in Florida and other states, for the training of minorities and secondary school students in job skills associated with employment opportunities in the maritime industry, and report on progress and recommendations for further action to the President of the Senate and the Speaker of the House of Representatives annually.

(5) The council shall review and approve or disapprove each project eligible to be funded pursuant to the Florida Seaport Transportation and Economic Development Program. The council shall annually submit to the Secretary of Transportation and ~~the commissioner of Jobs Florida, or his or her designee, director of the Office of Tourism, Trade, and Economic Development;~~ ~~and the Secretary of Community Affairs~~ a list of projects which have been approved by the council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the funding requirements for each stage shall be specified.

(8) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development,~~ in consultation with Enterprise Florida, Inc., shall review the list of projects approved by the council to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~

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15603 ~~Economic Development~~ shall review the economic benefits of each
15604 project based upon the rules adopted pursuant to subsection (4).
15605 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
15606 ~~Development~~ shall identify those projects which it has
15607 determined do not offer an economic benefit to the state or are
15608 not consistent with the Florida Seaport Mission Plan and shall
15609 notify the council of its findings.

15610 (9) The council shall review the findings of Jobs Florida
15611 ~~the Department of Community Affairs; the Office of Tourism,~~
15612 ~~Trade, and Economic Development;~~ and the Department of
15613 Transportation. Projects found to be inconsistent pursuant to
15614 subsections (6), (7), and (8) and projects which have been
15615 determined not to offer an economic benefit to the state
15616 pursuant to subsection (8) shall not be included in the list of
15617 projects to be funded.

15618 (10) The Department of Transportation shall include in its
15619 annual legislative budget request a Florida Seaport
15620 Transportation and Economic Development grant program for
15621 expenditure of funds of not less than \$8 million per year. Such
15622 budget shall include funding for projects approved by the
15623 council which have been determined by each agency to be
15624 consistent and which have been determined by Jobs Florida ~~the~~
15625 ~~Office of Tourism, Trade, and Economic Development~~ to be
15626 economically beneficial. The department shall include the
15627 specific approved seaport projects to be funded under this
15628 section during the ensuing fiscal year in the tentative work
15629 program developed pursuant to s. 339.135(4). The total amount of
15630 funding to be allocated to seaport projects under s. 311.07
15631 during the successive 4 fiscal years shall also be included in

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the tentative work program developed pursuant to s. 339.135(4). The council may submit to the department a list of approved projects that could be made production-ready within the next 2 years. The list shall be submitted by the department as part of the needs and project list prepared pursuant to s. 339.135(2)(b). However, the department shall, upon written request of the Florida Seaport Transportation and Economic Development Council, submit work program amendments pursuant to s. 339.135(7) to the Governor within 10 days after the later of the date the request is received by the department or the effective date of the amendment, termination, or closure of the applicable funding agreement between the department and the affected seaport, as required to release the funds from the existing commitment. Notwithstanding s. 339.135(7)(c), any work program amendment to transfer prior year funds from one approved seaport project to another seaport project is subject to the procedures in s. 339.135(7)(d). Notwithstanding any provision of law to the contrary, the department may transfer unexpended budget between the seaport projects as identified in the approved work program amendments.

(11) The council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the council must meet at least semiannually. A majority of voting members of the council constitutes a quorum for the purpose of transacting the business of the council. All members of the council are voting members. A vote of the majority of the voting members present is sufficient for any action of the council, except that a member representing the Department of Transportation, ~~the Department of~~

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Community Affairs, or Jobs Florida the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the council approving a project pursuant to subsection (5). The bylaws of the council may require a greater vote for a particular action.

Section 292. Section 311.11, Florida Statutes, is amended to read:

311.11 Seaport Employment Training Grant Program.—

(1) Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~, in cooperation with the Florida Seaport Transportation and Economic Development Council, shall establish a Seaport Employment Training Grant Program within Jobs Florida ~~the Office~~. Jobs Florida ~~the office~~ shall grant funds appropriated by the Legislature to the program for the purpose of stimulating and supporting seaport training and employment programs which will seek to match state and local training programs with identified job skills associated with employment opportunities in the port, maritime, and transportation industries, and for the purpose of providing such other training, educational, and information services as required to stimulate jobs in the described industries. Funds may be used for the purchase of equipment to be used for training purposes, hiring instructors, and any other purpose associated with the training program. The ~~office's~~ contribution of Jobs Florida to any specific training program may not exceed 50 percent of the total cost of the program. Matching contributions may include services in kind, including, but not limited to, training instructors, equipment usage, and training facilities.

(2) Jobs Florida ~~The Office~~ shall adopt criteria to

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implement this section.

Section 293. Paragraphs (i) and (l) of subsection (1) of section 311.115, Florida Statutes, are amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(i) One representative of Jobs Florida ~~member from the Office of Tourism, Trade, and Economic Development.~~

(l) The Director of the Office ~~Division~~ of Emergency Management, or his or her designee.

Section 294. Subsection (2) of section 311.22, Florida Statutes, is amended to read:

311.22 Additional authorization for funding certain dredging projects.—

(2) The council shall adopt rules for evaluating the projects that may be funded pursuant to this section. The rules must provide criteria for evaluating the economic benefit of the project. The rules must include the creation of an administrative review process by the council which is similar to the process described in s. 311.09(5)-(12), and provide for a review by ~~the Department of Community Affairs,~~ the Department of Transportation, and Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ of all projects submitted for funding under this section.

Section 295. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), subsection (60), and paragraph (b) of

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subsection (65) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by the Jobs Florida Partnership, Inc., ~~direct-support organization established under s. 288.1229~~ to support amateur sports, and because the United States Olympic Committee and the Jobs Florida Partnership, Inc., ~~direct-support organization~~ are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because the Jobs Florida Partnership, Inc., ~~direct-support organization~~ assists in the bidding for sports competitions that provide significant impact to the economy of this state, and the Legislature supports the efforts of the United States Olympic Committee and the Jobs Florida Partnership, Inc., ~~direct-support organization~~, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

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(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horseracing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Florida Sports Foundation.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. These funds must be deposited into the Professional Sports Development Trust Fund within Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. These funds must be used by the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to

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partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by the Jobs Florida Partnership, Inc., Florida Sports Foundation and the participating professional sports teams; and to fulfill the sports promotion responsibilities of Jobs Florida the Office of Tourism, Trade, and Economic Development.

3. The Jobs Florida Partnership, Inc., Florida Sports Foundation shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by Jobs Florida the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5). The auditor shall submit the audit report to Jobs Florida the Office of Tourism, Trade, and Economic Development for review and approval. If the audit report is approved, Jobs Florida the office shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of the Jobs Florida Partnership, Inc., Florida Sports Foundation and financial support of the Sunshine State Games.

(60) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates

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must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the term "NASCAR" must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with the Jobs Florida Partnership, Inc. ~~Florida Sports Foundation~~, may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~, ~~a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~ for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to the Jobs Florida Partnership, Inc. ~~Florida Sports Foundation~~. The Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~ will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s.

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501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) The Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development as specified in s. 288.1229(5)~~. The auditor shall submit the audit report to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ for review and approval. If the audit report is approved, Jobs Florida ~~the office~~ shall certify the audit report to the Auditor General for review.

(65) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to the Jobs Florida Partnership, Inc ~~Florida Sports Foundation, a direct support organization of the Office of Tourism, Trade, and Economic Development~~. The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Jobs Florida Partnership, Inc., ~~Florida Sports Foundation~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The

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remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 296. Subsections (2) and (3) of section 331.360, Florida Statutes, are amended to read:

331.360 Joint participation agreement or assistance; spaceport master plan.—

(2) Notwithstanding any other provision of law, the Department of Transportation may enter into a joint participation agreement with, or otherwise assist, the Jobs Florida Partnership, Inc., ~~Space Florida~~ as necessary to effectuate the provisions of this chapter and may allocate funds for such purposes in its 5-year work program. However, the department may not fund the administrative or operational costs of the Jobs Florida Partnership, Inc ~~Space Florida~~.

(3) The Jobs Florida Partnership, Inc., ~~Space Florida~~ shall develop a spaceport master plan for expansion and modernization of space transportation facilities within spaceport territories as defined in s. 288.924 ~~s. 331.303~~. The plan shall contain recommended projects to meet current and future commercial, national, and state space transportation requirements. The Jobs Florida Partnership, Inc., ~~Space Florida~~ shall submit the plan to any appropriate metropolitan planning organization for review of intermodal impacts. The Jobs Florida Partnership, Inc., ~~Space Florida~~ shall submit the spaceport master plan to the Department of Transportation, and such plan may be included within the

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department's 5-year work program of qualifying aerospace discretionary capacity improvement under subsection (4). The plan shall identify appropriate funding levels and include recommendations on appropriate sources of revenue that may be developed to contribute to the State Transportation Trust Fund.

Section 297. Section 331.370, Florida Statutes, is amended to read:

331.370 Space and aerospace infrastructure.—Notwithstanding any other provisions of law, funds provided in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for Space and Aerospace Infrastructure to make improvements to Launch Complex 36 on the 45th Space Wing property may also be used by Space Florida, or its successor Jobs Florida Partnership, Inc., for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to advance aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and to assist in the development of joint-use facilities and technology that support aviation and aerospace operations, including high-altitude and suborbital flights and range technology development.

Section 298. Subsection (33) of section 334.044, Florida Statutes, is amended to read:

334.044 Department; powers and duties.—The department shall have the following general powers and duties:

(33) To enter into agreement with the Jobs Florida

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Partnership, Inc., Space Florida to coordinate and cooperate in the development of spaceport infrastructure and related transportation facilities contained in the Strategic Intermodal System Plan and, where appropriate, encourage the cooperation and integration of airports and spaceports in order to meet transportation-related needs.

Section 299. Paragraph (f) of subsection (1) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall be restricted to the following purposes:

(f) To pay the cost of economic development transportation projects ~~in accordance with s. 288.063.~~

Section 300. Paragraph (f) of subsection (4) and paragraph (g) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(f) The central office shall submit a preliminary copy of the tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and Jobs Florida ~~the Department of Community Affairs~~ at least 14 days prior to the convening of the regular legislative session. Prior to the statewide public hearing required by paragraph (g), Jobs Florida ~~the Department of Community Affairs~~ shall transmit to the Florida

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Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified as being inconsistent with approved local government comprehensive plans. For urbanized areas of metropolitan planning organizations, the list may not contain any project or project phase that is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) Notwithstanding ~~the requirements in~~ paragraphs (d) and (g) and ss. 216.177(2) and 216.351, the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists, as defined in s. 252.34~~(3)~~, and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a ~~in the event that the~~ delay incident to the notification requirements in paragraph (d) would be detrimental to the interests of the state. However, the department shall immediately notify the parties specified in paragraph (d) and ~~shall~~ provide such parties written justification for the emergency action within 7 days after ~~of the~~ approval by the Executive Office of the Governor of the amendment to the adopted work program and the department's budget. ~~In no event may~~ The adopted work program may not be amended under ~~the provisions of~~ this subsection without ~~the~~ certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.

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Section 301. Paragraph (a) of subsection (3) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a 5-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose local governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an advisory council member of the Division of Space Industry Development of the Jobs Florida Partnership, Inc ~~an official of Space Florida~~. As used in this section, the term "elected officials of a general-purpose local

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government" shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

Section 302. Subsection (2) of section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband deployment.—

(2) The Department of Management Services is authorized to work collaboratively with, and to receive staffing support and other resources from, the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ state agencies, local governments, private businesses, and community organizations to:

(a) Conduct a needs assessment of broadband Internet service in collaboration with communications service providers, including, but not limited to, wireless and wireline Internet service providers, to develop geographical information system maps at the census tract level that will:

1. Identify geographic gaps in broadband services, including areas unserved by any broadband provider and areas served by a single broadband provider;

2. Identify the download and upload transmission speeds made available to businesses and individuals in the state, at the census tract level of detail, using data rate benchmarks for broadband service used by the Federal Communications Commission to reflect different speed tiers; and

3. Provide a baseline assessment of statewide broadband

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deployment in terms of percentage of households with broadband availability.

(b) Create a strategic plan that has goals and strategies for increasing the use of broadband Internet service in the state.

(c) Build and facilitate local technology planning teams or partnerships with members representing cross-sections of the community, which may include, but are not limited to, representatives from the following organizations and industries: libraries, K-12 education, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture.

(d) Encourage the use of broadband Internet service, especially in the rural, unserved, and underserved communities of the state through grant programs having effective strategies to facilitate the statewide deployment of broadband Internet service. For any grants to be awarded, priority must be given to projects that:

1. Provide access to broadband education, awareness, training, access, equipment, and support to libraries, schools, colleges and universities, health care providers, and community support organizations.

2. Encourage investments in primarily unserved areas to give consumers a choice of more than one broadband Internet service provider.

3. Work toward establishing affordable and sustainable broadband Internet service in unserved areas of the state.

4. Facilitate the development of applications, programs,

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and services, including, but not limited to, telework, telemedicine, and e-learning to increase the usage of, and demand for, broadband Internet service in the state.

Section 303. Paragraph (h) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Florida Energy and Climate Commission.—

(2) FLORIDA ENERGY AND CLIMATE COMMISSION; DUTIES.—The commission shall perform the following functions consistent with the development of a state energy policy:

(h) The commission shall promote the development and use of renewable energy resources, in conformance with the provisions of chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of solar energy in this state.

2. Aiding and promoting the commercialization of solar energy technology, in cooperation with the Florida Solar Energy Center, the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ and any other federal, state, or local governmental agency which may seek to promote research, development, and demonstration of solar energy equipment and technology.

3. Identifying barriers to greater use of solar energy systems in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Jobs Florida Partnership, Inc., ~~the Department of Community Affairs,~~

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~~Enterprise Florida, Inc.,~~ the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the National Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for solar electric vehicles and other solar energy manufacturing, distribution, installation, and financing efforts which will enhance this state's position as the leader in solar energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the commission shall seek the assistance of the solar energy industry in this state and other interested parties and is authorized to enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

Section 304. Paragraph (h) of subsection (5) of section 377.711, Florida Statutes, is amended to read:

377.711 Florida party to Southern States Energy Compact.—The Southern States Energy Compact is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

(5) POWERS.—The board shall have the power to:

(h) Recommend such changes in, or amendments or additions to, the laws, codes, rules, regulations, administrative procedures and practices, or ordinances of the party states in

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any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity and appropriate weight to any special circumstances that may justify variations to meet local conditions. ~~Any such recommendation shall be made, in the case of Florida, through the Department of Commerce.~~

Section 305. Subsection (3) of section 377.712, Florida Statutes, is amended to read:

377.712 Florida participation.—

(3) Departments ~~The department~~, agencies, and officers of this state, and its subdivisions are authorized to cooperate with the board in the furtherance of any of its activities pursuant to the compact, provided such proposed activities have been made known to, and have the approval of, either the Governor or the Department of Health.

Section 306. Subsection (5) of section 377.804, Florida Statutes, is amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(5) The commission shall solicit the expertise of state agencies, the Jobs Florida Partnership, Inc., Enterprise Florida, Inc., and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the commission and provide such assistance as requested.

Section 307. Paragraph (s) of subsection (24) of section 380.06, Florida Statutes, is amended to read:

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380.06 Developments of regional impact.—

(24) STATUTORY EXEMPTIONS.—

(s) Any development in a detailed specific area plan which is prepared and adopted pursuant to s. 163.3245 ~~and adopted into the comprehensive plan~~ is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(s), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Office of Tourism, Trade, and Economic Development under the Innovation Incentive Program and the agreement contemplates a state award of at least \$50 million.

Section 308. Subsection (3) of section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.—

(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.

Section 309. Section 380.285, Florida Statutes, is amended to read:

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380.285 Lighthouses; study; preservation; funding.—The ~~Department of Community Affairs and the~~ Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

Section 310. Paragraph (e) of subsection (1) of section 381.0054, Florida Statutes, is amended to read:

381.0054 Healthy lifestyles promotion.—

(1) The Department of Health shall promote healthy lifestyles to reduce the prevalence of excess weight gain and

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obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed towards all Floridians by:

(e) Partnering with the Department of Education, school districts, and the Jobs Florida Partnership, Inc., Florida Sports Foundation to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement.

Section 311. Subsection (6) of section 381.0086, Florida Statutes, is amended to read:

381.0086 Rules; variances; penalties.—

(6) For the purposes of filing an interstate clearance order with Jobs Florida ~~the Agency for Workforce Innovation~~, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 312. Subsection (3) of section 381.7354, Florida Statutes, is amended to read:

381.7354 Eligibility.—

(3) In addition to the grants awarded under subsections (1) and (2), up to 20 percent of the funding for the Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program shall be dedicated to projects that address improving racial and ethnic health status within specific Front Porch Florida Communities, ~~as designated pursuant to s. 20.18(6)~~.

Section 313. Paragraph (a) of subsection (5) of section 381.855, Florida Statutes, is amended to read:

381.855 Florida Center for Universal Research to Eradicate Disease.—

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(5) There is established within the center an advisory council that shall meet at least annually.

(a) The council shall consist of one representative from a Florida not-for-profit institution engaged in basic and clinical biomedical research and education which receives more than \$10 million in annual grant funding from the National Institutes of Health, to be appointed by the State Surgeon General from a different institution each term, and one representative from and appointed by each of the following entities:

1. The Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~
2. BioFlorida.
3. The Biomedical Research Advisory Council.
4. The Florida Medical Foundation.
5. Pharmaceutical Research and Manufacturers of America.
6. The American Cancer Society, Florida Division, Inc.
7. The American Heart Association.
8. The American Lung Association of Florida.
9. The American Diabetes Association, South Coastal Region.
10. The Alzheimer's Association.
11. The Epilepsy Foundation.
12. The National Parkinson Foundation.
13. The Florida Public Health Institute, Inc.
14. The Florida Research Consortium.

Section 314. Paragraph (b) of subsection (1) and subsection (2) of section 383.14, Florida Statutes, are amended to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(1) SCREENING REQUIREMENTS.—To help ensure access to the

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maternal and child health care system, the Department of Health shall promote the screening of all newborns born in Florida for metabolic, hereditary, and congenital disorders known to result in significant impairment of health or intellect, as screening programs accepted by current medical practice become available and practical in the judgment of the department. The department shall also promote the identification and screening of all newborns in this state and their families for environmental risk factors such as low income, poor education, maternal and family stress, emotional instability, substance abuse, and other high-risk conditions associated with increased risk of infant mortality and morbidity to provide early intervention, remediation, and prevention services, including, but not limited to, parent support and training programs, home visitation, and case management. Identification, perinatal screening, and intervention efforts shall begin prior to and immediately following the birth of the child by the attending health care provider. Such efforts shall be conducted in hospitals, perinatal centers, county health departments, school health programs that provide prenatal care, and birthing centers, and reported to the Office of Vital Statistics.

(b) *Postnatal screening.*—A risk factor analysis using the department's designated risk assessment instrument shall also be conducted as part of the medical screening process upon the birth of a child and submitted to the department's Office of Vital Statistics for recording and other purposes provided for in this chapter. The department's screening process for risk assessment shall include a scoring mechanism and procedures that establish thresholds for notification, further assessment,

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referral, and eligibility for services by professionals or paraprofessionals consistent with the level of risk. Procedures for developing and using the screening instrument, notification, referral, and care coordination services, reporting requirements, management information, and maintenance of a computer-driven registry in the Office of Vital Statistics which ensures privacy safeguards must be consistent with the provisions and plans established under chapter 411, Pub. L. No. 99-457, and this chapter. Procedures established for reporting information and maintaining a confidential registry must include a mechanism for a centralized information depository at the state and county levels. The department shall coordinate with existing risk assessment systems and information registries. The department must ensure, to the maximum extent possible, that the screening information registry is integrated with the department's automated data systems, including the Florida On-line Recipient Integrated Data Access (FLORIDA) system. Tests and screenings must be performed by the State Public Health Laboratory, in coordination with Children's Medical Services, at such times and in such manner as is prescribed by the department after consultation with the Genetics and Newborn Infant Screening Advisory Council and the Department of Education ~~Agency for Workforce Innovation~~.

(2) RULES.—After consultation with the Genetics and Newborn Screening Advisory Council, the department shall adopt and enforce rules requiring that every newborn in this state shall, prior to becoming 1 week of age, be subjected to a test for phenylketonuria and, at the appropriate age, be tested for such other metabolic diseases and hereditary or congenital disorders

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as the department may deem necessary from time to time. After consultation with the Department of Education ~~Agency for Workforce Innovation~~, the department shall also adopt and enforce rules requiring every newborn in this state to be screened for environmental risk factors that place children and their families at risk for increased morbidity, mortality, and other negative outcomes. The department shall adopt such additional rules as are found necessary for the administration of this section and s. 383.145, including rules providing definitions of terms, rules relating to the methods used and time or times for testing as accepted medical practice indicates, rules relating to charging and collecting fees for the administration of the newborn screening program authorized by this section, rules for processing requests and releasing test and screening results, and rules requiring mandatory reporting of the results of tests and screenings for these conditions to the department.

Section 315. Paragraph (b) of subsection (3) of section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality Care program.—

(3)

(b) In approving accrediting associations, the department shall consult with the Department of Education, ~~the Agency for Workforce Innovation~~, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, the Early Childhood Association of Florida, the Child Development Education Alliance, providers receiving exemptions under s. 402.316, and parents.

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Section 316. Subsection (6) of section 402.45, Florida Statutes, is amended to read:

402.45 Community resource mother or father program.—

(6) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health in consultation with the Department of Education ~~Agency for Workforce Innovation~~. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

Section 317. Paragraph (a) of subsection (4) of section 402.56, Florida Statutes, is amended to read:

402.56 Children's cabinet; organization; responsibilities; annual report.—

(4) MEMBERS.—The cabinet shall consist of 15 members including the Governor and the following persons:

(a)1. The Secretary of Children and Family Services;

2. The Secretary of Juvenile Justice;

3. The director of the Agency for Persons with Disabilities;

~~4. The director of the Agency for Workforce Innovation;~~

~~4.5.~~ The State Surgeon General;

~~5.6.~~ The Secretary of Health Care Administration;

~~6.7.~~ The Commissioner of Education;

~~7.8.~~ The director of the Statewide Guardian Ad Litem Office;

~~8.9.~~ The director of the Office of Child Abuse Prevention; and

~~9.10.~~ Five members representing children and youth advocacy

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organizations, who are not service providers and who are appointed by the Governor.

Section 318. Paragraph (b) of subsection (3) of section 403.42, Florida Statutes, is amended to read:

403.42 Florida Clean Fuel Act.—

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(b)1. The advisory board shall consist of ~~the Secretary of Community Affairs, or a designee from that department,~~ the Secretary of Environmental Protection, or a designee from that department, the Commissioner of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from the Department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Environmental Protection:

a. The Florida biodiesel industry.

b. The Florida electric utility industry.

c. The Florida natural gas industry.

d. The Florida propane gas industry.

e. An automobile manufacturers' association.

f. A Florida Clean Cities Coalition designated by the United States Department of Energy.

g. The Jobs Florida Partnership, Inc. ~~Enterprise Florida, Inc.~~

h. EV Ready Broward.

i. The Florida petroleum industry.

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16415 j. The Florida League of Cities.
16416 k. The Florida Association of Counties.
16417 l. Floridians for Better Transportation.
16418 m. A motor vehicle manufacturer.
16419 n. Florida Local Environment Resource Agencies.
16420 o. Project for an Energy Efficient Florida.
16421 p. Florida Transportation Builders Association.
16422 2. The purpose of the advisory board is to serve as a
16423 resource for the department and to provide the Governor, the
16424 Legislature, and the Secretary of Environmental Protection with
16425 private sector and other public agency perspectives on achieving
16426 the goal of increasing the use of alternative fuel vehicles in
16427 this state.
16428 3. Members shall be appointed to serve terms of 1 year
16429 each, with reappointment at the discretion of the Secretary of
16430 Environmental Protection. Vacancies shall be filled for the
16431 remainder of the unexpired term in the same manner as the
16432 original appointment.
16433 4. The board shall annually select a chairperson.
16434 5.a. The board shall meet at least once each quarter or
16435 more often at the call of the chairperson or the Secretary of
16436 Environmental Protection.
16437 b. Meetings are exempt from the notice requirements of
16438 chapter 120, and sufficient notice shall be given to afford
16439 interested persons reasonable notice under the circumstances.
16440 6. Members of the board are entitled to travel expenses
16441 while engaged in the performance of board duties.
16442 7. The board shall terminate 5 years after the effective
16443 date of this act.

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Section 319. Subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 and seek technical assistance from the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.,~~ to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(a) Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.

(b) Pursuing expanded end uses for recycled materials.

(c) Targeting materials for concentrated market development efforts.

(d) Developing proposals for new incentives for market development, particularly focusing on targeted materials.

(e) Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

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(f) Coordinating the efforts of various governmental entities having market development responsibilities in order to optimize supply and demand for recyclable materials.

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this paragraph, the term "source-reduced" means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(h) Providing evaluation of solid waste management grants, pursuant to s. 403.7095, to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation.

(j) Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.

(k) Providing information on the availability and benefits of using recycled materials to private entities and industries in the state.

(l) Distributing any materials prepared in implementing

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this subsection to the public, private entities, industries, governmental entities, or other organizations upon request.

(m) Coordinating with Jobs Florida ~~the Agency for Workforce Innovation~~ and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 320. Paragraph (c) of subsection (2), paragraphs (b) and (c) of subsection (3), and subsections (4), (15), and (17) of section 403.973, Florida Statutes, are amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

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

~~(c) "Office" means the Office of Tourism, Trade, and Economic Development.~~

(c)~~(d)~~ "Permit applications" means state permits and licenses, and at the option of a participating local government, local development permits or orders.

(d)~~(e)~~ "Secretary" means the Secretary of Environmental Protection or his or her designee.

(3)

(b) On a case-by-case basis and at the request of a county or municipal government, Jobs Florida ~~the office~~ may certify as eligible for expedited review a project not meeting the minimum job creation thresholds but creating a minimum of 10 jobs. The recommendation from the governing body of the county or municipality in which the project may be located is required in order for Jobs Florida ~~the office~~ to certify that any project is eligible for expedited review under this paragraph. When considering projects that do not meet the minimum job creation

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16531 thresholds but that are recommended by the governing body in
16532 which the project may be located, Jobs Florida ~~the office~~ shall
16533 consider economic impact factors that include, but are not
16534 limited to:

16535 1. The proposed wage and skill levels relative to those
16536 existing in the area in which the project may be located;

16537 2. The project's potential to diversify and strengthen the
16538 area's economy;

16539 3. The amount of capital investment; and

16540 4. The number of jobs that will be made available for
16541 persons served by the welfare transition program.

16542 (c) At the request of a county or municipal government,
16543 Jobs Florida ~~the office~~ or a Quick Permitting County may certify
16544 projects located in counties where the ratio of new jobs per
16545 participant in the welfare transition program, as determined by
16546 Workforce Florida, Inc., is less than one or otherwise critical,
16547 as eligible for the expedited permitting process. Such projects
16548 must meet the numerical job creation criteria of this
16549 subsection, but the jobs created by the project do not have to
16550 be high-wage jobs that diversify the state's economy.

16551 (4) The regional teams shall be established through the
16552 execution of memoranda of agreement developed by the applicant
16553 and the secretary, with input solicited from Jobs Florida ~~the~~
16554 ~~office~~ and the respective heads of ~~the Department of Community~~
16555 ~~Affairs~~, the Department of Transportation and its district
16556 offices, the Department of Agriculture and Consumer Services,
16557 the Fish and Wildlife Conservation Commission, appropriate
16558 regional planning councils, appropriate water management
16559 districts, and voluntarily participating municipalities and

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counties. The memoranda of agreement should also accommodate participation in this expedited process by other local governments and federal agencies as circumstances warrant.

(15) Jobs Florida ~~The office~~, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by Jobs Florida ~~the office~~, the agencies shall provide to Jobs Florida ~~the office~~ a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.

(17) Jobs Florida ~~The office~~ shall be responsible for certifying a business as eligible for undergoing expedited review under this section. The Jobs Florida Partnership, Inc., Enterprise Florida, Inc., a county or municipal government, or the Rural Economic Development Initiative may recommend to Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ that a project meeting the minimum job creation threshold undergo expedited review.

(18) Jobs Florida ~~The office~~, working with the Rural Economic Development Initiative and the agencies participating in the memoranda of agreement, shall provide technical assistance in preparing permit applications and local comprehensive plan amendments for counties having a population of fewer than 75,000 residents, or counties having fewer than

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125,000 residents which are contiguous to counties having fewer than 75,000 residents. Additional assistance may include, but not be limited to, guidance in land development regulations and permitting processes, working cooperatively with state, regional, and local entities to identify areas within these counties which may be suitable or adaptable for preclearance review of specified types of land uses and other activities requiring permits.

Section 321. Paragraph (a) of subsection (3) of section 409.017, Florida Statutes, is amended to read:

409.017 Revenue Maximization Act; legislative intent; revenue maximization program.—

(3) REVENUE MAXIMIZATION PROGRAM.—

(a) For purposes of this section, the term “agency” means any state agency or department that is involved in providing health, social, or human services, including, but not limited to, the Agency for Health Care Administration, ~~the Agency for Workforce Innovation~~, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice, the Department of Education, and the State Board of Education.

Section 322. Paragraph (c) of subsection (7) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.—

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living

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transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, ~~the Agency for Workforce Innovation~~, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, recipients of Road-to-Independence Program funding, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

Section 323. Subsection (1), paragraph (b) of subsection (3), and subsection (8) of section 409.2576, Florida Statutes, are amended to read:

409.2576 State Directory of New Hires.—

(1) DIRECTORY CREATED.—The State Directory of New Hires is hereby created and shall be administered by the Department of Revenue or its agent. ~~The Department of Labor and Employment Security will act as the agent until a date not later than October 1, 1998.~~ All employers in the state shall furnish a report consistent with subsection (3) for each newly hired or rehired employee unless the employee is employed by a federal or

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state agency performing intelligence or counterintelligence functions and the head of such agency has determined that reporting pursuant to this section could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

(3) EMPLOYERS TO FURNISH REPORTS.—

(b) ~~Upon termination of the contract with the Department of Labor and Employment Security, but not later than October 1, 1998,~~ all employers shall furnish a report to the State Directory of New Hires of the state in which the newly hired or rehired employee works. The report required in this section shall be made on a W-4 form or, at the option of the employer, an equivalent form, and can be transmitted magnetically, electronically, by first-class mail, or other methods which may be prescribed by the State Directory. Each report shall include the name, address, date of hire, and social security number of every new and rehired employee and the name, address, and federal employer identification number of the reporting employer. If available, the employer may also include the employee's date of birth in the report. Multistate employers that report new hire information electronically or magnetically may designate a single state to which it will transmit the above noted report, provided the employer has employees in that state and the employer notifies the Secretary of Health and Human Services in writing to which state the information will be provided. Agencies of the United States Government shall report directly to the National Directory of New Hires.

(8) PROVIDING INFORMATION TO NATIONAL DIRECTORY.—~~Not later than October 1, 1997,~~ the State Directory of New Hires must

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furnish information regarding newly hired or rehired employees to the National Directory of New Hires for matching with the records of other state case registries within 3 business days of entering such information from the employer into the State Directory of New Hires. The State Directory of New Hires shall enter into an agreement with Jobs Florida or its tax collection service provider ~~the Florida Department of Labor and Employment Security~~ for the quarterly reporting to the National Directory of New Hires information on wages and unemployment compensation taken from the quarterly report to the Secretary of Labor, now required by Title III of the Social Security Act, except that no report shall be filed with respect to an employee of a state or local agency performing intelligence or counterintelligence functions, if the head of such agency has determined that filing such a report could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

Section 324. Section 409.944, Florida Statutes, is amended to read:

409.944 Inner City Redevelopment Assistance Grants Program.—There is created an Inner City Redevelopment Assistance Grants Program to be administered by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. Jobs Florida ~~The Office~~ shall develop criteria for awarding these grants which give weighted consideration to urban high-crime areas as identified by the Florida Department of Law Enforcement. These criteria shall also be weighted to immediate creation of jobs for residents in the targeted areas.

Section 325. Section 409.946, Florida Statutes, are amended to read:

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409.946 Inner City Redevelopment Review Panel.—In order to enhance public participation and involvement in the redevelopment of inner-city areas, there is created within Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~ the Inner City Redevelopment Review Panel.

(1) The review panel shall consist of six ~~seven~~ members who represent different areas of the state, who are appointed by the commissioner of Jobs Florida ~~Director of the Office of Tourism, Trade, and Economic Development~~, and who are qualified, through the demonstration of special interest, experience, or education, in the redevelopment of the state's inner-city areas, as follows:

(a) One member must be affiliated with the advisory council of the Division of Black Business Development of the Jobs Florida Partnership, Inc. ~~Black Business Investment Board~~;

(b) One member must be affiliated with the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University;

(c) One member must be affiliated with a local economic development agency ~~the Office of Tourism, Trade, and Economic Development~~;

(d) One member must be the president of the Jobs Florida Partnership, Inc., ~~Enterprise Florida, Inc.~~, or the president's designee;

~~(e) One member must be the Secretary of Community Affairs or the secretary's designee;~~

~~(e)(f)~~ One member must be affiliated with the Better Jobs/Better Wages Council of Workforce Florida, Inc.; and

~~(f)(g)~~ One member must be affiliated with the First

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Jobs/First Wages Council of Workforce Florida, Inc.

(2) The importance of minority and gender representation must be considered when making appointments to the panel, and the geographic representation of panel members must also be considered.

(3) Members of the review panel shall be appointed for 4-year terms. A person may not serve more than two consecutive terms on the panel.

(4) Members shall elect a chairperson annually. A member may not be elected to consecutive terms as chairperson.

(5) All action taken by the review panel shall be by majority vote of those present. The commissioner of Jobs Florida ~~director of the Office of Tourism, Trade, and Economic Development~~ or the commissioner's ~~director's~~ designee shall serve without voting rights as secretary to the panel. Jobs Florida ~~The Office of Tourism, Trade, and Economic Development~~ shall provide necessary staff assistance to the panel.

(6) It is the responsibility of the panel to evaluate proposals for awards of inner-city redevelopment grants administered by Jobs Florida ~~the Office of Tourism, Trade, and Economic Development~~. The panel shall review and evaluate all proposals for grants and shall make recommendations, including a priority ranking, reflecting such evaluation.

Section 326. Paragraph (d) of subsection (2), subsection (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5), paragraph (e) of subsection (7), subsection (8), and paragraphs (b), (c), (d), and (e) of subsection (9) of section 411.01, Florida Statutes, are amended to read:

411.01 School readiness programs; early learning

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coalitions.—

(2) LEGISLATIVE INTENT.—

(d) It is the intent of the Legislature that the administrative staff for school readiness programs be kept to the minimum necessary to administer the duties of the Department of Education ~~Agency for Workforce Innovation~~ and early learning coalitions. The Department of Education ~~Agency for Workforce Innovation~~ shall adopt system support services at the state level to build a comprehensive early learning system. Each early learning coalition shall implement and maintain direct enhancement services at the local level, as approved in its school readiness plan by the Department of Education ~~Agency for Workforce Innovation~~, and ensure access to such services in all 67 counties.

(4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE INNOVATION~~.—

(a) The Department of Education ~~Agency for Workforce Innovation~~ shall administer school readiness programs at the state level and shall coordinate with the early learning coalitions in providing school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient.

(b) The Department of Education ~~Agency for Workforce Innovation~~ shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under subsection (6) and the programmatic, administrative, and fiscal standards under this section for all public providers of school readiness programs.

2. Focus on improving the educational quality of all

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program providers participating in publicly funded school readiness programs.

(c) The Governor shall designate the Department of Education ~~Agency for Workforce Innovation~~ as the lead agency for administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the department ~~agency~~ shall comply with the lead agency responsibilities under federal law.

(d) The Department of Education ~~Agency for Workforce Innovation~~ shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and every 2 years review early learning coalitions and school readiness plans.

3. Establish a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Department of Education ~~Agency for Workforce Innovation~~ shall adopt specific system support services that address the state's school readiness programs. An early learning coalition shall amend its school readiness plan to conform to the specific system support services adopted by the Department of Education ~~Agency for Workforce Innovation~~. System support services shall include, but are not limited to:

- a. Child care resource and referral services;
- b. Warm-Line services;
- c. Eligibility determinations;
- d. Child performance standards;
- e. Child screening and assessment;
- f. Developmentally appropriate curricula;

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- 16821 g. Health and safety requirements;
16822 h. Statewide data system requirements; and
16823 i. Rating and improvement systems.
- 16824 4. Safeguard the effective use of federal, state, local,
16825 and private resources to achieve the highest possible level of
16826 school readiness for the children in this state.
- 16827 5. Adopt a rule establishing criteria for the expenditure
16828 of funds designated for the purpose of funding activities to
16829 improve the quality of child care within the state in accordance
16830 with s. 658G of the federal Child Care and Development Block
16831 Grant Act.
- 16832 6. Provide technical assistance to early learning
16833 coalitions in a manner determined by the Department of Education
16834 ~~Agency for Workforce Innovation~~ based upon information obtained
16835 by the department ~~agency~~ from various sources, including, but
16836 not limited to, public input, government reports, private
16837 interest group reports, department ~~agency~~ monitoring visits, and
16838 coalition requests for service.
- 16839 7. In cooperation with the ~~Department of Education and~~
16840 early learning coalitions, coordinate with the Child Care
16841 Services Program Office of the Department of Children and Family
16842 Services to minimize duplicating interagency activities, health
16843 and safety monitoring, and acquiring and composing data
16844 pertaining to child care training and credentialing.
- 16845 8. Develop and adopt performance standards and outcome
16846 measures for school readiness programs. The performance
16847 standards must address the age-appropriate progress of children
16848 in the development of school readiness skills. The performance
16849 standards for children from birth to 5 years of age in school

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readiness programs must be integrated with the performance standards adopted by the Department of Education for children in the Voluntary Prekindergarten Education Program under s. 1002.67.

9. Adopt a standard contract that must be used by the coalitions when contracting with school readiness providers.

(e) The Department of Education ~~Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to administer the provisions of law conferring duties upon the department agency, including, but not limited to, rules governing the administration of system support services of school readiness programs, the collection of data, the approval of early learning coalitions and school readiness plans, the provision of a method whereby an early learning coalition may serve two or more counties, the award of incentives to early learning coalitions, child performance standards, child outcome measures, the issuance of waivers, and the implementation of the state's Child Care and Development Fund Plan as approved by the federal Administration for Children and Families.

(f) The Department of Education ~~Agency for Workforce Innovation~~ shall have all powers necessary to administer this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for purposes of this section.

(g) Except as provided by law, the Department of Education ~~Agency for Workforce Innovation~~ may not impose requirements on a

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child care or early childhood education provider that does not deliver services under the school readiness programs or receive state or federal funds under this section.

(h) The Department of Education ~~Agency for Workforce Innovation~~ shall have a budget for school readiness programs, which shall be financed through an annual appropriation made for purposes of this section in the General Appropriations Act.

(i) The Department of Education ~~Agency for Workforce Innovation~~ shall coordinate the efforts toward school readiness in this state and provide independent policy analyses, data analyses, and recommendations to the Governor, the State Board of Education, and the Legislature.

(j) The Department of Education ~~Agency for Workforce Innovation~~ shall require that school readiness programs, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards adopted under subparagraph (d)8. and in the development of the following school readiness skills:

1. Compliance with rules, limitations, and routines.
2. Ability to perform tasks.
3. Interactions with adults.
4. Interactions with peers.
5. Ability to cope with challenges.
6. Self-help skills.
7. Ability to express the child's needs.
8. Verbal communication skills.
9. Problem-solving skills.
10. Following of verbal directions.
11. Demonstration of curiosity, persistence, and

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exploratory behavior.

12. Interest in books and other printed materials.

13. Paying attention to stories.

14. Participation in art and music activities.

15. Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Within 30 days after enrollment in the school readiness program, the early learning coalition must ensure that the program provider obtains information regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations. For a program provider licensed by the Department of Children and Family Services, the provider's compliance with s. 402.305(9), as verified pursuant to s. 402.311, shall satisfy this requirement.

(k) The Department of Education ~~Agency for Workforce Innovation~~ shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome measures adopted by the department agency for school readiness programs and the specific system support services to address the state's school readiness programs adopted by the Department of Education ~~Agency for Workforce Innovation~~ in accordance with subparagraph (d)3.

(l) The Department of Education ~~Agency for Workforce Innovation~~ shall monitor and evaluate the performance of each early learning coalition in administering the school readiness program, implementing the coalition's school readiness plan, and

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administering the Voluntary Prekindergarten Education Program. These monitoring and performance evaluations must include, at a minimum, onsite monitoring of each coalition's finances, management, operations, and programs.

(m) The Department of Education ~~Agency for Workforce Innovation~~ shall submit an annual report of its activities conducted under this section to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Department of Education's ~~Agency for Workforce Innovation's~~ reports and recommendations shall be made available to the Florida Early Learning Advisory Council and other appropriate state agencies and entities. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs.

(n) The Department of Education ~~Agency for Workforce Innovation~~ shall work with the early learning coalitions to ensure availability of training and support for parental involvement in children's early education and to provide family literacy activities and services.

(5) CREATION OF EARLY LEARNING COALITIONS.—

(a) *Early learning coalitions.*—

1. Each early learning coalition shall maintain direct enhancement services at the local level and ensure access to such services in all 67 counties.

2. The Department of Education ~~Agency for Workforce Innovation~~ shall establish the minimum number of children to be served by each early learning coalition through the coalition's

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school readiness program. The Department of Education ~~Agency for Workforce Innovation~~ may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every early learning coalition and must:

- a. Permit 31 or fewer coalitions to be established; and
- b. Require each coalition to serve at least 2,000 children based upon the average number of all children served per month through the coalition's school readiness program during the previous 12 months.

3. If an early learning coalition would serve fewer children than the minimum number established under subparagraph 2., the coalition must merge with another county to form a multicounty coalition. The Department of Education ~~Agency for Workforce Innovation~~ shall adopt procedures for merging early learning coalitions, including procedures for the consolidation of merging coalitions, and for the early termination of the terms of coalition members which are necessary to accomplish the mergers. However, the Department of Education ~~Agency for Workforce Innovation~~ shall grant a waiver to an early learning coalition to serve fewer children than the minimum number established under subparagraph 2., if:

- a. The Department of Education ~~Agency for Workforce Innovation~~ has determined during the most recent review of the coalition's school readiness plan, or through monitoring and performance evaluations conducted under paragraph (4)(l), that the coalition has substantially implemented its plan;
- b. The coalition demonstrates to the Department of Education ~~Agency for Workforce Innovation~~ the coalition's ability to effectively and efficiently implement the Voluntary

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Prekindergarten Education Program; and

c. The coalition demonstrates to the Department of Education ~~Agency for Workforce Innovation~~ that the coalition can perform its duties in accordance with law.

If an early learning coalition fails or refuses to merge as required by this subparagraph, the Department of Education ~~Agency for Workforce Innovation~~ may dissolve the coalition and temporarily contract with a qualified entity to continue school readiness and prekindergarten services in the coalition's county or multicounty region until the department ~~agency~~ reestablishes the coalition and a new school readiness plan is approved by the department ~~agency~~.

4. Each early learning coalition shall be composed of at least 15 members but not more than 30 members. The Department of Education ~~Agency for Workforce Innovation~~ shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to an early learning coalition and procedures for identifying which members have voting privileges under subparagraph 6. These standards must include variations for a coalition serving a multicounty region. Each early learning coalition must comply with these standards.

5. The Governor shall appoint the chair and two other members of each early learning coalition, who must each meet the same qualifications as private sector business members appointed by the coalition under subparagraph 7.

6. Each early learning coalition must include the following member positions; however, in a multicounty coalition, each ex officio member position may be filled by multiple nonvoting

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members but no more than one voting member shall be seated per member position. If an early learning coalition has more than one member representing the same entity, only one of such members may serve as a voting member:

a. A Department of Children and Family Services circuit administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce board executive director or his or her designee.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. An agency head of a local licensing agency as defined in s. 402.302, where applicable.

g. A president of a community college or his or her designee.

h. One member appointed by a board of county commissioners or the governing board of a municipality.

i. A central agency administrator, where applicable.

j. A Head Start director.

k. A representative of private for-profit child care providers, including private for-profit family day care homes.

l. A representative of faith-based child care providers.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities

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Education Act.

7. Including the members appointed by the Governor under subparagraph 5., more than one-third of the members of each early learning coalition must be private sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the coalition's school readiness program. To meet this requirement an early learning coalition must appoint additional members. The Department of Education ~~Agency for Workforce Innovation~~ shall establish criteria for appointing private sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the coalition's school readiness program.

8. A majority of the voting membership of an early learning coalition constitutes a quorum required to conduct the business of the coalition. An early learning coalition board may use any method of telecommunications to conduct meetings, including establishing a quorum through telecommunications, provided that the public is given proper notice of a telecommunications meeting and reasonable access to observe and, when appropriate, participate.

9. A voting member of an early learning coalition may not appoint a designee to act in his or her place, except as otherwise provided in this paragraph. A voting member may send a representative to coalition meetings, but that representative does not have voting privileges. When a district administrator

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for the Department of Children and Family Services appoints a designee to an early learning coalition, the designee is the voting member of the coalition, and any individual attending in the designee's place, including the district administrator, does not have voting privileges.

10. Each member of an early learning coalition is subject to ss. 112.313, 112.3135, and 112.3143. For purposes of s. 112.3143(3)(a), each voting member is a local public officer who must abstain from voting when a voting conflict exists.

11. For purposes of tort liability, each member or employee of an early learning coalition shall be governed by s. 768.28.

12. An early learning coalition serving a multicounty region must include representation from each county.

13. Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years in conjunction with their membership on the Early Learning Advisory Council under s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

(c) Program expectations.—

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in attaining the performance standards and outcome measures adopted by the Agency for Workforce Innovation.

b. The program must provide extended-day and extended-year

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services to the maximum extent possible without compromising the quality of the program to meet the needs of parents who work.

c. The program must provide a coordinated professional development system that supports the achievement and maintenance of core competencies by school readiness instructors in helping children attain the performance standards and outcome measures adopted by the Department of Education ~~Agency for Workforce Innovation~~.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout a county, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Department of Education ~~Agency for Workforce Innovation~~ shall establish through technology a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions.

f. The Department of Education ~~Agency for Workforce Innovation~~ must consider the access of eligible children to the

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17140 school readiness program, as demonstrated in part by waiting
17141 lists, before approving a proposed increase in payment rates
17142 submitted by an early learning coalition. In addition, early
17143 learning coalitions shall use school readiness funds made
17144 available due to enrollment shifts from school readiness
17145 programs to the Voluntary Prekindergarten Education Program for
17146 increasing the number of children served in school readiness
17147 programs before increasing payment rates.

17148 g. The program must meet all state licensing guidelines,
17149 where applicable.

17150 h. The program must ensure that minimum standards for child
17151 discipline practices are age-appropriate. Such standards must
17152 provide that children not be subjected to discipline that is
17153 severe, humiliating, or frightening or discipline that is
17154 associated with food, rest, or toileting. Spanking or any other
17155 form of physical punishment is prohibited.

17156 2. Each early learning coalition must implement a
17157 comprehensive program of school readiness services in accordance
17158 with the rules adopted by the department ~~agency~~ which enhance
17159 the cognitive, social, and physical development of children to
17160 achieve the performance standards and outcome measures. At a
17161 minimum, these programs must contain the following system
17162 support service elements:

17163 a. Developmentally appropriate curriculum designed to
17164 enhance the age-appropriate progress of children in attaining
17165 the performance standards adopted by the Department of Education
17166 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.

17167 b. A character development program to develop basic values.

17168 c. An age-appropriate screening of each child's

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development.

d. An age-appropriate assessment administered to children when they enter a program and an age-appropriate assessment administered to children when they leave the program.

e. An appropriate staff-to-children ratio, pursuant to s. 402.305(4) or s. 402.302(7) or (8), as applicable, and as verified pursuant to s. 402.311.

f. A healthy and safe environment pursuant to s. 401.305(5), (6), and (7), as applicable, and as verified pursuant to s. 402.311.

g. A resource and referral network established under s. 411.0101 to assist parents in making an informed choice and a regional Warm-Line under s. 411.01015.

~~The Agency for Workforce Innovation, the~~ Department of Education, and early learning coalitions shall coordinate with the Child Care Services Program Office of the Department of Children and Family Services to minimize duplicating interagency activities pertaining to acquiring and composing data for child care training and credentialing.

(d) Implementation.—

1. An early learning coalition may not implement the school readiness program until the coalition's school readiness plan is approved by the Department of Education ~~Agency for Workforce Innovation~~.

2. Each early learning coalition shall coordinate with one another to implement a comprehensive program of school readiness services which enhances the cognitive, social, physical, and moral character of the children to achieve the performance

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standards and outcome measures and which helps families achieve economic self-sufficiency. Such program must contain, at a minimum, the following elements:

a. Implement the school readiness program to meet the requirements of this section and the system support services, performance standards, and outcome measures adopted by the Department of Education ~~Agency for Workforce Innovation~~.

b. Demonstrate how the program will ensure that each child from birth through 5 years of age in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the children in attaining the performance standards adopted by the department ~~agency~~ under subparagraph (4)(d)8.

c. Ensure that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

Before implementing the school readiness program, the early learning coalition must submit the plan to the department ~~agency~~ for approval. The department ~~agency~~ may approve the plan, reject the plan, or approve the plan with conditions. The department ~~agency~~ shall review school readiness plans at least every 2 years.

3. If the Department of Education ~~Agency for Workforce Innovation~~ determines during the review of school readiness plans, or through monitoring and performance evaluations conducted under paragraph (4)(l), that an early learning coalition has not substantially implemented its plan, has not substantially met the performance standards and outcome measures

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17227 adopted by the department ~~agency~~, or has not effectively
17228 administered the school readiness program or Voluntary
17229 Prekindergarten Education Program, the department ~~agency~~ may
17230 dissolve the coalition and temporarily contract with a qualified
17231 entity to continue school readiness and prekindergarten services
17232 in the coalition's county or multicounty region until the
17233 department ~~agency~~ reestablishes the coalition and a new school
17234 readiness plan is approved in accordance with the rules adopted
17235 by the department ~~agency~~.

17236 4. The Department of Education ~~Agency for Workforce~~
17237 ~~Innovation~~ shall adopt rules establishing criteria for the
17238 approval of school readiness plans. The criteria must be
17239 consistent with the system support services, performance
17240 standards, and outcome measures adopted by the department ~~agency~~
17241 and must require each approved plan to include the following
17242 minimum standards for the school readiness program:

17243 a. A community plan that addresses the needs of all
17244 children and providers within the coalition's county or
17245 multicounty region.

17246 b. A sliding fee scale establishing a copayment for parents
17247 based upon their ability to pay, which is the same for all
17248 program providers.

17249 c. A choice of settings and locations in licensed,
17250 registered, religious-exempt, or school-based programs to be
17251 provided to parents.

17252 d. Specific eligibility priorities for children in
17253 accordance with subsection (6).

17254 e. Performance standards and outcome measures adopted by
17255 the department ~~agency~~.

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f. Payment rates adopted by the early learning coalitions and approved by the department ~~agency~~. Payment rates may not have the effect of limiting parental choice or creating standards or levels of services that have not been expressly established by the Legislature, unless the creation of such standards or levels of service, which must be uniform throughout the state, has been approved by the Federal Government and result in the state being eligible to receive additional federal funds available for early learning on a statewide basis.

g. Direct enhancement services for families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs. Direct enhancement services for families may include parent training and involvement activities and strategies to meet the needs of unique populations and local eligibility priorities. Enhancement services for children may include provider supports and professional development approved in the plan by the Department of Education ~~Agency for Workforce Innovation~~.

h. The business organization of the early learning coalition, which must include the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent. An early learning coalition may contract with other coalitions to achieve efficiency in multicounty services, and these contracts may be part of the coalition's school readiness plan.

i. The implementation of locally developed quality programs

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in accordance with the requirements adopted by the department
~~agency~~ under subparagraph (4)(d)5.

The Department of Education ~~Agency for Workforce Innovation~~ may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program.

5. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6. An early learning coalition may not implement its school readiness plan until it submits the plan to and receives approval from the Department of Education ~~Agency for Workforce Innovation~~. Once the plan is approved, the plan and the services provided under the plan shall be controlled by the early learning coalition. The plan shall be reviewed and revised as necessary, but at least biennially. An early learning coalition may not implement the revisions until the coalition submits the revised plan to and receives approval from the department ~~agency~~. If the department ~~agency~~ rejects a revised plan, the coalition must continue to operate under its prior approved plan.

7. Section 125.901(2)(a)3. does not apply to school readiness programs. The Department of Education ~~Agency for Workforce Innovation~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223 and 1003.54, if the waiver is necessary for implementation of school readiness programs.

8. Two or more early learning coalitions may join for

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purposes of planning and implementing a school readiness program.

(e) *Requests for proposals; payment schedule.*—

1. Each early learning coalition must comply with the procurement and expenditure procedures adopted by the Department of Education ~~Agency for Workforce Innovation~~, including, but not limited to, applying the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

2. Each early learning coalition shall adopt a payment schedule that encompasses all programs funded under this section. The payment schedule must take into consideration the prevailing market rate, must include the projected number of children to be served, and must be submitted for approval by the Department of Education ~~Agency for Workforce Innovation~~.

Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate adopted for a family day care home.

(f) *Evaluation and annual report.*—Each early learning coalition shall conduct an evaluation of its implementation of the school readiness program, including system support services, performance standards, and outcome measures, and shall provide an annual report and fiscal statement to the Department of Education ~~Agency for Workforce Innovation~~. This report must also include an evaluation of the effectiveness of its direct enhancement services and conform to the content and format specifications adopted by the Department of Education ~~Agency for Workforce Innovation~~. The Department of Education ~~Agency for Workforce Innovation~~ must include an analysis of the early learning coalitions' reports in the department's ~~agency's~~ annual report.

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(7) PARENTAL CHOICE.—

(e) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each early learning coalition shall fully implement the electronic funds transfer system within 2 years after approval of the coalition's school readiness plan, unless a waiver is obtained from the Department of Education ~~Agency for Workforce Innovation~~.

(8) STANDARDS; OUTCOME MEASURES.—A program provider participating in the school readiness program must meet the performance standards and outcome measures adopted by the Department of Education ~~Agency for Workforce Innovation~~.

(9) FUNDING; SCHOOL READINESS PROGRAM.—

(b)1. The Department of Education ~~Agency for Workforce Innovation~~ shall administer school readiness funds, plans, and policies and shall prepare and submit a unified budget request for the school readiness system in accordance with chapter 216.

2. All instructions to early learning coalitions for administering this section shall emanate from the Department of Education ~~Agency for Workforce Innovation~~ in accordance with the policies of the Legislature.

(c) The Department of Education ~~Agency for Workforce Innovation~~, subject to legislative notice and review under s. 216.177, shall establish a formula for the allocation of all state and federal school readiness funds provided for children participating in the school readiness program, whether served by a public or private provider, based upon equity for each county. The allocation formula must be submitted to the Governor, the chair of the Senate Ways and Means Committee or its successor,

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and the chair of the House of Representatives Fiscal Council or its successor no later than January 1 of each year. If the Legislature specifies changes to the allocation formula, the Department of Education ~~Agency for Workforce Innovation~~ shall allocate funds as specified in the General Appropriations Act.

(d) All state, federal, and required local maintenance-of-effort or matching funds provided to an early learning coalition for purposes of this section shall be used for implementation of its approved school readiness plan, including the hiring of staff to effectively operate the coalition's school readiness program. As part of plan approval and periodic plan review, the Department of Education ~~Agency for Workforce Innovation~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must not exceed 5 percent unless specifically waived by the Department of Education ~~Agency for Workforce Innovation~~. The Department of Education ~~Agency for Workforce Innovation~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The Department of Education ~~Agency for Workforce Innovation~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the early learning coalitions in accordance with the terms and conditions specified by the department ~~agency~~.

Section 327. Subsections (1) and (2), paragraph (a) of subsection (3), and subsection (4) of section 411.0101, Florida Statutes, are amended to read:

411.0101 Child care and early childhood resource and

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referral.—

(1) As a part of the school readiness programs, the Department of Education ~~Agency for Workforce Innovation~~ shall establish a statewide child care resource and referral network that is unbiased and provides referrals to families for child care. Preference shall be given to using the already established early learning coalitions as the child care resource and referral agencies. If an early learning coalition cannot comply with the requirements to offer the resource information component or does not want to offer that service, the early learning coalition shall select the resource and referral agency for its county or multicounty region based upon a request for proposal pursuant to s. 411.01(5)(e)1.

(2) At least one child care resource and referral agency must be established in each early learning coalition's county or multicounty region. The Department of Education ~~Agency for Workforce Innovation~~ shall adopt rules regarding accessibility of child care resource and referral services offered through child care resource and referral agencies in each county or multicounty region which include, at a minimum, required hours of operation, methods by which parents may request services, and child care resource and referral staff training requirements.

(3) Child care resource and referral agencies shall provide the following services:

(a) Identification of existing public and private child care and early childhood education services, including child care services by public and private employers, and the development of a resource file of those services through the single statewide information system developed by the Department

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of Education ~~Agency for Workforce Innovation~~ under s.
411.01(5)(c)1.e. These services may include family day care,
public and private child care programs, the Voluntary
Prekindergarten Education Program, Head Start, the school
readiness program, special education programs for
prekindergarten children with disabilities, services for
children with developmental disabilities, full-time and part-
time programs, before-school and after-school programs, vacation
care programs, parent education, the Temporary Cash Assistance
Program, and related family support services. The resource file
shall include, but not be limited to:

1. Type of program.
2. Hours of service.
3. Ages of children served.
4. Number of children served.
5. Significant program information.
6. Fees and eligibility for services.
7. Availability of transportation.

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

Section 328. Subsections (2), (6), and (7) of section
411.01013, Florida Statutes, are amended to read:

411.01013 Prevailing market rate schedule.—

(2) The Department of Education ~~Agency for Workforce
Innovation~~ shall establish procedures for the adoption of a
prevailing market rate schedule. The schedule must include, at a
minimum, county-by-county rates:

(a) At the prevailing market rate, plus the maximum rate,

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for child care providers that hold a Gold Seal Quality Care designation under s. 402.281.

(b) At the prevailing market rate for child care providers that do not hold a Gold Seal Quality Care designation.

(6) The Department of Education ~~Agency for Workforce Innovation~~ may contract with one or more qualified entities to administer this section and provide support and technical assistance for child care providers.

(7) The Department of Education ~~Agency for Workforce Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54 for establishing procedures for the collection of child care providers' market rate, the calculation of a reasonable frequency distribution of the market rate, and the publication of a prevailing market rate schedule.

Section 329. Subsection (1) of section 411.01014, Florida Statutes, is amended to read:

411.01014 School readiness transportation services.—

(1) The Department of Education ~~Agency for Workforce Innovation~~, pursuant to chapter 427, may authorize an early learning coalition to establish school readiness transportation services for children at risk of abuse or neglect participating in the school readiness program. The early learning coalitions may contract for the provision of transportation services as required by this section.

Section 330. Subsections (1), (3), and (4) of section 411.01015, Florida Statutes, are amended to read:

411.01015 Consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues.—

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(1) Contingent upon specific appropriations, the Department of Education ~~Agency for Workforce Innovation~~ shall administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care centers and family day care homes regarding health, developmental, disability, and special needs issues of the children they are serving, particularly children with disabilities and other special needs.

(3) The Department of Education ~~Agency for Workforce Innovation~~ shall annually inform child care centers and family day care homes of the availability of this service through the child care resource and referral network under s. 411.0101.

(4) Contingent upon specific appropriations, the Department of Education ~~Agency for Workforce Innovation~~ shall expand, or contract for the expansion of, the Warm-Line to maintain at least one Warm-Line site in each early learning coalition service area.

Section 331. Subsections (2) and (3) of section 411.0103, Florida Statutes, are amended to read:

411.0103 Teacher Education and Compensation Helps (TEACH) scholarship program.—

(2) The Department of Education ~~Agency for Workforce Innovation~~ may contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department ~~agency~~ shall adopt rules under ss. 120.536(1) and 120.54 as necessary to administer this section.

Section 332. Subsections (1) and (3) of section 411.0104,

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Florida Statutes, are amended to read:

411.0104 Early Head Start collaboration grants.—

(1) Contingent upon specific appropriations, the Department of Education ~~Agency for Workforce Innovation~~ shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(3) The Department of Education ~~Agency for Workforce Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 333. Section 411.0106, Florida Statutes, is amended to read:

411.0106 Infants and toddlers in state-funded education and care programs; brain development activities.—Each state-funded education and care program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. A program must provide an environment that helps children attain the performance standards adopted by the Department of Education ~~Agency for Workforce Innovation~~ under s. 411.01(4)(d)8. and must be rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children and must include classical music and at least 30 minutes of reading to the children each day. A program may be

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17546 offered through an existing early childhood program such as
17547 Healthy Start, the Title I program, the school readiness
17548 program, the Head Start program, or a private child care
17549 program. A program must provide training for the infants' and
17550 toddlers' parents including direct dialogue and interaction
17551 between teachers and parents demonstrating the urgency of brain
17552 development in the first year of a child's life. Family day care
17553 centers are encouraged, but not required, to comply with this
17554 section.

17555 Section 334. Subsection (1) and paragraph (g) of subsection
17556 (3) of section 411.011, Florida Statutes, are amended to read:

17557 411.011 Records of children in school readiness programs.—

17558 (1) The individual records of children enrolled in school
17559 readiness programs provided under s. 411.01, held by an early
17560 learning coalition or the Department of Education Agency for
17561 Workforce Innovation, are confidential and exempt from s.
17562 119.07(1) and s. 24(a), Art. I of the State Constitution. For
17563 purposes of this section, records include assessment data,
17564 health data, records of teacher observations, and personal
17565 identifying information.

17566 (3) School readiness records may be released to:

17567 (g) Parties to an interagency agreement among early
17568 learning coalitions, local governmental agencies, providers of
17569 school readiness programs, state agencies, and the Department of
17570 Education Agency for Workforce Innovation for the purpose of
17571 implementing the school readiness program.

17572
17573 Agencies, organizations, or individuals that receive school
17574 readiness records in order to carry out their official functions

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must protect the data in a manner that does not permit the personal identification of a child enrolled in a school readiness program and his or her parents by persons other than those authorized to receive the records.

Section 335. Paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.—

(2) LEARNING GATEWAY STEERING COMMITTEE.—

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, ~~the Agency for Workforce Innovation,~~ the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 336. Paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.—The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.—

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should

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target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards adopted by the Department of Education ~~Agency for Workforce Innovation~~.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.—

(a) In coordination with ~~the Agency for Workforce Innovation~~, the Department of Education, and the Florida Pediatric Society, and using information learned from the local

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demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

(c) The steering committee, in cooperation with the Department of Children and Family Services and, the Department of Education, ~~and the Agency for Workforce Innovation~~, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 337. Section 414.24, Florida Statutes, is amended to read:

414.24 Integrated welfare reform and child welfare services.—The department shall develop integrated service delivery strategies to better meet the needs of families subject to work activity requirements who are involved in the child welfare system or are at high risk of involvement in the child welfare system. To the extent that resources are available, the department and Jobs Florida ~~the Department of Labor and Employment Security~~ shall provide funds to one or more service districts to promote development of integrated, nonduplicative case management within the department, Jobs Florida ~~the Department of Labor and Employment Security~~, other participating government agencies, and community partners. Alternative delivery systems shall be encouraged which include well-defined,

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pertinent outcome measures. Other factors to be considered shall include innovation regarding training, enhancement of existing resources, and increased private sector and business sector participation.

Section 338. Section 414.40, Florida Statutes, is amended to read:

414.40 Stop Inmate Fraud Program established; guidelines.—

(1) There is created within the Department of Financial Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud Program.

(2) The Department of Financial Services ~~Department of Law Enforcement~~ is directed to implement the Stop Inmate Fraud Program in accordance with the following guidelines:

(a) The program shall establish procedures for sharing public records not exempt from the public records law among social services agencies regarding the identities of persons incarcerated in state correctional institutions, as defined in s. 944.02, or in county, municipal, or regional jails or other detention facilities of local governments under chapter 950 or chapter 951 who are wrongfully receiving public assistance benefits or entitlement benefits.

(b) Pursuant to these procedures, the program shall have access to records containing correctional information not exempt from the public records law on incarcerated persons which have been generated as criminal justice information. As used in this paragraph, the term "record" is defined as provided in s. 943.045(7), and the term "criminal justice information" is defined as provided in s. 943.045(3).

(c) Database searches shall be conducted of the inmate

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population at each correctional institution or other detention facility. A correctional institution or a detention facility shall provide the Stop Inmate Fraud Program with the information necessary to identify persons wrongfully receiving benefits in the medium requested by the Stop Inmate Fraud Program if the correctional institution or detention facility maintains the information in that medium.

(d) Data obtained from correctional institutions or other detention facilities shall be compared with the client files of the Department of Children and Family Services, the Agency for Workforce Innovation ~~Department of Labor and Employment Security~~, and other state or local agencies as needed to identify persons wrongfully obtaining benefits. Data comparisons shall be accomplished during periods of low information demand by agency personnel to minimize inconvenience to the agency.

(e) Results of data comparisons shall be furnished to the appropriate office for use in the county in which the data originated. The program may provide reports of the data it obtains to appropriate state, federal, and local government agencies or governmental entities, including, but not limited to:

1. The Child Support Enforcement Program of the Department of Revenue, so that the data may be used as locator information on persons being sought for purposes of child support.

2. The Social Security Administration, so that the data may be used to reduce federal entitlement fraud within the state.

(f) Reports by the program to another agency or entity shall be generated bimonthly, or as otherwise directed, and shall be designed to accommodate that agency's or entity's

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particular needs for data.

(g) Only those persons with active cases, or with cases that were active during the incarceration period, shall be reported, in order that the funding agency or entity, upon verification of the data, may take whatever action is deemed appropriate.

(h) For purposes of program review and analysis, each agency or entity receiving data from the program shall submit reports to the program which indicate the results of how the data was used.

Section 339. Subsection (1) of section 414.295, Florida Statutes, is amended to read:

414.295 Temporary cash assistance programs; public records exemption.—

(1) Personal identifying information of a temporary cash assistance program participant, a participant's family, or a participant's family or household member, except for information identifying a parent who does not live in the same home as the child, held by the department, Jobs Florida ~~the Agency for Workforce Innovation~~, Workforce Florida, Inc., the Department of Health, the Department of Revenue, the Department of Education, or a regional workforce board or local committee created pursuant to s. 445.007 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such confidential and exempt information may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, by the department, Jobs Florida ~~the Agency for~~

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17749 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
17750 Military Affairs, the Department of Health, the Department of
17751 Revenue, the Department of Education, a regional workforce board
17752 or local committee created pursuant to s. 445.007, or a school
17753 district.

17754 (b) The administration of the state's plan or program
17755 approved under Title IV-B, Title IV-D, or Title IV-E of the
17756 Social Security Act, as amended, or under Title I, Title X,
17757 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
17758 Social Security Act, as amended.

17759 (c) Any investigation, prosecution, or any criminal, civil,
17760 or administrative proceeding conducted in connection with the
17761 administration of any of the plans or programs specified in
17762 paragraph (a) or paragraph (b) by a federal, state, or local
17763 governmental entity, upon request by that entity, when such
17764 request is made pursuant to the proper exercise of that entity's
17765 duties and responsibilities.

17766 (d) The administration of any other state, federal, or
17767 federally assisted program that provides assistance or services
17768 on the basis of need, in cash or in kind, directly to a
17769 participant.

17770 (e) Any audit or similar activity, such as a review of
17771 expenditure reports or financial review, conducted in connection
17772 with the administration of any of the plans or programs
17773 specified in paragraph (a) or paragraph (b) by a governmental
17774 entity authorized by law to conduct such audit or activity.

17775 (f) The administration of the unemployment compensation
17776 program.

17777 (g) The reporting to the appropriate agency or official of

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information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child or elderly person receiving assistance, if circumstances indicate that the health or welfare of the child or elderly person is threatened.

(h) The administration of services to elderly persons under ss. 430.601-430.606.

Section 340. Subsections (1) and (3) of section 414.411, Florida Statutes, are amended to read:

414.411 Public assistance fraud.—

(1) The Department of Financial Services shall investigate all public assistance provided to residents of the state or provided to others by the state. In the course of such investigation the department shall examine all records, including electronic benefits transfer records and make inquiry of all persons who may have knowledge as to any irregularity incidental to the disbursement of public moneys, food assistance, or other items or benefits authorizations to recipients. All public assistance recipients, as a condition precedent to qualification for public assistance under chapter 409, chapter 411, or this chapter, must first give in writing, to the Agency for Health Care Administration, the Department of Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and the Department of Children and Family Services, as appropriate, and to the Department of Financial Services, consent to make inquiry of past or present employers and records, financial or otherwise.

(3) The results of such investigation shall be reported by the Department of Financial Services to the appropriate

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legislative committees, the Agency for Health Care Administration, the Department of Health, Jobs Florida the ~~Agency for Workforce Innovation~~, and the Department of Children and Family Services, and to such others as the department may determine.

Section 341. Subsections (2) and (7) of section 420.631, Florida Statutes, are amended to read:

420.631 Definitions relating to Urban Homesteading Act.—As used in ss. 420.630-420.635:

~~(2) "Department" means the Department of Community Affairs.~~

(2)~~(3)~~ "Homestead agreement" means a written contract between a local government or its designee and a qualified buyer which contains the terms under which the qualified buyer may acquire a single-family housing property.

(3)~~(4)~~ "Local government" means any county or incorporated municipality within this state.

(4)~~(5)~~ "Designee" means a housing authority appointed by a local government, or a nonprofit community organization appointed by a local government, to administer the urban homesteading program for single-family housing under ss. 420.630-420.635.

(5)~~(6)~~ "Nonprofit community organization" means an organization that is exempt from taxation under s. 501(c)(3) of the Internal Revenue Code.

(6)~~(7)~~ "Office" means the Office of Urban Opportunity within Jobs Florida the ~~Department of Community Affairs~~.

(7)~~(8)~~ "Qualified buyer" means a person who meets the criteria under s. 420.633.

(8)~~(9)~~ "Qualified loan rate" means an interest rate that

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does not exceed the interest rate charged for home improvement loans by the Federal Housing Administration under Title I of the National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss. 1702, 1703, 1705, and 1706b et seq.

Section 342. Section 420.635, Florida Statutes, is amended to read:

420.635 Loans to qualified buyers.—Contingent upon an appropriation, Jobs Florida ~~the department~~, in consultation with the Office of Urban Opportunity, shall provide loans to qualified buyers who are required to pay the pro rata portion of the bonded debt on single-family housing pursuant to s. 420.634. Loans provided under this section shall be made at a rate of interest which does not exceed the qualified loan rate. A buyer must maintain the qualifications specified in s. 420.633 for the full term of the loan. The loan agreement may contain additional terms and conditions as determined by Jobs Florida ~~the department~~.

Section 343. Paragraph (b) of subsection (2) of section 429.907, Florida Statutes, is amended to read:

429.907 License requirement; fee; exemption; display.—

(2)

(b) ~~If in the event~~ a licensed center becomes wholly or substantially unusable due to a disaster ~~as defined in s. 252.34(1)~~ or due to an emergency as those terms are defined in s. 252.34(3):

1. The licensee may continue to operate under its current license in ~~a premise or~~ premises separate from that authorized under the license if the licensee has:

a. Specified the location of the ~~premise or~~ premises in its

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comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and

b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate ~~premise~~ ~~or~~ premises.

2. The licensee shall operate the separate ~~premise or~~ premises only while the licensed center's original location is substantially unusable and for up to ~~no longer than~~ 180 days. The agency may extend use of the alternate ~~premise or~~ premises beyond the initial 180 days. The agency may also review the operation of the disaster ~~premise or~~ premises quarterly.

Section 344. Subsection (2) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he or she shall receive his or her full weekly wages. If the employee's wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from 66 2/3 percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and

(b) Adjusted to the nearest dollar.

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For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four calendar quarters ending each June 30, which average weekly wage shall be determined by Jobs Florida ~~the Agency for Workforce Innovation~~ on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by Jobs Florida ~~the Agency for Workforce Innovation~~ shall be reported annually to the Legislature.

Section 345. Paragraph (c) of subsection (9) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) Disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(f), may not be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. ss. 402 and 423 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the department, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to her or him and

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17923 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
17924 release unemployment compensation information relating to her or
17925 him, in accordance with rules to be adopted by the department
17926 prescribing the procedure and manner for requesting the
17927 authorization and for compliance by the employee. The department
17928 or the employer or carrier may not make any payment of benefits
17929 for total disability or those additional benefits provided by
17930 paragraph (1)(f) for any period during which the employee
17931 willfully fails or refuses to authorize the release of
17932 information in the manner and within the time prescribed by such
17933 rules. The authority for release of disability information
17934 granted by an employee under this paragraph is effective for a
17935 period not to exceed 12 months and such authority may be
17936 renewed, as the department prescribes by rule.

17937 Section 346. Subsections (4) and (7) of section 440.381,
17938 Florida Statutes, are amended to read:

17939 440.381 Application for coverage; reporting payroll;
17940 payroll audit procedures; penalties.—

17941 (4) Each employer must submit a copy of the quarterly
17942 earnings ~~earning~~ report required by chapter 443 at the end of
17943 each quarter to the carrier and submit self-audits supported by
17944 the quarterly earnings reports required by chapter 443 and the
17945 rules adopted by Jobs Florida ~~the Agency for Workforce~~
17946 Innovation or by the state agency providing unemployment tax
17947 collection services under contract with Jobs Florida ~~the Agency~~
17948 ~~for Workforce Innovation~~ through an interagency agreement
17949 pursuant to s. 443.1316. The reports must include a sworn
17950 statement by an officer or principal of the employer attesting
17951 to the accuracy of the information contained in the report.

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(7) If an employee suffering a compensable injury was not reported as earning wages on the last quarterly earnings report filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services under contract with Jobs Florida ~~the Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 before the accident, the employer shall indemnify the carrier for all workers' compensation benefits paid to or on behalf of the employee unless the employer establishes that the employee was hired after the filing of the quarterly report, in which case the employer and employee shall attest to the fact that the employee was employed by the employer at the time of the injury. Failure of the employer to indemnify the insurer within 21 days after demand by the insurer is grounds for the insurer to immediately cancel coverage. Any action for indemnification brought by the carrier is cognizable in the circuit court having jurisdiction where the employer or carrier resides or transacts business. The insurer is entitled to a reasonable attorney's fee if it recovers any portion of the benefits paid in the action.

Section 347. Subsection (5) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(5) PLAN OF OPERATION.—The association shall operate pursuant to a plan of operation approved by the board of directors. The plan of operation must be in effect on January 1, ~~2002, and~~ approved by the Department of Financial Services and ~~Department of Labor and Employment Security shall remain in~~

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effect. ~~However,~~ any amendments to the plan shall not become effective until approved by the department of ~~Financial Services~~.

(a) The purpose of the plan of operation shall be to provide the association and the board of directors with the authority and responsibility to establish the necessary programs and to take the necessary actions to protect against the insolvency of a member of the association. In addition, the plan shall provide that the members of the association shall be responsible for maintaining an adequate Insolvency Fund to meet the obligations of insolvent members provided for under this act and shall authorize the board of directors to contract and employ those persons with the necessary expertise to carry out this stated purpose. ~~By January 1, 2003,~~ The board of directors shall submit to the department a proposed plan of operation for the administration of the association. The department shall approve the plan by order, consistent with this section. The department shall approve any amendments to the plan, consistent with this section, which are determined appropriate to carry out the duties and responsibilities of the association.

(b) All member employers shall comply with the plan of operation.

(c) The plan of operation shall:

1. Establish the procedures whereby all the powers and duties of the association under subsection (3) will be performed.

2. Establish procedures for handling assets of the association.

3. Establish the amount and method of reimbursing members

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of the board of directors under subsection (2).

4. Establish procedures by which claims may be filed with the association and establish acceptable forms of proof of covered claims. Notice of claims to the receiver or liquidator of the insolvent employer shall be deemed notice to the association or its agent, and a list of such claims shall be submitted periodically to the association or similar organization in another state by the receiver or liquidator.

5. Establish regular places and times for meetings of the board of directors.

6. Establish procedures for records to be kept of all financial transactions of the association and its agents and the board of directors.

7. Provide that any member employer aggrieved by any final action or decision of the association may appeal to the department within 30 days after the action or decision.

8. Establish the procedures whereby recommendations of candidates for the board of directors shall be submitted to the department.

9. Contain additional provisions necessary or proper for the execution of the powers and duties of the association.

(d) The plan of operation may provide that any or all of the powers and duties of the association, except those specified under subparagraphs (c)1. and 2., be delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this association or its equivalent in two or more states. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its

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performance of any other functions of the association. A delegation of powers or duties under this subsection shall take effect only with the approval of both the board of directors and the department and may be made only to a corporation, association, or organization which extends protection which is not substantially less favorable and effective than the protection provided by this section.

Section 348. Paragraph (b) of subsection (9) of section 440.49, Florida Statutes, is amended to read:

440.49 Limitation of liability for subsequent injury through Special Disability Trust Fund.—

(9) SPECIAL DISABILITY TRUST FUND.—

(b)1. The Special Disability Trust Fund shall be maintained by annual assessments upon the insurance companies writing compensation insurance in the state, the commercial self-insurers under ss. 624.462 and 624.4621, the assessable mutuals as defined in s. 628.6011, and the self-insurers under this chapter, which assessments shall become due and be paid quarterly at the same time and in addition to the assessments provided in s. 440.51. The department shall estimate annually in advance the amount necessary for the administration of this subsection and the maintenance of this fund and shall make such assessment in the manner hereinafter provided.

2. The annual assessment shall be calculated to produce during the ensuing fiscal year an amount which, when combined with that part of the balance in the fund on June 30 of the current fiscal year which is in excess of \$100,000, is equal to the average of:

a. The sum of disbursements from the fund during the

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immediate past 3 calendar years, and

b. Two times the disbursements of the most recent calendar year.

Such amount shall be prorated among the insurance companies writing compensation insurance in the state and the self-insurers. ~~Provided however, for those carriers that have excluded ceded reinsurance premiums from their assessments on or before January 1, 2000, no assessments on ceded reinsurance premiums shall be paid by those carriers until such time as the former Division of Workers' Compensation of the Department of Labor and Employment Security or the department advises each of those carriers of the impact that the inclusion of ceded reinsurance premiums has on their assessment. The department may not recover any past underpayments of assessments levied against any carrier that on or before January 1, 2000, excluded ceded reinsurance premiums from their assessment prior to the point that the former Division of Workers' Compensation of the Department of Labor and Employment Security or the department advises of the appropriate assessment that should have been paid.~~

3. The net premiums written by the companies for workers' compensation in this state and the net premium written applicable to the self-insurers in this state are the basis for computing the amount to be assessed as a percentage of net premiums. Such payments shall be made by each carrier and self-insurer to the department for the Special Disability Trust Fund in accordance with such regulations as the department prescribes.

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4. The Chief Financial Officer is authorized to receive and credit to such Special Disability Trust Fund any sum or sums that may at any time be contributed to the state by the United States under any Act of Congress, or otherwise, to which the state may be or become entitled by reason of any payments made out of such fund.

Section 349. Subsections (1), (4), and (5) of section 443.012, Florida Statutes, are amended to read:

443.012 Unemployment Appeals Commission.—

(1) There is created within the Division of Workforce Services of Jobs Florida ~~the Agency for Workforce Innovation~~ an Unemployment Appeals Commission. The commission is composed of a chair and two other members appointed by the Governor, subject to confirmation by the Senate. Only one appointee may be a representative of employers, as demonstrated by his or her previous vocation, employment, or affiliation; and only one appointee may be a representative of employees, as demonstrated by his or her previous vocation, employment, or affiliation.

(a) The chair shall devote his or her entire time to commission duties and is responsible for the administrative functions of the commission.

(b) The chair has authority to appoint a general counsel and other personnel to carry out the duties and responsibilities of the commission.

(c) The chair must have the qualifications required by law for a judge of the circuit court and may not engage in any other business vocation or employment. Notwithstanding any other law, the chair shall be paid a salary equal to that paid under state law to a judge of the circuit court.

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(d) The remaining members shall be paid a stipend of \$100 for each day they are engaged in the work of the commission. The chair and other members are entitled to be reimbursed for travel expenses, as provided in s. 112.061.

(e) The total salary and travel expenses of each member of the commission shall be paid from the Employment Security Administration Trust Fund.

(4) The property, personnel, and appropriations relating to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by Jobs Florida ~~the Agency for Workforce Innovation~~.

(5) The commission is not subject to control, supervision, or direction by Jobs Florida ~~the Agency for Workforce Innovation~~ in performing its powers or duties under this chapter.

Section 350. Subsections (9), (41), (43), and (45) of section 443.036, Florida Statutes, are amended to read:

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

(9) "Benefit year" means, for an individual, the 1-year period beginning with the first day of the first week for which the individual first files a valid claim for benefits and, thereafter, the 1-year period beginning with the first day of the first week for which the individual next files a valid claim for benefits after the termination of his or her last preceding benefit year. Each claim for benefits made in accordance with s. 443.151(2) is a valid claim under this subsection if the individual was paid wages for insured work in accordance with s. 443.091(1)(g) and is unemployed as defined in subsection (43) at the time of filing the claim. However, Jobs Florida ~~the Agency for Workforce Innovation~~ may adopt rules providing for the

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18155 establishment of a uniform benefit year for all workers in one
18156 or more groups or classes of service or within a particular
18157 industry if Jobs Florida ~~the agency~~ determines, after notice to
18158 the industry and to the workers in the industry and an
18159 opportunity to be heard in the matter, that those groups or
18160 classes of workers in a particular industry periodically
18161 experience unemployment resulting from layoffs or shutdowns for
18162 limited periods of time.

18163 (41) "Tax collection service provider" or "service
18164 provider" means the state agency providing unemployment tax
18165 collection services under contract with Jobs Florida ~~the Agency~~
18166 ~~for Workforce Innovation~~ through an interagency agreement
18167 pursuant to s. 443.1316.

18168 (43) "Unemployment" means:

18169 (a) An individual is "totally unemployed" in any week
18170 during which he or she does not perform any services and for
18171 which earned income is not payable to him or her. An individual
18172 is "partially unemployed" in any week of less than full-time
18173 work if the earned income payable to him or her for that week is
18174 less than his or her weekly benefit amount. Jobs Florida ~~The~~
18175 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
18176 distinctions in the procedures for unemployed individuals based
18177 on total unemployment, part-time unemployment, partial
18178 unemployment of individuals attached to their regular jobs, and
18179 other forms of short-time work.

18180 (b) An individual's week of unemployment commences only
18181 after his or her registration with Jobs Florida ~~the Agency for~~
18182 ~~Workforce Innovation~~ as required in s. 443.091, except as the
18183 agency may otherwise prescribe by rule.

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(45) "Week" means a period of 7 consecutive days as defined in the rules of Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may by rule prescribe that a week is deemed to be "in," "within," or "during" the benefit year that contains the greater part of the week.

Section 351. Subsections (2) and (3) of section 443.041, Florida Statutes, are amended to read:

443.041 Waiver of rights; fees; privileged communications.—

(2) FEES.—

(a) Except as otherwise provided in this chapter, an individual claiming benefits may not be charged fees of any kind in any proceeding under this chapter by the commission or Jobs Florida ~~the Agency for Workforce Innovation~~, or their representatives, or by any court or any officer of the court. An individual claiming benefits in any proceeding before the commission or Jobs Florida ~~the Agency for Workforce Innovation~~, or representatives of either, or a court may be represented by counsel or an authorized representative, but the counsel or representative may not charge or receive for those services more than an amount approved by the commission, Jobs Florida ~~the Agency for Workforce Innovation~~, or the court.

(b) An attorney at law representing a claimant for benefits in any district court of appeal of this state or in the Supreme Court of Florida is entitled to counsel fees payable by Jobs Florida ~~the Agency for Workforce Innovation~~ as set by the court if the petition for review or appeal is initiated by the claimant and results in a decision awarding more benefits than provided in the decision from which appeal was taken. The amount

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of the fee may not exceed 50 percent of the total amount of regular benefits permitted under s. 443.111(5)(a) during the benefit year.

(c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall pay attorneys' fees awarded under this section from the Employment Security Administration Trust Fund as part of the costs of administration of this chapter and may pay these fees directly to the attorney for the claimant in a lump sum. Jobs Florida ~~The Agency for Workforce Innovation~~ or the commission may not pay any other fees or costs in connection with an appeal.

(d) Any person, firm, or corporation who or which seeks or receives any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section and in an amount approved by Jobs Florida ~~the Agency for Workforce Innovation~~, the commission, or a court, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) PRIVILEGED COMMUNICATIONS.—All letters, reports, communications, or any other matters, either oral or written, between an employer and an employee or between Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider and any of their agents, representatives, or employees which are written, sent, delivered, or made in connection with this chapter, are privileged and may not be the subject matter or basis for any suit for slander or libel in any court of the state.

Section 352. Subsection (3) of section 443.051, Florida Statutes, is amended to read:

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18242 443.051 Benefits not alienable; exception, child support
18243 intercept.—

18244 (3) EXCEPTION, SUPPORT INTERCEPT.—

18245 (a) The Department of Revenue shall, at least biweekly,
18246 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
18247 magnetic tape or other electronic data file disclosing the
18248 individuals who owe support obligations and the amount of any
18249 legally required deductions.

18250 (b) For support obligations established on or after July 1,
18251 2006, and for support obligations established before July 1,
18252 2006, when the support order does not address the withholding of
18253 unemployment compensation, Jobs Florida ~~the Agency for Workforce~~
18254 ~~Innovation~~ shall deduct and withhold 40 percent of the
18255 unemployment compensation otherwise payable to an individual
18256 disclosed under paragraph (a). If delinquencies, arrearages, or
18257 retroactive support are owed and repayment has not been ordered,
18258 the unpaid amounts are included in the support obligation and
18259 are subject to withholding. If the amount deducted exceeds the
18260 support obligation, the Department of Revenue shall promptly
18261 refund the amount of the excess deduction to the obligor. For
18262 support obligations in effect before July 1, 2006, if the
18263 support order addresses the withholding of unemployment
18264 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
18265 shall deduct and withhold the amount ordered by the court or
18266 administrative agency that issued the support order as disclosed
18267 by the Department of Revenue.

18268 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
18269 pay any amount deducted and withheld under paragraph (b) to the
18270 Department of Revenue.

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(d) Any amount deducted and withheld under this subsection shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the Department of Revenue for support obligations.

(e) The Department of Revenue shall reimburse Jobs Florida ~~the Agency for Workforce Innovation~~ for the administrative costs incurred by Jobs Florida ~~the agency~~ under this subsection which are attributable to support obligations being enforced by the department.

Section 353. Subsections (3) and (4), paragraph (b) of subsection (5), and subsections (6) and (8) of section 443.071, Florida Statutes, are amended to read:

443.071 Penalties.—

(3) Any employing unit or any officer or agent of any employing unit or any other person who fails to furnish any reports required under this chapter or to produce or permit the inspection of or copying of records as required under this chapter, who fails or refuses, within 6 months after written demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider, to keep and maintain the payroll records required by this chapter or by rule of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing tax collection services, or who willfully fails or refuses to make any contribution, reimbursement, or other payment required from an employer under this chapter commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Any person who establishes a fictitious employing unit by submitting to Jobs Florida ~~the Agency for Workforce~~

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18300 ~~Innovation~~ or its tax collection service provider fraudulent
18301 employing unit records or tax or wage reports by the
18302 introduction of fraudulent records into a computer system, the
18303 intentional or deliberate alteration or destruction of
18304 computerized information or files, or the theft of financial
18305 instruments, data, and other assets, for the purpose of enabling
18306 herself or himself or any other person to receive benefits under
18307 this chapter to which such person is not entitled, commits a
18308 felony of the third degree, punishable as provided in s.
18309 775.082, s. 775.083, or s. 775.084.

18310 (5) In any prosecution or action under this section, the
18311 entry into evidence of the signature of a person on a document,
18312 letter, or other writing constitutes prima facie evidence of the
18313 person's identity if the following conditions exist:

18314 (b) The signature of the person is witnessed by an agent or
18315 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
18316 its tax collection service provider at the time the document,
18317 letter, or other writing is filed.

18318 (6) The entry into evidence of an application for
18319 unemployment benefits initiated by the use of the Internet
18320 claims program or the interactive voice response system
18321 telephone claims program of Jobs Florida ~~the Agency for~~
18322 ~~Workforce Innovation~~ constitutes prima facie evidence of the
18323 establishment of a personal benefit account by or for an
18324 individual if the following information is provided: the
18325 applicant's name, residence address, date of birth, social
18326 security number, and present or former place of work.

18327 (8) All records relating to investigations of unemployment
18328 compensation fraud in the custody of Jobs Florida ~~the Agency for~~

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~~Workforce Innovation~~ or its tax collection service provider are available for examination by the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor in the prosecution of offenses under s. 817.568 or in proceedings brought under this chapter.

Section 354. Subsection (1) and subsection (4) of section 443.091, Florida Statutes, are amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds that:

(a) She or he has made a claim for benefits for that week in accordance with the rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~.

(b) She or he has registered with Jobs Florida ~~the agency~~ for work and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are:

1. Non-Florida residents;
2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
3. Union members who customarily obtain employment through a union hiring hall; or
4. Claiming benefits under an approved short-time compensation plan as provided in s. 443.1116.

(c) To make continued claims for benefits, she or he is reporting to Jobs Florida ~~the agency~~ in accordance with its rules. These rules may not conflict with s. 443.111(1)(b), including the requirement that each claimant continue to report regardless of any pending appeal relating to her or his

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eligibility or disqualification for benefits.

(d) She or he is able to work and is available for work. In order to assess eligibility for a claimed week of unemployment, Jobs Florida ~~the agency~~ shall develop criteria to determine a claimant's ability to work and availability for work. However:

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

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

3. Notwithstanding any other provision of this section, an otherwise eligible individual may not be denied benefits for any week because she or he is before any state or federal court

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pursuant to a lawfully issued summons to appear for jury duty.

(e) She or he participates in reemployment services, such as job search assistance services, whenever the individual has been determined, by a profiling system established by the rules of Jobs Florida ~~agency rule~~, to be likely to exhaust regular benefits and to be in need of reemployment services.

(f) She or he has been unemployed for a waiting period of 1 week. A week may not be counted as a week of unemployment under this subsection:

1. Unless it occurs within the benefit year that includes the week for which she or he claims payment of benefits.

2. If benefits have been paid for that week.

3. Unless the individual was eligible for benefits for that week as provided in this section and s. 443.101, except for the requirements of this subsection and of s. 443.101(5).

(g) She or he has been paid wages for insured work equal to 1.5 times her or his high quarter wages during her or his base period, except that an unemployed individual is not eligible to receive benefits if the base period wages are less than \$3,400.

(h) She or he submitted to Jobs Florida ~~the agency~~ a valid social security number assigned to her or him. Jobs Florida ~~The agency~~ may verify the social security number with the United States Social Security Administration and may deny benefits if Jobs Florida ~~the agency~~ is unable to verify the individual's social security number, the social security number is invalid, or the social security number is not assigned to the individual.

(4) In the event of national emergency, in the course of which the Federal Emergency Unemployment Payment Plan is, at the request of the Governor, invoked for all or any part of the

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state, the emergency plan shall supersede the procedures prescribed by this chapter, and by rules adopted under this chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~ shall act as the Florida agency for the United States Department of Labor in the administration of the plan.

Section 355. Subsections (1), (2), (4), (6), (7), and (9) of section 443.101, Florida Statutes, are amended to read:

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

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or in which the individual has been discharged by the employing unit for misconduct connected with his or her work, based on a finding by Jobs Florida ~~the Agency for Workforce Innovation~~. As used in this paragraph, the term “work” means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or in excess of 17 times his or her weekly benefit amount. As used in this subsection, the term “good cause” includes only that cause attributable to the employing unit or which consists of the individual’s illness or disability requiring separation from his or her work. Any other disqualification may not be imposed. An individual is not disqualified under this subsection for voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her

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work within the previous 6 calendar months. An individual is not disqualified under this subsection for voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

2. Disqualification for being discharged for misconduct connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks that immediately follow that week, as determined by Jobs Florida ~~the agency~~ in each case according to the circumstances in each case or the seriousness of the misconduct, under Jobs Florida ~~the agency's~~ rules adopted for determinations of disqualification for benefits for misconduct.

3. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

4. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause, as defined in this section, before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the

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effective date of the discharge.

(b) For any week with respect to which Jobs Florida ~~the Agency for Workforce Innovation~~ finds that his or her unemployment is due to a suspension for misconduct connected with the individual's work.

(c) For any week with respect to which Jobs Florida ~~the Agency for Workforce Innovation~~ finds that his or her unemployment is due to a leave of absence, if the leave was voluntarily initiated by the individual.

(d) For any week with respect to which Jobs Florida ~~the Agency for Workforce Innovation~~ finds that his or her unemployment is due to a discharge for misconduct connected with the individual's work, consisting of drug use, as evidenced by a positive, confirmed drug test.

(2) If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that the individual has failed without good cause to apply for available suitable work when directed by Jobs Florida ~~the agency~~ or the one-stop career center, to accept suitable work when offered to him or her, or to return to the individual's customary self-employment when directed by Jobs Florida ~~the agency~~, the disqualification continues for the full period of unemployment next ensuing after he or she failed without good cause to apply for available suitable work, to accept suitable work, or to return to his or her customary self-employment, under this subsection, and until the individual has earned income at least 17 times his or her weekly benefit amount. Jobs Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt criteria for determining the "suitability of work," as used in this section. Jobs Florida ~~The Agency for Workforce Innovation~~

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in developing these rules shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether or not any work is suitable for an individual, Jobs Florida ~~the Agency for Workforce Innovation~~ shall consider the degree of risk involved to his or her health, safety, and morals; his or her physical fitness and prior training; the individual's experience and prior earnings; his or her length of unemployment and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding any other provisions of this chapter, work is not deemed suitable and benefits may not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.

3. If as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that an individual was rejected for offered employment as

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the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

(4) For any week with respect to which Jobs Florida ~~the Agency for Workforce Innovation~~ finds that his or her total or partial unemployment is due to a labor dispute in active progress which exists at the factory, establishment, or other premises at which he or she is or was last employed; except that this subsection does not apply if it is shown to the satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~ that:

(a)1. He or she is not participating in, financing, or directly interested in the labor dispute that is in active progress; however, the payment of regular union dues may not be construed as financing a labor dispute within the meaning of this section; and

2. He or she does not belong to a grade or class of workers of which immediately before the commencement of the labor dispute there were members employed at the premises at which the labor dispute occurs any of whom are participating in, financing, or directly interested in the dispute; if in any case separate branches of work are commonly conducted as separate businesses in separate premises, or are conducted in separate departments of the same premises, each department, for the purpose of this subsection, is deemed to be a separate factory, establishment, or other premise.

(b) His or her total or partial unemployment results from a lockout by his or her employer. As used in this section, the term "lockout" means a situation in which employees have not

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gone on strike, nor have employees notified the employer of a date certain for a strike, but in which employees have been denied entry to the factory, establishment, or other premises of employment by the employer. However, benefits are not payable under this paragraph if the lockout action was taken in response to threats, actions, or other indications of impending damage to property and equipment or possible physical violence by employees or in response to actual damage or violence or a substantial reduction in production instigated or perpetrated by employees.

(6) For a period not to exceed 1 year from the date of the discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of the making of any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter, constituting a violation under s. 443.071. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

(7) If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that the individual is an alien, unless the alien is an individual who has been lawfully admitted for permanent residence or otherwise is permanently residing in the United States under color of law, including an alien who is lawfully present in the United States as a result of the application of s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality

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Act, if any modifications to s. 3304(a)(14) of the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-566, which specify other conditions or other effective dates than those stated under federal law for the denial of benefits based on services performed by aliens, and which modifications are required to be implemented under state law as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, are deemed applicable under this section, if:

(a) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status is uniformly required from all applicants for benefits; and

(b) In the case of an individual whose application for benefits would otherwise be approved, a determination that benefits to such individual are not payable because of his or her alien status may not be made except by a preponderance of the evidence.

If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that the individual has refused without good cause an offer of resettlement or relocation, which offer provides for suitable employment for the individual notwithstanding the distance of relocation, resettlement, or employment from the current location of the individual in this state, this disqualification continues for the week in which the failure occurred and for not more than 17 weeks immediately after that week, or a reduction by not more than 5 weeks from the duration of benefits, as determined by Jobs Florida ~~the Agency for Workforce Innovation~~

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in each case.

(9) If the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment, or for any dishonest act, in connection with his or her work, as follows:

(a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from his or her work for violation of any criminal law punishable by imprisonment in connection with his or her work, and the individual was found guilty of the offense, made an admission of guilt in a court of law, or entered a plea of no contest, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~, and until he or she has earned income of at least 17 times his or her weekly benefit amount. If, before an adjudication of guilt, an admission of guilt, or a plea of no contest, the employer shows Jobs Florida ~~the Agency for Workforce Innovation~~ that the arrest was due to a crime against the employer or the employer's business and, after considering all the evidence, Jobs Florida ~~the Agency for Workforce Innovation~~ finds misconduct in connection with the individual's work, the individual is not entitled to unemployment benefits.

(b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or the Unemployment Appeals Commission finds that the individual was terminated from work for any dishonest act in connection with his or her work, the individual is not entitled to unemployment benefits for up to 52 weeks, under rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~, and until he

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or she has earned income of at least 17 times his or her weekly benefit amount. In addition, if the employer terminates an individual as a result of a dishonest act in connection with his or her work and Jobs Florida ~~the Agency for Workforce Innovation~~ finds misconduct in connection with his or her work, the individual is not entitled to unemployment benefits.

With respect to an individual disqualified for benefits, the account of the terminating employer, if the employer is in the base period, is noncharged at the time the disqualification is imposed.

Section 356. Subsection (1) of section 443.111, Florida Statutes, is amended to read:

443.111 Payment of benefits.—

(1) MANNER OF PAYMENT.—Benefits are payable from the fund in accordance with rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~, subject to the following requirements:

(a) Benefits are payable by mail or electronically. Notwithstanding s. 409.942(4), Jobs Florida ~~the agency~~ may develop a system for the payment of benefits by electronic funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of electronic payment that Jobs Florida ~~the agency~~ deems to be commercially viable or cost-effective. Commodities or services related to the development of such a system shall be procured by competitive solicitation, unless they are purchased from a state term contract pursuant to s. 287.056. Jobs Florida ~~The agency~~ shall adopt rules necessary to administer the system.

(b) Each claimant must report in the manner prescribed by

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Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for benefits that are paid and must continue to report at least biweekly to receive unemployment benefits and to attest to the fact that she or he is able and available for work, has not refused suitable work, is seeking work, and, if she or he has worked, to report earnings from that work. Each claimant must continue to report regardless of any appeal or pending appeal relating to her or his eligibility or disqualification for benefits.

Section 357. Subsections (1), (4), and (5) of section 443.1113, Florida Statutes, are amended to read:

443.1113 Unemployment Compensation Claims and Benefits Information System.—

(1) To the extent that funds are appropriated for each phase of the Unemployment Compensation Claims and Benefits Information System by the Legislature, Jobs Florida ~~the Agency for Workforce Innovation~~ shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known as the "Unemployment Compensation Claims and Benefits Information System":

(a) Claims and benefit mainframe system.

(b) Florida unemployment Internet direct.

(c) Florida continued claim Internet directory.

(d) Call center interactive voice response system.

(e) Benefit overpayment screening system.

(f) Internet and Intranet appeals system.

(4) The project to implement the Unemployment Compensation Claims and Benefits Information System shall be comprised of the

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following phases and corresponding implementation timeframes:

(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.

(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the new Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.

~~(b) The new Unemployment Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems and shall be deployed to full production operational status no later than the end of fiscal year 2010-2011.~~

~~(c) The new Call Center Interactive Voice Response System and the Benefit Overpayment Screening System shall be deployed to full production operational status no later than the end of fiscal year 2011-2012.~~

~~(d) The new Internet and Intranet Appeals System and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2012-2013.~~

(4)(5) Jobs Florida The Agency for Workforce Innovation shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:

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(a) The project sponsor for the Unemployment Compensation Claims and Benefits Information System project is the Jobs Florida ~~executive director of the Agency for Workforce Innovation~~.

(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:

1. The commissioner of Jobs Florida ~~executive director of the Agency for Workforce Innovation~~.

2. The executive director of the Department of Revenue.

3. The director of the Division of Workforce Services ~~within Jobs Florida Office of Unemployment Compensation within the Agency for Workforce Innovation~~.

4. The program director of the General Tax Administration Program Office within the Department of Revenue.

5. The chief information officer of Jobs Florida ~~the Agency for Workforce Innovation~~.

(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:

1. Providing management direction and support to the project management team.

2. Assessing the project's alignment with the strategic goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for administering the unemployment compensation program.

3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.

4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.

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5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.

(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from Jobs Florida ~~the Agency for Workforce Innovation~~ and the Department of Revenue. The project management team is responsible for:

1. Providing daily planning, management, and oversight of the project.

2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.

3. Submitting written monthly project status reports to the executive steering committee which include:

a. Planned versus actual project costs;

b. An assessment of the status of major milestones and deliverables;

c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;

d. Identification of risks that must be managed; and

e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs.

All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order

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to ensure that the recommendations meet required acceptance criteria.

Section 358. Paragraph (d) of subsection (1), subsection (2), paragraphs (a) and (c) of subsection (3), and subsection (6) of section 443.1115, Florida Statutes, are amended to read:

443.1115 Extended benefits.—

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

(d) “Rate of insured unemployment” means the percentage derived by dividing the average weekly number of individuals filing claims for regular compensation in this state, excluding extended-benefit claimants for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by Jobs Florida ~~the Agency for Workforce Innovation~~ on the basis of its reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of that 13-week period.

(2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF, EXTENDED BENEFITS.—Except when the result is inconsistent with the other provisions of this section and as provided in the rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the provisions of this chapter applying to claims for, or the payment of, regular benefits apply to claims for, and the payment of, extended benefits. These extended benefits are charged to the employment records of employers to the extent that the share of those extended benefits paid from this state’s Unemployment Compensation Trust Fund is not eligible to be reimbursed from federal sources.

(3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

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(a) An individual is eligible to receive extended benefits for any week of unemployment in her or his eligibility period only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds that, for that week:

1. She or he is an exhaustee as defined in subsection (1).

2. She or he satisfies the requirements of this chapter for the receipt of regular benefits applicable to individuals claiming extended benefits, including not being subject to disqualification from the receipt of benefits. An individual disqualified from receiving regular benefits may not receive extended benefits after the disqualification period terminates if he or she was disqualified for voluntarily leaving work, being discharged from work for misconduct, or refusing suitable work. However, if the disqualification period for regular benefits terminates because the individual received the required amount of remuneration for services rendered as a common-law employee, she or he may receive extended benefits.

3. The individual was paid wages for insured work for the applicable benefit year equal to 1.5 times the high quarter earnings during the base period.

(c)1. An individual is disqualified from receiving extended benefits if Jobs Florida ~~the Agency for Workforce Innovation~~ finds that, during any week of unemployment in her or his eligibility period:

a. She or he failed to apply for suitable work or, if offered, failed to accept suitable work, unless the individual can furnish to Jobs Florida ~~the agency~~ satisfactory evidence that her or his prospects for obtaining work in her or his customary occupation within a reasonably short period are good.

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If this evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable for the individual shall be made in accordance with the definition of suitable work in s. 443.101(2). This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 17 times her or his weekly benefit amount.

b. She or he failed to furnish tangible evidence that she or he actively engaged in a systematic and sustained effort to find work. This disqualification begins with the week the failure occurred and continues until she or he is employed for at least 4 weeks and receives earned income of at least 4 times her or his weekly benefit amount.

2. Except as otherwise provided in sub-subparagraph 1.a., as used in this paragraph, the term "suitable work" means any work within the individual's capabilities to perform, if:

a. The gross average weekly remuneration payable for the work exceeds the sum of the individual's weekly benefit amount plus the amount, if any, of supplemental unemployment benefits, as defined in s. 501(c)(17)(D) of the Internal Revenue Code of 1954, as amended, payable to the individual for that week;

b. The wages payable for the work equal the higher of the minimum wages provided by s. 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the state or local minimum wage; and

c. The work otherwise meets the definition of suitable work in s. 443.101(2) to the extent that the criteria for suitability are not inconsistent with this paragraph.

(6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~

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Innovation shall perform the computations required under paragraph (1)(d) in accordance with regulations of the United States Secretary of Labor.

Section 359. Subsection (2) and paragraphs (a) and (b) of subsection (5) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to Jobs Florida ~~the director of the Agency for Workforce Innovation~~ for approval. The commissioner ~~director~~ or his or her designee shall approve the plan if:

(a) The plan applies to and identifies each specific affected unit;

(b) The individuals in the affected unit are identified by name and social security number;

(c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;

(d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement

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covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who traditionally use part-time employees; and

(h) The plan certifies the manner in which the employer will treat fringe benefits of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours of work. As used in this paragraph, the term "fringe benefits" includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., paid vacation and holidays, and sick leave.

(5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION BENEFITS.—

(a) Except as provided in this subsection, an individual is eligible to receive short-time compensation benefits for any week only if she or he complies with this chapter and Jobs Florida ~~the Agency for Workforce Innovation~~ finds that:

1. The individual is employed as a member of an affected unit in an approved plan that was approved before the week and is in effect for the week;

2. The individual is able to work and is available for additional hours of work or for full-time work with the short-time employer; and

3. The normal weekly hours of work of the individual are reduced by at least 10 percent but not by more than 40 percent, with a corresponding reduction in wages.

(b) Jobs Florida ~~The Agency for Workforce Innovation~~ may

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not deny short-time compensation benefits to an individual who is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work, or refusal to apply for or accept work from other than the short-time compensation employer of that individual.

Section 360. Subsection (3) of section 443.1215, Florida Statutes, is amended to read:

443.1215 Employers.—

(3) An employing unit that fails to keep the records of employment required by this chapter and by the rules of Jobs Florida ~~the Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services is presumed to be an employer liable for the payment of contributions under this chapter, regardless of the number of individuals employed by the employing unit. However, the tax collection service provider shall make written demand that the employing unit keep and maintain required payroll records. The demand must be made at least 6 months before assessing contributions against an employing unit determined to be an employer that is subject to this chapter solely by reason of this subsection.

Section 361. Paragraphs (a) and (d) of subsection (1), subsection (12), and paragraph (p) of subsection (13) of section 443.1216, Florida Statutes, are amended to read:

443.1216 Employment.—Employment, as defined in s. 443.036, is subject to this chapter under the following conditions:

(1)(a) The employment subject to this chapter includes a service performed, including a service performed in interstate commerce, by:

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1. An officer of a corporation.

2. An individual who, under the usual common-law rules applicable in determining the employer-employee relationship, is an employee. However, whenever a client, as defined in s. 443.036(18), which would otherwise be designated as an employing unit has contracted with an employee leasing company to supply it with workers, those workers are considered employees of the employee leasing company. An employee leasing company may lease corporate officers of the client to the client and other workers to the client, except as prohibited by regulations of the Internal Revenue Service. Employees of an employee leasing company must be reported under the employee leasing company's tax identification number and contribution rate for work performed for the employee leasing company.

a. In addition to any other report required to be filed by law, an employee leasing company shall submit a report to the Labor Market Statistics Center within Jobs Florida ~~the Agency for Workforce Innovation~~ which includes each client establishment and each establishment of the employee leasing company, or as otherwise directed by Jobs Florida ~~the agency~~. The report must include the following information for each establishment:

(I) The trade or establishment name;

(II) The former unemployment compensation account number, if available;

(III) The former federal employer's identification number (FEIN), if available;

(IV) The industry code recognized and published by the United States Office of Management and Budget, if available;

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(V) A description of the client's primary business activity in order to verify or assign an industry code;

(VI) The address of the physical location;

(VII) The number of full-time and part-time employees who worked during, or received pay that was subject to unemployment compensation taxes for, the pay period including the 12th of the month for each month of the quarter;

(VIII) The total wages subject to unemployment compensation taxes paid during the calendar quarter;

(IX) An internal identification code to uniquely identify each establishment of each client;

(X) The month and year that the client entered into the contract for services; and

(XI) The month and year that the client terminated the contract for services.

b. The report shall be submitted electronically or in a manner otherwise prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~ in the format specified by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations. The report must be provided quarterly to the Labor Market Statistics Center within Jobs Florida ~~the Agency for Workforce Innovation~~, or as otherwise directed by Jobs Florida ~~the agency~~, and must be filed by the last day of the month immediately following the end of the calendar quarter. The information required in sub-sub-subparagraphs a.(X) and (XI) need be provided only in the quarter in which the contract to which it relates was entered into or terminated. The sum of the employment data and the sum of the wage data in this report must

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match the employment and wages reported in the unemployment compensation quarterly tax and wage report. A report is not required for any calendar quarter preceding the third calendar quarter of 2010.

c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall adopt rules as necessary to administer this subparagraph, and may administer, collect, enforce, and waive the penalty imposed by s. 443.141(1)(b) for the report required by this subparagraph.

d. For the purposes of this subparagraph, the term "establishment" means any location where business is conducted or where services or industrial operations are performed.

3. An individual other than an individual who is an employee under subparagraph 1. or subparagraph 2., who performs services for remuneration for any person:

a. As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, or laundry or drycleaning services for his or her principal.

b. As a traveling or city salesperson engaged on a full-time basis in the solicitation on behalf of, and the transmission to, his or her principal of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations. This sub-subparagraph does not apply to an agent-driver or a commission-driver and does not apply to sideline sales activities performed on behalf of a person other than the salesperson's principal.

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19054 4. The services described in subparagraph 3. are employment
19055 subject to this chapter only if:

19056 a. The contract of service contemplates that substantially
19057 all of the services are to be performed personally by the
19058 individual;

19059 b. The individual does not have a substantial investment in
19060 facilities used in connection with the services, other than
19061 facilities used for transportation; and

19062 c. The services are not in the nature of a single
19063 transaction that is not part of a continuing relationship with
19064 the person for whom the services are performed.

19065 (d) If two or more related corporations concurrently employ
19066 the same individual and compensate the individual through a
19067 common paymaster, each related corporation is considered to have
19068 paid wages to the individual only in the amounts actually
19069 disbursed by that corporation to the individual and is not
19070 considered to have paid the wages actually disbursed to the
19071 individual by another of the related corporations. Jobs Florida
19072 ~~The Agency for Workforce Innovation~~ and the state agency
19073 providing unemployment tax collection services may adopt rules
19074 necessary to administer this paragraph.

19075 1. As used in this paragraph, the term "common paymaster"
19076 means a member of a group of related corporations that disburses
19077 wages to concurrent employees on behalf of the related
19078 corporations and that is responsible for keeping payroll records
19079 for those concurrent employees. A common paymaster is not
19080 required to disburse wages to all the employees of the related
19081 corporations; however, this subparagraph does not apply to wages
19082 of concurrent employees which are not disbursed through a common

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paymaster. A common paymaster must pay concurrently employed individuals under this subparagraph by one combined paycheck.

2. As used in this paragraph, the term "concurrent employment" means the existence of simultaneous employment relationships between an individual and related corporations. Those relationships require the performance of services by the employee for the benefit of the related corporations, including the common paymaster, in exchange for wages that, if deductible for the purposes of federal income tax, are deductible by the related corporations.

3. Corporations are considered related corporations for an entire calendar quarter if they satisfy any one of the following tests at any time during the calendar quarter:

a. The corporations are members of a "controlled group of corporations" as defined in s. 1563 of the Internal Revenue Code of 1986 or would be members if s. 1563(a)(4) and (b) did not apply.

b. In the case of a corporation that does not issue stock, at least 50 percent of the members of the board of directors or other governing body of one corporation are members of the board of directors or other governing body of the other corporation or the holders of at least 50 percent of the voting power to select those members are concurrently the holders of at least 50 percent of the voting power to select those members of the other corporation.

c. At least 50 percent of the officers of one corporation are concurrently officers of the other corporation.

d. At least 30 percent of the employees of one corporation are concurrently employees of the other corporation.

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19112 4. The common paymaster must report to the tax collection
19113 service provider, as part of the unemployment compensation
19114 quarterly tax and wage report, the state unemployment
19115 compensation account number and name of each related corporation
19116 for which concurrent employees are being reported. Failure to
19117 timely report this information shall result in the related
19118 corporations being denied common paymaster status for that
19119 calendar quarter.

19120 5. The common paymaster also has the primary responsibility
19121 for remitting contributions due under this chapter for the wages
19122 it disburses as the common paymaster. The common paymaster must
19123 compute these contributions as though it were the sole employer
19124 of the concurrently employed individuals. If a common paymaster
19125 fails to timely remit these contributions or reports, in whole
19126 or in part, the common paymaster remains liable for the full
19127 amount of the unpaid portion of these contributions. In
19128 addition, each of the other related corporations using the
19129 common paymaster is jointly and severally liable for its
19130 appropriate share of these contributions. Each related
19131 corporation's share equals the greater of:

19132 a. The liability of the common paymaster under this
19133 chapter, after taking into account any contributions made.

19134 b. The liability under this chapter which, notwithstanding
19135 this section, would have existed for the wages from the other
19136 related corporations, reduced by an allocable portion of any
19137 contributions previously paid by the common paymaster for those
19138 wages.

19139 (12) The employment subject to this chapter includes
19140 services covered by a reciprocal arrangement under s. 443.221

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19141 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
19142 tax collection service provider and the agency charged with the
19143 administration of another state unemployment compensation law or
19144 a federal unemployment compensation law, under which all
19145 services performed by an individual for an employing unit are
19146 deemed to be performed entirely within this state, if Jobs
19147 Florida ~~the Agency for Workforce Innovation~~ or its tax
19148 collection service provider approved an election of the
19149 employing unit in which all of the services performed by the
19150 individual during the period covered by the election are deemed
19151 to be insured work.

19152 (13) The following are exempt from coverage under this
19153 chapter:

19154 (p) Service covered by an arrangement between Jobs Florida
19155 ~~the Agency for Workforce Innovation~~, or its tax collection
19156 service provider, and the agency charged with the administration
19157 of another state or federal unemployment compensation law under
19158 which all services performed by an individual for an employing
19159 unit during the period covered by the employing unit's duly
19160 approved election is deemed to be performed entirely within the
19161 other agency's state or under the federal law.

19162 Section 362. Subsection (1) of section 443.1217, Florida
19163 Statutes, is amended to read:

19164 443.1217 Wages.—

19165 (1) The wages subject to this chapter include all
19166 remuneration for employment, including commissions, bonuses,
19167 back pay awards, and the cash value of all remuneration paid in
19168 any medium other than cash. The reasonable cash value of
19169 remuneration in any medium other than cash must be estimated and

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determined in accordance with rules adopted by Jobs Florida the
~~Agency for Workforce Innovation~~ or the state agency providing
tax collection services. The wages subject to this chapter
include tips or gratuities received while performing services
that constitute employment and are included in a written
statement furnished to the employer under s. 6053(a) of the
Internal Revenue Code of 1954. As used in this section only, the
term "employment" includes services constituting employment
under any employment security law of another state or of the
Federal Government.

Section 363. Subsection (1) and paragraphs (a), (g), and
(i) of subsection (3) of section 443.131, Florida Statutes, are
amended to read:

443.131 Contributions.—

(1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
payable by each employer for each calendar quarter he or she is
subject to this chapter for wages paid during each calendar
quarter for employment. Contributions are due and payable by
each employer to the tax collection service provider, in
accordance with the rules adopted by Jobs Florida the ~~Agency for~~
~~Workforce Innovation~~ or the state agency providing tax
collection services. This subsection does not prohibit the tax
collection service provider from allowing, at the request of the
employer, employers of employees performing domestic services,
as defined in s. 443.1216(6), to pay contributions or report
wages at intervals other than quarterly when the nonquarterly
payment or reporting assists the service provider and when
nonquarterly payment and reporting is authorized under federal
law. Employers of employees performing domestic services may

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report wages and pay contributions annually, with a due date of January 1 and a delinquency date of February 1. To qualify for this election, the employer must employ only employees performing domestic services, be eligible for a variation from the standard rate computed under subsection (3), apply to this program no later than December 1 of the preceding calendar year, and agree to provide Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider with any special reports that are requested, including copies of all federal employment tax forms. An employer who fails to timely furnish any wage information required by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider loses the privilege to participate in this program, effective the calendar quarter immediately after the calendar quarter the failure occurred. The employer may reapply for annual reporting when a complete calendar year elapses after the employer's disqualification if the employer timely furnished any requested wage information during the period in which annual reporting was denied. An employer may not deduct contributions, interests, penalties, fines, or fees required under this chapter from any part of the wages of his or her employees. A fractional part of a cent less than one-half cent shall be disregarded from the payment of contributions, but a fractional part of at least one-half cent shall be increased to 1 cent.

(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(a) *Employment records.*—The regular and short-time compensation benefits paid to an eligible individual shall be charged to the employment record of each employer who paid the

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individual wages of at least \$100 during the individual's base period in proportion to the total wages paid by all employers who paid the individual wages during the individual's base period. Benefits may not be charged to the employment record of an employer who furnishes part-time work to an individual who, because of loss of employment with one or more other employers, is eligible for partial benefits while being furnished part-time work by the employer on substantially the same basis and in substantially the same amount as the individual's employment during his or her base period, regardless of whether this part-time work is simultaneous or successive to the individual's lost employment. Further, as provided in s. 443.151(3), benefits may not be charged to the employment record of an employer who furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any of the following apply:

1. If an individual leaves his or her work without good cause attributable to the employer or is discharged by the employer for misconduct connected with his or her work, benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

2. If an individual is discharged by the employer for unsatisfactory performance during an initial employment probationary period, benefits subsequently paid to the individual based on wages paid during the probationary period by the employer before the separation may not be charged to the employer's employment record. As used in this subparagraph, the term "initial employment probationary period" means an

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established probationary plan that applies to all employees or a specific group of employees and that does not exceed 90 calendar days following the first day a new employee begins work. The employee must be informed of the probationary period within the first 7 days of work. The employer must demonstrate by conclusive evidence that the individual was separated because of unsatisfactory work performance and not because of lack of work due to temporary, seasonal, casual, or other similar employment that is not of a regular, permanent, and year-round nature.

3. Benefits subsequently paid to an individual after his or her refusal without good cause to accept suitable work from an employer may not be charged to the employment record of the employer if any part of those benefits are based on wages paid by the employer before the individual's refusal to accept suitable work. As used in this subparagraph, the term "good cause" does not include distance to employment caused by a change of residence by the individual. Jobs Florida ~~The Agency for Workforce Innovation~~ shall adopt rules prescribing for the payment of all benefits whether this subparagraph applies regardless of whether a disqualification under s. 443.101 applies to the claim.

4. If an individual is separated from work as a direct result of a natural disaster declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. ss. 5121 et seq., benefits subsequently paid to the individual based on wages paid by the employer before the separation may not be charged to the employment record of the employer.

(g) *Transfer of unemployment experience upon transfer or acquisition of a business.*—Notwithstanding any other provision

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of law, upon transfer or acquisition of a business, the following conditions apply to the assignment of rates and to transfers of unemployment experience:

1.a. If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is any common ownership, management, or control of the two employers, the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom the business is so transferred. The rates of both employers shall be recalculated and made effective as of the beginning of the calendar quarter immediately following the date of the transfer of the trade or business unless the transfer occurred on the first day of a calendar quarter, in which case the rate shall be recalculated as of that date.

b. If, following a transfer of experience under subparagraph a., Jobs Florida ~~the Agency for Workforce Innovation~~ or the tax collection service provider determines that a substantial purpose of the transfer of trade or business was to obtain a reduced liability for contributions, the experience rating account of the employers involved shall be combined into a single account and a single rate assigned to the account.

2. Whenever a person who is not an employer under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to the person if Jobs Florida ~~the Agency for Workforce Innovation~~ or the tax collection service provider finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of

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contributions. Instead, such person shall be assigned the new employer rate under paragraph (2)(a). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the tax collection service provider shall consider, but not be limited to, the following factors:

a. Whether the person continued the business enterprise of the acquired business;

b. How long such business enterprise was continued; or

c. Whether a substantial number of new employees was hired for performance of duties unrelated to the business activity conducted before the acquisition.

3. If a person knowingly violates or attempts to violate subparagraph 1. or subparagraph 2. or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person to violate the law, the person shall be subject to the following penalties:

a. If the person is an employer, the employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and for the 3 rate years immediately following this rate year. However, if the person's business is already at the highest rate for any year, or if the amount of increase in the person's rate would be less than 2 percent for such year, then a penalty rate of contribution of 2 percent of taxable wages shall be imposed for such year and the following 3 rate years.

b. If the person is not an employer, such person shall be subject to a civil money penalty of not more than \$5,000. The

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procedures for the assessment of a penalty shall be in accordance with the procedures set forth in s. 443.141(2), and the provisions of s. 443.141(3) shall apply to the collection of the penalty. Any such penalty shall be deposited in the penalty and interest account established under s. 443.211(2).

4. For purposes of this paragraph, the term:

a. "Knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

b. "Violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresent, or willfully nondisclose.

5. In addition to the penalty imposed by subparagraph 3., any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the tax collection service provider shall establish procedures to identify the transfer or acquisition of a business for the purposes of this paragraph and shall adopt any rules necessary to administer this paragraph.

7. For purposes of this paragraph:

a. "Person" has the meaning given to the term by s. 7701(a)(1) of the Internal Revenue Code of 1986.

b. "Trade or business" shall include the employer's workforce.

8. This paragraph shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department

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of Labor.

(i) *Notice of determinations of contribution rates; redeterminations.*—The state agency providing tax collection services:

1. Shall promptly notify each employer of his or her contribution rate as determined for any calendar year under this section. The determination is conclusive and binding on the employer unless within 20 days after mailing the notice of determination to the employer's last known address, or, in the absence of mailing, within 20 days after delivery of the notice, the employer files an application for review and redetermination setting forth the grounds for review. An employer may not, in any proceeding involving his or her contribution rate or liability for contributions, contest the chargeability to his or her employment record of any benefits paid in accordance with a determination, redetermination, or decision under s. 443.151, except on the ground that the benefits charged were not based on services performed in employment for him or her and then only if the employer was not a party to the determination, redetermination, or decision, or to any other proceeding under this chapter, in which the character of those services was determined.

2. Shall, upon discovery of an error in computation, reconsider any prior determination or redetermination of a contribution rate after the 20-day period has expired and issue a revised notice of contribution rate as redetermined. A redetermination is subject to review, and is conclusive and binding if review is not sought, in the same manner as review of a determination under subparagraph 1. A reconsideration may not

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be made after March 31 of the calendar year immediately after the calendar year for which the contribution rate is applicable, and interest may not accrue on any additional contributions found to be due until 30 days after the employer is mailed notice of his or her revised contribution rate.

3. May adopt rules providing for periodic notification to employers of benefits paid and charged to their employment records or of the status of those employment records. A notification, unless an application for redetermination is filed in the manner and within the time limits prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~, is conclusive and binding on the employer under this chapter. The redetermination, and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding of fact in connection with the redetermination, may be introduced in any subsequent administrative or judicial proceeding involving the determination of the contribution rate of an employer for any calendar year. A redetermination becomes final in the same manner provided in this subsection for findings of fact made by Jobs Florida ~~the Agency for Workforce Innovation~~ in proceedings to redetermine the contribution rate of an employer. Pending a redetermination or an administrative or judicial proceeding, the employer must file reports and pay contributions in accordance with this section.

Section 364. Paragraph (d) of subsection (2) and paragraph (d) of subsection (3) of section 443.1312, Florida Statutes, are amended to read:

443.1312 Reimbursements; nonprofit organizations.—Benefits paid to employees of nonprofit organizations shall be financed in accordance with this section.

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(2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF REIMBURSEMENT.—A nonprofit organization that is, or becomes, subject to this chapter under s. 443.1215(1)(c) or s. 443.121(3)(a) must pay contributions under s. 443.131 unless it elects, in accordance with this subsection, to reimburse the Unemployment Compensation Trust Fund for all of the regular benefits, short-time compensation benefits, and one-half of the extended benefits paid, which are attributable to service in the employ of the nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of the election.

(d) In accordance with rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, the tax collection service provider shall notify each nonprofit organization of any determination of the organization's status as an employer, the effective date of any election the organization makes, and the effective date of any termination of the election. Each determination is subject to reconsideration, appeal, and review under s. 443.141(2)(c).

(3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of contributions must be paid in accordance with this subsection.

(d) The amount due, as specified in any bill from the tax collection service provider, is conclusive, and the nonprofit organization is liable for payment of that amount unless, within 20 days after the bill is mailed to the organization's last known address or otherwise delivered to the organization, the organization files an application for redetermination by Jobs Florida ~~the Agency for Workforce Innovation~~, setting forth the

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grounds for the application. Jobs Florida ~~The Agency for~~
~~Workforce Innovation~~ shall promptly review and reconsider the
amount due, as specified in the bill, and shall issue a
redetermination in each case in which an application for
redetermination is filed. The redetermination is conclusive and
the nonprofit organization is liable for payment of the amount
due, as specified in the redetermination, unless, within 20 days
after the redetermination is mailed to the organization's last
known address or otherwise delivered to the organization, the
organization files a protest, setting forth the grounds for the
appeal. Proceedings on the protest shall be conducted in
accordance with s. 443.141(2).

Section 365. Paragraph (b) of subsection (1) of section
443.1313, Florida Statutes, is amended to read:

443.1313 Public employers; reimbursements; election to pay
contributions.—Benefits paid to employees of a public employer,
as defined in s. 443.036, based on service described in s.
443.1216(2) shall be financed in accordance with this section.

(1) PAYMENT OF REIMBURSEMENTS.—

(b) If a state agency is more than 120 days delinquent on
reimbursements due to the Unemployment Compensation Trust Fund,
the tax collection service provider shall certify to the Chief
Financial Officer the amount due and the Chief Financial Officer
shall transfer the amount due to the Unemployment Compensation
Trust Fund from the funds of the agency which legally may be
used for that purpose. If a public employer other than a state
agency is more than 120 days delinquent on reimbursements due to
the Unemployment Compensation Trust Fund, upon request by the
tax collection service provider after a hearing, the Department

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of Revenue or the Department of Financial Services, as applicable, shall deduct the amount owed by the public employer from any funds to be distributed by the applicable department to the public employer for further distribution to the trust fund in accordance with this chapter. If an employer for whom the municipal or county tax collector collects taxes fails to make the reimbursements to the Unemployment Compensation Trust Fund required by this chapter, the tax collector after a hearing, at the request of the tax collection service provider and upon receipt of a certificate showing the amount owed by the employer, shall deduct the certified amount from any taxes collected for the employer and remit that amount to the tax collection service provider for further distribution to the trust fund in accordance with this chapter. This paragraph does not apply to amounts owed by a political subdivision of the state for benefits erroneously paid in which the claimant must repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under s. 443.151(6)(a) or (b) any sum as benefits received.

Section 366. Paragraphs (b) and (c) of subsection (4) and subsection (7) of section 443.1315, Florida Statutes, are amended to read:

443.1315 Treatment of Indian tribes.—

(4)

(b)1. Services performed for an Indian tribe or tribal unit that fails to make required reimbursements, including assessments of interest and penalty, after all collection activities deemed necessary by the tax collection service provider, subject to approval by Jobs Florida ~~the Agency for Workforce Innovation~~, are exhausted may not be treated as

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employment for purposes of paragraph (1)(b).

2. The tax collection service provider may determine that any Indian tribe that loses coverage under subparagraph 1. may have services performed for the tribe subsequently included as employment for purposes of paragraph (1)(b) if all contributions, reimbursements, penalties, and interest are paid.

(c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider shall immediately notify the United States Internal Revenue Service and the United States Department of Labor when an Indian tribe fails to make reimbursements required under this section, including assessments of interest and penalty, within 90 days after a final notice of delinquency.

(7) Jobs Florida ~~The Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services shall adopt rules necessary to administer this section.

Section 367. Section 443.1316, Florida Statutes, is amended to read:

443.1316 Unemployment tax collection services; interagency agreement.—

(1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall contract with the Department of Revenue, through an interagency agreement, to perform the duties of the tax collection service provider and provide other unemployment tax collection services under this chapter. Under the interagency agreement, the tax collection service provider may only implement:

(a) The provisions of this chapter conferring duties upon the tax collection service provider.

(b) The provisions of law conferring duties upon Jobs

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19547 Florida ~~the Agency for Workforce Innovation~~ which are
19548 specifically delegated to the tax collection service provider in
19549 the interagency agreement.

19550 (2)(a) The Department of Revenue is considered to be
19551 administering a revenue law of this state when the department
19552 implements this chapter, or otherwise provides unemployment tax
19553 collection services, under contract with Jobs Florida ~~the Agency~~
19554 ~~for Workforce Innovation~~ through the interagency agreement.

19555 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
19556 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
19557 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
19558 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
19559 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
19560 213.757 apply to the collection of unemployment contributions
19561 and reimbursements by the Department of Revenue unless
19562 prohibited by federal law.

19563 Section 368. Section 443.1317, Florida Statutes, is amended
19564 to read:

19565 443.1317 Rulemaking authority; enforcement of rules.—

19566 (1) JOBS FLORIDA AGENCY FOR WORKFORCE INNOVATION.—

19567 (a) Except as otherwise provided in s. 443.012, Jobs
19568 Florida ~~the Agency for Workforce Innovation~~ has ultimate
19569 authority over the administration of the Unemployment
19570 Compensation Program.

19571 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
19572 adopt rules under ss. 120.536(1) and 120.54 to administer the
19573 provisions of this chapter conferring duties upon either Jobs
19574 Florida ~~the agency~~ or its tax collection service provider.

19575 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency

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providing unemployment tax collection services under contract with Jobs Florida ~~the Agency for Workforce Innovation~~ through an interagency agreement pursuant to s. 443.1316 may adopt rules under ss. 120.536(1) and 120.54, subject to approval by Jobs Florida ~~the Agency for Workforce Innovation~~, to administer the provisions of law described in s. 443.1316(1)(a) and (b) which are within this chapter. These rules must not conflict with the rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~ or with the interagency agreement.

(3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for Workforce Innovation~~ may enforce any rule adopted by the state agency providing unemployment tax collection services to administer this chapter. The tax collection service provider may enforce any rule adopted by Jobs Florida ~~the Agency for Workforce Innovation~~ to administer the provisions of law described in s. 443.1316(1)(a) and (b).

Section 369. Paragraphs (b), (c), and (f) of subsection (1), subsection (2), paragraphs (f) and (g) of subsection (3), and paragraph (c) of subsection (4) of section 443.141, Florida Statutes, are amended to read:

443.141 Collection of contributions and reimbursements.—

(1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT, ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

(b) *Penalty for delinquent, erroneous, incomplete, or insufficient reports.*—

1. An employing unit that fails to file any report required by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider, in accordance with rules for administering this chapter, shall pay to the service provider

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for each delinquent report the sum of \$25 for each 30 days or fraction thereof that the employing unit is delinquent, unless the agency or its service provider, whichever required the report, finds that the employing unit has good reason for failing to file the report. Jobs Florida ~~The agency~~ or its service provider may assess penalties only through the date of the issuance of the final assessment notice. However, additional penalties accrue if the delinquent report is subsequently filed.

2.a. An employing unit that files an erroneous, incomplete, or insufficient report with Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider shall pay a penalty. The amount of the penalty is \$50 or 10 percent of any tax due, whichever is greater, but no more than \$300 per report. The penalty shall be added to any tax, penalty, or interest otherwise due.

b. Jobs Florida ~~The agency~~ or its tax collection service provider shall waive the penalty if the employing unit files an accurate, complete, and sufficient report within 30 days after a penalty notice is issued to the employing unit. The penalty may not be waived pursuant to this subparagraph more than one time during a 12-month period.

c. As used in this subsection, the term "erroneous, incomplete, or insufficient report" means a report so lacking in information, completeness, or arrangement that the report cannot be readily understood, verified, or reviewed. Such reports include, but are not limited to, reports having missing wage or employee information, missing or incorrect social security numbers, or illegible entries; reports submitted in a format that is not approved by Jobs Florida ~~the agency~~ or its tax

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collection service provider; and reports showing gross wages that do not equal the total of the wages of each employee. However, the term does not include a report that merely contains inaccurate data that was supplied to the employer by the employee, if the employer was unaware of the inaccuracy.

3. Penalties imposed pursuant to this paragraph shall be deposited in the Special Employment Security Administration Trust Fund.

4. The penalty and interest for a delinquent, erroneous, incomplete, or insufficient report may be waived if the penalty or interest is inequitable. The provisions of s. 213.24(1) apply to any penalty or interest that is imposed under this section.

(c) *Application of partial payments.*—If a delinquency exists in the employment record of an employer not in bankruptcy, a partial payment less than the total delinquency amount shall be applied to the employment record as the payor directs. In the absence of specific direction, the partial payment shall be applied to the payor's employment record as prescribed in the rules of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing tax collection services.

(f) *Adoption of rules.*—Jobs Florida ~~The Agency for Workforce Innovation~~ and the state agency providing unemployment tax collection services may adopt rules to administer this subsection.

(2) REPORTS, CONTRIBUTIONS, APPEALS.—

(a) *Failure to make reports and pay contributions.*—If an employing unit determined by the tax collection service provider to be an employer subject to this chapter fails to make and file

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any report as and when required by this chapter or by any rule of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing tax collection services, for the purpose of determining the amount of contributions due by the employer under this chapter, or if any filed report is found by the service provider to be incorrect or insufficient, and the employer, after being notified in writing by the service provider to file the report, or a corrected or sufficient report, as applicable, fails to file the report within 15 days after the date of the mailing of the notice, the tax collection service provider may:

1. Determine the amount of contributions due from the employer based on the information readily available to it, which determination is deemed to be prima facie correct;

2. Assess the employer the amount of contributions determined to be due; and

3. Immediately notify the employer by mail of the determination and assessment including penalties as provided in this chapter, if any, added and assessed, and demand payment together with interest on the amount of contributions from the date that amount was due and payable.

(b) *Hearings.*—The determination and assessment are final 15 days after the date the assessment is mailed unless the employer files with the tax collection service provider within the 15 days a written protest and petition for hearing specifying the objections thereto. The tax collection service provider shall promptly review each petition and may reconsider its determination and assessment in order to resolve the petitioner's objections. The tax collection service provider

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19692 shall forward each petition remaining unresolved to Jobs Florida
 19693 ~~the Agency for Workforce Innovation~~ for a hearing on the
 19694 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
 19695 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
 19696 petitioner of the time and place of the hearing. Jobs Florida
 19697 ~~The Agency for Workforce Innovation~~ may appoint special deputies
 19698 to conduct hearings and to submit their findings together with a
 19699 transcript of the proceedings before them and their
 19700 recommendations to Jobs Florida ~~the agency~~ for its final order.
 19701 Special deputies are subject to the prohibition against ex parte
 19702 communications in s. 120.66. At any hearing conducted by Jobs
 19703 Florida ~~the Agency for Workforce Innovation~~ or its special
 19704 deputy, evidence may be offered to support the determination and
 19705 assessment or to prove it is incorrect. In order to prevail,
 19706 however, the petitioner must either prove that the determination
 19707 and assessment are incorrect or file full and complete corrected
 19708 reports. Evidence may also be submitted at the hearing to rebut
 19709 the determination by the tax collection service provider that
 19710 the petitioner is an employer under this chapter. Upon evidence
 19711 taken before it or upon the transcript submitted to it with the
 19712 findings and recommendation of its special deputy, Jobs Florida
 19713 ~~the Agency for Workforce Innovation~~ shall either set aside the
 19714 tax collection service provider's determination that the
 19715 petitioner is an employer under this chapter or reaffirm the
 19716 determination. The amounts assessed under the final order,
 19717 together with interest and penalties, must be paid within 15
 19718 days after notice of the final order is mailed to the employer,
 19719 unless judicial review is instituted in a case of status
 19720 determination. Amounts due when the status of the employer is in

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dispute are payable within 15 days after the entry of an order by the court affirming the determination. However, any determination that an employing unit is not an employer under this chapter does not affect the benefit rights of any individual as determined by an appeals referee or the commission unless:

1. The individual is made a party to the proceedings before the special deputy; or

2. The decision of the appeals referee or the commission has not become final or the employing unit and Jobs Florida ~~the Agency for Workforce Innovation~~ were not made parties to the proceedings before the appeals referee or the commission.

(c) *Appeals.*—~~Jobs Florida~~ The Agency for Workforce Innovation and the state agency providing unemployment tax collection services shall adopt rules prescribing the procedures for an employing unit determined to be an employer to file an appeal and be afforded an opportunity for a hearing on the determination. Pending a hearing, the employing unit must file reports and pay contributions in accordance with s. 443.131.

(3) COLLECTION PROCEEDINGS.—

(f) *Reproductions.*—In any proceedings in any court under this chapter, reproductions of the original records of Jobs Florida ~~the Agency for Workforce Innovation~~, its tax collection service provider, the former Agency for Workforce Innovation, the former Department of Labor and Employment Security, or the commission, including, but not limited to, photocopies or microfilm, are primary evidence in lieu of the original records or of the documents that were transcribed into those records.

(g) *Jeopardy assessment and warrant.*—If the tax collection

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service provider reasonably believes that the collection of contributions or reimbursements from an employer will be jeopardized by delay, the service provider may assess the contributions or reimbursements immediately, together with interest or penalties when due, regardless of whether the contributions or reimbursements accrued are due, and may immediately issue a notice of lien and jeopardy warrant upon which proceedings may be conducted as provided in this section for notice of lien and warrant of the service provider. Within 15 days after mailing the notice of lien by registered mail, the employer may protest the issuance of the lien in the same manner provided in paragraph (2)(a). The protest does not operate as a supersedeas or stay of enforcement unless the employer files with the sheriff seeking to enforce the warrant a good and sufficient surety bond in twice the amount demanded by the notice of lien or warrant. The bond must be conditioned upon payment of the amount subsequently found to be due from the employer to the tax collection service provider in the final order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon protest of assessment. The jeopardy warrant and notice of lien are satisfied in the manner provided in this section upon payment of the amount finally determined to be due from the employer. If enforcement of the jeopardy warrant is not superseded as provided in this section, the employer is entitled to a refund from the fund of all amounts paid as contributions or reimbursements in excess of the amount finally determined to be due by the employer upon application being made as provided in this chapter.

(4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF

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CONTRIBUTIONS AND REIMBURSEMENTS.—

(c) Any agent or employee designated by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider may administer an oath to any person for any return or report required by this chapter or by the rules of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services, and an oath made before Jobs Florida ~~the agency~~ or its service provider or any authorized agent or employee has the same effect as an oath made before any judicial officer or notary public of the state.

Section 370. Section 443.151, Florida Statutes, is amended to read:

443.151 Procedure concerning claims.—

(1) POSTING OF INFORMATION.—

(a) Each employer must post and maintain in places readily accessible to individuals in her or his employ printed statements concerning benefit rights, claims for benefits, and other matters relating to the administration of this chapter as Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule prescribe. Each employer must supply to individuals copies of printed statements or other materials relating to claims for benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs Florida ~~The Agency for Workforce Innovation~~ shall supply these printed statements and other materials to each employer without cost to the employer.

(b)1. Jobs Florida ~~The Agency for Workforce Innovation~~ shall advise each individual filing a new claim for unemployment compensation, at the time of filing the claim, that:

a. Unemployment compensation is subject to federal income

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tax.

b. Requirements exist pertaining to estimated tax payments.

c. The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code.

d. The individual is not permitted to change a previously elected withholding status more than twice per calendar year.

2. Amounts deducted and withheld from unemployment compensation must remain in the Unemployment Compensation Trust Fund until transferred to the federal taxing authority as payment of income tax.

3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. If more than one authorized request for deduction and withholding is made, amounts must be deducted and withheld in accordance with the following priorities:

a. Unemployment overpayments have first priority;

b. Child support payments have second priority; and

c. Withholding under this subsection has third priority.

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

(a) *In general.*—Claims for benefits must be made in accordance with the rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify claimants and employers regarding monetary and nonmonetary determinations of eligibility. Investigations of issues raised

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in connection with a claimant which may affect a claimant's eligibility for benefits or charges to an employer's employment record shall be conducted by Jobs Florida ~~the agency~~ through written, telephonic, or electronic means as prescribed by rule.

(b) *Process.*—When the Unemployment Compensation Claims and Benefits Information System described in s. 443.1113 is fully operational, the process for filing claims must incorporate the process for registering for work with the workforce information systems established pursuant to s. 445.011. A claim for benefits may not be processed until the work registration requirement is satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may adopt rules as necessary to administer the work registration requirement set forth in this paragraph.

(3) DETERMINATION OF ELIGIBILITY.—

(a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce Innovation~~ shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 20 days after the mailing date of the notice, or in lieu of mailing, within 20 days after the delivery of the notice. If a contributing employer fails to timely respond to the notice of claim, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). Jobs Florida ~~the agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) *Monetary determinations.*—In addition to the notice of claim, Jobs Florida ~~the agency~~ shall also promptly provide an

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initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~ receives information that may result in a denial of benefits, Jobs Florida ~~the agency~~ must complete an investigation of the claim required by subsection (2) and provide notice of a nonmonetary determination to the claimant and the employer from whom the claimant's reason for separation affects his or her entitlement to benefits. The determination must state the reason for the determination and whether the unemployment tax account of the contributing employer is charged for benefits paid on the

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claim. The nonmonetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary to implement the processes described in this paragraph relating to notices of nonmonetary determination and the appeals or reconsideration requests filed in response to such notices, and may adopt rules prescribing the manner and procedure by which employers within the base period of a claimant become entitled to notice of nonmonetary determination.

(d) *Determinations in labor dispute cases.*—Whenever any claim involves a labor dispute described in s. 443.101(4), Jobs Florida ~~the Agency for Workforce Innovation~~ shall promptly assign the claim to a special examiner who shall make a determination on the issues involving unemployment due to the labor dispute. The special examiner shall make the determination after an investigation, as necessary. The claimant or another party entitled to notice of the determination may appeal a determination under subsection (4).

(e) *Redeterminations.*—

1. Jobs Florida ~~The Agency for Workforce Innovation~~ may reconsider a determination if it finds an error or if new evidence or information pertinent to the determination is discovered after a prior determination or redetermination. A redetermination may not be made more than 1 year after the last day of the benefit year unless the disqualification for making a false or fraudulent representation under s. 443.101(6) is

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applicable, in which case the redetermination may be made within 2 years after the false or fraudulent representation. Jobs Florida ~~The agency~~ must promptly give notice of redetermination to the claimant and to any employers entitled to notice in the manner prescribed in this section for the notice of an initial determination.

2. If the amount of benefits is increased by the redetermination, an appeal of the redetermination based solely on the increase may be filed as provided in subsection (4). If the amount of benefits is decreased by the redetermination, the redetermination may be appealed by the claimant if a subsequent claim for benefits is affected in amount or duration by the redetermination. If the final decision on the determination or redetermination to be reconsidered was made by an appeals referee, the commission, or a court, Jobs Florida ~~the Agency for Workforce Innovation~~ may apply for a revised decision from the body or court that made the final decision.

3. If an appeal of an original determination is pending when a redetermination is issued, the appeal unless withdrawn is treated as an appeal from the redetermination.

(4) APPEALS.—

(a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce Innovation~~ shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims. A person may not participate on behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ as an appeals referee in any case in which she or he is an interested party. Jobs Florida ~~The Agency for Workforce Innovation~~ may designate alternates to serve in the absence or disqualification of any

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appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees. Jobs Florida ~~The Agency for Workforce Innovation~~ shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) *Filing and hearing.*—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of delivery of the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. However, when an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant, requiring the appellant to show why the appeal should not be dismissed as untimely. If the appellant does not, within 15 days after the mailing date of the order to show cause, provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed.

4. When an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the

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pendency of the appeal to the employing unit and to Jobs Florida
~~the Agency for Workforce Innovation~~, both of which become
 parties to the proceeding.

5. The parties must be notified promptly of the referee's
 decision. The referee's decision is final unless further review
 is initiated under paragraph (c) within 20 days after the date
 of mailing notice of the decision to the party's last known
 address or, in lieu of mailing, within 20 days after the
 delivery of the notice.

(c) *Review by commission.*—The commission may, on its own
 motion, within the time limit in paragraph (b), initiate a
 review of the decision of an appeals referee. The commission may
 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
 any adversely affected party entitled to notice of the decision
 to appeal the decision by filing an application within the time
 limit in paragraph (b). An adversely affected party has the
 right to appeal the decision if Jobs Florida's ~~the Agency for~~
~~Workforce Innovation's~~ determination is not affirmed by the
 appeals referee. The commission may affirm, modify, or reverse
 the findings and conclusions of the appeals referee based on
 evidence previously submitted in the case or based on additional
 evidence taken at the direction of the commission. The
 commission may assume jurisdiction of or transfer to another
 appeals referee the proceedings on any claim pending before an
 appeals referee. Any proceeding in which the commission assumes
 jurisdiction before completion must be heard by the commission
 in accordance with the requirement of this subsection for
 proceedings before an appeals referee. When the commission
 denies an application to hear an appeal of an appeals referee's

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decision, the decision of the appeals referee is the decision of the commission for purposes of this paragraph and is subject to judicial review within the same time and manner as decisions of the commission, except that the time for initiating review runs from the date of notice of the commission's order denying the application to hear an appeal.

(d) *Procedure.*—The manner that appealed claims are presented must comply with the commission's rules. Witnesses subpoenaed under this section are allowed fees at the rate established by s. 92.142, and fees of witnesses subpoenaed on behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or any claimant are deemed part of the expense of administering this chapter.

(e) *Judicial review.*—Orders of the commission entered under paragraph (c) are subject to review only by notice of appeal in the district court of appeal in the appellate district in which the issues involved were decided by an appeals referee. Notwithstanding chapter 120, the commission is a party respondent to every such proceeding. Jobs Florida ~~The Agency for Workforce Innovation~~ may initiate judicial review of orders in the same manner and to the same extent as any other party.

(5) PAYMENT OF BENEFITS.—

(a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall promptly pay benefits in accordance with a determination or redetermination regardless of any appeal or pending appeal. Before payment of benefits to the claimant, however, each employer who is liable for reimbursements in lieu of contributions for payment of the benefits must be notified, at the address on file with Jobs Florida ~~the Agency for Workforce~~

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Innovation or its tax collection service provider, of the initial determination of the claim and must be given 10 days to respond.

(b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall promptly pay benefits, regardless of whether a determination is under appeal if the determination allowing benefits is affirmed in any amount by an appeals referee or is affirmed by the commission, or if a decision of an appeals referee allowing benefits is affirmed in any amount by the commission. In these instances, a court may not issue an injunction, supersedeas, stay, or other writ or process suspending payment of benefits. A contributing employer that responded to the notice of claim within the time limit provided in subsection (3) may not, however, be charged with benefits paid under an erroneous determination if the decision is ultimately reversed. Benefits are not paid for any subsequent weeks of unemployment involved in a reversal.

(c) The provisions of paragraph (b) relating to charging an employer liable for contributions do not apply to reimbursing employers.

(6) RECOVERY AND RECOUPMENT.—

(a) Any person who, by reason of her or his fraud, receives benefits under this chapter to which she or he is not entitled is liable for repaying those benefits to Jobs Florida ~~the Agency for Workforce Innovation~~ on behalf of the trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to have those benefits deducted from future benefits payable to her or him under this chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must find the existence of fraud through a redetermination or

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20069 decision under this section within 2 years after the fraud was
20070 committed. Any recovery or recoupment of benefits must be
20071 effected within 5 years after the redetermination or decision.

20072 (b) Any person who, by reason other than her or his fraud,
20073 receives benefits under this chapter to which, under a
20074 redetermination or decision pursuant to this section, she or he
20075 is not entitled, is liable for repaying those benefits to Jobs
20076 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
20077 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
20078 have those benefits deducted from any future benefits payable to
20079 her or him under this chapter. Any recovery or recoupment of
20080 benefits must be effected within 3 years after the
20081 redetermination or decision.

20082 (c) Any person who, by reason other than fraud, receives
20083 benefits under this chapter to which she or he is not entitled
20084 as a result of an employer's failure to respond to a claim
20085 within the timeframe provided in subsection (3) is not liable
20086 for repaying those benefits to Jobs Florida ~~the Agency for~~
20087 ~~Workforce Innovation~~ on behalf of the trust fund or to have
20088 those benefits deducted from any future benefits payable to her
20089 or him under this chapter.

20090 (d) Recoupment from future benefits is not permitted if the
20091 benefits are received by any person without fault on the
20092 person's part and recoupment would defeat the purpose of this
20093 chapter or would be inequitable and against good conscience.

20094 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
20095 collect the repayment of benefits without interest by the
20096 deduction of benefits through a redetermination or by a civil
20097 action.

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(f) Notwithstanding any other provision of this chapter, any person who is determined by this state, a cooperating state agency, the United States Secretary of Labor, or a court to have received any payments under the Trade Act of 1974, as amended, to which the person was not entitled shall have those payments deducted from any regular benefits, as defined in s. 443.1115(1)(e), payable to her or him under this chapter. Each such deduction may not exceed 50 percent of the amount otherwise payable. The payments deducted shall be remitted to the agency that issued the payments under the Trade Act of 1974, as amended, for return to the United States Treasury. Except for overpayments determined by a court, a deduction may not be made under this paragraph until a determination by the state agency or the United States Secretary of Labor is final.

(7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any administrative proceeding conducted under this chapter, an employer or a claimant has the right, at his or her own expense, to be represented by counsel or by an authorized representative. Notwithstanding s. 120.62(2), the authorized representative need not be a qualified representative.

(8) BILINGUAL REQUIREMENTS.—

(a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall provide printed bilingual instructional and educational materials in the appropriate language in those counties in which 5 percent or more of the households in the county are classified as a single-language minority.

(b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall ensure that one-stop career centers and appeals offices located in counties subject to the requirements of paragraph (c)

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20127 prominently post notices in the appropriate languages and that
20128 translators are available in those centers and offices.

20129 (c) As used in this subsection, the term "single-language
20130 minority" means households that speak the same non-English
20131 language and that do not contain an adult fluent in English.
20132 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
20133 estimates of the percentages of single-language minority
20134 households for each county by using data from the United States
20135 Bureau of the Census.

20136 Section 371. Subsection (1), paragraphs (a) and (c) of
20137 subsection (3), and subsection (4) of section 443.163, Florida
20138 Statutes, are amended to read:

20139 443.163 Electronic reporting and remitting of contributions
20140 and reimbursements.—

20141 (1) An employer may file any report and remit any
20142 contributions or reimbursements required under this chapter by
20143 electronic means. Jobs Florida ~~The Agency for Workforce~~
20144 ~~Innovation~~ or the state agency providing unemployment tax
20145 collection services shall adopt rules prescribing the format and
20146 instructions necessary for electronically filing reports and
20147 remitting contributions and reimbursements to ensure a full
20148 collection of contributions and reimbursements due. The
20149 acceptable method of transfer, the method, form, and content of
20150 the electronic means, and the method, if any, by which the
20151 employer will be provided with an acknowledgment shall be
20152 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
20153 or its tax collection service provider. However, any employer
20154 who employed 10 or more employees in any quarter during the
20155 preceding state fiscal year must file the Employers Quarterly

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20156 Reports (UCT-6) for the current calendar year and remit the
20157 contributions and reimbursements due by electronic means
20158 approved by the tax collection service provider. A person who
20159 prepared and reported for 100 or more employers in any quarter
20160 during the preceding state fiscal year must file the Employers
20161 Quarterly Reports (UCT-6) for each calendar quarter in the
20162 current calendar year, beginning with reports due for the second
20163 calendar quarter of 2003, by electronic means approved by the
20164 tax collection service provider.

20165 (3) The tax collection service provider may waive the
20166 requirement to file an Employers Quarterly Report (UCT-6) by
20167 electronic means for employers that are unable to comply despite
20168 good faith efforts or due to circumstances beyond the employer's
20169 reasonable control.

20170 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
20171 ~~Innovation~~ or its tax collection service provider, grounds for
20172 approving the waiver include, but are not limited to,
20173 circumstances in which the employer does not:

20174 1. Currently file information or data electronically with
20175 any business or government agency; or

20176 2. Have a compatible computer that meets or exceeds the
20177 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
20178 ~~Innovation~~ or its tax collection service provider.

20179 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
20180 state agency providing unemployment tax collection services may
20181 establish by rule the length of time a waiver is valid and may
20182 determine whether subsequent waivers will be authorized, based
20183 on this subsection.

20184 (4) As used in this section, the term "electronic means"

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includes, but is not limited to, electronic data interchange; electronic funds transfer; and use of the Internet, telephone, or other technology specified by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider.

Section 372. Section 443.171, Florida Statutes, is amended to read:

443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for Workforce Innovation~~ shall administer this chapter. Jobs Florida ~~The agency~~ may employ those persons, make expenditures, require reports, conduct investigations, and take other action necessary or suitable to administer this chapter. Jobs Florida ~~the Agency for Workforce Innovation~~ shall annually submit information to Workforce Florida, Inc., covering the administration and operation of this chapter during the preceding calendar year for inclusion in the strategic plan under s. 445.006 and may make recommendations for amendment to this chapter.

(2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency for Workforce Innovation~~ shall cause to be printed and distributed to the public, or otherwise distributed to the public through the Internet or similar electronic means, the text of this chapter and of the rules for administering this chapter adopted by Jobs Florida ~~the agency~~ or the state agency providing unemployment tax collection services and any other matter relevant and suitable. Jobs Florida ~~The Agency for Workforce Innovation~~ shall furnish this information to any person upon request. However, any pamphlet, rules, circulars, or

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reports required by this chapter may not contain any matter except the actual data necessary to complete them or the actual language of the rule, together with the proper notices.

(3) PERSONNEL.—Subject to chapter 110 and the other provisions of this chapter, Jobs Florida ~~the Agency for Workforce Innovation~~ may appoint, set the compensation of, and prescribe the duties and powers of employees, accountants, attorneys, experts, and other persons as necessary for the performance of the ~~agency's~~ duties of Jobs Florida under this chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may delegate to any person its power and authority under this chapter as necessary for the effective administration of this chapter and may bond any person handling moneys or signing checks under this chapter. The cost of these bonds must be paid from the Employment Security Administration Trust Fund.

(4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for Workforce Innovation~~, under the direction of Workforce Florida, Inc., shall take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of career training, retraining, and career guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of the unemployed workers throughout the state in every other way that may be feasible; to refer any claimant entitled to extended benefits to suitable work which meets the criteria of this chapter; and, to these ends, to carry on and publish the results of investigations and research

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studies.

(5) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing the information required by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider. These records must be open to inspection and are subject to being copied by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider at any reasonable time and as often as necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may require from any employing unit any sworn or unsworn reports, for persons employed by the employing unit, necessary for the effective administration of this chapter. However, a state or local governmental agency performing intelligence or counterintelligence functions need not report an employee if the head of that agency determines that reporting the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. Information revealing the employing unit's or individual's identity obtained from the employing unit or from any individual through the administration of this chapter, is, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, confidential and exempt from s. 119.07(1). This confidential information is available only to public employees in the performance of their public duties. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission must be supplied with information from these records to the extent necessary for the proper

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presentation of her or his claim. Any employee or member of the commission, any employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider, or any other person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider may furnish to any employer copies of any report previously submitted by that employer, upon the request of the employer. Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may charge a reasonable fee for copies of reports, which may not exceed the actual reasonable cost of the preparation of the copies as prescribed by rules adopted by Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing tax collection services. Fees received by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax collection service provider for copies furnished under this subsection must be deposited in the Employment Security Administration Trust Fund.

(6) OATHS AND WITNESSES.—In the discharge of the duties imposed by this chapter, Jobs Florida ~~the Agency for Workforce Innovation~~, its tax collection service provider, the members of the commission, and any authorized representative of any of these entities may administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the administration of this chapter.

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(7) SUBPOENAS.—If a person refuses to obey a subpoena issued to that person, any court of this state within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which the person is found, resides, or transacts business, upon application by Jobs Florida ~~the Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities has jurisdiction to order the person to appear before the entity to produce evidence or give testimony on the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt. Any person who fails or refuses without just cause to appear or testify; to answer any lawful inquiry; or to produce books, papers, correspondence, memoranda, and other records within her or his control as commanded in a subpoena of Jobs Florida ~~the Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Each day that a violation continues is a separate offense.

(8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not excused from appearing or testifying, or from producing books, papers, correspondence, memoranda, or other records, before Jobs Florida ~~the Agency for Workforce Innovation~~, its tax collection service provider, the commission, or any authorized representative of any of these entities or as commanded in a subpoena of any of these entities in any proceeding before Jobs Florida ~~the Agency for Workforce Innovation~~, the commission, an appeals referee, or a special deputy on the ground that the

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testimony or evidence, documentary or otherwise, required of the person may incriminate her or him or subject her or him to a penalty or forfeiture. That person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which she or he is compelled, after having claimed her or his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the person testifying is not exempt from prosecution and punishment for perjury committed while testifying.

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, Jobs Florida ~~the Agency for Workforce Innovation~~ and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of federal law relating to unemployment compensation.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency for Workforce Innovation~~ shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

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20359 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
20360 tax collection service provider shall comply with the
20361 regulations of the United States Department of Labor relating to
20362 the receipt or expenditure by this state of funds granted under
20363 federal law; shall submit the reports in the form and containing
20364 the information the United States Department of Labor requires;
20365 and shall comply with directions of the United States Department
20366 of Labor necessary to assure the correctness and verification of
20367 these reports.

20368 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and
20369 its tax collection service provider may cooperate with every
20370 agency of the United States charged with administration of any
20371 unemployment insurance law.

20372 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
20373 its tax collection service provider shall cooperate with the
20374 agencies of other states, and shall make every proper effort
20375 within their means, to oppose and prevent any further action
20376 leading to the complete or substantial federalization of state
20377 unemployment compensation funds or state employment security
20378 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
20379 its tax collection service provider may make, and may cooperate
20380 with other appropriate agencies in making, studies as to the
20381 practicability and probable cost of possible new state-
20382 administered social security programs and the relative
20383 desirability of state, rather than federal, action in that field
20384 of study.

20385 Section 373. Subsections (1) and (2) of section 443.1715,
20386 Florida Statutes, are amended to read:

20387 443.1715 Disclosure of information; confidentiality.—

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(1) RECORDS AND REPORTS.—Information revealing an employing unit's or individual's identity obtained from the employing unit or any individual under the administration of this chapter, and any determination revealing that information, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending or is receiving compensation benefits, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This confidential information may be released only to public employees in the performance of their public duties. Except as otherwise provided by law, public employees receiving this confidential information must maintain the confidentiality of the information. Any claimant, or the claimant's legal representative, at a hearing before an appeals referee or the commission is entitled to information from these records to the extent necessary for the proper presentation of her or his claim. A person receiving confidential information who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may, however, furnish to any employer copies of any report submitted by that employer upon the request of the employer and may furnish to any claimant copies of any report submitted by that claimant upon the request of the claimant. Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax collection service provider may charge a reasonable fee for copies of these reports as prescribed by rule, which may not exceed the actual reasonable cost of the preparation of the copies. Fees received for copies

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under this subsection must be deposited in the Employment Security Administration Trust Fund.

(2) DISCLOSURE OF INFORMATION.—

(a) Subject to restrictions Jobs Florida ~~the Agency for Workforce Innovation~~ or the state agency providing unemployment tax collection services adopts by rule, information declared confidential under this section is available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of the one-stop delivery system, or the Bureau of Internal Revenue of the United States Department of the Treasury, ~~the Governor's Office of Tourism, Trade, and Economic Development,~~ or the Florida Department of Revenue. Information obtained in connection with the administration of the one-stop delivery system may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a job-preparatory or career education or training program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall, on a quarterly basis, furnish the National Directory of New Hires with information concerning the wages and unemployment benefits paid to individuals, by the dates, in the format, and containing the information specified in the regulations of the United States Secretary of Health and Human Services. Upon request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights

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to further benefits under this chapter. Except as otherwise provided by law, the receiving agency must retain the confidentiality of this information as provided in this section. The tax collection service provider may request the Comptroller of the Currency of the United States to examine the correctness of any return or report of any national banking association rendered under this chapter and may in connection with that request transmit any report or return for examination to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

(b) The employer or the employer's workers' compensation carrier against whom a claim for benefits under chapter 440 has been made, or a representative of either, may request from Jobs Florida ~~the Agency for Workforce Innovation~~ records of wages of the employee reported to Jobs Florida ~~the agency~~ by any employer for the quarter that includes the date of the accident that is the subject of such claim and for subsequent quarters.

1. The request must be made with the authorization or consent of the employee or any employer who paid wages to the employee after the date of the accident.

2. The employer or carrier shall make the request on a form prescribed by rule for such purpose by the agency. Such form shall contain a certification by the requesting party that it is a party entitled to the information requested.

3. Jobs Florida ~~The agency~~ shall provide the most current information readily available within 15 days after receiving the request.

Section 374. Section 443.181, Florida Statutes, is amended to read:

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443.181 Public employment service.—

(1) The one-stop delivery system established under s. 445.009 is this state's public employment service as part of the national system of public employment offices under 29 U.S.C. s. 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under policy direction from Workforce Florida, Inc., shall cooperate with any official or agency of the United States having power or duties under 29 U.S.C. ss. 49-49l-1 and shall perform those duties necessary to secure to this state the funds provided under federal law for the promotion and maintenance of the state's public employment service. In accordance with 29 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-49l-1. Jobs Florida ~~The Agency for Workforce Innovation~~ is designated the state agency responsible for cooperating with the United States Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall appoint sufficient employees to administer this section. Jobs Florida ~~The Agency for Workforce Innovation~~ may cooperate with or enter into agreements with the Railroad Retirement Board for the establishment, maintenance, and use of one-stop career centers.

(2) All funds received by this state under 29 U.S.C. ss. 49-49l-1 must be paid into the Employment Security Administration Trust Fund, and these funds are available to Jobs Florida ~~the Agency for Workforce Innovation~~ for expenditure as provided by this chapter or by federal law. For the purpose of establishing and maintaining one-stop career centers, Jobs Florida ~~the Agency for Workforce Innovation~~ may enter into agreements with the Railroad Retirement Board or any other agency of the United States charged with the administration of

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an unemployment compensation law, with any political subdivision of this state, or with any private, nonprofit organization. As a part of any such agreement, Jobs Florida ~~the Agency for Workforce Innovation~~ may accept moneys, services, or quarters as a contribution to the Employment Security Administration Trust Fund.

Section 375. Subsections (1), (2), (3), and (4) of section 443.191, Florida Statutes, are amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by Jobs Florida ~~the Agency for Workforce Innovation~~ exclusively for the purposes of this chapter. The fund shall consist of:

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

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

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

(d) All earnings of these properties or securities;

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

(f) Advances on the amount in the federal Unemployment Compensation Trust Fund credited to the state under 42 U.S.C. s. 1321, as requested by the Governor or the Governor's designee.

Except as otherwise provided in s. 443.1313(4), all moneys in

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the fund shall be mingled and undivided.

(2) The Chief Financial Officer is the ex officio treasurer and custodian of the fund and shall administer the fund in accordance with the directions of Jobs Florida ~~the Agency for Workforce Innovation~~. All payments from the fund must be approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or by an authorized agent. The Chief Financial Officer shall maintain within the fund three separate accounts:

(a) A clearing account;

(b) An Unemployment Compensation Trust Fund account; and

(c) A benefit account.

All moneys payable to the fund, including moneys received from the United States as reimbursement for extended benefits paid by Jobs Florida ~~the Agency for Workforce Innovation~~, must be forwarded to the Chief Financial Officer, who shall immediately deposit them in the clearing account. Refunds payable under s. 443.141 may be paid from the clearing account. After clearance, all other moneys in the clearing account must be immediately deposited with the Secretary of the Treasury of the United States to the credit of this state's account in the federal Unemployment Compensation Trust Fund notwithstanding any state law relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state. The benefit account consists of all moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund. Except as otherwise provided by law, moneys in the clearing and benefit accounts may be deposited by the Chief Financial Officer, under the direction of Jobs Florida

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the ~~Agency for Workforce Innovation~~, in any bank or public depository in which general funds of the state are deposited, but a public deposit insurance charge or premium may not be paid out of the fund. If any warrant issued against the clearing account or the benefit account is not presented for payment within 1 year after issuance, the Chief Financial Officer must cancel the warrant and credit without restriction the amount of the warrant to the account upon which it is drawn. When the payee or person entitled to a canceled warrant requests payment of the warrant, the Chief Financial Officer, upon direction of Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a new warrant, payable from the account against which the canceled warrant was drawn.

(3) Moneys may only be requisitioned from the state's account in the federal Unemployment Compensation Trust Fund solely for the payment of benefits and extended benefits and for payment in accordance with rules prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~, or for the repayment of advances made pursuant to 42 U.S.C. s. 1321, as authorized by the Governor or the Governor's designee, except that money credited to this state's account under 42 U.S.C. s. 1103 may only be used exclusively as provided in subsection (5). Jobs Florida ~~The Agency for Workforce Innovation~~, through the Chief Financial Officer, shall requisition from the federal Unemployment Compensation Trust Fund amounts, not exceeding the amounts credited to this state's account in the fund, as necessary for the payment of benefits and extended benefits for a reasonable future period. Upon receipt of these amounts, the Chief Financial Officer shall deposit the moneys in the benefit

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account in the State Treasury and warrants for the payment of benefits and extended benefits shall be drawn upon the order of Jobs Florida ~~the Agency for Workforce Innovation~~ against the account. All warrants for benefits and extended benefits are payable directly to the ultimate beneficiary. Expenditures of these moneys in the benefit account and refunds from the clearing account are not subject to any law requiring specific appropriations or other formal release by state officers of money in their custody. All warrants issued for the payment of benefits and refunds must bear the signature of the Chief Financial Officer. Any balance of moneys requisitioned from this state's account in the federal Unemployment Compensation Trust Fund which remains unclaimed or unpaid in the benefit account after the period for which the moneys were requisitioned shall be deducted from estimates for, and may be used for the payment of, benefits and extended benefits during succeeding periods, or, in the discretion of Jobs Florida ~~the Agency for Workforce Innovation~~, shall be redeposited with the Secretary of the Treasury of the United States, to the credit of this state's account in the federal Unemployment Compensation Trust Fund, as provided in subsection (2).

(4) Subsections (1), (2), and (3), to the extent they relate to the federal Unemployment Compensation Trust Fund, apply only while the fund continues to exist and while the Secretary of the Treasury of the United States continues to maintain for this state a separate account of all funds deposited by this state for the payment of benefits, together with this state's proportionate share of the earnings of the federal Unemployment Compensation Trust Fund, from which no

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other state is permitted to make withdrawals. If the federal Unemployment Compensation Trust Fund ceases to exist, or the separate account is no longer maintained, all moneys, properties, or securities belonging to this state's account in the federal Unemployment Compensation Trust Fund must be transferred to the treasurer of the Unemployment Compensation Trust Fund, who must hold, invest, transfer, sell, deposit, and release those moneys, properties, or securities in a manner approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in accordance with this chapter. These moneys must, however, be invested in the following readily marketable classes of securities: bonds or other interest-bearing obligations of the United States or of the state. Further, the investment must at all times be made in a manner that allows all the assets of the fund to always be readily convertible into cash when needed for the payment of benefits. The treasurer may only dispose of securities or other properties belonging to the Unemployment Compensation Trust Fund under the direction of Jobs Florida ~~the Agency for Workforce Innovation~~.

Section 376. Subsection (10) of section 161.54, Florida Statutes, is amended to read:

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

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

Section 377. Subsection (14) of section 163.3221, Florida Statutes, is amended to read:

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

(14) "State land planning agency" means Jobs Florida ~~the~~

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~~Department of Community Affairs.~~

Section 378. Subsection (18) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

(18) "State land planning agency" means Jobs Florida ~~the Department of Community Affairs~~ and may be referred to in this part as the "department."

Section 379. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

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

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

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

(b) Three million dollars in funds ~~provided in subsection (1)~~ shall be used to retrofit existing facilities used as public hurricane shelters. Each year the office shall ~~department must~~ prioritize the use of these funds for projects included in the

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20678 annual report of the September 1, 2000, version of the Shelter
20679 Retrofit Report prepared in accordance with s. 252.385(3),~~and~~
20680 ~~each annual report thereafter.~~ The office department must give
20681 funding priority to projects in regional planning council
20682 regions that have shelter deficits and to projects that maximize
20683 the use of state funds.

20684 (2)(3)(a) Forty percent of the total appropriation in
20685 paragraph (1)(a) ~~(2)(a)~~ shall be used to inspect and improve
20686 tie-downs for mobile homes.

20687 ~~(b)1. There is created~~ The Manufactured Housing and Mobile
20688 Home Mitigation and Enhancement Program is established. The
20689 program shall require the mitigation of damage to or the
20690 enhancement of homes for the areas of concern raised by the
20691 Department of Highway Safety and Motor Vehicles in the 2004-2005
20692 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
20693 on manufactured and mobile homes in this state. The mitigation
20694 or enhancement must include, but need not be limited to,
20695 problems associated with weakened trusses, studs, and other
20696 structural components caused by wood rot or termite damage;
20697 site-built additions; or tie-down systems and may also address
20698 any other issues deemed appropriate by Tallahassee Community
20699 College, the Federation of Manufactured Home Owners of Florida,
20700 Inc., the Florida Manufactured Housing Association, and the
20701 Department of Highway Safety and Motor Vehicles. The program
20702 shall include an education and outreach component to ensure that
20703 owners of manufactured and mobile homes are aware of the
20704 benefits of participation.

20705 2. The program shall be a grant program that ensures that
20706 entire manufactured home communities and mobile home parks may

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be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

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

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

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

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

(4)~~(5)~~ Except for the programs set forth in subsection (3) ~~(4)~~, the office ~~Department of Community Affairs~~ shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative

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designated by the Florida Association of Counties, ~~and a~~
representative designated by the Florida Manufactured Housing
Association, and a representative designated by the Florida
Building Commission.

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

~~(8)(7)~~ On January 1st of each year, the office ~~Department~~
~~of Community Affairs~~ shall provide a full report and accounting
of activities under this section and an evaluation of such
activities to the Speaker of the House of Representatives, the
President of the Senate, and the Majority and Minority Leaders
of the House of Representatives and the Senate. Upon completion
of the report, the office ~~Department of Community Affairs~~ shall
deliver the report to the Office of Insurance Regulation. The
Office of Insurance Regulation shall review the report and shall
make such recommendations available to the insurance industry as
the Office of Insurance Regulation deems appropriate. These
recommendations may be used by insurers for potential discounts
or rebates pursuant to s. 627.0629. The Office of Insurance
Regulation shall make such ~~the~~ recommendations within 1 year
after receiving the report.

~~(8)(a)~~ Notwithstanding any other provision of this section
~~and for the 2010-2011 fiscal year only, the \$3 million~~
~~appropriation provided for in paragraph (2)(b) may be used for~~
~~hurricane shelters as identified in the General Appropriations~~
~~Act.~~

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~~(b) This subsection expires June 30, 2011.~~

~~(7)(9)~~ This section is repealed June 30, 2021 ~~2011~~.

Section 380. Section 20.505, Florida Statutes, is transferred, renumbered as section 20.605, Florida Statutes, and amended to read:

20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the Agency for Workforce Innovation.~~

(1) The Administrative Trust Fund is created within Jobs Florida ~~the Agency for Workforce Innovation.~~

(2) Funds shall be used for the purpose of supporting the administrative functions of Jobs Florida ~~the agency~~ as required by law, pursuant to legislative appropriation or an approved amendment to Jobs Florida ~~the agency's~~ operating budget pursuant to the provisions of chapter 216.

(3) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 381. Section 331.369, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and subsections (2), (4), and (5) are amended to read:

445.06 ~~331.369~~ Space Industry Workforce Initiative.—

(2) Workforce Florida, Inc., ~~The Workforce Development Board of Enterprise Florida, Inc.,~~ or its successor entity, shall coordinate development of a Space Industry Workforce Initiative in partnership with the Jobs Florida Partnership, Inc. ~~Space Florida,~~ public and private universities, community colleges, and other training providers approved by the board.

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The purpose of the initiative is to use or revise existing programs and to develop innovative new programs to address the workforce needs of the aerospace industry.

(4) Workforce Florida, Inc., ~~The Workforce Development Board of Enterprise Florida, Inc.~~, or its successor entity, with the assistance of the Jobs Florida Partnership, Inc. ~~Space Florida~~, shall convene representatives from the aerospace industry to identify the priority training and education needs of the industry and to appoint a team to design programs to meet the priority needs.

(5) Workforce Florida, Inc., ~~The Workforce Development Board of Enterprise Florida, Inc.~~, or its successor entity, as part of its statutorily prescribed annual report to the Legislature, shall provide recommendations for policies, programs, and funding to enhance the workforce needs of the aerospace industry.

Section 382. Section 1004.99, Florida Statutes, is transferred, renumbered as section 445.06, Florida Statutes, and amended to read:

445.06 ~~1004.99~~ Florida Ready to Work Certification Program.—

(1) There is created the Florida Ready to Work Certification Program to enhance the workplace skills of Floridians ~~Florida's students~~ to better prepare them for successful employment in specific occupations.

(2) The Florida Ready to Work Certification Program may be conducted in public middle and high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice

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educational facilities. The program may be made available to other entities that provide job training. Jobs Florida, in coordination with the Department of Education, shall establish institutional readiness criteria for program implementation.

(3) The Florida Ready to Work Certification Program shall be composed of:

(a) A comprehensive identification of workplace skills for each occupation identified for inclusion in the program by Jobs Florida ~~the Agency for Workforce Innovation~~ and the Department of Education.

(b) A preinstructional assessment that delineates an individual's ~~the student's~~ mastery level on the specific workplace skills identified for that occupation.

(c) A targeted instructional program limited to those identified workplace skills in which the individual ~~student~~ is not proficient as measured by the preinstructional assessment. Instruction must utilize a web-based program and be customized to meet identified specific needs of local employers.

(d) A Florida Ready to Work Credential and portfolio awarded to individuals ~~students~~ upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the individuals ~~student~~ as evidence of the individual's ~~student's~~ preparation for employment.

(4) A Florida Ready to Work Credential shall be awarded to an individual ~~a student~~ who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment shall be scored on a scale of 3 to 7. The level of the credential each individual ~~student~~ receives is based on the

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following:

(a) A bronze-level credential requires a minimum score of 3 or above on each of the assessments.

(b) A silver-level credential requires a minimum score of 4 or above on each of the assessments.

(c) A gold-level credential requires a minimum score of 5 or above on each of the assessments.

(5) Jobs Florida ~~The State Board of Education~~, in consultation with the Department of Education Agency for Workforce Innovation, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 383. Section 14.2015, Florida Statutes, is repealed.

Section 384. Section 20.18, Florida Statutes, is repealed.

Section 385. Section 20.50, Florida Statutes, is repealed.

Section 386. Sections 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

Section 387. Section 287.115, Florida Statutes, is repealed.

Section 388. Section 288.038, Florida Statutes, is repealed.

Section 389. Section 288.063, Florida Statutes, is repealed.

Section 390. Sections 288.1221, 288.1222, 288.1223, 288.1224, 288.1226, and 288.1227, Florida Statutes, are repealed.

Section 391. Sections 288.7065, 288.707, 288.708, 288.709, 288.7091, and 288.712, Florida Statutes, are repealed.

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20910 Section 392. Section 288.12295, Florida Statutes, is
20911 repealed.

20912 Section 393. Section 288.90151, Florida Statutes, is
20913 repealed.

20914 Section 394. Section 288.9415, Florida Statutes, is
20915 repealed.

20916 Section 395. Section 288.9618, Florida Statutes, is
20917 repealed.

20918 Section 396. Section 288.982, Florida Statutes, is
20919 repealed.

20920 Section 397. Sections 331.301, 331.3011, 331.302, 331.303,
20921 331.304, 331.305, 331.3051, 331.306, 331.307, 331.3081, 331.309,
20922 331.310, 331.3101, 331.311, 331.312, 331.313, 331.316, 331.317,
20923 331.318, 331.319, 331.320, 331.321, 331.322, 331.323, 331.324,
20924 331.325, 331.326, 331.327, 331.328, 331.329, 331.330, 331.331,
20925 331.332, 331.333, 331.334, 331.335, 331.336, 331.337, 331.338,
20926 331.339, 331.340, 331.341, 331.342, 331.343, 331.344, 331.345,
20927 331.346, 331.347, 331.348, 331.349, 331.350, 331.351, 331.353,
20928 331.354, and 331.355, Florida Statutes, are repealed.

20929 Section 398. Section 411.0105, Florida Statutes, is
20930 repealed.

20931 Section 399. Section 446.60, Florida Statutes, is repealed.

20932 Section 400. Section 1002.75, Florida Statutes, is
20933 repealed.

20934 Section 401. This act shall take effect July 1, 2011.

20935

Department of Highway Safety and Motor Vehicle
Section by Section
Draft Conforming Bill

Section 1: Amends s. 20.23 to clarify FDOT will still have weight inspectors after the Office of Motor Carrier Compliance (OMCC) is transferred to DHSMV.

Section 2: Amends s. 20.24 to create OMCC with DHSMV's division of the Florida Highway Patrol. Also deletes two divisions (Driver's Licenses and Motor Vehicles) into the Division of Motorist Services.

Section 3: Amends s. 110.205 to remove OMCC's captains and majors from FDOT's exempt positions.

Section 4: Technical change to s. 288.816 due to the creation of the Division of Motorist Services within DHSMV.

Section 5: Technical change to s. 311.115 due to the transfer of Motor Carrier Compliance to the DHSMV.

Section 6: Technical change to s. 311.121 due to the creation of the Division of Motorist Services within DHSMV.

Section 7: Amends s. 316.066 to establish the information to be listed on a crash report.

Section 8: Technical change to s. 316.1957 due to creation of the Division of Motorist Services.

Section 9: Technical change to s. 316.302 due to transfer of OMCC to DHSMV.

Section 10: Technical change to s. 316.3025 due to transfer of OMCC to DHSMV.

Section 11: Technical change to s. 316.3026 due to transfer of OMCC to DHSMV.

Section 12: Technical change to s. 316.516 due to transfer of OMCC to DHSMV.

Section 13: Technical change to s.316.545 due to transfer of OMCC to DHSMV.

Section 14: Technical change to s. 316.613 due to creation of the Division of Motorist Services.

Section 15: Technical change to s. 316.640 due to transfer of OMCC to DHSMV.

Section 16: Technical change to s. 318.15 due to creation of the Division of Motorist Services.

Section 17: Technical change to s. 320.05 due to creation of the Division of Motorist Services.

Section 18: Technical change to s. 320.18 due to transfer of OMCC to DHSMV.

Section 19: Technical change to s. 320.275 due to creation of the Division of Motorist Services.

Section 21: Creates s. 321.052 to authorize DHSMV to have sheriffs as agents of FHP.

Section 22: Amends s. 321.23 to allow for distribution of traffic reports online and provides for the distribution of fee to the investigating agency.

Section 23: Technical change to s. 322.02 due to creation of the Division of Motorist Services.

Section 24: Amends s. 322.135 to require certain tax collectors to assume driver's license responsibilities of DHSMV by June 30, 2015.

Section 25: Technical change to s. 322.20 due to creation of the Division of Motorist Services.

Section 26: Technical change to s. 322.202 due to creation of the Division of Motorist Services.

Section 27: Amends s. 322.21 to all for tax collectors to collect certain fees beginning July 1, 2015, or upon completion of the transition of the driver's license issuance services.

Section 28: Repeals subsection 32 of 334.044 due to transfer of OMCC to DHSMV.

Section 29: Technical change to s.413.012 due to creation of the Division of Motorist Services.

Section 30: Technical change to s. 921.0022 due to change in crash report laws.

Section 31: Creating a Law Enforcement Consolidation Task force to evaluate the duplication of law enforcement functions throughout state government.

Section 32: Provides for the transfer of OMCC to DHSMV.

Section 33: Provides for an effective date of the draft bill.

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A bill to be entitled
An act relating to the Department of Highway Safety
and Motor Vehicles; amending s. 20.23, F.S.; creating
motor carrier weight inspection as an area of program
responsibility within the Department of
Transportation, which replaces motor carrier
compliance; amending s. 20.24, F.S.; creating the
Office of Motor Carrier Compliance of the Division of
the Florida Highway Patrol within the Department of
Highway Safety and Motor Vehicles; amending ss.
110.205, 311.115, 316.302, 316.3025, 316.3026,
316.516, 316.545, 316.640, 320.18, and 321.05, F.S.;
conforming provisions to changes made by the act;
amending s. 288.816, F.S.; requiring the department
rather than the Division of Motor Vehicles to issue
special motor vehicle license plates; amending s.
311.121, F.S.; providing for a representative of the
department rather than the Division of Driver Licenses
to be appointed to the Seaport Security Officer
Qualification, Training, and Standards Coordinating
Council; amending s. 316.066, F.S.; revising
circumstances under which a law enforcement officer is
required to submit to the department a Florida Traffic
Crash Report, Long Form; providing for the use of
driver exchange-of-information forms under certain
circumstances; eliminating provisions authorizing
counties to establish certified central traffic
records centers, including provisions authorizing the
funding of such centers; deleting restrictions on the

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commercial use of crash reports; amending s. 316.1957,
F.S.; requiring that motor vehicle records be
maintained by the department; amending s. 316.613,
F.S.; requiring the department rather than the
Division of Motor Vehicles to provide notice of the
requirements for child restraint devices; amending s.
318.15, F.S.; providing for the department rather than
the Division of Driver Licenses to administer certain
provisions governing the suspension of a person's
driver's license and privilege to drive; amending s.
320.05, F.S.; providing for a Division of Motorist
Services Procedures Manual; clarifying that the
creation and maintenance of records by the division is
not a law enforcement function; amending s. 320.275,
F.S.; providing for a representative of the department
rather than the Division of Motor Vehicles to be
appointed to the Automobile Dealers Industry Advisory
Board; creating s. 321.052, F.S.; requiring the
Department of Highway Safety and Motor Vehicles to
authorize sheriffs to act as agents for the Florida
Highway Patrol; amending s. 321.23, F.S.; specifying
the fee to be charged for a copy of a uniform traffic
citation; providing for a portion of the fees for
crash reports to be distributed to the investigating
agency under certain circumstances; authorizing the
Department of Highway Safety and Motor Vehicles to
scan the records of crash reports, which shall be
considered original copies; amending s. 322.02, F.S.;
providing for the Division of Motorist Services to

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administer ch. 322, F.S., relating to driver's
licenses; amending s. 322.135, F.S.; providing duties
of the tax collectors with respect to driver's license
services; directing the tax collectors who are
constitutional officers to assume all driver's license
issuance services by a certain date and according to a
specified schedule; deleting obsolete provisions;
authorizing the department to adopt rules creating
exceptions for counties that are unable to provide
full driver's license services; providing for
interlocal agreements to provide such services;
amending s. 322.20, F.S.; providing for the department
and the Division of Motorist Services to maintain
certain records; amending s. 322.202, F.S.; clarifying
that the Division of Motorist Services is not a law
enforcement agency and is not an adjunct of any law
enforcement agency; amending s. 322.21, F.S.;
requiring that a portion of the fees charged for the
replacement of a driver's licenses or identification
card be used to support motorist services activities;
requiring that such fees be retained by the tax
collectors who issue driver's licenses following the
transition of the driver's license issuance services
to the constitutional tax collectors; providing for
the Division of Motorist Services to collect fees and
issue driver's licenses and identification cards and
account for all license funds in the administration of
ch. 322, F.S.; repealing s. 334.044(32), F.S.,
relating to the authorization of the Office of Motor

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Carrier Compliance within the Department of
Transportation to employ sworn law enforcement
officers to enforce traffic and criminal laws in this
state; amending s. 413.012, F.S., relating to certain
confidential records; conforming a reference to
changes made by the act; amending s. 921.0022, F.S.;
conforming a cross-reference; creating the Law
Enforcement Consolidation Task Force; providing for
membership; requiring the Department of Highway Safety
and Motor Vehicles to provide administrative
assistance to the task force; requiring the agency
that is represented by a member of the task force to
bear the travel expenses incurred by the member;
requiring the task force to evaluate the duplication
of law enforcement functions and to identify possible
consolidation; requiring the task force to evaluate
administrative functions; requiring the task force to
evaluate whether to limit the jurisdiction of the
Florida Highway Patrol; requiring the task force to
make recommendations and submit a report to the
Legislature by a certain date; providing for future
expiration; transferring the Office of Motor Carrier
Compliance of the Department of Transportation to the
Division of the Florida Highway Patrol of the
Department of Highway Safety and Motor Vehicles;
authorizing the Executive Office of the Governor to
transfer funds and positions between agencies;
providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 20.23, Florida Statutes, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(4)

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to:

1. Administration;
2. Planning;
3. Public transportation;
4. Design;
5. Highway operations;
6. Right-of-way;
7. Toll operations;
8. Information systems;
9. Motor carrier weight inspection compliance ~~compliance~~;
10. Management and budget;
11. Comptroller;

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- 12. Construction;
- 13. Maintenance; and
- 14. Materials.

Section 2. Subsection (2) of section 20.24, Florida Statutes, is amended to read:

20.24 Department of Highway Safety and Motor Vehicles.—
There is created a Department of Highway Safety and Motor Vehicles.

(2) The following divisions, and bureaus within the divisions, of the Department of Highway Safety and Motor Vehicles are established:

(a) Division of the Florida Highway Patrol.

(b) Division of Motorist Services.

(c) Office of Motor Carrier Compliance.

~~(b) Division of Driver Licenses.~~

~~(c) Division of Motor Vehicles.~~

Section 3. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which ~~positions~~ include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of

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an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices, as defined in s. 20.23(4)(b) and (5)(c) ~~and captains and majors of the Office of Motor Carrier Compliance.~~

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 4. Paragraph (e) of subsection (2) of section 288.816, Florida Statutes, is amended to read:

288.816 Intergovernmental relations.—

(2) The Office of Tourism, Trade, and Economic Development shall be responsible for all consular relations between the state and all foreign governments doing business in Florida. The

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office shall monitor United States laws and directives to ensure that all federal treaties regarding foreign privileges and immunities are properly observed. The office shall promulgate rules which shall:

(e) Verify entitlement to issuance of special motor vehicle license plates by ~~the Division of Motor Vehicles of the~~ Department of Highway Safety and Motor Vehicles to honorary consuls or such other officials representing foreign governments who are not entitled to issuance of special Consul Corps license plates by the United States Government.

Section 5. Paragraph (f) of subsection (1) of section 311.115, Florida Statutes, is amended to read:

311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created under the Office of Drug Control. The council shall serve as an advisory council as provided in s. 20.03(7).

(1) The members of the council shall be appointed by the Governor and consist of the following:

(f) One member from the Office of Motor Carrier Compliance of the Department of Highway Safety and Motor Vehicles ~~Transportation~~.

Section 6. Paragraph (a) of subsection (3) of section 311.121, Florida Statutes, is amended to read:

311.121 Qualifications, training, and certification of licensed security officers at Florida seaports.—

(3) The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under the Department of Law Enforcement.

(a) The executive director of the Department of Law

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Enforcement shall appoint 11 members to the council, to include:

1. The seaport administrator of the Department of Law Enforcement.

2. The Commissioner of Education or his or her designee.

3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.

4. The administrator of the Florida Seaport Transportation and Economic Development Council.

5. Two seaport security directors from seaports designated under s. 311.09.

6. One director of a state law enforcement academy.

7. One representative of a local law enforcement agency.

8. Two representatives of contract security services.

9. One representative of ~~the Division of Driver Licenses of~~ the Department of Highway Safety and Motor Vehicles.

Section 7. Subsections (1), (2), (4), and (5) of section 316.066, Florida Statutes, are amended, and present subsections (3), (4), (5), and (6) of that section are renumbered as subsections (2), (3), (4), and (5), respectively, to read:

316.066 Written reports of crashes.—

(1)(a) A Florida Traffic Crash Report, Long Form is required to be completed and submitted to the department within 10 days after completing an investigation by every law enforcement officer who in the regular course of duty investigates a motor vehicle crash that:

1. ~~That~~ Resulted in death or personal injury.

2. ~~That~~ Involved a violation of s. 316.061(1) or s. 316.193.

3. ~~In which a vehicle was rendered inoperative to a degree~~

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262 ~~that required a wrecker to remove it from traffic, if such~~
263 ~~action is appropriate, in the officer's discretion.~~

264 (b) In every crash for which a Florida Traffic Crash
265 Report, Long Form is not required by this section, the law
266 enforcement officer may complete a short-form crash report or
267 provide a driver exchange-of-information form ~~short-form crash~~
268 ~~report~~ to be completed by each party involved in the crash. The
269 short-form report must include:

- 270 1. The date, time, and location of the crash.
- 271 2. A description of the vehicles involved.
- 272 3. The names and addresses of the parties involved,
273 including all drivers and passengers.
- 274 4. The names and addresses of witnesses.
- 275 5. The name, badge number, and law enforcement agency of
276 the officer investigating the crash.
- 277 6. The names of the insurance companies for the respective
278 parties involved in the crash.

279 (c) Each party to the crash must ~~shall~~ provide the law
280 enforcement officer with proof of insurance, which must be
281 documented to be included in the crash report. If a law
282 enforcement officer submits a report on the crash ~~accident~~,
283 proof of insurance must be provided to the officer by each party
284 involved in the crash. Any party who fails to provide the
285 required information commits a noncriminal traffic infraction,
286 punishable as a nonmoving violation as provided in chapter 318,
287 unless the officer determines that due to injuries or other
288 special circumstances such insurance information cannot be
289 provided immediately. If the person provides the law enforcement
290 agency, within 24 hours after the crash, proof of insurance that

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was valid at the time of the crash, the law enforcement agency may void the citation.

(d) The driver of a vehicle that was in any manner involved in a crash resulting in damage to any vehicle or other property in an amount of \$500 or more, ~~which crash~~ was not investigated by a law enforcement agency, shall, within 10 days after the crash, submit a written report of the crash to the department ~~or traffic records center~~. The entity receiving the report may require witnesses of the crash ~~crashes~~ to render reports and may require any driver of a vehicle involved in a crash of which a written report must be made ~~as provided in this section~~ to file supplemental written reports if ~~whenever~~ the original report is deemed insufficient by the receiving entity.

(e) Short-form crash reports prepared by law enforcement shall be maintained by the law enforcement officer's agency.

~~(2)(a) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash data to the agency; and the medium in which the traffic records must be submitted to the agency.~~

~~(b) In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash. A~~

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~~driver who is required to file a crash report must be notified
of the proper place to submit the completed report.~~

~~(c) Fees for copies of public records provided by a
certified traffic records center shall be charged and collected
as follows:~~

~~For a crash report.....~~	~~\$10 per copy.~~
~~For a homicide report.....~~	~~\$25 per copy.~~
~~For a uniform traffic citation.....~~	~~\$0.50 per copy.~~

~~The fees collected for copies of the public records provided by
a certified traffic records center shall be used to fund the
center or otherwise as designated by the county or counties
participating in the center.~~

~~(3)(4)(a)~~ Any driver failing to file the written report
required under subsection (1) ~~or subsection (2)~~ commits a
noncriminal traffic infraction, punishable as a nonmoving
violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession
of information made confidential and exempt by this section who
knowingly discloses such confidential and exempt information to
a person not entitled to access such information under this
section commits ~~is guilty of~~ a felony of the third degree,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to
obtain information made confidential and exempt by this section,
who obtains or attempts to obtain such information commits a
felony of the third degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

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(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(4)(5)~~ Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section shall be without prejudice to the individual so reporting. ~~No~~ Such report or statement may not ~~shall~~ be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and are ~~shall be~~ admissible into evidence in accordance with the provisions of s. 316.1934(2). ~~Crash reports made by persons involved in crashes shall not be used for commercial solicitation purposes; however, the use of a crash report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."~~

Section 8. Section 316.1957, Florida Statutes, is amended to read:

316.1957 Parking violations; designated parking spaces for persons who have disabilities.—When evidence is presented in any court of the fact that any motor vehicle was parked in a

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properly designated parking space for persons who have disabilities in violation of s. 316.1955, it is prima facie evidence that the vehicle was parked and left in the space by the person, firm, or corporation in whose name the vehicle is registered and licensed according to the records of the department ~~Division of Motor Vehicles~~.

Section 9. Subsections (4), (5), (6), (7), and (8) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. part 107, subpart G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

(b) In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this subsection or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, ~~enforcement officers of the Motor Carrier Compliance Office within the Department of~~

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407 ~~Transportation~~ and state highway patrol officers may inspect
408 shipping documents and cargo of any vehicle known or suspected
409 to be a transporter of hazardous materials.

410 (5) The Department of Highway Safety and Motor Vehicle
411 ~~Transportation~~ may adopt and revise rules to assure the safe
412 operation of commercial motor vehicles. The Department of
413 Highway Safety and Motor Vehicle ~~Transportation~~ may enter into
414 cooperative agreements as provided in 49 C.F.R. part 388.
415 Department of Transportation personnel may conduct motor carrier
416 and shipper compliance reviews for the purpose of determining
417 compliance with this section and s. 627.7415.

418 (6) The state Department of Highway Safety and Motor
419 Vehicle ~~Transportation~~ shall perform the duties that are
420 assigned to the Field Administrator, Federal Motor Carrier
421 Safety Administration under the federal rules, and an agent of
422 that department, ~~as described in s. 316.545(9)~~, may enforce
423 those rules.

424 (7) A person who operates a commercial motor vehicle solely
425 in intrastate commerce shall direct to the state Department of
426 Highway Safety and Motor Vehicle ~~Transportation~~ any
427 communication that the federal rules require persons subject to
428 the jurisdiction of the United States Department of
429 Transportation to direct to that department.

430 (8) For the purpose of enforcing this section, any law
431 enforcement officer of the Department of Highway Safety and
432 Motor Vehicle ~~Transportation~~ or duly appointed agent who holds a
433 current safety inspector certification from the Commercial
434 Vehicle Safety Alliance may require the driver of any commercial
435 vehicle operated on the highways of this state to stop and

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submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 14 days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (10), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 10. Paragraph (a) of subsection (6) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(6)(a) Only an officer or agent of the Department of Highway Safety and Motor Vehicles ~~Transportation~~ is authorized to collect the penalty provided by this section. Such officer or

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agent shall cooperate with the owner or driver of the motor vehicle so as not to unduly delay the vehicle.

Section 11. Subsections (1), (2), and (3) of section 316.3026, Florida Statutes, are amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Motor Carrier Compliance ~~of the Department of Transportation~~ may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who have after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements ~~found~~ in s. 627.7415. Such out-of-service orders ~~shall~~ have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until ~~such time as~~ the violations have been corrected or penalties have been paid. Out-of-service orders ~~issued under this section~~ must be approved by the director of the Division of the Florida Highway Patrol ~~Secretary of Transportation~~ or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

(2) Any motor carrier enjoined or prohibited from operating by an out-of-service order by this state, any other state, or the Federal Motor Carrier Safety Administration may not operate on the roadways of this state until the motor carrier has been authorized to resume operations by the originating enforcement jurisdiction. Commercial motor vehicles owned or operated by any

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motor carrier prohibited from operation found on the roadways of this state shall be placed out of service by law enforcement officers of the Department of Highway Safety and Motor Vehicles Transportation, and the motor carrier assessed a \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in addition to any other penalties imposed on the driver or other responsible person. Any person who knowingly drives, operates, or causes to be operated any commercial motor vehicle in violation of an out-of-service order issued by the department in accordance with this section commits a felony of the third degree, punishable as provided in s. 775.082(3)(d). Any costs associated with the impoundment or storage of such vehicles are the responsibility of the motor carrier. Vehicle out-of-service orders may be rescinded when the department receives proof of authorization for the motor carrier to resume operation.

(3) In addition to the sanctions found in subsections (1) and (2), the Department of Highway Safety and Motor Vehicles Transportation may petition the circuit courts of this state to enjoin any motor carrier from operating when it fails to comply with out-of-service orders issued by a competent authority within or outside this state.

Section 12. Subsection (1) of section 316.516, Florida Statutes, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(1) Any law enforcement officer, as prescribed in s. 316.640, or any weight inspector and ~~safety officer~~ of the Department of Transportation, as prescribed in s. 316.545(1), who has reason to believe that the width, height, or length of a vehicle or combination of vehicles and the load thereon is not

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in conformance with s. 316.515 is authorized to require the driver to stop and submit such vehicle and load to measurement of its width, height, or length.

Section 13. Subsection (1), paragraphs (a) and (b) of subsection (2), paragraph (b) of subsection (4), and subsections (5), (9), and (10) of section 316.545, Florida Statutes, are amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(1) Any officer of the Florida Highway Patrol ~~weight and safety officer of the Department of Transportation~~ having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same by means of either portable or fixed scales and may require that such vehicle be driven to the nearest weigh station or public scales, provided such a facility is within 5 highway miles. Upon a request by the vehicle driver, the officer shall weigh the vehicle at fixed scales rather than by portable scales if such a facility is available within 5 highway miles. Anyone who refuses to submit to such weighing obstructs an officer pursuant to s. 843.02 and is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Anyone who knowingly and willfully resists, obstructs, or opposes a weight and safety officer while refusing to submit to such weighing by resisting the officer with violence to the officer's person pursuant to s. 843.01 is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Whenever an officer of the Florida Highway Patrol or

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a weight inspector of the Department of Transportation, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until a determination can be made as to the amount of weight thereon and, if overloaded, the amount of penalty to be assessed as provided herein. However, any gross weight over and beyond 6,000 pounds beyond the maximum herein set shall be unloaded and all material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator. Except as otherwise provided in this chapter, to facilitate compliance with and enforcement of the weight limits established in s. 316.535, weight tables published pursuant to s. 316.535(7) shall include a 10-percent scale tolerance and shall thereby reflect the maximum scaled weights allowed any vehicle or combination of vehicles. As used in this section, scale tolerance means the allowable deviation from legal weights established in s. 316.535. Notwithstanding any other provision of the weight law, if a vehicle or combination of vehicles does not exceed the gross, external bridge, or internal bridge weight limits imposed in s. 316.535 and the driver of such vehicle or combination of vehicles can comply with the requirements of this chapter by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of said weight limits.

(b) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle, as defined in s. 316.003(66), to determine if its gross weight is

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581 in compliance with the declared gross vehicle weight. If its
582 gross weight exceeds the declared weight, the penalty shall be 5
583 cents per pound on the difference between such weights. In those
584 cases when the commercial vehicle, as defined in s. 316.003(66),
585 is being operated over the highways of the state with an expired
586 registration or with no registration from this or any other
587 jurisdiction or is not registered under the applicable
588 provisions of chapter 320, the penalty herein shall apply on the
589 basis of 5 cents per pound on that scaled weight which exceeds
590 35,000 pounds on laden truck tractor-semitrailer combinations or
591 tandem trailer truck combinations, 10,000 pounds on laden
592 straight trucks or straight truck-trailer combinations, or
593 10,000 pounds on any unladen commercial motor vehicle. If the
594 license plate or registration has not been expired for more than
595 90 days, the penalty imposed under this paragraph may not exceed
596 \$1,000. In the case of special mobile equipment as defined in s.
597 316.003(48), which qualifies for the license tax provided for in
598 s. 320.08(5)(b), being operated on the highways of the state
599 with an expired registration or otherwise not properly
600 registered under the applicable provisions of chapter 320, a
601 penalty of \$75 shall apply in addition to any other penalty
602 which may apply in accordance with this chapter. A vehicle found
603 in violation of this section may be detained until the owner or
604 operator produces evidence that the vehicle has been properly
605 registered. Any costs incurred by the retention of the vehicle
606 shall be the sole responsibility of the owner. A person who has
607 been assessed a penalty pursuant to this paragraph for failure
608 to have a valid vehicle registration certificate pursuant to the
609 provisions of chapter 320 is not subject to the delinquent fee

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610 authorized in s. 320.07 if such person obtains a valid
611 registration certificate within 10 working days after such
612 penalty was assessed.

613 (4)

614 (b) In addition to the penalty provided for in paragraph
615 (a), the vehicle may be detained until the owner or operator of
616 the vehicle furnishes evidence that the vehicle has been
617 properly registered pursuant to s. 207.004. Any officer of the
618 Florida Highway Patrol or agent of the Department of
619 Transportation may issue a temporary fuel use permit and collect
620 the appropriate fee as provided for in s. 207.004(4).

621 Notwithstanding the provisions of subsection (6), all permit
622 fees collected pursuant to this paragraph shall be transferred
623 to the Department of Highway Safety and Motor Vehicles to be
624 allocated pursuant to s. 207.026.

625 (5) Whenever any person violates the provisions of this
626 chapter and becomes indebted to the state because of such
627 violation in the amounts aforesaid and refuses to pay said
628 penalty, in addition to the provisions of s. 316.3026, such
629 penalty shall become a lien upon the motor vehicle, and the same
630 may be foreclosed by the state in a court of equity. It shall be
631 presumed that the owner of the motor vehicle is liable for the
632 sum. Any person, firm, or corporation claiming an interest in
633 the seized motor vehicle may, at any time after the lien of the
634 state attaches to the motor vehicle, obtain possession of the
635 seized vehicle by filing a good and sufficient forthcoming bond
636 with the officer having possession of the vehicle, payable to
637 the Governor of the state in twice the amount of the state's
638 lien, with a corporate surety duly authorized to transact

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business in this state as surety, conditioned to have the motor vehicle or combination of vehicles forthcoming to abide the result of any suit for the foreclosure of such lien. It shall be presumed that the owner of the motor vehicle is liable for the penalty imposed under this section. Upon the posting of such bond with the officer making the seizure, the vehicle shall be released and the bond shall be forwarded to the Department of Highway Safety and Motor Vehicles ~~Transportation~~ for safekeeping. The lien of the state against the motor vehicle aforesaid shall be foreclosed in equity, and the ordinary rules of court relative to proceedings in equity shall control. If it appears that the seized vehicle has been released to the defendant upon his or her forthcoming bond, the state shall take judgment of foreclosure against the property itself, and judgment against the defendant and the sureties on the bond for the amount of the lien, including cost of proceedings. After the rendition of the decree, the state may, at its option, proceed to sue out execution against the defendant and his or her sureties for the amount recovered as aforesaid or direct the sale of the vehicle under foreclosure.

~~(9) Any agent of the Department of Transportation who is employed for the purpose of being a weight and safety officer and who meets the qualifications established by law for law enforcement officers shall have the same arrest powers as are granted any law enforcement officer for the purpose of enforcing the provisions of weight, load, safety, commercial motor vehicle registration, and fuel tax compliance laws.~~

~~(9)~~~~(10)~~ The Department of Transportation may employ weight inspectors to operate its fixed-scale facilities. Weight

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668 inspectors on duty at a fixed-scale facility are authorized to
669 enforce the laws governing commercial motor vehicle weight,
670 registration, size, and load and to assess and collect civil
671 penalties for violations of said laws. A weight inspector may
672 detain a commercial motor vehicle that has an obvious safety
673 defect critical to the continued safe operation of the vehicle
674 or that is operating in violation of an out-of-service order as
675 reported on the federal Safety and Fitness Electronic Records
676 database. The weight inspector may immediately summon a law
677 enforcement officer of the Department of Highway Safety and
678 Motor Vehicles Transportation, or other law enforcement officer
679 authorized by s. 316.640 to enforce the traffic laws of this
680 state, to take appropriate enforcement action. The vehicle shall
681 be released if the defect is repaired prior to the arrival of a
682 law enforcement officer. Weight inspectors shall not be
683 classified as law enforcement officers subject to certification
684 requirements of chapter 943, and are not authorized to carry
685 weapons or make arrests. Any person who obstructs, opposes, or
686 resists a weight inspector in the performance of the duties
687 herein prescribed shall be guilty of an offense as described in
688 subsection (1) for obstructing, opposing, or resisting a law
689 enforcement officer.

690 Section 14. Paragraph (b) of subsection (1) of section
691 316.613, Florida Statutes, is amended to read:

692 316.613 Child restraint requirements.—

693 (1)

694 (b) The department ~~Division of Motor Vehicles~~ shall provide
695 notice of the requirement for child restraint devices, which
696 notice shall accompany the delivery of each motor vehicle

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license tag.

Section 15. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; ~~law enforcement officers of the Department of Transportation;~~ and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers shall have authority to enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such

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property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-subparagraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the

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authority to enforce traffic laws of this state.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

4. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident

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784 investigation officer who makes an investigation at the scene of
785 a traffic accident may issue traffic citations, based upon
786 personal investigation, when he or she has reasonable and
787 probable grounds to believe that a person who was involved in
788 the accident committed an offense under this chapter, chapter
789 319, chapter 320, or chapter 322 in connection with the
790 accident. This subparagraph does not permit the officer to carry
791 firearms or other weapons, and such an officer does not have
792 authority to make arrests.

793 Section 16. Paragraph (a) of subsection (1) of section
794 318.15, Florida Statutes, is amended to read:

795 318.15 Failure to comply with civil penalty or to appear;
796 penalty.—

797 (1)(a) If a person fails to comply with the civil penalties
798 provided in s. 318.18 within the time period specified in s.
799 318.14(4), fails to enter into or comply with the terms of a
800 penalty payment plan with the clerk of the court in accordance
801 with ss. 318.14 and 28.246, fails to attend driver improvement
802 school, or fails to appear at a scheduled hearing, the clerk of
803 the court shall notify ~~the Division of Driver Licenses~~ of the
804 Department of Highway Safety and Motor Vehicles of such failure
805 within 10 days after such failure. Upon receipt of such notice,
806 the department shall immediately issue an order suspending the
807 driver's license and privilege to drive of such person effective
808 20 days after the date the order of suspension is mailed in
809 accordance with s. 322.251(1), (2), and (6). Any such suspension
810 of the driving privilege which has not been reinstated,
811 including a similar suspension imposed outside Florida, shall
812 remain on the records of the department for a period of 7 years

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from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

Section 17. Paragraph (b) of subsection (3) and subsection (5) of section 320.05, Florida Statutes, are amended to read:

320.05 Records of the department; inspection procedure; lists and searches; fees.—

(3)

(b) Fees therefor shall be charged and collected as follows:

1. For providing lists of motor vehicle or vessel records for the entire state, or any part or parts thereof, divided according to counties, a sum computed at a rate of not less than 1 cent nor more than 5 cents per item.

2. For providing noncertified photographic copies of motor vehicle or vessel documents, \$1 per page.

3. For providing noncertified photographic copies of micrographic records, \$1 per page.

4. For providing certified copies of motor vehicle or vessel records, \$3 per record.

5. For providing noncertified computer-generated printouts of motor vehicle or vessel records, 50 cents per record.

6. For providing certified computer-generated printouts of motor vehicle or vessel records, \$3 per record.

7. For providing electronic access to motor vehicle, vessel, and mobile home registration data requested by tag, vehicle identification number, title number, or decal number, 50 cents per item.

8. For providing electronic access to driver's license status report by name, sex, and date of birth or by driver

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license number, 50 cents per item.

9. For providing lists of licensed mobile home dealers and manufacturers and recreational vehicle dealers and manufacturers, \$15 per list.

10. For providing lists of licensed motor vehicle dealers, \$25 per list.

11. For each copy of a videotape record, \$15 per tape.

12. For each copy of the Division of Motorist Services ~~Motor Vehicles~~ Procedures Manual, \$25.

(5) The creation and maintenance of records by the ~~department and the Division of Motorist Services Motor Vehicles~~ pursuant to this chapter shall not be regarded as law enforcement functions of agency recordkeeping.

Section 18. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal if the owner pays for the vehicle or vessel registration, driver's license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty

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871 for a weight or safety violation issued by the Department of
872 Transportation or the Department of Highway Safety and Motor
873 Vehicles ~~Motor Carrier Compliance Office~~. The Department of
874 Transportation and the Department of Highway Safety and Motor
875 Vehicles may impound any commercial motor vehicle that has a
876 canceled license plate or fuel-use tax decal until the tax
877 liability, penalty, and interest specified in chapter 207, the
878 license tax, or the fuel-use decal fee, and applicable
879 administrative fees have been paid for by certified funds.

880 Section 19. Paragraphs (a) and (b) of subsection (2) of
881 section 320.275, Florida Statutes, are amended to read:

882 320.275 Automobile Dealers Industry Advisory Board.—

883 (2) MEMBERSHIP, TERMS, MEETINGS.—

884 (a) The board shall be composed of 12 members. The
885 executive director of the Department of Highway Safety and Motor
886 Vehicles shall appoint the members from names submitted by the
887 entities for the designated categories the member will
888 represent. The executive director shall appoint one
889 representative of the Department of Highway Safety and Motor
890 Vehicles, ~~who must represent the Division of Motor Vehicles~~; two
891 representatives of the independent motor vehicle industry as
892 recommended by the Florida Independent Automobile Dealers
893 Association; two representatives of the franchise motor vehicle
894 industry as recommended by the Florida Automobile Dealers
895 Association; one representative of the auction motor vehicle
896 industry who is from an auction chain and is recommended by a
897 group affiliated with the National Auto Auction Association; one
898 representative of the auction motor vehicle industry who is from
899 an independent auction and is recommended by a group affiliated

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with the National Auto Auction Association; one representative from the Department of Revenue; a Florida tax collector representative recommended by the Florida Tax Collectors Association; one representative from the Better Business Bureau; one representative from the Department of Agriculture and Consumer Services, who must represent the Division of Consumer Services; and one representative of the insurance industry who writes motor vehicle dealer surety bonds.

(b)1. The executive director shall appoint the following initial members to 1-year terms: one representative from the motor vehicle auction industry who represents an auction chain, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Department of Revenue, one Florida tax collector, and one representative from the Better Business Bureau.

2. The executive director shall appoint the following initial members to 2-year terms: one representative from the motor vehicle auction industry who represents an independent auction, one representative from the independent motor vehicle industry, one representative from the franchise motor vehicle industry, one representative from the Division of Consumer Services, one representative from the insurance industry, and one representative from the department ~~Division of Motor Vehicles~~.

3. As the initial terms expire, the executive director shall appoint successors from the same designated category for terms of 2 years. If renominated, a member may succeed himself or herself.

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929 4. The board shall appoint a chair and vice chair at its
930 initial meeting and every 2 years thereafter.

931 Section 20. Subsection (1) of section 321.05, Florida
932 Statutes, is amended to read:

933 321.05 Duties, functions, and powers of patrol officers.—
934 The members of the Florida Highway Patrol are hereby declared to
935 be conservators of the peace and law enforcement officers of the
936 state, with the common-law right to arrest a person who, in the
937 presence of the arresting officer, commits a felony or commits
938 an affray or breach of the peace constituting a misdemeanor,
939 with full power to bear arms; and they shall apprehend, without
940 warrant, any person in the unlawful commission of any of the
941 acts over which the members of the Florida Highway Patrol are
942 given jurisdiction as hereinafter set out and deliver him or her
943 to the sheriff of the county that further proceedings may be had
944 against him or her according to law. In the performance of any
945 of the powers, duties, and functions authorized by law, members
946 of the Florida Highway Patrol have the same protections and
947 immunities afforded other peace officers, which shall be
948 recognized by all courts having jurisdiction over offenses
949 against the laws of this state, and have authority to apply for,
950 serve, and execute search warrants, arrest warrants, capias, and
951 other process of the court. The patrol officers under the
952 direction and supervision of the Department of Highway Safety
953 and Motor Vehicles shall perform and exercise throughout the
954 state the following duties, functions, and powers:

955 (1) To patrol the state highways and regulate, control, and
956 direct the movement of traffic thereon; to maintain the public
957 peace by preventing violence on highways; to apprehend fugitives

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958 from justice; to enforce all laws ~~now in effect~~ regulating and
 959 governing traffic, travel, and public safety upon the public
 960 highways and providing for the protection of the public highways
 961 and public property thereon, including the security and safety
 962 of this state's transportation infrastructure; to make arrests
 963 without warrant for the violation of any state law committed in
 964 their presence in accordance with ~~the laws of this state~~ law;
 965 providing that no search may ~~shall~~ be made unless it is incident
 966 to a lawful arrest, to regulate and direct traffic
 967 concentrations and congestions; to enforce laws governing the
 968 operation, licensing, and taxing and limiting the size, weight,
 969 width, length, and speed of vehicles and licensing and
 970 controlling the operations of drivers and operators of vehicles,
 971 including the safety, size, and weight of commercial motor
 972 vehicles; ~~to cooperate with officials designated by law to~~
 973 collect all state fees and revenues levied as an incident to the
 974 use or right to use the highways for any purpose, including the
 975 taxing and registration of commercial motor vehicles; to require
 976 the drivers of vehicles to stop and exhibit their driver's
 977 licenses, registration cards, or documents required by law to be
 978 carried by such vehicles; to investigate traffic accidents,
 979 secure testimony of witnesses and of persons involved, and make
 980 report thereof with copy, if ~~when~~ requested in writing, to any
 981 person in interest or his or her attorney; to investigate
 982 reported thefts of vehicles; and to seize contraband or stolen
 983 property on or being transported on the highways. Each patrol
 984 officer of the Florida Highway Patrol is subject to and has the
 985 same arrest and other authority provided for law enforcement
 986 officers generally in chapter 901 and has statewide

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jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section ~~does shall not be construed as being in~~ conflict with, but is supplemental to, chapter 933.

Section 21. Section 321.052, Florida Statutes, is created to read:

321.052 Agents.—The Department of Highway Safety and Motor Vehicles shall, upon application, authorize any or all of the sheriffs in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for purposes of the provisions specified in s. 321.05.

Section 22. Subsections (2), (3), (4), and (5) of section 321.23, Florida Statutes, are amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

(a) For a crash report, a copy.....\$10

(b) For a homicide report, a copy.....\$25

(c) For a uniform traffic citation, a copy.....\$0.50

(d)(e) Photographs (accidents, etc.):

Enlargement	Color	Black &
Proof		White
1. 5" x 7"	\$1.00	\$0.75
2. 8" x 10"	\$1.50	\$1.00
3. 11" x 14"	Not Available	\$1.75

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1016	4. 16" x 20"	Not Available	\$2.75
1017	5. 20" x 24"	Not Available	\$3.75

1018

1019 (d) The department shall furnish such information without
 1020 charge to any local, state, or federal law enforcement agency
 1021 upon proof satisfactory to the department as to the purpose of
 1022 the investigation.

1023 (3) Fees collected under this section shall be deposited in
 1024 the Highway Safety Operating Trust Fund, unless the department
 1025 provides the crash report online, in which case the department
 1026 may distribute up to \$5 of the amount collected per copy to the
 1027 investigating agency.

1028 (4) The department may ~~is authorized to~~ destroy reports,
 1029 records, documents, papers, and correspondence which are
 1030 considered obsolete.

1031 (5) The department may scan, ~~is authorized to~~ photograph,
 1032 microphotograph, or reproduce on film such documents, records,
 1033 and reports as it may select. The photographs or
 1034 microphotographs in the form of film or print of any records
 1035 made in compliance with the provisions of this section shall
 1036 have the same force and effect as the originals ~~thereof would~~
 1037 ~~have~~ and shall be treated as originals for the purpose of their
 1038 admissibility in evidence. Duly certified or authenticated
 1039 reproductions of such photographs or microphotographs shall be
 1040 admitted in evidence equally with the original photographs or
 1041 microphotographs.

1042 Section 23. Subsection (3) of section 322.02, Florida
 1043 Statutes, is amended to read:

1044 322.02 Legislative intent; administration.—

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1045 (3) The department shall employ a director, who is charged
1046 with the duty of serving as the executive officer of the
1047 Division of Motorist Services ~~Driver Licenses~~ of the department
1048 insofar as the administration of this chapter is concerned. He
1049 or she shall be subject to the supervision and direction of the
1050 department, and his or her official actions and decisions as
1051 executive officer shall be conclusive unless the same are
1052 superseded or reversed by the department or by a court of
1053 competent jurisdiction.

1054 Section 24. Subsections (1) and (5) of section 322.135,
1055 Florida Statutes, are amended, and subsection (7) is added to
1056 that section, to read:

1057 322.135 Driver's license agents.—

1058 (1) The department shall, upon application, authorize by
1059 interagency agreement any or all of the tax collectors who are
1060 constitutional officers under s. 1(d), Art. VIII of the State
1061 Constitution in the several counties of the state, subject to
1062 the requirements of law, in accordance with rules of the
1063 department, to serve as its agent for the provision of specified
1064 driver's license services.

1065 (a) These services shall be limited to the issuance of
1066 driver's licenses and identification cards as authorized by this
1067 chapter.

1068 (b) Each tax collector who is authorized by the department
1069 to provide driver's license services shall bear all costs
1070 associated with providing those services.

1071 (c) A service fee of \$6.25 shall be charged, in addition to
1072 the fees set forth in this chapter, for providing all services
1073 pursuant to this chapter. The service fee may not be charged:

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1074 1. More than once per customer during a single visit to a
1075 tax collector's office.

1076 2. For a reexamination requested by the Medical Advisory
1077 Board or required pursuant to s. 322.221.

1078 3. For a voter registration transaction.

1079 4. In violation of any federal or state law.

1080 (5) All driver's license issuance services shall be assumed
1081 by the tax collectors who are constitutional officers under s.
1082 1(d), Art. VIII of the State Constitution by June 30, 2015. The
1083 implementation shall follow the schedule outlined in the
1084 transition report of February 1, 2011, which was required
1085 pursuant to chapter 2010-163, Laws of Florida. The department,
1086 in conjunction with the Florida Tax Collectors Association and
1087 the Florida Association of Counties, shall develop a plan to
1088 transition all driver's license issuance services to the county
1089 tax collectors who are constitutional officers under s. 1(d),
1090 Art. VIII of the State Constitution. The transition plan must be
1091 submitted to the President of the Senate and the Speaker of the
1092 House of Representatives on or before February 1, 2011. The
1093 transition plan must include a timeline to complete the full
1094 transition of all driver's license issuance services no later
1095 than June 30, 2015, and may include, but is not limited to,
1096 recommendations on the use of regional service centers,
1097 interlocal agreements, and equipment.

1098 (7) The department may adopt rules to create exceptions for
1099 counties that are unable to provide full driver's license
1100 services due to their small population. In addition, counties
1101 may create interlocal agreements to provide driver's license
1102 services across county lines.

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Section 25. Subsections (9), (10), (13), (14), and (16) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(9) The department may, upon application, furnish to any person, from its ~~the~~ records of ~~the Division of Driver Licenses~~, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. In addition, the department may furnish to the courts, for the purpose of establishing jury selection lists, the names, addresses, and birth dates of the persons of the entire state or any portion thereof by age group having identification cards issued by the department. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to the courts for the purpose of jury selection or to any state agency or to any state attorney, sheriff, or chief of police. Such court, state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. Noncompliance with this prohibition shall authorize the department to charge the noncomplying court, state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

(10) The department ~~Division of Driver Licenses~~ is authorized, upon application of any person and payment of the proper fees, to search and to assist such person in the search of the records of the department and make reports thereof and to

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1132 make photographic copies of the departmental records and
1133 attestations thereof.

1134 (13) The department ~~Division of Driver Licenses~~ shall
1135 implement a system that allows either parent of a minor, or a
1136 guardian, or other responsible adult who signed a minor's
1137 application for a driver's license to have Internet access
1138 through a secure website to inspect the minor's driver history
1139 record. Internet access to driver history records granted to a
1140 minor's parents, guardian, or other responsible adult shall be
1141 furnished by the department at no fee and shall terminate when
1142 the minor attains 18 years of age.

1143 (14) The department is authorized in accordance with
1144 chapter 257 to destroy reports, records, documents, papers, and
1145 correspondence ~~in the Division of Driver Licenses~~ which are
1146 considered obsolete.

1147 (16) The creation and maintenance of records by the
1148 Division of Motorist Services within the department ~~and the~~
1149 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
1150 be regarded as law enforcement functions of agency
1151 recordkeeping.

1152 Section 26. Section 322.202, Florida Statutes, is amended
1153 to read:

1154 322.202 Admission of evidence obtained from the Division of
1155 Motorist Services ~~Driver Licenses and the Division of Motor~~
1156 ~~Vehicles.~~—

1157 (1) The Legislature finds that the Division of Motorist
1158 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
1159 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
1160 law enforcement agency ~~agencies~~. The Legislature also finds that

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1161 the division is not an adjunct ~~divisions are not adjuncts~~ of any
1162 law enforcement agency in that employees have no stake in
1163 particular prosecutions. The Legislature further finds that
1164 errors in records maintained by the divisions are not within the
1165 collective knowledge of any law enforcement agency. The
1166 Legislature also finds that the missions of the division ~~of~~
1167 ~~Driver Licenses, the Division of Motor Vehicles,~~ and the
1168 Department of Highway Safety and Motor Vehicles provide a
1169 sufficient incentive to maintain records in a current and
1170 correct fashion.

1171 (2) The Legislature finds that the purpose of the
1172 exclusionary rule is to deter misconduct on the part of law
1173 enforcement officers and law enforcement agencies.

1174 (3) The Legislature finds that the application of the
1175 exclusionary rule to cases where a law enforcement officer
1176 effects an arrest based on objectively reasonable reliance on
1177 information obtained from the divisions is repugnant to the
1178 purposes of the exclusionary rule and contrary to the decisions
1179 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
1180 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

1181 (4) In any case where a law enforcement officer effects an
1182 arrest based on objectively reasonable reliance on information
1183 obtained from the divisions, evidence found pursuant to such an
1184 arrest shall not be suppressed by application of the
1185 exclusionary rule on the grounds that the arrest is subsequently
1186 determined to be unlawful due to erroneous information obtained
1187 from the divisions.

1188 Section 27. Paragraphs (e) and (f) of subsection (1) and
1189 subsection (2) of section 322.21, Florida Statutes, are amended

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to read:

322.21 License fees; procedure for handling and collecting fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver's license issued pursuant to s. 322.17 is \$25. Of this amount \$7 shall be deposited into the Highway Safety Operating Trust Fund and \$18 shall be deposited into the General Revenue Fund. Funds deposited into the Highway Safety Operating Trust Fund shall be used for motorist services activities, including infrastructure and technology, which support the delivery of driver's license issuance and vehicle registration services by tax collector's who are constitutional officers under s. (1)(d), Art. VIII of the State Constitution. Beginning July 1, 2015, or upon completion of the transition of driver's license issuance services, the tax collector shall retain \$7 of this amount and the remaining revenues shall be deposited into the General Revenue Fund.

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is \$25. Funds collected from these fees shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051 the fee is \$25. This amount shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051 the fee is \$25. Of this amount, \$6 shall be deposited into the Highway Safety Operating Trust Fund and \$19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051 the fee is \$25. Of this amount, \$9 shall be deposited

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1219 into the Highway Safety Operating Trust Fund and \$16 shall be
1220 deposited into the General Revenue Fund. Funds deposited into
1221 the Highway Safety Operating Trust Fund shall be used for
1222 motorist services activities, including infrastructure and
1223 technology, which support the delivery of driver's license
1224 issuance and vehicle registration services by tax collector's
1225 who are constitutional officers under s. (1)(d), Art. VIII of
1226 the State Constitution. Beginning July 1, 2015, or upon
1227 completion of the transition of the driver's license issuance
1228 services, the tax collector shall retain \$9 of this amount, and
1229 the remaining revenues shall be deposited into the General
1230 Revenue Fund.

1231 (2) It is the duty of the director of the Division of
1232 Motorist Services ~~Driver Licenses~~ to set up a division in the
1233 department with the necessary personnel to perform the necessary
1234 clerical and routine work for the department in issuing and
1235 recording applications, licenses, and certificates of
1236 eligibility, including the receiving and accounting of all
1237 license funds and their payment into the State Treasury, and
1238 other incidental clerical work connected with the administration
1239 of this chapter. The department may use such electronic,
1240 mechanical, or other devices as necessary to accomplish the
1241 purposes of this chapter.

1242 Section 28. Subsection (32) of section 334.044, Florida
1243 Statutes, is repealed.

1244 Section 29. Subsection (2) of section 413.012, Florida
1245 Statutes, is amended to read:

1246 413.012 Confidential records disclosure prohibited;
1247 exemptions.—

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(2) It is unlawful for any person to disclose, authorize the disclosure, solicit, receive, or make use of any list of names and addresses or any record containing any information set forth in subsection (1) and maintained in the division. The prohibition provided for in this subsection shall not apply to the use of such information for purposes directly connected with the administration of the vocational rehabilitation program or with the monthly dispatch to the Division of Motorist Services ~~Driver Licenses~~ of the Department of Highway Safety and Motor Vehicles of the name in full, place and date of birth, sex, social security number, and resident address of individuals with central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees. When requested in writing by an applicant or client, or her or his representative, the Division of Blind Services shall release confidential information to the applicant or client or her or his representative.

Section 30. Paragraph (c) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida	Felony	
Statute	Degree	Description

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1275	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
1276	316.066 <u>(3)</u> ~~(4)~~ (b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
1277	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
1278	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1279	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1280	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1281	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1282	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1283	327.35(2)(b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles

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or bills of sale of vessels.

1284

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

1285

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

1286

379.2431 3rd Taking, disturbing, mutilating, destroying, causing to be destroyed, (1)(e)5. transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

1287

379.2431 3rd Soliciting to commit or conspiring to (1)(e)6. commit a violation of the Marine Turtle Protection Act.

1288

400.9935(4) 3rd Operating a clinic without a license or filing false license application or other required information.

1289

440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

1290

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1291	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1292	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
1293	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1294	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
1295	697.08	3rd	Equity skimming.
1296	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
1297	796.05(1)	3rd	Live on earnings of a prostitute.
1298	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1299	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
	810.09(2)(c)	3rd	Trespass on property other than

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			structure or conveyance armed with firearm or dangerous weapon.
1300			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1301			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1302			
	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
1303			
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1304			
	817.233	3rd	Burning to defraud insurer.
1305			
	817.234 (8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1306			
	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
1307			
	817.236	3rd	Filing a false motor vehicle insurance application.
1308			
	817.2361	3rd	Creating, marketing, or presenting a

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false or fraudulent motor vehicle
insurance card.

1309

817.413(2) 3rd Sale of used goods as new.

1310

817.505(4) 3rd Patient brokering.

1311

828.12(2) 3rd Tortures any animal with intent to
inflict intense pain, serious physical
injury, or death.

1312

831.28(2)(a) 3rd Counterfeiting a payment instrument with
intent to defraud or possessing a
counterfeit payment instrument.

1313

831.29 2nd Possession of instruments for
counterfeiting drivers' licenses or
identification cards.

1314

838.021(3)(b) 3rd Threatens unlawful harm to public
servant.

1315

843.19 3rd Injure, disable, or kill police dog or
horse.

1316

860.15(3) 3rd Overcharging for repairs and parts.

1317

870.01(2) 3rd Riot; inciting or encouraging.

1318

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1319	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
1320	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
1321	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
1322	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1323	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery,

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misrepresentation, etc.

1324

893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.

1325

893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

1326

893.13(8)(a)1. 3rd Knowingly assist a patient, other
person, or owner of an animal in
obtaining a controlled substance through
deceptive, untrue, or fraudulent
representations in or related to the
practitioner's practice.

1327

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to assist a
patient, other person, or owner of an
animal in obtaining a controlled
substance.

1328

893.13(8)(a)3. 3rd Knowingly write a prescription for a
controlled substance for a fictitious
person.

1329

893.13(8)(a)4. 3rd Write a prescription for a controlled
substance for a patient, other person,
or an animal if the sole purpose of

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writing the prescription is a monetary
benefit for the practitioner.

918.13(1)(a) 3rd Alter, destroy, or conceal investigation
evidence.

944.47 3rd Introduce contraband to correctional
(1)(a)1.-2. facility.

944.47(1)(c) 2nd Possess contraband while upon the
grounds of a correctional institution.

985.721 3rd Escapes from a juvenile facility (secure
detention or residential commitment
facility).

Section 31. Effective July 1, 2011, a Law Enforcement
Consolidation Task Force is created.

(1) Members of the task force shall consist of the
executive director of the Department of Highway Safety and Motor
Vehicles, the executive director of the Department of Law
Enforcement, a representative from the Office of the Attorney
General, a representative from the Department of Agriculture and
Consumer Services, the Colonel of the Florida Highway Patrol,
the Colonel of the Division of Law Enforcement of the Fish and
Wildlife Conservation Commission, a representative from the
Florida Sheriffs Association, and a representative from the
Florida Police Chiefs Association.

(2) The Department of Highway Safety and Motor Vehicles

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shall provide administrative assistance to the task force.
However, this does not include travel expenses incurred by
members of the task force, which shall be borne by the agency
that the member represents.

(3) The task force shall evaluate the duplication of law
enforcement functions throughout state government and identify
functions that are appropriate for possible consolidation. The
task force shall also evaluate administrative functions,
including, but not limited to, accreditation, training, legal
representation, vehicle fleets, aircraft, civilian-support
staffing, information technology, and geographic regions,
districts, or troops currently in use. The task force shall also
evaluate whether the Florida Highway Patrol should limit its
jurisdiction, except while in fresh pursuit, to the State
Highway System or the Florida Intrastate Highway System. The
task force shall make recommendations and submit a plan to
consolidate state law enforcement responsibilities. The task
force shall submit to the President of the Senate and the
Speaker of the House of Representatives the plan by February 1,
2012. The plan must include recommendations on the methodology
to be used in creating a consolidated law enforcement entity by
June 30, 2013. The task force expires June 30, 2012.

Section 32. (1) The Office of Motor Carrier Compliance of
the Department of Transportation is transferred to the Division
of the Florida Highway Patrol of the Department of Highway
Safety and Motor Vehicles as provided in SPB XXX of the General
Appropriations Act for the 2011-2012 fiscal year.

(2) Notwithstanding ss. 216.192 and 216.351, Florida
Statutes, upon approval by the Legislative Budget Commission,

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1377 the Executive Office of the Governor may transfer funds and
1378 positions between agencies to implement this section.

1379 Section 33. This act shall take effect July 1, 2011.

Section by Section Summary

Draft Transportation Conforming Bill

Section 1 Clarifies adjustments to toll rates are not regulatory costs under ch. 120

Section 2 transfers the Tampa-Hillsborough County Expressway Authority (THEA), the Orlando-Orange County Expressway Authority (OOCEA), and the Mid-Bay Bridge Authority to the Florida Turnpike Enterprise.

- Governance and control of each expressway or bridge authority, including all assets and liabilities are transferred to the Turnpike Enterprise;
- Revenues collected on expressway and bridge systems are considered turnpike revenues;
- Turnpike Enterprise assumes liabilities for bonds of expressway authorities;
- All transfers are subject to the terms and covenants of lease-purchase agreements and resolutions adopted in connection with the issuance of bonds for the authorities;
- The transfers do not modify or eliminate any prior obligation of the Department of Transportation to pay certain costs of the expressway systems from sources other than system revenues.

This section also authorizes the Turnpike Enterprise to make annual payments to the State Transportation Trust Fund until all authority long term debt has been repaid.

Section 3 specifies that the Turnpike Enterprise consists of Florida's Turnpike System, Beachline Expressway (SR 528), Mid-Bay Bridge (SR 293), Selmon Expressway (SR 618), East-West Expressway (SR 408), Central Florida GreeneWay (SR 417), John Land Apopka Expressway (SR 414), and Daniel Webster Western Beltway (SR 429).

Section 4 Clarifies adjustments to toll rates are not regulatory costs under ch. 120

Section 5 provides for bonding authority for turnpike projects and specifies that no more than \$13.5 billion of bonds may be outstanding.

Section 6 and 7 repeals the Toll Facilities Revolving Trust Fund and transfers the fund balance, including future obligations, to the Turnpike General Reserve Trust Fund.

Section 8 creates the economic road fund within FDOT

Section 9 through 13 repeals the definition of lease-purchase agreements regarding the Northwest Florida Transportation Corridor Authority (NWFTCA) and the authority for NWFTCA to enter into lease-purchase agreements with FDOT.

Sections 14 through 18 delete references to lease-purchase agreements as it relates to the Tampa Bay Area Regional Transportation Authority and FDOT.

Sections 19 through 22 delete the references to lease-purchase agreements as it relates to express authorities and FDOT within the Florida Expressway Act.

Section 23 repeals the creation and operation of the Brevard County Expressway Authority.

Section 24 repeals the creation and operation of the Broward County Expressway Authority.

Section 25 repeals the creation and operation of the Tampa-Hillsborough County Expressway Authority.

Section 26 repeals the creation and operation of the Orlando-Orange County Expressway Authority.

Section 27 repeals the creation and operation of the Pasco County Expressway Authority.

Section 28 repeals the creation and operation of the St. Lucie County Expressway and Bridge Authority.

Section 29 the creation and operation of the Seminole County Expressway Authority.

Section 30 repeals creation and operation of the Southwest Florida Expressway Authority.

Section 31 deletes the authority for Osceola County Expressway Authority to enter into lease purchase agreements with FDOT.

Sections 32 through 36 deletes the authority for the Jacksonville Transportation Authority to enter into lease-purchase agreements with FDOT.

Section 37 repeals the creation and operation of the Mid Bay Bridge Authority.

Section 38 corrects a statutory cross reference.

Section 39 provides an effective date of July 1, 2011.

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1 A bill to be entitled
2 An act relating to transportation; amending s.
3 338.165, F.S.; specifying that certain statutory
4 provisions related to special matters to be considered
5 in rule adoption do not apply to the adjustment of
6 toll rates; transferring control of the Tampa-
7 Hillsborough County Expressway Authority, the Orlando-
8 Orange County Expressway Authority, and the Mid-Bay
9 Bridge Authority systems to the Florida Turnpike
10 Enterprise; transferring all assets, rights, powers,
11 duties, and bond liabilities of the authorities to the
12 turnpike enterprise; transferring all provisions that
13 protect the rights of certain bondholders from the
14 authorities to the turnpike enterprise; providing for
15 the turnpike enterprise to annually transfer funds
16 from the activities of each of the transferred
17 authorities to the State Transportation Trust Fund to
18 repay certain long-term debt; amending s. 338.2215,
19 F.S.; adding certain expressway and bridge systems to
20 the Florida Turnpike Enterprise; amending s. 338.231,
21 F.S.; providing that certain statutory provisions do
22 not apply to the adjustment of toll rates by rule;
23 amending s. 338.2275, F.S.; increasing the maximum
24 amount of bonds that may be outstanding for approved
25 turnpike projects; repealing s. 338.251, F.S.,
26 relating to the Toll Facilities Revolving Trust Fund;
27 transferring all funds in the trust fund and future
28 payments of obligated funds to the Turnpike General
29 Reserve Trust Fund; creating s. 339.2821, F.S.;

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30 providing requirements for contracts for
31 transportation projects; providing duties of the
32 Department of Transportation; providing for the
33 transfer of fund; requiring that funds be allocated to
34 each district equitably; authorizing Space Florida to
35 service as a local government or a contracting agency
36 within spaceport territory; repealing s. 343.805(6),
37 F.S., relating to the definition of the term "lease-
38 purchase agreement" as it relates to the Northwest
39 Florida Transportation Corridor Authority and the
40 Department of Transportation; amending s. 343.835,
41 F.S.; deleting references to lease-purchase
42 agreements; amending s. 343.836, F.S.; deleting
43 references to lease-purchase agreements in remedies to
44 bondholders as they relate to the U.S. 98 Corridor
45 System; repealing s. 343.837, F.S., relating to lease-
46 purchase agreements that provide for the leasing of
47 the U.S. 98 Corridor System to the Department of
48 Transportation; repealing s. 343.885, F.S., relating
49 to the enforceability of pledges by bondholders;
50 repealing s. 343.91(1)(h), F.S., relating to the
51 definition of the term "lease-purchase agreement" as
52 it relates to the Tampa Bay Area Regional
53 Transportation Authority and the Department of
54 Transportation; amending s. 343.94, F.S.; deleting
55 references to lease-purchase agreements; amending s.
56 343.944, F.S.; deleting references to lease-purchase
57 agreements in remedies to bondholders as they relate
58 to the Tampa Bay Area Regional Transportation

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Authority; repealing s. 343.945, F.S., relating to the enforceability of pledges to the Tampa Bay Area Regional Transportation Authority; repealing s. 343.946, F.S., relating to lease-purchase agreements that provide for the leasing of projects of the Tampa Bay Area Regional Transportation Authority to the Department of Transportation; repealing s. 348.0002(11), F.S., relating to the definition of the term "lease-purchase agreement" as it relates to expressway authorities and the Department of Transportation; amending s. 348.0004, F.S.; authorizing authorities created pursuant to the Florida Expressway Authority Act to own expressway systems; deleting the power of such authorities to lease such systems; deleting obsolete provisions; amending s. 348.0005, F.S.; deleting a reference to the Department of Transportation to conform to changes made by the act; repealing s. 348.0006, F.S., which provides for lease-purchase agreements in the Florida Expressway Act; repealing part II of ch. 348, F.S., which provides for the creation and operation of the Brevard County Expressway Authority; repealing part III of ch. 348, F.S., which provides for the creation and operation of the Broward County Expressway Authority; repealing part IV of ch. 348, F.S., which provides for the creation and operation of the Tampa-Hillsborough County Expressway Authority; repealing part V of ch. 348, F.S., which provides for the creation and operation of the Orlando-Orange County

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88 Expressway Authority; repealing part VI of ch. 348,
89 F.S., which provides for the creation and operation of
90 the Pasco County Expressway Authority; repealing part
91 VII of ch. 348, F.S., which provides for the creation
92 and operation of the St. Lucie County Expressway and
93 Bridge Authority; repealing part VIII of ch. 348,
94 F.S., which provides for the creation and operation of
95 the Seminole County Expressway Authority; repealing
96 part X of ch. 348, F.S., which provides for the
97 creation and operation of the Southwest Florida
98 Expressway Authority; repealing s. 348.9955, F.S.,
99 relating to the power of the Osceola Expressway
100 Authority to enter into lease-purchase agreements with
101 the Department of Transportation; repealing s.
102 349.02(1)(d), F.S., relating to the definition of the
103 term "lease-purchase agreement" as it relates to the
104 Jacksonville Transportation Authority and the
105 Department of Transportation; amending s. 349.04,
106 F.S.; deleting the authority of the Jacksonville
107 Transportation Authority to enter lease-purchase
108 agreements; amending s. 349.05, F.S.; deleting
109 authorization for lease-purchase agreements in bond
110 agreements of the Jacksonville Transportation
111 Authority; repealing s. 349.07, F.S., relating to
112 lease-purchase agreements that provide for the leasing
113 of the Jacksonville Expressway System to the
114 Department of Transportation; amending s. 349.15,
115 F.S.; deleting certain bond authority of the
116 department; repealing chapter 2000-411, Laws of

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Florida, relating to the Mid-Bay Bridge Authority;
amending s. 212.08, F.S.; conforming cross-references;
providing an effective date.

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

Section 1. Subsection (3) of section 338.165, Florida
Statutes, is amended to read:

338.165 Continuation of tolls.—

(3) Notwithstanding any other provision of law, the
department, including the turnpike enterprise, shall index toll
rates on existing toll facilities to the annual Consumer Price
Index or similar inflation indicators. Toll rate adjustments for
inflation under this subsection may be made no more frequently
than once a year and must be made no less frequently than once
every 5 years as necessary to accommodate cash toll rate
schedules. Toll rates may be increased beyond these limits as
directed by bond documents, covenants, or governing body
authorization or pursuant to department administrative rule. The
department shall adjust toll rates pursuant to this subsection
by rule, in accordance with s. 120.54, and shall provide for
public notice and the opportunity for a public hearing before
adoption of the proposed rate change. Notwithstanding any other
provision of law, the provisions of ss. 120.54(3)(b) and 120.541
do not apply to the adjustment of tolls pursuant to this
subsection.

Section 2. Transfers to the Florida Turnpike Enterprise.—
The following are transferred to the Florida Turnpike
Enterprise:

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146 (1) The governance and control of the Tampa-Hillsborough
147 County Expressway Authority.

148 (a) The assets, facilities, tangible and intangible
149 property and any rights in such property, and any other legal
150 rights of the authority, including the expressway system
151 operated by the authority, are transferred to the turnpike
152 enterprise. The turnpike enterprise succeeds to all powers of
153 the authority, and the operations and maintenance of the
154 expressway system shall be under the control of the turnpike
155 enterprise, pursuant to this subsection. Revenues collected on
156 the expressway system shall be considered turnpike revenues. The
157 turnpike enterprise also assumes all liability for bonds of the
158 expressway authority pursuant to the provisions of paragraph
159 (b). The turnpike enterprise may review other contracts,
160 financial obligations, and contractual obligations and
161 liabilities of the authority, and assumes legal liability for
162 the obligations that are determined to be necessary or desirable
163 for the continued operation of the expressway system.

164 (b) The transfer pursuant to this subsection is subject to
165 all terms and covenants provided for the protection of the
166 holders of the Tampa-Hillsborough County Expressway Authority
167 bonds in the lease-purchase agreement and the resolutions
168 adopted in connection with the issuance of the bonds. Further,
169 the transfer does not impair the terms of the contract between
170 the authority and the bondholders, does not act to the detriment
171 of the bondholders, and does not diminish the security for the
172 bonds. After the transfer, the turnpike enterprise shall operate
173 and maintain the expressway system and any other facilities of
174 the authority in accordance with the terms, conditions, and

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covenants contained in the bond resolutions and lease-purchase
agreement securing the bonds of the authority. The turnpike
enterprise shall collect toll revenues and apply them to the
payment of debt service as provided in the bond resolution
securing the bonds, and expressly assumes all obligations
relating to the bonds to ensure that the transfer will have no
adverse impact on the security for the bonds of the authority.
The transfer does not modify or eliminate any prior obligation
of the department to pay certain costs of the expressway system
from sources other than revenues of the expressway system. With
regard to the authority's current long-term debt due to the
department of \$120 million as of June 30, 2010, and to the
extent permitted by the bond resolutions and lease-purchase
agreement securing the bonds, the turnpike enterprise shall make
payment annually to the State Transportation Trust Fund for the
purpose of repaying the authority's long-term debt due to the
department from any system expressway revenues obtained under
this subsection remaining after paying the costs of operations,
maintenance, renewal, and replacement of the expressway system,
and the payment of current debt service or other payments
required in relation to the bonds. The turnpike enterprise shall
make such annual payments to the State Transportation Trust Fund
until all remaining authority long-term debt due to the
department has been repaid, not to exceed \$8 million per year.

(2) The governance and control of the Orlando-Orange County
Expressway Authority system.

(a) The assets, facilities, tangible and intangible
property and any rights in such property, and any other legal
rights of the authority, including the expressway system

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operated by the authority, are transferred to the turnpike enterprise. The turnpike enterprise succeeds to all powers of the authority, and the operations and maintenance of the expressway system shall be under the control of the turnpike enterprise, pursuant to this subsection. Revenues collected on the expressway system shall be considered turnpike revenues. The turnpike enterprise also assumes all liability for bonds of the expressway authority pursuant to the provisions of paragraph (b). The turnpike enterprise may review other contracts, financial obligations, and contractual obligations and liabilities of the authority, and assumes legal liability for obligations that are determined to be necessary or desirable for the continued operation of the expressway system.

(b) The transfer pursuant to this subsection is subject to all terms and covenants provided for the protection of the holders of the Orlando-Orange County Expressway Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds. Further, the transfer does not impair the terms of the contract between the authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the turnpike enterprise shall operate and maintain the expressway system and any other facilities of the authority in accordance with the terms, conditions, and covenants contained in the bond resolutions and lease-purchase agreement securing the bonds of the authority. The turnpike enterprise shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing the bonds, and expressly assumes all obligations

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233 relating to the bonds to ensure that the transfer will have no
234 adverse impact on the security for the bonds of the authority.
235 The transfer does not modify or eliminate any prior obligation
236 of the department to pay certain costs of the expressway system
237 from sources other than revenues of the expressway system. With
238 regard to the authority's current long-term debt due to the
239 department of \$228 million as of June 30, 2010, and to the
240 extent permitted by the bond resolutions and lease-purchase
241 agreement securing the bonds, the turnpike enterprise shall make
242 payment annually to the State Transportation Trust Fund for the
243 purpose of repaying the authority's long-term debt due to the
244 department from any expressway system revenues obtained under
245 this subsection remaining after paying the costs of operations,
246 maintenance, renewal, and replacement of the expressway system,
247 and the payment of current debt service or other payments
248 required in relation to the bonds. The turnpike enterprise shall
249 make such annual payments to the State Transportation Trust Fund
250 until all remaining authority long-term debt due to the
251 department has been repaid, not to exceed \$16 million per year.

252 (3) The governance and control of the Mid-Bay Bridge
253 Authority system.

254 (a) The assets, facilities, tangible and intangible
255 property and any rights in such property, and any other legal
256 rights of the authority, including the bridge system operated by
257 the authority, are transferred to the turnpike enterprise. The
258 turnpike enterprise succeeds to all powers of the authority, and
259 the operations and maintenance of the bridge system shall be
260 under the control of the turnpike enterprise, pursuant to this
261 subsection. Revenues collected on the bridge system shall be

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considered turnpike revenues. The turnpike enterprise also
assumes all liability for bonds of the bridge authority pursuant
to the provisions of paragraph (b). The turnpike enterprise may
review other contracts, financial obligations, and contractual
obligations and liabilities of the authority, and assumes legal
liability for such obligations that are determined to be
necessary or desirable for the continued operation of the bridge
system.

(b) The transfer pursuant to this subsection is subject to
all terms and covenants provided for the protection of the
holders of the Mid-Bay Bridge Authority bonds in the lease-
purchase agreement and the resolutions adopted in connection
with the issuance of the bonds. Further, the transfer does not
impair the terms of the contract between the authority and the
bondholders, does not act to the detriment of the bondholders,
and does not diminish the security for the bonds. After the
transfer, the turnpike enterprise shall operate and maintain the
bridge system and any other facilities of the authority in
accordance with the terms, conditions, and covenants contained
in the bond resolutions and lease-purchase agreement securing
the bonds of the authority. The turnpike enterprise shall
collect toll revenues and apply them to the payment of debt
service as provided in the bond resolution securing the bonds,
and expressly assumes all obligations relating to the bonds to
ensure that the transfer will have no adverse impact on the
security for the bonds of the authority. The transfer does not
modify or eliminate any prior obligation of the Department of
Transportation to pay certain costs of the bridge system from
sources other than revenues of the bridge system. With regard to

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the authority's current long-term debt due to the department of
\$16 million as of June 30, 2010, and to the extent permitted by
the bond resolutions and lease-purchase agreement securing the
bonds, the turnpike enterprise shall make payment annually to
the State Transportation Trust Fund for the purpose of repaying
the authority's long-term debt due to the department from any
bridge system revenues obtained under this subsection remaining
after paying the costs of operations, maintenance, renewal, and
replacement of the bridge system, and the payment of current
debt service or other payments required in relation to the
bonds. The turnpike enterprise shall make such annual payments
to the State Transportation Trust Fund until all remaining
authority long-term debt due to the department has been repaid,
not to exceed \$1 million per year.

Section 3. Section 338.2215, Florida Statutes, is amended to
read:

338.2215 Florida Turnpike Enterprise; legislative findings,
policy, purpose, and intent.—The Florida Turnpike Enterprise
consists of the following toll facilities: the Florida Turnpike
System, the Beachline Expressway (SR 528), the Mid-Bay Bridge
(SR 293), the Selmon Expressway (SR 618), the East-West
Expressway (SR 408), the Central Florida GreeneWay (SR 417), the
John Land Apopka Expressway (SR 414), and the Daniel Webster
Western Beltway (SR 429). It is the intent of the Legislature
that the turnpike enterprise be provided additional powers and
authority in order to maximize the advantages obtainable through
fully leveraging the Florida Turnpike System assets ~~asset~~. The
additional powers and authority will provide the Florida

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Turnpike Enterprise with the autonomy and flexibility to enable it to more easily pursue innovations as well as best practices found in the private sector in management, finance, organization, and operations. The additional powers and authority are intended to improve the cost-effectiveness and timeliness of project delivery, increase revenues, expand the turnpike enterprise's ~~system's~~ capital program capability, and improve the quality of service to its patrons, while continuing to protect the ~~turnpike system's~~ bondholders of the Florida Turnpike Enterprise and further preserve, expand, and improve the Florida Turnpike Enterprise ~~System~~.

Section 4. Section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the Florida Turnpike Enterprise and the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(1) Notwithstanding any other law, the department may defer the scheduled July 1, 1993, toll rate increase on the Homestead Extension of the Florida Turnpike until July 1, 1995. The department may also advance funds to the Turnpike General Reserve Trust Fund to replace estimated lost revenues resulting from this deferral. The amount advanced must be repaid within 12

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349 years from the date of advance; however, the repayment is
350 subordinate to all other debt financing of the turnpike system
351 outstanding at the time repayment is due.

352 (2) The department shall publish a proposed change in the
353 toll rate for the use of an existing toll facility, in the
354 manner provided for in s. 120.54, which will provide for public
355 notice and the opportunity for a public hearing before the
356 adoption of the proposed rate change. When the department is
357 evaluating a proposed turnpike toll project under s. 338.223 and
358 has determined that there is a high probability that the project
359 will pass the test of economic feasibility predicated on
360 proposed toll rates, the toll rate that is proposed to be
361 charged after the project is constructed must be adopted during
362 the planning and project development phase of the project, in
363 the manner provided for in s. 120.54, including public notice
364 and the opportunity for a public hearing. For such a new
365 project, the toll rate becomes effective upon the opening of the
366 project to traffic.

367 (3)(a) For the period July 1, 1998, through June 30, 2017,
368 the department shall, to the maximum extent feasible, program
369 sufficient funds in the tentative work program such that the
370 percentage of turnpike toll and bond financed commitments in
371 Miami-Dade County, Broward County, and Palm Beach County as
372 compared to total turnpike toll and bond financed commitments
373 shall be at least 90 percent of the share of net toll
374 collections attributable to users of the turnpike system in
375 Miami-Dade County, Broward County, and Palm Beach County as
376 compared to total net toll collections attributable to users of
377 the turnpike system. This subsection does not apply when the

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378 application of such requirements would violate any covenant
379 established in a resolution or trust indenture relating to the
380 issuance of turnpike bonds. The department may at any time for
381 economic considerations establish lower temporary toll rates for
382 a new or existing toll facility for a period not to exceed 1
383 year, after which the toll rates adopted pursuant to s. 120.54
384 shall become effective.

385 (b) The department shall also fix, adjust, charge, and
386 collect such amounts needed to cover the costs of administering
387 the different toll collection and payment methods, and types of
388 accounts being offered and used, in the manner provided for in
389 s. 120.54 which will provide for public notice and the
390 opportunity for a public hearing before adoption. Such amounts
391 may stand alone, be incorporated in a toll rate structure, or be
392 a combination of the two.

393 (4) When bonds are outstanding which have been issued to
394 finance or refinance any turnpike project, the tolls and all
395 other revenues derived from the turnpike system and pledged to
396 such bonds shall be set aside as may be provided in the
397 resolution authorizing the issuance of such bonds or the trust
398 agreement securing the same. The tolls or other revenues or
399 other moneys so pledged and thereafter received by the
400 department are immediately subject to the lien of such pledge
401 without any physical delivery thereof or further act. The lien
402 of any such pledge is valid and binding as against all parties
403 having claims of any kind in tort or contract or otherwise
404 against the department irrespective of whether such parties have
405 notice thereof. Neither the resolution nor any trust agreement
406 by which a pledge is created need be filed or recorded except in

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the records of the department.

(5) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. The agreement must establish that the Sawgrass Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.

(6) The use and disposition of revenues pledged to bonds are subject to ss. 338.22-338.241 and such regulations as the resolution authorizing the issuance of the bonds or such trust agreement may provide.

(7) Notwithstanding any other provision of law, the provisions of ss. 120.54(3)(b) and 120.541 do not apply to the

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adjustment of tolls authorized pursuant to this section.

Section 5. Subsection (1) of section 338.2275, Florida Statutes, is amended to read:

338.2275 Approved turnpike projects.—

(1) Legislative approval of the department's tentative work program that contains the turnpike project constitutes approval to issue bonds as required by s. 11(f), Art. VII of the State Constitution. No more than \$13.5 ~~\$10~~ billion of bonds may be outstanding to fund approved turnpike projects.

Section 6. Section 338.251, Florida Statutes, is repealed.

Section 7. All funds in the Toll Facilities Revolving Trust Fund and all future payments of obligated funds shall be deposited into the Turnpike General Reserve Trust Fund to be expended for purposes set forth in the Florida Turnpike Law.

Section 8. Section 339.2821, Florida Statutes, is created to read:

339.2821 Contracts for transportation projects.—

(1) The department, in consultation with Jobs Florida, is authorized to make and approve expenditures and enter into contracts for the direct costs of transportation projects with the appropriate governmental body. The department shall provide Jobs Florida, the Department of Environmental Protection, and the Department of Community Affairs with an opportunity to formally review and comment on recommended transportation projects, although the department has final approval authority for any project under this section.

(2) Any contract with a governmental body for construction of a transportation project executed by the department shall:

(a) Specify and identify the transportation project to be

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constructed for a new or expanding business and the number of full-time permanent jobs that will result from the project.

(b) Require that the appropriate governmental body award the construction of the particular transportation project to the lowest and best bidder in accordance with applicable state and federal laws, rules, or regulations unless the project can be constructed using existing local government employees within the contract period specified by the department.

(c) Require that the appropriate governmental body provide the department with quarterly progress reports. Each quarterly progress report shall contain a narrative description of the work completed according to the project schedule, a description of any change orders executed by the appropriate governmental body, a budget summary detailing planned expenditures versus actual expenditures, and identification of minority business enterprises used as contractors and subcontractors. Records of all progress payments made for work in connection with such transportation projects, and any change orders executed by the appropriate governmental body and payments made pursuant to such orders, shall be maintained by that governmental body in accordance with accepted governmental accounting principles and practices and shall be subject to financial audit as required by law. In addition, the appropriate governmental body, upon completion and acceptance of the transportation project, shall make certification to the department that the project has been completed in compliance with the terms and conditions of the contractual agreements between the department and the appropriate governmental body and meets minimum construction standards established in accordance with s. 336.045.

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494 (d) Specify that the department shall transfer funds upon
495 receipt of a request for funds from the local government, on no
496 more than a quarterly basis, consistent with project needs. A
497 contract totaling less than \$200,000 is exempt from this
498 transfer requirement. The department may not transfer any funds
499 unless construction has begun on the facility of the business on
500 whose behalf the award was made. Local governments shall expend
501 funds in a timely manner.

502 (e) Require that program funds be used only on those
503 transportation projects that have been properly reviewed and
504 approved in accordance with the criteria set forth in this
505 section.

506 (f) Require that the governing board of the appropriate
507 local governmental body agree by resolution to accept future
508 maintenance and other attendant costs occurring after completion
509 of the transportation project if the project is construction on
510 a county or municipal system.

511 (3) With respect to any contract executed pursuant to this
512 section, the term "transportation project" means a
513 transportation facility as defined in s. 334.03(31) which is
514 necessary in the judgment of the department, in consultation
515 with Jobs Florida, to facilitate the economic development and
516 growth of the state. Except for applications received prior to
517 July 1, 1996, such transportation projects shall be approved
518 only as a consideration to attract new employment opportunities
519 to the state or expand or retain employment in existing
520 companies operating within the state, or to allow for the
521 construction or expansion of a state or federal correctional
522 facility in a county that has a population of 75,000 or fewer

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and that creates new employment opportunities or expands or
retains employment in the county. The department shall institute
procedures to ensure that small and minority businesses have
equal access to funding provided under this section. Funding for
approved transportation projects may include any expenses, other
than administrative costs and equipment purchases specified in
the contract, necessary for new transportation facilities or
improvements to existing transportation facilities. Funds made
available pursuant to this section may not be expended in
connection with the relocation of a business from one community
to another community in this state unless the department
determines that without such relocation the business will move
outside this state or determines that the business has a
compelling economic rationale for the relocation which creates
additional jobs. Subject to appropriation for projects under
this section, any appropriation greater than \$10 million shall
be allocated to each of the districts of the department to
ensure equitable geographical distribution. Such allocated funds
that remain uncommitted by the third quarter of the fiscal year
shall be reallocated among the districts based on pending
project requests.

(4) The department may adopt criteria by which
transportation projects are to be reviewed and certified in
accordance with s. 288.061. In approving transportation projects
for funding, the department, in consultation with Jobs Florida,
shall consider factors, including, but not limited to, the cost
per job created or retained considering the amount of
transportation funds requested; the average hourly rate of wages
for jobs created; the reliance on the program as an inducement

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552 for the project's location decision; the amount of capital
553 investment to be made by the business; the demonstrated local
554 commitment; the location of the project in an enterprise zone
555 designated pursuant to s. 290.0055; the location of the project
556 in a spaceport territory as defined in s. 331.304; the
557 unemployment rate of the surrounding area; the poverty rate of
558 the community; and the adoption of an economic element as part
559 of its local comprehensive plan in accordance with s.
560 163.3177(7)(j). The department may contact any agency it deems
561 appropriate for additional input regarding the approval of
562 projects.

563 (5) A project that has not been specified and identified by
564 the department in accordance with subsection (4) prior to the
565 initiation of construction shall be ineligible for funding.

566 (6) For the purpose of this section, Space Florida, or its
567 successor corporation, may serve as the local government or as
568 the contracting agency for transportation projects within
569 spaceport territory as defined by s. 331.304.

570 (7) Each local government receiving funds under this
571 section shall submit to the department a financial audit of the
572 local entity conducted by an independent certified public
573 accountant. The department, in consultation with Jobs Florida,
574 shall develop procedures to ensure that audits are received and
575 reviewed in a timely manner and that deficiencies or questioned
576 costs noted in the audit are resolved.

577 (8) The department shall monitor on site each grant
578 recipient, including, but not limited to, the construction of
579 the business facility, to ensure compliance with contractual
580 requirements.

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581 (9) In addition to the other provisions of this section,
582 projects that the Legislature deems necessary to facilitate the
583 economic development and growth of the state may be designated
584 and funded in the General Appropriations Act. Such
585 transportation projects create new employment opportunities,
586 expand transportation infrastructure, improve mobility, or
587 increase transportation innovation. The department shall enter
588 into contracts with, and make expenditures to, the appropriate
589 entities for the costs of transportation projects designated in
590 the General Appropriations Act.

591 Section 9. Subsection (6) of section 343.805, Florida
592 Statutes, is repealed.

593 Section 10. Paragraph (b) of subsection (2) and paragraph
594 (a) of subsection (3) of section 343.835, Florida Statutes, are
595 amended to read:

596 343.835 Bonds of the authority.—

597 (2) Any such resolution or resolutions authorizing any
598 bonds hereunder may contain provisions that are part of the
599 contract with the holders of such bonds, as to:

600 (b) The completion, improvement, operation, extension,
601 maintenance, repair, or lease,~~or lease-purchase agreement~~ of
602 the system, and the duties of the authority and others,
603 ~~including the department,~~ with reference thereto.

604 (3) The authority may employ fiscal agents as provided by
605 this part or the State Board of Administration may, upon request
606 of the authority, act as fiscal agent for the authority in the
607 issuance of any bonds that are issued pursuant to this part, and
608 the State Board of Administration may, upon request of the
609 authority, take over the management, control, administration,

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610 custody, and payment of any or all debt services or funds or
611 assets now or hereafter available for any bonds issued pursuant
612 to this part. The authority may enter into any deeds of trust,
613 indentures, or other agreements with its fiscal agent, or with
614 any bank or trust company within or without the state, as
615 security for such bonds and may, under such agreements, sign and
616 pledge all or any of the revenues, rates, fees, rentals, or
617 other charges or receipts of the authority. Such deed of trust,
618 indenture, or other agreement may contain such provisions as are
619 customary in such instruments or, as the authority authorizes,
620 including, but without limitation, provisions as to:

621 (a) The completion, improvement, operation, extension,
622 maintenance, repair, and lease of ~~or lease-purchase agreement~~
623 ~~relating to~~ U.S. 98 corridor improvements and the duties of the
624 authority and others, ~~including the department,~~ with reference
625 thereto.

626 Section 11. Section 343.836, Florida Statutes, is amended
627 to read:

628 343.836 Remedies of the bondholders.—

629 (1) The rights and the remedies in this section conferred
630 upon or granted to the bondholders are in addition to and not in
631 limitation of any rights and remedies lawfully granted to such
632 bondholders by the resolution or resolutions providing for the
633 issuance of bonds or by a ~~lease-purchase agreement,~~ deed of
634 trust, indenture, or other agreement under which the bonds may
635 be issued or secured. If the authority defaults in the payment
636 of the principal of or interest on any of the bonds issued
637 pursuant to the provisions of this part after such principal of
638 or interest on the bonds becomes due, whether at maturity or

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639 upon call for redemption, ~~or the department defaults in any~~
640 ~~payments under, or covenants made in, any lease-purchase~~
641 ~~agreement between the authority and the department,~~ and such
642 default continues for a period of 30 days, or if the authority
643 ~~or the department~~ fails or refuses to comply with the provisions
644 of this part or any agreement made with, or for the benefit of,
645 the holders of the bonds, the holders of 25 percent in aggregate
646 principal amount of the bonds then outstanding may appoint a
647 trustee to represent such bondholders for the purposes hereof,
648 if such holders of 25 percent in aggregate principal amount of
649 the bonds then outstanding shall first give notice of their
650 intention to appoint a trustee to the authority ~~and to the~~
651 ~~department.~~ Such notice shall be deemed to have been given if
652 given in writing, deposited in a securely sealed postpaid
653 wrapper, mailed at a regularly maintained United States post
654 office box or station, and addressed, ~~respectively,~~ to the chair
655 of the authority ~~and to the secretary of the department at the~~
656 ~~principal office of the department.~~

657 (2) Such trustee and any trustee under any deed of trust,
658 indenture, or other agreement may, and upon written request of
659 the holders of 25 percent or such other percentages as are
660 specified in any deed of trust, indenture, or other agreement
661 aforesaid in principal amount of the bonds then outstanding
662 shall, in any court of competent jurisdiction, in his, her, or
663 its own name:

664 (a) By mandamus or other suit, action, or proceeding at law
665 or in equity, enforce all rights of the bondholders, including
666 the right to require the authority to fix, establish, maintain,
667 collect, and charge rates, fees, rentals, and other charges

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adequate to carry out any agreement as to or pledge of the revenues or receipts of the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

~~(b) By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement between the authority and the department, including the right to require the department to make all rental payments required to be made by it under the provisions of any such lease-purchase agreement, to require the department to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.~~

(b)(c) Bring suit upon the bonds.

~~(c)(d)~~ By action or suit in equity, require the authority or the department to account as if it were the trustee of an express trust for the bondholders.

(d)(e) By action or suit in equity, enjoin any acts or things that may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and whether or not all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default, and, ~~subject to and in compliance with the~~

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~~provisions of any lease purchase agreement between the authority~~
~~and the department,~~ operate and maintain the same for and on
 behalf of and in the name of the authority,~~the department,~~ and
 the bondholders, and collect and receive all rates, fees,
 rentals, and other charges or receipts or revenues arising
 therefrom in the same manner as the authority ~~or the department~~
 might do, and shall deposit all such moneys in a separate
 account and apply such moneys in such manner as the court shall
 direct. In any suit, action, or proceeding by the trustee, the
 fees, counsel fees, and expenses of the trustee and the
 receiver, if any, and all costs and disbursements allowed by the
 court shall be a first charge on any rates, fees, rentals, or
 other charges, revenues, or receipts derived from the system or
 the facilities or services or any part or parts thereof,
~~including payments under any such lease purchase agreement as~~
~~aforsaid,~~ which rates, fees, rentals, or other charges,
 revenues, or receipts may be applicable to the payment of the
 bonds so in default. Such trustee, in addition to the foregoing,
 possesses all of the powers necessary for the exercise of any
 functions specifically set forth herein or incident to the
 representation of the bondholders in the enforcement and
 protection of their rights.

(4) This section or any other section of this part does not
 authorize any receiver appointed pursuant hereto for the
 purpose, ~~subject to and in compliance with the provisions of any~~
~~lease purchase agreement between the authority and the~~
~~department,~~ of operating and maintaining the system or any
 facilities or part or parts thereof, to sell, assign, mortgage,
 or otherwise dispose of any of the assets of whatever kind and

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character belonging to the authority. It is the intention of this part to limit the powers of such receiver, ~~subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name and for and on behalf of the authority, ~~the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 12. Section 343.837, Florida Statutes, is repealed.

Section 13. Section 343.885, Florida Statutes, is repealed.

Section 14. Section 343.91(1)(h), Florida Statutes, is repealed.

Section 15. Paragraph (b) of subsection (3) and paragraph (a) of subsection (4) of section 343.94, Florida Statutes, is amended to read:

343.94 Bond financing authority.—

(3) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions that are part of the contract with the holders of such bonds, as to:

(b) The completion, improvement, operation, extension, maintenance, repair, or lease of, ~~or lease-purchase agreement~~

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755 ~~relating to,~~ the system and the duties of the authority and
756 others, including the department, with reference thereto.

757 (4) The authority may employ fiscal agents as provided by
758 this part or the State Board of Administration may, upon request
759 of the authority, act as fiscal agent for the authority in the
760 issuance of any bonds that are issued pursuant to this part, and
761 the State Board of Administration may, upon request of the
762 authority, take over the management, control, administration,
763 custody, and payment of any or all debt services or funds or
764 assets now or hereafter available for any bonds issued pursuant
765 to this part. The authority may enter into any deeds of trust,
766 indentures, or other agreements with its fiscal agent, or with
767 any bank or trust company within or without the state, as
768 security for such bonds and may, under such agreements, sign and
769 pledge all or any of the revenues, rates, fees, rentals, or
770 other charges or receipts of the authority. Such deed of trust,
771 indenture, or other agreement may contain such provisions as are
772 customary in such instruments or as the authority authorizes,
773 including, but without limitation, provisions as to:

774 (a) The completion, improvement, operation, extension,
775 maintenance, repair, and lease of, ~~or lease-purchase agreement~~
776 ~~relating to,~~ highway, bridge, and related transportation
777 facilities and appurtenances and the duties of the authority and
778 others, ~~including the department,~~ with reference thereto.

779 Section 16. Section 343.944, Florida Statutes, is amended
780 to read:

781 343.944 Remedies of the bondholders.—

782 (1) The rights and the remedies in this section conferred
783 upon or granted to the bondholders are in addition to and not in

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limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by a ~~lease-purchase agreement~~, deed of trust, indenture, or other agreement under which the bonds may be issued or secured. If the authority defaults in the payment of the principal of or interest on any of the bonds issued pursuant to the provisions of this part after such principal of or interest on the bonds becomes due, whether at maturity or upon call for redemption, ~~or the department defaults in any payments under, or covenants made in, any lease-purchase agreement between the authority and the department~~, and such default continues for a period of 30 days, or if the authority or the department fails or refuses to comply with the provisions of this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding may appoint a trustee to represent such bondholders for the purposes hereof, if such holders of 25 percent in aggregate principal amount of the bonds then outstanding shall first give notice of their intention to appoint a trustee to the authority ~~and to the department~~. Such notice shall be deemed to have been given if given in writing, deposited in a securely sealed postpaid wrapper, mailed at a regularly maintained United States post office box or station, and addressed, respectively, to the chair of the authority ~~and to the secretary of the department at the principal office of the department~~.

(2) Such trustee and any trustee under any deed of trust, indenture, or other agreement may and, upon written request of the holders of 25 percent or such other percentages as are

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specified in any deed of trust, indenture, or other agreement
aforesaid in principal amount of the bonds then outstanding,
shall, in any court of competent jurisdiction, in his, her, or
its own name:

(a) By mandamus or other suit, action, or proceeding at law
or in equity, enforce all rights of the bondholders, including
the right to require the authority to fix, establish, maintain,
collect, and charge rates, fees, rentals, and other charges
adequate to carry out any agreement as to or pledge of the
revenues or receipts of the authority, to carry out any other
covenants and agreements with or for the benefit of the
bondholders, and to perform its and their duties under this
part.

~~(b) By mandamus or other suit, action, or proceeding at law
or in equity, enforce all rights of the bondholders under or
pursuant to any lease-purchase agreement between the authority
and the department, including the right to require the
department to make all rental payments required to be made by it
under the provisions of any such lease-purchase agreement and to
require the department to carry out any other covenants and
agreements with or for the benefit of the bondholders and to
perform its and their duties under this part.~~

(b)~~(c)~~ Bring suit upon the bonds.

(c)~~(d)~~ By action or suit in equity, require the authority
or the department to account as if it were the trustee of an
express trust for the bondholders.

(d)~~(e)~~ By action or suit in equity, enjoin any acts or
things that may be unlawful or in violation of the rights of the
bondholders.

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(3) Any trustee, when appointed as aforesaid or acting under a deed of trust, indenture, or other agreement, and regardless of whether all bonds have been declared due and payable, may appoint a receiver who may enter upon and take possession of the system or the facilities or any part or parts thereof, the rates, fees, rentals, or other revenues, charges, or receipts from which are or may be applicable to the payment of the bonds so in default and ~~, and, subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ operate and maintain the same for and on behalf of and in the name of the authority, ~~the department,~~ and the bondholders, and collect and receive all rates, fees, rentals, and other charges or receipts or revenues arising therefrom in the same manner as the authority ~~or the department~~ might do, and shall deposit all such moneys in a separate account and apply such moneys in such manner as the court shall direct. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee and the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any rates, fees, rentals, or other charges, revenues, or receipts derived from the system or the facilities or services or any part or parts thereof, ~~including payments under any such lease-purchase agreement as aforesaid,~~ which rates, fees, rentals, or other charges, revenues, or receipts may be applicable to the payment of the bonds so in default. Such trustee, in addition to the foregoing, possesses all of the powers necessary for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and

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protection of their rights.

(4) This section or any other section of this part does not authorize any receiver appointed pursuant hereto for the purpose, ~~subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ of operating and maintaining the system or any facilities or part or parts thereof to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver, ~~subject to and in compliance with the provisions of any lease-purchase agreement between the authority and the department,~~ to the operation and maintenance of the system or any facility or part or parts thereof, as the court may direct, in the name of and for and on behalf of the authority, ~~the department,~~ and the bondholders. In any suit, action, or proceeding at law or in equity, a holder of bonds on the authority, a trustee, or any court may not compel or direct a receiver to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority. A receiver also may not be authorized to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority in any suit, action, or proceeding at law or in equity.

Section 17. Section 343.945, Florida Statutes, is repealed.

Section 18. Section 343.946, Florida Statutes, is repealed.

Section 19. Subsection (11) of section 348.0002, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (1), paragraph (e)

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of subsection (2), and paragraph (d) of subsection (9) of section 348.0004, Florida Statutes, are amended, present paragraphs (f) through (l) of subsection (2) of that section are redesignated as paragraphs (e) through (k), respectively, and present paragraphs (e) through (h) of subsection (9) of that section are redesignated as paragraphs (d) through (g), respectively, to read:

348.0004 Purposes and powers.—

(1)(a) An authority created and established pursuant to the Florida Expressway Authority Act may acquire, hold, construct, improve, maintain, operate, and own, ~~and lease~~ an expressway system.

(2) Each authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including, but not limited to, the following rights and powers:

~~(e) To enter into and make lease-purchase agreements with the department until any bonds secured by a pledge of rentals thereunder, and any refundings thereof, are fully paid as to both principal and interest.~~

(9) The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

~~(d) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to public-private partnerships. To be eligible a private entity must~~

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929 ~~comply with s. 338.251 and must provide an indication from a~~
930 ~~nationally recognized rating agency that the senior bonds for~~
931 ~~the project will be investment grade or must provide credit~~
932 ~~support, such as a letter of credit or other means acceptable to~~
933 ~~the department, to ensure that the loans will be fully repaid.~~

934 Section 21. Paragraph (b) of subsection (2) of section
935 348.0005, Florida Statutes, is amended to read:

936 348.0005 Bonds.—

937 (2)

938 (b) The bonds of an authority in any county as defined in
939 s. 125.011(1), issued pursuant to the provisions of this part,
940 whether on original issuance or refunding, must be authorized by
941 resolution of the authority, after approval of the issuance of
942 the bonds at a public hearing, and may be either term or serial
943 bonds, shall bear such date or dates, mature at such time or
944 times, bear interest at such rate or rates, be payable
945 semiannually, be in such denominations, be in such form, either
946 coupon or fully registered, shall carry such registration,
947 exchangeability and interchangeability privileges, be payable in
948 such medium of payment and at such place or places, be subject
949 to such terms of redemption and be entitled to such priorities
950 on the revenues, rates, fees, rentals, or other charges or
951 receipts of the authority including any county gasoline tax
952 funds received by an authority pursuant to the terms of any
953 interlocal or lease-purchase agreement between an authority,~~the~~
954 ~~department,~~ or a county, as such resolution or any resolution
955 subsequent thereto may provide. The bonds must be executed by
956 such officers as the authority determines under the requirements
957 of s. 279.06.

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958 Section 22. Section 348.0006, Florida Statutes, is
959 repealed.

960 Section 23. Part II of chapter 348, Florida Statutes,
961 consisting of ss. 348.216, 348.217, 348.218, 348.219, 348.22,
962 348.221, 348.222, 348.223, 348.224, 348.225, 348.226, 348.227,
963 348.228, 348.229, and 348.23, is repealed.

964 Section 24. Part III of chapter 348, Florida Statutes,
965 consisting of ss. 348.24, 348.241, 348.242, 348.243, 348.244,
966 348.245, 348.246, 348.247, 348.248, 348.249, and 348.25, is
967 repealed.

968 Section 25. Part IV of chapter 348, Florida Statutes,
969 consisting of ss. 348.50, 348.51, 348.52, 348.53, 348.54,
970 348.545, 348.56, 348.565, 348.57, 348.58, 348.59, 348.60,
971 348.61, 348.62, 348.63, 348.64, 348.65, 348.66, 348.67, 348.68,
972 348.681, and 348.70, is repealed.

973 Section 26. Part V of chapter 348, Florida Statutes,
974 consisting of ss. 348.751, 348.752, 348.753, 348.754, 348.7543,
975 348.7544, 348.7545, 348.7546, 348.7547, 348.755, 348.756,
976 348.757, 348.758, 348.759, 348.760, 348.761, 348.762, 348.763,
977 348.764, and 348.765, is repealed.

978 Section 27. Part VI of chapter 348, Florida Statutes,
979 consisting of ss. 348.80, 348.81, 348.82, 348.83, 348.84,
980 348.86, 348.87, 348.88, 348.89, 348.90, 348.91, 348.92, 348.93,
981 and 348.94, is repealed.

982 Section 28. Part VII of chapter 348, Florida Statutes,
983 consisting of ss. 348.9401, 348.941, 348.942, 348.943, 348.944,
984 348.945, 348.946, 348.947, 348.948, 348.949, and 348.9495, is
985 repealed.

986 Section 29. Part VIII of chapter 348, Florida Statutes,

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consisting of ss. 348.95, 348.951, 348.952, 348.953, 348.954,
348.955, 348.956, 348.957, 348.958, 348.959, 348.96, 348.961,
348.962, and 348.963, is repealed.

Section 30. Part X of chapter 348, Florida Statutes,
consisting of ss. 348.993, 348.9931, 348.9932, 348.9933,
348.9934, 348.9935, 348.9936, 348.9938, 348.9939, 348.994,
348.9941, 348.9942, 348.9943, 348.9944, 348.9945, 348.9946,
348.9947, 348.9948,is repealed.

Section 31. Section 348.9955, Florida Statutes, is
repealed.

Section 32. Paragraph (d) of subsection (1) of s. 349.02,
Florida Statutes, is repealed.

Section 33. Paragraphs (e) and (g) of subsection (2) of
section 349.04, Florida Statutes, are amended, and present
paragraphs (f) through (u) of that subsection are redesignated
as paragraphs (e) through (t), respectively, to read:

349.04 Purposes and powers.—

(2) The authority is hereby granted, and shall have and may
exercise all powers necessary, appurtenant, convenient, or
incidental to the carrying out of the aforesaid purposes,
including, but without being limited to, the right and power:

~~(e) To enter into and make lease purchase agreements with
the department for terms not exceeding 40 years, or until any
bonds secured by a pledge of rentals thereunder, and any
refundings thereof, are fully paid as to both principal and
interest, whichever is longer.~~

(g)1. To borrow money and make and issue negotiable notes,
bonds, refunding bonds, and other evidences of indebtedness or
obligations, either in temporary or definitive form (hereinafter

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in this chapter sometimes called "bonds"), of the authority, for the purpose of funding or refunding, at or prior to maturity, any bonds theretofore issued by the authority, or by the Florida State Improvement Commission to finance part of the cost of the Jacksonville Expressway System, and purposes related thereto, and for the purpose of financing or refinancing all or part of the costs of completion, improvement, or extension of the Jacksonville Expressway System, and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the Jacksonville Expressway System and for any other purpose authorized by this chapter, such bonds to mature in not exceeding 40 years from the date of the issuance thereof; and to secure the payment of such bonds or any part thereof by a pledge of any or all of its revenues, rates, fees, rentals, or other charges, including all or any portion of the Duval County gasoline tax funds received by the authority ~~pursuant to the terms of any lease-purchase agreement between the authority and the department;~~ and in general to provide for the security of such bonds and the rights and remedies of the holders thereof.

2. In the event that the authority determines to fund or refund any bonds theretofore issued by the authority, or by the commission as aforesaid, prior to the maturity thereof, the proceeds of such funding or refunding bonds shall, pending the prior redemption of the bonds to be funded or refunded, be invested in direct obligations of the United States; and it is the express intention of this chapter that such outstanding bonds may be funded or refunded by the issuance of bonds pursuant to this chapter notwithstanding that part of such outstanding bonds will not mature or become redeemable until 6

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years after the date of issuance of bonds pursuant to this chapter to fund or refund such outstanding bonds.

Section 34. Subsections (2) and (3) of section 349.05, Florida Statutes, are amended to read:

349.05 Bonds of the authority; bonds not debt or pledges of credit of state.—

(2) Any such resolution or resolutions authorizing any bonds hereunder may contain provisions, and valid and legally binding covenants of the authority, which shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the revenues, rates, fees, rentals, including the sales surtax adopted pursuant to s. 212.055(1) (including all or any portion of the county gasoline tax funds received by the authority), or other charges or receipts of any nature of the authority, whether or not derived by the authority from the Jacksonville Expressway System or its other transportation facilities;

(b) The completion, improvement, operation, extension, maintenance, repair, or lease, ~~or lease-purchase agreement~~ of said system or transportation facilities, and the duties of the authority and others, including the department, with reference thereto;

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant, may be applied;

(d) The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the Jacksonville Expressway System or any part thereof or its other transportation facilities;

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(e) The setting aside of reserves or sinking funds or repair and replacement funds and the regulation and disposition thereof;

(f) Limitations on the issuance of additional bonds;

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds or under which the same may be issued; and

(h) Any other or additional provisions, covenants, and agreements with the holders of the bonds which the authority may deem desirable and proper.

(3) The State Board of Administration may, upon request by the authority, act as fiscal agent for the authority in the issuance of any bonds that may be issued pursuant to this chapter, and the State Board of Administration may, upon request by the authority, take over the management, control, administration, custody, and payment of any or all debt services or funds or assets now or hereafter available for any bonds issued pursuant to this chapter. The authority may enter into deeds of trust, indentures, or other agreements with a corporate trustee or trustees, which shall act as fiscal agent for the authority and may be any bank or trust company within or without the state, as security for such bonds and may, under such agreements, assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority, including all or any portion of local option taxes or county gasoline tax funds received by the authority, thereunder. Such deed of trust, indenture, or other agreement may contain such provisions as are customary in such instruments or as the authority may authorize, including, without limitation,

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provisions as to:

(a) The completion, improvement, operation, extension, maintenance, repair, and lease of, ~~or lease-purchase agreement relating to,~~ all or any part of transportation facilities authorized in this chapter to be constructed, acquired, developed, or operated by the authority and the duties of the authority and others, ~~including the department,~~ with reference thereto;

(b) The application of funds and the safeguarding of funds on hand or on deposit;

(c) The rights and remedies of the trustee and the holders of the bonds; and

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of the same.

Section 35. Section 349.07, Florida Statutes, is repealed.

Section 36. Section 349.15, Florida Statutes, is amended to read:

349.15 Remedies; pledges enforceable by bondholders.—Any holder of bonds issued under this chapter, except to the extent such rights may be restricted by the resolution, deed of trust, indenture, or other proceeding relating to the issuance of such bonds, may by civil action, mandamus, or other appropriate action, suit, or proceeding in law or in equity, in any court of competent jurisdiction, protect and enforce any and all rights of such bondholder granted under the proceedings authorizing the issuance of such bonds and enforce any pledge made for payment of the principal and interest on bonds, or any covenant or agreement relative thereto, against the authority ~~or directly against the department, as may be appropriate. It is the express~~

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~~intention of this chapter that any pledge by the department of rates, fees, revenues, county gasoline tax funds, or other funds, as rentals, to the authority or any covenants or agreements relative thereto may be enforceable in any court of competent jurisdiction against the authority or directly against the department by any holder of bonds issued by the authority.~~

Section 37. Chapter 2000-411, Laws of Florida, is repealed.

Section 38. Subsection (13) of section 212.08, Florida Statutes, is amended to read:

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

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, ~~348.65, 348.762~~, 349.13, 403.1834, 616.07, and 623.09, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11,

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1161 chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446;
1162 and s. 10, chapter 67-1681. This subsection does not supersede
1163 the authority of a local government to adopt financial and local
1164 government incentives pursuant to s. 163.2517.

1165 Section 39. This act shall take effect July 1, 2011.

Seaport Conforming Language

Section by Section

Section 1 amends subsection (1)(h) of section 163.3187, F.S. to remove a reference to the Florida Seaport Transportation and Economic Development (FSTED) Council.

Section 2 amends Section 311.07, F.S. to increase the \$8M minimum currently required to be made available from the STTF to \$100M for FY 12-16 and to provide this funding to the Deepwater Seaport Section 1 amends subsection (1)(h) of section 163.3187, F.S. to remove a reference to the Florida Program, rather than funding the Florida Seaport Transportation and Economic Development Program.. Additionally, a minimum of \$8M will be allocated to deepwater ports designated as emerging Strategic Intermodal System (SIS) and non-SIS ports. It also adds authority for the Department to include specific seaport projects to be funded in the ensuing fiscal year in the work program, while programming projects in the successive 4 years with a more general project description. It allows the Department to transfer unexpended budget between seaport projects as identified in approved work program amendments. It removes the authority for the FSTED Council to develop trade data information products which will assist Florida's seaports and international trade. References to the FSTED Council and the Seaport Mission Plan are removed, and a limitation on the amount of funds one port can receive in a one-year and five-year period is removed.

Section 3 repeals section 311.09, F.S. This has the effect of removing from statute the FSTED Council. This will remove the requirement that the Council prepare a Seaport Mission Plan, removes rulemaking authority for evaluating projects and removes the process to be used by the Council in reviewing and approving projects for the FSTED Program. By removing the process used by the FSTED Council, OTTED and DCA are no longer involved in project decisions for the FSTED Program. Authority for the FSTED Council to charge fees based on each recipient's share of the FSTED funds is also repealed.

Section 4 amends section 311.091, F.S., to replace a reference to 311.09(1) with 403.021(9)(b) (the statute defining the 14 deepwater ports). The ability of the ports to enter into public/private partnerships is unchanged.

Section 5 amends section 311.105, F.S., to repeal the Florida Seaport Environmental Management Committee, presently under the direction of the FSTED Council. Language outlining what must be included in the permitting process for environmental resource permits for maintenance dredging at deepwater ports is unchanged.

Section 6 repeals the Seaport Employment Training Grant Program, presently established in OTTED and run in cooperation with the FSTED Council.

Section 7 amends subsections (4) and (5)(b) of section 311.12, F.S. to replace references to 311.09 with 403.021(9). The statewide security requirements outlined in this section are unchanged, with the exception of removing the administrator of FSTED Council from the Seaport Security Officer Qualification, Training, and Standards Coordinating Council within FDLE.

Section 8 amends subsections (2) and (3) (a) of section 311.121, F.S. to remove reference to the FSTED Council, and replace with reference to 403.021(9).

Section 9 amends subsection (1) of section 311.123, F.S., to remove reference to the FSTED Council as it relates to the maritime domain security awareness training program, currently run by the FSTED Council, FDLE and the Office of Drug Control in the Governor's office.

Section 10 amends section 311.14, F.S., to repeal the requirement that FSTED and the Office of the State Public Transportation Administrator within DOT develop freight mobility and trade corridor plans. It also changes reference to deepwater ports from those defined in 311.09(1) to those listed in 403.021(9)(b). Changes the requirement that the Office of the State Public Transportation Administrator act to integrate freight-mobility and trade-corridor plans into the FTP and MPO plans to state that the Department of Transportation has these integration responsibilities. The ability for the Department to contract with any port to act as an agent in the construction of seaport freight-mobility projects is left unchanged.

Section 11 repeals section 311.22, F.S. This section authorizes the FSTED Council to fund dredging projects in counties having a population of fewer than 300,000, popularly known as the "small county dredging program".

Section 12 amends subsections (11) and (12) of section 315.03, F.S. to remove oversight by the FSTED Council in reference to ports accepting loans or grants from the US or state government. Also repeals a requirement that the FSTED Council prepare an annual report detailing the amounts loaned, the projects financed to the Governor, the President of the Senate and the Speaker of the House.

Section 13 amends section 320.20, F.S. to remove reference to the FSTED Council as it applies to oversight of \$25 Million revenue stream. —. Also provides that any refunding of the Florida Ports Financing Commission Series 1996 and Series 1999 bonds will be handled by the Division of Bond Finance at the request of the Department, removes a limitation on use of funds for intermodal access projects identified in the 1997-98 Work Program or the Seaport Mission Plan from the 1999 Bond issuance, removes reference to the FSTED Council approving distribution of funds and that all contracts under this program must include a provision encouraging employment of participants in the welfare transition program. Gives the Department the authority to perform acts as are required to facilitate the provisions of this subsection. Adds replacement language stating that the state does hereby covenant with holders of the Series 1996 and Series 1999 bonds or other instruments of indebtedness that it will not repeal or impair or

amend this subsection in any manner which will materially and adversely affect the rights of holders so long as bonds authorized by this subsection are outstanding.

Section 14 amends subsection (1)(a) of section 943.0313, F.S. to replace the FSTED Council as one representative on the Domestic Security Oversight Council established within FDLE with one representative of a deepwater port.

Section 15 amends subsection (4)(a) of section 943.059, F.S. to change a reference from the FSTED Council (311.09) to deepwater ports (403.021(9)(b)), when referring to the ability to deny or fail to acknowledge arrests covered by sealed public records when an applicant is seeking to work at or access a seaport.

1 A bill to be entitled
2 An act relating to ; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6
7 Section 1. Subsection (1)(h) of section 163.3187, Florida
8 Statutes, is amended to read:

9 (1) Amendments to comprehensive plans adopted pursuant to
10 this part may be made not more than two times during any
11 calendar year, except:

12 (h) Any comprehensive plan amendments for port
13 transportation facilities and projects that are eligible for
14 funding ~~by the Florida Seaport Transportation and Economic~~
15 ~~Development Council~~ pursuant to s. 311.07.

16 Section 2. Section 311.07, Florida Statutes, is amended to
17 read:

18 311.07 Florida seaport transportation and economic
19 development funding.—

20 (1) There is created the Florida Deepwater Seaport
21 ~~Transportation and Economic Development~~ Program within the
22 Department of Transportation to finance port transportation or
23 port facilities projects that will improve the movement and
24 intermodal transportation of cargo or passengers in commerce and
25 trade and that will support the interests, purposes, and
26 requirements of ports located in this state.

27 (2) For the fiscal year beginning July 1, 2011, and each
28 of the four fiscal years thereafter through the fiscal year
29 beginning July 1, 2015, a minimum of \$100~~8~~ million per year

30 shall be made available from the State Transportation Trust Fund
31 to fund the Florida Deepwater Seaport ~~Transportation and~~
32 ~~Economic Development~~ Program. The department shall include the
33 specific seaport projects to be funded under this section during
34 the ensuing fiscal year in the tentative work program developed
35 pursuant to s. 339.135(4). The total amount of funding to be
36 allocated to seaport projects under this section during the
37 successive four fiscal years shall also be included in the
38 tentative work program developed pursuant to s. 339.135(4). A
39 minimum of \$8 million per year shall be allocated to projects
40 for the deepwater ports listed in s. 403.021(9)(b), that are
41 either included in the Emerging Strategic Intermodal System
42 pursuant to s. 339.63 or are not included in either the
43 Strategic Intermodal System or the Emerging Strategic Intermodal
44 System pursuant to s. 339.63. Notwithstanding any provision of
45 law to the contrary, the department may transfer unexpended
46 budget between the seaport projects as identified in approved
47 work program amendments.

48 (3)(a) Program funds shall be used to fund approved
49 projects on a 50-50 matching basis with any of the deepwater
50 ports, as listed in s. 403.021(9)(b), which is governed by a
51 public body or any other deepwater port which is governed by a
52 public body and which complies with the water quality provisions
53 of s. 403.061, the comprehensive master plan requirements of s.
54 163.3178(2)(k), and the local financial management and reporting
55 provisions of part III of chapter 218. However, program funds
56 used to fund projects that involve the rehabilitation of
57 wharves, docks, berths, bulkheads, or similar structures shall
58 require a 25-percent match of funds. ~~Program funds also may be~~

59 ~~used by the Seaport Transportation and Economic Development~~
60 ~~Council to develop with the Florida Trade Data Center such trade~~
61 ~~data information products which will assist Florida's seaports~~
62 ~~and international trade.~~

63 (b) Projects eligible for funding by grants under the
64 program are limited to the following port facilities or port
65 transportation projects:

66 1. Transportation facilities within the jurisdiction of the
67 port.

68 2. The dredging or deepening of channels, turning basins,
69 or harbors.

70 3. The construction or rehabilitation of wharves, docks,
71 structures, jetties, piers, storage facilities, cruise
72 terminals, automated people mover systems, or any facilities
73 necessary or useful in connection with any of the foregoing.

74 4. The acquisition of vessel tracking systems, container
75 cranes, or other mechanized equipment used in the movement of
76 cargo or passengers in international commerce.

77 5. The acquisition of land to be used for port purposes.

78 6. The acquisition, improvement, enlargement, or extension
79 of existing port facilities.

80 7. Environmental protection projects which are necessary
81 because of requirements imposed by a state agency as a condition
82 of a permit or other form of state approval; which are necessary
83 for environmental mitigation required as a condition of a state,
84 federal, or local environmental permit; which are necessary for
85 the acquisition of spoil disposal sites and improvements to
86 existing and future spoil sites; or which result from the
87 funding of eligible projects listed in this paragraph.

88 8. Transportation facilities as defined in s. 334.03(31)
89 which are not otherwise part of the Department of
90 Transportation's adopted work program.

91 9. Seaport intermodal access projects ~~identified in the 5-~~
92 ~~year Florida Seaport Mission Plan as provided in s. 311.09(3).~~

93 10. Construction or rehabilitation of port facilities as
94 defined in s. 315.02, excluding any park or recreational
95 facilities, in ports listed in s. ~~311.09(1)~~403.021(9)(b) with
96 operating revenues of \$5 million or less, provided that such
97 projects create economic development opportunities, capital
98 improvements, and positive financial returns to such ports.

99 (c) To be eligible for consideration ~~by the council~~
100 pursuant to this section, a project must be consistent with the
101 port comprehensive master plan which is incorporated as part of
102 the approved local government comprehensive plan as required by
103 s. 163.3178(2)(k) or other provisions of the Local Government
104 Comprehensive Planning and Land Development Regulation Act, part
105 II of chapter 163.

106 (4) ~~A port eligible for matching funds under the program~~
107 ~~may receive a distribution of not more than \$7 million during~~
108 ~~any 1 calendar year and a distribution of not more than \$30~~
109 ~~million during any 5 calendar year period.~~

110 ~~(5)~~ Any port which receives funding under the program shall
111 institute procedures to ensure that jobs created as a result of
112 the state funding shall be subject to equal opportunity hiring
113 practices in the manner provided in s. 110.112.

114 ~~(5)~~ The Department of Transportation shall subject any
115 project that receives funds pursuant to this section and s.
116 320.20 to a final audit. The department may adopt rules and

perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

Section 3. Section 311.09, Florida Statutes, is repealed.

Section 4. Section 311.091, Florida Statutes, is amended to read:

Section 311.091 Entry into public-private infrastructure project agreements for port-related public infrastructure projects.—A seaport listed in s. 403.021(9)(b)~~311.09(1)~~ may receive or solicit proposals from and enter into a public-private infrastructure project agreement with a private entity, or a consortium of private entities, to build, operate, manage, maintain, or finance a port-related public infrastructure project.

Section 5. Section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport eEnvironmental Management Committee; permitting; mitigation.—

~~(1)(a) There is created the Florida Seaport Environmental Management Committee, which shall be under the direction of the Florida Seaport Transportation and Economic Development Council.~~

~~(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Secretary of Community Affairs, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting~~

146 members, appointed to the committee by the council chair, who
147 shall also designate one such member as committee chair.

148 ~~(c) The committee shall meet at the call of the chair but~~
149 ~~must meet at least semiannually. A majority of the voting~~
150 ~~members constitutes a quorum for the purpose of transacting~~
151 ~~business of the committee, and a vote of the majority of the~~
152 ~~voting members present is required for official action by the~~
153 ~~committee.~~

154 ~~(d) The committee shall provide a forum for discussion of~~
155 ~~environmental issues, including, but not limited to, those~~
156 ~~relating to maintenance dredging and dredged-material~~
157 ~~management; environmental mitigation; air and water quality~~
158 ~~permitting; and the maintenance of navigation channels, port~~
159 ~~harbors, turning basins, harbor berths, and associated~~
160 ~~facilities.~~

161 ~~(e) The committee shall work closely with the Department of~~
162 ~~Environmental Protection, United States Army Corps of Engineers,~~
163 ~~and ports listed in s. 403.021(9)(b) to ensure that suitable~~
164 ~~dredged material is deposited on Florida's beaches to the extent~~
165 ~~the committee determines to be economically feasible and~~
166 ~~consistent with beach restoration and other beneficial uses~~
167 ~~criteria of the Department of Environmental Protection.~~

168 ~~(2) Each application for a permit authorized pursuant to s.~~
169 ~~403.061(37) must include:~~

170 (a) A description of maintenance dredging activities to be
171 conducted and proposed methods of dredged-material management.

172 (b) A characterization of the materials to be dredged and
173 the materials within dredged-material management sites.

174 (c) A description of dredged-material management sites and

175 plans.

176 (d) A description of measures to be undertaken, including
177 environmental compliance monitoring, to minimize adverse
178 environmental effects of maintenance dredging and dredged-
179 material management.

180 (e) Such scheduling information as is required to
181 facilitate state supplementary funding of federal maintenance
182 dredging and dredged-material management programs consistent
183 with beach restoration criteria of the Department of
184 Environmental Protection.

185 (23) Each application for a permit authorized pursuant to
186 s. 403.061(38) must include the provisions of paragraphs
187 (12)(b)-(e) and the following:

188 (a) A description of dredging and dredged-material
189 management and other related activities associated with port
190 development, including the expansion of navigation channels,
191 dredged-material management sites, port harbors, turning basins,
192 harbor berths, and associated facilities.

193 (b) A discussion of environmental mitigation as is proposed
194 for dredging and dredged-material management for port
195 development, including the expansion of navigation channels,
196 dredged-material management sites, port harbors, turning basins,
197 harbor berths, and associated facilities.

198 (34) Environmental mitigation is not required for dredging
199 and dredged-material management for the maintenance of port
200 harbors, navigation channels, turning basins, or harbor berths
201 if all prior conditions of the original permit to construct the
202 port harbor, navigation channel, dredged-material management
203 site, turning basin, or harbor berth issued by the Department of

Environmental Protection or its predecessor agency are met.

(45) Where appropriate, the Department of Environmental Protection shall provide mitigation credits to those deepwater ports that provide for innovative approaches to the onshore and nearshore placement of suitable dredged material consistent with beach restoration and other beneficial uses criteria of the department.

(56) Dredged-material management activities authorized pursuant to s. 403.061(37) or (38) shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 6. Section 311.11, Florida Statutes, is repealed.

Section 7. Subsections (4) and (5)(b) of section 311.12, Florida Statutes, are amended to read:

(4) SECURE AND RESTRICTED AREAS.—Each seaport listed in s. 403.021(9)(b)~~311.09~~ must clearly designate in seaport security plans, and clearly identify with appropriate signs and markers on the premises of a seaport, all secure and restricted areas as defined by the United States Department of Homeland Security-United States Coast Guard Navigation and Vessel Inspection Circular No. 03-07 and 49 C.F.R. part 1572. The plans must also address access eligibility requirements and corresponding security enforcement authorizations.

(a) The seaport's security plan must set forth the conditions and restrictions to be imposed on persons employed at, doing business at, or visiting the seaport who have access to secure and restricted areas which are sufficient to provide substantial compliance with the minimum security standards established in subsection (1) and federal regulations.

1. All seaport employees and other persons working at the

seaport who have regular access to secure or restricted areas must comply with federal access control regulations and state criminal history checks as prescribed in this section.

2. All persons and objects in secure and restricted areas are subject to search by a sworn state-certified law enforcement officer, a Class D seaport security officer certified under Maritime Transportation Security Act of 2002 guidelines and s. 311.121, or an employee of the seaport security force certified under the Maritime Transportation Security Act of 2002 guidelines and s. 311.121.

3. Persons found in these areas without the proper permission are subject to the trespass provisions of ss. 810.08 and 810.09.

(b) As determined by the seaport director's most current risk assessment under paragraph (3)(a), any secure or restricted area that has a potential human occupancy of 50 persons or more, any cruise terminal, or any business operation that is adjacent to a public access area must be protected from the most probable and credible terrorist threat to human life.

(c) The seaport must provide clear notice of the prohibition against possession of concealed weapons and other contraband material on the premises of the seaport. Any person in a restricted area who has in his or her possession a concealed weapon, or who operates or has possession or control of a vehicle in or upon which a concealed weapon is placed or stored, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This paragraph does not apply to active-duty certified federal or state law enforcement personnel or persons so designated by the seaport director in

writing.

(d) During a period of high terrorist threat level, as designated by the United States Department of Homeland Security or the Department of Law Enforcement, or during an emergency declared at a port by the seaport security director due to events applicable to that particular seaport, the management or controlling authority of the port may temporarily designate any part of the seaport property as a secure or restricted area. The duration of such designation is limited to the period in which the high terrorist threat level is in effect or a port emergency exists.

(5) (b) Each seaport listed in s. 403.021(9)(b)~~311.09~~ is responsible for granting, modifying, restricting, or denying access to secure and restricted areas to seaport employees, other persons working at the seaport, visitors who have business with the seaport, or other persons regularly appearing at the seaport. Based upon the person's criminal history check, each seaport may determine the specific access eligibility to be granted to that person. Each seaport is responsible for access eligibility verification at its location.

Section 8. Subsections (2) and (3)(a) of section 311.121, Florida Statutes, is amended to read:

(2) The authority or governing board of each seaport identified under s. 403.021(9)(b)~~311.09~~ that is subject to the statewide minimum seaport security standards established in s. 311.12 shall require that a candidate for certification as a seaport security officer:

(a) Has received a Class D license as a security officer under chapter 493.

(b) Has successfully completed the certified training curriculum for a Class D license or has been determined by the Department of Agriculture and Consumer Services to have equivalent experience as established by rule of the department.

(c) Has completed the training or training equivalency and testing process established by this section for becoming a certified seaport security officer.

(3) The Seaport Security Officer Qualification, Training, and Standards Coordinating Council is created under the Department of Law Enforcement.

(a) The executive director of the Department of Law Enforcement shall appoint 11 members to the council, to include:

1. The seaport administrator of the Department of Law Enforcement.

2. The Commissioner of Education or his or her designee.

3. The director of the Division of Licensing of the Department of Agriculture and Consumer Services.

~~4. The administrator of the Florida Seaport Transportation and Economic Development Council.~~

~~5. Two seaport security directors from seaports designated under s. 403.021(9)(b) ~~311.09~~.~~

6. One director of a state law enforcement academy.

7. One representative of a local law enforcement agency.

8. Two representatives of contract security services.

9. One representative of the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles.

Section 9. Subsection (1) of section 311.123, Florida Statutes, is amended to read:

(1) The ~~Florida Seaport Transportation and Economic~~

320 ~~Development Council, in conjunction with the~~ Department of Law
321 Enforcement and the Office of Drug Control within the Executive
322 Office of the Governor, shall create a maritime domain security
323 awareness training program to instruct all personnel employed
324 within a seaport's boundaries about the security procedures
325 required of them for implementation of the seaport security plan
326 required under s. 311.12(3).

327 Section 10. Section 311.14, Florida Statutes, is amended
328 to read:

329 (1) ~~The Florida Seaport Transportation and Economic~~
330 ~~Development Council, in cooperation with the Office of the State~~
331 ~~Public Transportation Administrator within the Department of~~
332 ~~Transportation, shall develop freight-mobility and trade-~~
333 ~~corridor plans to assist in making freight-mobility investments~~
334 ~~that contribute to the economic growth of the state. Such plans~~
335 ~~should enhance the integration and connectivity of the~~
336 ~~transportation system across and between transportation modes~~
337 ~~throughout Florida for people and freight.~~

338 (2) ~~The Department of Transportation Office of the State~~
339 ~~Public Transportation Administrator shall act to integrate~~
340 freight-mobility and trade-corridor plans into the Florida
341 Transportation Plan developed pursuant to s. 339.155 and into
342 the plans and programs of metropolitan planning organizations as
343 provided in s. 339.175. The Department of Transportation~~office~~
344 may also provide assistance in expediting the transportation
345 permitting process relating to the construction of seaport
346 freight-mobility projects located outside the physical borders
347 of seaports. The Department of Transportation may contract, as
348 provided in s. 334.044, with any port listed in s.

349 403.021(9)(b)~~311.09(1)~~ or any such other statutorily authorized
350 seaport entity to act as an agent in the construction of seaport
351 freight-mobility projects.

352 Section 11. Section 311.22, Florida Statutes, is repealed.

353 Section 12. Subsections (11) and (12) of section 315.03,
354 Florida Statutes, are amended to read:

355 (11) To accept loans or grants of money or materials or
356 property at any time from the United States or the State of
357 Florida or any agency, instrumentality, or subdivision thereof,
358 or to participate in loan guarantees or lines of credit provided
359 by the United States, upon such terms and conditions as the
360 United States, the State of Florida, or such agency,
361 instrumentality, or subdivision may impose. Any entity created
362 pursuant to s. 163.01(7)(d) that involves at least one deepwater
363 port may participate in the provisions of this subsection, ~~with~~
364 ~~oversight by the Florida Seaport Transportation and Economic~~
365 ~~Development Council.~~

366 (12)(a) To pay interest or other financing-related costs on
367 federal loan guarantees, lines of credit, or secured direct
368 loans issued to finance eligible projects. Any entity created
369 pursuant to s. 163.01(7)(d) that involves at least one deepwater
370 port may participate in the provisions of this subsection, ~~with~~
371 ~~oversight by the Florida Seaport Transportation and Economic~~
372 ~~Development Council,~~ and may establish a loan program that would
373 provide for the reuse of loan proceeds for similar program
374 purposes.

375 ~~(b) The Florida Seaport Transportation and Economic~~
376 ~~Development Council shall prepare an annual report detailing the~~
377 ~~amounts loaned, the projects financed by the loans, any interest~~

378 ~~earned, and loans outstanding. The report shall be submitted to~~
379 ~~the Governor, the President of the Senate, and the Speaker of~~
380 ~~the House of Representatives by January 1 of each year,~~
381 ~~beginning in 2004.~~

382 Section 13. Section 320.20, Florida Statutes, is amended
383 to read:

384 Section 320.20 Disposition of license tax moneys.—The
385 revenue derived from the registration of motor vehicles,
386 including any delinquent fees and excluding those revenues
387 collected and distributed under the provisions of s. 320.081,
388 must be distributed monthly, as collected, as follows:

389 (1) The first proceeds, to the extent necessary to comply
390 with the provisions of s. 18, Art. XII of the State Constitution
391 of 1885, as adopted by s. 9(d), Art. XII, 1968 revised
392 constitution, and the additional provisions of s. 9(d) and s.
393 1010.57, must be deposited in the district Capital Outlay and
394 Debt Service School Trust Fund.

395 (2) Twenty-five million dollars per year of such revenues
396 must be deposited in the State Transportation Trust Fund, with
397 priority use assigned to completion of the interstate highway
398 system. However, any excess funds may be utilized for general
399 transportation purposes, consistent with the Department of
400 Transportation's legislatively approved objectives.

401 (3) Notwithstanding any other provision of law except
402 subsections (1) and (2), ~~on July 1, 1996, and annually~~
403 ~~thereafter,~~ \$15 million shall annually be deposited in the State
404 Transportation Trust Fund solely for the purposes of funding the
405 Florida Deepwater Seaport ~~Transportation and Economic~~
406 ~~Development~~ Program as provided for in chapter 311. Such

revenues shall be distributed on a 50-50 matching basis to any port listed in s. 403.021(9)(b)~~311.09(1)~~ to be used for funding projects as described in s. 311.07(3)(b). ~~Such revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. However, such debt shall not constitute a general obligation of the State of Florida. The state does hereby covenant with holders of such revenue bonds or other instruments of indebtedness issued hereunder that it will not repeal or impair or amend in any manner which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. Any revenues which are not pledged to the repayment of bonds as authorized by this section may be utilized for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with s. 311.07. The Florida Seaport Transportation and Economic Development Council shall approve distribution of funds to ports for projects which have been approved pursuant to s. 311.09(5)-(9). The council and the Department of Transportation~~ isare authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. ~~To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s.~~

436 ~~163.01(7)(d) subject to the provisions of chapter 311 and~~
437 ~~special acts, if any, pertaining to a port. The use of funds~~
438 ~~provided pursuant to this subsection are limited to eligible~~
439 ~~projects listed in this subsection. Income derived from a~~
440 ~~project completed with the use of program funds, beyond~~
441 ~~operating costs and debt service, shall be restricted to further~~
442 ~~port capital improvements consistent with maritime purposes and~~
443 ~~for no other purpose. Use of such income for nonmaritime~~
444 ~~purposes is prohibited. The provisions of s. 311.07(4) do not~~
445 ~~apply to any funds received pursuant to this subsection. The~~
446 ~~revenues available under this subsection shall not be pledged to~~
447 ~~the payment of any bonds other than the Florida Ports Financing~~
448 ~~Commission Series 1996 and Series 1999 Bonds currently~~
449 ~~outstanding; provided, however, such revenues may be pledged to~~
450 ~~secure payment of refunding bonds that may be issued by the~~
451 Division of Bond Finance at the request of the Department of
452 Transportation pursuant to the State Bond Act to refinance the
453 Florida Ports Financing Commission Series 1996 and Series 1999
454 Bonds. The state does hereby covenant with holders of such
455 revenue bonds or other instruments of indebtedness issued
456 hereunder that it will not repeal or impair or amend this
457 subsection in any manner which will materially and adversely
458 affect the rights of holders so long as bonds authorized by this
459 subsection are outstanding. No refunding bonds secured by
460 ~~revenues available under this subsection may be issued with a~~
461 ~~final maturity later than the final maturity of the Florida~~
462 ~~Ports Financing Commission Series 1996 and Series 1999 Bonds or~~
463 ~~which provide for higher debt service in any year than is~~
464 ~~currently payable on such bonds. Any revenue bonds or other~~

indebtedness issued after July 1, 2000, other than refunding bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation pursuant to the State Bond Act.

(4) Notwithstanding any other provision of law except subsections (1), (2), and (3), ~~on July 1, 1999, and annually thereafter,~~ \$10 million shall annually be deposited in the State Transportation Trust Fund solely for the purposes of funding the Florida Deepwater Seaport ~~Transportation and Economic Development~~ Program as provided in chapter 311 and for funding seaport intermodal access projects of statewide significance as provided in s. 341.053. Such revenues shall be distributed to any port listed in s. 403.021(9)(b)~~311.09(1)~~, to be used for funding projects as follows:

(a) ~~For any seaport intermodal access projects that are identified in the 1997-1998 Tentative Work Program of the Department of Transportation, up to the amounts needed to offset the funding requirements of this section.~~

(b) ~~For seaport intermodal access projects as described in s. 341.053(5) that are identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3). Funding for such projects shall be on a matching basis as mutually determined by the Florida Seaport Transportation and Economic Development Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds.~~

(c) On a 50-50 matching basis for projects as described in s. 311.07(3)(b).

494 (~~b4~~) For seaport intermodal access projects that involve
495 the dredging or deepening of channels, turning basins, or
496 harbors; or the rehabilitation of wharves, docks, or similar
497 structures. Funding for such projects shall require a 25 percent
498 match of the funds received pursuant to this subsection.
499 Matching funds shall come from any port funds, federal funds,
500 local funds, or private funds.

501 ~~Such revenues may be assigned, pledged, or set aside as a~~
502 ~~trust for the payment of principal or interest on bonds, tax~~
503 ~~anticipation certificates, or any other form of indebtedness~~
504 ~~issued by an individual port or appropriate local government~~
505 ~~having jurisdiction thereof, or collectively by interlocal~~
506 ~~agreement among any of the ports, or used to purchase credit~~
507 ~~support to permit such borrowings. However, such debt shall not~~
508 ~~constitute a general obligation of the state. This state does~~
509 ~~hereby covenant with holders of such revenue bonds or other~~
510 ~~instruments of indebtedness issued hereunder that it will not~~
511 ~~repeal or impair or amend this subsection in any manner which~~
512 ~~will materially and adversely affect the rights of holders so~~
513 ~~long as bonds authorized by this subsection are outstanding. Any~~
514 ~~revenues that are not pledged to the repayment of bonds as~~
515 ~~authorized by this section may be utilized for purposes~~
516 ~~authorized under the Florida Seaport Transportation and Economic~~
517 ~~Development Program. This revenue source is in addition to any~~
518 ~~amounts provided for and appropriated in accordance with s.~~
519 ~~311.07 and subsection (3). The Florida Seaport Transportation~~
520 ~~and Economic Development Council shall approve distribution of~~
521 ~~funds to ports for projects that have been approved pursuant to~~
522 ~~s. 311.09(5)-(9), or for seaport intermodal access projects~~

identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3) and mutually agreed upon by the FSTED Council and the Department of Transportation. All contracts for actual construction of projects authorized by this subsection must include a provision encouraging employment of participants in the welfare transition program. The goal for employment of participants in the welfare transition program is 25 percent of all new employees employed specifically for the project, unless the Department of Transportation and the Florida Seaport Transportation and Economic Development Council demonstrates that such a requirement would severely hamper the successful completion of the project. In such an instance, Workforce Florida, Inc., shall establish an appropriate percentage of employees that must be participants in the welfare transition program. The council and the Department of Transportation isare authorized to perform such acts as are required to facilitate and implement the provisions of this subsection. To better enable the ports to cooperate to their mutual advantage, the governing body of each port may exercise powers provided to municipalities or counties in s. 163.01(7)(d) subject to the provisions of chapter 311 and special acts, if any, pertaining to a port. The use of funds provided pursuant to this subsection is limited to eligible projects listed in this subsection. The provisions of s. 311.07(4) do not apply to any funds received pursuant to this subsection. The revenues available under this subsection shall not be pledged to the payment of any bonds other than the Florida Ports Financing Commission Series 1996 and Series 1999 Bonds currently outstanding; provided, however, such revenues may be pledged to secure payment of refunding

bonds that may be issued by the Division of Bond Finance at the
request of the Department of Transportation pursuant to the
State Bond Act to refinance the Florida Ports Financing
Commission Series 1996 and Series 1999 Bonds. The state does
hereby covenant with holders of such revenue bonds or other
instruments of indebtedness issued hereunder that it will not
repeal or impair or amend this subsection in any manner which
will materially and adversely affect the rights of holders so
long as bonds authorized by this subsection are outstanding. ~~No~~
~~refunding bonds secured by revenues available under this~~
~~subsection may be issued with a final maturity later than the~~
~~final maturity of the Florida Ports Financing Commission Series~~
~~1996 and Series 1999 Bonds or which provide for higher debt~~
~~service in any year than is currently payable on such bonds. Any~~
~~revenue bonds or other indebtedness issued after July 1, 2000,~~
~~other than refunding bonds shall be issued by the Division of~~
~~Bond Finance at the request of the Department of Transportation~~
~~pursuant to the State Bond Act.~~

(5)(a) Except as provided in paragraph (c), the remainder
of such revenues must be deposited in the State Transportation
Trust Fund.

(b) The Chief Financial Officer each month shall deposit
in the State Transportation Trust Fund an amount, drawn from
other funds in the State Treasury which are not immediately
needed or are otherwise in excess of the amount necessary to
meet the requirements of the State Treasury, which when added to
such remaining revenues each month will equal one-twelfth of the
amount of the anticipated annual revenues to be deposited in the
State Transportation Trust Fund under paragraph (a) as

determined by the Chief Financial Officer after consultation with the Revenue Estimating Conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Legislative Budget Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed one-twelfth of those anticipated annual remaining revenues as determined by the Chief Financial Officer after consultation with the Revenue Estimating Conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment must be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term “remaining revenues” means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsections (2) and (3). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph must be calculated and certified to the Chief Financial Officer by the Executive Office of the Governor.

610 Section 14. Subsection (1)(a) of section 943.0313, Florida
611 Statutes, is amended to read:

612 1) MEMBERSHIP.—

613 (a) The Domestic Security Oversight Council shall consist
614 of the following voting members:

615 1. The executive director of the Department of Law
616 Enforcement.

617 2. The director of the Division of Emergency Management
618 within the Department of Community Affairs.

619 3. The Attorney General.

620 4. The Commissioner of Agriculture.

621 5. The State Surgeon General.

622 6. The Commissioner of Education.

623 7. The State Fire Marshal.

624 8. The adjutant general of the Florida National Guard.

625 9. The state chief information officer.

626 10. Each sheriff or chief of police who serves as a co-
627 chair of a regional domestic security task force pursuant to s.
628 943.0312(1)(b).

629 11. Each of the department's special agents in charge who
630 serve as a co-chair of a regional domestic security task force.

631 12. Two representatives of the Florida Fire Chiefs
632 Association.

633 13. One representative of the Florida Police Chiefs
634 Association.

635 14. One representative of the Florida Prosecuting Attorneys
636 Association.

637 15. The chair of the Statewide Domestic Security
638 Intelligence Committee.

639 16. One representative of the Florida Hospital Association.

640 17. One representative of the Emergency Medical Services
641 Advisory Council.

642 18. One representative of the Florida Emergency
643 Preparedness Association.

644 ~~19. One representative of a Florida seaport identified in~~
645 ~~s. 403.021(9)(b). the Florida Seaport Transportation and~~
646 ~~Economic Development Council.~~

647 Section 15. Subsection (4)(a) of section 943.059, Florida
648 Statutes, is amended to read:

649 (a) The subject of a criminal history record sealed under
650 this section or under other provisions of law, including former
651 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
652 deny or fail to acknowledge the arrests covered by the sealed
653 record, except when the subject of the record:

654 1. Is a candidate for employment with a criminal justice
655 agency;

656 2. Is a defendant in a criminal prosecution;

657 3. Concurrently or subsequently petitions for relief under
658 this section or s. 943.0585;

659 4. Is a candidate for admission to The Florida Bar;

660 5. Is seeking to be employed or licensed by or to contract
661 with the Department of Children and Family Services, the Agency
662 for Health Care Administration, the Agency for Persons with
663 Disabilities, or the Department of Juvenile Justice or to be
664 employed or used by such contractor or licensee in a sensitive
665 position having direct contact with children, the
666 developmentally disabled, the aged, or the elderly as provided
667 in s. 110.1127(3), s. 393.063, s. 394.4572(1), s. 397.451, s.

402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(5), s.
415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

6. Is seeking to be employed or licensed by the Department
of Education, any district school board, any university
laboratory school, any charter school, any private or parochial
school, or any local governmental entity that licenses child
care facilities;

7. Is attempting to purchase a firearm from a licensed
importer, licensed manufacturer, or licensed dealer and is
subject to a criminal history check under state or federal law;
or

8. Is seeking authorization from a Florida seaport
identified in s. 403.021(9)(b)~~311.09~~ for employment within or
access to one or more of such seaports pursuant to s. 311.12.

Section 16. This act shall take effect July 1, 2011.

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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON- RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON- RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON- RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
							PAGE										
		AGENCY FOR WORKFORCE INNOVATION					6										
		COMMUNITY AFFAIRS, DEPT OF					9										
		FLORIDA HOUSING FINANCE CORP					17										
		EXECUTIVE OFFICE OF THE GOVERNOR (OTTED)					18										
		HIGHWAY SAFETY AND MOTOR VEHICLES, DEPT OF					21										
		MILITARY AFFAIRS, DEPT OF					30										
		STATE, DEPT OF					31										
		TRANSPORTATION, DEPT OF					36										

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Fiscal Year 2011-2012																	
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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
SENATE PROPOSED AGENCY TOTALS OVER/(UNDER) BASE BUDGET AND MAJOR ISSUES																	
4	AGENCY FOR WORKFORCE INNOVATION												(11.00)	(16,393,310)	25,601,171	19,708,393	28,916,254
9	33B1910	ADJUST FUNDING TO EARLY LEARNING COALITIONS FOR SCHOOL READINESS SERVICES												(16,289,202)	20,493,433	-	4,204,231
9A	3404020	FUND SHIFT GENERAL REVENUE FOR SPECIAL EMPLOYMENT SECURITY TRUST FUND (PENALTY AND INTEREST RECEIPTS) IN SCHOOL READINESS - DEDUCT TF													-	(3,806,411)	(3,806,411)
9B	3404030	FUND SHIFT GENERAL REVENUE FOR SPECIAL EMPLOYMENT SECURITY TRUST FUND (PENALTY AND INTEREST RECEIPTS) IN SCHOOL READINESS - ADD GR													3,806,411	-	3,806,411
20	36318C0	UNEMPLOYMENT COMPENSATION BENEFITS SYSTEM REPLACEMENT															
23	4500650	INCREASE QUICK RESPONSE TRAINING PROGRAM															
27	58020C0	DESIGN AND IMPLEMENTATION OF THE EARLY LEARNING INFORMATION SYSTEM (ELIS)															
29A	NEW	GOODWILL INDUSTRIES - WORKFORCE PROJECTS															
29C	new	TANF CONTINGENCY PROVISIO The federal Temporary Assistance for Needy Families (TANF) program is projected to provide \$639.4 million to Florida in FY 2011-12. However, a portion of that projected amount, the \$60.4 million "State Supplemental Adjustment", is uncertain at this time. The Department of Children and Families and the Agency for Workforce Innovation (AWI) are both allocated portions of the annual TANF funds. AWI spends TANF funds (\$323.8 million) in School Readiness (\$239.2 million) and Workforce Services (\$84.6 million). AWI's proportional share of the potential \$41.4 million TANF deficit that will occur if the federal government does not authorize the \$60.4 million supplemental adjustment is \$21.6 million. This issue would add proviso in AWI making that amount of the TANF funds in Workforce Services contingent upon the receipt of the supplemental adjustment by Florida.															
32	COMMUNITY AFFAIRS, DEPT OF												(97.00)	(5,935,827)	2,100,000	411,422,055	407,586,228
53	33B9140	REDUCTION OF REGIONAL PLANNING COUNCILS (RPCS)							(2,500,000)			(2,500,000)		(2,500,000)	2,000,000	-	(500,000)
89A	6200000 100408	WE HELP COMMUNITY DEVELOPMENT CORPORATION Belle Glade/Lake Region													100,000	-	100,000
91	FLORIDA HOUSING FINANCE CORP															(36,306,573)	(36,306,573)
96	5500300 181254	TRANSFER FLORIDA HOUSING FINANCE CORPORATION UNOBLIGATED FUNDS TO AGENCY FOR WORKFORCE INNOVATION SCHOOL READINESS PROGRAM															
97	6508100 105035 2255	HOMEOWNER DOWNPAYMENT ASSISTANCE PROGRAM														32,500,000	32,500,000

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97A	new	FLORIDA HOUSING FINANCE CORPORATION OPERATIONS FUNDING														49,203,427	49,203,427	
97B	new	FEDERAL GRANTS ADMINISTERED BY THE FLORIDA HOUSING FINANCE CORPORATION											TBD			-	-	
103	6507600	STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM Senate proposal includes proviso to limit use of funds			-	41,811,951	41,811,951			-	-	-			-	5,000,000	5,000,000	
106	EXECUTIVE OFFICE OF THE GOVERNOR (OTTED)												-	29,889,943	105,105,972	6,414,640	141,410,555	
115	4500050	ECONOMIC DEVELOPMENT TOOLS			14,457,000	3,614,250	18,071,250			300,000,000	3,979,000	303,979,000			-	19,116,414	4,404,104	23,520,518
115A	4500055 200005	QUALIFIED EXPENDITURE CATEGORY - ECONOMIC DEVELOPMENT TOOLS													10,000,000	-	10,000,000	
116A	4500290 100225	INNOVATION INCENTIVE PROGRAM													15,000,000	-	15,000,000	
116B	4500330 100225	INSTITUTE FOR THE COMMERCIALIZATION OF PUBLIC RESEARCH												10,000,000		-	10,000,000	
118	4700140	GRANTS AND AIDS - ENTERPRISE FLORIDA PROGRAM Base budget already has \$4.9m in trust funds for EFI		-	6,200,000	-	6,200,000		-	6,200,000	-	6,200,000		-	5,580,000	-	5,580,000	
119	4700160	GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM VISIT Florida. Base budget already has \$18.3m in trust funds for VISIT Florida		-	8,470,666	-	8,470,666		-	8,470,666	-	8,470,666		-	17,000,000	-	17,000,000	
120	4700170	GRANTS AND AIDS - PROFESSIONAL SPORTS DEVELOPMENT		-	200,000	-	200,000		-	200,000	-	200,000		-	200,000	-	200,000	
121	4700200	GRANTS AND AIDS - BROWNFIELD REDEVELOPMENT PROJECTS		-	1,459,000	364,750	1,823,750		-	-	-	-		-	1,459,000	364,750	1,823,750	
122	4700210	GRANTS AND AIDS - MILITARY BASE PROTECTION		-	1,000,000	-	1,000,000		-	1,000,000	-	1,000,000		-	6,000,000	-	6,000,000	
123	4700220	GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD		-	2,750,000	-	2,750,000		-	2,750,000	-	2,750,000		-	2,475,000	-	2,475,000	
124	4700240	RURAL COMMUNITY DEVELOPMENT		-	400,000	900,000	1,300,000		-	400,000	900,000	1,300,000		-	360,000	810,000	1,170,000	
125	4700260	QUICK ACTION CLOSING FUND		-	25,000,000	-	25,000,000		-	-	-	-		10,000,000	23,942,262	1,057,738	35,000,000	
126	4700300	GRANTS AND AIDS - INTERNATIONAL ADVOCACY		-	800,000	-	800,000		-	800,000	-	800,000		-	720,000	-	720,000	
127	4700320	GRANTS AND AIDS - HISPANIC BUSINESS INITIATIVE		-	200,000	-	200,000		-	200,000	-	200,000		-	200,000	-	200,000	
128	4701230	GRANTS AND AIDS - SPACE FLORIDA		-	10,039,943	-	10,039,943		-	10,039,943	-	10,039,943		10,039,943	-	-	10,039,943	
129A	143150	SPACE, DEFENSE, AND RURAL INFRASTRUCTURE			3,000,000	-	3,000,000			6,100,000	-	6,100,000			2,100,000	-	2,100,000	
129B	144701	ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS				20,000,000	20,000,000											
132	HIGHWAY SAFETY AND MOTOR VEHICLES, DEPT OF												58.50	-	-	15,079,349	15,079,349	
139	1700600	TRANSFER OFFICE OF MOTOR CARRIER COMPLIANCE FROM THE DEPARTMENT OF TRANSPORTATION			-	-	-	481.00		-	41,299,767	41,299,767	315.00	-	-	32,348,493	32,348,493	
201	33V0520	REDUCE MOTOR CARRIER COMPLIANCE This issue reflects the savings associated with the transfer of the Office of Motor Carrier compliance from FDOT to the Florida Highway Patrol in DHSMV.		-	-	-	-	(38.00)	(2,562,137)	-	-	(2,562,137)	(11.00)	-	-	(1,357,144)	(1,357,144)	

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206A	33B1450	REORGANIZATION AND RECLASSIFICATION OF FLORIDA HIGHWAY PATROL TO REDUCE SPAN OF CONTROL														(1,108,804)	(1,108,804)
216		MILITARY AFFAIRS, DEPT OF											21.00	(7,656)	5,708,576	5,839,673	11,540,593
229	4200600	FORWARD MARCH PROGRAM		-	-	1,250,000	1,250,000		-	1,250,000	-	1,250,000		-	1,250,000	-	1,250,000
230	4200600	ABOUT FACE PROGRAM		-	-	750,000	750,000		-	750,000	-	750,000		-	750,000	-	750,000
234B	086937	Florida Readiness Centers Renovations The issue request funding to continue renovating Florida Armories to meet state and federal building codes. State funding has been provided to date to renovate 25 of the 60 armories.			15,000,000	-	15,000,000					-			3,100,000		3,100,000
238		STATE, DEPT OF											(21.00)	(1,625,380)	5,557,522	244,291	4,176,433
285	4600100	ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)		-	207,522	-	207,522		-	207,522	-	207,522		-	207,522	-	207,522
286	4800100	DEPARTMENT WIDE LITIGATION EXPENSES		-	500,000	-	500,000		-	1,200,000	-	1,200,000		-	500,000	-	500,000
287	4900100	CULTURAL AND MUSEUM GRANTS		-	2,000,000	-	2,000,000		-	-	-	-		-	2,000,000	-	2,000,000
288	4900200	CULTURE BUILDS FLORIDA		-	500,000	-	500,000		-	-	-	-		-	500,000	-	500,000
288A	New Issue	HOLOCAUST DOCUMENTATION AND EDUCATION CENTER RAIL CAR RENOVATION													250,000	-	250,000
295	9400100	REIMBURSEMENTS TO COUNTIES FOR SPECIAL ELECTIONS		-	1,600,000	-	1,600,000		-	1,600,000	-	1,600,000		-	1,600,000	-	1,600,000
295A	New Issue	GOVERNMENT HOUSE MUSEUM RENOVATIONS - ST. AUGUSTINE													200,000	-	200,000
295B	New Issue	GOVERNMENT HOUSE INTERPRETIVE FILM AND EXHIBIT - ST AUGUSTINE													200,000	-	200,000
295C	New Issue	HISTORIC HAMPTON HOUSE COMMUNITY TRUST Miami. Museum and archive dedicated to vintage jazz.												-	100,000	-	100,000
298		TRANSPORTATION, DEPT OF											(484.00)	-	-	7,960,386,690	7,960,386,690
308A	NEW ISSUE	BUDGET AUTHORITY FOR TRANSFER TO HIGHWAY SAFETY AND MOTOR VEHICLES FOR MOTOR CARRIER COMPLIANCE PROGRAM														34,056,790	34,056,790
309A	NEW ISSUE	REDUCE BUDGET AUTHORITY FOR TRANSFER TO HIGHWAY SAFETY AND MOTOR VEHICLES FOR MOTOR CARRIER COMPLIANCE PROGRAM FOR FY 2011-12														(10,000,000)	(10,000,000)
337A	6002400	BUDGET AUTHORITY FOR TRANSPORTATION DISADVANTAGED This issue provides additional budget authority for the Ch. 320, F.S., transfer of \$5M from the DHSMV Highway Safety Operating Trust fund to the FDOT Transportation Disadvantaged Trust Fund which will begin on July 1, 2012.															
						6,500,000	6,500,000							-	-	6,500,000	6,500,000
346	085576	SM COUNTY OUTREACH PROGRAM				17,410,085	17,410,085									42,410,085	42,410,085
347	088572	COUNTY TRANSPORTATION PRGS				55,007,529	55,007,529									80,007,529	80,007,529
350	088712	HIGHWAY MAINTENANCE CONTR				425,034,235	425,034,235									452,434,235	452,434,235

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351	088716	IN TRASTATE HIGHWAY CONSTR				1,262,816,452	1,262,816,452									2,098,216,452	2,098,216,452
352	088717	ARTERIAL HIGHWAY CONSTR				780,126,627	780,126,627									810,126,627	810,126,627
353	088718	CONSTRUCT INSPECT CONSULT				351,403,072	351,403,072									449,403,072	449,403,072
356	088777	RIGHT-OF-WAY LAND ACQ				721,295,790	721,295,790									737,795,790	737,795,790
359	088794	SEAPORT GRANTS				117,751,305	117,751,305									117,751,305	117,751,305
361	088797	RESURFACING				753,656,515	753,656,515									767,656,515	767,656,515
366	088849	PRELIMINARY ENGR CONSULT				716,576,447	716,576,447									-	-
372	088858	TR/EOG OTTED/TRANS PROJECT				10,000,000	10,000,000									31,240,500	31,240,500
377	088922	TOLLS SYS EQUIP & DEVELOP				23,140,500	23,140,500									19,000,000	19,000,000
377A	0000000	FDOT ECONOMIC DEVELOPMENT ROAD FUND															
TOTAL ISSUES OVER/(UNDER) BASE BUDGET - TED AGENCIES																	
													(533.50)	5,927,770	144,073,241	8,382,788,518	8,532,789,529

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1		FISCAL YEAR 2011-12 BASE BUDGET FOR ALL TED AGENCIES															
2		STARTUP (OPERATING)	14,652.00	187,796,249			3,227,392,491	14,652.00	187,796,249			3,227,392,491	14,652.00	187,796,249		3,039,596,242	3,227,392,491
3																	
4		AGENCY WORKFORCE INNOVATN															
5	1100001	STARTUP (OPERATING)	1,575.00	138,129,767		1,278,602,188	1,416,731,955	1,575.00	138,129,767		1,278,602,188	1,416,731,955	1,575.00	138,129,767		1,278,602,188	1,416,731,955
6	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		590		23,719	24,309										
7	3300910	AVVI REORG PROPOSAL - EFFICIENCY REDUCTIONS (Will be further refined as we continue to work with agency and Governor's staff.)											(11.00)			(1,043,005)	(1,043,005)
8	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS (Statewide adjustment to reconcile to FY 2011-12 billing from Division of Administrative Hearings in DMS)									(18,714)	(18,714)				(18,714)	(18,714)
9	3381910	ADJUST FUNDING TO EARLY LEARNING COALITIONS FOR SCHOOL READINESS SERVICES (Senate nonrecurring GR increase includes an additional \$4.2m to draw down maximum Federal Funds available - \$5,359,534.)												(16,289,202)	20,493,433		4,204,231
9A	3404020	FUND SHIFT GENERAL REVENUE FOR SPECIAL EMPLOYMENT SECURITY TRUST FUND (PENALTY AND INTEREST RECEIPTS) IN SCHOOL READINESS - DEDUCT TF														(3,806,411)	(3,806,411)
9B	3404030	FUND SHIFT GENERAL REVENUE FOR SPECIAL EMPLOYMENT SECURITY TRUST FUND (PENALTY AND INTEREST RECEIPTS) IN SCHOOL READINESS - ADD GR													3,806,411		3,806,411
10	3382210	REDUCE ADMINISTRATIVE SUPPORT FUNDING FOR WORKFORCE SERVICES PROGRAMS Reductions from Salaries and Expenses and OCO categories represent amounts reverted in prior years.							(35,086)			(35,086)				(35,086)	(35,086)
11	3382900	REDUCE ADMINISTRATIVE SUPPORT FUNDING FOR THE VOLUNTARY PREKINDERGARTEN EDUCATION (VPK) PROGRAM Reductions to legal and auditing services, contracted administrative services, program support services, and information technology assistance to the Early Learning Coalitions.							(104,108)			(104,108)		(104,108)			(104,108)
12	3382910	REDUCE ADMINISTRATIVE SUPPORT FUNDING FOR EARLY LEARNING PROGRAMS Reduces funds used to pay FDLE for public assistance fraud investigations. This function was transferred to the Dept. of Financial Services on January 1, 2011.							(12,665)			(12,665)				(12,665)	(12,665)
13	33V6600	REDUCE POSITIONS VACANT IN EXCESS OF 90 DAYS						(24.50)	(62,648)		(1,211,528)	(1,274,176)					
14	330F000	ELIMINATE UNFUNDED BUDGET Reduces budget authority for the Displaced Homemakers Trust Funds due to a projected decline in revenues.									(243,590)	(243,590)				(243,590)	(243,590)
15	330L100	OFFICE AND BUILDING LEASE SAVINGS									(167,011)	(167,011)				(167,011)	(167,011)
16	3300100	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS									(529,795)	(529,795)					
17	3301220	ELIMINATE DISPLACED HOMEMAKER PROGRAM							(1,816,434)			(1,816,434)					
18	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT									(8,545,234)	(8,545,234)					
19	340C200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD							8,545,234			8,545,234					

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20	36318C0	UNEMPLOYMENT COMPENSATION BENEFITS SYSTEM REPLACEMENT Section 443.1113, Florida Statutes, establishes the Unemployment Compensation System Replacement Project to replace and enhance the functionality provided in the existing mainframe system and peripheral systems with an integrated internet-based system. The UC system replacement project will be used to reduce or eliminate the operational cost of current practices that are labor intensive, cumbersome and inefficient for the Claims and Adjudication, Customer Information Requests, Benefit Operations (Wage Determinations, Special Payments, Employer Charges, and Special Programs), Benefit Payment Control, Appeals, and Quality Improvement and Federal Reporting operational areas. The total estimate for the four-year UC system replacement project is \$68,250,382. To date, \$28,301,727 has been appropriated for the project.			-	26,529,725	26,529,725		-	-	26,529,725	26,529,725			-	16,105,969	16,105,969
21	40S0100	STATE ADVISORY COUNCIL ON EARLY CHILDHOOD AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) The Council was established in March of 2010 to work with Florida's Children and Youth Cabinet to promote policy alignment and create a coordinated system of services for children from birth to 5 years of age. Florida received a \$4,984,292 three-year non-competitive American Recovery and Reinvestment Act grant award in September of 2010 and the Legislative Budget Commission approved the first year's projected expenditures (\$1,114,052) on September 14, 2010 (B0158). Nonrecurring trust fund authority is requested for projected Council expenditures in FY 2011-12.			-	1,969,595	1,969,595		-	-	1,969,595	1,969,595			-	2,457,835	2,457,835
22	4200060	TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDING FOR THE REGIONAL WORKFORCE BOARDS			-	-	-		-	-	1,411,289	1,411,289			-	-	-
23	4500650	INCREASE QUICK RESPONSE TRAINING PROGRAM Section 288.047, Florida Statutes, establishes the Quick-Response Training program, administered by Workforce Florida, "to meet the workforce-skill needs of existing, new and expanding industries." The training provided must promote "economic development by providing specialized training to new workers or retraining for current employees to meet changing skill requirements caused by new technology or new product lines and to prevent potential layoffs." Reimbursable training expenses are allowed in the following areas: Instructors/trainers' salaries; Curriculum development; Textbooks/manuals			3,300,000	1,700,000	5,000,000		-	3,300,000	-	3,300,000			-	3,300,000	3,300,000

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24	5400290	RESTORE NONRECURRING SCHOOL READINESS FUNDING This issue restores nonrecurring General Revenue funds and nonrecurring state and federal trust fund budget authority provided in the FY 2010-11 General Appropriations Act for the School Readiness program. The FY 2010-11 GAA included \$2,697,997 of nonrecurring General Revenue, \$5,186,181 of nonrecurring "penalties and interest" revenues from the Special Employment Security Administration Trust Fund, and \$40,224,047 of nonrecurring Child Care and Development Block Grant Trust Fund to provide school readiness services to an estimated 12,027 children in FY 2010-11. In FY 2011-12, the 2009 ARRA funds will not be available and "penalties and interest" revenues are not projected to be sufficient to restore the nonrecurring appropriation.		45,073,640	-	-	45,073,640		45,073,640	-	-	45,073,640		-	-	-	-
25	5600050	RESTORE NONRECURRING VOLUNTARY PRE-KINDERGARTEN EDUCATION FUNDING This issue restores nonrecurring authority provided in the FY 2010-11 General Appropriation Act for the Voluntary Prekindergarten (VPK) program. In the current year, federal 2009 American Recovery and Reinvestment Act funds were provided for the VPK program and these funds will not be available in FY 2011-12. The amount requested maintains the current year's per-child funding (\$2,562 for the school year program and \$2,179 for the summer program).		-	-	72,762,557	72,762,557		-	-	72,762,557	72,762,557		-	-	-	-
26	5600190	INCREASE FOR PROJECTED VPK ENROLLMENT This issue requests funds to serve an additional 1,494 children projected to enroll in the state's Voluntary Prekindergarten (VPK) program during FY 2011-12. The amount requested maintains the current year's per-child funding (\$2,562 for the school year program and \$2,179 for the summer program).		-	-	4,809,975	4,809,975		-	-	10,458,142	10,458,142		-	-	-	-
27	5602000	DESIGN AND IMPLEMENTATION OF THE EARLY LEARNING INFORMATION SYSTEM (ELIS) This issue requests the final year of funding required to develop the Early Learning Information System (ELIS). ELIS will be used to administer a \$1.1 billion early learning program where currently no interconnected technology system exists. To date, \$17 million has been appropriated for the ELIS project and for FY 2011-12, \$6,676,595 is requested, for a three-year total of \$23,676,595.		-	-	6,676,595	6,676,595		-	1,153,048	5,523,547	6,676,595		-	551,327	2,641,071	3,192,398
28	6400100	PAYMENT OF INTEREST FOR UNEMPLOYMENT COMPENSATION FEDERAL ADVANCES		-	-	-	-		-	61,439,261	-	61,439,261		-	-	-	-

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29	990M000	MAINTENANCE AND REPAIR REED ACT BUILDINGS PROJECTS - STATEWIDE The Agency owns and operates eleven building complexes throughout the state consisting of seventeen individual buildings with approximately 492,972 square feet of office/service space. Agency personnel monitor the operation and maintenance of these buildings on a continuous basis. Although the complexes are in good condition, there are repair and replacement projects that need to be performed to properly maintain the buildings. The following repair and replacement projects for FY 2011-12 have been identified: Paint and Seal Exterior Walls (Ft Lauderdale, Gainesville, Ocala, Tampa and Sarasota); Refurbish Elevator (Winter Haven); Regrade and Repair Retention Pond (Gainesville); Replace HVAC units (Gainesville, Ocala, Hollywood, and Winter Haven); Replace Awnings on Building (Tampa)				530,000	530,000			-	530,000	530,000			-	530,000	530,000
29A	NEW	GOODWILL INDUSTRIES - WORKFORCE PROJECTS Continues funding from FY 2010-11 (line item 2211A in the FY 2010-11 GAA) for the Florida Goodwill Association (\$500,000) and Goodwill Industries of South Florida (\$250,000)													750,000	-	750,000
29B	NEW	JOBS FLORIDA REORGANIZATION - ELIMINATE AGENCY FOR WORKFORCE INNOVATION											TOTALS TBD			-	
29C	new	TANF CONTINGENCY PROVISIO The federal Temporary Assistance for Needy Families (TANF) program is projected to provide \$639.4 million to Florida in FY 2011-12. However, a portion of that projected amount, the \$60.4 million "State Supplemental Adjustment", is uncertain at this time. The Department of Children and Families and the Agency for Workforce Innovation (AWI) are both allocated portions of the annual TANF funds. AWI spends TANF funds (\$323.8 million) in School Readiness (\$239.2 million) and Workforce Services (\$84.6 million). AWI's proportional share of the potential \$41.4 million TANF deficit that will occur if the federal government does not authorize the \$60.4 million supplemental adjustment is \$21.6 million. This issue would add proviso in AWI making that amount of the TANF funds in Workforce Services contingent upon the receipt of the supplemental adjustment by Florida.											PROVISIO			-	
30		AGENCY/WORKFORCE INNOVATN Total	1,575.00	186,503,997	-	1,393,604,354	1,580,108,351	1,550.50	189,717,700	65,892,309	1,387,071,171	1,642,681,180	1,564.00	121,736,457	25,601,171	1,298,310,581	1,445,648,209
31																	
32		COMMUNITY AFFAIRS, DEPT OF															
33	11000001	STARTUP (OPERATING)	358.00	8,095,374		92,158,812	100,254,186	358.00	8,095,374	-	92,158,812	100,254,186	358.00	8,095,374	-	92,158,812	100,254,186
34	160S210	CORRECTION TO FUNDING SOURCE IDENTIFIER (FSI) IN THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT - ADD			-	-	-			-	300	300		-		300	300
35	160S220	CORRECTION TO FUNDING SOURCE IDENTIFIER (FSI) IN THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT - DEDUCT			-	-	-			-	(300)	(300)		-	-	(300)	(300)
36	160S500	CORRECTION TO FUNDING SOURCE IDENTIFIER (FSI) IN THE DIVISION OF EMERGENCY MANAGEMENT (DEM) - ADD			-	-	-		3,500,000	-	-	3,500,000			-	-	-
37	160S600	CORRECTION TO FUNDING SOURCE IDENTIFIER (FSI) IN THE DIVISION OF EMERGENCY MANAGEMENT (DEM) - DEDUCT			-	-	-		(3,500,000)	-	-	(3,500,000)			-	-	-

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38	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		6,520		18,666	25,186		-	-	-	-		-	-	-	-
39	1702000	TRANSFER THE DIVISION OF COMMUNITY PLANNING FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION		-	-	-	-	(58.00)	(5,004,702)	-	(344,500)	(5,349,202)		-	-	-	-
40	1702300	TRANSFER PUBLIC SERVICE ENERGY INITIATIVES FROM THE DEPARTMENT OF COMMUNITY AFFAIRS		-	-	-	-	(16.00)	-	-	(45,530,282)	(45,530,282)		-	-	-	-
41	1702400	TRANSFER THE FLORIDA BUILDING COMMISSION FROM THE DEPARTMENT OF COMMUNITY AFFAIRS		-	-	-	-	(15.00)	(2,806,700)	(400,000)	(530,100)	(3,736,800)		-	-	-	-
42	1702500	TRANSFER THE FLORIDA COMMUNITIES TRUST PROGRAM FROM THE DEPARTMENT OF COMMUNITY AFFAIRS		-	-	-	-	(2.00)	-	-	(205,581)	(205,581)		-	-	-	-
43	1702700	TRANSFER THE DIVISION OF EMERGENCY MANAGEMENT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS		-	-	-	-	(128.00)	(11,537,209)	(13,602,547)	(213,453,849)	(238,593,605)		-	-	-	-
44	3300910	DCA REORG PROPOSAL - EFFICIENCY REDUCTIONS (Will be further refined as we continue to work with agency and Governor's staff.)											(94.00)	(3,531,311)		(3,449,831)	(6,981,142)
45	1800740	TRANSFER GRANTS SUPPORT FUNCTIONS FROM THE OFFICE OF THE SECRETARY TO HOUSING AND COMMUNITY DEVELOPMENT - DEDUCT		-	-	-	-	(8.00)	(670,118)	-	-	(670,118)		-	-	-	-
46	1800750	TRANSFER GRANTS SUPPORT FUNCTIONS FROM THE OFFICE OF THE SECRETARY TO HOUSING AND COMMUNITY DEVELOPMENT - ADD		-	-	-	-	8.00	670,118	-	-	670,118		-	-	-	-
47	2500100	COST ADJUSTMENT FOR DATA PROCESSING SERVICES AT PRIMARY DATA CENTER		-	-	-	-		20,574	-	53,222	73,796		-	-	-	-
48	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS (Statewide adjustment to reconcile to FY 2011-12 billing from Division of Administrative Hearings in DMS)				-	-		95,484	-	-	95,484		95,484	-	-	95,484
49	3000040	NON-RECURRING OTHER PERSONAL SERVICES FOR UPDATING FLORIDA ENERGY CODE AND BUILDING ENERGY RATING SOFTWARE OPS authority in the Operating Trust Fund to update and provide internet access to the Florida Energy Code and Building Energy Efficiency Rating System computer program. Updating the computer program is necessary to implement newer public domain building energy simulation software supported by the US Department of Energy (DOE) as the DOE moves away from continuing maintenance and support of the simulation software Florida's programs are currently based.				200,000	200,000			200,000	-	200,000		-	-	200,000	200,000
50	3000050	NON-RECURRING OTHER PERSONAL SERVICES TO CONTRACT FOR STUDIES OF ROOF COVERING MATERIALS FAILURES DURING HURRICANE STUDY Funds are needed for evaluation of new energy efficient roof technologies, such as garden roofs, and the performance of roof tiles to determine the risk to surrounding buildings when the tiles fail and become windborne debris. Evaluation of critical building systems is necessary to develop future building code standards that will effectively limit hurricane related losses.				200,000	200,000				-	-		-	-	-	-

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51	3004000	ADJUSTMENTS TO BASE BUDGET IN THE DIVISION OF EMERGENCY MANAGEMENT (DEM) Adjustment to the base budget to provide for an appropriate alignment of the Division's recurring budget across multiple categories and to reinstate \$925,000 to the competitive hurricane mitigation grant program vetoed by the Governor from legislative proviso in FY 2010-11 (Specific Appropriation 1598 in the FY 2010-11 GAA)		-	-	995,879	995,879		-	-	925,000	925,000		-	-	925,000	925,000
52	3004020	RESTORE EXPENSE BASE BUDGET IN THE DIVISION OF COMMUNITY PLANNING \$103,000 of the \$388,570 expense base was converted to nonrecurring funding for FY 2010-11. The Division of Community Planning estimates the following needs for Fiscal Year 2011-2012 expense funding: Rent \$270,000; Telephones 30,000; Postage 7,500; Copying/Printing/Reproduction 7,500; Travel 15,000; Office Supplies/Data Processing Supplies 25,000; Data Processing Support 25,000; Miscellaneous (equipment repair, records storage, background checks, and other commodities) 8,570; Total Need \$388,570		103,000	-	-	103,000		-	-	-	-		-	-	-	-
53	33B9140	REDUCTION OF REGIONAL PLANNING COUNCILS (RPCS)		-	-	-	-		(2,500,000)	-	-	(2,500,000)		(2,500,000)	2,000,000	-	(500,000)
54	33V0400	ELIMINATE POSITIONS VACANT 90 DAYS		-	-	-	-	(18.00)	(329,950)	-	(576,686)	(906,636)		-	-	-	-
55	33V0410	ELIMINATE UNFUNDED POSITIONS IN FLORIDA COMMUNITY TRUST Due to decrease in Florida Forever funds transferred from DEP.		-	-	-	-	(3.00)	-	-	(181,602)	(181,602)	(3.00)	-	-	(181,602)	(181,602)
56	330L100	OFFICE AND BUILDING LEASE SAVINGS		-	-	-	-		(147,342)	-	(30,179)	(177,521)		-	-	(177,521)	(177,521)
57	3300140	ELIMINATE ANNUAL HURRICANE LOSS MITIGATION FUNDING EARMARKS Eliminates the mobile home tie-down program funding (s. 215.599(2)-(4), F.S.) administered by Tallahassee Community College		-	-	-	-		-	-	(3,500,000)	(3,500,000)		-	-	-	-
58	3300910	ADMINISTRATIVE EFFICIENCIES		-	-	-	-	(78.00)	(846,591)	-	(6,843,484)	(7,690,075)		-	-	-	-
59	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT		-	-	-	-		19,864,420	-	-	19,864,420		-	-	-	-
60	340C200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD		-	-	-	-		-	-	-	-		-	-	-	-
61	34F0010	FEDERAL GRANTS TRUST FUND - DIVISION OF EMERGENCY MANAGEMENT - DEDUCT This issue realigns federal budget authority from the Grants and Donations Trust Fund and the Federal Emergency Management Program Support Trust Fund to the Federal Grants Trust Fund.		-	-	(3,329)	(3,329)		-	-	-	-		-	-	-	-
62	34F0020	FEDERAL GRANTS TRUST FUND - DIVISION OF EMERGENCY MANAGEMENT - ADD This issue realigns federal budget authority from the Grants and Donations Trust Fund and the Federal Emergency Management Program Support Trust Fund to the Federal Grants Trust Fund.		-	-	3,329	3,329		-	-	-	-		-	-	-	-
63	34F0030	FEDERAL GRANTS TRUST FUND - HOUSING AND COMMUNITY DEVELOPMENT - DEDUCT		-	-	(131,100,560)	(131,100,560)		-	-	(47,964,693)	(47,964,693)		-	-	-	-
64	34F0040	FEDERAL GRANTS TRUST FUND - HOUSING AND COMMUNITY DEVELOPMENT - ADD		-	-	131,100,560	131,100,560		-	-	47,964,693	47,964,693		-	-	-	-
65	3405060	TRANSFER FROM GENERAL REVENUE TO THE CAT FUND - DEDUCT See below		-	-	-	-		(3,500,000)	-	-	(3,500,000)		-	-	-	-

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66	3405070	TRANSFER FROM GENERAL REVENUE TO THE CAT FUND - ADD Uses CAT Fund for local emergency management programs in lieu of GR. (See also issue 3300140 above where mobile home tie-down program CAT funds are eliminated)		-	-	-	-		-	-	3,500,000	3,500,000		-	-	-	-
67	40S0010	SMART GRID GRANT FROM THE GOVERNOR'S ENERGY OFFICE (to DEM) Energy assurance training and exercises through a 2009 ARRA grant provided to the Executive Office of the Governor, Florida Energy & Climate Commission by the US Department of Energy. The Smart Grid Resiliency Initiative focuses on developing new, or refining existing, plans to integrate new energy portfolios and new applications, such as Smart Grid technology, into energy assurance and emergency preparedness plans to facilitate recovery from disruptions to the energy supply and enhance the reliability and quick repair of outages and to encourage well-developed and standardized energy assurance and resiliency plans.		-	-	296,176	296,176		-	-	296,176	296,176		-	-	296,176	296,176
68	40S0100	ENERGY CODE TRAINING AND COMPLIANCE MEASUREMENT AMERICAN RECOVERY REINVESTMENT ACT (ARRA) The United States Department of Energy (USDOE) awarded the State Energy Program (SEP) \$30 million dollars through the ARRA stimulus funds to fund energy efficiency and renewable energy programs. To be eligible for ARRA funds, Florida is required to adopt energy efficiency standards for buildings that meet or exceed federal benchmarks, implement measurement of code compliance, and train the construction industry on the standards and compliance measures. The Florida Building Commission is responsible for the development and updating of the Florida Building Code and the Florida Energy Efficiency Code for Building Construction. This is the second year of this project.		-	-	730,100	730,100		-	200,000	530,100	730,100		-	-	730,100	730,100
69	4100300	LEGAL ADVERTISING COST REQUIRED BY CHAPTER 163, FLORIDA STATUTES To comply with the requirements of Section 163.3184(8)(c)1, Florida Statutes, to publish Notices of Intent to find comprehensive plan amendments in compliance or not in compliance.		393,182	-	-	393,182		-	-	-	-		-	-	-	-
70	4700100	CONTINUATION OF LEGAL EXPENSES Monroe County has been the subject of numerous law suits that allege property was taken based on certain environmental and land use restrictions that are partly attributable to the Area of Critical State Concern (ACSC) designation. The State of Florida (Department of Community Affairs) was made a third-party defendant in these suits. The Department has contracted with the Office of the Attorney General to obtain the needed expertise in a specialized area of the law.		-	266,320	-	266,320		-	-	-	-		-	-	-	-

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71	55C0100	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES Section 17, Chapter 2008-116, Laws of Florida, requires that all data center functions performed, managed, operated, or supported by state agencies with equipment currently located in a state primary data center (Southwood Shared Resource Center (SSRC) and Northwood Shared Resource Center), excluding application development, are to be transferred to the primary data center and that agency shall become a shared transitional service customer entity by November 1, 2010. The General Appropriations Act reduced the DCA budget below what the SSRC billing now requires. This issue requests the difference of the projected cost for Fiscal Year 2011-2012 less the Fiscal Year 2010-2011 base appropriation.			-	-	132,074	132,074	-	-	-	-	-	-	-	-	-
72	5500020	NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY ASSISTANCE PROGRAM This federal grant funding is to provide technical assistance to National Flood Insurance Program (NFIP) communities and to evaluate community performance in implementing NFIP flood plain management activities while building state and community flood plain management expertise and capability.			-	-	72,072	72,072	-	-	72,072	72,072		-	-	72,072	72,072
73	5504050	FLOOD MITIGATION ASSISTANCE PROGRAM-APPROPRIATION CATEGORY CHANGE (INCREASE) Federal grant to fund flood mitigation activities that reduce or eliminate the long term risk of flood damage to buildings, manufactured homes and other structures insured under the National Flood Insurance Program (NFIP). FMAP funding is available for state allocation for Planning, Project and Technical Assistance grants. Eligible project activities under this grant program include, but are not limited to: Acquisitions/Relocation, Elevations, Dry Flood-proofing of non residential structures, Minor Localized Flood Control Projects, Beach Nourishment Activities and Demolition of NFIP-insured structures on acquired or restricted property. Planning activities that develop state and local flood mitigation activities that meet the planning criteria are eligible under the grant. Approximately 5% of this budget authority will be utilized for management costs by DEM to administer the program which will require a 25% match using existing state funds. The remaining balance will be passed through to local grant sub-recipients who will be required to provide the non-federal match.			-	-	4,000,000	4,000,000	-	-	4,000,000	4,000,000		-	-	4,000,000	4,000,000

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				RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS		RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS		RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
Line #	D3A Issue	D3A Issue Title	FTE					FTE					FTE				
74	5900200	SEVERE REPETITIVE LOSS PILOT PROGRAM Federal grant program to reduce or eliminate claims under the National Flood Insurance Program by mitigating those structures with the highest flood insurance claims history. The state has 98 local governments that contain 580 severe repetitive loss structures, which if offered a mitigation grant and refused without good reason, the flood insurance policy on that structure will increase by 150%. The Division of Emergency Management will partner with local governments and their Community Rating System Coordinators to conduct outreach with owners of severe repetitive loss properties to educate them on the benefits of mitigation/flood retrofitting so that they may accept reasonable mitigation offers from FEMA.		-	-	4,500,000	4,500,000		-	-	4,500,000	4,500,000		-	-	4,500,000	4,500,000
75	5901680	EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDING INCREASE Federal grant funding for: planning/catastrophic planning, implementation of the National Incident Management System/National Response Framework, All-Hazards public education, implementation of the Americans with Disabilities Act into all phases of emergency management, professional development for emergency managers, and support for county emergency management programs (regional collaboration).		-	-	6,405,361	6,405,361		-	-	6,405,361	6,405,361		-	-	6,405,361	6,405,361
76	5901740	CONTINUATION OF PUBLIC SAFETY INTEROPERABILITY COMMUNICATIONS GRANT PROGRAM Federal grant program to assist public safety agencies in the acquisition, deployment, or training in the use of interoperable communication systems. The Public Safety Interoperability Communications (PSIC) Grant Program is a one-time formula based program intended to enhance public safety communications interoperability relating to voice, data or video signal. The DEM is responsible for the distribution of the funds to eligible public safety agencies in the state, local and other eligible organizations. Grant recipients must provide a 20 percent match.		-	-	8,000,000	8,000,000		-	-	8,000,000	8,000,000		-	-	8,000,000	8,000,000
77	5901750	FEDERAL DECLARED DISASTER FUNDING Federal Emergency Management Agency (FEMA) funding for various open federally declared disaster programs affecting counties throughout the State (going back to 2004) including various components of Public Assistance (PA), Hazard Mitigation Grants (HMGP), housing and other victim assistance activities. These funds are for payment of eligible disaster recovery activities based on the current estimates of actual eligible costs under each of the federal disaster declarations to local governments, state agencies and qualifying private, non-profit organizations.		-	-	169,325,176	169,325,176		-	13,602,547	165,986,740	179,589,287		-	-	212,516,353	212,516,353

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	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	
78	5901800	COMMUNITY RESILIENCY PROGRAM - INCREASED FEDERAL FUNDING FOR POST- DISASTER REDEVELOPMENT AND WATERFRONT REVITALIZATION PLANNING Grant from the National Oceanic and Atmospheric Administration and the Florida Department of Environmental Protection for five years to implement the Community Resiliency Program. Funds will be used to: 1) Assess the degree to which coastal hazards and other issues such as sea level rise is addressed in local comprehensive plans; 2) Identify technical assistance resources currently available to support planning efforts to achieve community resiliency and identify strategies for more effectively delivering resources; 3) Form a project focus group to provide guidance, oversight, and advice throughout the five-year project period.				196,500	196,500				196,500	196,500				197,000	197,000	
79	5901860	PRE-DISASTER MITIGATION PROGRAM These federal funds are provided to the state as pass through funds to local governments, with additional funds being available to the state to administer the program. The match required for state administration cost is .25%, provided using existing state funding sources. Pre-Disaster Mitigation Grant Program (PDM) is designed to provide assistance to states and communities for activities that reduce the state's overall vulnerability to disasters and disaster-related loss of life and property.				3,500,000	3,500,000				3,500,000	3,500,000				3,500,000	3,500,000	
80	5901870	REPETITIVE FLOOD CLAIMS PROGRAM This federal grant program is designed to assist all classes of flood damaged structures from a single loss to several losses, of which there are approximately 16,439 in Florida based on FEMA's State Repetitive Loss List dated 3/31/2010. These grant funds will make it possible to continue to provide additional federal support for all-hazards, comprehensive emergency management at the state and local levels. There is no state or local match requirement.				1,800,000	1,800,000				1,800,000	1,800,000				1,800,000	1,800,000	
81	5902130	INTEROPERABLE DATA COMMUNICATIONS SYSTEMS Federal grant program for training of responder agencies state-wide in several areas related to interoperable communications and conducting functional exercises in each region of the state.				1,011,185	1,011,185				1,011,185	1,011,185				1,011,185	1,011,185	
82	5903000	EMERGENCY MANAGEMENT INITIATIVES The DEM maintains the State Logistics Response Center (SLRC), a 200,000 square foot facility that warehouses over \$32 million in essential water, meals, medical, shelter and other emergency supplies. It is also the State's licensed facility to manage the Strategic National Stockpile of emergency medical pharmaceuticals and supplies in a pandemic or other chemical or biological event. It is the State's principal mobilization and staging area for state/federal resources and responders and equipment deployed in advance of an impending disaster and during the event. The lease agreement for the facility reflects a 6.5% annual increase each year for the next ten years. While the funding has been reduced in previous fiscal years, additional state trust fund authority is being requested to continue the basic operations of the facility due to increases in facility costs.				205,360	205,360											
83	5903020	DISASTER RECOVERY STAFFING See below.							55,872		316,596	372,468						

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84	5903030	DISASTER RECOVERY STAFFING - MAKE NONRECURRING This issue requests the extension of six time limited full time equivalent (FTE) positions through June 30, 2012. These positions are currently responsible for managing over \$5.8 billion in Public Assistance projects and \$957 million of Hazard Mitigation projects. Currently, there are more than 100 Other Personal Services (OPS) division staff authorized under the state staffing plans for the 2004, 2005, 2008 and 2009 events. In FY 2006-07, these positions were established to fill key roles in the Florida Recovery Office to help ensure consistent leadership and policy direction for critical recovery issues as the disaster programs mature under each event. These positions have a time limitation which currently expires on 06/30/11. Without these positions, the division is faced with turn over in key positions due to the lack of benefits associated with OPS employment and the added workload that has resulted from additional presidential disasters.		-	-	372,468	372,468		-	-	-	-		-	-	372,468	372,468
85	6303020	INCREASE FEDERAL GRANT AWARD - LOW-INCOME HOME ENERGY ASSISTANCE CONTINUING RESOLUTION (LIHEAP) to obligate federal funds that have been approved through a continuing resolution. These funds have been released to help low-income and poverty families cope with high energy costs due to escalating gas and fuel costs now and through the upcoming winter months.		-	-	85,300,000	85,300,000		-	-	-	-		-	-	85,300,000	85,300,000
86	6301100	FRONT PORCH FLORIDA INITIATIVE Front Porch Florida utilizes a community-based approach to assist the 20 designated Front Porch communities. The program provides assistance in order to meet their individual needs such as expanding the technical assistance resources available to build organizational capacity and providing technical assistance in financial management, grant writing, board ethics, organizational development, project management, business and job creation techniques, community fundraising, and strategic planning.		500,000	-	-	500,000		-	-	-	-		-	-	-	-
87	990G900	GRANTS AND AIDS - FIXED CAPITAL OUTLAY Includes grants and aids funds for local governments for: Emergency management critical facility needs (shelter retrofits); Small Cities Community Development Block Grants; Housing and Urban Development Disaster Grants; Weatherization Assistance Program grants; Low Income Home Energy Assistance Program grants.															
87A	140125	GRANTS AND AIDS - WEATHERIZATION GRANTS				3,000,000	3,000,000				-	-				3,000,000	3,000,000
87B	140138	GRANTS AND AIDS - WEATHERIZATION/LOW INCOME HOME ENERGY ASSISTANCE PROGRAM GRANTS				10,000,000	10,000,000				-	-				10,000,000	10,000,000
87C	149527	EMERGENCY MANAGEMENT CRITICAL FACILITY NEEDS				3,000,000	3,000,000				-	-				3,000,000	3,000,000
87D	141141	GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS				34,000,000	34,000,000				34,000,000	34,000,000				34,000,000	34,000,000
87E	146555	HOUSING AND URBAN DEVELOPMENT DISASTER GRANTS (Agency amended request amount shown in Senate column)				26,616,675	26,616,675				26,616,675	26,616,675				26,894,183	26,894,183
87F																-	-

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88	990L000	LAND ACQUISITION These are funds allocated to the Florida Communities Trust (FCT) from 2.1% of the Florida Forever bond proceeds (if authorized in DEP). The funds are to be awarded to local governments and non-profit environmental organizations by FCT through an annual competitive grant cycle pursuant to Chapter 380, Part III, Florida Statutes. The FCT awards land acquisition grants to help acquire community-based parks, open space, and water access which also further local comprehensive plans. The Working Waterfronts program receives 2.5% of Florida Forever bond proceeds (s. 259.105(3)(c), F.S.).			-	3,525,000	3,525,000		-	-	-	-		-	-	-	-
89	990J000 141143	AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 - FIXED CAPITAL OUTLAY Federal Neighborhood Stabilization Program funds awarded to communities to conduct eligible activities such as purchasing foreclosed homes and property, demolishing or rehabilitating abandoned properties, and offering down payment and closing cost assistance to low-to moderate income homebuyers.			-	8,511,111	8,511,111		-	-	8,511,111	8,511,111		-	-	8,511,111	8,511,111
89A	6200000 100408	WE HELP COMMUNITY DEVELOPMENT CORPORATION Belle Glade/Lake Region													100,000	-	100,000
90		COMMUNITY AFFAIRS, DEPT OF Total	358.00	9,098,076	286,320	468,072,815	477,457,011	40.00	1,459,230	-	71,318,867	72,778,097	261.00	2,159,547	2,100,000	503,580,867	507,840,414
91		PGM: FLA HSNG FINANCE CORP															
92	1100001	STARTUP (OPERATING)			-	123,010,000	123,010,000				123,010,000	123,010,000				123,010,000	123,010,000
93	33B1400	SADOWSKI PROGRAMS (SAIL, HAP, HOME, PLP, AFFORDABLE HOUSING GUARANTEE, AHSC, CATALYST)			-	-	-		(25,580,000)	-	-	(25,580,000)		-	-	-	-
94	33B1600	STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM			-	-	-		(59,930,000)	-	-	(59,930,000)		-	-	-	-
95	33V2800	ELIMINATE RECURRING FUNDING FOR SADOWSKI PROGRAMS DUE TO PERMANENT REDIRECTION OF DOCUMENTARY STAMP TAX REVENUES TO GENERAL REVENUE (Due to the proposed permanent redirection of recurring documentary stamp tax revenues from the housing trust funds to GR. Approximately \$183 million of doc stamp revenues will go to GR in FY 2011-12, representing the \$193 million doc stamp revenue estimate for FY 2011-12 less \$10 million to cover the FY 2010-11 deficit in the housing trust fund sweeps.)														(123,010,000)	(123,010,000)
96	5500300 181254	TRANSFER FLORIDA HOUSING FINANCE CORPORATION UNOBLIGATED FUNDS TO AGENCY FOR WORKFORCE INNOVATION SCHOOL READINESS PROGRAM											Sweep to GR			-	-
97	6506100 105035 2255	HOMEOWNER DOWNPAYMENT ASSISTANCE PROGRAM														32,500,000	32,500,000
97A	new	FL ORIDA HOUSING FINANCE CORPORATION OPERATIONS FUNDING														49,203,427	49,203,427
97B	new	FEDERAL GRANTS ADMINISTERED BY THE FLORIDA HOUSING FINANCE CORPORATION											TBD			-	-
98	ZZZZZZZ	JOBS FLORIDA REORGANIZATION - TRANSFER FHFC TO JOBS FL ORIDA														-	-
99	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT							-	-	(123,010,000)	(123,010,000)				-	-

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					NON-RECURRING GENERAL REVENUE					NON-RECURRING GENERAL REVENUE					NON-RECURRING GENERAL REVENUE		
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100	340C200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD							123,010,000	-	-	123,010,000				-	-
101	6507300	SHIP COMPLIANCE MONITORING			-	(201,238)	(201,238)			-	-	-			-	-	-
102	6507400	AFFORDABLE HOUSING PROGRAMS (SADOWSKI PROGRAMS): SAIL, HAP, HOME, PLP, AFFORDABLE HOUSING GUARANTEE, AHSC, CATALYST			-	15,609,213	15,609,213			-	-	-			-	-	-
103	6507600	STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM Provides funds to local governments on a population-based formula as an incentive to produce and preserve affordable housing for very low, low and moderate income families. SHIP funds are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant entitlement cities in Florida. The minimum allocation per county is \$350,000. SHIP funds may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisitions of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling. Senate proposal includes proviso to limit use of funds for: home repairs limited to roof replacements, handicap modifications, electrical and plumbing repairs; foreclosure assistance; payment of property insurance taxes and insurance; and utility payments.				41,811,951	41,811,951			-	-	-			-	5,000,000	5,000,000
104		PGM: FLA HSG FINANCE CORP Total	-	-	-	180,229,926	180,229,926	-	37,500,000	-	-	37,500,000	-	-	-	-	86,703,427
105		TOTAL DCA AND FHFC COMBINED:	358.00	9,098,076	286,320	648,302,541	657,686,937	40.00	38,959,230	-	71,318,867	110,278,097	261.00	2,159,547	2,100,000	590,284,294	594,543,841
105A																	
106		GOVERNOR, EXECUTIVE OFFICE															
107	1100001	STARTUP (OPERATING)	22.00	1,080,965	-	26,865,834	27,946,799	22.00	1,080,965	-	26,865,834	27,946,799	22.00	1,080,965	-	26,865,834	27,946,799
108	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		321	-	391	712		-	-	-	-			-	-	-
109	1702700	TRANSFER THE DIVISION OF EMERGENCY MANAGEMENT FROM THE DEPARTMENT OF COMMUNITY AFFAIRS TO THE EXECUTIVE OFFICE OF THE GOVERNOR		-	-	-	-	128.00	11,537,209	13,602,547	213,453,849	238,593,605	TOTALS TBD		-	-	-
110	3380500	SCHEDULE VIII B REDUCTIONS OTTED EXECUTIVE DIRECTION Reduces OTTED's lump sum appropriation used for office operations.		-	-	-	-		(150,000)	-	-	(150,000)		(150,000)	-	-	(150,000)
111	330F000	ELIMINATE UNFUNDED BUDGET Reduction to Professional Sports Foundation's trust fund due to projected decline in revenues.		-	-	-	-		-	-	(221,952)	(221,952)		-	-	(221,952)	(221,952)
112	3305500	TRUST FUND REDUCTION DUE TO DECLINE IN RENTAL CAR SURCHARGE REVENUES Reduction to Visit Florida's Tourism Promotion trust fund appropriation due to declines in the rental car surcharge.		-	-	(121,914)	(121,914)		-	-	-	-		-	-	-	-
113	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT							-	-	(24,365,047)	(24,365,047)				-	-
114	340C200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD							24,365,047		-	24,365,047				-	-
115	4500050	ECONOMIC DEVELOPMENT TOOLS Governor's amount would be used for QT1, QDC, HIPI, Brownfields, Innovation Incentive Fund, Quick Action Closing Fund, and Road Fund. Senate proposal includes only QT1, QDC, and HIPI.			14,457,000	3,614,250	18,071,250		-	300,000,000	3,979,000	303,979,000		-	19,116,414	4,404,104	23,520,518

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115A	4500055 200005	QUALIFIED EXPENDITURE CATEGORY - ECONOMIC DEVELOPMENT TOOLS Section 216.011(1)(ss), F.S., defines a "Qualified expenditure category" as an appropriations category used to fund specific activities and projects which must be transferred to one or more appropriation categories for expenditure upon recommendation by the Governor, and subject to approval by the Legislative Budget Commission. In addition, Senate proviso will require the Governor to submit to the LBC a business plan that specifies performance metrics for all planned expenditures from these funds.														10,000,000	-	10,000,000
116	4500090	ECONOMIC DEVELOPMENT PROGRAM ACCOUNTABILITY MONITORING The Office of Tourism, Trade, and Economic Development contracts for program accountability monitoring related to economic development incentives.			250,000	-	300,000	550,000		-	550,000	-	550,000		-	500,000	-	500,000
116A	4500290 100225	INNOVATION INCENTIVE PROGRAM														15,000,000	-	15,000,000
116B	4500330 100225	INSTITUTE FOR THE COMMERCIALIZATION OF PUBLIC RESEARCH													10,000,000		-	10,000,000
117	4505190	OFFICE OF FILM AND ENTERTAINMENT OPERATIONS Florida Film Commission staff and support. Same budget as prior year.			453,296	-	-	453,296		-	453,296	-	453,296		-	453,296	-	453,296
118	4700140	GRANTS AND AIDS - ENTERPRISE FLORIDA PROGRAM Base budget already has \$4.9m in trust funds for EFI.			-	6,200,000	-	6,200,000		-	6,200,000	-	6,200,000		-	5,580,000	-	5,580,000
119	4700160	GRANTS AND AIDS - FLORIDA COMMISSION ON TOURISM VISIT Florida. Base budget already has \$18.3m in trust funds for VISIT Florida.			-	8,470,666	-	8,470,666		-	8,470,666	-	8,470,666		-	17,000,000	-	17,000,000
120	4700170	GRANTS AND AIDS - PROFESSIONAL SPORTS DEVELOPMENT Base budget already has \$2.5m in trust funds for the Prof Sports Foundation. This amount is for the Sunshine State Games. These Olympic style sports festivals provide the incentive to train and the opportunity to compete and work closely with the sports governing bodies of our state and nation.			-	200,000	-	200,000		-	200,000	-	200,000		-	200,000	-	200,000
121	4700200	GRANTS AND AIDS - BROWNFIELD REDEVELOPMENT PROJECTS Assists the businesses in a DEP designated Brownfield area whose job creating and capital investment is being 'incentivized' by adding a bonus to their QTI awards.			-	1,459,000	364,750	1,823,750		-	-	-	-		-	1,459,000	364,750	1,823,750
122	4700210	GRANTS AND AIDS - MILITARY BASE PROTECTION The funds in this issue will be used for retaining and expanding Department of Defense facilities by evaluating current facilities and their community interfaces for safety and effectiveness and providing resources to strengthen mission capabilities of the facilities. (FY 2010-11 appropriation is \$150,000 for Military Base Protection and \$850,000 for Defense Reinvestment, per proviso).			-	1,000,000	-	1,000,000		-	1,000,000	-	1,000,000		-	6,000,000	-	6,000,000

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123	4700220	GRANTS AND AIDS - BLACK BUSINESS INVESTMENT BOARD Serves to assist in the development and expansion of black business enterprises by creating partnerships, leveraging state, local, and private funds, and serving as a clearinghouse for information and sources of technical assistance for black business enterprises. \$2,250,000 for the Black Business Loan Program, \$50,000 to OTTED for administration of the loan program and \$450,000 for the BBIB operations.		-	2,750,000	-	2,750,000		-	2,750,000	-	2,750,000		-	2,475,000	-	2,475,000
124	4700240	RURAL COMMUNITY DEVELOPMENT Provides loans to rural communities for projects that maintain or develop their economic base and increase employment opportunities for community residents. Grants provide assistance to regional economic development and tourism development organizations that serve rural communities.		-	400,000	900,000	1,300,000		-	400,000	900,000	1,300,000		-	360,000	810,000	1,170,000
125	4700260	QUICK ACTION CLOSING FUND The Governor, in consultation with the President of the Senate and Speaker of the House, may utilize the fund in order to "close the gap" between the State of Florida and our competition for projects vital to the state or local economy. (Senate proposed trust fund amount is AWI P&I funds that will be available after creation of Jobs Florida)		-	25,000,000	-	25,000,000		-	-	-	-		10,000,000	23,942,262	1,057,738	35,000,000
126	4700300	GRANTS AND AIDS - INTERNATIONAL ADVOCACY A number of programs that facilitate and promote international relations in an effort to provide for a stronger and more diversified state economy. Continuation funding of \$800,000 in nonrecurring General Revenue. Prior year funding went to the Florida Association of Volunteer Action/Caribbean & Americas (FAVACA), Southeast US/Japan & FLOR/KOR, and Gateway Florida.		-	800,000	-	800,000		-	800,000	-	800,000		-	720,000	-	720,000
127	4700320	GRANTS AND AIDS - HISPANIC BUSINESS INITIATIVE Strengthens the local/regional economy by providing technical assistance and training to small businesses in the Hispanic community.		-	200,000	-	200,000		-	200,000	-	200,000		-	200,000	-	200,000
128	4701230	GRANTS AND AIDS - SPACE FLORIDA Single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, business, and the private sector. Develops and implements strategies to accelerate space-related economic growth and development. Also assists aerospace and aviation companies to receive the necessary financing to grow and prosper within the State. Works with the Department of Education to promote educational programs for future growth of the space industry in Florida. (\$10,039,943 requested: \$3,839,943 for operations, \$3,000,000 for targeted-business-development support services and business recruitment and \$ 3,200,000 to retrain workers as the result of the retirement of the Space Shuttle Program.)		-	10,039,943	-	10,039,943		-	10,039,943	-	10,039,943		10,039,943	-	-	10,039,943

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				RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS		RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS		RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	
Line #	D3A Issue	D3A Issue Title	FTE					FTE					FTE					
129	990G000	GRANTS AND AIDS - FIXED CAPITAL OUTLAY This infrastructure fund provides grants to defense facilities and rural governments in need of financial assistance to complete infrastructure projects generating essential economic growth and expansion.																
129A	143150	SPACE, DEFENSE, AND RURAL INFRASTRUCTURE			3,000,000	-	3,000,000			6,100,000	-	6,100,000			2,100,000	-	2,100,000	
129B	144701	ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS				20,000,000	20,000,000						TRANSFER ADMINISTRATION OF PROGRAM TO DOT					
130	GOVERNOR, EXECUTIVE OFFICE Total		22.00	1,784,582	73,976,609	51,923,311	127,684,502	150.00	36,833,221	350,766,452	220,611,684	608,211,357	22.00	30,970,908	105,105,972	33,280,474	169,357,354	
131																		
132		HIWAY SAFETY/MTR VEH, DEPT																
133	1100001	STARTUP (OPERATING)	4,467.00	-	-	380,380,483	380,380,483	4,467.00	-	-	380,380,483	380,380,483	4,467.00	-	-	380,380,483	380,380,483	
134	160S050	ADJUST FUNDING SOURCE IDENTIFIER - DEDUCT This is a technical adjustment to correctly identify the fund source for a FHP grant.			-	-	-				(50,000)	(50,000)			-	(50,000)	(50,000)	
135	160S060	ADJUST FUNDING SOURCE IDENTIFIER - ADD This is a technical adjustment to correctly identify the fund source for a FHP grant.			-	-	-				50,000	50,000			-	50,000	50,000	
135A	1600050	FUNDING INCREASE FOR FATAL ACCIDENT REPORTING SYSTEM	1.00			17,467	17,467											
136	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.			-	285,304	285,304				-	-			-	-	-	
137	17C01C0	DEDUCT AGENCY DATA CENTER SERVICES FUNDING This issue requests the transfer of positions and funding to the Primary Data Center, Northwood Share Resource Center (NSRC). Ch. 2008-116, L.O.F.			-	(1)	(1)	(4.00)	(371,018)	-	-	(371,018)	statewide issue					-
138	17C02C0	ADD SERVICES PROVIDED BY PRIMARY DATA CENTER This issue requests funding to pay for data processing services at the NSRC.			-	1	1		371,018	-	-	371,018	statewide issue					-
139	1700900	TRANSFER OFFICE OF MOTOR CARRIER COMPLIANCE FROM THE DEPARTMENT OF TRANSPORTATION This issue provides for the consolidation of law enforcement services through the transfer of the Office of Motor Carrier Compliance from FDOT to the Florida Highway Patrol at DHSMV.			-	-	-	481.00			41,299,767	41,299,767	315.00		-	-	34,056,790	
140																		
140A	1800100	REALIGN ADMINISTRATIVE AND SUPPORT POSITIONS - ADD This issue requests the realignment of positions and funding to more accurately reflect expenditures associated with administrative functions.	26.00			1,923,826	1,923,826						26.00			1,923,826	1,923,826	
140B	1800200	REALIGN ADMINISTRATIVE AND SUPPORT POSITIONS - DEDUCT TRANSFER POSITIONS TO THE OFFICE OF INSPECTOR GENERAL FROM THE FLORIDA HIGHWAY PATROL AND LICENSES, TITLES AND REGULATIONS PROGRAMS	(26.00)			(1,923,826)	(1,923,826)						(26.00)			(1,923,826)	(1,923,826)	
141	1801010	This issue provides for the transfer of 1 position and associated budget from the Licenses Titles and Regulations Drivers Licensure Program to the Executive Direction and Support budget entity to consolidate internal investigative functions for the Department in the Office of Inspector General.	14.00		-	1,201,856	1,201,856	14.00	1,201,856	-	-	1,201,856	1.00		-	68,644	68,644	
142	1801020	TRANSFER POSITIONS FROM THE FLORIDA HIGHWAY PATROL AND LICENSE, TITLES AND REGULATIONS PROGRAMS TO THE OFFICE OF INSPECTOR GENERAL	(14.00)		-	(1,201,856)	(1,201,856)	(14.00)	(1,201,856)	-	-	(1,201,856)	(1.00)		-	(68,644)	(68,644)	

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Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
143	1801200	CONSOLIDATE MOTORIST SERVICES - DEDUCT This issue is related to the consolidation of the Division of Driver Licenses and Division of Motor Vehicles into a single Motorist Services Division. This issue transfers positions and budget from the current from the current program structure to the Division of Motorist Services.						(632.00)	(42,965,258)		(5,824,080)	(48,789,338)	(1,663.00)			122,275,605	122,275,605
144	1801300	CONSOLIDATE MOTORIST SERVICES - ADD This issue is related to the consolidation of the Division of Driver Licenses and Division of Motor Vehicles into a single Motorist Services Division. This issue transfers budget to the new structure.						632.00	42,965,258		5,824,080	48,789,338	1,663.00			(122,275,605)	(122,275,605)
144A	2000590	TRANSFER FROM EXPENSE TO CONTRACTED SERVICES - FHP The transfer of budget between categories is requested due to an increased need for elevator repair/inspection and emergency generator and HVAC services and maintenance.				(100,000)	(100,000)									(100,000)	(100,000)
144B	2000590	TRANSFER TO CONTRACTED SERVICES FROM EXPENSE - FHP				100,000	100,000									100,000	100,000
144C	2000600	TRANSFER FROM OTHER PERSONAL SERVICES TO CONTRACTED SERVICES - FHP RAPID ID GRANT This issue transfers budget from the OPS category to the contracted services category. Funding will provide for the software server, maintenance and software support requirements for mobile rapid ID fingerprint devices.				(260,000)	(260,000)									(260,000)	(260,000)
144D	2000610	TRANSFER TO CONTRACTED SERVICES FROM OPS - FHP RAPID ID GRANT				260,000	260,000									260,000	260,000
144E	2000620	TRANSFER FROM OTHER PERSONAL SERVICES TO OPERATION OF MOTOR VEHICLES Transfers budget from OPS category to Operation of Motor Vehicles to provide for increased costs of gasoline.				(500,000)	(500,000)									(500,000)	(500,000)
144F	2000630	TRANSFER TO OPERATION OF MOTOR VEHICLES FROM OTHER PERSONAL SERVICES				500,000	500,000									500,000	500,000
144G	20000XX	TRANSFER FROM DEFERRED COMMODITIES FROM INFORMATION SYSTEMS BUDGET TO DRIVER LICENSURE AND FLORIDA HIGHWAY PATROL Non-recurring transfer of budget authority between budget entities to pay remaining ESCO costs to avoid interest payments.														(287,128)	(287,128)
144H	20000XX	TRANSFER TO DEFERRED COMMODITIES BUDGET TO DRIVER LICENSURE AND FLORIDA HIGHWAY PATROL FROM INFORMATION SYSTEMS														287,128	287,128
145	24002C0	PROVIDE FOR AUTOMATED LICENSE PLATE READERS This issue requests budget to purchase 30 automated license plate reader systems for the Florida Highway Patrol.				600,000	600,000										
146	2401100	REPLACEMENT OF LEVEL C PERSONAL PROTECTIVE EQUIPMENT, FLORIDA HIGHWAY PATROL PROGRAM This issues requests budget to replace 250 Level C Personal Protective Equipment kits for Florida Highway Patrol Quick Reaction Team members.				112,500	112,500										

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	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
147	2401500	REPLACEMENT OF MOTOR VEHICLES This issue requests non-recurring general revenue funds to replace 997 pursuit vehicles for the Florida Highway Patrol that are projected to exceed 100,000 miles by June 30, 2012. Estimated cost per vehicle is \$25,855.		-	25,777,076	-	25,777,076			-	-	-		-	-	-	-
148	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS (Statewide adjustment to reconcile to FY 2011-12 billing from Division of Administrative Hearings in DMS)		-	-	-	-		(157,746)	-	-	(157,746)		-	-	(157,746)	(157,746)
148A	2601030	ANNUALIZE FUNDING INCREASE FOR FATAL ACCIDENT REPORTING SYSTEM (FARS) GRANT				17,467	17,467									-	-
148B	3000430	PRICE INCREASE FOR OPERATION OF MOTOR VEHICLES Provides additional budget authority in the operation of motor vehicles category due to increased costs in gasoline.				950,000	950,000									950,000	950,000
149	3000910	PROVIDE FUNDING FOR ONLINE DRIVER LICENSE VERIFICATION This issue requests budget to fund the increased costs associated with the online verification of alien registration numbers, admission numbers, and social security numbers provided during the driver license and identification card issuance process.		-	-	250,000	250,000		250,000	-	-	250,000		-	-	250,000	250,000
149A	3007550	CONTINUE THE 2008 REAL IDENTIFICATION DEMONSTRATION GRANT PROGRAM This issue requests \$888,638 to complete implementation of the 2008 REAL ID Grant Demonstration Project. The Department was awarded \$3.7 M in FY 08-09 for a three year grant funded by the U.S. Department of Homeland Security. Grant funding has been used to supplement REAL ID implementation and develop a national level data exchange portal.				888,638										888,638	888,638
149B	3007560	CONTINUE THE 2009 REAL IDENTIFICATION COMPLIANCE GRANT PROGRAM This issue requests \$459,842 to continue grant funding for the implementation for the three year project 2009 REAL ID Compliance program funded in FY 09-10 (\$1.9M) The grant has been used to supplement REAL ID implementation projects to improve issuance processes and associated security features.				459,842										459,842	459,842
149C	3007570	CONTINUE THE 2010 REAL IDENTIFICATION DRIVER LICENSE SECURITY GRANT PROGRAM This issue request \$1.4 M to continue grant funding for the implementation of the three year project 2010 REAL ID Security Grant Program. The 2010-11 GAA provided nonrecurring funding to implement the this program funded by the US Department of Homeland Security. The grant funding has been used to enhance office efficiencies, expand public information efforts, incorporate digital image technologies and improve external communications and data management processes.				1,462,954										1,462,954	1,462,954

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149D	3007590	PROVIDE FUNDING FOR THE FLORIDA COMERCIAL DRIVER LICENSE MEDICAL EXAMINER CERTIFICATION GRANT This issue requests budget for a federal grant pending approval during the current fiscal year that will continue into FY 11-12. This grant will be administered by the USDOT, Federal Motor Carrier Safety Administration. The department is required by the FMCSA to meet federal standards for the accuracy of reporting information on CDL holders through the Commercial Drivers License System. New federal requirements for the collection of medical certification information for drivers and sanctions for drivers not in compliance will take effect in 2012. This grant will provide funding to enhance current data base to meet FMCSA requirements.				1,672,919								-	-	-	-
149E	3007590	PROVIDE FUNDING FOR THE FLORIDA HEAVY VEHICLE USE TAX GRANT This issue request funding for a federal grant pending approval in FY 10-11 that will overlap into FY 11-12. This grant, Re-Engineering of the Florida Heavy Vehicle Tax Quality Review System will be administered by USDOT, Federal Highway Administration. The department is responsible for ensuring that proof of Heavy Vehicle Use Tax on motor vehicles is presented when registering vehicles. Grant funding will provide for programming to update computer systems and provide for greater quality assurance.				85,600								-	-	-	-
150	33B0130	REDUCE SUPPORT STAFF FOR OFFICE OF FINANCIAL MANAGEMENT AND DIVISION OF ADMINISTRATIVE SERVICES This issue eliminates FTE and associated budget for support staff in the Office of Financial Management and the Division of Administrative Services.		-	-	-	-	(4.50)	(144,299)	-	-	(144,299)	(4.50)	-	-	(144,299)	(144,299)
151	33B0140	ELIMINATE PERSONNEL AIDE POSITION IN THE PERSONNEL STAFFING OFFICE Due to improvements in staffing office processes, the department recommends combining the duties currently performed by 2 personnel aides and the elimination of 1 FTE.		-	-	-	-	(1.00)	(36,025)	-	-	(36,025)	(1.00)	-	-	(36,025)	(36,025)
152	33B0150	ELIMINATE PERSONNEL AIDE POSITION IN THE BENEFITS AND MEMBER SERVICES OFFICE This issue would eliminate an FTE effective May 1, 2012 contingent upon the completion and implementation of a scanning project that would move from a paper based filing system to an electronic system. The annualized reduction in FY 2012-13 would be \$27,392.		-	-	-	-	(1.00)	(5,610)	-	-	(5,610)	(1.00)	-	-	(5,610)	(5,610)
153	33B0170	OFFICE OF PERFORMANCE MANAGEMENT, REDUCE SERVICE IMPROVEMENT STAFF A reduction in workload associated with a new database to streamline grant routing and reassignment of duties have created efficiencies that allow for the elimination of FTE.		-	-	-	-	(3.00)	(179,054)	-	-	(179,054)	(3.00)	-	-	(179,054)	(179,054)
154	33B0180	OFFICE OF PERFORMANCE MANAGEMENT, REDUCE GRANTS ADMINISTRATION OFFICE STAFF This reduction is due to a decrease in the grants management workload and efficiencies created by utilizing a new grants management database.		-	-	-	-	(2.00)	(127,400)	-	-	(127,400)	(2.00)	-	-	(127,400)	(127,400)

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155	33B0190	REDUCE STAFF IN CRASH RECORDS PROGRAM This issue eliminates 2 FTE in the Office of Research and Statistics. This office is responsible for producing, publishing and distribution of the Annual Traffic Crash Statistics Report.		-	-	-	-	(2.00)	(129,306)	-	-	(129,306)	(2.00)	-	-	(129,306)	(129,306)
156	33B0200	ELIMINATE THE ADMINISTRATIVE ASSISTANT POSITION IN THE OFFICE OF GENERAL COUNSEL This issue eliminates an administrative assistant support staff position in the legal office.		-	-	-	-	(1.00)	(48,491)	-	-	(48,491)	(1.00)	-	-	(48,491)	(48,491)
157	33B0220	REDUCE STAFF IN THE OFFICE OF GENERAL COUNSEL This issue eliminates one of two Highway Safety Specialists in the DMV Hearing Office and reassigns those duties.		-	-	-	-	(1.00)	(56,447)	-	-	(56,447)	(1.00)	-	-	(56,447)	(56,447)
158	33B0230	REDUCE SAFETY PROGRAM STAFF This issue eliminates the safety coordinator position which is currently filled. Responsibilities will be absorbed by safety board and the Support Services Manager.		-	-	-	-	(1.00)	(100,642)	-	-	(100,642)	(1.00)	-	-	(100,642)	(100,642)
159	33B0300	OUTSOURCE CRASH RECORDS PROGRAM This issue proposes to outsource crash records sales to private vendor resulting in a savings from eliminating the contract with PRIDE. DHSMV proposes to enter into a no cost contract with a vendor to data enter paper crash report data, store crash data and images electronically, sell crash data and images online, and provide report and query capabilities. This contract would save the Department \$250,000 in data entry costs. Statutory change: ss. 316.066 and 321.23, F.S.		-	-	-	-		(250,000)	-	-	(250,000)	-	-	-	(250,000)	(250,000)
160	33B0310	DISCONTINUE LEGAL NEWSPAPER ADVERTISING REQUIREMENT This issue would eliminate the statutory requirement that the agency advertise notice of forfeiture related to property seizures in the local newspaper of general circulation and allow advertisement on agency website. Statutory change: ss 932.701 and 932.704, F.S.		-	-	-	-		-	-	(26,000)	(26,000)	-	-	-	-	-
161	33B0320	ELIMINATE UNFUNDED GRANT BUDGET This issue eliminates unfunded budget in the Federal Grants Trust Fund.		-	-	-	-		-	-	(50,000)	(50,000)	-	-	-	(50,000)	(50,000)
162	33B1040	ELIMINATE THE FLORIDA HIGHWAY PATROL COURT OVERTIME PAY PROGRAM The Court Overtime Pay program compensates law enforcement officers for court appearance during non-scheduled hours. Eliminating overtime pay for court appearance would require overtime hours to be flexed and compensatory time provided to the officers. According to the DHSMV, Law Enforcement Officers currently average about 1.066 hours per week in court overtime.		-	-	-	-		(1,000,000)	-	-	(1,000,000)	-	-	-	(1,000,000)	(1,000,000)
163	33B1170	FLORIDA HIGHWAY PATROL INVESTIGATIONS PROGRAM This issue as included in the Agency Schedule VIII-B proposed reclassifying 17 Vacant Traffic Homicide Investigators to Troopers. The Governor's Recommendations eliminate the positions for associated budget.		-	-	-	-	(17.00)	(864,828)	-	-	(864,828)	(17.00)	-	-	(864,828)	(864,828)
164	33B1200	ELIMINATE COMMUNITY SERVICE OFFICER PROGRAM This issue would eliminate the Community Service Officer Program which provides traffic enforcement assistance by non-sworn officers in Hillsborough, Pinellas, Pasco and Orange counties.		-	-	-	-	(22.00)	(899,031)	-	-	(899,031)	(22.00)	-	-	(899,031)	(899,031)

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165	33B1220	REDUCE FLORIDA HIGHWAY PATROL INCIDENTAL OVERTIME This issue proposes that incidental overtime be flexed over a 160 hour rather than a 40 hour pay period. This reduction would be contingent upon changes in the Collective Bargaining Agreement between the FHP and PEBA.		-	-	-	-		(2,000,000)	-	-	(2,000,000)		-	-	(2,000,000)	(2,000,000)
166	33B1230	REDUCE FLORIDA HIGHWAY PATROL STATE OVERTIME ACTION RESPONSE SOAR is an overtime program designed to increase the visibility of law enforcement. Certain classes of officers are authorized to work SOAR details for a maximum of eight hours per week at a rate of one and one-half times their hourly rate of pay. In FY 09-10 124,159 SOAR overtime hours were worked. The SOAR overtime budget is \$5.8 M.							-	-	-	-		-	-	(3,000,000)	(3,000,000)
167	33B1310	REDUCE TECHNOLOGY SECTION, FLORIDA HIGHWAY PATROL PROGRAM This issue eliminates a Utilities System/Engineering Supervisor that is expected to be vacant in January 2012 and the workload will be absorbed within the Communications Unit. The issue also eliminates 4 telecommunications specialist who perform break/fix operations on radio systems installed in FHP patrol cars. The work performed by these employees will be added to an existing contract.			-	-	-	(5.00)	(142,439)	-	-	(142,439)	(5.00)	-	-	(142,439)	(142,439)
168	33B2490	ELIMINATE VACANT CLERICAL POSITIONS This issue eliminates a Senior Clerk position that assists the Lieutenants at the Davie FHP Station with clerical duties and office operations.			-	-	-	(1.00)	(34,934)	-	-	(34,934)	(1.00)	-	-	(34,934)	(34,934)
169	33B3770	IMPLEMENTATION OF ONLINE TRAINING, FLORIDA HIGHWAY PATROL PROGRAM This issue reduces training costs within FHP through the implementation of on-line training for 20 of the required mandatory retraining 40 hours required by the Criminal Justice Standards Training Commission every four years.			-	-	-		(35,823)	-	-	(35,823)		-	-	(35,823)	(35,823)
170	33B3790	REDUCE FLORIDA HIGHWAY PATROL PROGRAM PLANNING STAFF This issue eliminates 3 senior clerk positions in the reports and records sections of the FHP.			-	-	-	(3.00)	(104,804)	-	-	(104,804)	(3.00)	-	-	(104,804)	(104,804)
171	33B3810	REDUCE FLORIDA HIGHWAY PATROL RECRUITMENT STAFF FHP Recruitment Office includes 12 FTE with 10 Sworn Law Enforcement Officers and 2 administrative staff. This issue eliminates 4 Law Enforcement Officers.			-	-	-		-	-	-	-	(4.00)	-	-	(204,665)	(204,665)
172		CLOSE FLORIDA HIGHWAY PATROL STATIONS These FHP Stations are state owned facilities. Limited services are provided at these stations such as providing public records request. These facilities also are used for evidence storage and impound yards. 15 FTE/\$708,333															
173	33B3820	CLOSE ARCADIA FLORIDA HIGHWAY PATROL STATION			-	-	-	(2.00)	(111,054)	-	-	(111,054)	(2.00)	-	-	(111,054)	(111,054)
174	33B3830	CLOSE CRESTVIEW FLORIDA HIGHWAY PATROL STATION			-	-	-	(3.00)	(122,798)	-	-	(122,798)	(3.00)	-	-	(122,798)	(122,798)
175	33B3840	CLOSE EAST PALATKA FLORIDA HIGHWAY PATROL STATION			-	-	-	(3.00)	(120,168)	-	-	(120,168)	(3.00)	-	-	(120,168)	(120,168)
176	33B3850	CLOSE FRUITLAND PARK FLORIDA HIGHWAY PATROL STATION			-	-	-	(2.00)	(81,579)	-	-	(81,579)	(2.00)	-	-	(81,579)	(81,579)
177	33B3860	CLOSE MADISON FLORIDA HIGHWAY PATROL STATION			-	-	-	(1.00)	(54,515)	-	-	(54,515)	(1.00)	-	-	(54,515)	(54,515)
178	33B3870	CLOSE MARIANNA FLORIDA HIGHWAY PATROL STATION			-	-	-	(1.00)	(52,232)	-	-	(52,232)	(1.00)	-	-	(52,232)	(52,232)
179	33B3880	CLOSE NAPLES FLORIDA HIGHWAY PATROL STATION			-	-	-	(1.00)	(46,837)	-	-	(46,837)	(1.00)	-	-	(46,837)	(46,837)

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Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
180	33B3890	CLOSE QUINCY FLORIDA HIGHWAY PATROL STATION		-	-	-	-	(1.00)	(67,380)	-	-	(67,380)	(1.00)	-	-	(67,380)	(67,380)
181	33B3940	CLOSE STARKE FLORIDA HIGHWAY PATROL STATION		-	-	-	-	(1.00)	(46,615)	-	-	(46,615)	(1.00)	-	-	(46,615)	(46,615)
182	33B3950	CLOSE LAKE PLACID FLORIDA HIGHWAY PATROL STATION		-	-	-	-		(6,155)	-	-	(6,155)		-	-	(6,155)	(6,155)
183	33B3960	ELIMINATE QUALITY REVIEW OF TITLES This reduction would reduce the number of quality title reviews currently processed by DHSMV personnel. A small percentage of title transactions which are conducted in Tax Collector's and private tag agency offices are currently reviewed for compliance with rule and policy.											(6.00)	-	-	(209,607)	(209,607)
184	33B3910	ELIMINATE POSITIONS IN BUREAU OF TITLES AND REGISTRATIONS Eliminate 3 FTEs in the Bureau of Titles and Registrations. These reductions will be absorbed through reorganizational efficiencies and redistribution of workload.		-	-			(3.00)	(91,514)	-	-	(91,514)	(3.00)	-	-	(91,514)	(91,514)
185	33B3970	PROCESS IMPROVEMENTS-MOBILE HOME INSTALLATION LICENSING This issue eliminates a senior clerk position. The workload will be absorbed through process improvements and automation in the installer licensing area of the bureau, and redistributing workload.		-	-	-	-	(1.00)	(34,934)	-	-	(34,934)	(1.00)	-	-	(34,934)	(34,934)
186	33B3980	REDUCE FUNDING FOR ISSUANCE OF DRIVER LICENSES AND ID CARDS IN THE PURCHASE OF DRIVER LICENSES CATEGORY This issue reduces the base budget for the issuance of driver licenses and ID cards based on revised issuance projects for FY 11-12. The revised issuance projections is a result of a decline in actual issuances due to recent law changes and the impact of REAL ID.		-	-	-	-		(700,000)	-	-	(700,000)		-	-	(700,000)	(700,000)
187	33B4010	ELIMINATE POSITION IN THE BUREAU OF FIELD SERVICES This issue eliminates a senior clerk position in the Bureau of Field Services/Region 1.		-	-	-	-	(1.00)	(34,934)	-	-	(34,934)	(1.00)	-	-	(34,934)	(34,934)
188	33B4020	ELIMINATE VACANT POSITION IN THE BUREAU OF DRIVER IMPROVEMENT This issue eliminates 1 FTE as a result of process improvements.		-	-	-	-	(1.00)	(33,989)	-	-	(33,989)	(1.00)	-	-	(33,989)	(33,989)
189	33B4030	ELIMINATE STAFF ASSISTANT POSITION IN THE BUREAU OF DRIVER IMPROVEMENT This issue eliminates a staff assistant position previously assigned to a Bureau Chief position that no longer exists. The incumbent in this position will be reassigned to a vacant position.		-	-	-	-	(1.00)	(37,244)	-	-	(37,244)	(1.00)	-	-	(37,244)	(37,244)
190	33B4040	ELIMINATE OPERATIONS AND MANAGEMENT CONSULTANT MANAGER POSITION, MOTORIST SERVICES PROJECT MANAGEMENT UNIT This issue eliminates the FTE assigned to the Motorist Services Alignment Project which is complete. Remaining workload associated with this position will be shifted to Motorist Services Chief of Staff team members.			-	-	-	(1.00)	(138,448)	-	-	(138,448)	(1.00)	-	-	(138,448)	(138,448)
191	33B4050	ELIMINATE POSITIONS IN THE COMMERCIAL DRIVER LICENSE (CDL) PROGRAM This issue will eliminate a compliance officer in the CDL program upon retirement of the member on 1/31/11.		-	-	-	-	(1.00)	(47,636)	-	-	(47,636)	(1.00)	-	-	(47,636)	(47,636)

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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
192	33B4060	ELIMINATE POSITIONS IN THE BUREAU OF ADMINISTRATIVE REVIEWS (BAR) This issue eliminates a vacant senior clerk position assigned to the Ft. Myers BAR office and a vacant hearing officer position assigned to the Tallahassee BAR office.		-	-	-	-	(2.00)	(77,439)	-	-	(77,439)	(2.00)	-	-	(77,439)	(77,439)
193	33B4070	ELIMINATE POSITIONS IN THE BUREAU OF FINANCIAL RESPONSIBILITY This issue eliminates 2 clerk specialist positions in the Bureau of Financial Responsibility. These FTE can be eliminated as a result of process improvements as workload can be realigned.		-	-	-	-	(2.00)	(62,744)	-	-	(62,744)	(2.00)	-	-	(62,744)	(62,744)
194	33B4080	ELIMINATE POSITIONS IN THE BUREAU OF RECORDS This issue eliminates a vacant data entry operator, a senior clerical supervisor due to process improvements and redistribution of workload. Two additional FTE can be eliminated when positions become vacant on 7/31/11 and 5/31/12. The annualized savings in FY 12-13 is \$33,078.		-	-	-	-	(4.00)	(103,340)	-	-	(103,340)	(4.00)	-	-	(103,340)	(103,340)
195	33B4090	CONSOLIDATE THE BUREAU OF ADMINISTRATIVE REVIEWS (BAR) BY REDUCING NUMBER OF REGIONS This issue realigns the BAR regions from 4 to 3 and eliminates an Operations Management Consultant Manager responsible for regional oversight of 16 field offices.		-	-	-	-	(1.00)	(67,956)	-	-	(67,956)	(1.00)	-	-	(67,956)	(67,956)
196	33B5010	CLOSE STATE-OWNED DRIVER LICENSES OFFICES Proposed office closures include: Santa Rosa County: Milton Okaloosa County: Crestview Gulf County: Port St. Joe Jackson County: Marianna Gadsden County: Quincy Brevard County: Titusville and Melbourne		-	-	-	-	(28.00)	(1,156,828)	-	-	(1,156,828)	(28.00)	-	-	(1,156,828)	(1,156,828)
197	33B5020	CLOSE LEASED DRIVER LICENSES OFFICES Proposed office closures include: Walton County: DeFuniak springs Bay County: Panama City Jackson County: Marianna Lake County: Lady Lake Hillsborough County: Lutz		-	-	-	-	(23.00)	(1,328,028)	-	-	(1,328,028)	(23.00)	-	-	(1,328,028)	(1,328,028)
198	33V0050	CLOSE GAINESVILLE DRIVERS LICENSE OFFICE The Gainesville drivers license office is closing as part of transitioning this service to the tax collectors. This issue was added in the agency's amended LBR.														(47,196)	(47,196)
199	33B5030	ANNUALIZE FISCAL YEAR 2010-11 DRIVER LICENSE OFFICE CLOSURES This issue annualizes reductions resulting from FY 10-11 driver license office closures which include Vero Beach, Bradenton, Crystal River, Lake Wales, Fort Walton Beach, Clewiston, Cape Coral, Orange Park, Lake City, Palatka, and North Melbourne.		-	-	-	-		(843,140)	-	-	(843,140)		-	-	(843,140)	(843,140)
199A		REDUCTION FOR SUNCOM SERVICES														-	-
200	33V0500	EFFICIENCY REDUCTION MOTORIST SERVICES This reduction is a savings related to the consolidation of the Division of Driver License and the Division of Motor Vehicles. These services will be delivered through single service entity Motorist Services.	(9.00)	-	-	(447,219)	(447,219)	(9.00)	(447,219)	-	-	(447,219)	(9.00)	-	-	(447,219)	(447,219)

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Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
201	33V0520	REDUCE MOTOR CARRIER COMPLIANCE This issue reflects the savings associated with the transfer of the Office of Motor Carrier compliance from FDOT to the Florida Highway Patrol in DHSMV.		-	-	-	-	(38.00)	(2,562,137)	-	-	(2,562,137)	(11.00)	-	-	(1,347,993)	(1,347,993)
202	33V6600	REDUCE POSITIONS VACANT IN EXCESS OF 90 DAYS This issue eliminates positions which have been identified as being vacant in excess of 90 days. The agency amended request includes this issue to reduce 68 FTE's and \$2.5 M.		-	-	-	-	(68.00)	(2,749,901)	-	-	(2,749,901)	(68.00)	-	-	(2,542,370)	(2,542,370)
203	33B1250	REDUCE FUNDING FOR FHP ACADEMY TRAINING The FHP currently conducts two academy recruit training classes per year graduating between 85- 100 troopers a year. This issue would eliminate the salary and expense budget for training 40 FTE. This reduction would require a higher recruiting emphasis on applicants who are already certified law enforcement officers.														(1,370,040)	(1,370,040)
204	33VXXXX	ELIMINATE THE FHP PUBLIC AFFAIRS OFFICE This issue would eliminate the FHP Public Affairs Office. This office has 6 FTE of which 3 are sworn law enforcement and 3 administrative staff.														-	-
204A	33V0590	EFFICIENCY REDUCTION - ADMINISTRATIVE SERVICES AND FLORIDA HIGHWAY PATROL											(10.00)		-	(514,595)	(514,595)
205	33VXXXX	REDUCE FHP AUXILIARY BUDGET FOR UNIFORMS AND EQUIPMENT													-	-	-
206	33VXXXX	CONSOLIDATION OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES WITH THE DEPARTMENT OF TRANSPORTATION See Line 206A													-	-	-
206A	33B1450	REORGANIZATION AND RECLASSIFICATION OF FLORIDA HIGHWAY PATROL TO REDUCE SPAN OF CONTROL														(1,108,804)	(1,108,804)
207	33VXXXX	ELIMINATE EXCESS SALARY BUDGET IN THE FLORIDA HIGHWAY PATROL														(860,000)	(860,000)
208	33001C0	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS This issue reflects a reduction as part of the relocation and consolidation of the department's technology resources to the Northwood Shared Resource Center (NSRC).		-	-	-	-	(4.00)	(72,876)	-	-	(72,876)	statewide issue				
209	340C200	FUND SHIFT TRANSFER FROM TRUST FUND - DEDUCT This issues transfers funding from the Highway Safety Operating Trust Fund in DHSMV to the General Revenue Fund.		-	-	-	-				(368,837,583)	(368,837,583)			-	-	-
210	340C200	FUND SHIFT TRANSFER FROM TRUST FUND - ADD This issues transfers funding from the Highway Safety Operating Trust Fund in DHSMV to the General Revenue Fund.		-	-	-	-	368,837,583				368,837,583			-	-	-
211	36234C0	PHASE II - REPLACE OUTDATED DRIVER LICENSE AND MOTOR VEHICLE COMPUTER SYSTEMS This issue requests funding for activities related to the motorist system modernization. The issues include: elimination of the mainframe; business process redesign and functional requirements; and data requirements and cleansing.		-	-	2,810,219	2,810,219				-	-			-	-	-

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Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
212	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES This issue request funding to support the data center consolidation efforts to transfer services to the Northwood Shared Resource Center (NSRC).		-	-	1	1			100,000	-	100,000				statewide issue	-
213	990M000	MAINTENANCE AND REPAIR Special Projects and Improvements Funding for general repairs to Neil Kirkman Building				498,000	498,000			498,000	-	498,000				-	-
213A	080016	Minor Repairs/Improvement Florida Highway Patrol facilities.														135,000	135,000
213B	080002															363,000	363,000
214		HIWAY SAFETY/MTR VEH. DEPT Total	4,459.00	-	25,777,076	390,044,175	411,251,298	4,676.50	351,471,064	598,000	52,766,667	404,835,731	4,525.50	-	-	395,459,832	395,459,832
215																	
216		MILITARY AFFAIRS, DEPT OF															
217	1100001	STARTUP (OPERATING)	352.00	15,839,003	-	39,060,806	54,899,809	352.00	15,839,003	-	39,060,806	54,899,809	352.00	15,839,003	-	39,060,806	54,899,809
218	160P100	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES - DEDUCT This issue requests the realignment of existing budget between categories.		(93,000)	-	500,000	407,000			-	-	-				-	-
219	160P200	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES - ADD This issue requests the realignment of existing budget between categories.		93,000	-	(500,000)	(407,000)			-	-	-				-	-
220	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		5,445	-	11,919	17,364			-	-	-				-	-
221	24010C0	INFORMATION TECHNOLOGY INFRASTRUCTURE REPLACEMENT This issue requests non-recurring budget for the purchase of information technology software and hardware. Specialized equipment is required to maintain compatibility with the state and federal agencies. Funding is from the Federal Grants Trust Fund.			293,500	76,000	369,500			293,500	76,000	369,500				76,000	76,000
222	2402000	ADDITIONAL EQUIPMENT This issue requests budget to purchase equipment to support activities at Camp Blanding Jt. Training Center (portable radios, high resolution cameras, gang reel mowers, all terrain vehicles). Equipment is also requested to support the Florida National Guard Youth Challenge Program, including ATV'S, utility vehicles and portable buildings for storage. The equipment will be funded by the Federal Grants Trust Fund.			-	203,987	203,987			-	203,987	203,987				203,987	203,987
223	2402050	ADDITIONAL EQUIPMENT - MOTOR VEHICLE FOR CAMP BLANDING This issue requests budget to purchase 2 farm tractors and additional equipment to support the training mission at Camp Blanding Joint Training Site. Federal Grants Trust Fund.			-	100,000	100,000			-	100,000	100,000				100,000	100,000
224	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS (Statewide adjustment to reconcile to FY 2011-12 billing from Division of Administrative Hearings in DMS)			-	-	-		(7,656)	-	-	(7,656)		(7,656)	-	-	(7,656)

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225	3000310	FEDERAL/STATE COOPERATIVE AGREEMENT - SUPPORT This issue requests budget and FTE to meet increased needs of the FNG. These personnel would be in direct support of executed cooperative agreements with the Department of Defense to support the FNG. Cooperative Agreements currently fund 207 of the departments 352 employees. 10 FTE will support the Florida Youth Challenge Program and will replace contract positions and 11 will support range operations and maintenance at CBJTC.	21.00	-	-	1,015,686	1,015,686	21.00	-	-	991,270	991,270	21.00	-	-	1,015,686	1,015,686
226	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT This issue transfers funding from the Camp Blanding Trust Fund as part the proposed trust fund elimination.							-	-	(1,497,525)	(1,497,525)		-	-	-	-
227	34C0200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD This issue transfer funding from the Camp Blanding Trust Fund to the General Revenue Fund as part of the proposed trust fund elimination.							1,497,525	-	-	1,497,525		-	-	-	-
228	36210C0	INTEGRATED EMERGENCY OPERATIONS MANAGEMENT INFORMATION SYSTEM This issue requests budget for maintenance and improvement of the IEOMS		-	25,000	-	25,000		-	25,000	-	25,000		-	-	-	-
229	4200500	FORWARD MARCH PROGRAM This issue request budget for the Forward March Program. This program provides job-readiness services at selected armories throughout the state for WAGES recipients who are referred by local workforce boards and the Department of Children and Families.		-	-	1,250,000	1,250,000		-	1,250,000	-	1,250,000		-	1,250,000	-	1,250,000
230	4200600	ABOUT FACE PROGRAM This issue requests budget for the About Face Program. This program is a summer and year-round after- school life preparation program for economically disadvantaged and at-risk youths from 13- 17 years old at selected armories throughout the state.		-	-	750,000	750,000		-	750,000	-	750,000		-	750,000	-	750,000
231	4300000	ARMORY SUPPORT This issue request additional budget for energy costs increases at the state's 60 armories.		-	370,000	-	370,000		370,000		-	370,000		-	370,000	-	370,000
232	4300500	NATIONAL GUARD TUITION ASSISTANCE This issue provides additional budget for the tuition assistance program provided for FNG members. There is \$1.7 million in the recurring base budget for this program.		-	-	-	-		-	500,000	-	500,000		-	-	-	-
233	4500000	WORKER COMPENSATION FOR STATE ACTIVE DUTY This issue requests budget to pay the for worker compensation costs as sociated with injuries sustained by FNG members while on state active duty. (Ch. 250.34, F.S.)		-	300,000	-	300,000		-	300,000	-	300,000		-	238,576	-	238,576
233A	5200100	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES - ADD This issue requests the realignment of existing budget between categories.				1,905,000	1,905,000										-
233B	5200200	REALIGN BUDGET AUTHORITY BETWEEN CATEGORIES - DEDUCT This issue requests the realignment of existing budget between categories.				(1,905,000)	(1,905,000)										-
234	990M000	MAINTENANCE AND REPAIR		-			15,000,000		-	3,100,000	-	3,100,000		-	-	-	-

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234A	086939	Renovations at CBJTC to house Florida Counter-Drug Training Academy. These renovations will include remodeling three military barracks to serve as the FCDTA Administrative Buildings and Classrooms. This construction is funded with the FNG Asset Forfeiture funds.				200,000	200,000									200,000	200,000
234B	086937	Florida Readiness Centers Renovations. The issue request funding to continue renovating Florida Armories to meet state and federal building codes. State funding has been provided to date to renovate 25 of the 60 armories.			15,000,000	-	-								3,100,000		3,100,000
235	9905000	SPECIAL PURPOSE -															
235A	086984	Plan Amory/Eglin/Fort Walton. Funding is providing for planning and design of a new armory in Ft. Walton, to be constructed on a 25 acre site furnished to the Eglin Air Force Base, by the U.S. Air Force. Design if 100% federally funded, however construction costs will require a 20% state match. DMA is requesting federal funds for FY 2013.				832,000	832,000									832,000	832,000
236B	087014	West Palm Beach Armed Forces Reserve Center. This issue requests funding for the construction of paved parking area and security fencing and lighting to store equipment. The construction will provide additional motor pool area for the Air Defense Artillery Unit. Federal Grants Trust Fund.				3,412,000	3,412,000				3,412,000	3,412,000				3,412,000	3,412,000
236	MILITARY AFFAIRS, DEPT OF Total		373.00	15,844,448	15,988,500	46,912,398	78,745,346	373.00	17,698,872	6,218,500	42,346,538	66,263,910	373.00	15,831,347	5,708,576	44,900,479	66,440,402
237																	
238	STATE, DEPT OF																
239	1100001	STARTUP (OPERATING)	435.00	24,651,140	-	29,372,978	54,024,118	435.00	24,651,140	-	29,372,978	54,024,118	435.00	24,651,140	-	29,372,978	54,024,118
240	1605300	FUND SOURCE IDENTIFIER - DEDUCT		-	-	(385)	(385)		-	-	-	-		-	-	-	-
241	1605400	FUND SOURCE IDENTIFIER - ADD		-	-	385	385		-	-	-	-		-	-	-	-
242	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		24,267	-	9,166	33,433		-	-	-	-		-	-	-	-
243	25001C0	COST ADJUSTMENT FOR DATA PROCESSING SERVICES AT PRIMARY DATA CENTER		-	-	-	-		-	33,537	-	33,537		-	-	-	-
244	3000120	FEDERAL ELECTIONS ASSISTANCE	1.00	-	-	68,735	68,735		-	-	-	-		-	-	-	-
245	30012C0	FEDERAL ELECTIONS ASSISTANCE - FLORIDA VOTER REGISTRATION SYSTEM. For the HAVA unit working on the Florida Voter Registration System (FVRS) to support database administrative activities, system upgrades, and provide necessary support for interagency data transfer of information from other agencies.	1.00	-	-	71,765	71,765		-	-	-	-		-	-	-	-
246	3380210	CONSOLIDATE LEGISLATIVE LIBRARY WITH STATE LIBRARY. Eliminates the Legislative Library on the 7th floor of the Capitol and relocates it to the R.A. Gray building.		-	-	-	-	(1.00)	(115,813)	-	(153,187)	(269,000)				-	-
247	3380310	SERVICE REDUCTION - DEPARTMENT WIDE INFORMATION TECHNOLOGY (IT) SERVICES. Eliminates desktop support services for the divisions.		-	-	-	-	(4.00)	(224,496)	-	-	(224,496)	statewide issue			-	-
248	3380370	SERVICE REDUCTION - ELIMINATE COMPUTER OUTPUT MICROFILMING. Due to the decline in microfilming requests from other agencies since data is now digitized.		-	-	-	-	(3.50)	(156,690)	-	-	(156,690)	(3.50)	(156,690)	-	-	(156,690)

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			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE Chairman's Proposal				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
249	33B0390	FUND SHIFT LIBRARY RESOURCES TO FEDERAL GRANT PROGRAMS Database resources for history, geneology, American Culture and library information services will be funded with available federal grants.												(47,901)		47,901	-
250	33B0430	FUND SHIFT POSITIONS TO FEDERAL GRANT PROGRAM Cultural Affairs consultant positions will be funded with NEA grants.												(121,243)		121,243	-
251	33B0440	ELIMINATE EXTERNAL EXHIBITS PROGRAM Includes the Capitol Complex exhibits and the Artists Exhibits on the 22nd floor of the Capitol.		-	-	-	-	(1.00)	(60,451)	-	-	(60,451)	(1.00)	(60,451)	-	-	(60,451)
252	33B0490	REDUCE DEVELOPMENT ACTIVITIES - MUSEUM OF FLORIDA HISTORY Administrative Assistant position.		-	-	-	-	(1.00)	(40,000)	-	-	(40,000)	(1.00)	(40,000)	-	-	(40,000)
253	33B0500	REDUCE PRESERVATION SERVICES FOR MUSEUM COLLECTIONS Eliminates two half-time museum curators who work on technical physical analysis and mounting of artifacts and environmental analysis for exhibits.		-	-	-	-	(1.00)		-	(28,765)	(28,765)		-	-	-	-
254	33B0510	CONSOLIDATE ARCHAEOLOGICAL PROGRAMS Eliminates exploration and recovery of historical shipwrecks.		-	-	-	-	(2.00)		-	(100,215)	(100,215)		-	-	-	-
255	33B0520	FUND SHIFT RENT TO FEDERAL GRANT PROGRAMS (Historical Resources)											see row 282			-	-
256	33B0540	REDUCE ARCHAEOLOGY AND PRESERVATION OTHER PERSONAL SERVICES Reduces funding for OPS staff, impacting a range of archeological research activities.		-	-	-	-			-	(133,915)	(133,915)		-	-	-	-
257	33B0560	CONSOLIDATE THE STATE ARCHIVES AND THE STATE LIBRARY Eliminates librarians and resource materials; the State Library would be closed on July 1, 2011 except for electronically accessed documents.		-	-	-	-	(7.50)	(317,876)	-	(120,000)	(437,876)	(7.50)	(317,876)	-	(120,000)	(437,876)
258	33B0580	ELIMINATE GRANTS ADMINISTRATION AND PROGRAM SERVICES POSITION Eliminates a Cultural Program Grants Manager due to recent consolidation of programs and a reduction in grant funding.		-	-	-	-	(1.00)	(42,764)	-	-	(42,764)	(1.00)	(42,764)	-	-	(42,764)
259	33B0590	SERVICE REDUCTION - DEPARTMENT WIDE GENERAL SERVICES Reduces staff in the telephone unit and in the HR unit.		-	-	-	-	(4.00)	(268,110)	-	-	(268,110)	(4.00)	(268,110)	-	-	(268,110)
260	33B0610	ELIMINATE FLAGS AND AUDIO VISUAL COLLECTION PROGRAM Will stop collecting new flags from UN countries and all states, and will no longer lend the collection and A/V resources to libraries' programs.		-	-	-	-	(1.00)	(37,261)	-	(10,000)	(47,261)	(1.00)	(37,261)	-	(10,000)	(47,261)
261	33B0680	OPERATIONAL REDUCTIONS IN ELECTIONS (Retired Assistant Director)		-	-	-	-	(1.00)	(118,366)	-	-	(118,366)	(1.00)	(118,366)	-	-	(118,366)
262	330L100	OFFICE AND BUILDING LEASE SAVINGS		-	-	-	-		(107,365)	-	(60,015)	(167,380)				(60,015)	(167,380)
263	3300200	REDUCE VACANT POSITIONS		-	-	-	-	(1.00)	(32,191)	-	-	(32,191)	(1.00)	(32,191)	-	-	(32,191)
264	3300810	REDUCE OPERATIONAL FUNDING - CORPORATIONS		-	-	-	-	(1.00)	(239,606)	-	-	(239,606)			-	-	-
265	3300820	REDUCE OPERATIONAL FUNDING - ADMINISTRATIVE SERVICES		-	-	-	-		(10,000)	-	-	(10,000)		(10,000)	-	-	(10,000)
266	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT							2,263,521	-	-	2,263,521					
267	340C200	FUND SHIFT - TRANSFER FROM TRUST FUND - ADD															
268	34F0010	TRANSFER THE FINE ARTS COUNCIL TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	422	422	7.00	-	-	-	-		-	-	-	-

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					NON-RECURRING GENERAL REVENUE					NON-RECURRING GENERAL REVENUE							
Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
269	34F0020	TRANSFER THE FINE ARTS COUNCIL TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	(422)	(422)	(7.00)	-	-	-	-		-	-	-	-
270	34F0030	TRANSFER THE OPERATING TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	480	480		-	-	-	-		-	-	-	-
271	34F0040	TRANSFER THE OPERATING TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	(480)	(480)		-	-	-	-		-	-	-	-
272	34F0050	TRANSFER THE GRANTS AND DONATIONS TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	2,191	2,191	39.00	-	-	-	-		-	-	-	-
273	34F0060	TRANSFER THE GRANTS AND DONATIONS TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	(2,191)	(2,191)	(39.00)	-	-	-	-		-	-	-	-
274	34F0070	TRANSFER THE LIBRARY SERVICES TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	2,069	2,069	28.00	-	-	-	-		-	-	-	-
275	34F0080	TRANSFER THE LIBRARY SERVICES TRUST FUND TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	(2,069)	(2,069)	(28.00)	-	-	-	-		-	-	-	-
276	3400830	FUND SHIFT POSITIONS FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	-	-	(2.00)	(121,244)	-	-	(121,244)		-	-	-	-
277	3400840	FUND SHIFT POSITIONS FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	-	-	2.00	-	-	121,244	121,244		-	-	-	-
278	3400850	FUND SHIFT LIBRARY RESOURCES FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	-	-	(532,289)	-	-	(532,289)		-	-	-	-	-
279	3400860	FUND SHIFT LIBRARY RESOURCES FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	-	-	-	-	-	532,289	532,289		-	-	-	-
280	3400870	FUND SHIFT GRANTS AND DONATIONS TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	-	-	(3.00)	-	-	(118,752)	(118,752)		-	-	-	-
281	3400880	FUND SHIFT GRANTS AND DONATIONS TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	-	-	3.00	-	-	118,752	118,752		-	-	-	-
282	3401070	FUND SHIFT RENT FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - DEDUCT		-	-	-	-	(265,162)	-	-	(265,162)		(265,162)	-	-	-	(265,162)
283	3401080	FUND SHIFT RENT FROM GENERAL REVENUE TO THE FEDERAL GRANTS TRUST FUND - ADD		-	-	-	-	-	-	-	265,162	265,162		-	-	265,162	265,162
284	4300010	MUSEUM SECURITY Museum of Florida History security upgrade is essential for Museum accreditation to continue to acquire high-quality traveling exhibitions, loans of important artifacts for special exhibitions, and to maintain permanent collections of the state of Florida to required industry standards.		-	-	300,000	300,000		-	-	300,000	300,000		-	-	-	-
285	4600100	ADDITIONAL STATE MATCH FOR HELP AMERICA VOTE ACT (HAVA)		-	207,522	-	207,522		-	207,522	-	207,522		-	207,522	-	207,522
286	4800100	DEPARTMENT WIDE LITIGATION EXPENSES Funding for litigation expenses in order to acquire legal representation for lawsuits related to the elections' process. The Attorney General's Office represents the Department in these cases unless their workload prevents taking the additional cases or in the event of a conflict. In some instances it is necessary to obtain outside counsel with expertise in election law to represent the Department.		-	500,000	-	500,000		-	1,200,000	-	1,200,000		-	500,000	-	500,000

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	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
287	4900100	CULTURAL AND MUSEUM GRANTS General program support grants up to \$150,000 for non-profit, tax-exempt Florida corporations including, but not limited to, history museums, science museums, youth & children's museums, art museums, state service organizations, performing art centers, orchestras, dance companies, and theater groups; local or state government entities; school districts; community colleges; colleges and universities that have cultural program activities in any of the arts and cultural disciplines. There are currently 224 applicants on the list totaling \$17.1 million.			2,000,000		2,000,000								2,000,000		2,000,000
288	4900200	CULTURE BUILDS FLORIDA Specific cultural project grants up to \$25,000 for nonprofit, tax-exempt Florida corporations, local or state governmental entities such as school districts, community colleges, colleges, universities, and local arts agencies for activities in arts in education, Culture Builds Florida, museums, or for activities in any of the arts and cultural disciplines and under-served cultural communities. Pursuant to s. 265.286(4) F.S. project grants shall be funded at full request by score until all appropriated funds are depleted.			500,000		500,000								500,000		500,000
288A	New Issue	HOLOCAUST DOCUMENTATION AND EDUCATION CENTER RAIL CAR RENOVATION See line item 3175C in the FY 2010-11 GAA where \$250,000 was funded.													250,000		250,000
289	5703000	INCREASED FUNDING FOR STATE AID TO LIBRARIES The State Aid to Libraries program supports three types of grants. Operating Grants: All qualified counties are eligible to receive up to \$0.25 on every \$1.00 of local funds spent for the operation and maintenance of a library. Grants are prorated if the program is not fully funded. Equalization Grants: These grants are made available to those counties that qualify for an Operating Grant and that have limited local tax resources. The formula for distribution of these grants is based on fiscal capacity, effort, and need. The total for Equalization Grants may not exceed 15 percent of the appropriation. Grants are prorated if the program is not funded at or above \$31,999,233 or if libraries qualify for more than 15 percent of the appropriation. Multicounty Library Grants: These grants are made available to provide support to libraries that qualify for Operating Grants and that choose to join together to serve a combined population of at least 50,000 and serve two or more counties, at least one of which qualifies for an Equalization Grant.		21,253,978			21,253,978			21,253,978		21,253,978					
290	73001C0	CONVERT OTHER PERSONAL SERVICES TO FULL TIME EQUIVALENT FOR MEMORY PROJECT WEB DEVELOPER - DEDUCT				(48,155)	(48,155)										
291	73003C0	CONVERT OTHER PERSONAL SERVICES TO FULL TIME EQUIVALENT FOR MEMORY PROJECT WEB DEVELOPER - ADD	1.00			48,155	48,155										
292	7400000	HISTORIC PRESERVATION GRANTS Historic Preservation Small Matching Grants for restoration and rehabilitation of historic buildings and structures, as well as for survey and evaluation of historic and archaeological resources.			650,000		650,000										

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	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
293	8500040	VOTER INFORMATION Voter education/information programs to increase voter awareness and participation. The programs will contain information such as who is eligible to vote in Florida, when the elections will be held, voter registration requirements and voting procedures. The program will consist of public service announcements, radio spots and printed material available to the public.		75,000		-	75,000		-	75,000	-	75,000		-	-	-	-
294	8500060	FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) RECONCILIATION - HURRICANE CHARLEY RESPONSE To reimburse the Department of Community Affairs, Division of Emergency Management, for an overpayment of funds that the Department of State received for the Hurricane Charley disaster.			94,897	-	94,897		-	94,897	-	94,897		-	-	-	-
295	9400100	REIMBURSEMENTS TO COUNTIES FOR SPECIAL ELECTIONS Section 100.102, F.S., requires the state to reimburse counties for the cost of special elections to fill vacancies in legislative office. The FY 2011-12 request will provide funds to reimburse counties that have already submitted invoices for costs associated with special elections and for anticipated special elections that will likely occur.			1,600,000		1,600,000		-	1,600,000	-	1,600,000		-	1,600,000	-	1,600,000
295A	New Issue	GOVERNMENT HOUSE MUSEUM RENOVATIONS - ST. AUGUSTINE													200,000	-	200,000
295B	New Issue	GOVERNMENT HOUSE INTERPRETIVE FILM AND EXHIBIT - ST AUGUSTINE													200,000	-	200,000
295C	New Issue	HISTORIC HAMPTON HOUSE COMMUNITY TRUST Miami. Museum and archive dedicated to vintage jazz.												-	100,000	-	100,000
296	STATE, DEPT OF Total		438.00	46,004,385	5,552,419	29,822,644	81,379,448	405.00	24,224,977	24,464,934	27,722,055	76,411,966	414.00	23,025,760	5,557,522	29,617,269	58,200,551
297																	
298	TRANSPORTATION, DEPT OF																
299	1100001	STARTUP (OPERATING)	7,443.00			907,021,940	907,021,940	7,443.00	-	-	907,021,940	907,021,940	7,443.00	-	-	907,021,940	907,021,940
300	1100002	STARTUP DEBT SERVICE (FCO)				163,123,201	163,123,201		-	-	163,123,201	163,123,201		-	-	163,123,201	163,123,201
300A	160F010	RE-APPROVE FIVE PERCENT TRANSFERS - DEDUCT															
300B	160F020	RE-APPROVE FIVE PERCENT TRANSFERS - ADD															
301	160S010	CORRECT FUND SOURCE IDENTIFIER - DEDUCT This issue changes the fund source identifier for the Public Transit Block Grant provided to the Transportation Disadvantaged to federal funds rather than state.		-	-	-	-		-	-	(12,328,401)	(12,328,401)		-	-	-	-
302	160S020	CORRECT FUND SOURCE IDENTIFIER - ADD BACK This issue changes the fund source identifier for the Public Transit Block Grant provided to the Transportation Disadvantaged to federal funds rather than state.		-	-	-	-		-	-	12,328,401	12,328,401		-	-	-	-
303	1604500	REALLOCATION OF HUMAN RESOURCES OUTSOURCING Adjusts for the projected next year's billing by DMS for the PeopleFirst personnel fee charged for all state employees.		-	-	-	-		-	-	301,223	301,223		-	-	-	-
304	1608030	RE-APPROVAL OF POSITION TRANSFER FOR EXECUTIVE DIRECTOR OF FLORIDA RAIL ENTERPRISE - DEDUCT This issue continues an approved budget amendment that transfers an existing position to the Florida Rail Enterprise to fund the Executive Director position as authorized in the FY 10-11 GAA.		-	-	-	-	(1.00)	-	-	-	-		-	-	-	-

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					NON-RECURRING GENERAL REVENUE					NON-RECURRING GENERAL REVENUE									
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305	1608040	REAPPROVAL OF POSITION TRANSFER FOR EXECUTIVE DIRECTOR OF FLORIDA RAIL ENTERPRISE - ADD This issue continues approved budget amendment that transfers an existing position to the Florida Rail Enterprise to fund the Executive Director position as authorized in the FY 10-11 GAA.			-	-	-	1.00	-	-	-	-		-	-	-	-		
306	17C01C0	DEDUCT AGENCY DATA CENTER SERVICES FUNDING This issue deducts budget in the Expense, OCO, and Contracted Services categories from base budget to fund non-mainframe data center services at the Southwood Shared Resource Center (SSRC). This issue reflects a budget reduction for three months, April through June 2012. Ch. 282.201, F. S.	(20.00)		-	-	-	(15.00)	-	-	(858,427)	(858,427)	statewide issue				-	-	
307	17C02C0	ADD SERVICES PROVIDED BY PRIMARY DATA CENTER This issue request budget to pay for non-mainframe services at the Southwood Shared Resource Center (SSRC).			-	-	-		-	-	858,427	858,427	statewide issue				-	-	
308	1700500 1700800	TRANSFER OFFICE OF MOTOR CARRIER COMPLIANCE TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES This issue transfers the FTE and budget for the Office of Motor Carrier Compliance to the Florida Highway Patrol in the Department of Highway Safety and Motor Vehicles.			-	-	-	(481.00)	-	-	(41,299,767)	(41,299,767)	(315.00)		-	-	(34,056,790)	(34,056,790)	
308A	NEW ISSUE	ADD BUDGET AUTHORITY FOR TRANSFER TO HIGHWAY SAFETY AND MOTOR VEHICLES FOR MOTOR CARRIER COMPLIANCE PROGRAM															34,056,790	34,056,790	
309A	NEW ISSUE	REDUCE BUDGET AUTHORITY FOR TRANSFER TO HIGHWAY SAFETY AND MOTOR VEHICLES FOR MOTOR CARRIER COMPLIANCE PROGRAM FOR FY 2011-12															(10,000,000)	(10,000,000)	
309	1805010	REALIGN EXISTING POSITIONS - DEDUCT SIDE This issue requests the transfer of 17 FTE and related budget in Districts 2, 3, 4, 5, 7 and Central Office to functionally realign positions with the program areas they support.	(17.00)		-	-	(882,092)	(882,092)	(17.00)	-	-	(882,092)	(882,092)	(17.00)		-	-	(882,092)	(882,092)
310	1805020	REALIGN EXISTING POSITIONS - ADD SIDE This issue requests the transfer of 17 FTE and related budget in Districts 2, 3, 4, 5, 7 and Central Office to functionally realign positions with the program areas they support.	17.00		-	-	882,092	882,092	17.00	-	-	882,092	882,092	17.00		-	-	882,092	882,092
311	1805030	REALIGN EXISTING POSITIONS BETWEEN BUDGET ENTITIES - DEDUCT SIDE The issue requests the transfer of 1 FTE and related budget in District 4 to functionally align the position with the program areas supported in the organization structure.	(1.00)		-	-	(70,562)	(70,562)	(1.00)	-	-	(70,562)	(70,562)	(1.00)		-	-	(70,562)	(70,562)
312	1805040	REALIGN EXISTING POSITIONS BETWEEN BUDGET ENTITIES - ADD SIDE The issue requests the transfer of 1 FTE and related budget in District 4 to functionally align the position with the program areas supported in the organization structure.	1.00		-	-	70,562	70,562	1.00	-	-	70,562	70,562	1.00		-	-	70,562	70,562
313	2401170	REPLACEMENT EQUIPMENT FOR MATERIALS AND TESTING LABORATORIES This issue requests budget to replace testing equipment and host vehicles for the State Materials Lab in Gainesville, Districts 4 and 5. Specialized equipment is used to ensure road construction meets contract specification and to test various materials used in highway and bridge construction. Recurring budget is requested for equipment calibration maintenance service.			-	-	948,500	948,500		-	-	-	-		-	-	-	-	

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314	2403100	ADDITIONAL EQUIPMENT FOR THE MATERIALS AND TESTING LABORATORIES This issue requests budget to purchase concrete testing equipment and software is needed to ensure concrete roads are constructed in a manner that meets contract specifications and is safe for travel. Recurring budget is requested for equipment calibration and maintenance services for the specific equipment in this issue.		-	-	293,000	293,000		-	-	-	-		-	-	-	-
315	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS (Statewide adjustment to reconcile to FY 2011-12 billing from Division of Administrative Hearings in DMS)		-	-	-	-		-	-	5,130	5,130		-	-	5,130	5,130
316	33B1600	REDUCE OTHER PERSONAL SERVICES BASE This issue reduces OPS funding from the base budget. OPS budget provides funding for temporary employment to pay for services rendered by someone who is not in an established position.		-	-	-	-		(13,400)	-	(2,486,600)	(2,500,000)		-	-	(2,500,000)	(2,500,000)
317	33B1700	REDUCE CONSULTANT FEES BASE This issue reduces base budget funding for consultant fees which provides funding for the department to contract with outside consultants to help provide in-house project management support.		-	-	-	-		-	-	(2,000,204)	(2,000,204)		-	-	(2,000,204)	(2,000,204)
318	33B1900	REDUCE OPERATING CAPITAL OUTLAY BASE This issue reduces base budget funding in the OCO appropriation category. OCO budget provides funding for equipment need to support field operations of the department.		-	-	-	-		-	-	(2,499,998)	(2,499,998)		-	-	(2,499,998)	(2,499,998)
319	33B2000	REDUCE ACQUISITION OF MOTOR VEHICLES BASE This issue reduces the base budget funding for the purchase of vehicles and heavy equipment.		-	-	-	-		-	-	(2,000,050)	(2,000,050)		-	-	(2,000,050)	(2,000,050)
320	33B2100	REDUCE CONTRACTED SERVICES BASE This issue reduces the base budget funding for contracted services. This category provides funding for contracts with outside vendors for both mandatory and discretionary services.		-	-	-	-		(1,764)	-	(5,998,236)	(6,000,000)		-	-	6,500,000	6,500,000
321	33B2200	REDUCE HUMAN RESOURCE DEVELOPMENT BASE This issues reduces the base budget for HR development. This budget category provides funding for in-house training of department employees.		-	-	-	-		-	-	(2,000,000)	(2,000,000)		-	-	(2,000,000)	(2,000,000)
322	33B2300	REDUCE OVERTIME BASE This issue will reduce overtime funding from the department's base budget.		-	-	-	-		-	-	(2,747,604)	(2,747,604)		-	-	(2,747,604)	(2,747,604)
323	33B2400	REDUCE TRANSPORTATION MATERIALS AND EQUIPMENT BASE		-	-	-	-		-	-	-	-		-	-	(5,000,000)	(5,000,000)
324	33B2500	REDUCE PAYMENT TO EXPRESSWAY AUTHORITIES BASE This issue will eliminate base budget funding that provides operation and maintenance funding for Expressway Authorities pursuant to Lease Purchase Agreements with the FDOT.		-	-	-	-		-	-	(10,652,281)	(10,652,281)		-	-	(10,652,281)	(10,652,281)
325	33B2600	REDUCE TOLL OPERATION CONTRACTS BASE This issue reduces the base budget for Toll Operations Contracts. This budget category provides funding for privatized toll collection staffing such as customer service representatives, payment processors and video image reviewers in the SunPass call centers. This category is also used for video toll collection and electronic violation enforcement.		-	-	-	-		-	-	(10,500,000)	(10,500,000)		-	-	(11,000,000)	(11,000,000)

Senate Budget Subcommittee on Transportation, Tourism and Economic Development Appropriations

Fiscal Year 2011-2012

Fiscal Year 2011-2012																	
			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE Chairman's Proposal				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
326	33B3000	REDUCE EXPENSE BASE This issue will reduce base budget funding for general operating expenses of the department. This budget category provides routine operating expense such as building leases, equipment rental, maintenance of technical equipment, utility costs, office supplies and other miscellaneous items.							(73,460)		(24,926,540)	(25,000,000)				(25,000,000)	(25,000,000)
326A	33V0500	REDUCE CONTRACTED DISPATCH SERVICES This issue eliminates the transfer to Highway Safety & Motor Vehicles for Contracted Dispatch Services for Motor Carrier Compliance.														(818,838)	(818,838)
327	33G0160	ELIMINATE POSITIONS VACANT OVER 90 DAYS This issue eliminates all positions identified as being vacant for over a 90 day period.						(169.00)			(8,391,849)	(8,391,849)	(169.00)			(8,391,849)	(8,391,849)
328	33VXXXX	MERGE MOTOR CARRIER COMPLIANCE WITH FLORIDA HIGHWAY PATROL AT FDOT See Line 139															
329	330L100	OFFICE AND BUILDING LEASE SAVINGS This Governor's Budget Recommendations include a 10% savings on private leased office space based on data provided in a DMS 2010 Annual Report.									(342,554)	(342,554)				(342,554)	(342,554)
330	33001C0	REDUCTIONS FROM TECHNOLOGY SERVICE CONSOLIDATIONS This issues request to deduct budget in the Expense Category in the Highway Operations budget entity to reflect savings associated with non-mainframe data center operations at Northwood Share Resource Center (NSRC). Ch. 2008-116. L.O.F.				(3)	(3)	(5.00)			(283,660)	(283,660)					
331	340C100	FUND SHIFT - TRANSFER TO GENERAL REVENUE - DEDUCT This issue transfers funding for the Transportation Disadvantaged Commission from the Transportation Disadvantaged Trust Fund to the General Revenue Fund as part of the proposed trust fund elimination.							0		(27,207,745)	(27,207,745)					
332	340C200	FUND SHIFT TRANSFER FROM TRUST FUND - ADD This issue transfers fund for the Transportation Disadvantaged Commission to the General Revenue Fund from the Transportation Disadvantaged Trust Fund as part of the proposed trust fund elimination.						27,207,745				27,207,745					
332A	6700000	INCREASED BUDGET AUTHORITY RELATED TO CONSOLIDATION OF TOLLING AUTHORITIES														36,200,000	36,200,000
333	3960000	STRENGTHENING DOMESTIC SECURITY This issue requests budget for domestic security grant funding through the Department of Homeland Security, Law Enforcement Terrorism Prevention Program. This grant will provide for training and the purchase of equipment including a video monitoring system to be used at FDOT weigh stations to capture and record license plate information on commercial motor vehicles.				771,050	771,050				771,050	771,050	Administered Funds				
334	55C01C0	ADDITIONAL RESOURCES REQUIRED TO SUPPORT CONSOLIDATION OF TECHNOLOGY SERVICES This issue request budget in the Expense and Contracted Services categories to support the consolidation of data center services at the Southwood Shared Resource Center (SSRC). Ch. 282.201, F.S.				402,314	402,314				558,803	558,803	statewide issue				
335	5503100	BUDGET RESTORATION - EXPENDITURE REFUNDS This issue requests overtime budget to cover travel costs and projected overtime costs in OMCC associated with special duties with other law enforcement agencies related to crime prevention.				179,575	179,575				179,575	179,575				179,575	179,575

Senate Budget Subcommittee on Transportation, Tourism and Economic Development Appropriations

Fiscal Year 2011-2012

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE Chairman's Proposal				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
		SALARY INCENTIVE PAYMENTS <i>This issue requests budget for ten additional law enforcement officers who have satisfied certification requirements and are eligible to participate in the Salary incentive Program. (S. 943.13, F.S.O</i>		-	-	15,600	15,600		-	-	15,600	15,600		-	-	15,600	15,600
336	5507A00																
		NATIONAL SUMMER TRANSPORTATION INSTITUTE/SUPPORT FOR DISADVANTAGED BUSINESS ENTERPRISES <i>This issue requests budget for the National Summer Transportation Institute. This is an initiative being development by the FDOT Equal Opportunity Office in conjunction with Florida Agricultural and Mechanical University (FAMU). The NSTI is designed to expose high schools students to opportunities within the construction/ transportation industry.</i>		-	-	74,856	74,856		-	-	74,856	74,856		-	-	74,856	74,856
337	6001000																
		BUDGET AUTHORITY FOR TRANSPORTATION DISADVANTAGED <i>This issue provides additional budget authority for the Ch. 320, F.S., transfer of \$5M from the DHSMV Highway Safety Operating Trust fund to the FDOT Transportation Disadvantaged Trust Fund which will begin on July 1, 2012.</i>				6,500,000	6,500,000							-	-	6,500,000	6,500,000
337A	6002400																
		MOTOR CARRIER CONTRABAND INTERDICTION PROGRAM <i>This issue requests budget for the purchase of equipment, replace retired canine and replace motor vehicles used by drug interdiction teams in the OMCC.</i>		-	-	837,492	837,492		-	-	837,492	837,492		-	-	837,492	837,492
338	6005000																
		MOTOR CARRIER SAFETY ASSISTANCE PROGRAM <i>This issue requests budget to support the 2011 Federal Motor Carrier Safety Assistance Program (MCSAP) grant allocation. The MCSAP grant is used to support state commercial vehicle safety enforcement program and has been received since 1995.</i>	5.00			12,013,190	12,013,190		-	-	11,359,381	11,359,381		-	-	11,359,381	11,359,381
339	6009A90																
		CAPITAL IMPROVEMENT PLAN - ENVIRONMENTAL PROJECTS <i>This issue requests FCO funding for clean-up of contaminated soil and groundwater at various department facilities statewide in order to comply with the Federal Resource Conservation and Recovery Act.</i>		-	-	1,180,000	1,180,000		-	-	1,180,000	1,180,000		-	-	1,180,000	1,180,000
340	990E000																
		MAINTENANCE AND REPAIR		-	-	9,010,403	9,010,403		-	-	885,400	885,400		-	-	-	-
341	990M000																
		<i>Minor Repairs/Improvement</i>														-	-
341A	080002																
		<i>Underground/Tank Removal</i>															
341B	088542															100,000	100,000
		<i>Remove existing underground stoarge tank at the District 4 Broward Operations Center.</i>															
341C																785,400	785,400
		<i>Funding to support an asbestos abatement renovation project at the Hayden Burns Building.</i>															
		DEBT SERVICE <i>This issue request budget for recurring debt service payments.</i>		-	-	15,275,481	15,275,481		-	-	-	-		-	-	15,275,481	15,275,481
342	990N003																
		TRANSPORTATION WORK PROGRAM	-	-	-	6,856,827,153	6,856,827,153		-	-	5,517,477,768	5,517,477,768		-	-	7,966,327,153	7,966,327,153
343	990T000																
		SIB LOAN REPAYMENTS				35,501,526	35,501,526									35,501,526	35,501,526
344	080047																
		SM CTY RESURFACE ASSIST PG				2,930,404	2,930,404									2,930,404	2,930,404
345	085575																
		SM COUNTY OUTREACH PROGRAM				17,410,085	17,410,085									42,410,085	42,410,085
346	085576																
		COUNTY TRANSPORTATION PRGS				55,007,529	55,007,529									80,007,529	80,007,529
347	088572																
		BOND GUARANTEE				500,000	500,000									500,000	500,000
348	088703																
		TRANSP PLANNING CONSULT				54,378,132	54,378,132									54,378,132	54,378,132
349	088704																
		HIGHWAY MAINTENANCE CONTR				425,034,235	425,034,235									452,434,235	452,434,235
350	088712																
		INTRASTATE HIGHWAY CONSTR				1,262,816,452	1,262,816,452									2,098,216,452	2,098,216,452
351	088716																
		ARTERIAL HIGHWAY CONSTR				780,126,627	780,126,627									810,126,627	810,126,627
352	088717																

Senate Budget Subcommittee on Transportation, Tourism and Economic Development Appropriations

Fiscal Year 2011-2012

			AGENCY LEGISLATIVE BUDGET REQUEST					GOVERNOR'S BUDGET RECOMMENDATIONS					SENATE Chairman's Proposal				
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
Line #	D3A Issue	D3A Issue Title	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS	FTE	RECURRING GENERAL REVENUE	NON-RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	TOTAL ALL FUNDS
353	088718	CONSTRUCT INSPECT CONSULT				351,403,072	351,403,072									449,403,072	449,403,072
354	088719	AVIATION DEV/GRANTS				187,442,157	187,442,157									187,442,157	187,442,157
355	088774	PUBLIC TRANSIT DEV/GRANTS				343,572,957	343,572,957									343,572,957	343,572,957
356	088777	RIGHT-OF-WAY LAND ACQ				721,295,790	721,295,790									737,795,790	737,795,790
357	088790	SEAPORT - ECONOMIC DEV				15,000,000	15,000,000									15,000,000	15,000,000
358	088791	SEAPORTS ACCESS PROGRAM				10,000,000	10,000,000									10,000,000	10,000,000
359	088794	SEAPORT GRANTS				117,751,305	117,751,305									117,751,305	117,751,305
360	088795	HIWAY SAFETY CONSTR/GRANTS				107,933,292	107,933,292									107,933,292	107,933,292
361	088797	RESURFACING				753,656,515	753,656,515									767,656,515	767,656,515
362	088799	BRIDGE CONSTRUCTION				375,356,754	375,356,754									375,356,754	375,356,754
363	088808	RAIL DEVELOPMENT/GRANTS				144,646,083	144,646,083									144,646,083	144,646,083
364	088809	IN TERMODAL DEVELOP/GRANTS				94,879,638	94,879,638									94,879,638	94,879,638
365	088810	CONTRACT MAINT W/ DOC				19,146,000	19,146,000									19,146,000	19,146,000
366	088849	PRELIMINARY ENGR CONSULT				716,576,447	716,576,447									718,676,447	718,676,447
367	088850	HWY BEAUTIFICATION GRANTS				1,000,000	1,000,000									1,000,000	1,000,000
368	088853	RIGHT-OF-WAY SUPPORT				50,258,014	50,258,014									50,258,014	50,258,014
369	088854	TRANSPORT PLANNING GRANTS				27,741,014	27,741,014									27,741,014	27,741,014
370	088856	G/A-TRANS EXPRESSWAY AUTH				4,000,000	4,000,000									4,000,000	4,000,000
371	088857	MATERIALS AND RESEARCH				17,710,493	17,710,493									17,710,493	17,710,493
372	088859	TR/EOG OTTED/TRANS PROJECT				10,000,000	10,000,000									-	-
377A	xxxxxxx	FDOT ECONOMIC DEVELOPMENT ROAD FUND														19,000,000	19,000,000
373	088864	BRIDGE INSPECTION				14,739,999	14,739,999									14,739,999	14,739,999
374	088866	TRAFFIC ENGR CONSULTANTS				61,421,493	61,421,493									61,421,493	61,421,493
375	088867	LOCAL GOVERNMENT REIMBURSE				30,388,811	30,388,811									30,388,811	30,388,811
376	088920	TURNPIKE SYS EQUIP & DEVEL				50,130,085	50,130,085									50,130,085	50,130,085
377	088922	TOLLS SYS EQUIP & DEVELOP				23,140,500	23,140,500									31,240,500	31,240,500
377A	xxxxxxx	FDOT ECONOMIC DEVELOPMENT ROAD FUND														19,000,000	19,000,000
378	089070	DEBT SERVICE				(26,068,256)	(26,068,256)									(26,068,256)	(26,068,256)
379	TRANSPORTATION, DEPT OF Total		7,428.00	-	-	7,974,473,752	14,831,300,905	6,773.00	27,119,121	-	6,460,454,331	6,487,573,452	6,959.00	-	-	9,030,531,831	9,030,531,831
380																	
381																	
382	TOTALS FOR ALL TED AGENCIES		14,653.00	259,235,488	121,580,924	10,535,083,175	17,768,156,787	13,968.00	686,024,185	447,940,195	8,262,291,313	9,396,255,693	14,118.50	193,724,019	144,073,241	11,422,384,760	11,760,182,020
383	Over/(under) the Base Budget Totals		1.00	71,439,239	121,580,924	10,535,083,175	14,540,764,296	(684.00)	498,227,936	447,940,195	8,262,291,313	6,168,863,202	(533.50)	5,927,770	144,073,241	8,382,788,518	8,532,789,529

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The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

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05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01
05	00000000	000000	0000	S01

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations +++++ through 2169 through +++++ are provided from the named funds to the department to fund the five year Work Program developed pursuant to provisions of section 339.135, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

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05	55000000	000000	5000	S01
05	55000000	000000	5000	S01
05	55000000	000000	5000	S01

TRANSPORTATION SYSTEMS OPERATIONS

PROGRAM: HIGHWAY OPERATIONS

1933A SPECIAL CATEGORIES

TRANSFER TO HIGHWAY SAFETY/FLORIDA HIGHWAY
PATROL - MOTOR CARRIER COMPLIANCE PROGRAM

Funds provided in Specific Appropriation 1933A include the Federal Motor Carrier Safety Assistance Grant and the Contraband Interdiction Grant. The department shall transfer \$11,359,381 from the State Transportation Trust Fund and \$837,492 from the Federal Law Enforcement Trust Fund to the Department of Highway Safety and Motor Vehicles, Florida Highway Patrol - Motor Carrier Compliance.

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05	55150200	000000	0000	
05	55150200	100000	0000	
05	55150200	101339	0000	
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05	55150200	101339	5000	S01
05	55150200	101339	5000	S01
05	55150200	101339	5000	S01
05	55150200	101339	5000	S01
05	55150200	101339	5000	S01

1938C FIXED CAPITAL OUTLAY

SMALL COUNTY OUTREACH PROGRAM (SCOP)

From the funds in Specific Appropriation 1938C, \$25,000,000 is allocated for the Small County Outreach Program. These funds are in addition to funding provided in the Tentative Work Program for Fiscal Year 2011-12 through 2015-2016 submitted by the Department of Transportation.

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05	55150200	085576	0000	
05	55150200	085576	5000	S01
05	55150200	085576	5000	S01
05	55150200	085576	5000	S01
05	55150200	085576	5000	S01
05	55150200	085576	5000	S01

1938D FIXED CAPITAL OUTLAY

COUNTY TRANSPORTATION PROGRAMS

From the funds in Specific Appropriation 1938D, \$25,000,000 is allocated for the County Incentive Grant Program for Fiscal Year 2011-2012. These funds are in addition to funding provided in the Tentative Work Program for Fiscal Year 2011-12 through 2015-2016 submitted by the Department of Transportation.

05	55150200	080000	0000	
05	55150200	088572	0000	
05	55150200	088572	5000	S01
05	55150200	088572	5000	S01
05	55150200	088572	5000	S01
05	55150200	088572	5000	S01
05	55150200	088572	5000	S01

1938F FIXED CAPITAL OUTLAY

TRANSPORTATION HIGHWAY MAINTENANCE
CONTRACTS

From the funds in Specific Appropriation 1938F, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all

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05	55150200	088712	0000	
05	55150200	088712	0000	
05	55150200	088712	5000	S01
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05	55150200	088712	5000	S01
05	55150200	088712	5000	S01
05	55150200	088712	5000	S01

participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of \$2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

1938H FIXED CAPITAL OUTLAY
ARTERIAL HIGHWAY CONSTRUCTION

From the funds in Specific Appropriation 1938H, \$30,000,000 is allocated for the Transportation Regional Incentive Grant Program for Fiscal Year 2011-2012. These funds are in addition to funding provided in the Tentative Work Program for Fiscal Year 2011-12 through 2015-2016 submitted by the Department of Transportation.

FLORIDA'S TURNPIKE SYSTEMS

FLORIDA'S TURNPIKE ENTERPRISE

1976A FIXED CAPITAL OUTLAY
 TRANSPORTATION HIGHWAY MAINTENANCE
 CONTRACTS

From the funds in Specific Appropriation 1976A, the Department of Transportation may contract with non-profit youth organizations in Florida to perform work on the state highway system. All non-profit youth organizations providing services under contract with the Department of Transportation must certify to the department that all participating youth are Florida residents. In order to maintain continuity and quality, the department shall give preference to those youth organizations with which it has previously contracted for such services.

The department is specifically limited to an expenditure level of \$2,000,000 for any contract with a single youth organization or for any group of contracts with two or more youth organizations that have the same registered agent or substantially similar officers and directors. The department shall not supplement these funds from any source in the absence of express legislative authority.

[illegible]

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05 55150200 088717 0000
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05 55180100 080000 0000
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[illegible]

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Business and Professional Regulation, Department of Citrus, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue, Jobs Florida and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

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06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01
06	00000000	000000	0000	S01

GOVERNOR, EXECUTIVE OFFICE OF THE

PROGRAM: EMERGENCY MANAGEMENT

EMERGENCY PREVENTION, PREPAREDNESS AND RESPONSE

The Division of Emergency Management shall submit quarterly status reports on the outstanding obligations for each open federally declared disaster event to the Executive Office of the Governor, the chairs of the Senate Budget Committee and the House Appropriations Committee.

2438K SPECIAL CATEGORIES

HAZARD MITIGATION FOR 2004 HURRICANES -
PASS THROUGH

Funds in Specific Appropriations 2438K, 1585, 1587, and 1589 are provided for local mitigation projects that are included in local mitigation strategy plans and have been approved by the Federal Emergency Management Agency for federal mitigation funding.

2438L SPECIAL CATEGORIES

PUBLIC ASSISTANCE - PASS THROUGH

Funds in Specific Appropriations 2438L, 1585, 1587, and 1589 are provided for local mitigation projects that are included in local mitigation strategy plans and have been approved by the Federal Emergency Management Agency for federal mitigation funding.

2438AA SPECIAL CATEGORIES

GRANTS AND AIDS - PREDISASTER MITIGATION

Funds in Specific Appropriation 2438AA are provided for the pre-disaster mitigation program. The 25 percent match requirement for the federal funds shall be provided by local governments.

2438AB SPECIAL CATEGORIES

GRANTS AND AIDS - HURRICANE LOSS
MITIGATION

Funds in Specific Appropriation 1567 in the amount of \$66,414; Specific Appropriation 1569 in the amount of \$16,908; Specific Appropriation 1600 in the amount of \$399; Specific Appropriation 1575 in the amount of \$689; Specific Appropriation 1571 in the amount of \$1,000; Specific Appropriation 1594 in the amount of \$717; Specific Appropriation 2438AB in the amount of \$6,892,389, and indirect costs of \$21,484 funded from the Grants and Donations Trust Fund, reflect the transfer of \$7,000,000 of mitigation funds from the Florida Hurricane Catastrophe Fund pursuant to section 215.555(7), Florida Statutes. These funds shall be utilized for Hurricane Loss Mitigation programs as specified in section

06	31000000	000000	0000	
06	31700000	000000	0000	
06	31700100	000000	0000	
06	31700100	000000	5000	S01
06	31700100	000000	5000	S01
06	31700100	000000	5000	S01
06	31700100	000000	5000	S01
06	31700100	000000	5000	S01
06	31700100	100000	0000	
06	31700100	101032	0000	
06	31700100	101032	0000	
06	31700100	101032	5000	S01
06	31700100	101032	5000	S01
06	31700100	101032	5000	S01
06	31700100	101032	5000	S01
06	31700100	100000	0000	
06	31700100	101042	0000	
06	31700100	101042	5000	S01
06	31700100	101042	5000	S01
06	31700100	101042	5000	S01
06	31700100	101042	5000	S01
06	31700100	100000	0000	
06	31700100	105264	0000	
06	31700100	105264	5000	S01
06	31700100	105264	5000	S01
06	31700100	105264	5000	S01
06	31700100	100000	0000	
06	31700100	105860	0000	
06	31700100	105860	0000	
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01
06	31700100	105860	5000	S01

215.559(2)(a), Florida Statutes. The moneys allocated in section
 215.559(3)(a), Florida Statutes, shall be distributed directly to
 Tallahassee Community College for the uses set forth in section
 215.559(3)(a), Florida Statutes.

06 31700100 105860 5000 S01
 06 31700100 105860 5000 S01
 06 31700100 105860 5000 S01
 06 31700100 105860 5000 S01

2438AU GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
 NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
 EMERGENCY MANAGEMENT CRITICAL FACILITY
 NEEDS

06 31700100 140000 0000
 06 31700100 140000 0000
 06 31700100 140527 0000
 06 31700100 140527 0000

Funds in Specific Appropriation 2438AU and 1615A from the Grants and
 Donations Trust Fund reflect the transfer of \$3,000,000 of mitigation
 funds from the Hurricane Catastrophe Fund pursuant to section
 215.555(7)(c), Florida Statutes.

06 31700100 140527 5000 S01
 06 31700100 140527 5000 S01
 06 31700100 140527 5000 S01
 06 31700100 140527 5000 S01
 06 31700100 140527 5000 S01

No funds are provided in Specific Appropriations +++++ through +++++ for Fiscal Year 2011-2012 to make payments for the use of the property after May 31, 2012, on any existing contracts, lease or other contractual obligations held by the state or any of its agencies and entities associated with the Defuniak Springs (A08) Driver License Office.

JOBS FLORIDA

06 85000000 000000 0000

JOBS FLORIDA PRIVATE PARTNERS

06 85300000 000000 0000

2535U SPECIAL CATEGORIES

06 85300000 100000 0000

GRANTS AND AIDS - BLACK BUSINESS

06 85300000 100236 0000

INVESTMENT BOARD

06 85300000 100236 0000

From the funds in Specific Appropriation 2535U, \$405,000 is provided to the Black Business Investment Board for operations and administration of the board, \$45,000 is provided to the Office of Tourism, Trade and Economic Development for the administration of the Black Business Loan Program, and \$2,025,000 is provided for the Black Business Loan Program.

06 85300000 100236 5000 S01

06 85300000 100236 5000 S01

06 85300000 100236 5000 S01

06 85300000 100236 5000 S01

06 85300000 100236 5000 S01

06 85300000 100236 5000 S01

DIVISION OF BUSINESS DEVELOPMENT

06 85500000 000000 0000

2535AB LUMP SUM

06 85500000 090000 0000

ECONOMIC DEVELOPMENT TOOLS

06 85500000 098019 0000

From the funds provided in Specific Appropriation 2535AB, \$500,000 in nonrecurring general revenue shall be provided to the Florida Manufacturing Extension Partnership for the purpose of leveraging federal and private resources for the support and delivery of services to the manufacturing community, which will provide economic stimulus through job creation and retention and assist Florida manufacturers to become more efficient and globally competitive.

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

The remainder of the nonrecurring general revenue funds provided in Specific Appropriation 2535AB, shall be used for the Qualified Targeted Industries Program, Qualified Defense Contractors programs, and the High Impact Performance Incentive Grant Program. These funds shall not be released for any other purpose and shall only be disbursed when projects meet the contracted performance requirements.

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

06 85500000 098019 0000 S01

Funds from the Economic Development Trust Fund in Specific Appropriation 2535AB represent local match funds.

06 85500000 098019 0000 S01

2535AC SPECIAL CATEGORIES

06 85500000 100000 0000

GRANTS AND AIDS - BLACK BUSINESS

06 85500000 100236 0000

INVESTMENT BOARD

06 85500000 100236 0000

From the funds in Specific Appropriation 2535AC, \$450,000 is provided to the Black Business Investment Board for operations and administration of the board, \$50,000 is provided to the Office of Tourism, Trade and Economic Development for the administration of the Black Business Loan Program, and \$2,250,000 is provided for the Black Business Loan Program.

06 85500000 100236 5000 S01

06 85500000 100236 5000 S01

06 85500000 100236 5000 S01

06 85500000 100236 5000 S01

06 85500000 100236 5000 S01

06 85500000 100236 5000 S01

2535AG SPECIAL CATEGORIES
GRANTS AND AIDS - ADVOCATING INTERNATIONAL
RELATIONSHIPS

Funds provided in Specific Appropriation 2535AG shall be allocated as follows:

Florida Association of Volunteer Action/Caribbean & Americas (FAVACA).....	360,000
Southeast US/Japan & FLOR/KOR.....	180,000
Gateway Florida.....	180,000

06	85500000	100000	0000	
06	85500000	100454	0000	
06	85500000	100454	0000	
06	85500000	100454	5000	S01
06	85500000	100454	5000	S01
06	85500000	100454	5000	S01
06	85500000	100454	5000	S01
06	85500000	100454	5000	S01
06	85500000	100454	5000	S01

2535AG SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SPORTS
FOUNDATION

Funds in Specific Appropriation 2535AG shall not be expended on board meetings. No funds shall be expended on individual employee annual salaries that exceed \$120,000.

06	85500000	100000	0000	
06	85500000	101485	0000	
06	85500000	101485	0000	
06	85500000	101485	5000	S01
06	85500000	101485	5000	S01
06	85500000	101485	5000	S01

2535AG SPECIAL CATEGORIES
GRANTS AND AIDS - ENTERPRISE FLORIDA
PROGRAM

From the funds in Specific Appropriation 2535AG, \$4,900,000 from the International Trade and Promotion Trust Fund shall be provided for International programs.

06	85500000	100000	0000	
06	85500000	102003	0000	
06	85500000	102003	0000	
06	85500000	102003	5000	S01
06	85500000	102003	5000	S01
06	85500000	102003	5000	S01

2535AH SPECIAL CATEGORIES
GRANTS AND AIDS - MILITARY BASE PROTECTION

Of the funds in Specific Appropriation 2535AH, portions shall be allocated as follows:

Military Base Protection.....	150,000
Defense Reinvestment.....	850,000

06	85500000	100000	0000	
06	85500000	102026	0000	
06	85500000	102026	5000	S01
06	85500000	102026	5000	S01
06	85500000	102026	5000	S01
06	85500000	102026	5000	S01
06	85500000	102026	5000	S01

DIVISION OF COMMUNITY DEVELOPMENT

2535AT SPECIAL CATEGORIES
GRANTS AND AIDS TO COMMUNITY SERVICES

From the funds provided in Specific Appropriation 2535AT, \$100,000 from nonrecurring general revenue fund is provided for We Help Community Development Corporation.

06	85600000	000000	0000	
06	85600000	100000	0000	
06	85600000	100408	0000	
06	85600000	100408	5000	S01
06	85600000	100408	5000	S01
06	85600000	100408	5000	S01

2535AX SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING
COUNCILS

Funds in Specific Appropriation 2535AX are provided to the Regional

06	85600000	100000	0000	
06	85600000	103056	0000	
06	85600000	103056	0000	
06	85600000	103056	5000	S01

Planning Councils, 70 percent of which must be divided equally among the councils and 30 percent of which must be allocated according to population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional review and comment functions, and assist local governments in addressing problems of greater-than-local significance.	06	85600000	103056	5000	S01
	06	85600000	103056	5000	S01
	06	85600000	103056	5000	S01
	06	85600000	103056	5000	S01
	06	85600000	103056	5000	S01
	06	85600000	103056	5000	S01
2535AZ SPECIAL CATEGORIES	06	85600000	100000	0000	
GRANTS AND AIDS - HOUSING FINANCE	06	85600000	105035	0000	
CORPORATION (HFC) - AFFORDABLE HOUSING PROGRAMS	06	85600000	105035	0000	
	06	85600000	105035	0000	
Funds provided in Specific Appropriation 2535AZ, shall be used for the Homeowner Downpayment Assistance Program to provide down payment and closing cost assistance in conjunction with the First Time Homebuyer Program.	06	85600000	105035	5000	S01
	06	85600000	105035	5000	S01
	06	85600000	105035	5000	S01
	06	85600000	105035	5000	S01
2535BA SPECIAL CATEGORIES	06	85600000	100000	0000	
GRANTS AND AIDS - HOUSING FINANCE	06	85600000	105045	0000	
CORPORATION (HFC) - STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM	06	85600000	105045	0000	
	06	85600000	105045	0000	
Funds provided in Specific Appropriation 2535BA shall be expended only for the following purposes: home repairs, limited to roof replacements, handicap modifications, electrical and plumbing repairs; foreclosure assistance; payment of property insurance taxes and insurance; and utility payments.	06	85600000	105045	5000	S01
	06	85600000	105045	5000	S01
	06	85600000	105045	5000	S01
	06	85600000	105045	5000	S01
	06	85600000	105045	5000	S01
DIVISION OF WORKFORCE SERVICES	06	85900000	000000	0000	
2535CB SPECIAL CATEGORIES	06	85900000	100000	0000	
GRANTS AND AIDS - WORKFORCE PROJECTS	06	85900000	100274	0000	
From the funds in Specific Appropriation 2535CB, \$500,000 in nonrecurring funds is provided for the Florida Goodwill Association.	06	85900000	100274	5000	S01
	06	85900000	100274	5000	S01
	06	85900000	100274	5000	S01
From the funds in Specific Appropriation 2535CB, \$250,000 in nonrecurring funds is provided for the Goodwill Industries of South Florida.	06	85900000	100274	5000	S01
	06	85900000	100274	5000	S01
	06	85900000	100274	5000	S01
2535CC SPECIAL CATEGORIES	06	85900000	100000	0000	
NON CUSTODIAL PARENT PROGRAM	06	85900000	100564	0000	
From the funds provided in Specific Appropriation 2535CC, \$750,000 from the Welfare Transition Trust Fund is provided for the Non Custodial Parent Program in Pinellas, Pasco, and Hillsborough counties. The Pinellas Workforce Board (WorkNet) shall administer the funds, which shall be maintained as a single project for the three counties.	06	85900000	100564	5000	S01
	06	85900000	100564	5000	S01
	06	85900000	100564	5000	S01
	06	85900000	100564	5000	S01
	06	85900000	100564	5000	S01
	06	85900000	100564	5000	S01
From the funds in Specific Appropriation 2535CC, \$666,000 from the	06	85900000	100564	5000	S01

2535CE SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL WORKFORCE
BOARDS

No funds in Specific Appropriation 2535CE may be used directly or indirectly to pay for meals, food, or beverages for board members, staff, or employees of regional workforce boards, Workforce Florida, Inc., or the Agency for Workforce Innovation except as expressly authorized by state law. Preapproved, reasonable, and necessary per diem allowances and travel expenses may be reimbursed. Such reimbursement shall be at the standard travel reimbursement rates established in section 112.061 and shall be in compliance with all applicable federal and state requirements. No funds in Specific Appropriation 2214 may be used for entertainment costs and recreational activities for board members and employees as these terms are defined in 2 C.F.R. part 230.

From the funds provided in Specific Appropriation 2535CE from the Employment Security Administration Trust Fund, and allocated by Workforce Florida, Inc, or the Agency for Workforce Innovation to the regional workforce boards covering Baker, Clay, Duval, Nassau, Putnam and St. Johns counties (First Coast Workforce Development, Inc.) and Orange, Osceola, Seminole, Lake, and Sumter counties (Workforce Central Florida), \$1,000,000 shall be used by each of the two regional workforce boards to provide competitively-procured contracts for the purpose of providing year-round youth services to eligible low-income youth from disadvantaged neighborhoods. Special consideration shall be given to youth providers with established track records of providing services to

low-income youth from disadvantaged neighborhoods

Of the funds in Specific Appropriation 2535CE, \$21,593,249 from the Welfare Transition Trust Fund is provided contingent upon receipt of the federal Temporary Assistance for Needy Families (TANF) Supplemental Grant Award.

06	85900000	100780	5000	S01
06	85900000	100780	5000	S01
06	85900000	100780	5000	S01
06	85900000	100780	5000	S01
06	85900000	100780	5000	S01
06	85900000	100780	5000	S01

RUN DATE 03/24/2011 TIME 12:14

STATE, DEPARTMENT OF

PROGRAM: ELECTIONS

ELECTIONS

2941 SPECIAL CATEGORIES
GRANTS AND AIDS - FEDERAL ELECTION
ACTIVITIES (HELP AMERICA VOTE ACT)

Funds in Specific Appropriation 2941 shall be distributed to county supervisors of elections to be used for election administration activities such as voter education; pollworker training; standardizing elections results reporting; or other federal election administrative activities as approved by the Department of State.

County supervisors of elections will receive funds only after providing the Department of State a detailed description of the programs that will be implemented. Funds distributed to county supervisors of elections require a certification from the county that matching funds will be provided in an amount equal to fifteen percent of the amount to be received from the state.

To be eligible, a county must segregate federal funds and required county matching dollars in a separate account established to hold only such funds. Funds in this account must be used only for the activities for which the funds were received. Funds shall remain in the account to be used for the same purposes for subsequent years or until such funds are expended. Supervisors of elections shall report to the Department of State any unspent funds remaining at June 30, 2011.

PROGRAM: HISTORICAL RESOURCES

HISTORICAL RESOURCES PRESERVATION AND EXHIBITION

2949 SPECIAL CATEGORIES
GRANTS AND AIDS - HISTORIC PRESERVATION
GRANTS

From the funds in Specific Appropriation 2949, \$100,000 from nonrecurring general revenue fund is provided for the Historic Hampton House in Miami, \$200,000 from nonrecurring general revenue fund is provided for the Government House Interpretive Film and Exhibit in St. Augustine, and \$200,000 from nonrecurring general revenue fund is provided for the Government House Museum Renovations in St. Augustine.

06	45000000	000000	0000	
06	45100000	000000	0000	
06	45100200	000000	0000	
06	45100200	100000	0000	
06	45100200	107015	0000	
06	45100200	107015	0000	
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45100200	107015	5000	S01
06	45200000	000000	0000	
06	45200700	000000	0000	
06	45200700	100000	0000	
06	45200700	101548	0000	
06	45200700	101548	0000	
06	45200700	101548	5000	S01
06	45200700	101548	5000	S01
06	45200700	101548	5000	S01
06	45200700	101548	5000	S01
06	45200700	101548	5000	S01
06	45200700	101548	5000	S01

1 A bill to be entitled
2 Senate Budget Subcommittee on Transportation, Tourism,
3 and Economic Development Appropriations Portion of the
4 Implementing bill.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section XX. In order to implement sections xx through xx of
9 the 2011-2012 General Appropriations Act, subsection (5) of
10 section 216.292, Florida Statutes, is amended to read:

11 216.292 Appropriations nontransferable; exceptions.—

12 (5)(a) A transfer of funds may not result in the initiation
13 of a fixed capital outlay project that has not received a
14 specific legislative appropriation.

15 (b) Notwithstanding paragraph (a), and for the 2011-2012
16 ~~2010-2011~~ fiscal year only, the Governor may recommend the
17 initiation of fixed capital outlay projects funded by grants
18 awarded by the Federal Government through the American Recovery
19 and Reinvestment Act of 2009 or by any other federal economic
20 stimulus grant funding received. All actions taken pursuant to
21 the authority granted in the paragraph are subject to review and
22 approval by the Legislative Budget Commission. This paragraph
23 expires July 1, 2012 ~~2011~~.

24 Section XX. In order to implement section ____ of the 2011-
25 2012 General Appropriations Act, paragraph (n) of subsection (1)
26 of section 339.08, Florida Statutes, is amended to read:

27 339.08 Use of moneys in State Transportation Trust Fund.—

28 (1) The department shall expend moneys in the State
29 Transportation Trust Fund accruing to the department, in

30 accordance with its annual budget. The use of such moneys shall
31 be restricted to the following purposes:

32 (n) To pay administrative expenses incurred in accordance
33 with applicable laws for a multicounty transportation or
34 expressway authority created under chapter 343 or chapter 348
35 if, where jurisdiction for the authority includes a portion of
36 the State Highway System and the administrative expenses are in
37 furtherance of the duties and responsibilities of the authority
38 in the development of improvements to the State Highway System.
39 This paragraph expires July 1, 2012 ~~2011~~.

40 Section XX. In order to implement section ____ of the 2011-
41 2012 General Appropriations Act, subsection (11) of section
42 445.009, Florida Statutes, is amended to read:

43 445.009 One-stop delivery system.—

44 (11)~~(a)~~ A participant in an adult or youth work experience
45 activity administered under this chapter is ~~shall be deemed~~ an
46 employee of the state for purposes of workers' compensation
47 coverage. In determining the average weekly wage, all
48 remuneration received from the employer is ~~shall be~~ considered a
49 gratuity, and the participant is ~~shall not be~~ entitled to any
50 benefits otherwise payable under s. 440.15, regardless of
51 whether the participant may be receiving wages and remuneration
52 from other employment with another employer and regardless of
53 his or her future wage-earning capacity.

54 ~~(b)~~ This subsection expires July 1, 2012 ~~2011~~.

55 Section XX. Notwithstanding ss. 216.292 and 216.351,
56 Florida Statutes, upon approval by the Legislative Budget
57 Commission, the Executive Office of the Governor may, if
58 necessary, transfer funds and positions among agencies to

59 implement the transfer of all or portions of the Department of
60 Community Affairs, Agency for Workforce Innovation, Department
61 of Education, and the Office of Transportation, Tourism, and
62 Economic Development to the Department of Jobs Florida; the
63 Department of Community Affairs to the Department of
64 Environmental Protection or Department of Business and
65 Professional Regulation; the Agency for Workforce Innovation to
66 the Department of Education; and the Office of Motor Carrier
67 Compliance within the Department of Transportation to the
68 Department of Highway Safety.

69 Section XX. Notwithstanding any other law to the contrary,
70 for FY 2011-12, \$80,007,529 from the State Transportation Trust
71 Fund shall be used for the County Incentive Grant Program under
72 s. 339.2817, Florida Statutes.

73 Section 42. Notwithstanding any other law to the contrary,
74 for FY 2011-2012, \$42,410,085 from the State Transportation
75 Trust Fund shall be used for the Small County Outreach Program
76 under s. 339.2818, Florida Statutes.

77 Section 43. Notwithstanding any other law to the contrary,
78 for FY 2011-2012, \$72,242,353 from the State Transportation
79 Trust Fund shall be used for the Transportation Regional
80 Incentive Program under s. 339.2819, Florida Statutes.

81 Section 44. Notwithstanding any other law to the contrary,
82 for FY 2011-2012, \$19,000,000 from the State Transportation
83 Trust Fund shall be used for contracts for transportation
84 projects under s. 339.2821, Florida Statutes.

85 Section 45. Notwithstanding chapters 319 and 320, Florida
86 Statutes, the ownership of all vehicles currently utilized by
87 the Office of Motor Carrier Compliance within the Department of

88 Transportation shall be transferred to the Department of Highway
89 Safety and Motor Vehicles effective July 1, 2011 without payment
90 of any titling or registration fees.

91 Section 46. This act shall take effect July 1, 2011.