

Tab 1	CS/SB 656 by HP, Rodriguez; Similar to CS/H 00547 Health Care Billing and Collection Activities					
Tab 2	SB 1238 by Rodriguez; Compare to CS/H 01157 Fraud in the Reemployment Assistance Program					
738334	D	S	RCS	CM, Rodriguez	Delete everything after	03/31 04:15 PM
Tab 3	CS/SB 910 by MS, Collins; Similar to CS/H 00277 Veterans' Benefits Assistance					
Tab 4	SB 1264 by Collins; Similar to H 01125 Rural and Urban Business Enterprises					
880508	A	S	WD	CM, Collins	Delete L.1307 - 1389.	03/31 04:24 PM
747702	D	S	LRCS	CM, Collins	Delete everything after	03/31 04:24 PM
744484	A	S	LWD	CM, Collins	Delete L.1617 - 1790:	03/31 04:24 PM
Tab 5	SB 1322 by Simon (CO-INTRODUCERS) Yarborough; Similar to H 00837 Tax Credits for Investment in Rural Communities					
840450	D	S	RCS	CM, Simon	Delete everything after	03/31 04:33 PM
Tab 6	SB 1672 by Truenow; Identical to H 06033 Labor Pool Act					
Tab 7	CS/SB 940 by RI, McClain; Similar to CS/H 00543 Third-party Reservation Platforms					
Tab 8	CS/SB 1820 by TR, Leek; Similar to CS/H 00429 Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers					
Tab 9	SB 324 by Smith (CO-INTRODUCERS) Arrington; Similar to H 00215 Construction Disruption Assistance					
615984	A	S	RCS	CM, Smith	Delete L.68 - 104:	04/01 09:38 AM
Tab 10	SB 936 by Davis; Identical to H 00827 Statewide Study on Automation and Workforce Impact					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Leek, Chair
Senator Arrington, Vice Chair

MEETING DATE: Monday, March 31, 2025
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Leek, Chair; Senator Arrington, Vice Chair; Senators Davis, DiCeglie, Gruters, McClain, Smith, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 656 Health Policy / Rodriguez (Similar CS/H 547)	Health Care Billing and Collection Activities; Revising the definition of the term “extraordinary collection action”; authorizing facilities to engage in an extraordinary collection action under certain circumstances, etc. HP 03/25/2025 Fav/CS CM 03/31/2025 Favorable RC	Favorable Yeas 9 Nays 0
2	SB 1238 Rodriguez (Compare CS/H 1157)	Fraud in the Reemployment Assistance Program; Citing this act as the “Protecting the Reemployment Assistance Program from Fraud Act of 2025”; requiring the Department of Commerce to verify the identity of claimants who apply for reemployment assistance benefits before paying any benefits to them; requiring the department to scrutinize claims filed from foreign Internet protocol addresses before paying benefits on such claims; requiring that any suspected fraudulent claim be referred to the Department of Legal Affairs or the state attorney of the judicial circuit in which the suspected fraudulent claim originated from for further investigation and prosecution, etc. CM 03/31/2025 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 31, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 910 Military and Veterans Affairs, Space, and Domestic Security / Collins (Similar CS/H 277)	Veterans' Benefits Assistance; Prohibiting a person from receiving compensation for referring an individual to another person for advising, assisting, or consulting on veterans' benefits matters; requiring that persons who advise, assist, or consult on veterans' benefits matters for compensation provide a specified oral and written disclosure before entering into a business relationship with a client; prohibiting a provider who advises, assists, or consults on veterans' benefits matters from charging certain fees; requiring a provider to successfully complete a specified background screening before entering into an agreement with a veteran for veterans' benefits matters, etc. MS 03/18/2025 Fav/CS CM 03/31/2025 Favorable RC	Favorable Yeas 9 Nays 0
4	SB 1264 Collins (Similar H 1125, Compare H 753, H 1185, S 896, S 1532, S 1694)	Rural and Urban Business Enterprises; Revising the purpose of the Department of Commerce; requiring that the statewide emergency shelter plan identify the general location and square footage of special needs shelters by regional planning council regions, as such regions existed on a specified date, during the next 5 years; revising the purpose of the Targeted Marketing Assistance Program to include businesses in rural or urban areas; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce, etc. CM 03/31/2025 Fav/CS FT ATD RC	Fav/CS Yeas 7 Nays 2
5	SB 1322 Simon (Similar H 837, Linked S 1324)	Tax Credits for Investment in Rural Communities; Creating the "Florida Rural Jobs Act"; requiring the Department of Commerce to accept applications for approval as rural funds in a specified manner; requiring the department to distribute revoked investment authority among certain rural funds; granting a credit against state tax liability for specified investors; providing restrictions on the credit, etc. CM 03/31/2025 Fav/CS FT AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 31, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1672 Truenow (Identical H 6033)	Labor Pool Act; Repealing provisions relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively, etc. CM 03/31/2025 Favorable FP RC	Favorable Yeas 9 Nays 0
7	CS/SB 940 Regulated Industries / McClain (Similar CS/H 543)	Third-party Reservation Platforms; Citing this act as the "Restaurant Reservation Anti-Piracy Act"; specifying that a third-party reservation platform does not include certain contractual designees; prohibiting a third-party reservation platform from listing, advertising, promoting, selling, or otherwise enabling a reservation at a public food service establishment; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose a civil penalty not to exceed a specified amount for a violation of the act or of a division rule, etc. RI 03/19/2025 Fav/CS CM 03/31/2025 Favorable RC	Favorable Yeas 9 Nays 0
8	CS/SB 1820 Transportation / Leek (Similar CS/H 429)	Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers; Prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair, etc. TR 03/25/2025 Fav/CS CM 03/31/2025 Favorable RC	Favorable Yeas 9 Nays 0
9	SB 324 Smith (Similar H 215)	Construction Disruption Assistance; Citing this act as the "Construction Disruption Assistance Act"; establishing the Construction Impact Relief Program within the Department of Commerce pursuant to the Florida Job Growth Grant Fund; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities, etc. CM 03/31/2025 Fav/CS ATD FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 31, 2025, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 936 Davis (Identical H 827)	Statewide Study on Automation and Workforce Impact; Requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date, etc. CM 03/31/2025 Favorable ATD FP	Favorable Yeas 9 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Chair, Board of Supervisors of the Central Florida Tourism Oversight District			
11	Yarbrough, Alexis M. (Fort Lauderdale)	02/26/2029	Recommend Confirm Yeas 9 Nays 0
Board of Supervisors of the Central Florida Tourism Oversight District			
12	Gilbert, John (Orlando)	02/26/2027	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Other Related Meeting Documents			

CourtSmart Tag Report

Room: SB 110 **Case No.:**
Caption: Senate Commerce Committee

Type:
Judge:

Started: **3/31/2025 1:30:24 PM**
Ends: **3/31/2025 3:12:02 PM** **Length: 01:41:39**

1:30:24 PM Chair Leek calls meeting to order
1:30:25 PM Roll call
1:30:28 PM Quorum presented
1:30:54 PM Chair Leek with comments
1:31:03 PM Tab 6 SB 1672, Labor Pool Act introduced by Chair Leek
1:31:26 PM Explanation of Bill by Senator Truenow
1:31:51 PM Chair Leek with comments
1:32:03 PM Appearance Form
1:32:12 PM Kelly Mallette, Pacesetter Personnel Services
1:32:16 PM Chair Leek with comments
1:32:23 PM Closure by Senator Truenow
1:32:28 PM Roll call
1:32:39 PM SB 1672 reported favorably
1:32:57 PM Tab 7 CS/SB 940, Third-Party Reservation Platforms introduced by Chair Leek
1:33:15 PM Explanation of Bill by Senator McClain
1:34:07 PM Chair Leek with comments
1:34:22 PM Appearance Forms
1:34:23 PM Samantha Padgett, Florida Restaurant and Lodging Association
1:34:27 PM Ron Pierce, Booking Holdings
1:34:32 PM Chair Leek with comments
1:34:36 PM Closure waived
1:34:39 PM Roll call
1:34:42 PM CS/SB 940 reported favorably
1:34:59 PM Chair passed to Senator Arrington
1:35:14 PM Tab 8 CS/SB 1820, Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers introduced by Chair Arrington
1:35:21 PM Explanation of Bill by Senator Leek
1:36:17 PM Chair Arrington with comments
1:36:24 PM Question
1:36:26 PM Senator Davis
1:36:30 PM Senator Leek
1:37:12 PM Chair Arrington with comments
1:37:19 PM Appearance Form
1:37:22 PM David Ramba, Florida Automobile Dealers Association
1:37:27 PM Chair Arrington with comments
1:37:36 PM Closure waived
1:37:38 PM Roll call
1:37:41 PM CS/SB 1820 reported favorably
1:38:08 PM Chair returned to Senator Leek
1:38:18 PM Tab 9 SB 324, Construction Disruption Assistance introduced by Chair Leek
1:38:29 PM Explanation of Bill by Senator Smith
1:40:51 PM Chair Leek with comments

1:42:01 PM Amendment Barcode No. 615984 introduced by Chair Leek
1:42:13 PM Explanation of Amendment by Senator Smith
1:42:17 PM Chair Leek with comments
1:42:29 PM Closure waived
1:42:32 PM Amendment adopted
1:42:37 PM Chair Leek with comments
1:42:56 PM Senator Smith with closure
1:43:15 PM Roll call
1:44:15 PM CS/SB 324 reported favorably
1:44:36 PM Tab 10 SB 936, Statewide Study on Automation and Workforce Impact introduced by Chair Leek
1:44:46 PM Explanation of Bill by Senator Davis
1:45:30 PM Chair Leek with comments
1:46:28 PM Closure by Senator Davis
1:46:36 PM Roll call
1:46:58 PM SB 936 reported favorably
1:47:10 PM Tab 5 SB 1322, Tax Credits for Investment in Rural Communities introduced by Chair Leek
1:47:22 PM Explanation of Bill by Senator Yarborough
1:48:13 PM Chair Leek with comments
1:49:18 PM Amendment Barcode No. 840450 introduced by Chair Leek
1:49:23 PM Explanation of Amendment by Senator Yarborough
1:49:30 PM Chair Leek with comments
1:49:40 PM Closure waived
1:49:42 PM Amendment adopted
1:49:45 PM Chair Leek with comments
1:49:52 PM Appearance Forms
1:49:59 PM Melissa Ramba, Sutherland Capital
1:50:03 PM Cameron Fink, Associated Industries of Florida
1:50:08 PM Slater Bayliss, Advantage Capital Partners
1:50:14 PM Chair Leek with comments
1:50:23 PM Senator Yarborough with closure
1:50:33 PM Roll call
1:50:50 PM CS/SB 1322 reported favorably
1:51:08 PM Tab 3 SB 910, Veterans' Benefits Assistance introduced by Chair Leek
1:51:20 PM Explanation of Bill by Senator Collins
1:52:20 PM Chair Leek with comments
1:53:21 PM Karen Murillo, AARP
1:53:29 PM William Taylor, Veterans Guardian
1:53:32 PM Peter O'Rourke, National Association for Veteran Rights
1:53:47 PM Chair Leek with comments
1:53:51 PM Debate
1:53:53 PM Senator Wright
1:54:04 PM Chair Leek with comments
1:54:12 PM Senator Collins with closure
1:55:48 PM Roll call
1:55:53 PM CS/SB 910 reported favorably
1:56:09 PM Tab 4 SB 1264, Rural and Urban Business Enterprises introduced by Chair Leek
1:56:25 PM Explanation of Bill by Senator Collins
1:56:36 PM Chair Leek with comments
1:57:08 PM Late-filed Amendment Barcode No. 747702 introduced by Chair Leek
1:57:38 PM Explanation of Late-filed Amendment by Senator Collins

2:01:11 PM Chair Leek with comments
2:01:18 PM Appearance Forms
2:01:27 PM Secretary Alex Kelly, Florida Commerce
2:01:37 PM Quincee Messersmith
2:04:28 PM Darryl Register
2:07:10 PM Chris Doolin, Small County Coalition
2:07:35 PM Chair Leek with comments
2:08:44 PM Closure waived
2:08:50 PM Amendment adopted
2:08:53 PM Chair Leek with comments
2:08:58 PM Questions
2:09:01 PM Senator Smith
2:09:06 PM Senator Collins
2:10:46 PM Senator Smith
2:10:49 PM Senator Collins
2:11:17 PM Senator Smith
2:12:06 PM Senator Collins
2:12:13 PM Senator Smith
2:12:15 PM Senator Collins
2:13:02 PM Senator Smith
2:13:06 PM Senator Collins
2:13:59 PM Senator Smith
2:14:41 PM Senator Collins
2:15:09 PM Senator Davis
2:15:15 PM Senator Collins
2:16:43 PM Senator Davis
2:17:43 PM Senator Collins
2:19:37 PM Senator Davis
2:19:46 PM Senator Collins
2:20:56 PM Senator Davis
2:21:01 PM Senator Collins
2:22:24 PM Chair Leek with comments
2:22:29 PM Appearance Forms
2:22:41 PM Darryl Register
2:22:52 PM Tom Lewis
2:25:36 PM Carlecia Collins, Meta
2:26:32 PM Kurvin Qualls
2:26:41 PM Lindsey Pierce, Space Florida
2:26:44 PM J.D White, ARK Innovation Center
2:29:42 PM April Sutton
2:29:45 PM Cissy Proctor, Leonardo Helicopters
2:29:50 PM Colton McDill, Florida Chamber of Commerce
2:29:53 PM Chadwin Leonard, 1000 Friends of Florida
2:31:52 PM Mayor Sean Lynch
2:33:28 PM Quincee Messersmith
2:33:35 PM Rick Davis
2:35:46 PM Rana Brown, Florida Regional Councils Association
2:36:15 PM Ron Book, Florida Regional Councils Association
2:36:44 PM Slater Bayliss, Advantage Capital Partners
2:37:03 PM Chris Doolin, Small County Coalition
2:37:21 PM Chair Leek with comments
2:37:46 PM Debate

2:38:11 PM Senator Smith
2:39:45 PM Chair Leek with comments
2:39:49 PM Senator Collins with closure
2:39:55 PM Roll call
2:40:46 PM CS/SB 1264 reported favorably
2:41:08 PM Tab 1 CS/SB 656, Health Care Billing and Collection Activities introduced by Chair Leek
2:41:26 PM Explanation of Bill by Senator Rodriguez
2:41:47 PM Chair Leek with comments
2:41:55 PM Appearance Form
2:41:57 PM Ron LaFace, Capio
2:42:02 PM Chair Leek with comments
2:42:07 PM Closure by Senator
2:42:11 PM Roll call
2:42:17 PM CS/SB 656 reported favorably
2:42:31 PM Tab 2 SB 1238, Fraud in the Reemployment Assistance Program introduced by Chair Leek
2:42:46 PM Amendment Barcode No. 738334 introduced by Chair Leek
2:43:02 PM Explanation of Amendment by Senator Rodriguez
2:43:16 PM Chair Leek with comments
2:44:13 PM Closure waived
2:44:17 PM Amendment adopted
2:44:22 PM Chair Leek with comments
2:44:26 PM Questions
2:44:32 PM Senator Smith
2:44:55 PM Senator Rodriguez
2:45:14 PM Senator Smith
2:45:53 PM Senator Rodriguez
2:47:18 PM Senator Smith
2:47:20 PM Senator Rodriguez
2:47:51 PM Senator Smith
2:47:56 PM Senator Rodriguez
2:48:30 PM Senator Smith
2:48:34 PM Senator Rodriguez
2:49:19 PM Senator Smith
2:49:22 PM Senator Rodriguez
2:51:00 PM Senator Arrington
2:51:06 PM Senator Rodriguez
2:51:55 PM Senator Arrington
2:52:02 PM Senator Rodriguez
2:52:18 PM Senator Davis
2:52:23 PM Senator Rodriguez
2:53:34 PM Senator Davis
2:53:49 PM Senator Rodriguez
2:55:07 PM Chair Leek with comments
2:55:24 PM Appearance Forms
2:55:27 PM Dr. Rich Templin, Florida AFL-CIO
2:55:30 PM Gina Fernandez
2:55:32 PM Melissa Jackson
2:55:37 PM Richard Jones
3:01:43 PM Jackson Oberlink, Florida Rising
3:01:50 PM Daniel Hernandez
3:01:52 PM J. Ferguson

3:01:53 PM Erika Blunt
3:03:34 PM Sean Donnelly
3:03:39 PM Bill Herrle, NFIB
3:03:43 PM Evan Kennedy
3:04:29 PM Chair Leek with comments
3:05:06 PM Debate
3:05:08 PM Senator Arrington
3:05:43 PM Senator Smith
3:07:36 PM Senator Davis
3:07:49 PM Chair Leek with comments
3:08:51 PM Senator Rodriguez in closure
3:09:03 PM Roll call
3:09:16 PM CS/SB 1238 reported favorably
3:09:42 PM Tabs 11 and 12, Confirmations of Alexis Yarbrough, Chair, Board of Supervisors of the Central Florida Tourism Oversight District and John Gilbert, Board of Supervisors of the Central Florida Tourism Oversight District introduced by Chair Leek
3:10:20 PM Senator Wright Motion to accept the confirmations
3:10:30 PM Motion adopted
3:10:32 PM Roll call
3:10:42 PM Confirmations confirmed
3:10:55 PM Chair Leek
3:10:58 PM Senator DeCiglie would like to be shown voting in the affirmative on SB 1672, CS/SB 940, CS/SB 1820, CS/SB 324, SB 936, CS/SB 1322, CS/SB 1264, CS/SB 910 and CS/SB 656
3:11:26 PM Senator Davis would like to be shown voting in the affirmative on SB 1672 and SB 940
3:11:40 PM Chair Leek with comments
3:11:44 PM Senator McClain moves to adjourn
3:11:51 PM Meeting adjourned

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 656

INTRODUCER: Health Policy Committee and Senator Rodriguez

SUBJECT: Health Care Billing and Collection Activities

DATE: March 28, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Looke	Brown	HP	Fav/CS
2. McMillan	McKay	CM	Favorable
3. _____	_____	RC	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 656 amends s. 395.3011, F.S., to extend protections from “extraordinary collection actions” by hospitals and ambulatory surgical centers (ASC) to all actions relating to payments of a bill for care. Current protections, created in 2024, apply only to bills for care covered under the hospital’s or ASC’s financial assistance policy. The bill also allows a hospital or ASC to sell an individual’s debt without a 30-day notification to the patient if the hospital or ASC meets specified requirements.

The bill provides an effective date of July 1, 2025.

II. Present Situation:

Medical Debt

Medical debt, or personal debt incurred from unpaid medical bills, is a leading cause of bankruptcy in the United States. Two-thirds of medical debts are the result of a one-time or short-term medical expense arising from an acute medical need.¹ Many medical collections on

¹ Hamel, Liz et al., *The Burden of Medical Debt: January 2016 Results from the Kaiser Family Foundation/New York Times Medical Bills Surve*, Kaiser Family Foundation. January 2016, available at [The Burden of Medical Debt: Results from the Kaiser Family Foundation/New York Times Medical Bills Survey \(kff.org\)](https://www.kff.org/medicaid/report/the-burden-of-medical-debt-january-2016-results-from-the-kaiser-family-foundation-new-york-times-medical-bills-survey/) (last visited Mar. 28, 2025).

consumer credit reports are low-dollar accounts.² Data from the federal Consumer Financial Protection Bureau's Consumer Credit Panel show that in 2020, the median medical collection was \$310, the mean medical collection was \$773, and 62 percent of medical collections were under \$490.³ In Florida, approximately 6.6 percent of the population has medical debt in collection.⁴ The median amount of medical debt in collections is \$1593.⁵ The percentage of persons without health insurance coverage is 11.1 percent.⁶

Medical Debt Collection in Florida

Debt Collection in General

Florida law provides a court process for the collection of lawful debts, including medical debts.⁷ A creditor may sue a debtor and, if the creditor prevails, the creditor may receive a final judgment awarding monetary damages.⁸ If the debtor does not voluntarily pay the judgment, the creditor has several legal means to collect on the debt, including:

- Wage garnishment.
- Garnishment of money in a bank account.
- Directing the sheriff to seize assets, sell them, and give the proceeds to the creditor.⁹

In order to protect debtors from being destitute, current state law provides that certain property is exempt from being taken by a creditor. The Florida Constitution provides that the debtor's homestead and \$1,000 of personal property is exempt.¹⁰ Statutory law provides numerous categories of exempt property, and federal law also provides certain exemptions applicable in all states.¹¹

In addition to the protection from creditors contained in the State Constitution, ch. 222, F.S., protects other personal property from certain claims of creditors and legal process: garnishment of wages for a head of family;¹² proceeds from life insurance policies;¹³ wages or unemployment compensation payments due to certain deceased employees;¹⁴ disability income benefits;¹⁵ assets in qualified tuition programs; medical savings accounts; Coverdell education savings accounts; hurricane savings accounts;¹⁶ \$5,000 interest in a motor vehicle; professionally prescribed health aids; certain refunds or credits from financial institutions; and \$4,000 interest in personal

² Consumer Financial Protection Bureau, *Medical Debt Burden in the United States*, February 2022, available at [Medical Debt Burden in the United States](#) (last visited Mar. 28, 2025).

³ *Id.*

⁴ Debt in America 2024, Urban Data Catalog, *Debt in America State-Level Medical Debt*, Sep. 12, 2024, available at [Debt in America 2024 | Urban Data Catalog](#), (last visited Mar. 28, 2025).

⁵ *Id.*

⁶ *Id.*

⁷ See ch. 56, F.S.

⁸ *Id.*

⁹ See ch. 77, F.S. See also ch. 56, F.S.

¹⁰ Art. X, s. 4(a), Fla. Const.

¹¹ For example, the federal ERISA law provides that most retirement plans are exempt from creditor claims.

¹² Section 222.11, F.S.

¹³ Section 222.13, F.S.

¹⁴ Section 222.15, F.S.

¹⁵ Section 222.18, F.S.

¹⁶ Section 222.22, F.S.

property, if the debtor does not claim or receive the benefits of a homestead exemption under the State Constitution.¹⁷

Changes Specific to Medical Debt

Chapter 2024-183, Laws of Fla., made significant changes to how a hospital or ASC is allowed to collect on debt owed to it. Specifically, the law:¹⁸

- Prohibits hospitals and ASCs from filing an extraordinary collection action for medical debt;
- Establishes a new three-year statute of limitation period for medical debt collections which begins on the date the hospital or ASC refers the medical debt to a third party;
- Exempts up to \$10,000 of a debtor's property from attachment, garnishment, or other legal action by a hospital or ASC to recover a medical debt; and
- Prohibits a hospital or ASC from engaging in extraordinary action to collect a medical debt while a patient's eligibility for enrollment in, or grievance about other coverages are pending.

Part of the 2024 law created s. 395.3011, F.S., which prohibits a hospital or ASC from engaging in certain billing and collection activities relating to medical debt. Section 395.3011, F.S., defines "extraordinary collection actions" to mean any of the following actions taken by a licensed facility against an individual in relation to obtaining payment of a bill for care covered under the facility's financial assistance policy:

- Selling the individual's debt to another party.
- Reporting adverse information about the individual to consumer credit reporting agencies.
- Deferring, denying, or requiring a payment before providing medically necessary care because of the individual's nonpayment of one or more bills for previously provided care covered under the facility's financial assistance policy.
- Actions that require a legal or judicial process, including, but not limited to:
 - Placing a lien on the individual's property;
 - Foreclosing on the individual's real property;
 - Attaching or seizing the individual's bank account or any other personal property;
 - Commencing a civil action against the individual;
 - Causing the individual's arrest; or
 - Garnishing the individual's wages.

The 2024 law prohibits a hospital or ASC from engaging in an extraordinary collection action to obtain payment for services in the following circumstances:

- Before the facility has made reasonable efforts to determine whether the individual is eligible for assistance under its financial assistance policy for the care provided and, if eligible, before a decision is made by the facility on the patient's application for such financial assistance;
- Before the facility has provided the individual with an itemized statement or bill;
- During an ongoing grievance process as described in s. 395.301(6), F.S., or an ongoing appeal of a claim adjudication;

¹⁷ Section 222.25, F.S.

¹⁸ See s. 95.11, F.S. See also s. 395.3011, F.S. See also s. 222.26, F.S.

- Before billing any applicable insurer or HMO and allowing the insurer or HMO to adjudicate a claim;
- For 30 days after notifying the patient in writing, by certified mail, or by other traceable delivery method, that a collection action will commence absent additional action by the patient; or
- While the individual:
 - Negotiates in good faith the final amount of a bill for services rendered; or
 - Complies with all terms of a payment plan with the facility.

III. Effect of Proposed Changes:

The bill amends s. 395.3011, F.S., to:

- Expand the scope of “extraordinary collection action” to include actions taken in relation to obtaining payment for any bill of care, rather than only bills of care that are covered under a hospital’s or ASC’s financial assistance policy.
- Allow a hospital or ASC to sell a patient’s debt without 30-day notice to the patient if the debt:
 - Is not subject to interest, fees, or actions that require a legal or judicial process; and
 - Is returned to the facility if it is determined that the debt qualifies for charity care under the facility’s financial assistance policy.

The bill provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 395.3011 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on March 25, 2025:**

The committee substitute eliminates all provisions from the underlying bill except expanding the definition of “extraordinary collection action” to apply to all bills for care and allowing a hospital or ASC to sell a patient’s debt without a 30-day notice to the patient under certain circumstances.

B. Amendments:

None.

By the Committee on Health Policy; and Senator Rodriguez

588-02846-25

2025656c1

A bill to be entitled

An act relating to health care billing and collection activities; amending s. 395.3011, F.S.; revising the definition of the term "extraordinary collection action"; authorizing facilities to engage in an extraordinary collection action under certain circumstances; providing an effective date.

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

Section 1. Subsection (1) and paragraph (e) of subsection (2) of section 395.3011, Florida Statutes, are amended to read:
395.3011 Billing and collection activities.—

(1) As used in this section, the term "extraordinary collection action" means any of the following actions taken by a licensed facility against an individual in relation to obtaining payment of a bill for care ~~covered under the facility's financial assistance policy~~:

(a) Selling the individual's debt to another party.

(b) Reporting adverse information about the individual to consumer credit reporting agencies or credit bureaus.

(c) Deferring, denying, or requiring a payment before providing medically necessary care because of the individual's nonpayment of one or more bills for previously provided care covered under the facility's financial assistance policy.

(d) Actions that require a legal or judicial process, including, but not limited to:

1. Placing a lien on the individual's property;
2. Foreclosing on the individual's real property;

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3. Attaching or seizing the individual's bank account or any other personal property;

4. Commencing a civil action against the individual;

5. Causing the individual's arrest; or

6. Garnishing the individual's wages.

(2) A facility may not engage in an extraordinary collection action against an individual to obtain payment for services:

(e) For 30 days after notifying the patient in writing, by certified mail, or by other traceable delivery method, that a collection action will commence absent additional action by the patient. However, a facility may engage in an extraordinary collection action without providing 30 days' notice if both of the following conditions are met:

1. The facility contracts to sell an individual's debt to another party, provided that the debt may not incur interest or fees and that no other extraordinary actions are taken, as described in subsection (1).

2. If the debt is later determined to qualify for charity care under the facility's financial assistance policy, such debt is returned to the licensed facility.

Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

3-31-25

Meeting Date

656

Bill Number or Topic

Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name

Ron LaFace

Phone

850 222 9075

Address

124 W Jefferson St

Email

Street

TLH

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Capio

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 25, 2025

I respectfully request that **CS/SB 656**, relating to Health Care Billing and Collection Activities, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "A. Rodriguez", is positioned above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1238

INTRODUCER: Commerce and Tourism Committee and Senator Rodriguez

SUBJECT: Fraud in the Reemployment Assistance Program

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1238 mandates that the Florida Department of Commerce (department):

- Disqualify claimants from receiving reemployment benefits if they failed, without good cause:
 - To appear for a scheduled job interview three or more times without notifying the employer of the need to reschedule or cancel.
 - To accept suitable work within two business days of the offer.
 - To return to employment when recalled by their employer after a temporary layoff.
- Verify the identity of each claimant who applies for reemployment assistance benefits before paying them out.
- Cross-check each claimant's information to verify eligibility with the information in the Systematic Alien Verification for Entitlements (SAVE) database.
- Cross-check specified information every two weeks a claimant makes a claim for benefits and for the initial reemployment assistance claim.
- Investigate certain reemployment assistance claims with duplicative information and from foreign Internet protocol addresses.
- Refer suspected and attempted fraudulent reemployment assistance claims to the Department of Legal Affairs or a relevant state attorney.
- Maintain a web page and e-mail address for employers to report violations of ch. 443, F.S.
- Create a report on fraudulent reemployment assistance claims annually which must be available on its website.

The bill takes effect on July 1, 2025.

II. Present Situation:

Unemployment Compensation Overview

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of state law.¹ The program is administered as a partnership of the federal government and the states.² The individual states collect unemployment compensation payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).³ FUTA collections go to the states for costs of administering state unemployment compensation and job service programs.⁴ In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.⁵

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with FUTA or Social Security Act requirements.⁶ Florida's program was created by the Legislature in 1937.⁷ The department is the current agency responsible for administering Florida's laws, primarily through its Division of Workforce Services.⁸ The department contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.⁹

State Reemployment Assistance Benefits

In Florida, which rebranded the unemployment compensation program as the reemployment assistance program in 2012,¹⁰ a qualified claimant may receive benefits equal to 25 percent of

¹ USDOL, *State Unemployment Insurance Benefits*, available at <https://oui.doleta.gov/unemploy/uifactsheet.asp> (last visited Mar. 31, 2025).

² There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia. USDOL, *Unemployment Compensation, Federal – State Partnership*, available at <https://oui.doleta.gov/unemploy/pdf/partnership.pdf> (last visited Mar. 31, 2025).

³ FUTA is codified at 26 U.S.C. § 3301-3311.

⁴ Julie M. Whittaker, CONG. RSCH. SERV., *Unemployment Compensation: The Fundamentals of the Federal Unemployment Tax (FUTA)*, available at https://www.congress.gov/crs_external_products/R/PDF/R44527/R44527.5.pdf (last visited Mar. 31, 2025).

⁵ USDOL, *Unemployment Insurance Tax Topic*, available at <https://oui.doleta.gov/unemploy/uitaxtopic.asp#:~:text=FUTA%20taxes%20are%20calculated%20by,times%20the%20employer's%20taxable%20wages.&text=Employers%20who%20pay%20their%20state,tax%20paid%20to%20the%20state>, (last visited Mar. 31, 2025).

⁶ 26 U.S.C. § 3304.

⁷ Chapter 18,402, Acts of 1937 Laws of Fla.

⁸ Section 443.1316, F.S.

⁹ *Id.*

¹⁰ Chapter 2012-30, Laws of Fla.

wages, not to exceed \$6,325 in a benefit year.¹¹ Benefits range from a minimum of \$32 per week to a maximum weekly benefit amount¹² of \$275, for a maximum of between 12 weeks and 23 weeks,¹³ depending on the claimant's length of prior employment, wages earned, and the unemployment rate.¹⁴

The maximum number of weeks available is set at the beginning of the year and applies for the entire calendar year. The maximum number of weeks is based upon the average seasonally adjusted statewide unemployment rate for the months of July, August, and September.¹⁵ If the average rate for that most recent third calendar year quarter is at or below 5%, then the maximum number of weeks of benefits available is 12 weeks. For each 0.5% step about 5%, an additional week of benefits is added to the maximum duration, up to 23 weeks of benefits if that average third quarter unemployment rate is 10.5%. On January 1, 2021, the maximum number of weeks of benefits increased from 12 weeks to 19 weeks based on the three month average of July, August, and September of 2020, which was 8.6%.¹⁶

To receive benefits, a claimant must meet certain monetary and non-monetary eligibility requirements, including a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.¹⁷

Benefit Eligibility Conditions

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. Generally, these include efforts related to finding new employment, such as:¹⁸

- Completing the department's online work registration;
- Reporting to the One-Stop Career Center when directed to do so by the local CareerSource board;
- Being able to and available for work;¹⁹
- Contacting at least five prospective employers each week or going to the One-Stop Career Center for reemployment services; and

¹¹ Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.

¹² Pursuant to section 443.111(3), F.S., the "weekly benefit amount," is an amount equal to one twenty-sixth of the total wages for insured work paid during the quarter of the base period where the wages paid were highest.

¹³ Section 443.111(5)(c), F.S.

¹⁴ The average weekly benefit amount for each quarter in 2024 was: first quarter – \$264; second quarter – \$265; third quarter – \$263; and fourth quarter – \$265. USDOL, *Unemployment Insurance Data*, run report for Florida, available at https://oui.doleta.gov/unemploy/data_summary/DataSum.asp, (last visited Mar. 31, 2025).

¹⁵ Section 443.111(5)(a), F.S. Typically in the calculation of monthly unemployment rates, a rate is published about midway through the following month and the revised rate is published about midway through the next month. See Dept. of Commerce, Unemployment – Local Area Unemployment Statistics (LAUS) – Release Schedule, (2025), available at <http://lmsresources.labormarketinfo.com/library/DataReleaseSchedule.pdf>, (last visited Mar. 31, 2025).

¹⁶ Dept. of Commerce, *Florida Department of Economic Opportunity Announces Florida Achieves Six Consecutive Months of Month-Over-Month Job Growth*, (November 20, 2020), available at <https://floridajobs.org/news-center/DEO-Press/2020/11/20/florida-department-of-economic-opportunity-announces-florida-achieves-six-consecutive-months-of-month-over-month-job-growth>, (last visited Mar. 31, 2025).

¹⁷ See Section 443.091, F.S.

¹⁸ Section 443.091(1), F.S.,

¹⁹ "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought. "Available for work" means actively seeking and being ready and willing to accept suitable work. See Section 443.036(1) and (6), F.S. See also Rule 73B-11.021(2), F.A.C.

- Participating in reemployment services.²⁰

For each week of benefits claimed, a claimant must submit to the department the name, address, and telephone number of each prospective employer contacted.²¹ A claimant must be actively seeking work to be considered available for work. “This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed” or three prospective employers for individuals who live in small counties.²² Proof of work search efforts cannot include the same prospective employer at the same location in three consecutive weeks, unless in the meantime the employer has indicated that it is hiring.²³ The department conducts random audits of the submitted information to verify that claimants are meeting these requirements.²⁴

Disqualification for Reemployment Assistance Benefits

Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving benefits. These circumstances include:

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;²⁵
- Failing to apply for available suitable work when directed by the department or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;²⁶
- Making false or fraudulent representations in filing for benefits;
- Being discharged from employment due to drug use or rejection from a job offer for failing a drug test; and
- Becoming unavailable for work due to incarceration or imprisonment.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual’s next benefit claim, depending on the reason for the disqualification.

Fraud Prevention Measures

Currently, the department employs multiple measures to combat fraud. The department:

- Uses software that blocks foreign or suspicious IP addresses to prevent claims from being filed outside the country and detects multiple claim attempts from different states.
- Verifies identities through ID.me at the time of filing and interfaces with the Division of Highway Safety and Motor Vehicles to verify identities.

²⁰ See Section 443.091(1)(b), F.S.; Employ Florida, available at <https://www.employflorida.com/vosnet/Default.aspx>, (last visited Mar. 31, 2025). Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and the Department of Commerce. It provides job-matching and workforce resources.

²¹ Section 443.091(1)(c)1., F.S.

²² Section 443.091(1)(d), F.S. A “small county” is a county that has a non-incarcerated population of 75,000 or less according to the most recent decennial census. Section 120.52(19), F.S.

²³ Section 443.091(1)(d), F.S.

²⁴ *Id.*

²⁵ An individual is not disqualified for voluntarily leaving temporary work to return to full time work, or to relocate with his or her military spouse due to relocation orders, or due to circumstances related to domestic violence.

²⁶ Section 443.101(2), F.S.

- Uses ICON with the Social Security Administration to ensure no duplicate claims have been filed with other states.²⁷

Moreover, the department has enhanced its fraud detection procedures by developing the Fraud Initiative Rules and Ratings Engine (FIRRE) system, which is integrated with the National Association of State Workforce Agencies' (NASWA) Integrity Data Hub (IDH).²⁸ The FIRRE system, in combination with IDH, applies business rules designed to detect, flag, or lock suspicious claims for further investigation by fraud unit staff.²⁹

Additionally, the following cross-checks are performed regularly to verify claimant information:

- The United States Department of Health and Human Services National Directory of New Hires conducts a weekly cross-check.
- The State Directory of New Hires completes a daily review.
- Incarceration data is cross-checked weekly using a vendor separate from the Department of Corrections and the Social Security Administration, which gathers federal, state, and local incarceration records.
- SAVE is used upon filing an initial claim to confirm eligibility.³⁰

III. Effect of Proposed Changes:

Section 1 creates the act title “Promoting Work, Deterring Fraud Act of 2025.”

Disqualification for Benefits

Section 2 amends s. 443.101, F.S., to mandate that a claimant shall be disqualified from reemployment assistance benefits if the department finds that the claimant failed, without good cause:

- To appear for a scheduled job interview three or more times without notifying the prospective employer of the need to reschedule or cancel.
- To accept suitable work within two business days of the offer of employment.
- To return to employment when recalled by the individual’s employer after a temporary layoff.

Such disqualification continues for the full period of unemployment following one of these failures and until the claimant has earned an income of at least seventeen times their weekly benefit amount. The bill also gives the department rulemaking authority to implement this subsection.

²⁷ FLORIDA DEPT. OF COMMERCE, *2025 Agency Legislative Bill Analysis for SB 1238* (Mar. 27, 2025) (on file with the Senate Commerce and Tourism Committee).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*; “SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify immigration status and naturalized/acquired U.S. citizenship of applicants seeking benefits or licenses.” CITIZENSHIP AND IMMIGR. SERV., SAVE, available at <https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses>. (last visited Mar. 31, 2025).

Benefit Eligibility Conditions

Section 4 amends s. 443.091, F.S., to provide that the department may not deny benefits for any week because a claimant failed to appear for an interview.

Fraud Prevention

Section 3 creates s. 443.1112, F.S., to require the department to verify the identity of each claimant who applies for reemployment assistance benefit before paying out any benefits. For the initial claim for benefits made by a claimant, the department must cross-check the information contained in the claim with information in the SAVE database to verify the claimant's eligibility.

For every two weeks that a claimant makes a claim for benefits, the department must cross-check the information contained the claim to verify the claimant's eligibility and to make sure the claimant is living, not incarcerated, not already employed, and not filing fraudulent or duplicative claims.

Additionally, the bill requires the department to:

- Investigate any claim associated with a mailing address, a bank account, an e-mail address, a telephone number, or an Internet protocol address that is also associated with another existing claim in Florida or another state. The department must verify that the claim in Florida is not fraudulent before paying any benefits.
- Scrutinize claims filed from foreign Internet protocol addresses before paying any benefits.
- Refer any suspected or attempted fraudulent claims to the Department of Legal Affairs or the state attorney of the judicial circuit in which the suspected fraudulent claims originated for further investigation and potential prosecution.

Under the bill, the department must maintain a web page and e-mail address through which employers may report known or suspected violations of ch. 443, F.S., which includes identify theft, fraud, or reasons for which a claimant would be disqualified for benefits under s. 443.101, F.S. Every year, the department must notify employers in Florida of the web page and e-mail address for reporting violations.

Annually, the department must also make available on its website a report identifying:

- The number of fraudulent reemployment assistance claims identified for the year prior.
- The number of claims not paid due to successful detection of fraudulent intentions.
- The number of claims and the amount of benefits paid against claims subsequently identified as fraudulent.
- The amount of fraudulent overpayments recovered.
- The number of fraudulent claims referred for investigation and possible prosecution.

This report must list the sources of information that were used to cross-check claims during the reporting period.

Last, the bill does not limit the department's ability to adopt additional strategies to limit waste, fraud, and abuse in the reemployment assistance program.

Effective Date

Section 5 sets out an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate. If the provisions of the bill function to lower the amount of reemployment assistance benefits paid out, employers could see a reduction in their contribution rates over time.

C. Government Sector Impact:

According to the department, the verifications required in the bill will increase its expenditure. There is a \$1.50 transaction fee charged per transaction with the SAVE system, which will increase each year. As the department receives an average of 30,000 claims per month, for the remainder of the 2025 calendar year, such expenditures could be as high as \$3.24 million. That department estimates that the increase in costs will be as high as \$8.64 million for 2026, \$10.8 million for 2027, and \$13.392 million for 2028.³¹

³¹ FLORIDA DEPT. OF COMMERCE, *supra* note 27.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Social Security Act (SSA) requires that state unemployment laws use “methods of administration... to [e]nsure full payment of unemployment compensation when due.”³² Federal regulation interprets this to mean that unemployment compensation benefits must be paid to eligible claimants with the greatest promptness as administratively feasible.³³ To comply with this, states must issue at least 87% of all first payments within fourteen or twenty-one days after the week ending date of the first compensable week in the benefit year.³⁴ The U.S. Supreme Court has determined that even when a claimant’s initial determination of eligibility is being appealed by an employer, a state must continue to pay unemployment benefits each week while the appeal process is taking place.³⁵ As a result of this interpretation of the “when due” provision of the SSA, a state cannot withhold benefits until a decision is made regarding a claimant’s continuing eligibility.³⁶

As the state must act promptly to verify an individual’s identity to ensure full payment of unemployment benefits, the cross-checks under the bill may hinder the department’s ability to ensure full payments when due. For continued claims, a timely payment requires that the department decides each claim no later than the end of the week following the week in which the issue is detected.³⁷ Further, the department noted that:

If the decision is not issued timely, the state must continue to pay the continued claim and issue a determination as soon as administratively feasible after payment is made. If the Department is unable to make a determination regarding the identity verification issue within the two-week benefit period for a continued claim where a claimant is already receiving benefits, the Department will not be able to comply with... the bill because i[t is] inconsistent with the “when due” provision of section 303 of the SSA.³⁸

VIII. Statutes Affected:

This bill creates section 443.1112 of the Florida Statutes.

³² 42 U.S.C. s. 503(a)(1).

³³ 20 C.F.R. s. 640.3-640.4.

³⁴ 20 C.F.R. s. 640.5.

³⁵ *California v. Java*, 402 U.S. 121, 132-135 (1971) (“Paying compensation to an unemployed worker promptly after an initial determination of eligibility accomplishes the congressional purposes of avoiding resort to welfare and stabilizing consumer demands; delaying compensation until months have elapsed defeats these purposes.”).

³⁶ *Id.*

³⁷ FLORIDA DEPT. OF COMMERCE, *supra* note 27.

³⁸ *Id.*

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 31, 2025:

The amendment mandates that a claimant shall be disqualified from reemployment assistance benefits if the department finds that the claimant failed, without good cause:

- To appear for a scheduled job interview three or more times without notifying the employer of the need to reschedule or cancel.
- To accept suitable work within two business days of the offer.
- To return to employment when recalled by their employer after a temporary layoff.

The amendment gives the department rulemaking power to implement these new disqualifiers. The amendment also clarifies that an otherwise eligible claimant may not be denied benefits for any week for failing to appear for an interview for suitable work.

Additionally, the amendment requires:

- The department to cross-check the claimant's initial claim information with the Systematic Alien Verification for Entitlements Program established by the United States Bureau of Citizenship and Immigration Services.
- For every two weeks that a claimant makes a claim for benefits, including the initial claim for benefits, to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim to make sure that the claimant is living, not incarcerated, not already employed, and not filing fraudulent or duplicate claims.
- The department to cross-check claims that are associated with existing claims in other states.
- The department to maintain a website and e-mail address for employers to report violations of ch. 443, F.S.
- The department to list the sources of information it uses to cross-check claims in its annual report.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	.
03/31/2025	.	.
	.	.
	.	.

The Committee on Commerce and Tourism (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Promoting Work, Deterring Fraud Act of 2025."

Section 2. Subsection (2) of section 443.101, Florida Statutes, is amended to read:

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

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(2) If the Department of Commerce finds that the individual has failed without good cause to apply for available suitable work; to appear, on three or more occasions, for a scheduled job interview without notifying the prospective employer of the need to cancel or reschedule the interview; to accept suitable work within 2 business days when offered to him or her; to return to the individual's customary self-employment when directed by the department; or to return to employment when recalled to work by the individual's employer after a temporary layoff, 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 appear, on three or more occasions, for a scheduled job interview without notifying the prospective employer of the need to cancel or reschedule the interview; to accept suitable work; or to return to his or her customary employment or self-employment, and until the individual has earned income of at least 17 times his or her weekly benefit amount. The department shall by rule adopt criteria to implement this subsection, including for determining the "suitability of work," as used in this section. In developing these rules, the department 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, the department shall consider the degree of risk

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to the individual's health, safety, and morals; the individual's physical fitness, prior training, experience, prior earnings, 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 to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. The position offered is vacant due directly to a strike, lockout, or other labor dispute.

2. 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. As a condition of being employed, the individual is required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the department finds that an individual was rejected for offered employment as 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.

Section 3. Section 443.1112, Florida Statutes, is created to read:

443.1112 Verification of reemployment assistance benefit eligibility; detection of fraud.—

(1) The Department of Commerce shall verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual.

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(2) For the initial claim for benefits made by a claimant and as necessary to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim with information in the database of the Systematic Alien Verification for Entitlements Program established by the United States Bureau of Citizenship and Immigration Services.

(3) For every 2 weeks that a claimant makes a claim for benefits, including the initial claim for benefits, to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim to make sure that the claimant is:

(a) Living.

(b) Not incarcerated.

(c) Not already employed.

(d) Not filing fraudulent or duplicate claims.

(4) The department shall do all of the following:

(a) Investigate any claim in this state associated with a mailing address, a bank account, an e-mail address, a telephone number, or an Internet protocol address that is also associated with another existing claim for reemployment assistance benefits in this state or another state and verify that the claim in this state is legitimate and not fraudulent before paying any benefits for the claim.

(b) Scrutinize any claim in this state filed from a foreign Internet protocol address before paying any benefits for the claim.

(c) Refer any suspected fraudulent or attempted fraudulent claim identified by the department to the Department of Legal

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98 Affairs and the state attorney of the judicial circuit in which
99 the suspected fraudulent claim originated for further
100 investigation and potential prosecution.
101 (d) Maintain a web page and an e-mail address through which
102 an individual or an employer may report known or suspected
103 violations of this chapter, including identity theft, fraud, or
104 reasons for which a claimant would be disqualified for benefits
105 under s. 443.101, including, but not limited to, failing to
106 appear for a previously scheduled job interview without
107 notifying the prospective employer of the need to cancel or
108 reschedule the interview or failing to accept suitable work
109 within 2 business days when offered to him or her. Each year,
110 the department shall notify employers in this state of this web
111 page and e-mail address for reporting violations.
112 (e) Annually make available on its website a report
113 identifying the number of fraudulent reemployment assistance
114 claims identified for the previous year, the number of claims
115 not paid due to successful detection of fraudulent intentions,
116 the number of claims and the amount of reemployment assistance
117 benefits paid against claims subsequently identified as
118 fraudulent, the amount of fraudulent overpayments recovered, and
119 the number of fraudulent claims referred for investigation and
120 possible prosecution. The report must also list the sources of
121 information that were used to cross-check claims during the
122 reporting period.
123 (4) This section may not be construed as limiting the
124 ability of the department to adopt additional mechanisms and
125 strategies designed to limit waste, fraud, and abuse in the
126 reemployment assistance program.

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127 Section 4. Paragraph (d) of subsection (1) of section
128 443.091, Florida Statutes, is amended to read:
129 443.091 Benefit eligibility conditions.—
130 (1) An unemployed individual is eligible to receive
131 benefits for any week only if the Department of Commerce finds
132 that:
133 (d) She or he is able to work and is available for work. In
134 order to assess eligibility for a claimed week of unemployment,
135 the department shall develop criteria to determine a claimant's
136 ability to work and availability for work. A claimant must be
137 actively seeking work in order to be considered available for
138 work. This means engaging in systematic and sustained efforts to
139 find work, including contacting at least five prospective
140 employers for each week of unemployment claimed. The department
141 may require the claimant to provide proof of such efforts to the
142 one-stop career center as part of reemployment services. A
143 claimant's proof of work search efforts may not include the same
144 prospective employer at the same location in 3 consecutive
145 weeks, unless the employer has indicated since the time of the
146 initial contact that the employer is hiring. The department
147 shall conduct random reviews of work search information provided
148 by claimants. As an alternative to contacting at least five
149 prospective employers for any week of unemployment claimed, a
150 claimant may, for that same week, report in person to a one-stop
151 career center to meet with a representative of the center and
152 access reemployment services of the center. The center shall
153 keep a record of the services or information provided to the
154 claimant and shall provide the records to the department upon
155 request by the department. However:

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577-02914A-25



738334

156 1. Notwithstanding ~~any other provision of~~ this paragraph or
157 paragraphs (b) and (e), an otherwise eligible individual may not
158 be denied benefits for any week because she or he is in training
159 with the approval of the department, or by reason of s.
160 443.101(2) relating to failure to apply for, failure to appear
161 for an interview for, or refusal to accept, suitable work.
162 Training may be approved by the department in accordance with
163 criteria prescribed by rule. A claimant's eligibility during
164 approved training is contingent upon satisfying eligibility
165 conditions prescribed by rule.
166 2. Notwithstanding ~~any other provision of~~ this chapter, an
167 otherwise eligible individual who is in training approved under
168 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
169 determined ineligible or disqualified for benefits due to
170 enrollment in such training or because of leaving work that is
171 not suitable employment to enter such training. As used in this
172 subparagraph, the term "suitable employment" means work of a
173 substantially equal or higher skill level than the worker's past
174 adversely affected employment, as defined for purposes of the
175 Trade Act of 1974, as amended, the wages for which are at least
176 80 percent of the worker's average weekly wage as determined for
177 purposes of the Trade Act of 1974, as amended.
178 3. Notwithstanding any other provision of this section, an
179 otherwise eligible individual may not be denied benefits for any
180 week because she or he is before any state or federal court
181 pursuant to a lawfully issued summons to appear for jury duty.
182 4. Union members who customarily obtain employment through
183 a union hiring hall may satisfy the work search requirements of
184 this paragraph by reporting daily to their union hall.

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738334

185 5. The work search requirements of this paragraph do not
186 apply to persons who are unemployed as a result of a temporary
187 layoff or who are claiming benefits under an approved short-time
188 compensation plan as provided in s. 443.1116.
189 6. In small counties as defined in s. 120.52(19), a
190 claimant engaging in systematic and sustained efforts to find
191 work must contact at least three prospective employers for each
192 week of unemployment claimed.
193 7. The work search requirements of this paragraph do not
194 apply to persons required to participate in reemployment
195 services under paragraph (e).
196 Section 5. This act shall take effect July 1, 2025.
197
198 ===== T I T L E A M E N D M E N T =====
199 And the title is amended as follows:
200 Delete everything before the enacting clause
201 and insert:
202 A bill to be entitled
203 An act relating to verification of reemployment
204 assistance benefit eligibility; providing a short
205 title; amending s. 443.101, F.S.; revising
206 circumstances under which the Department of Commerce
207 may disqualify claimants from receiving reemployment
208 assistance benefits; creating s. 443.1112, F.S.;
209 requiring the department to verify claimants'
210 identities before paying reemployment assistance
211 benefits; requiring the department to cross-check
212 certain information on a specified schedule; providing
213 duties of the department; requiring the department to

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738334

214 maintain a web page and an e-mail address for a
215 specified purpose and to notify employers each year of
216 the web page and e-mail address; requiring the
217 department to annually make certain information
218 available on its website; providing construction;
219 amending s. 443.091, F.S.; conforming a provision to
220 changes made by the act; providing an effective date.

By Senator Rodriguez

40-01093-25

20251238__

A bill to be entitled

An act relating to fraud in the reemployment assistance program; providing a short title; creating s. 443.112, F.S.; requiring the Department of Commerce to verify the identity of claimants who apply for reemployment assistance benefits before paying any benefits to them; requiring the department, weekly, to cross-check information with specified sources to verify such claims; prohibiting the payment of reemployment assistance benefits to any claimant who has not been verified; requiring the department to investigate claims associated with other claims that have the same specific identifiers; requiring the department to scrutinize claims filed from foreign Internet protocol addresses before paying benefits on such claims; requiring that any suspected fraudulent claim be referred to the Department of Legal Affairs or the state attorney of the judicial circuit in which the suspected fraudulent claim originated from for further investigation and prosecution; requiring the Department of Commerce to report to the Legislature annually with specific information; requiring such report to be available on the department's website; providing construction; providing an effective date.

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

Section 1. This act may be cited as "Protecting the Reemployment Assistance Program from Fraud Act of 2025."

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

40-01093-25

20251238__

Section 2. Section 443.1112, Florida Statutes, is created to read:

443.1112 Program integrity.—

(1) The Department of Commerce shall verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual.

(2) In determining the eligibility of a claim for reemployment benefits, the department shall, on a weekly basis, cross-check the information contained in the claim with the following:

(a) The National Association of State Workforce Agencies' Integrity Data Hub;

(b) The United States Department of Health and Human Services National Directory of New Hires;

(c) The State Directory of New Hires as created in s. 409.2576;

(d) The Department of Corrections' offender network;

(e) The Social Security Administration's Prisoner Update Processing System;

(f) The Centers for Disease Control and Prevention's National Vital Statistics System's National Death Index;

(g) The Department of Health's Bureau of Vital Statistics' death records database; and

(h) The U.S. Citizenship and Immigration Services' SAVE database.

(3) Reemployment assistance benefits administered by the Department of Commerce may not be paid to any claim that has not been subjected to the cross-checks required in subsection (2).

(4) The department shall investigate any claim for benefits

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

40-01093-25 20251238__

59 associated with a mailing address, bank account, e-mail address,
60 phone number, or Internet protocol address associated with
61 another existing claim for benefits and verify the claim is
62 legitimate and not fraudulent before paying any benefits for
63 that claim. Additionally, the department shall scrutinize any
64 claim filed from a foreign Internet protocol address before
65 paying benefits to that claim.

66 (5) Any suspected fraudulent or attempted fraudulent claim
67 identified by the department shall be referred to the Department
68 of Legal Affairs or the state attorney of the judicial circuit
69 in which the suspected fraudulent claim originated for further
70 investigation and potential prosecution.

71 (6) Annually, the Department of Commerce shall report to
72 the Legislature, and make available on its website, a report
73 identifying the number of fraudulent reemployment assistance
74 claims identified for the year prior, the number of claims not
75 paid due to successful detection of fraudulent intentions, the
76 number of claims and the amount of benefits paid against claims
77 subsequently identified as fraudulent, the amount of fraudulent
78 overpayments recovered, and the number of fraudulent claims
79 referred for investigation and possible prosecution.

80 (7) This section may not be construed as limiting the
81 ability of the department to adopt additional mechanisms and
82 strategies designed to limit waste, fraud, and abuse in the
83 reemployment assistance program.

84 Section 3. This act shall take effect July 1, 2025.



2025 AGENCY LEGISLATIVE BILL ANALYSIS

Department of Commerce

BILL INFORMATION

BILL NUMBER:	SB 1238
BILL TITLE:	Fraud in the Reemployment Assistance Program
BILL SPONSOR:	Rodriguez
EFFECTIVE DATE:	7/1/2025

COMMITTEES OF REFERENCE

1) Senate Commerce and Tourism
2) Senate Appropriations Committee on Transportation, Tourism, and Economic Development
3) Senate Fiscal Policy
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	N/A
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

N/A

SIMILAR BILLS

BILL NUMBER:	HB 1157
SPONSOR:	Abbott

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	
LEAD AGENCY ANALYST:	
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill expands and reinforces measures to combat fraud in the reemployment assistance program.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

FloridaCommerce employs multiple measures to combat fraud. It uses software that blocks foreign or suspicious IP addresses to prevent claims from being filed outside the country and detects multiple claim attempts from different states. Identity verification is conducted through ID.me at the time of filing, and the agency interfaces with the Division of Highway Safety and Motor Vehicles to verify identities. Additionally, FloridaCommerce utilizes ICON with the Social Security Administration to ensure no duplicate claims have been filed in other states.

To enhance fraud detection, FloridaCommerce has developed the Fraud Initiative Rules and Ratings Engine (FIRRE) system, which is integrated with the National Association of State Workforce Agencies' (NASWA) Integrity Data Hub (IDH). The FIRRE system, in combination with IDH, applies business rules designed to detect, flag, or lock suspicious claims for further investigation by fraud unit staff.

Several cross-checks are performed regularly to verify claimant information. The United States Department of Health and Human Services National Directory of New Hires conducts a weekly cross-check, while the State Directory of New Hires completes a daily review. Incarceration data is also cross-checked weekly using a vendor separate from the Department of Corrections and the Social Security Administration, which gathers federal, state, and local incarceration records. Additionally, Systematic Alien Verification for Entitlements (SAVE) is used upon filing an initial claim to confirm eligibility.

2. EFFECT OF THE BILL:

The bill establishes Section 443.1112, Florida Statutes – the “Protecting Reemployment Assistance Program from Fraud Act of 2025.”

The bill mandates the Department of Commerce to verify the identity of each claimant before disbursing any reemployment assistance benefits.

The bill requires the Department of Commerce to verify the identity of each claimant who applies for reemployment assistance benefits before paying benefits to that individual. This bill specifies that the Department of Commerce must cross-check claim information on a weekly basis with:

- The National Association of State Workforce Agencies' Integrity Data Hub;
- The United States Department of Health and Human Services National Directory of New Hires;
- The State Directory of New Hires;
- The Department of Corrections' offender network;
- The Social Security Administration's Prisoner Update Processing System;
- The Centers for Disease Control and Prevention's National Vital Statistics System's National Death Index;
- The Department of Health's Bureau of Vital Statistics' death records database; and
- The USCIS SAVE database.

The bill prohibits the payment of reemployment assistance benefits unless the claim has passed the required cross-checks.

The bill requires the Department to investigate claims that share identifiers with other claims and scrutinize claims filed from foreign IP addresses before approving payment.

The bill requires the Department to refer any suspected fraudulent claims to the Department of Legal Affairs or the appropriate state attorney for further investigation and possible prosecution.

The bill requires the Department of Commerce to annually report to the Legislature on fraudulent claims identified, claims denied due to fraud detection, and the amount recovered from fraudulent overpayments. The report is required to also be made available on the Department's website.

The bill allows the Department to develop additional methods to prevent waste, fraud, and abuse in the reemployment assistance program.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

If yes, explain:	No
What is the expected impact to the agency's core mission?	
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	N/A
Provide a summary of the proponents' and opponents' positions:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	Yes - The bill requires the Department of Commerce to annually report to the Legislature on fraudulent claims identified, claims denied due to fraud detection, and the amount recovered from fraudulent overpayments. The report is required to also be made available on the Department's website.
Date Due:	N/A
Bill Section Number(s):	6

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?

Board:	N/A
Board Purpose:	
Who Appointments:	
Appointee Term:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees?	

If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	
---	--

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	N/A
Expenditures:	There is a per transaction fee charge to use the SAVE system. This year, it's \$1.50 per transaction, next year it increases to \$2.00, then to \$2.50, and \$3.10 in 2028. An individual normally can receive 12 weeks of benefits, so this could cost up to \$18 per claimant for the remainder of calendar year 2025. The Department receives an average of approximately 30,000 claims per month. This means that for the remainder of calendar year 2025 (July-December), the fiscal impact could be as high as \$3.24 million. The annual costs would increase based on the increase in costs to use the SAVE system. This means that for each calendar year below, the costs could be as high as: Calendar Year 2026 - \$8.64 million Calendar Year 2027 - \$10.8 million Calendar year 2028 - \$13.392 million
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees or fines?	No
Does the bill decrease taxes, fees or fines?	No
What is the impact of the increase or decrease?	N/A
Bill Section Number:	

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	Yes.
If yes, describe the anticipated impact to the agency including any fiscal impact.	FloridaCommerce currently crossmatches to pull all the data required by this bill. However, in some instances we use a different vendor that provides more or better information than what the agencies listed in this bill provide. Requiring the Department to cross-check with a specific entity may require new contracts and system builds.

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	Yes – The United States Department of Labor supports states' efforts to verify claimant identity as part of the claims process to prevent and detect fraudulent claims and resulting improper payments, so long as adjudication standards and requirements for timely payment are adhered to. The Secretary's standards for benefit payment promptness, found in 20 CFR Part 640 , require the state to issue at least 87 percent of all first payments within 14 or 21 days (depending on whether the state has a waiting week) after the week ending date of the first compensable week in the benefit year. The "methods of administration" provision in Section 303(a)(1) of the Social Security Act has been interpreted to require that Unemployment Compensation (UC) be paid with the greatest promptness as administratively feasible. (See 20 CFR 640.3(a) and the Supreme Court's decision in <i>California v. Java</i> , 402 U.S. 121).
If yes, describe the anticipated impact including any fiscal impact.	

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments and recommended action:	The bill requires weekly cross-checks to verify a claimant's identity. The bill also provides that the Department may not pay benefits to any claim that has not been subjected to the weekly cross-checks. Section 303(a)(1) of the Social Security Act (SSA) requires that a state have methods of administration to reasonably ensure the full payment of Reemployment Assistance when due. Once a claim has been established and payments have been issued, there is a presumption of eligibility. Therefore, there must be evidence on the record that substantiates a reasonable basis for stopping payments once a determination of eligibility has been made and payments have been issued. When a state obtains information through automated systems or other sources that question whether the name and/or Social Security Number used to file a claim belong to the individual who is filing the claim, the state must act quickly to: i) provide the individual with proper notice and an opportunity to provide information to resolve the issue; ii) decide whether or not sufficient information has been provided to verify the individual's ID; and iii) issue a written determination. States must act promptly to verify an individual's ID to meet the requirement of section 301(a)(1), SSA, that the state have methods of administration reasonably calculated to ensure full payment of Reemployment Assistance when due. For continued claims, timely payment (i.e., payment "when due") means that a determination is made no later than the end of the week following the week in which the issue is detected. If the decision is not issued timely, the state must continue to pay the continued claim and issue a determination as soon as administratively feasible after payment is made. If the Department is unable to make a determination regarding the identity verification issue within the two-week benefit period for a continued claim where a claimant is already receiving benefits, the Department will not be able to comply with section 443.1112(3) of the bill because it's inconsistent with the when due provision of section 303 of the SSA.
--	---

The Florida Senate

APPEARANCE RECORD

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3/31

Meeting Date

Commerce

Committee

SB 1238

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rick Templin

Phone 850-224-6926

Address 135 S. Monroe

Street

Tallahassee

City

FL

State

32301

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida AFL-CIO

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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3/31
Meeting Date

SB 1238
Bill Number or Topic

738334
Amendment Barcode (if applicable)

Committee

Name Dr. Rich Templich

Phone 850-224-6926

Address 135 S. Monroe
Street

Email

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida AF2-C10

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

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03/31/25

Meeting Date

Commerce + Tourism

Committee

SB 1238

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

jackson@Florida for all. Vote

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida
Rising

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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Meeting Date

1238

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

Sean Donnelly

Phone

407-619-1199

Address

14239 Tennessee Ave

Email

seanndonnelly@gmail.com

Street

Astatula

City

FL

State

34705

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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APPEARANCE RECORD

3/31/25

Meeting Date

SR1238

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Gina Fernandez

Phone

204-866-3860

Address

4520 Misty Dawn Ct. South

Email

gina.DLandentertainment@gmail.com

Street

Jacksonville

City

FL

State

32277

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/31/2025
Meeting Date

1238
Bill Number or Topic

Commerce and Tourism
Committee

Deliver both copies of this form to
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Amendment Barcode (if applicable)

Name Melissa Jackson

Phone 352-512-5881

Address 58 Laurel Pass Apt 1
Street

Email melissajacksonr75@gmail

Ocala FL 34480
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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APPEARANCE RECORD

3/31/25

Meeting Date

1238

Bill Number or Topic

Commerce & Tourism

Committee

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Amendment Barcode (if applicable)

Name RICHARD JONES

Phone 941 628 0813

Address 25397 KOWLOON LN

Email RJONES@DC78.ORG

Street

PUNTA GORDA

City

State

FL

33903

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

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3/31/25

Meeting Date

1238

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Daniel Hernandez

Phone

407 920 1354

Address

2021 William Clark Ave

Street

Email

danielmhg77@gmail.com

Sanford

City

FL

State

32771

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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3/31/25

Meeting Date

1238

Bill Number or Topic

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

J Ferguson

Phone

(813) 462-6872

Address

15350 Amberly Dr.

Email

jnjpromotions@gmail.com

Street

Tampa

City

FL

State

33647

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-31-2025

Meeting Date

1238

Bill Number or Topic

Commerce and Tourism

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Enika Blunt

Phone

352-231-5889

Address

16987 NE 25th Ave

Email

ebkunt@dc78.org

Street

Citra

City

FL

State

32113

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

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compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-31-25

Meeting Date

Commerce & Tourism

Committee

1238

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BILL HERRLE

Phone

850 728 7356

Address

110 E Jefferson St.

Email

bill.herrle@nfib.org

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

NFIB

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/31/25

Meeting Date

1238

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Evan Kenneth

Phone 306-334-6820

Address 953 Maple Forest Dr
Street

Email evan.kennel, 27@yahoo.com

Orlando
City

FL
State

32825
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Tom Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 3, 2025

I respectfully request that **Senate Bill #1238**, relating to Fraud in the Reemployment Assistance Program be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in cursive script, appearing to read "AmR", is written above a horizontal line.

Senator Ana Maria Rodriguez
Florida Senate, District 40

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 910

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Collins

SUBJECT: Veterans' Benefits Assistance

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 910 creates s. 501.9741, F.S., to govern the payment of fees by a veteran to an unaccredited person for advising, assisting, or consulting in securing federal benefits.

The bill authorizes compensation for advising, assisting, or consulting with an individual regarding any preparation, presentation, or prosecution of a veteran's claim, or a claim by any other individual under the laws and regulations administered by the Florida Department of Veterans' Affairs (FDVA) or the United States Department of Veterans Affairs (VA) if, before rendering services, a written agreement is executed. Compensation for such services is contingent upon securing an increase in benefits awarded and may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or \$12,500.

The bill prohibits a provider from guaranteeing, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits. In addition, the bill prohibits compensation for referring an individual to another person who will advise, assist, or consult with the individual regarding any preparation, presentation, or prosecution of a veteran's claim.

A violation of the provisions of the bill is a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA).

The bill may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the FDVA or agents or attorneys accredited by the VA.

The bill may have an indeterminate fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

The bill takes effect upon becoming a law.

II. Present Situation:

Veterans in Florida

Other than California and Texas, Florida has the third largest population of veterans.¹ More than 1.4 million veterans reside in the state, which is 12 percent of the state's population of adults aged 18 and over.² Additionally, Florida has the second largest population of veterans who are women, at more than 168,000. Veterans who are women is one of the fastest growing groups among the veterans' population.³

State Benefits for Veterans

In addition to federal benefits, veterans in the state have access to a multitude of benefits. The FDVA educates and assists veterans to help them access services and benefits in housing, health care, disability claims, education, burial benefits, and employment including veterans' preference.⁴

The FDVA also annually produces the Florida Veterans' Benefits Guide, to connect veterans and their families with earned federal and state benefits, services, and support. The guide provides a comprehensive listing of services and benefits for veterans in the state.⁵

Veterans Claims Examiners

The FDVA oversees and operates as part of its jurisdiction the Division of Veterans' Benefits and Assistance. A bureau within the division is the Bureau of Veteran Claim Services.⁶ Through the Bureau, veterans' claims examiners assist veterans in securing earned services, benefits, and support.

¹ Dep't of Veterans' Affairs, *Our Veterans*, available at <https://www.floridavets.org/our-veterans/> (last visited March 28, 2025).

² *Id.*

³ Dep't of Veterans' Affairs, *Women Veterans*, available at <https://floridavets.org/our-veterans/women-veterans/> (last visited March 28, 2025).

⁴ Dep't of Veterans' Affairs, *Benefits & Services*, available at <https://www.floridavets.org/benefits-services/> (last visited March 28, 2025).

⁵ Dep't of Veterans' Affairs, *Florida Veterans' Benefits Guide*, available at <https://floridavets.org/resources/va-benefits-guide/> (last visited March 28, 2025).

⁶ Section 20.37(2), F.S.

The FDVA houses claims examiner offices throughout the state, including at the VA Regional Office in Bay Pine, each VA Medical Center, and many VA Outpatient Clinics.⁷ Claims assistance is provided at no cost and covers all state and federal veterans' programs.⁸

City and County Veteran Service Officers

City and county veteran service officers are hired locally, respectively by their local municipality or the board of county commissioners.⁹ To qualify, an applicant must be a veteran who:

- Served in the active military, naval, or air service; and
- Was discharged or released under honorable conditions or who later received an upgraded discharge under honorable conditions.^{10,11}

The applicant must additionally have a minimum of a 2-year degree from an accredited university, college, or community college or a high school degree or its equivalent and 4 years of administrative experience.¹² A surviving spouse of a veteran may be hired if the veteran spouse meets these qualifications.¹³

The FDVA provides required training for county and city veteran service officers to assist veterans,¹⁴ and every county or city veteran service officer must additionally successfully pass a test administered by the FDVA. In addition, the FDVA establishes periodic training refresher courses, with completion a condition of continuing employment.¹⁵

1-Year Presumptive Period

The “1-year presumptive period” for veterans refers to a period within one year of their discharge from active service where the VA presumes certain chronic conditions,¹⁶ like hypertension, arthritis, or diabetes, to be service-related, simplifying the process of obtaining disability compensation.¹⁷

Some illnesses may be covered even if they appear after the 1-year presumptive period, such as:

- Hansen’s disease can appear within 3 years after discharge.
- Tuberculosis can appear within 3 years after discharge.
- Multiple sclerosis can appear within 7 years after discharge.

⁷ Dep’t of Veterans’ Affairs, *Benefits & Services, Claims*, available at <https://www.floridavets.org/benefits-services/claims/> (last visited March 28, 2025).

⁸ *Id.* and Dep’t of Veterans’ Affairs, *Florida Veterans’ Benefits Guide 2025*, p. 8, available at <https://floridavets.org/wp-content/uploads/2012/08/FDVA-Benefits-Guide.pdf?v=2025b> (last visited March 28, 2025).

⁹ Section 292.11(1), F.S.

¹⁰ *Id.*

¹¹ Section 1.01(14), F.S.

¹² Section 292.11(1), F.S.

¹³ *Id.*

¹⁴ Section 292.11(4), F.S.

¹⁵ *Id.*

¹⁶ 38 CFR s.3.309 (Disease subject to presumptive service connection.).

¹⁷ U.S. Department of Veterans Affairs, *Disabilities that appear within 1 year after discharge*, available at <https://www.va.gov/disability/eligibility/illnesses-within-one-year-of-discharge/#content> (last visited March 28, 2025).

- Amyotrophic lateral sclerosis, also known as Lou Gehrig's, can appear any time after discharge.¹⁸

Federal Law on Paid Services for Benefit Assistance of Veterans

Accreditation refers to the authority granted by the VA to assist claimants in preparing, presenting, and prosecuting claims for benefits.¹⁹ Unaccredited individuals may provide other services to veterans; however, federal law prohibits unaccredited individuals from assisting in the preparation, presentation, and prosecution of claims and applications for VA benefits.^{20,21}

Maine,²² Utah²³ and New Jersey²⁴ have passed laws limiting for-profit consultants in VA benefit matters, and similar bills have been introduced in New York²⁵ and 17 other states.²⁶ In 2024, Louisiana enacted a law²⁷ to allow unaccredited consultants to charge up to \$12,500 for directing veterans on how to fill out their disability forms.²⁸

Federal law governs the payment of fees by a veteran to an accredited agent or attorney for representation in all proceedings in securing federal benefits.²⁹ Pursuant to federal law, only an accredited attorney or agent may receive fees for representation before an agency of original jurisdiction or the Board of Veterans' Appeals, subject to limitation.³⁰

An accredited attorney or a claims agent may never charge a claimant or receive a fee or a gift from a claimant for assistance with preparing and filing an initial VA benefits claim. ("[A] fee may not be charged, allowed, or paid for services of agents and attorneys . . . provided before the date on which a claimant is provided notice of [VA]'s initial decision . . . with respect to the case.")³¹ Charging a fee or accepting a gift on an initial claim - including charging for assistance with gathering necessary documents and filling out forms - is a violation of the VA Standards of Conduct,³² and grounds for cancellation of VA accreditation. However, once a claimant receives

¹⁸ *Id.* and 38 CFR s. 3.309.

¹⁹ 38 CFR s. 14.627(a).

²⁰ U.S. Department of Veterans Affairs, *Office of General Counsel, Accreditation Frequently Asked Questions*, available at https://www.va.gov/ogc/accred_faqs.asp (last visited March 28, 2025).

²¹ See 38 USC s. 5901 (stating that "no individual may act as an agent or attorney in the preparation, presentation, or prosecution of any" VA claim unless the individual has been accredited by the Secretary [of Veteran Affairs]).

²² Maine SP 976 (2024).

²³ Utah HB 248 (2025).

²⁴ New Jersey S 3292 (2023).

²⁵ New York S 1176 (2025).

²⁶ Anna Claire Vollers, *States go after 'claim sharks' that charge vets for help with disability claims*, Missouri Independent, Dec. 9, 2024, available at <https://missouriindependent.com/2024/12/09/states-go-after-claim-sharks-that-charge-vets-for-help-with-disability-claims/> (last visited March 28, 2025).

²⁷ Louisiana SB 159 (2024).

²⁸ Wes Muller, *Louisiana enacts law to let consultants profit off disabled veterans' benefit claims*, Alabama Reflector, June 7, 2024, available at <https://alabamareflector.com/2024/06/07/louisiana-enacts-law-to-let-consultants-profit-off-disabled-veterans-benefit-claims/> (last visited March 28, 2025).

²⁹ 38 CFR s. 14.636.

³⁰ *Id.*

³¹ 38 USC 5904(c)(1).

³² 38 CFR ss. 14.632(c)(5) and (6).

an initial decision on a claim or claims, an accredited attorney or a claims agent may charge a fee for assisting a claimant in seeking review of those claims.³³

Fee Agreement

Federal law requires that a fee agreement include:

- The name of the veteran;
- The name of the claimant or appellant if other than the veteran;
- The name of any disinterested third-party payer and their relationship with the veteran, claimant, or appellant;
- The VA file number;
- Specific terms under which the amount to be paid for services is determined; and
- If the VA is to pay the agent or attorney directly out of past due benefits.³⁴

A fee agreement must also include the following statement, signed by the provider:

“I certify that no agreement, oral or otherwise, exists under which the claimant or appellant will provide anything of value to the third-party payer in this case in return for payment of my fee or salary, including, but not limited to, reimbursement of any fees paid.”³⁵

Amount of Fees

Federal law requires that a fee charged for services must be reasonable, based on:

- The extent and type of services performed;
- The complexity of the case;
- The level of skill and competence required in giving the services;
- The amount of time spent on the case;
- The results achieved, including the amount of benefits recovered;
- The level of review to which the claim was taken and the representative retained;
- Rates charged by other representatives for similar services;
- Whether, and to what extent, the payment of fees is contingent upon the results achieved; and
- If applicable, why an agent or attorney was discharged or withdrew from representation before the date of the decision awarding benefits.³⁶

Further, a presumption of reasonableness applies if a fee does not exceed 20 percent of a past-due benefit and the representative provided service through the date of the decision awarding benefits. If a fee exceeds 33 and 1/3 percent of a past-due benefit, it is considered unreasonable. Each presumption is rebuttable upon a showing of clear and convincing evidence.³⁷

³³ 38 CFR s. 14.636(c) and U.S. Department of Veterans Affairs, *Tips on Fee Agreements for Veterans Claims*, available at <https://www.va.gov/OGC/docs/Accred/TipsonFeeAgreementsforVeteransClaims.pdf> (last visited March 28, 2025).

³⁴ 38 CFR s. 14.636(g).

³⁵ 38 CFR s. 14.636(d)(2)(iii).

³⁶ 38 CFR s. 14.636(e).

³⁷ 38 CFR s. 14.636(f).

Filing of a Notice of Disagreement

A Notice of Disagreement is a filing by a claimant who disagrees with the decision made by the VA on a disability compensation claim.³⁸ Although the claim decision by the VA becomes certified after 30 days, it is not final until one year after the date of the decision. Therefore, the claimant can file a Notice of Disagreement at any time up to one year from the date of decision.³⁹

Standards of Conduct for VA Accredited Attorneys, Agents, and Representatives

VA accredited individuals providing VA claims assistance must:

- Faithfully execute their duties on behalf of a VA claimant.
- Be truthful in their dealings with claimants and VA.
- Provide claimants with competent representation before VA.
- Act with reasonable diligence and promptness in representing claimants.⁴⁰

VA accredited individuals may not:

- Violate the standards of conduct as described in 38 CFR s. 14.632.
- Circumvent the rules of conduct through the actions of another.
- Engage in conduct involving fraud, deceit, misrepresentation, or dishonesty.
- Violate one or more of the provisions of Title 38 of the United States Code or Title 38 of the U.S. Code of Federal Regulations.
- Enter into an agreement for, charge, solicit, or receive a fee that is clearly unreasonable or otherwise prohibited by law or regulation.
- Solicit, receive, or enter into agreements for gifts related to representation provided before an agency of original jurisdiction has issued a decision on a claim or claims and a Notice of Disagreement has been filed with respect to that decision.
- Delay, without good cause, the processing of a claim at any stage of the administrative process.
- Mislead, threaten, coerce, or deceive a claimant regarding benefits or other rights under programs administered by VA.
- Engage in, or counsel or advise a claimant to engage in, acts or behavior prejudicial to the fair and orderly conduct of administrative proceedings before VA.
- Disclose, without the claimant's authorization, any information provided by VA for purposes of representation.
- Engage in any other unlawful or unethical conduct.⁴¹

In addition, in providing representation to a claimant before the VA, VA accredited attorneys may not engage in behavior or activities prohibited by the rules of professional conduct of any jurisdiction in which they are licensed to practice law.⁴²

³⁸ U.S. Department of Veterans Affairs, *VA News, How to File a Notice of Disagreement on your VA Compensation Claim*, available at <https://news.va.gov/33909/> (last visited March 28, 2025).

³⁹ *Id.*

⁴⁰ 38 CFR ss. 14.632(a) & (b).

⁴¹ 38 CFR s. 14.632(c).

⁴² 38 CFR s. 14.632(d).

If the VA determines that an individual has violated the standards of conduct, the VA may suspend or cancel the individual's accreditation. The VA is authorized to report the suspension or cancellation to any bar association, court, or agency to which the individual is admitted. In addition, the VA may collaborate with state and federal enforcement authorities if it is suspected that an individual's actions may have implications under state or other federal laws.⁴³

Background Screening

Florida provides standard procedures for screening a prospective employee⁴⁴ where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.⁴⁵ Chapter 435, F.S., establishes procedures for criminal history background screening of prospective employees and outlines the screening requirements. There are two levels of background screening: level 1 and level 2.

- Level 1 screening includes, at a minimum, employment history checks, statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE), and a check of the Dru Sjodin National Sex Offender Public Website,⁴⁶ and may include criminal records checks through local law enforcement agencies. A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.⁴⁷
- Level 2 screening includes, at a minimum, fingerprinting for statewide criminal history records checks through FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.⁴⁸

Public Law (Pub. L.) 92-544 authorizes the FBI to exchange criminal history record information with state and local governmental agencies' officials for licensing and employment purposes. Criteria established under Pub. L. 92-544 for state statutes seeking access to FBI criminal history record information for licensing and employment purposes are as follows:

- The statute must exist as a result of a legislative enactment;
- It must require the fingerprinting of applicants who are to be subjected to a national criminal history background check;
- It must, expressly ("submit to the FBI") or by implication ("submit for a national check"), authorize the use of FBI records for the screening of applicants;
- It must identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth;
- It must not be against public policy; and
- It may not authorize receipt of the criminal history record information by a private entity.

⁴³ U.S. Department of Veterans Affairs, *Office of General Counsel, Standards of Conduct for VA Accredited Attorneys, Agents, and Representatives*, available at <https://www.va.gov/OGC/docs/Accred/StandardsofConduct.pdf> (last visited March 28, 2025).

⁴⁴ Section 435.02(3), F.S., defines "employee" to mean any person required by law to be screened pursuant to this chapter, including, but not limited to, persons who are contractors, licensees, or volunteers.

⁴⁵ Chapter 435, F.S.

⁴⁶ The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, available at www.nsopw.gov (last visited March 28, 2025).

⁴⁷ Florida Department of Law Enforcement, *State of Florida Criminal History Records Check*, available at <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited March 28, 2025).

⁴⁸ Section 435.04, F.S.

Pub. L. 92-544 requires state statutes to designate an authorized governmental agency to be responsible for receiving and screening the results of the criminal history record information to then determine an applicant's suitability for employment or licensing. For Level 2 screening, the FDLE is this state's authorized governmental agency given the responsibility to perform a criminal history record check of its records and request that the FBI perform a national criminal history record check of its records for each employee for whom the request is made.⁴⁹

Florida law authorizes and outlines specific elements required for Level 1 and Level 2 background screenings and establishes requirements for determining whether an individual passes a screening regarding an individual's criminal history. All individuals subject to background screening must be confirmed to have not been arrested for and waiting final disposition of, been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or been adjudicated delinquent, and the record has not been sealed or expunged for, any of 52 offenses prohibited under Florida law, or similar law of another jurisdiction.⁵⁰

- Section 39.205, F.S., relating to the failure to report child abuse, abandonment, or neglect.
- Section 393.135, F.S., relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.
- Section 394.4593, F.S., relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.
- Section 414.39, F.S., relating to fraud, if the offense was a felony.
- Section 415.111, F.S., relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.
- Section 777.04, F.S., relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.
- Section 782.04, F.S., relating to murder.
- Section 782.07, F.S., relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.
- Section 782.071, F.S., relating to vehicular homicide.
- Section 782.09, F.S., relating to killing of an unborn child by injury to the mother.
- Chapter 784, F.S., relating to assault, battery, and culpable negligence, if the offense was a felony.
- Section 784.011, F.S., relating to assault, if the victim of the offense was a minor.
- Section 784.021, F.S., relating to aggravated assault.
- Section 784.03, F.S., relating to battery, if the victim of the offense was a minor.
- Section 784.045, F.S., relating to aggravated battery.
- Section 784.075, F.S., relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.
- Section 787.01, F.S., relating to kidnapping.
- Section 787.02, F.S., relating to false imprisonment.
- Section 787.025, F.S., relating to luring or enticing a child.

⁴⁹ Chapter 435, F.S.

⁵⁰ Section 435.04(2), F.S.

- Section 787.04(2), F.S., relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.
- Section 787.04(3), F.S., relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.
- Section 787.06, F.S., relating to human trafficking.
- Section 787.07, F.S., relating to human smuggling.
- Section 790.115(1), F.S., relating to exhibiting firearms or weapons within 1,000 feet of a school.
- Section 790.115(2)(b), F.S., relating to possessing an electric weapon or device, destructive device, or other weapon on school property.
- Section 794.011, F.S., relating to sexual battery.
- Former s. 794.041, F.S., relating to prohibited acts of persons in familial or custodial authority.
- Section 794.05, F.S., relating to unlawful sexual activity with certain minors.
- Section 794.08, F.S., relating to female genital mutilation.
- Chapter 796, F.S., relating to prostitution.
- Section 798.02, F.S., relating to lewd and lascivious behavior.
- Chapter 800, F.S., relating to lewdness and indecent exposure and offenses against students by authority figures.
- Section 806.01, F.S., relating to arson.
- Section 810.02, F.S., relating to burglary.
- Section 810.14, F.S., relating to voyeurism, if the offense is a felony.
- Section 810.145, F.S., relating to digital voyeurism, if the offense is a felony.
- Chapter 812, F.S., relating to theft, robbery, and related crimes, if the offense is a felony.
- Section 817.563, F.S., relating to fraudulent sale of controlled substances, only if the offense was a felony.
- Section 825.102, F.S., relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.
- Section 825.1025, F.S., relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
- Section 825.103, F.S., relating to exploitation of an elderly person or disabled adult, if the offense was a felony.
- Section 826.04, F.S., relating to incest.
- Section 827.03, F.S., relating to child abuse, aggravated child abuse, or neglect of a child.
- Section 827.04, F.S., relating to contributing to the delinquency or dependency of a child.
- Former s. 827.05, F.S., relating to negligent treatment of children.
- Section 827.071, F.S., relating to sexual performance by a child.
- Section 831.311, F.S., relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.
- Section 836.10, F.S., relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
- Section 843.01, F.S., relating to resisting arrest with violence.
- Section 843.025, F.S., relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

- Section 843.12, F.S., relating to aiding in an escape.
- Section 843.13, F.S., relating to aiding in the escape of juvenile inmates in correctional institutions.
- Chapter 847, F.S., relating to obscene literature.
- Section 859.01, F.S., relating to poisoning food or water.
- Section 873.01, F.S., relating to the prohibition on the purchase or sale of human organs and tissue.
- Section 874.05, F.S., relating to encouraging or recruiting another to join a criminal gang.
- Chapter 893, F.S., relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.
- Section 916.1075, F.S., relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
- Section 944.35(3), F.S., relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.
- Section 944.40, F.S., relating to escape.
- Section 944.46, F.S., relating to harboring, concealing, or aiding an escaped prisoner.
- Section 944.47, F.S., relating to introduction of contraband into a correctional facility.
- Section 985.701, F.S., relating to sexual misconduct in juvenile justice programs.
- Section 985.711, F.S., relating to contraband introduced into detention facilities.

Exemptions

Should a person be disqualified from employment due to failing a background screening, he or she may apply to the head of the appropriate agency for an exemption. Current law allows the head of the agency to exempt applicants from disqualification under certain circumstances including:

- Felonies for which at least 2 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- Misdemeanors prohibited under any of the cited statutes or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, this exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.⁵¹

Receiving an exemption allows that individual to be employed in a profession or workplace where background screening is statutorily required despite the disqualifying offense in that person's past. Certain criminal backgrounds, however, render a person ineligible for an

⁵¹ Section 435.07(1)(a), F.S.

exemption; a person who is considered a sexual predator,⁵² career offender,⁵³ or registered sexual offender⁵⁴ is not eligible for exemption.⁵⁵

Record Retention

Florida Bar Rule 5-1.2(f) addresses the retention of records related to client trust accounts. Specifically, it requires lawyers to retain certain records for a minimum of 6 years after the completion of the representation. These records include:

- Client trust account records: Details of all deposits, withdrawals, and transactions involving client funds and property.
- Supporting documentation: This includes any documents related to the handling of client funds and property, such as receipts, checks, and statements.

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

History and Purpose

The FDUTPA became law in 1973.⁵⁶ The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.⁵⁷ The FDUTPA is based on federal law, and specifically Section 5 of the Federal Trade Commission Act.⁵⁸

The State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.⁵⁹ The Office of the State Attorney may enforce violations of the FDUTPA if the violations occur within its jurisdiction.⁶⁰ The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.⁶¹ Consumers may also file suit through private actions.⁶²

Remedies under the FDUTPA

The Department of Legal Affairs and the State Attorney, as enforcing authorities, have available the following remedies:

- Declaratory judgments.
- Injunctive relief.
- Actual damages on behalf of consumers and businesses.

⁵² Section 775.21, F.S.

⁵³ Section 775.261, F.S.

⁵⁴ Section 943.0435, F.S.

⁵⁵ Section 435.07(4)(b), F.S.

⁵⁶ Ch. 73-124, Laws of Fla.; codified at part II of ch. 501, F.S.

⁵⁷ Sections 501.202 and 501.203(8), F.S. Trade or commerce includes the advertising, soliciting, or providing of a good or service.

⁵⁸ 15 USC s. 45; s. 501.204(2), F.S.

⁵⁹ Sections 501.203(2), 501.206, and 501.207, F.S.

⁶⁰ Section 501.203(2), F.S.

⁶¹ *Id.*

⁶² Section 501.211, F.S.

- Cease and desist orders.
- Civil penalties of up to \$10,000 per willful violation.⁶³

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction if a person is aggrieved by a FDUTPA violation.
- Actual damages, attorney fees, and court costs if a person has suffered a loss due to a FDUTPA violation.⁶⁴

Violations Involving a Military Servicemember

Section 501.2077, F.S., sets out penalties for violations of FDUTPA which involve a military servicemember or the spouse or dependent child of a military servicemember. A person who is willfully using, or has willfully used, a method, act, or practice in violation of FDUTPA directed at a military servicemember or the spouse or dependent child of a military servicemember is liable for a civil penalty of not more than \$15,000 for each violation if the person knew or should have known that her or his conduct was unfair or deceptive. An order of restitution or reimbursement under this section takes priority over other civil penalties imposed under FDUTPA for other violations.

Federal Unfair and Deceptive Trade Practices

The Federal Trade Commission's (FTC) unfair and deceptive trade practices regulations prohibit unfair⁶⁵ or deceptive⁶⁶ acts or practices in or affecting commerce.⁶⁷ The FTC's regulations include "Truth In Advertising" guidelines, which require advertisements to be truthful, not misleading, and when appropriate, backed by scientific evidence.⁶⁸ To enforce these regulations, the FTC may take law enforcement action.⁶⁹

III. Effect of Proposed Changes:

CS/SB 910 creates s. 501.9741, F.S., assisting in veterans' benefits matters.

The bill defines the following terms:

- Compensation - payment of any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered.

⁶³ Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue.

Section 501.2075, F.S. Enforcing authorities may also request attorney fees and costs of investigation or litigation.

Section 501.2105, F.S.

⁶⁴ Section 501.211(1) and (2), F.S.

⁶⁵ A practice is "unfair" if it "causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition." 15 U.S.C. s. 45(n).

⁶⁶ A practice is "deceptive" if there is a "representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment." Federal Trade Commission, *FTC Policy Statement on Deception* (Oct. 14, 1983), available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014_deceptionstmt.pdf (last visited March 28, 2025).

⁶⁷ 15 U.S.C. s. 45(a)(1).

⁶⁸ Federal Trade Commission, *Truth In Advertising*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising> (last visited March 28, 2025).

⁶⁹ Federal Trade Commission, *Protecting Consumers*, available at <https://www.ftc.gov/news-events/topics/truth-advertising/protecting-consumers> (last visited March 28, 2025).

- Provider - an entity or individual assisting veterans with veterans' benefits matters.
- Veteran - to have the same meaning as in s. 1.01(14), F.S., and include eligible peacetime service as defined in s. 296.02, F.S.
- Veterans' benefits matter - the preparation, presentation, or prosecution of a veteran's claim, or a claim by the veteran's spouse, dependent child, or any other individual eligible for any benefit, program, service, commodity, function, status, or entitlement under the laws and regulations administered by the FDVA or the VA.

Referral of a Veteran's Benefits Matter

The bill prohibits a person⁷⁰ from being compensated for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

Claims with After-Duty Presumptive Period

The bill authorizes a provider to receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the VA only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

Compensation for Advising, Assisting, or Consulting on a Veterans' Benefits Matter

A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement signed by both parties, which:

- Memorializes the specific terms under which the compensation will be determined.
- Provides that compensation for such services is contingent upon securing an increase in benefits awarded. The compensation cannot exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or \$12,500.
- Provides the specific terms for how any compensation will be paid out.

A provider who advises, assists, or consults on veterans' benefits matters for compensation must provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You

⁷⁰ Section 1.01(3), F.S., defines a "person" as including individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

may qualify for other veterans' benefits beyond the benefits for which you are receiving services here.

Further, the written disclosure must appear in a font size of at least 12 points in an easily identifiable place in the provider's agreement with the individual seeking services and must be signed by the individual to signify that he or she understands the oral and written disclosure's provisions. The provider offering services must retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 1 year after the date on which the service relations terminate.

Veteran Claimant Death

If a veteran claimant dies before a claim is processed:

- Any expected compensation must be waived and a charge, fee, or debt may not be collected; and
- Any payment plan for services rendered must be terminated immediately.

Prohibitions

The bill provides that a provider:

- May not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.
- Who advises, assists, or consults on veterans' benefits matters for compensation:
 - May not charge an initial or nonrefundable fee or interest on any payment plan agreed to by the parties.
 - May not use an international call center or data center to process a veteran's personal information;
 - May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information; and
 - Must successfully complete a level 2 background screening as described in s. 435.04, F.S., before entering into any agreement with a veteran for veterans' benefits matters.

A violation of s. 501.9741, F.S., constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act. Violators may be subject to penalties provided under FDUPTA, including s. 501.2077, F.S., for violations against a military servicemember or his or her spouse or dependent child.

Documentation

A provider must provide copies of all fully executed documents to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years in accordance with the requirements of rule 5-1(f) of the rules regulating The Florida Bar.

Complaint Process

If an individual to whom a provider provides services under this section in return for compensation files a complaint with the Consumer Protection Division of the Office of the

Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

Construction

The bill provides that the newly created section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the FDVA or agents or attorneys accredited and regulated by the VA.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate negative fiscal impact on a person seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter who is required to submit to a background screening pursuant to the bill's provisions.

The fiscal impact for an applicant who undergoes a fingerprint-based, state and national criminal history record check (i.e., level 2 background screening), is \$36.⁷¹

There may be an indeterminate positive fiscal impact on any Livescan Service Provider due to additional fees they would charge for submitting a fingerprint-based criminal history record check for an applicant, if the applicant utilized such a service.⁷²

C. Government Sector Impact:

To the extent that the bill creates a new violation of the FDUTPA, the Offices of the State Attorney and the Department of Legal Affairs may incur indeterminate enforcement costs.

If a state and national record check is conducted through the FDLE, the total fiscal revenue for the state portion of a state and national criminal history record check is \$24, which goes into the FDLE's Operating Trust Fund. The number of individuals who would be screened under this bill is indeterminate.⁷³

The impact of the bill on the FDLE does not appear to necessitate additional FTE and other resources; however, the bill, in combination with additional criminal history record check, could rise to the level of requiring additional staffing and other resources.⁷⁴

VI. Technical Deficiencies:

According to the FDLE, for lines 134-137 of the bill, the “language is not in compliance with Pub. L. 92-544. While the population being screened is defined, the language does not define the state agency responsible for conducting the background check or receiving/reviewing the results. Only governmental agencies are authorized to receive FBI criminal history record information. Additionally, it still appears that a private entity will be conducting the background check and reviewing the results, which is strictly prohibited by Pub. L. 92-544. Private entities may only conduct state criminal history checks.”⁷⁵

The FDLE advised “the FBI will not approve access to national criminal history record information unless all criteria specified within Pub. L. 92-544 are satisfied. The following criteria are not met within the current [bill] ... language:

- Must require the fingerprinting of applicants who are to be subjected to a national criminal history record check.
- May not authorize receipt of the criminal history record information to a private entity.

⁷¹ Florida Dep't of Law Enforcement, *Agency Analysis for SB 910* (March 3, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Email from Caitlin Dawkins, Legislative Specialist, Florida Dep't of Law Enforcement, to Tim Proctor, Staff Director, Committee on Military and Veterans Affairs, Space, and Domestic Security (March 18, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

- Must identify the state agency responsible for conducting the criminal history record check, receiving the criminal history record information from the FBI, and applying the screening standards to the applicant.”⁷⁶

According to the FDVA, for lines 70-73 of the bill, the language “appears to allow compensation to be paid to unaccredited individuals for advising, assisting, or consulting with veterans regarding veterans’ benefit matters, arguably in direct violation of federal law which provides that only accredited agents and attorneys may receive fees for their services in connection with representation under 38 CFR ss.14.636(a) and (b).”⁷⁷

VII. Related Issues:

Relating to background screenings and fees, the FDLE recommended the following language: “[A provider] ... must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. The department shall screen the background results to determine if an applicant meets ... requirements.” and “Fees for state and federal fingerprint processing shall be borne by the applicant. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e).”^{78,79}

Regarding record retention, Chapter 5 of the Florida Bar Rules pertains to regulating trust accounts for attorneys. Rule 5-1.2(f) specifically refers to trust account record retention and provides that a lawyer or law firm receiving or disbursing third-party funds or property must maintain the records for 6 years after the final conclusion of each representation in which the trust funds or property were received. The bill refers to Rule 5-1(f), which pertains to disputed ownership of trust funds. The Legislature could consider citing Rule 5-1.2(f) of the Florida Bar Rules or provide that records must be retained in a manner that is compliant with the Florida Bar Rules.

Lastly, the FDVA General Counsel’s Office review noted the following:

- “Fees for initial claims are not addressed.”
- “No agency [is] described as under a duty to review background check.”
- “Nothing [is] included for licensing/regulation/competence provisions to ensure adequate representation of veterans.”
- “Additional protections meant to ensure quality of representation provided by [the] VA accreditation process, and/or fiduciary responsibilities under attorney engagement

⁷⁶ *Id.*

⁷⁷ Florida Dep’t of Veterans’ Affairs, *Agency Analysis for SB 910* (March 12, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁷⁸ Email from Caitlin Dawkins, Legislative Specialist, Florida Dep’t of Law Enforcement, to Tim Proctor, Staff Director, Committee on Military and Veterans Affairs, Space, and Domestic Security (March 18, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁷⁹ Florida Dep’t of Law Enforcement, *Agency Analysis for SB 910* (March 3, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

agreements, powers of attorney and agency agreements could be undermined by recognizing this type of representation.”⁸⁰

VIII. Statutes Affected:

This bill creates section 501.9741 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on March 18, 2025:

- Provides a definition for a “provider” to mean an entity or individual assisting veterans with veterans’ benefits matters.
- Revises the definition for veteran to have the same meaning as in s. 1.01(14), F.S., and includes eligible peacetime service as defined in s.296.02, F.S.
- Clarifies that compensation for advising, assisting, or consulting with an individual regarding any veterans’ benefits matter must be as a direct result of services provided, and may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or \$12,500.
- Provides that the written disclosure which must be provided to an individual seeking services must also be provided orally.
- Clarifies that a provider must undergo a level 2 background screening as described in s. 435.04, F.S., before entering into any agreement with a veteran for veterans’ benefits matters.
- Provides that copies of all fully executed documents required by the bill for a veteran to be assisted in veterans’ benefits matters must be maintained for 6 years and in accordance with the requirements of rule 5-1(f), of the rules regulating The Florida Bar.
- Provides that if an individual to whom a provider provides services in return for compensation files a complaint with the Consumer Protection Division of the Office of the Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁸⁰ Florida Dep’t of Veterans’ Affairs, *Agency Analysis for SB 910* (March 12, 2025) (on file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Collins

583-02561-25

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1 A bill to be entitled
 2 An act relating to veterans' benefits assistance;
 3 creating s. 501.9741, F.S.; defining terms;
 4 prohibiting a person from receiving compensation for
 5 referring an individual to another person for
 6 advising, assisting, or consulting on veterans'
 7 benefits matters; authorizing compensation for
 8 services rendered during a specified period only under
 9 certain circumstances; requiring that, before such
 10 services are rendered, a written agreement, which must
 11 include specified information, be signed by both
 12 parties; requiring that persons who advise, assist, or
 13 consult on veterans' benefits matters for compensation
 14 provide a specified oral and written disclosure before
 15 entering into a business relationship with a client;
 16 prohibiting a provider who advises, assists, or
 17 consults on veterans' benefits matters from charging
 18 certain fees; prohibiting the charging of interest on
 19 payment plans; providing requirements in the event of
 20 the death of a veteran claimant; prohibiting certain
 21 guarantees; providing security requirements for the
 22 handling of a veteran's personal and account
 23 information; requiring a provider to successfully
 24 complete a specified background screening before
 25 entering into an agreement with a veteran for
 26 veterans' benefits matters; requiring a provider to
 27 provide copies of certain documents to the veteran and
 28 maintain a copy of such documents pursuant to
 29 specified provisions; prohibiting a person who

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 provides services from receiving compensation before
 31 the resolution of a certain complaint if the
 32 individual receiving services files such a complaint;
 33 providing that a violation is a deceptive and unfair
 34 trade practice which may be subject to specified
 35 penalties; providing construction; providing an
 36 effective date.
 37
 38 Be It Enacted by the Legislature of the State of Florida:
 39
 40 Section 1. Section 501.9741, Florida Statutes, is created
 41 to read:
 42 501.9741 Assisting in veterans' benefits matters.—
 43 (1) DEFINITIONS.—As used in this section, the term:
 44 (a) "Compensation" means payment of any money, thing of
 45 value, or economic benefit conferred on or received by a person
 46 in return for services rendered or to be rendered.
 47 (b) "Provider" means an entity or individual assisting
 48 veterans with veterans' benefits matters.
 49 (c) "Veteran" has the same meaning as in s. 1.01(14) and
 50 includes eligible peacetime service as defined in s. 296.02.
 51 (d) "Veterans' benefits matter" means the preparation,
 52 presentation, or prosecution of a veteran's claim, or a claim by
 53 the veteran's spouse, dependent child, or any other individual
 54 eligible for any benefit, program, service, commodity, function,
 55 status, or entitlement under the laws and regulations
 56 administered by the Department of Veterans' Affairs or the
 57 United States Department of Veterans Affairs.
 58 (2) LIMITS ON COMPENSATION; TERMS OF ENGAGEMENT; WRITTEN

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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DISCLOSURE.—

(a) A person may not receive compensation for referring an individual to a provider who will advise, assist, or consult with the individual regarding any veterans' benefits matter.

(b) A provider may receive compensation for services rendered in connection with a claim filed within the 1-year presumptive period after active-duty release as determined by the United States Department of Veterans Affairs only if the veteran acknowledges, by signing a waiver, that he or she is within the presumptive period and is choosing to deny the free services available to him or her.

(c) A provider seeking compensation for advising, assisting, or consulting with an individual regarding any veterans' benefits matter must, before rendering services, enter into a written agreement, signed by both parties, which:

1. Memorializes the specific terms under which the compensation will be determined; and

2. Provides that compensation for such services is contingent upon securing an increase in benefits awarded as a direct result of such services. Any such compensation may not exceed the lesser of five times the amount of the monthly increase in benefits awarded based on the claim or \$12,500, and must be paid out according to the specific terms agreed to by both parties in accordance with subparagraph 1.

(d)1. A provider who advises, assists, or consults on veterans' benefits matters for compensation shall provide the following disclosure, both orally and in writing, before entering into a business relationship with an individual:

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"This business is not sponsored by or affiliated with the Florida Department of Veterans' Affairs, the United States Department of Veterans Affairs, or any other federally chartered veterans' service organization. Other organizations, including, but not limited to, the Florida Department of Veterans' Affairs, a local veterans' service organization, and other federally chartered veterans' service organizations, may be able to provide you with this service free of charge. Products or services offered by this business are not necessarily endorsed by any of these organizations. You may qualify for other veterans' benefits beyond the benefits for which you are receiving services here."

2. The written disclosure must appear in a font size of at least 12 points in an easily identifiable place in the provider's agreement with the individual seeking services and must be signed by the individual to signify that he or she understands the oral and written disclosure's provisions. The provider must retain a copy of the written disclosure while providing veterans' benefits services to the individual for compensation and for at least 1 year after the date on which the service relations terminate.

(e) A provider who advises, assists, or consults on a veterans' benefits matter may not charge an initial or nonrefundable fee. Any charge for interest on any payment plan agreed to by the parties is prohibited.

(3) DEATH OF VETERAN CLAIMANT.—If a veteran claimant dies

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before a claim is processed:

(a) Any expected compensation must be waived and a charge, fee, or debt may not be collected; and

(b) Any payment plan for services rendered must be terminated immediately.

(4) PROHIBITIONS.—

(a) A provider may not guarantee, either directly or by implication, a successful outcome or that an individual is certain to receive specific veterans' benefits or a specific level, percentage, or amount of veterans' benefits.

(b) A provider who advises, assists, or consults on veterans' benefits matters for compensation:

1. May not use an international call center or data center to process a veteran's personal information.

2. May not use a veteran's personal log-in, username, or password information to access that veteran's medical, financial, or government benefits information.

(5) BACKGROUND SCREENING.—A provider must successfully complete a level 2 background screening as described in s. 435.04 before entering into any agreement with a veteran for veterans' benefits matters.

(6) DOCUMENTATION.—A provider must provide copies of all fully executed documents required by subsection (2) to the veteran being assisted in the veterans' benefits matters and maintain a copy of all fully executed documents for 6 years and in accordance with the requirements of rule 5-1(f) of the rules regulating The Florida Bar.

(7) COMPLAINT.—If an individual to whom a provider provides services under this section in return for compensation files a

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complaint with the Consumer Protection Division of the Office of the Attorney General, the provider may not receive compensation for any services provided to such an individual before the resolution of the complaint.

(8) PENALTIES.—A violation of this section constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of this chapter. Violators may be subject to penalties provided in that part, including s. 501.2077 for violations against a military servicemember or his or her spouse or dependent child.

(9) CONSTRUCTION.—This section may not be construed as applying to, limiting, or expanding the requirements imposed on agents or employees of the Department of Veterans' Affairs or agents or attorneys accredited by the United States Department of Veterans Affairs and regulated by that agency.

Section 2. This act shall take effect upon becoming a law.

3/31/25 - 1:30 PM

Meeting Date

Commerce & Tourism

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 910 - Veterans' Benefits

Bill Number or Topic

Amendment Barcode (if applicable)

Name **AARP - Karen Murillo**

Phone **850-567-0414**

Address **215 S. Monroe St., Ste. 603**

Email **kmurillo@aarp.org**

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

AARP

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

31 MAR 25

Meeting Date

Commerce

Committee

SB 910

Bill Number or Topic

Amendment Barcode (if applicable)

Name

William Taylor

Phone

910-603-5861

Address

22 Whitehaven Dr

Street

Email

william.taylor@vetsguardian.com

Pinehurst

City

NC

State

28374

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Veterans Guardian



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

31 MAR 25

Meeting Date

Commerce

Committee

SB 910

Bill Number or Topic

Amendment Barcode (if applicable)

Name

PETER O'ROURKE

Phone

202997 6887

Address

2001 K ST

Street

Email

~~PETER.O'ROURKE@NAVR~~ PETER. O'ROURKE@NAVR. ORG

WASHINGTON

City

DC

State

20001

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

NAVR
NATIONAL ASSOCIATION
FOR VETERAN RIGHTS



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #910**, relating to Veterans' Benefits Assistance, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", is written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1264

INTRODUCER: Commerce and Tourism Committee and Senator Collins

SUBJECT: Rural and Urban Business Enterprises

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			FT	
3.			ATD	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1264 makes several changes relating to business enterprises. Specifically, the bill:

- Repeals and replaces statutory references to minority business enterprises with “certified rural or urban business enterprises,” which are defined as businesses located in a defined geographic area where either the per capita income in the area is less than 80% of Florida’s per capita income or the unemployment rate in the area is greater than the unemployment rate for Florida by more than 1% over the previous 24 months.
- Repeals regional planning councils and allows local governments to enter into agreements to form regional planning entities.
- Includes business development in rural or urban areas as one of the programs the Department of Commerce (department) must implement.
- Revises the department’s Division of Economic Development’s (division) responsibilities to require the division to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify, employment authorization compliance, and the prohibition against the purchase and registration of real property in Florida by foreign principals.
- Revises the information required in the department’s annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.
- Creates the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida.

- Revises the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by removing the requirement that the officer maintain continuous full-time employment or at least two years from the date on which certification was obtained, extends the break in service from 15 calendar days to 180 days, and specifies that any break in service will not count toward satisfying the 2-year full-time employment requirement. The bill also deletes the expiration date of the program.
- Repeals the expiration of the sales tax exemption for certain data centers on June 30, 2027.
- Requires the Department of Emergency Management’s statewide emergency shelter plan to identify the general location and square footage of special needs shelters annually through 2030. The bill also provides that state funds must be maximized and targeted to regional planning council regions as those regions existed on January 1, 2025.
- Provides an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value for federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.
- Renames the Office of Supplier Diversity to the Office of Supplier Development under the Department of Management Services (DMS).
- Renames the Florida Advisory Council on Small and Minority Business Development to the Florida Advisory Council on Small, Rural, and Urban Business Development under the DMS.
- Specifies that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person under certain circumstances.
- Revises the definition of “managerial employees” to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion, which has the effect of classifying such employees as Selected Exempt Service.

The bill has an indeterminate fiscal impact on state and local government. *See Section V. Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

III. Effect of Proposed Changes:

Disadvantaged, Small, and Minority Business Enterprises

Present Situation

Chapters 287 and 288, F.S., sets forth Florida’s statutory scheme for small and minority owned business assistance. A “small business” is defined as an independently owned and operated

business that employs 200 or fewer permanent full-time employees, has a net worth of not more than \$5 million. A “minority business enterprise” (MBE) is defined as a “small business” which is domiciled in Florida and is at least 51% owned by minority persons. A “minority person” means a lawful, permanent resident of Florida who is an African American, a Hispanic American, an Asian American, a Native American, or an American woman.¹ An “ombudsman” is an office or individual whose responsibilities include coordinating with the Office of Supplier Diversity for the interests of and providing assistance to small and minority business enterprises in dealing with governmental agencies.²

Florida Minority Business Loan Mobilization Program

The Florida Minority Business Loan Mobilization Program, created in s. 288.706, F.S., promotes the development of minority business enterprises, increases their ability to compete for state contracts, and sustains their economic growth in this state. The program aims to assist minority business enterprises by facilitating working capital loans to minority business enterprises that are vendors on state agency contracts. The Department of Management Services administers the program.

Black Business Loan Program

The Black Business Loan Program is established by s. 288.7102, F.S., under the department, which must 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. The program received \$2.25 million in Fiscal Year 2024 from the State Economic Enhancement and Development Trust Fund.³

Office of Supplier Diversity

The Office of Supplier Diversity, now renamed as the Office of Supplier Development (Office),⁴ operates within the DMS. The Office assists Florida small businesses, including MBEs and women—and veteran-owned businesses, in becoming suppliers of commodities, services, and construction to the state government.⁵ In addition to other statutory powers and functions, the Office has the duty to adopt rules to determine what constitutes a “good faith effort” to meet minority business enterprise procurement goals, create a certification program for MBEs, and monitor agencies’ compliance with procurement goals.⁶

¹ Section 288.703, F.S.

² Section 288.703(5), F.S.

³ HB 5001 General Appropriations Act (2024), Line 2335, available at https://www.flhouse.gov/Sections/Documents/loadoc.aspx?FileName=CRA_.pdf&DocumentType=Amendments&BillNumber=5001&Session=2024 (last visited March 28, 2025).

⁴ See Department of Management Services, *Office of Supplier Development*, available at https://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd (last visited Mar. 28, 2025).

⁵ 8 FLA. PRAC., CONSTR. LAW MANUAL s. 5:22 *Minority and disadvantaged business enterprise requirements* (2023-2024 ed.). For powers and duties of the Office, see s. 287.09451, F.S.

⁶ Section 287.09451(4), F.S.

One of the duties of the Office is to develop procedures that an agency can use to identify commodities, contractual services, architectural and engineering services, and construction contracts that minority business enterprises could provide. Each agency is encouraged to spend 21 percent of the money on construction contracts, 25 percent on architectural and engineering contracts, 24 percent on commodities, and 50.5 percent on contractual services during the previous fiscal year. In the event of budget reductions, base amounts may be adjusted as follows:⁷

- Construction contracts – 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.
- Architectural and engineering contracts – 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.
- Commodities – 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for Native Americans, and 17 percent for American women.
- Contractual services- 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for Native Americans, and 36 percent for American women.

These spending goals were challenged in court as gender and racial classifications that impermissibly violated the Equal Protection Clause of the U.S. Constitution. A U.S. District Court found that s. 287.09451, F.S., et seq., were not narrowly tailored to serve a compelling governmental interest, violated the Equal Protection Clause of the Fourteenth Amendment, and were unconstitutional.⁸

Florida Advisory Council on Small and Minority Business Development

The Florida Advisory Council on Small and Minority Business Development assists the Secretary of Department of Management Services with minority businesses and economic and business development.⁹ The council's powers and duties include, but are not limited to, studying the ability of financial markets and institutions to meet small business credit needs, determining the impact of government demands on credit for small businesses, and requiring a state economic development comprehensive plan as it relates to small minority businesses.¹⁰

Effect of Proposed Changes

The bill repeals or amends the following statutes related to minority business enterprises:

Section 1 repeals s. 24.113, F.S., relating to minority participation in the sale of lottery tickets.

Section 15 repeals s. 287.0931, F.S., relating to participation in bond underwriting for minority business enterprises.

Section 16 repeals s. 288.12266, F.S., relating to the Targeted Marketing Assistance Program.

⁷ Section 287.09451(4)(n), F.S.

⁸ *Florida A.G.C. Council v. Florida*, 303 F. Supp. 2d 1307, 1316 (N.D. Fla. 2004).

⁹ Section 287.0947(1), F.S.

¹⁰ Section 287.0947(5), F.S.

Section 17 repeals s. 288.124, F.S., relating to VISIT Florida's convention grants program, and **section 79** amends s. 288.0001, F.S., relating to Economic Development Programs Evaluations, to remove the grants program from the evaluation schedule.

Section 18 repeals s.288.706, F.S., relating to the Florida Minority Business Loan Mobilization Program.

Section 19 repeals s. 288.7094, F.S., relating to Black business investment corporations.

Section 20 repeals s. 288.7102, F.S., relating to the Black Business Loan Program.

Section 21 repeals s. 288.71025, F.S., relating to prohibited acts and penalties under the Small and Minority Business Assistance Act.

Section 22 repeals s. 288.7103, F.S., relating to the eligibility requirements for loans, loan guarantees, or investments under the Small and Minority Business Assistance Act.

Section 23 repeals s. 288.714, F.S., which applies to the quarterly and annual reports required under the Black Business Loan Program.

Section 24 repeals s. 331.351, F.S., relating to participation by women, minorities, and socially and economically disadvantaged business enterprises.

Section 30 amends s. 287.012, F.S., relating to procurement of personal property and services definitions, to delete the definition of a minority business enterprise.

Section 32 amends s. 287.09451, F.S., to rename the Office of Supplier Diversity the Office of Supplier Development. The bill specifies that the office's purpose and duties are to assist rural or urban business enterprises rather than minority ones. It also removes the provision encouraging agencies to spend certain percentages of contract money with specific minority business enterprises.

Section 33 amends s. 287.0947, F.S., to rename the Florida Advisory Council on Small and Minority Business Development the Florida Advisory Council on Small, Rural, and Urban Business Development. The bill revises the council's powers and duties to assess the implementation of requiring a state economic development comprehensive plan as it relates to small and certified rural or urban business enterprises.

Section 40 amends s. 288.703, F.S., to delete definitions relating to certified minority business enterprises and minority business enterprises. The bill revises the definition of an ombudsman to change the Office of Supplier Diversity to the Office of Supplier Development and provide that the office coordinate with individuals in assisting rural or urban business enterprises rather than minority business enterprises.

The bill defines a "certified rural or urban business enterprise" as a business located in a defined geographic area within Florida where one of the following conditions has been documented in

the most recent census conducted by the Bureau of the Census of the U.S. Department of Commerce:

- Per capita income in the area is less than 80 percent of Florida's per capita income.
- The unemployment rate in the area has been greater than the unemployment rate for Florida by more than 1 percent over the previous 24 months from the time the comparison is made.

Sections 31, 34, 36-42, 44, 47, 51, 69, 71, 72, 75-78, 80, 82, 97, 109, 136, 138-141 amend sections 212.096, 287.042, 287.09431, 288.001, 288.1167, 288.1229, 288.7015, 288.702, 288.705, 288.776, 290.0056, 331.351, 17.11, 255.101, 255.102, 287.055, 287.057, 287.0943, 288.7031, 290.004, 376.3072, 381.986, 473.3065, 625.3255, 657.042, and 658.67, F.S, to make conforming and non-substantive changes relating to the repeal of the terms “minority business enterprises” and “minority persons” and replacing those terms with “rural or urban business enterprises.”

Florida Regional Planning Councils

Present Situation:

The Florida Legislature passed the Florida Regional Planning Council Act in 1980.¹¹ The Legislature found that “the problems of growth and development often transcend the boundaries of individual units of local general-purpose government”¹² and that “there is a need for regional planning agencies to assist local governments to resolve their common problems, engage in areawide comprehensive and functional planning, administer certain federal and state grants-in-aid, and provide a regional focus in regard to multiple programs undertaken on an areawide basis.”¹³

The state has 10 regional planning councils (RPCs), each functioning as an association of that district's constituent local governments: West Florida, Apalachee, North Central, Northeast, East Central, Central, Tampa Bay, Southwest, Treasure Coast, and South.¹⁴

Current responsibilities of RPCs include, but are not limited to, the following:

- Comprehensive Regional Planning
 - Strategic Regional Policy Plans: develop long-term plans addressing transportation, housing, emergency response, economic development, and environmental protection.¹⁵
 - Growth Management: Review and coordinate local government comprehensive plans to ensure consistency with regional and state objectives.¹⁶
- Economic Development
 - Assist local governments with activities designed to promote and facilitate economic development.¹⁷

¹¹ Sections 186.501-186.513, F.S.

¹² Section 186.502(a), F.S.

¹³ Section 186.502(b), F.S.

¹⁴ Section 186.512, F.S.

¹⁵ Section 186.507, F.S.

¹⁶ See chapter 163, F.S.

¹⁷ Section 186.502(5), F.S.

- Transportation Planning
 - Coordinate regional transportation systems and land development policies.¹⁸
 - Serve as partners with Metropolitan Planning Organizations to improve regional mobility.¹⁹
- Emergency Preparedness and Disaster Resilience
 - Develop and implement emergency response plans with the Florida Division of Emergency Management.²⁰

Effect of Proposed Changes

Sections 2-14 repeal sections 186.501 – 186.515, F.S., relating to the Regional Planning Councils.

Section 50 allows local governments to enter into agreements to create regional planning entities pursuant to ch. 163, F.S.

Sections 52-68, 70, 73, 74, 81, 83-96, 98-108, 110-135, 137, 141, and 148 amend sections 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 218.32, 258.501, 260.0142, 288.975, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.5251, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 501.171, and 1013.30, F.S., to make conforming and non-substantive changes necessary to implement the bill relating to the repeal of regional planning councils.

Present Situation

Department of Commerce

The department is Florida's lead agency for 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.²¹ The department is also the state's chief agency for business recruitment and expansion.²² The department must also promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.²³

¹⁸ Section 339.155(4), F.S.

¹⁹ Section 339.175(6), F.S.

²⁰ Section 252.385(2), F.S.

²¹ Section 20.60(4), F.S.

²² *Id.*

²³ Section 20.60(4)(c), F.S.

The head of the department is the Secretary of Commerce, who is appointed by the Governor and confirmed by the Senate.²⁴ The secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the department.²⁵ The department must also ensure that the state's goals and policies relating to economic development, workforce development and community planning and development are fully integrated with appropriate implementation strategies.²⁶

To achieve these goals, the Legislature established seven divisions and offices within the department:

- Economic Development
- Community Development
- Workforce Services
- Finance and Administration
- Information Technology
- Office of the Secretary
- Office of Economic Accountability and Transparency²⁷

The agency is charged with managing the activities of public-private partnerships and state agencies to avoid duplication and promote coordinated and consistent implementation of programs, including defense, space, and aerospace development and rural community development.²⁸

E-Verify & Prohibition against Purchases of Real Property

It is unlawful for any person to knowingly employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment, an alien who is not duly authorized to work by the immigration laws of the United States, the Attorney General of the United States, or the United States Secretary of the Department of Homeland Security.²⁹ If the department finds or is notified by a specified entity that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility, the department must enter an order making such determination and require repayment of any economic incentive.³⁰

The department must place the employer on probation for a 1-year period and require that the employer report quarterly to the department to demonstrate compliance if there was a violation. Any violation that takes place within 24 months after a previous violation constitutes grounds for the suspension or revocation of all licenses issued by a licensing agency subject to ch. 120, F.S.³¹

²⁴ Section 20.60(2), F.S.

²⁵ Section 20.60(3)(b), F.S.

²⁶ Section 20.60(3), F.S.

²⁷ *Id.*

²⁸ Section 20.60(4)(e), F.S.

²⁹ Section 448.09(1), F.S.

³⁰ Section 448.09(2), F.S.; Section 288.061(6), F.S., prohibits the Secretary of Commerce from approving an economic development incentive application unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify system to verify the work authorization status of all newly hired employees. Upon a final determination of noncompliance, the awardee must repay all moneys received as an economic development incentive to the department within 30 days after the final determination.

³¹ Section 488.09(4), F.S.

Section 448.095, F.S., requires an employer to verify each new employee's employment eligibility within 3 business days after the first day that the employee begins working for pay. A public agency, or private agency with 25 or more employees, must use the E-Verify system to verify employment eligibility. Each employer required to use the E-Verify system must certify compliance to the Department of Revenue each year when making contributions to or reimbursing the state's unemployment compensation or reemployment assistance system.³²

Foreign principals are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property within 20 miles of any military installation or critical infrastructure facility in the state.³³ A foreign principal that directly or indirectly owns or acquires any interest in real property within 20 miles of a military installation or critical infrastructure facility in the state before July 1, 2023, may continue to own or hold such real property, but may not purchase or otherwise acquire by grant, devise, or descent any additional real property within 20 miles of any military installation or critical infrastructure facility in the state. Additionally, foreign principals must register with the department.³⁴

Similarly, the following persons or entities are prohibited from directly or indirectly owning or acquiring by purchase, grant, devise, or descent any interest in real property in the state:³⁵

- The People's Republic of China, the Chinese Communist Party, or any official or member of the People's Republic of China or the Chinese Communist Party.
- Any other political party or member of a political party or a subdivision of a political party in the People's Republic of China.
- A partnership, an association, a corporation, an organization, or any other combination of persons organized under the laws of or having its principal place of business in the People's Republic of China, or a subsidiary of such entity.
- Any person who is domiciled in the People's Republic of China and who is not a citizen or lawful permanent resident of the U.S.

Any person or entity described above that owns or acquires real property in the state before July 1, 2023, must register with the department.³⁶

Annual Incentives Report

The department must provide the Governor and Legislature with a detailed incentives report by December 30 of each year quantifying the economic benefits for all of the economic development incentive programs administered by the department and its public-private partnerships.³⁷

³² Section 448.095(2), F.S.

³³ Section 692.203, F.S.

³⁴ Section 692.203(3)(a), F.S.

³⁵ Section 692.204(1), F.S.

³⁶ Section 692.204(4), F.S.

³⁷ Section 288.0065, F.S.

Effect of Proposed Changes

Section 25 amends s. 20.60, F.S., to include business development in rural or urban areas as one of the programs the department implements.

The bill also revises the Division of Economic Development's (division) responsibilities to require the division to establish the Office of Secure Florida, which is responsible for administering and enforcing E-Verify and employment authorization compliance under sections 448.09 and 448.095, F.S., and the prohibition against the purchase and registration of real property in Florida by foreign principals under sections 692.203 and 692.204, F.S.

Section 35 amends s. 288.0065, F.S., revising the information required in the department's annual incentives report to include a description of trends relating to business interest in and usage of the various incentives and the number of small businesses and businesses in rural or urban areas receiving incentives.

Present Situation

Law Enforcement Recruitment Bonus Payment

The Law Enforcement Recruitment Bonus Payment Program (Bonus Program), within the department, administers one-time bonus payments of up to \$5,000 to newly employed officers³⁸ in Florida.³⁹ Bonus payments must be prorated based on the funds the Legislature appropriates for the Bonus Program. The department must develop an annual plan for administering the Bonus Program and distributing bonus payments to eligible officers. At a minimum, the annual plan must include:⁴⁰

- The method for determining the estimated number of newly employed officers to gain or be appointed to full-time employment during the applicable fiscal year.
- The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:
 - Obtaining certification as a law enforcement officer.
 - Gaining full-time employment with a Florida criminal justice agency.
 - Maintaining continuous full-time employment with one or more Florida criminal justice agencies for at least two years from the date on which the officer obtained a certification, provided that an officer employed by more than one criminal justice agency may not have a break in service longer than 15 days when transitioning between employers.
- The method that will be used to determine the bonus payment amount to be distributed to each newly employed officer.
- The method that will be used to distribute bonus payments to employing law enforcement agencies for distribution to eligible officers.

³⁸ A newly employed officer is a person who gains or is appointed to full-time employment as a certified law enforcement officer with a Florida criminal justice employing agency on or after July 1, 2022, and who has never before been employed as a law enforcement officer in Florida. Section 445.08(1)(d), F.S.

³⁹ Section 445.08(2), F.S.

⁴⁰ Section 445.08(4), F.S.

- The estimated cost to the department associated with developing and administering the program and distributing bonus payment funds.
- The method by which an officer must reimburse the state if he or she received a bonus payment but failed to maintain continuous employment for the required two-year period. An officer is not required to reimburse the state if he or she is discharged from employment with a law enforcement agency for any reason other than this misconduct.

The Bonus Program expires July 1, 2025.⁴¹

Effect of Proposed Changes

Section 48 amends s. 445.08, F.S., revising the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by removing the requirement that the officer maintain continuous full-time employment with a Florida criminal justice agency for at least two years from the date on which certification was obtained. Furthermore, the bill extends the break in service from 15 calendar days to 180 days. However, the law enforcement officer must provide documentation to the department justifying the break in service. The department must establish acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement.

The bill also deletes the July 1, 2025 expiration date of the program.

Sales and Use Tax Exemptions for Data Centers

Present Situation

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,⁴² admissions,⁴³ transient rentals,⁴⁴ and a limited number of services, and a 4.5 percent sales and use tax on the rental of commercial real estate.⁴⁵ Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sale and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁴⁶

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.⁴⁷ A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202."⁴⁸ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.

⁴¹ Section 445.08(9), F.S.

⁴² Section 212.05(1)(a)1.a., F.S.

⁴³ Section 212.04(1)(b), F.S.

⁴⁴ Section 212.03(1)(a), F.S.

⁴⁵ Section 212.031, F.S.

⁴⁶ Section 212.07(2), F.S.

⁴⁷ Section 212.055, F.S.

⁴⁸ Section 212.054(2)(a), F.S.

Certain data center property⁴⁹ is exempt from the sales and use tax.⁵⁰ To be eligible for the exemption, the data center's owners and tenants must make a cumulative capital investment of \$150 million or more. The data center must also have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. To receive the exemption, the person seeking the exemption must apply to the Department of Revenue for a temporary tax exemption certificate.⁵¹ However, the Department of Revenue is prohibited from issuing a temporary sales and use tax exemption for those properties after June 30, 2027.⁵²

Effect of Proposed Changes

Section 26 amends s. 212.08, F.S., to repeal the expiration of the data center sales tax exemption on June 30, 2027.

Hurricane Loss Mitigation Program

Present Situation

The Legislature created the Florida Hurricane Catastrophe Fund (FHFC), a tax-exempt trust fund, in 1993⁵³ in response to problems that developed in the residential property insurance industry following a series of catastrophic events, including Hurricane Andrew in 1992. When the Internal Revenue Service granted FHFC tax-exempt status, it required a certain amount of FHFC funds be appropriated for hurricane mitigation purposes.

In 1999,⁵⁴ the Legislature created the Hurricane Loss Mitigation Program under the Division of Emergency Management. The program is funded by the annual appropriation of \$10 million from the FHFC and funds are to be used as follows:⁵⁵

- \$7 million for programs to improve the wind resistance of residences and mobile homes; 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.
- \$3 million for retrofitting public facilities for use as hurricane shelters. Each year, the Division of Emergency Management must prioritize the use of the funds for projects included in the annual report of the Shelter Development Report. The Division of Emergency Management must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.

⁴⁹ Data center property is property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software. Section 212.08(5)(r)1.c.(IV), F.S.

⁵⁰ Section 212.08(5)(r), F.S.

⁵¹ Section 212.08(5)(r)1.c.(IV)(d)3., F.S.

⁵² Section 212.08(5)(r)1.c.(IV)(e), F.S.

⁵³ Chapter 93-409, Laws of Fla.

⁵⁴ Chapter 99-305, Laws of Fla.

⁵⁵ Section 215.559(1), F.S.

Effect of Proposed Changes

Section 27 amends s. 215.559, F.S., to require the Division of Emergency Management to prioritize funding under the Hurricane Loss Mitigation Program to projects in regional planning council regions as those regions existed on January 1, 2025.

Public Shelter Spaces***Present Situation***

The Division of Emergency Management manages a program for surveying existing private and public buildings, with the owner's consent, to identify appropriately designed and located shelters in the event of an emergency.⁵⁶ By January 31 of each even-numbered year, the Division of Emergency Management must prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval. The plan must project the state's hurricane shelter needs for each of the next five years. Additionally, the plan must identify the general location and square footage of special needs shelters by regional planning council region.⁵⁷

The list of facilities recommended for retrofitting using state funds must be provided annually to the Governor and the Legislature. State funds should be maximized and targeted to regional planning council regions with hurricane evacuation shelter deficits.⁵⁸

Effect of Proposed Changes

Section 28 amends s. 252.385, F.S., to require the statewide emergency shelter plan to identify the general location and square footage of special needs shelters annually through 2030. The bill also provides that state funds must be maximized and targeted to regional planning council regions as those regions existed on January 1, 2025.

Military Base Protection***Present Situation***

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) holds state lands in trust for the use and benefit of the people of Florida.⁵⁹ The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. This body may acquire, sell, transfer, and administer state lands in the manner consistent with chs. 253 and 259, F.S.⁶⁰ The Department of Environmental Protection (DEP), through its Division of State Lands (DSL), performs all staff duties and functions related to the acquisition, administration, and disposition of state lands.⁶¹

⁵⁶ Section 252.385(2)(a), F.S.

⁵⁷ Section 252.385(2)(b), F.S.

⁵⁸ Section 252.385(3), F.S.

⁵⁹ Section 253.001, F.S.

⁶⁰ Section 253.02(1), F.S.

⁶¹ Section 253.002(1), F.S.

“Conservation lands” are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands.⁶²

The Board of Trustees may acquire nonconservation lands from the department's annual list through the Military Base Protection Program to buffer a military installation against encroachment.⁶³ A conveyance at less than appraised value must state that the land will revert to the Board of Trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.⁶⁴

Effect of Proposed Changes

Section 29 amends s. 253.025, F.S., to provide an exemption from land being reverted to the Board of Trustees if land conveyances are at less than the appraised value. The exemption applies to federal government agencies, including the Department of Defense, the Army, the Navy, the Air Force, and the U.S. Coast Guard, if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program

Effect of Proposed Changes

Section 43 creates s. 288.9628, F.S., relating to the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the department to increase venture capital investment in Florida. The department must coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving applications for tax credits under this section.

Application: An applicant must apply to the department for authorization to claim RISE tax credits. The department must review and approve or deny a complete application within 60 calendar days after the complete application has been submitted. An applicant must demonstrate to the department's satisfaction within 12 months after the complete application has been submitted that the qualifying private fund⁶⁵ has received at least the total capital commitment contained in its application. The application must include specified names of investors, number of qualifying instruments, and total capital commitment.

⁶² Section 253.034(2)(c), F.S.

⁶³ Section 253.025(21)(a), F.S.

⁶⁴ Section 253.025(21)(d), F.S.

⁶⁵ By reference to s. 517.12(22), F.S., a “qualifying private fund” means: a private fund that meets the definition of the term “qualifying private fund” in Securities and Exchange Commission Rule 203(m)-1, 17 C.F.R. s. 275.203(m)-1; a private fund that meets the definition of the term “venture capital fund” in Securities and Exchange Commission Rule 203(l)-1, 17 C.F.R. s. 275.203(l)-1; or a “venture capital operating company” as defined in 29 C.F.R. s. 2510.3-101(d) adopted by the United States Department of Labor under the Employee Retirement Income Security Act of 1974. The definition also includes an “angel investor group,” defined by s. 517.021, F.S., as a group of accredited investors who hold regular meetings and have defined processes and procedures for making investment decisions, individually or among the membership of the group, and who are not associated persons, affiliates, or agents of a dealer or investment adviser.

Tax credits and revocation: To receive tax credits, a qualifying private fund must provide documentation that demonstrates to the department's reasonable satisfaction that the qualifying investment meets requirements. A qualifying private fund must make at least one qualified investment in at least one qualifying portfolio project to be eligible to receive tax credits under this section. Each submission by a qualifying private fund to receive tax credits for a qualifying investment in a qualifying portfolio company must include, at a minimum: the amount of cash deployed in a qualifying portfolio company, the total number of employees employed by the qualifying portfolio company, and the total number of Florida-based, full-time equivalent employees employed by the qualifying portfolio company.

A qualifying private fund may receive tax credits equivalent to 25 percent of a qualifying investment in a qualifying portfolio company. Upon a determination by the department that the qualifying investment meets the requirements, the department must authorize the Department of Revenue to issue tax credits to the qualifying private fund. The Department of Revenue may not issue more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year. Credits received pursuant to this section may be applied against the qualifying private fund's corporate income tax liability. A qualifying private fund may elect to sell or transfer, in whole or in part, any tax credit issued under this section. An election to sell or transfer any tax credit received pursuant to this section must be made no later than 5 years after the date the credit is received by the qualifying private fund, after which the credit expires and may not be used. A qualifying private fund may not sell or transfer credits that have been authorized by the department but not yet issued by the Department of Revenue.

The department 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 qualifying private fund submitted any false statement, representation, or certification in any application filed in an attempt to receive tax credits under this section, or if the information in a previously completed application materially changes. The department must immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the qualifying private fund must notify the Department of Revenue of any change in its tax credit claimed.

Compliance: A qualifying private fund must annually report to the department for each qualifying investment for 5 years after authorization to receive credits. Failure to do so will result in the qualifying private fund's tax credit being revoked. To receive a tax credit, a qualifying fund must submit the following to the department: certification that there have been no material changes to the information contained in the application or, a disclosure containing all material changes, if any; documentation supporting the total number of full-time equivalent employees employed by the qualifying portfolio company; documentation supporting the total number of full-time equivalent employees employed in this state by the qualifying portfolio company; and documentation supporting that the qualifying private fund has not exited its position from the qualifying portfolio company through acquisition by a company not based in this state. For purposes of this section and part III of chapter 692, committed capital invested in a qualifying portfolio company by a venture capital fund may not be construed as having ownership of the qualifying portfolio company.

Sanctions: The department must revoke and recapture the tax credits from the qualifying private fund and the Department of Revenue if a qualifying investment does not report to the department annually for five years after authorization to receive the tax credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50% of the tax credits claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund. The department must also revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in an application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100% of the tax credits authorized by the department. Recaptured funds must be deposited into the General Revenue Fund.

Priority of tax credits: Fifty percent of the tax credits must be made available from July 1 to December 31 each year to provide tax credits for qualifying investments in qualifying portfolio companies located in rural communities defined in s. 288.065(2), F.S. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis, subject to the eligibility of the qualifying investment.

Reporting and rulemaking: Beginning December 30, 2026, the department must include the amounts of tax credits authorized and received, the total number of jobs created, and the total number of jobs created in this state in its annual incentives report required in s. 288.0065, F.S. The department is authorized to adopt rules to implement this section.

Space Florida

Present Situation

Space Florida is an independent special district⁶⁶ created to promote aerospace business development by facilitating business and infrastructure financing, spaceport operations, research and development, workforce development, and innovative education programs.⁶⁷ Space Florida acts as the single point of contact for state aerospace-related activities with federal agencies, the military, state agencies, businesses, and the private sector.⁶⁸ Space Florida may purchase or construct facilities; set rates, fees, and charges for the use of facilities, and undertake joint financing with municipalities or private sector entities for any project.⁶⁹

⁶⁶ A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate with a limited geographic boundary. *See Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019). Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. *See ss.* 189.02(1), 189.031(3), and 190.005(1), F.S. *See generally* s. 189.012(6), F.S. A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter. Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county. A “dependent special district” is a special district subject to significant control by the governing body of a single county or municipality. Section 189.012(2), F.S. An “independent special district” is any district that is not a dependent special district. Section 189.012(3), F.S.

⁶⁷ Section 331.302, F.S.

⁶⁸ Section 331.3011, F.S.

⁶⁹ Section 331.305, F.S.

Space Florida is not an agency for the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets⁷⁰ or for the procurement of personal property and services.⁷¹

Agency Procurement Requirements

Section 287.055, F.S., the Consultants Competitive Negotiation Act, specifies the competitive selection process to be followed by an agency when procuring professional services, which include architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.⁷² Section 255.20, F.S., specifies the procurement process to be followed for local bids and contracts for public construction projects.

Effect of Proposed Changes

Section 46 amends s. 331.302, F.S., to provide that Space Florida is not an agency under s. 287.055, F.S., for purposes of its ability to bid and contract in professional or construction services, or both, under an arrangement with a person when:

- The person offering personal or construction goods or services is not subject to the requirements of s. 287.055, F.S.;
- Space Florida and the person execute a contract with terms acceptable to Space Florida; and
- The person provides to Space Florida via contract an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

The bill specifies monies received by the person contracted to provide goods produced and services provided from government entities in the ordinary course of its operation of the project are not state or local government funds.

Managerial Employees

Present Situation

Section 110.205, F.S., specifies the state employees who are classified as career service, and designates the positions that are exempt from career service. Pursuant to s. 110.205(2)(w), F.S., managerial employees, as defined in s. 447.203(4), F.S., are exempt from career service. Pursuant to s. 110.603, F.S., the DMS must adopt a classification plan and a pay plan consisting of pay bands appropriate to the positions included in the Selected Exempt Service and which provides for salary increases based on performance. Such pay bands must be designed to attract and retain qualified personnel for the Selected Exempt Service. The pay plan and benefit package for the Selected Exempt Service must provide for greater pay and benefits overall than

⁷⁰ See s. 216.011(1)(ww), F.S.

⁷¹ See s. 287.012(1), F.S.

⁷² Section 287.055(2)(a), F.S.

are provided for the Career Service and less pay and benefits overall than are provided for the Senior Management Service.

Effect of Proposed Changes

Section 49 amends s. 447.203, F.S., to revise the definition of “managerial employees” to include those who have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion.

This has the effect of classifying such employees as Selected Exempt Service, pursuant to use of that definition in s. 110.205(2)(w), F.S.

Miscellaneous Provisions

Sections 142 - 150 reenact ss. 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, 403.5251, 403.5271, 403.9421, F.S., for the purpose of incorporating the amendments made under this bill.

Section 151 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Single Subject

Article III, Section 6 of the State Constitution requires every law to “embrace but one subject and matter properly connected therewith.” The purpose of this single subject prohibition is to prohibit logrolling, in which multiple unrelated measures are combined in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.⁷³ An act may be as broad as the Legislature chooses, provided the matters

⁷³ Santos v. State, 380 So.2d 1284 (Fla. 1980).

included in the act have a natural or logical connection.⁷⁴ The requirement is violated if a law is written to accomplish separate and disassociated objects of legislative intent.⁷⁵ The Florida Supreme Court has opined that the single subject clause contains three requirements. First, each law shall embrace only one subject. Second, the law may include any matter that is properly connected with the subject. The third requirement, related to the first, is that the subject shall be briefly expressed in the title.⁷⁶

The bill is entitled “An act relating to rural and urban business enterprises.” Section 29 of the bill relates to the acquisition of state lands for purposes of buffering military installations, and section 51 relates to the Law Enforcement Recruitment Bonus Payment Program.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

The bill may have a positive fiscal impact on local governments that have data centers due to the extension of the existing sales and use tax exemption certain data centers receive because the exemption could lead to additional economic growth.⁷⁷ However, the bill is likely to have a negative fiscal impact on general revenue.

The bill allocates \$100 million in tax credits under the RISE tax credit program. However, the credits are issued in one-fifth increments over five years and must be matched with new capital and revenue production.

B. Private Sector Impact:

Employers may benefit from utilizing the Office of Secure Florida's resources to verify employment eligibility through E-Verify.

Businesses participating in the RISE investment tax credit program may see an increase in high-paying jobs in high-tech, manufacturing, and research and development sectors.

C. Government Sector Impact:

The bill may have a negative fiscal impact on the department due to the creation of the Office of Secure Florida. However, the department's legislative budget request includes additional staff for the Office.⁷⁸

The bill could impact state expenditures by deleting the expiration date of the Law Enforcement Recruitment Bonus Payment Program, if the program is funded.

⁷⁴ *Chenoweth v. Kemp*, 396 So.2d 1122 (Fla. 1981).

⁷⁵ *State ex rel. Landis v. Thompson*, 163 So. 270 (Fla. 1935).

⁷⁶ *Franklin v. State*, 887 So.2d 1063, 1072 (Fla. 2004).

⁷⁷ Department of Commerce analysis for SB 1264 (2025). On file with the Senate Commerce and Tourism Committee.

⁷⁸ *Id.*

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 26 of the bill repeals the data center sales tax exemption's expiration date of June 30, 2027. It does not provide a future expiration date, thus allowing certain data centers to enjoy an indefinite exemption.

Section 48 of the bill extends the break in service from 15 calendar days to 180 days for newly employed officers participating in the Law Enforcement Recruitment Bonus Payment Program. The bill also provides that any break in service will not count toward satisfying the 2-year full-time employment requirement under the program. It is unclear if an officer must start the 2-year commitment over after the break in service.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 212.08, 215.559, 252.385, 253.025, 287.012, 287.042, 287.09451, 287.0947, 288.001, 288.0065, 288.1167, 288.1229, 288.7015, 288.702, 288.703, 288.705, 288.776, 290.0056, 290.0057, 331.302, 331.351, 445.08, 447.203, 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177, 163.3178, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142, 287.057, 287.0943, 287.09431, 288.001, 287.055, 288.7031, 288.975, 290.004, 320.08058, 335.188, 339.155, 339.175, 339.285, 339.63, 339.64, 341.041, 343.54, 366.93, 369.303, 369.307, 373.309, 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.23, 380.507, 381.986, 403.031, 403.0752, 403.503, 403.50663, 403.507, 403.509, 403.5115, 403.5175, 403.518, 403.522, 403.526, 403.5271, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, 403.723, 403.9403, 403.941, 403.9422, 403.973, 408.033, 420.609, 473.3065, 501.171, 625.3255, 657.042, 658.67, 1013.30, 215.971, 257.193, 288.0655, 627.6699, 288.0001, 110.205, 163.3162, 373.129, 339.2819, 380.0552, 403.5064, 403.9421.

This bill creates the following sections of the Florida Statutes: 288.9628.

This bill repeals the following sections of the Florida Statutes: 24.113, 186.501, 186.502, 186.503, 186.504, 186.505, 186.506, 186.507, 186.508, 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931, 288.12266, 288.124, 288.706, 288.7094, 288.7102, 288.71025, 288.7103, and 288.714.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 31, 2025:
The CS:

- Removes provisions relating to the Rural Economic Development Initiative and the Rural Accelerator Program.
- Removes sections making conforming changes related to the Rural Economic Development Initiative.
- Retains the current statutory definition for a “minority person” in s. 288.703, F.S.

Relating to the RISE Investment Tax Credit Program, the CS:

- Requires the Department of Commerce (department) to revoke and recapture to the qualifying private fund and the Department of Revenue if a qualifying investment does not annually report to the department for five years after authorization to receive the credits. In such instances, the qualifying private fund must repay to the department an amount equal to 50% of the tax credits authorized.
- Requires the department to revoke and recapture the approval of tax credits for submitting a false statement, representation, or certification in any application by a qualifying private fund. In such instances, the qualifying private fund must repay the department an amount equal to 100% of the tax credits authorized by the department.
- Requires 50% of tax credits be made available from July 1 to December 31 of each year. All remaining tax credits must be made available from January 1 to June 30 of each year on a first-come, first-served basis.
- Authorizes the department to adopt rules to implement the program.

B. Amendments:

None.



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LEGISLATIVE ACTION

	Senate	House
Comm: WD	.	.
03/31/2025	.	.
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The Committee on Commerce and Tourism (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1307 - 1389.
Delete lines 4970 - 5083.

And the title is amended as follows:

Delete lines 76 - 253

and insert:

288.1167, F.S.; revising the sports franchise contract

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provisions for food and beverage concession and contract awards; amending s. 288.12266, F.S.; revising the purpose of the Targeted Marketing Assistance Program to include businesses in rural or urban areas; amending s. 288.1229, F.S.; revising the representational criteria for the board of directors of the Florida Sports Foundation; amending s. 288.124, F.S.; deleting a requirement that the Florida Tourism Industry Marketing Corporation give preference to specified governments and groups seeking to attract minority conventions in this state; amending s. 288.7015, F.S.; revising the duties of the state's rules ombudsman; amending s. 288.702, F.S.; renaming the Florida Small and Minority Business Assistance Act as the Florida Small Business Act; conforming a cross-reference; amending s. 288.703, F.S.; defining, deleting, and revising terms; amending s. 288.705, F.S.; requiring that the Small Business Development Center, in coordination with Minority Business Development Centers, compile and distribute certain information to small businesses and businesses located in rural or urban areas, rather than to minority businesses; revising the information to be provided by the Small Business Development Center in its annual report to the Department of Commerce; amending s. 288.776, F.S.; deleting a membership requirement of the board of directors of the Florida Export Finance Corporation; creating s. 288.9628, F.S.; providing legislative findings; establishing the Research,

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Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; providing the purpose for the program; requiring the department to coordinate with the Florida Opportunity Fund and the State Board of Administration for a specified purpose; defining terms; requiring an applicant to apply to the department for authorization to claim tax credits; requiring the department to review and act upon such application within a specified timeframe; requiring the applicant to provide certain information required by the department; specifying the information that must be included in the application; requiring an applicant to update its application if there has been a material change; prohibiting tax credits from exceeding a specified amount in a fiscal year; prohibiting the department from issuing a tax credit to a qualifying private fund until the private fund demonstrates it has received its total capital commitment; prohibiting the department from authorizing more than a specified amount of tax credits to a qualifying private fund in a fiscal year; requiring a qualifying private fund to provide documentation to show that the qualifying investment meets the department's requirements to issue a tax credit; providing that follow-on or add-on capital commitments may only be considered after the follow-on or add-on investment has been deployed; requiring a qualifying private fund to make a specified number of qualified investments in a

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specified number of qualifying portfolio projects to be eligible for a tax credit; specifying the information that must be included in the submission by a qualifying private fund; authorizing a qualifying private fund to receive tax credits equivalent to a certain percentage of a qualifying investment in a qualifying portfolio company; requiring the department to authorize the Department of Revenue to issue tax credits to a qualifying private fund if certain requirements are met; prohibiting the Department of Revenue from issuing more than a specified fraction of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year; authorizing credits received to be applied against the qualifying private fund's corporate income tax liability; authorizing a qualifying private fund to transfer or sell any portion of its tax credit; requiring such transfer or sale to take place within a specified timeframe, after which the credit expires; prohibiting such transfer or sale if the department authorizes the credit but the Department of Revenue has not yet issued such credit; authorizing the department to revoke or modify its previous decisions if it is discovered that the qualifying private fund submitted any false statement, representation, or certification in its application or if information in a previous application materially changes; requiring the department to notify the Department of Revenue of any such revocation or modification affecting

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98 previously granted tax credits; requiring the
99 qualifying private fund to notify the Department of
100 Revenue of any change in its tax credit claimed;
101 requiring that a qualifying private fund must annually
102 report to the department for each investment within a
103 specified timeframe in order to remain eligible to
104 receive tax credits; providing that failure to do so
105 will result in the qualifying private fund's tax
106 credit being revoked; requiring a qualifying private
107 fund to submit specified information to the department
108 in order to receive a tax credit; providing
109 construction; requiring the department to include
110 specified information in its annual incentives report
111 beginning on a specified date and annually thereafter;
112 authorizing the department to adopt rules; amending s.
113 290.0056, F.S.; conforming provisions to changes made
114 by the act; amending s. 290.0057, F.S.; revising
115 enterprise zone development plan requirements to
116 include business investment corporations in rural or
117 urban areas; amending s. 331.302, F.S.; providing that
118 Space Florida is not an agency for purposes of its
119 ability to bid and contract for certain professional
120 and construction services under certain circumstances,
121 and is therefore exempt from certain requirements;
122 providing that monies received by the person under
123 contract with Space Florida to provide certain goods
124 and services are not state or local government funds;
125 amending s. 331.351, F.S.; revising legislative intent
126 that rural or urban business enterprises, rather than

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127 women, minorities, and socially and economically
128 disadvantaged business enterprises, be encouraged to
129 participate fully in specified development; amending
130 s. 445.004, F.S.; deleting minority and gender
131 representation as criteria for the Governor to
132 consider when choosing the members of the state board
133 of CareerSource Florida, Inc.; amending s. 445.007,
134 F.S.; deleting minority and gender representation as a
135 consideration when making appointments to the local
136 workforce development boards or to any committees
137 established by the local workforce development board;
138 amending s. 445.08, F.S.; revising the minimum
139 eligibility requirements for the Florida Law
140 Enforcement Recruitment Bonus Payment Program for
141 newly employed law enforcement officers; deleting an
142 expiration date; amending s. 447.203, F.S.; revising
143 the definition of the term "managerial employees";
144 authorizing local governments to enter into agreements
145 to create regional planning entities; amending ss.
146 17.11, 68.082, 120.52, 120.525, 120.65, 163.3164,
147 163.3177, 163.3178, 163.3184, 163.3245, 163.568,
148 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803,
149 187.201, 218.32, 255.101, 255.102, 258.501, 260.0142,
150 287.042, 287.055, 287.057, 287.0943, 288.7031,
151 288.975, 290.004, 320.08058, 320.63, 335.188, 339.155,
152 339.175, 339.285, 339.63, 339.64, 341.041, 343.54,
153 366.93, 369.303, 369.307, 373.309, 373.415, 377.703,
154 378.411, 380.031, 380.045, 380.05, 380.055, 380.06,
155 380.061, 380.07, 380.23, 380.507, 381.986, 403.031,

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156 403.0752, 403.503, 403.50663, 403.507, 403.509,
157 403.5115, 403.5175, 403.518, 403.522, 403.5251,
158 403.526, 403.5271, 403.5272, 403.5363, 403.5365,
159 403.537, 403.704, 403.7225, 403.7226, 403.723,
160 403.9403, 403.941, 403.9422, 403.973, 408.033,
161 409.901, 420.609, 440.45, 473.3065, 501.171, 625.3255,
162 627.3511, 641.217, 657.042, 658.67, 947.02, 947.021,
163 1004.435, and 1013.30, F.S.; conforming provisions to
164 changes made by the act; revising and conforming
165 cross-references; making technical changes; reenacting
166 s. 288.0001(2)(b),

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LEGISLATIVE ACTION

Senate		House
Comm: RCS	.	
03/31/2025	.	
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The Committee on Commerce and Tourism (Collins) recommended the following:

Senate Amendment (with title amendment)

- 1
2
3 Delete everything after the enacting clause
4 and insert:
5 Section 1. Section 24.113, Florida Statutes, is repealed.
6 Section 2. Section 186.501, Florida Statutes, is repealed.
7 Section 3. Section 186.502, Florida Statutes, is repealed.
8 Section 4. Section 186.503, Florida Statutes, is repealed.
9 Section 5. Section 186.504, Florida Statutes, is repealed.
10 Section 6. Section 186.505, Florida Statutes, is repealed.

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11 Section 7. Section 186.506, Florida Statutes, is repealed.
12 Section 8. Section 186.507, Florida Statutes, is repealed.
13 Section 9. Section 186.508, Florida Statutes, is repealed.
14 Section 10. Section 186.509, Florida Statutes, is repealed.
15 Section 11. Section 186.511, Florida Statutes, is repealed.
16 Section 12. Section 186.512, Florida Statutes, is repealed.
17 Section 13. Section 186.513, Florida Statutes, is repealed.
18 Section 14. Section 186.515, Florida Statutes, is repealed.
19 Section 15. Section 287.0931, Florida Statutes, is
20 repealed.
21 Section 16. Section 288.12266, Florida Statutes, is
22 repealed.
23 Section 17. Section 288.124, Florida Statutes, is repealed.
24 Section 18. Section 288.706, Florida Statutes, is repealed.
25 Section 19. Section 288.7094, Florida Statutes, is
26 repealed.
27 Section 20. Section 288.7102, Florida Statutes, is
28 repealed.
29 Section 21. Section 288.71025, Florida Statutes, is
30 repealed.
31 Section 22. Section 288.7103, Florida Statutes, is
32 repealed.
33 Section 23. Section 288.714, Florida Statutes, is repealed.
34 Section 24. Section 331.351, Florida Statutes, is repealed.
35 Section 25. Paragraphs (e) and (k) of subsection (4) and
36 paragraph (a) of subsection (5) of section 20.60, Florida
37 Statutes, are amended to read:
38 20.60 Department of Commerce; creation; powers and duties.—
39 (4) The purpose of the department is to assist the Governor

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40 in working with the Legislature, state agencies, business
41 leaders, and economic development professionals to formulate and
42 implement coherent and consistent policies and strategies
43 designed to promote economic opportunities for all Floridians.
44 The department is the state's chief agency for business
45 recruitment and expansion and economic development. To
46 accomplish such purposes, the department shall:
47 (e) Manage the activities of public-private partnerships
48 and state agencies in order to avoid duplication and promote
49 coordinated and consistent implementation of programs in areas
50 including, but not limited to, tourism; international trade and
51 investment; business recruitment, creation, retention, and
52 expansion; ~~minority and~~ small business development; business
53 development in rural or urban areas; defense, space, and
54 aerospace development; rural community development; and the
55 development and promotion of professional and amateur sporting
56 events.
57 (k) Assist, promote, and enhance economic opportunities for
58 this state's ~~minority-owned~~ businesses and rural ~~or~~ and urban
59 communities.
60 (5) The divisions within the department have specific
61 responsibilities to achieve the duties, responsibilities, and
62 goals of the department. Specifically:
63 (a) The Division of Economic Development shall:
64 1. Analyze and evaluate business prospects identified by
65 the Governor and the secretary.
66 2. Administer certain tax refund, tax credit, and grant
67 programs created in law. Notwithstanding any other provision of
68 law, the department may expend interest earned from the

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69 investment of program funds deposited in the Grants and
70 Donations Trust Fund to contract for the administration of those
71 programs, or portions of the programs, assigned to the
72 department by law, by the appropriations process, or by the
73 Governor. Such expenditures are ~~shall be~~ subject to review under
74 chapter 216.
75 3. Develop measurement protocols for the state incentive
76 programs and for the contracted entities which will be used to
77 determine their performance and competitive value to the state.
78 Performance measures, benchmarks, and sanctions must be
79 developed in consultation with the legislative appropriations
80 committees and the appropriate substantive committees, and are
81 subject to the review and approval process provided in s.
82 216.177. The approved performance measures, standards, and
83 sanctions must ~~shall~~ be included and made a part of the
84 strategic plan for contracts entered into for delivery of
85 programs authorized by this section.
86 4. Develop a 5-year statewide strategic plan. The strategic
87 plan must include, but need not be limited to:
88 a. Strategies for the promotion of business formation,
89 expansion, recruitment, and retention through aggressive
90 marketing, attraction of venture capital and finance
91 development, domestic trade, international development, and
92 export assistance, which lead to more and better jobs and higher
93 wages for all geographic regions, ~~disadvantaged communities~~, and
94 populations of the state, including rural areas, ~~minority~~
95 ~~businesses~~, and urban core areas.
96 b. The development of realistic policies and programs to
97 further the economic diversity of the state, its regions, and

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98 their associated industrial clusters.
99 c. Specific provisions for the stimulation of economic
100 development and job creation in rural areas and midsize cities
101 and counties of the state, including strategies for rural
102 marketing and the development of infrastructure in rural areas.
103 d. Provisions for the promotion of the successful long-term
104 economic development of the state with increased emphasis in
105 market research and information.
106 e. Plans for the generation of foreign investment in the
107 state which create jobs paying above-average wages and which
108 result in reverse investment in the state, including programs
109 that establish viable overseas markets, assist in meeting the
110 financing requirements of export-ready firms, broaden
111 opportunities for international joint venture relationships, use
112 the resources of academic and other institutions, coordinate
113 trade assistance and facilitation services, and facilitate
114 availability of and access to education and training programs
115 that assure requisite skills and competencies necessary to
116 compete successfully in the global marketplace.
117 f. The identification of business sectors that are of
118 current or future importance to the state's economy and to the
119 state's global business image, and development of specific
120 strategies to promote the development of such sectors.
121 g. Strategies for talent development necessary in the state
122 to encourage economic development growth, taking into account
123 factors such as the state's talent supply chain, education and
124 training opportunities, and available workforce.
125 h. Strategies and plans to support this state's defense,
126 space, and aerospace industries and the emerging complementary

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127 business activities and industries that support the development
128 and growth of defense, space, and aerospace in this state.
129 5. Update the strategic plan every 5 years.
130 6. Involve CareerSource Florida, Inc.; direct-support
131 organizations of the department; local governments; the general
132 public; local and regional economic development organizations;
133 other local, state, and federal economic, international, and
134 workforce development entities; the business community; and
135 educational institutions to assist with the strategic plan.
136 7. Coordinate with the Florida Tourism Industry Marketing
137 Corporation in the development of the 4-year marketing plan
138 pursuant to s. 288.1226(13).
139 8. Administer and manage relationships, as appropriate,
140 with the entities and programs created pursuant to the Florida
141 Capital Formation Act, ss. 288.9621-288.96255.
142 9. Establish the Office of Secure Florida. The office is
143 responsible for administering and enforcing:
144 a. E-Verify and employment authorization compliance, as set
145 forth in ss. 448.09 and 448.095.
146 b. The prohibition against the purchase and registration of
147 real property in this state by foreign principals, as set forth
148 in ss. 692.203 and 692.204.
149 Section 26. Paragraph (r) of subsection (5) of section
150 212.08, Florida Statutes, is amended to read:
151 212.08 Sales, rental, use, consumption, distribution, and
152 storage tax; specified exemptions.—The sale at retail, the
153 rental, the use, the consumption, the distribution, and the
154 storage to be used or consumed in this state of the following
155 are hereby specifically exempt from the tax imposed by this

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156 chapter.
157 (5) EXEMPTIONS; ACCOUNT OF USE.—
158 (r) *Data center property.*—
159 1. As used in this paragraph, the term:
160 a. "Critical IT load" means that portion of electric power
161 capacity, expressed in terms of megawatts, which is reserved
162 solely for owners or tenants of a data center to operate their
163 computer server equipment. The term does not include any
164 ancillary load for cooling, lighting, common areas, or other
165 equipment.
166 b. "Cumulative capital investment" means the combined total
167 of all expenses incurred by the owners or tenants of a data
168 center after July 1, 2017, in connection with acquiring,
169 constructing, installing, equipping, or expanding the data
170 center. However, the term does not include any expenses incurred
171 in the acquisition of improved real property operating as a data
172 center at the time of acquisition or within 6 months before the
173 acquisition.
174 c. "Data center" means a facility that:
175 (I) Consists of one or more contiguous parcels in this
176 state, along with the buildings, substations and other
177 infrastructure, fixtures, and personal property located on the
178 parcels;
179 (II) Is used exclusively to house and operate equipment
180 that receives, stores, aggregates, manages, processes,
181 transforms, retrieves, researches, or transmits data; or that is
182 necessary for the proper operation of equipment that receives,
183 stores, aggregates, manages, processes, transforms, retrieves,
184 researches, or transmits data;

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185 (III) Has a critical IT load of 15 megawatts or higher, and
186 a critical IT load of 1 megawatt or higher dedicated to each
187 individual owner or tenant within the data center; and
188 (IV) Is constructed on or after July 1, 2017.
189 d. "Data center property" means property used exclusively
190 at a data center to construct, outfit, operate, support, power,
191 cool, dehumidify, secure, or protect a data center and any
192 contiguous dedicated substations. The term includes, but is not
193 limited to, construction materials, component parts, machinery,
194 equipment, computers, servers, installations, redundancies, and
195 operating or enabling software, including any replacements,
196 updates and new versions, and upgrades to or for such property,
197 regardless of whether the property is a fixture or is otherwise
198 affixed to or incorporated into real property. The term also
199 includes electricity used exclusively at a data center.
200 2. Data center property is exempt from the tax imposed by
201 this chapter, except for the tax imposed by s. 212.031. To be
202 eligible for the exemption provided by this paragraph, the data
203 center's owners and tenants must make a cumulative capital
204 investment of \$150 million or more for the data center and the
205 data center must have a critical IT load of 15 megawatts or
206 higher and a critical IT load of 1 megawatt or higher dedicated
207 to each individual owner or tenant within the data center. Each
208 of these requirements must be satisfied no later than 5 years
209 after the commencement of construction of the data center.
210 3.a. To receive the exemption provided by this paragraph,
211 the person seeking the exemption must apply to the department
212 for a temporary tax exemption certificate. The application must
213 state that a qualifying data center designation is being sought

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214 and provide information that the requirements of subparagraph 2.
215 will be met. Upon a tentative determination by the department
216 that the data center will meet the requirements of subparagraph
217 2., the department must issue the certificate.
218 b.(I) The certificateholder shall maintain all necessary
219 books and records to support the exemption provided by this
220 paragraph. Upon satisfaction of all requirements of subparagraph
221 2., the certificateholder must deliver the temporary tax
222 certificate to the department together with documentation
223 sufficient to show the satisfaction of the requirements. Such
224 documentation must include written declarations, pursuant to s.
225 92.525, from:
226 (A) A professional engineer, licensed pursuant to chapter
227 471, certifying that the critical IT load requirement set forth
228 in subparagraph 2. has been satisfied at the data center; and
229 (B) A Florida certified public accountant, as defined in s.
230 473.302, certifying that the cumulative capital investment
231 requirement set forth in subparagraph 2. has been satisfied for
232 the data center.
233
234 The professional engineer and the Florida certified public
235 accountant may not be professionally related with the data
236 center's owners, tenants, or contractors, except that they may
237 be retained by a data center owner to certify that the
238 requirements of subparagraph 2. have been met.
239 (II) If the department determines that the subparagraph 2.
240 requirements have been satisfied, the department must issue a
241 permanent tax exemption certificate.
242 (III) Notwithstanding s. 212.084(4), the permanent tax

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243 exemption certificate remains valid and effective for as long as
244 the data center described in the exemption application continues
245 to operate as a data center as defined in subparagraph 1., with
246 review by the department every 5 years to ensure compliance. As
247 part of the review, the certificateholder shall, within 3 months
248 before the end of any 5-year period, submit a written
249 declaration, pursuant to s. 92.525, certifying that the critical
250 IT load of 15 megawatts or higher and the critical IT load of 1
251 megawatt or higher dedicated to each individual owner or tenant
252 within the data center required by subparagraph 2. continues to
253 be met. All owners, tenants, contractors, and others purchasing
254 exempt data center property shall maintain all necessary books
255 and records to support the exemption as to those purchases.

256 (IV) Notwithstanding s. 213.053, the department may share
257 information concerning a temporary or permanent data center
258 exemption certificate among all owners, tenants, contractors,
259 and others purchasing exempt data center property pursuant to
260 such certificate.

261 c. If, in an audit conducted by the department, it is
262 determined that the certificateholder or any owners, tenants,
263 contractors, or others purchasing, renting, or leasing data
264 center property do not meet the criteria of this paragraph, the
265 amount of taxes exempted at the time of purchase, rental, or
266 lease is immediately due and payable to the department from the
267 purchaser, renter, or lessee of those particular items, together
268 with the appropriate interest and penalty computed from the date
269 of purchase in the manner prescribed by this chapter.
270 Notwithstanding s. 95.091(3)(a), any tax due as provided in this
271 sub-subparagraph may be assessed by the department within 6

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272 years after the date the data center property was purchased.
273 d. Purchasers, lessees, and renters of data center property
274 who qualify for the exemption provided by this paragraph shall
275 obtain from the data center a copy of the tax exemption
276 certificate issued pursuant to sub-subparagraph a. or sub-
277 subparagraph b. Before or at the time of purchase of the item or
278 items eligible for exemption, the purchaser, lessee, or renter
279 shall provide to the seller a copy of the tax exemption
280 certificate and a signed certificate of entitlement. Purchasers,
281 lessees, and renters with self-accrual authority shall maintain
282 all documentation necessary to prove the exempt status of
283 purchases.

284 e. For any purchase, lease, or rental of property that is
285 exempt pursuant to this paragraph, the possession of a copy of a
286 tax exemption certificate issued pursuant to sub-subparagraph a.
287 or sub-subparagraph b. and a signed certificate of entitlement
288 relieves the seller of the responsibility of collecting the tax
289 on the sale, lease, or rental of such property, and the
290 department must look solely to the purchaser, renter, or lessee
291 for recovery of the tax if it determines that the purchase,
292 rental, or lease was not entitled to the exemption.

293 ~~4. After June 30, 2027, the department may not issue a~~
294 ~~temporary tax exemption certificate pursuant to this paragraph.~~

295 Section 27. Paragraph (b) of subsection (1) of section
296 215.559, Florida Statutes, is amended to read:
297 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
298 Mitigation Program is established in the Division of Emergency
299 Management.

300 (1) The Legislature shall annually appropriate \$10 million

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301 of the moneys authorized for appropriation under s.
302 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
303 division for the purposes set forth in this section. Of the
304 amount:

305 (b) Three million dollars in funds shall be used to
306 construct or retrofit facilities used as public hurricane
307 shelters. Each year the division shall prioritize the use of
308 these funds for projects included in the annual report of the
309 Shelter Development Report prepared in accordance with s.
310 252.385(3). The division must give funding priority to projects
311 in regional planning council regions, as such regions existed on
312 January 1, 2025, that have shelter deficits and to projects that
313 maximize the use of state funds.

314 Section 28. Paragraph (b) of subsection (2) and subsection
315 (3) of section 252.385, Florida Statutes, are amended to read:

316 252.385 Public shelter space; public records exemption.—

317 (2)

318 (b) By January 31 of each even-numbered year, the division
319 shall prepare and submit a statewide emergency shelter plan to
320 the Governor and Cabinet for approval, subject to the
321 requirements for approval in s. 1013.37(2). The emergency
322 shelter plan must project, for each of the next 5 years, the
323 hurricane shelter needs of the state, including periods of time
324 during which a concurrent public health emergency may
325 necessitate more space for each individual to accommodate
326 physical distancing. In addition to information on the general
327 shelter needs throughout this state, the plan must identify the
328 general location and square footage of special needs shelters
329 annually through 2030, by regional planning council region. The

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330 plan must also include information on the availability of
331 shelters that accept pets. The Department of Health shall assist
332 the division in determining the estimated need for special needs
333 shelter space and the adequacy of facilities to meet the needs
334 of persons with special needs based on information from the
335 registries of persons with special needs and other information.

336 (3) The division shall annually provide to the President of
337 the Senate, the Speaker of the House of Representatives, and the
338 Governor a list of facilities recommended to be retrofitted
339 using state funds. State funds must ~~should~~ be maximized and
340 targeted to regional planning council regions, as such regions
341 existed on January 1, 2025, with hurricane evacuation shelter
342 deficits. The owner or lessee of a public hurricane evacuation
343 shelter that is included on the list of facilities recommended
344 for retrofitting is not required to perform any recommended
345 improvements.

346 Section 29. Paragraph (d) of subsection (21) of section
347 253.025, Florida Statutes, is amended to read:

348 253.025 Acquisition of state lands.—

349 (21)

350 (d) A conveyance at less than appraised value must state
351 that the land will revert to the board of trustees if the land
352 is not used for its intended purposes as a military installation
353 buffer or if the military installation closes. Federal
354 Government agencies, including the Department of Defense and its
355 subordinate Departments of the Army, Navy, and Air Force, and
356 the Department of Homeland Security's United States Coast Guard,
357 are exempt from this paragraph if the primary purpose of
358 remaining as a military installation buffer continues, even

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359 though the specific military purpose, mission, and function on
360 the conveyed land is modified or changes from that which was
361 present or proposed at the time of the conveyance.
362 Section 30. Subsection (18) of section 287.012, Florida
363 Statutes, is amended to read:
364 287.012 Definitions.—As used in this part, the term:
365 ~~(18) "Minority business enterprise" has the same meaning as~~
366 ~~provided in s. 288.703.~~
367 Section 31. Paragraph (a) of subsection (2) and paragraph
368 (b) of subsection (3) of section 287.042, Florida Statutes, are
369 amended to read:
370 287.042 Powers, duties, and functions.—The department shall
371 have the following powers, duties, and functions:
372 (2) (a) To establish purchasing agreements and procure state
373 term contracts for commodities and contractual services,
374 pursuant to s. 287.057, under which state agencies shall, and
375 eligible users may, make purchases pursuant to s. 287.056. The
376 department may restrict purchases from some term contracts to
377 state agencies only for those term contracts where the inclusion
378 of other governmental entities will have an adverse effect on
379 competition or to those federal facilities located in this
380 state. In such planning or purchasing the Office of Supplier
381 Development Diversity may monitor to ensure that opportunities
382 are afforded for contracting with rural or urban minority
383 business enterprises. The department, for state term contracts,
384 and all agencies, for multiyear contractual services or term
385 contracts, shall explore reasonable and economical means to
386 utilize certified rural or urban minority business enterprises.
387 Purchases by any county, municipality, private nonprofit

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388 community transportation coordinator designated pursuant to
389 chapter 427, while conducting business related solely to the
390 Commission for the Transportation Disadvantaged, or other local
391 public agency under the provisions in the state purchasing
392 contracts, and purchases, from the corporation operating the
393 correctional work programs, of products or services that are
394 subject to paragraph (1)(f), are exempt from the competitive
395 solicitation requirements otherwise applying to their purchases.
396 (3) To establish a system of coordinated, uniform
397 procurement policies, procedures, and practices to be used by
398 agencies in acquiring commodities and contractual services,
399 which shall include, but not be limited to:
400 (b)1. Development of procedures for advertising
401 solicitations. These procedures must provide for electronic
402 posting of solicitations for at least 10 days before the date
403 set for receipt of bids, proposals, or replies, unless the
404 department or other agency determines in writing that a shorter
405 period of time is necessary to avoid harming the interests of
406 the state. The Office of Supplier Development Diversity may
407 consult with the department regarding the development of
408 solicitation distribution procedures to ensure that maximum
409 distribution is afforded to certified rural or urban minority
410 business enterprises as defined in s. 288.703.
411 2. Development of procedures for electronic posting. The
412 department shall designate a centralized website on the Internet
413 for the department and other agencies to electronically post
414 solicitations, decisions or intended decisions, and other
415 matters relating to procurement.
416 Section 32. Section 287.09451, Florida Statutes, is amended

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417 to read:
418 287.09451 Office of Supplier Development Diversity; powers,
419 duties, and functions.—
420 (1) The Legislature finds that there is evidence of a
421 systematic pattern of past and continuing ~~racial~~ discrimination
422 against rural or urban minority business enterprises and a
423 disparity in the availability and use of such rural or urban
424 minority business enterprises in the state procurement system.
425 It is determined to be a compelling state interest to rectify
426 such discrimination and disparity. Based upon statistical data
427 profiling this discrimination, the Legislature has enacted ~~race-~~
428 ~~conscious and gender-conscious~~ remedial programs to ensure rural
429 or urban minority participation in the economic life of the
430 state, in state contracts for the purchase of commodities and
431 services, and in construction contracts. The purpose and intent
432 of this section is to increase participation by minority
433 business enterprises in rural or urban areas, accomplished by
434 encouraging the use of such rural or urban minority business
435 enterprises and the entry of new and diversified rural or urban
436 minority business enterprises into the marketplace.
437 (2) The Office of Supplier Development Diversity is
438 established within the Department of Management Services to
439 assist minority business enterprises located in rural or urban
440 areas in becoming suppliers of commodities, services, and
441 construction to state government.
442 (3) The secretary shall appoint an executive director for
443 the Office of Supplier Development Diversity, who shall serve at
444 the pleasure of the secretary.
445 (4) The Office of Supplier Development ~~has Diversity~~ shall

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446 ~~have~~ the following powers, duties, and functions:
447 (a) To adopt rules to determine what constitutes a "good
448 faith effort" for purposes of state agency compliance with the
449 rural or urban minority business enterprise procurement goals
450 set forth in s. 287.042. Factors which must ~~shall~~ be considered
451 ~~by the Minority Business Enterprise Assistance Office~~ in
452 determining good faith effort must shall include, but are not be
453 limited to:
454 1. Whether the agency scheduled presolicitation or prebid
455 meetings for the purpose of informing rural or urban minority
456 business enterprises of contracting and subcontracting
457 opportunities.
458 2. Whether the contractor advertised in general
459 circulation, trade association, or rural-focused or urban-
460 focused minority-focus media concerning the subcontracting
461 opportunities.
462 3. Whether the agency effectively used services and
463 resources of available rural or urban minority community
464 organizations; minority contractors' groups located in rural or
465 urban areas; local, state, and federal minority business
466 assistance offices urban businesses located in rural or urban
467 areas; and other organizations that provide assistance in the
468 recruitment and placement of rural or urban minority business
469 enterprises ~~or minority persons~~.
470 4. Whether the agency provided written notice to a
471 reasonable number of rural or urban minority business
472 enterprises that their interest in contracting with the agency
473 was being solicited in sufficient time to allow the rural or
474 urban minority business enterprises to participate effectively.

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475 (b) To adopt rules to determine what constitutes a "good
476 faith effort" for purposes of contractor compliance with
477 contractual requirements relating to the use of services or
478 commodities of a rural or urban minority business enterprise
479 under s. 287.094(2). Factors which must ~~shall~~ be considered by
480 the Office of Supplier Development Diversity in determining
481 whether a contractor has made good faith efforts must ~~shall~~
482 include, but are not ~~be~~ limited to:
483 1. Whether the contractor attended any presolicitation or
484 prebid meetings that were scheduled by the agency to inform
485 rural or urban minority business enterprises of contracting and
486 subcontracting opportunities.
487 2. Whether the contractor advertised in general
488 circulation, trade association, or rural-focused or urban-
489 focused minority-focus media concerning the subcontracting
490 opportunities.
491 3. Whether the contractor provided written notice to a
492 reasonable number of specific rural or urban minority business
493 enterprises that their interest in the contract was being
494 solicited in sufficient time to allow the rural or urban
495 minority business enterprises to participate effectively.
496 4. Whether the contractor followed up initial solicitations
497 of interest by contacting rural or urban minority business
498 enterprises ~~or minority persons~~ to determine with certainty
499 whether the rural or urban minority business enterprises ~~or~~
500 minority persons were interested.
501 5. Whether the contractor selected portions of the work to
502 be performed by rural or urban minority business enterprises in
503 order to increase the likelihood of meeting the rural or urban

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504 minority business enterprise procurement goals, including, where
505 appropriate, breaking down contracts into economically feasible
506 units to facilitate rural or urban minority business enterprise
507 participation.
508 6. Whether the contractor provided interested rural or
509 urban minority business enterprises ~~or minority persons~~ with
510 adequate information about the plans, specifications, and
511 requirements of the contract or the availability of jobs.
512 7. Whether the contractor negotiated in good faith with
513 interested rural or urban minority business enterprises ~~or~~
514 minority persons, not rejecting rural or urban minority business
515 enterprises ~~or minority persons~~ as unqualified without sound
516 reasons based on a thorough investigation of their capabilities.
517 8. Whether the contractor effectively used the services of
518 available rural or urban minority community organizations; rural
519 or urban minority contractors' groups; local, state, and federal
520 rural or urban minority business assistance offices; and other
521 organizations that provide assistance in the recruitment and
522 placement of rural or urban minority business enterprises ~~or~~
523 minority persons.
524 (c) To adopt rules and do all things necessary or
525 convenient to guide all state agencies toward making
526 expenditures for commodities, contractual services,
527 construction, and architectural and engineering services with
528 certified rural or urban minority business enterprises in
529 accordance with the rural or urban minority business enterprise
530 procurement goals set forth in s. 287.042.
531 (d) To monitor the degree to which agencies procure
532 services, commodities, and construction from rural or urban

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533 minority business enterprises in conjunction with the Department
534 of Financial Services as specified in s. 17.11.
535 (e) To receive and disseminate information relative to
536 procurement opportunities, availability of rural or urban
537 minority business enterprises, and technical assistance.
538 (f) To advise agencies on methods and techniques for
539 achieving procurement objectives.
540 (g) To provide a central rural or urban minority business
541 enterprise certification process which includes independent
542 verification of status as a rural or urban minority business
543 enterprise.
544 (h) To develop procedures to investigate complaints against
545 rural or urban minority business enterprises or contractors
546 alleged to violate any provision related to this section or s.
547 287.0943, that may include visits to worksites or business
548 premises, and to refer all information on businesses suspected
549 of misrepresenting its rural or urban minority status to the
550 Department of Management Services for investigation. When an
551 investigation is completed and there is reason to believe that a
552 violation has occurred, the matter shall be referred to the
553 office of the Attorney General, Department of Legal Affairs, for
554 prosecution.
555 (i) To maintain a directory of all rural or urban minority
556 business enterprises which have been certified and provide this
557 information to any agency or business requesting it.
558 (j) To encourage all firms which do more than \$1 million in
559 business with the state within a 12-month period to develop,
560 implement, and submit to this office a rural or urban minority
561 business development plan.

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562 (k) To communicate on a monthly basis with the Small and
563 Minority Business Advisory Council to keep the council informed
564 on issues relating to rural or urban minority enterprise
565 procurement.
566 (l) To serve as an advocate for rural or urban minority
567 business enterprises, and coordinate with the small, rural and
568 minority business ombudsman, as defined in s. 288.703, which
569 duties shall include:
570 1. Ensuring that agencies supported by state funding
571 effectively target the delivery of services and resources, as
572 related to rural or urban minority business enterprises.
573 2. Establishing standards within each industry with which
574 the state government contracts on how agencies and contractors
575 may provide the maximum practicable opportunity for rural or
576 urban minority business enterprises.
577 3. Assisting agencies and contractors by providing outreach
578 to rural or urban minority businesses, by specifying and
579 monitoring technical and managerial competence for rural or
580 urban minority business enterprises, and by consulting in
581 planning of agency procurement to determine how best to provide
582 opportunities for rural or urban minority business enterprises.
583 4. Integrating technical and managerial assistance for
584 rural or urban minority business enterprises with government
585 contracting opportunities.
586 (m) To certify rural or urban minority business
587 enterprises, as defined in s. 288.703, and as specified in ss.
588 287.0943 and 287.09431, and shall recertify such rural or urban
589 minority businesses at least once every 2 years. Rural or urban
590 minority business enterprises must be recertified at least once

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591 every 2 years. Such certifications may include an electronic
592 signature.
593 (n)1. To develop procedures to be used by an agency in
594 identifying commodities, contractual services, architectural and
595 engineering services, and construction contracts, except those
596 architectural, engineering, construction, or other related
597 services or contracts subject to the provisions of chapter 339,
598 that could be provided by rural or urban minority business
599 enterprises. Each agency is encouraged to spend 21 percent of
600 the moneys actually expended for construction contracts, 25
601 percent of the moneys actually expended for architectural and
602 engineering contracts, 24 percent of the moneys actually
603 expended for commodities, and 50.5 percent of the moneys
604 actually expended for contractual services during the previous
605 fiscal year, except for the state university construction
606 program which ~~are~~ shall be based upon public education capital
607 outlay projections for the subsequent fiscal year, and reported
608 to the Legislature pursuant to s. 216.023, for the purpose of
609 entering into contracts with certified rural or urban minority
610 business enterprises as defined in s. 288.703, or approved joint
611 ventures. However, in the event of budget reductions pursuant to
612 s. 216.221, the base amounts may be adjusted to reflect such
613 reductions. ~~The overall spending goal for each industry category~~
614 ~~shall be subdivided as follows:~~
615 a. ~~For construction contracts: 4 percent for black~~
616 ~~Americans, 6 percent for Hispanic-Americans, and 11 percent for~~
617 ~~American women.~~
618 b. ~~For architectural and engineering contracts: 9 percent~~
619 ~~for Hispanic-Americans, 1 percent for Asian-Americans, and 15~~

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620 ~~percent for American women.~~
621 e. ~~For commodities: 2 percent for black Americans, 4~~
622 ~~percent for Hispanic-Americans, 0.5 percent for Asian-Americans,~~
623 ~~0.5 percent for Native Americans, and 17 percent for American~~
624 ~~women.~~
625 d. ~~For contractual services: 6 percent for black Americans,~~
626 ~~7 percent for Hispanic-Americans, 1 percent for Asian-Americans,~~
627 ~~0.5 percent for Native Americans, and 36 percent for American~~
628 ~~women.~~
629 2. For the purposes of commodities contracts for the
630 purchase of equipment to be used in the construction and
631 maintenance of state transportation facilities involving the
632 Department of Transportation, the ~~term~~ terms "certified rural or
633 urban minority business enterprise" has the same meaning as ~~and~~
634 ~~"minority person" have the same meanings as~~ provided in s.
635 288.703. In order to ensure that the goals established under
636 this paragraph for contracting with certified rural or urban
637 minority business enterprises are met, the department, with the
638 assistance of the Office of Supplier Development Diversity,
639 shall make recommendations to the Legislature on revisions to
640 the goals, based on an updated statistical analysis, at least
641 once every 5 years. Such recommendations must ~~shall~~ be based on
642 statistical data indicating the availability of and disparity in
643 the use of rural or urban minority businesses contracting with
644 the state.
645 3. In determining the base amounts for assessing compliance
646 with this paragraph, the Office of Supplier Development
647 Diversity may develop, by rule, guidelines for all agencies to
648 use in establishing such base amounts. These rules must include,

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649 but are not limited to, guidelines for calculation of base
650 amounts, a deadline for the agencies to submit base amounts, a
651 deadline for approval of the base amounts by the Office of
652 Supplier Development Diversity, and procedures for adjusting the
653 base amounts as a result of budget reductions made pursuant to
654 s. 216.221.
655 4. To determine guidelines for the use of price
656 preferences, weighted preference formulas, or other preferences,
657 as appropriate to the particular industry or trade, to increase
658 the participation of rural or urban minority businesses in state
659 contracting. These guidelines must ~~shall~~ include consideration
660 of:
661 a. Size and complexity of the project.
662 b. The concentration of transactions with rural or urban
663 minority business enterprises for the commodity or contractual
664 services in question in prior agency contracting.
665 c. The specificity and definition of work allocated to
666 participating rural or urban minority business enterprises.
667 d. The capacity of participating rural or urban minority
668 business enterprises to complete the tasks identified in the
669 project.
670 e. The available pool of rural or urban minority business
671 enterprises as prime contractors, either alone or as partners in
672 an approved joint venture that serves as the prime contractor.
673 5. To determine guidelines for use of joint ventures to
674 meet rural or urban minority business enterprises spending
675 goals. For purposes of this section, the term "joint venture"
676 means any association of two or more business concerns to carry
677 out a single business enterprise for profit, for which purpose

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678 they combine their property, capital, efforts, skills, and
679 knowledge. The guidelines must ~~shall~~ allow transactions with
680 joint ventures to be eligible for credit against the rural or
681 urban minority business enterprise goals of an agency when the
682 contracting joint venture demonstrates that at least one partner
683 to the joint venture is a certified rural or urban minority
684 business enterprise as defined in s. 288.703, and that such
685 partner is responsible for a clearly defined portion of the work
686 to be performed, and shares in the ownership, control,
687 management, responsibilities, risks, and profits of the joint
688 venture. Such demonstration must ~~shall~~ be by verifiable
689 documents and sworn statements and may be reviewed by the Office
690 of Supplier Development Diversity at or before the time a
691 contract bid, proposal, or reply is submitted. An agency may
692 count toward its rural or urban minority business enterprise
693 goals a portion of the total dollar amount of a contract equal
694 to the percentage of the ownership and control held by the
695 qualifying certified rural or urban minority business partners
696 in the contracting joint venture, so long as the joint venture
697 meets the guidelines adopted by the office.
698 (o)1. To establish a system to record and measure the use
699 of certified rural or urban minority business enterprises in
700 state contracting. This system must ~~shall~~ maintain information
701 and statistics on certified rural or urban minority business
702 enterprise participation, awards, dollar volume of expenditures
703 and agency goals, and other appropriate types of information to
704 analyze progress in the access of certified rural or urban
705 minority business enterprises to state contracts and to monitor
706 agency compliance with this section. Such reporting must

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707 include, but is not limited to, the identification of all
708 subcontracts in state contracting by dollar amount and by number
709 of subcontracts and the identification of the utilization of
710 certified rural or urban minority business enterprises as prime
711 contractors and subcontractors by dollar amounts of contracts
712 and subcontracts, number of contracts and subcontracts, minority
713 status, industry, and any conditions or circumstances that
714 significantly affected the performance of subcontractors.
715 Agencies shall report their compliance with the requirements of
716 this reporting system at least annually and at the request of
717 the office. All agencies shall cooperate with the office in
718 establishing this reporting system. Except in construction
719 contracting, all agencies shall review contracts costing in
720 excess of CATEGORY FOUR as defined in s. 287.017 to determine
721 ~~whether if~~ such contracts could be divided into smaller
722 contracts to be separately solicited and awarded, and shall,
723 when economical, offer such smaller contracts to encourage rural
724 or urban minority participation.
725 2. To report agency compliance with ~~the provisions of~~
726 subparagraph 1. for the preceding fiscal year to the Governor
727 ~~and Cabinet~~, the President of the Senate, and the Speaker of the
728 House of Representatives on or before February 1 of each year.
729 The report must contain, at a minimum, the following:
730 a. Total expenditures of each agency by industry.
731 b. The dollar amount and percentage of contracts awarded to
732 certified rural or urban minority business enterprises by each
733 state agency.
734 c. The dollar amount and percentage of contracts awarded
735 indirectly to certified rural or urban minority business

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736 enterprises as subcontractors by each state agency.
737 d. The total dollar amount and percentage of contracts
738 awarded to certified rural or urban minority business
739 enterprises, whether directly or indirectly, as subcontractors.
740 e. A statement and assessment of good faith efforts taken
741 by each state agency.
742 f. A status report of agency compliance with subsection
743 (6), as determined by the Rural or Urban Minority Business
744 Enterprise Office.
745 (5)(a) Each agency shall, at the time the specifications or
746 designs are developed or contract sizing is determined for any
747 proposed procurement costing in excess of CATEGORY FOUR, as
748 defined in s. 287.017, forward a notice to the Office of
749 Supplier Development Diversity of the proposed procurement and
750 any determination on the designs of specifications of the
751 proposed procurement that impose requirements on prospective
752 vendors, no later than 30 days ~~before prior to~~ the issuance of a
753 solicitation, except that this provision ~~does shall~~ not apply to
754 emergency acquisitions. The 30-day notice period ~~does shall~~ not
755 toll the time for any other procedural requirements.
756 (b) If the Office of Supplier Development Diversity
757 determines that the proposed procurement will not likely allow
758 opportunities for rural or urban minority business enterprises,
759 the office may, within 20 days after it receives the information
760 specified in paragraph (a), propose the implementation of rural
761 or urban minority business enterprise utilization provisions or
762 submit alternative procurement methods that would significantly
763 increase rural or urban minority business enterprise contracting
764 opportunities.

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765 (c) Whenever the agency and the Office of Supplier
766 Development Diversity disagree, the matter ~~must shall~~ be
767 submitted for determination to the head of the agency or the
768 senior-level official designated pursuant to this section as
769 liaison for rural or urban minority business enterprise issues.
770 (d) If the proposed procurement proceeds to competitive
771 solicitation, the office is hereby granted standing to protest,
772 pursuant to this section, in a timely manner, any contract award
773 during competitive solicitation for contractual services and
774 construction contracts that fail to include rural or urban
775 minority business enterprise participation, if any responsible
776 and responsive vendor has demonstrated the ability to achieve
777 any level of participation, or, any contract award for
778 commodities where, a reasonable and economical opportunity to
779 reserve a contract, statewide or district level, for rural or
780 urban minority participation was not executed or, an agency
781 failed to adopt an applicable preference for rural or urban
782 minority participation. The bond requirement ~~is shall be~~ waived
783 for the office purposes of this subsection.
784 (e) An agency may presume that a vendor offering no rural
785 or urban minority participation has not made a good faith effort
786 when other vendors offer rural or urban minority participation
787 of firms listed as relevant to the agency's purchasing needs in
788 the pertinent locality or statewide to complete the project.
789 (f) Paragraph (a) will not apply when the Office of
790 Supplier Development Diversity determines that an agency has
791 established a work plan to allow advance consultation and
792 planning with rural or urban minority business enterprises and
793 where such plan clearly demonstrates:

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794 1. A high level of advance planning by the agency with
795 rural or urban minority business enterprises.
796 2. A high level of accessibility, knowledge, and experience
797 by rural or urban minority business enterprises in the agency's
798 contract decisionmaking process.
799 3. A high quality of agency monitoring and enforcement of
800 internal implementation of rural or urban minority business
801 utilization provisions.
802 4. A high quality of agency monitoring and enforcement of
803 contractor utilization of rural or urban minority business
804 enterprises, especially tracking subcontractor data, and
805 ensuring the integrity of subcontractor reporting.
806 5. A high quality of agency outreach, agency networking of
807 major vendors with rural or urban minority vendors, and
808 innovation in techniques to improve utilization of rural or
809 urban minority business enterprises.
810 6. Substantial commitment, sensitivity, and proactive
811 attitude by the agency head and among the agency rural and urban
812 minority business staff.
813 (6) Each state agency shall coordinate its rural or urban
814 minority business enterprise procurement activities with the
815 Office of Supplier Development Diversity. At a minimum, each
816 agency shall:
817 (a) Adopt a rural or urban minority business enterprise
818 utilization plan for review and approval by the Office of
819 Supplier Development Diversity which should require meaningful
820 and useful methods to attain the legislative intent in assisting
821 rural or urban minority business enterprises.
822 (b) Designate a senior-level employee in the agency as a

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823 rural or urban minority enterprise assistance officer,
824 responsible for overseeing the agency's rural or urban minority
825 business utilization activities, and who is not also charged
826 with purchasing responsibility. A senior-level agency employee
827 and agency purchasing officials is shall be accountable to the
828 agency head for the agency's rural or urban minority business
829 utilization performance. The Office of Supplier Development
830 ~~Diversity~~ shall advise each agency on compliance performance.
831 (c) If an agency deviates significantly from its
832 utilization plan in 2 consecutive or 3 out of 5 total fiscal
833 years, the Office of Supplier Development ~~Diversity~~ may review
834 any and all solicitations and contract awards of the agency as
835 deemed necessary until such time as the agency meets its
836 utilization plan.
837 Section 33. Section 287.0947, Florida Statutes, is amended
838 to read:
839 287.0947 Florida Advisory Council on Small, Rural, and
840 Urban and Minority Business Development; creation; membership;
841 duties.—
842 (1) The Secretary of Management Services may create the
843 Florida Advisory Council on Small, Rural, and Urban and Minority
844 Business Development with the purpose of advising and assisting
845 the secretary in carrying out the secretary's duties with
846 respect to rural or urban minority businesses and economic and
847 business development. It is the intent of the Legislature that
848 the membership of such council include practitioners,
849 laypersons, financiers, and others with business development
850 experience who can provide invaluable insight and expertise for
851 this state in the diversification of its markets and networking

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852 of business opportunities. The council shall initially be
853 composed consist of 19 persons, each of whom is or has been
854 actively engaged in small, rural, and urban and minority
855 business development, either in private industry, in
856 governmental service, or as a scholar of recognized achievement
857 in the study of such matters. Initially, the council shall be
858 composed consist of members representing all regions of this the
859 state and shall include at least one member from each group
860 identified within the definition of "minority person" in s.
861 288.703 s. 288.703(4), considering also gender and nationality
862 subgroups, and shall be composed consist of the following:
863 (a) Four members consisting of representatives of local and
864 federal small, rural, and urban and minority business assistance
865 programs or community development programs.
866 (b) Eight members representing composed of representatives
867 of the rural and urban minority private business sectors sector,
868 including certified rural or urban minority business enterprises
869 and rural or urban minority supplier development councils, among
870 whom at least two are shall be women and at least four are shall
871 be minority persons.
872 (c) Two representatives of local government, one of whom is
873 shall be a representative of a large local government, and one
874 of whom is shall be a representative of a small local
875 government.
876 (d) Two representatives from the banking and insurance
877 industry.
878 (e) Two members from the private business sector,
879 representing the construction and commodities industries.
880 (f) The Secretary of Commerce or his or her designee.

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881
882 A candidate for appointment may be considered if eligible to be
883 certified as an owner of a rural or urban minority business
884 enterprise, or if otherwise qualified under the criteria above.
885 Vacancies may be filled by appointment of the secretary, in the
886 manner of the original appointment.
887 (2) Each appointed member shall serve for a term of 2 years
888 from the date of appointment, except that a vacancy must shall
889 be filled by appointment for the remainder of the unexpired
890 term. The council shall annually elect a chair and a vice chair.
891 The council shall adopt internal procedures or bylaws necessary
892 for efficient operations. Members of the council shall serve
893 without compensation or honorarium but shall be entitled to per
894 diem and travel expenses pursuant to s. 112.061 for the
895 performance of duties for the council. The executive
896 administrator of the commission may remove a council member for
897 cause.
898 (3) Within 30 days after its initial meeting, the council
899 shall elect from among its members a chair and a vice chair.
900 (4) The council shall meet at the call of its chair, at the
901 request of a majority of its membership, at the request of the
902 commission or its executive administrator, or at such times as
903 may be prescribed by rule, but not less than once a year, to
904 offer its views on issues related to small, rural, and urban and
905 minority business development of concern to this state. A
906 majority of the members of the council shall constitute a
907 quorum.
908 (5) The powers and duties of the council include, but are
909 not limited to the following: researching and reviewing the role

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910 of small, rural, and urban and minority businesses in the
911 state's economy; reviewing issues and emerging topics relating
912 to small, rural, and urban and minority business economic
913 development; studying the ability of financial markets and
914 institutions to meet small business credit needs and determining
915 the impact of government demands on credit for small, rural, and
916 urban businesses; assessing the implementation of s.
917 187.201(21), requiring a state economic development
918 comprehensive plan, as it relates to small and certified rural
919 or urban business enterprises as defined in s. 288.703 minority
920 businesses; assessing the reasonableness and effectiveness of
921 efforts by any state agency or by all state agencies
922 collectively to assist rural or urban minority business
923 enterprises; and advising the Governor, the secretary, and the
924 Legislature on matters relating to small, rural, and urban and
925 minority business development which are of importance to the
926 international strategic planning and activities of this state.
927 (6) On or before January 1 of each year, the council shall
928 present an annual report to the secretary that sets forth in
929 appropriate detail the business transacted by the council during
930 the year and any recommendations to the secretary, including
931 those to improve business opportunities for small, rural, and
932 urban and minority business enterprises.
933 Section 34. Paragraph (b) of subsection (4) of section
934 288.001, Florida Statutes, is amended, and paragraph (b) of
935 subsection (3) is reenacted, to read:
936 288.001 The Florida Small Business Development Center
937 Network.—
938 (3) OPERATION; POLICIES AND PROGRAMS.—

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939 (b) The network's statewide director shall consult with the
940 Board of Governors, the department, and the network's statewide
941 advisory board to ensure that the network's policies and
942 programs align with the statewide goals of the State University
943 System and the statewide strategic economic development plan as
944 provided under s. 20.60.
945 (4) STATEWIDE ADVISORY BOARD.—
946 (b) The statewide advisory board shall be composed ~~consist~~
947 of 19 members from across the state. At least 12 members must be
948 representatives of the private sector who are knowledgeable of
949 the needs and challenges of small businesses. The members must
950 represent various segments and industries of the economy in this
951 state and must bring knowledge and skills to the statewide
952 advisory board which would enhance the board's collective
953 knowledge of small business assistance needs and challenges.
954 ~~Minority and gender~~ Representation for this state's rural or
955 urban areas must be considered when making appointments to the
956 board. The board must include the following members:
957 1. Three members appointed from the private sector by the
958 President of the Senate.
959 2. Three members appointed from the private sector by the
960 Speaker of the House of Representatives.
961 3. Three members appointed from the private sector by the
962 Governor.
963 4. Three members appointed from the private sector by the
964 network's statewide director.
965 5. One member appointed by the host institution.
966 6. The Secretary of Commerce, or his or her designee.
967 7. The Chief Financial Officer, or his or her designee.

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968 8. The President of the Florida Chamber of Commerce, or his
969 or her designee.
970 9. The Small Business Development Center Project Officer
971 from the U.S. Small Business Administration at the South Florida
972 District Office, or his or her designee.
973 10. The executive director of the National Federation of
974 Independent Businesses, Florida, or his or her designee.
975 11. The executive director of the Florida United Business
976 Association, or his or her designee.
977 Section 35. Subsection (8) of section 288.0065, Florida
978 Statutes, is amended to read:
979 288.0065 Annual incentives report.—By December 30 of each
980 year, the department shall provide the Governor, the President
981 of the Senate, and the Speaker of the House of Representatives a
982 detailed incentives report quantifying the economic benefits for
983 all of the economic development incentive programs administered
984 by the department and its public-private partnerships. The
985 annual incentives report must include:
986 (8) A description of the trends relating to business
987 interest in, and usage of, the various incentives, and the
988 number of minority-owned or woman-owned small businesses and
989 businesses in rural or urban areas receiving incentives.
990 Section 36. Section 288.1167, Florida Statutes, is amended
991 to read:
992 288.1167 Sports franchise contract provisions for food and
993 beverage concession and contract awards to ~~minority~~ business
994 enterprises in rural or urban areas.—Any applicant who receives
995 funding pursuant to the provisions of s. 212.20 must demonstrate
996 that:

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997 (1) Funds and facilities with respect to food and beverage
998 and related concessions shall be awarded to certified rural or
999 urban small minority business enterprises ~~as defined in s.~~
1000 ~~288.703~~ on the same terms and conditions as the general food and
1001 beverage concessionaire and in accordance with the rural or
1002 urban minority business enterprise procurement goals set forth
1003 in s. 287.09451;
1004 (2) At least 15 percent of a company contracted to manage a
1005 professional sports franchise facility or a spring training
1006 franchise facility is owned by certified rural or urban minority
1007 business enterprises ~~or by a minority person~~ as that term is
1008 ~~those terms are defined in s. 288.703; or~~
1009 (3) At least 15 percent of all operational service
1010 contracts with a professional sports franchise facility or a
1011 spring training franchise facility are awarded to certified
1012 rural or urban minority business enterprises as that term is
1013 defined in s. 288.703 or to a minority person located in a rural
1014 or urban area as those terms are defined in s. 288.703.
1015 Section 37. Paragraph (b) of subsection (2) of section
1016 288.1229, Florida Statutes, is amended to read:
1017 288.1229 Promotion and development of sports-related
1018 industries and amateur athletics; direct-support organization
1019 established; powers and duties.—
1020 (2) The Florida Sports Foundation must:
1021 (b) Be governed by a board of directors, which must be
1022 composed ~~consist~~ of up to 15 members appointed by the Governor.
1023 In making appointments, the Governor shall ~~must~~ consider a
1024 potential member's background in community service and sports
1025 activism in, and financial support of, the sports industry,

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1026 professional sports, or organized amateur athletics. Members
1027 must be residents of the state and highly knowledgeable about or
1028 active in professional or organized amateur sports.
1029 1. The board must contain representatives of all
1030 geographical regions of the state ~~and must represent ethnic and~~
1031 ~~gender diversity.~~
1032 2. The terms of office of the members shall be 4 years. No
1033 member may serve more than two consecutive terms. The Governor
1034 may remove any member for cause and shall fill all vacancies
1035 that occur.
1036 Section 38. Subsection (2) of section 288.7015, Florida
1037 Statutes, is amended to read:
1038 288.7015 Appointment of rules ombudsman; duties.—The
1039 Governor shall appoint a rules ombudsman, as defined in s.
1040 288.703, in the Executive Office of the Governor, for
1041 considering the impact of agency rules on the state's citizens
1042 and businesses. The duties of the rules ombudsman are to:
1043 (2) Review state agency rules that adversely or
1044 disproportionately impact businesses, particularly those
1045 relating to small and certified rural or urban business
1046 enterprise as that term is defined in s. 288.703 minority
1047 ~~businesses.~~
1048 Section 39. Section 288.702, Florida Statutes, is amended
1049 to read:
1050 288.702 Short title.—This section and ss. 288.703-288.705
1051 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and~~
1052 ~~Minority Business Assistance Act."~~
1053 Section 40. Section 288.703, Florida Statutes, is amended
1054 to read:

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1055 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ee-~~
1056 ~~288.702-288.706~~, the term:
1057 (1) “Certified rural or urban business enterprise” means a
1058 business located in a defined geographic area within this state
1059 where one of the following conditions has been documented in the
1060 most recent census conducted by the Bureau of the Census of the
1061 United States Department of Commerce:
1062 a. Per capita income in the area is less than 80 percent of
1063 this state’s per capita income.
1064 b. The unemployment rate in the area has been greater than
1065 the unemployment rate for this state by more than 1 percent over
1066 the previous 24 months from the time the comparison is made.
1067 “Certified minority business enterprise” means a business
1068 ~~which has been certified by the certifying organization or~~
1069 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~
1070 (2) “Financial institution” means any bank, trust company,
1071 insurance company, savings and loan association, credit union,
1072 federal lending agency, or foundation.
1073 (3) “Minority business enterprise” means any small business
1074 ~~concern as defined in subsection (6) which is organized to~~
1075 ~~engage in commercial transactions, which is domiciled in~~
1076 ~~Florida, and which is at least 51 percent owned by minority~~
1077 ~~persons who are members of an insular group that is of a~~
1078 ~~particular racial, ethnic, or gender makeup or national origin,~~
1079 ~~which has been subjected historically to disparate treatment due~~
1080 ~~to identification in and with that group resulting in an~~
1081 ~~underrepresentation of commercial enterprises under the group’s~~
1082 ~~control, and whose management and daily operations are~~
1083 ~~controlled by such persons. A minority business enterprise may~~

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1084 ~~primarily involve the practice of a profession. Ownership by a~~
1085 ~~minority person does not include ownership which is the result~~
1086 ~~of a transfer from a nonminority person to a minority person~~
1087 ~~within a related immediate family group if the combined total~~
1088 ~~net asset value of all members of such family group exceeds \$1~~
1089 ~~million. For purposes of this subsection, the term “related~~
1090 ~~immediate family group” means one or more children under 16~~
1091 ~~years of age and a parent of such children or the spouse of such~~
1092 ~~parent residing in the same house or living unit.~~
1093 (3)(4) “Minority person” means a lawful, permanent resident
1094 of Florida who is:
1095 (a) An African American, a person having origins in any of
1096 the black racial groups of the African Diaspora, regardless of
1097 cultural origin.
1098 (b) A Hispanic American, a person of Spanish or Portuguese
1099 culture with origins in Spain, Portugal, Mexico, South America,
1100 Central America, or the Caribbean, regardless of race.
1101 (c) An Asian American, a person having origins in any of
1102 the original peoples of the Far East, Southeast Asia, the Indian
1103 Subcontinent, or the Pacific Islands, including the Hawaiian
1104 Islands before 1778.
1105 (d) A Native American, a person who has origins in any of
1106 the Indian Tribes of North America before 1835, upon
1107 presentation of proper documentation thereof as established by
1108 rule of the Department of Management Services.
1109 (e) An American woman.
1110 (4)(5) “Ombudsman” means an office or individual whose
1111 responsibilities include coordinating with the Office of
1112 Supplier Development Diversity for the interests of and

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1113 providing assistance to rural or urban small and minority
1114 business enterprises in dealing with governmental agencies and
1115 in developing proposals for changes in state agency rules.
1116 (5)(6) “Small business” means an independently owned and
1117 operated business concern that employs 200 or fewer permanent
1118 full-time employees and that, together with its affiliates, has
1119 a net worth of not more than \$5 million or any firm based in
1120 this state which has a Small Business Administration 8(a)
1121 certification. As applicable to sole proprietorships, the \$5
1122 million net worth requirement includes shall include both
1123 personal and business investments.
1124 Section 41. Section 288.705, Florida Statutes, is amended
1125 to read:
1126 288.705 Statewide contracts register.—All state agencies
1127 shall in a timely manner provide the Florida Small Business
1128 Development Center Procurement System with all formal
1129 solicitations for contractual services, supplies, and
1130 commodities. The Small Business Development Center shall
1131 coordinate with Minority Business Development Centers to compile
1132 and distribute this information to small and rural or urban
1133 minority businesses requesting such service for the period of
1134 time necessary to familiarize the business with the market
1135 represented by state agencies. On or before February 1 of each
1136 year, the Small Business Development Center shall report to the
1137 department on the use of the statewide contracts register. The
1138 report must shall include, but not be limited to, information
1139 relating to:
1140 (1) The total number of solicitations received from state
1141 agencies during the calendar year.

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1142 (2) The number of solicitations received from each state
1143 agency during the calendar year.
1144 (3) The method of distributing solicitation information to
1145 businesses requesting such service.
1146 (4) The total number of businesses using the service.
1147 (5) ~~The percentage of businesses using the service which~~
1148 ~~are owned and controlled by minorities.~~
1149 (5)(6) The percentage of service-disabled veteran business
1150 enterprises using the service.
1151 Section 42. Subsection (1) of section 288.776, Florida
1152 Statutes, is amended to read:
1153 288.776 Board of directors; powers and duties.—
1154 (1)(a) The corporation shall have a board of directors
1155 consisting of 15 members representing all geographic areas of
1156 the state. ~~Minority and gender representation must be considered~~
1157 ~~when making appointments to the board.~~ The board membership must
1158 include:
1159 1. A representative of the following businesses, all of
1160 which must be registered to do business in this state: a foreign
1161 bank, a state bank, a federal bank, an insurance company
1162 involved in covering trade financing risks, and a small or
1163 medium-sized exporter.
1164 2. The following persons or their designee: the Secretary
1165 of Commerce, the Chief Financial Officer, the Secretary of
1166 State, and a senior official of the United States Department of
1167 Commerce.
1168 (b) Appointees who are not state or Federal Government
1169 officials shall serve for a term of 3 years and shall be
1170 eligible for reappointment. Nonstate and nonfederal official

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1171 vacancies on the board shall be filled by the board within 30
1172 days after the effective date of the vacancy.
1173 Section 43. Section 288.9628, Florida Statutes, is created
1174 to read:
1175 288.9628 Research, Innovation, Science, and Engineering
1176 (RISE) Investment Tax Credit Program.—
1177 (1) LEGISLATIVE FINDINGS.—The Legislature finds that
1178 strengthening the state’s early-stage business ecosystem and
1179 supporting cutting-edge innovation are essential for fostering
1180 innovation and economic growth. The early-stage business
1181 ecosystem, fueled by the state’s colleges, universities, and
1182 private industry growth, represents significant opportunity for
1183 the state to retain entrepreneurial talent and provides an
1184 overall benefit for jobseekers, job creators, families,
1185 communities, and the state’s economy.
1186 (2) RISE PROGRAM CREATED.—There is established within the
1187 department the Research, Innovation, Science, and Engineering
1188 (RISE) Investment Tax Credit Program. The purpose of the program
1189 is to increase venture capital investment in this state. The
1190 department shall coordinate with the Florida Opportunity Fund
1191 and the State Board of Administration in reviewing and approving
1192 applications for tax credits under this section.
1193 (3) DEFINITIONS.—As used in this section, the term:
1194 (a) “Accredited investor” has the same meaning as in s.
1195 517.021.
1196 (b) “Advisory affiliate” has the same meaning as in s.
1197 517.12(22).
1198 (c) “Affiliate” has the same meaning as in s. 517.021.
1199 (d) “Applicant” means an advisory affiliate, an exempt

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1200 reporting adviser, or an investment adviser who submits or
1201 updates an application on behalf of a qualifying private fund.
1202 (e) “Associated person” has the same meaning as in s.
1203 517.021.
1204 (f) “Company” means any business in this state, or a
1205 business with more than 50 percent of its workforce in this
1206 state, with 500 or fewer employees, and which is engaged in a
1207 project.
1208 (g) “Department” means the Department of Commerce.
1209 (h) “Exempt reporting adviser” has the same meaning as in
1210 s. 517.12(22).
1211 (i) “Investment adviser” has the same meaning as in s.
1212 517.021.
1213 (j) “Investor” means any person or entity that has made a
1214 capital contribution to a qualifying private fund.
1215 (k) “Private fund adviser” has the same meaning as in s.
1216 517.12(22).
1217 (l) “Project” means research and development that leads to
1218 or is anticipated to lead to the creation of new or useful
1219 improvement of technologies, agricultural technologies, devices,
1220 processes, machines, manufacturing, or composition of matter. A
1221 project may result from the innovative activities of a company
1222 or research at a university or college in this state.
1223 (m) “Qualifying investment” has the same meaning as in 17
1224 C.F.R. s. 275.203(l)-1(c) (3) and, for purposes of this section,
1225 includes investment in one or more companies or projects.
1226 (n) “Qualifying portfolio company” has the same meaning as
1227 in 17 C.F.R. s. 275.203(l)-1(c) (4) and, for purposes of this
1228 section, includes a company as defined in this subsection.

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1229 (o) “Qualifying private fund” has the same meaning as in s.
1230 517.12(22) and includes an angel investor group as defined in s.
1231 517.021.
1232 (p) “Total capital commitment” means the total amount of
1233 cash funding the qualifying private fund intends to raise to
1234 make one or more qualifying investments in one or more
1235 qualifying portfolio companies.
1236 (4) APPLICATION.—
1237 (a) An applicant must apply to the department for
1238 authorization to claim RISE tax credits under this section. The
1239 department must review and approve or deny a complete
1240 application within 60 calendar days after the complete
1241 application has been submitted.
1242 (b) An applicant must demonstrate to the department’s
1243 satisfaction within 12 months after the complete application has
1244 been submitted that the qualifying private fund has received at
1245 least the total capital commitment contained in its application.
1246 (c) The application must include, at a minimum:
1247 1. The names of any accredited investors, advisory
1248 affiliates, affiliates, associated persons, exempt reporting
1249 advisers, investment advisers, or private fund advisers
1250 associated with the qualifying private fund, if there are any at
1251 the time of application.
1252 2. The names of any investors in the qualifying private
1253 fund, if there are any at the time of application.
1254 3. The estimated total number of qualifying investments in
1255 qualifying portfolio companies.
1256 4. The total capital commitment of the qualifying private
1257 fund.

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1258 (d) If, at any time after an applicant has submitted a
1259 complete application, there has been a material change that
1260 affects the accuracy or completeness of the information
1261 contained in the application, the applicant must update its
1262 application.
1263 (5) TAX CREDITS; GENERALLY.—
1264 (a) The amount of tax credits available pursuant to this
1265 section in a fiscal year may not exceed \$100 million.
1266 (b) The department may not issue a tax credit to a
1267 qualifying private fund until the qualifying private fund
1268 demonstrates that it has received its total capital commitment.
1269 (c) The department may not authorize more than \$10 million
1270 in tax credits to a qualifying private fund in a fiscal year.
1271 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—
1272 (a) To receive tax credits, a qualifying private fund must
1273 provide documentation that demonstrates to the department’s
1274 reasonable satisfaction that the qualifying investment meets the
1275 requirements of this section. For purposes of this section,
1276 follow-on or add-on commitments may only be considered by the
1277 department after the follow-on or add-on investment has been
1278 deployed.
1279 (b) A qualifying private fund must make at least one
1280 qualified investment in at least one qualifying portfolio
1281 project to be eligible to receive tax credits under this
1282 section.
1283 (c) Each submission by a qualifying private fund to receive
1284 tax credits for a qualifying investment in a qualifying
1285 portfolio company must include, at a minimum, all of the
1286 following::

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1287 1. The amount of cash deployed by the qualifying private
1288 fund to a qualifying investment in a qualifying portfolio
1289 company.
1290 2. The total number of employees employed by the qualifying
1291 portfolio company.
1292 3. The total number of Florida-based, full-time equivalent
1293 employees employed by the qualifying portfolio company.
1294 (7) TAX CREDITS; RECEIPT; REVOCATION.—
1295 (a) A qualifying private fund may receive tax credits
1296 equivalent to 25 percent of a qualifying investment in a
1297 qualifying portfolio company.
1298 (b) Upon a determination by the department that the
1299 qualifying investment meets the requirements of this section,
1300 the department shall authorize the Department of Revenue to
1301 issue tax credits to the qualifying private fund.
1302 (c) The Department of Revenue may not issue more than one-
1303 fifth of the tax credits authorized for a qualifying investment
1304 in a qualifying portfolio company in a fiscal year.
1305 (d) Credits received pursuant to this section may be
1306 applied against the qualifying private fund's corporate income
1307 tax liability. A qualifying private fund may elect to sell or
1308 transfer, in whole or in part, any tax credit issued under this
1309 section. An election to sell or transfer any tax credit received
1310 pursuant to this section must be made no later than 5 years
1311 after the date the credit is received by the qualifying private
1312 fund, after which the credit expires and may not be used. A
1313 qualifying private fund may not sell or transfer credits that
1314 have been authorized by the department but not yet issued by the
1315 Department of Revenue.

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1316 (e) The department may revoke or modify any written
1317 decision qualifying, certifying, or otherwise granting
1318 eligibility for tax credits under this section if it is
1319 discovered that the qualifying private fund submitted any false
1320 statement, representation, or certification in any application
1321 filed in an attempt to receive tax credits under this section,
1322 or if the information in a previously completed application
1323 materially changes. The department must immediately notify the
1324 Department of Revenue of any revoked or modified orders
1325 affecting previously granted tax credits. Additionally, the
1326 qualifying private fund must notify the Department of Revenue of
1327 any change in its tax credit claimed.
1328 (8) COMPLIANCE.—
1329 (a) A qualifying private fund must annually report to the
1330 department for each qualifying investment for 5 years after
1331 authorization to receive credits. Failure to do so will result
1332 in the qualifying private fund's tax credit being revoked.
1333 (b) In order to receive a tax credit, a qualifying fund
1334 must submit to the department all of the following:
1335 1. A certification that there have been no material changes
1336 to the information contained in the application or, if material
1337 changes have occurred since the submission of the application, a
1338 disclosure containing all material changes.
1339 2. Documentation supporting the total number of full-time
1340 equivalent employees employed by the qualifying portfolio
1341 company.
1342 3. Documentation supporting the total number of full-time
1343 equivalent employees employed in this state by the qualifying
1344 portfolio company.

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1345 4. Documentation supporting that the qualifying private
1346 fund has not exited its position from the qualifying portfolio
1347 company through acquisition by a company not based in this
1348 state.
1349 (9) SANCTIONS.—
1350 (a) If a qualifying investment fails to meet the
1351 requirements of paragraph (8)(a) or paragraph (8)(b), the
1352 department must revoke its approval of tax credits for the
1353 qualifying investment. The department shall issue a notice of
1354 revocation and recapture to the qualifying private fund and the
1355 Department of Revenue. The qualifying private fund must repay to
1356 the department an amount equal to 50 percent of the tax credits
1357 authorized by the department and claimed by a qualifying
1358 portfolio company for the qualifying investment. Recaptured
1359 funds must be deposited into the General Revenue Fund.
1360 (b) If the department determines that the qualifying
1361 private fund submitted any false statement, representation, or
1362 certification in any application as provided in paragraph
1363 (7)(e), the department must revoke its approval of tax credits
1364 for the qualifying investment. The department shall issue a
1365 notice of revocation and recapture to the qualifying private
1366 fund and the Department of Revenue. The qualifying private fund
1367 must repay to the department an amount equal to 100 percent of
1368 the tax credits authorized by the department and claimed by a
1369 qualifying portfolio company for the qualifying investment.
1370 Recaptured funds must be deposited into the General Revenue
1371 Fund.
1372 (10) CONSTRUCTION.—For purposes of this section and part
1373 III of chapter 692, committed capital invested in a qualifying

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1374 portfolio company by a venture capital fund may not be construed
1375 as having ownership of the qualifying portfolio company.
1376 (11) REPORTING.—Beginning December 30, 2026, the department
1377 shall include the amounts of tax credits authorized and
1378 received, the total number of jobs created, and the total number
1379 of jobs created in this state in its annual incentives report
1380 required under s. 288.0065.
1381 (12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax
1382 credits provided in this section must be made available from
1383 July 1 to December 31 of each year to provide tax credits for
1384 qualifying investments in qualifying portfolio companies located
1385 in a rural community as defined in s. 288.0656. All remaining
1386 tax credits must be made available from January 1 to June 30 of
1387 each year on a first-come, first-served basis, subject to the
1388 eligibility of the qualifying investment.
1389 (13) RULEMAKING.—The department is authorized to adopt
1390 rules to implement this section.
1391 Section 44. Subsection (10) of section 290.0056, Florida
1392 Statutes, is amended to read:
1393 290.0056 Enterprise zone development agency.—
1394 (10) Contingent upon approval by the governing body, the
1395 agency may invest in community investment corporations which
1396 conduct, or agree to conduct, loan guarantee programs assisting
1397 rural or urban ~~minority~~ business enterprises located in the
1398 enterprise zone. In making such investments, the agency shall
1399 first attempt to invest in existing community investment
1400 corporations providing services in the enterprise zone. Such
1401 investments shall be made under conditions required by law and
1402 as the agency may require, including, but not limited to:

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1403 (a) The funds invested by the agency shall be used to
1404 provide loan guarantees to individuals for rural or urban
1405 ~~minority~~ business enterprises located in the enterprise zone.
1406 (b) The community investment corporation may not approve
1407 any application for a loan guarantee unless the person applying
1408 for the loan guarantee shows that he or she has applied for the
1409 loan or loan guarantee through normal banking channels and that
1410 the loan or loan guarantee has been refused by at least one bank
1411 or other financial institution.
1412 Section 45. Paragraph (f) of subsection (1) of section
1413 290.0057, Florida Statutes, is amended to read:
1414 290.0057 Enterprise zone development plan.—
1415 (1) Any application for designation as a new enterprise
1416 zone must be accompanied by a strategic plan adopted by the
1417 governing body of the municipality or county, or the governing
1418 bodies of the county and one or more municipalities together. At
1419 a minimum, the plan must:
1420 (f) Identify the amount of local and private resources that
1421 will be available in the nominated area and the private/public
1422 partnerships to be used, which may include participation by, and
1423 cooperation with, universities, community colleges, small
1424 business development centers, ~~black~~ business investment
1425 corporations in rural or urban areas as defined in s. 288.703,
1426 certified development corporations, and other private and public
1427 entities.
1428 Section 46. Subsection (4) of section 331.302, Florida
1429 Statutes, is amended to read:
1430 331.302 Space Florida; creation; purpose.—
1431 (4) Space Florida is not an agency as defined in ss.

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1432 216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from
1433 the bidding requirements in s. 255.20 when Space Florida engages
1434 in professional or construction services, or both, under an
1435 arrangement with a person in which:
1436 (a) The person offering personal or construction goods or
1437 services is not subject to the requirements of s. 287.055;
1438 (b) Space Florida and the person execute a contract with
1439 terms acceptable to Space Florida; and
1440 (c) The person provides to Space Florida by contract an
1441 unqualified representation and warranty that the payments by the
1442 person to Space Florida in return for the possession and use of
1443 the project by the person will not be derived, directly or
1444 indirectly, from state or local government funds.
1445 For purposes of this subsection, monies received by the person
1446 contracted to provide goods produced and services provided from
1447 government entities in the ordinary course of its operation of
1448 the project are not state or local government funds.
1449 Section 47. Section 331.351, Florida Statutes, is amended
1450 to read:
1451 331.351 Participation by rural or urban ~~women, minorities,~~
1452 ~~and socially and economically disadvantaged~~ business enterprises
1453 encouraged.—It is the intent of the Legislature and the public
1454 policy of this state that rural or urban ~~women, minorities, and~~
1455 ~~socially and economically disadvantaged~~ business enterprises be
1456 encouraged to participate fully in all phases of economic and
1457 community development. Accordingly, to achieve such purpose,
1458 Space Florida shall, in accordance with applicable state and
1459 federal law, involve and utilize rural or urban ~~women,~~
1460

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1461 ~~minorities, and socially and economically disadvantaged~~ business
1462 enterprises in all phases of the design, development,
1463 construction, maintenance, and operation of spaceports developed
1464 under this act.
1465 Section 48. Paragraph (b) of subsection (4) and subsection
1466 (9) of section 445.08, Florida Statutes, are amended to read:
1467 445.08 Florida Law Enforcement Recruitment Bonus Payment
1468 Program.—
1469 (4) The department shall develop an annual plan for the
1470 administration of the program and distribution of bonus
1471 payments. Applicable employing agencies shall assist the
1472 department with the collection of any data necessary to
1473 determine bonus payment amounts and to distribute the bonus
1474 payments, and shall otherwise provide the department with any
1475 information or assistance needed to fulfill the requirements of
1476 this section. At a minimum, the plan must include:
1477 (b) The minimum eligibility requirements a newly employed
1478 officer must meet to receive and retain a bonus payment, which
1479 must include:
1480 1. Obtaining certification for employment or appointment as
1481 a law enforcement officer pursuant to s. 943.1395.
1482 2. Gaining full-time employment with a Florida criminal
1483 justice agency.
1484 3. Maintaining ~~continuous~~ full-time employment with a
1485 Florida criminal justice agency for at least 2 years from the
1486 date on which the officer obtained certification. The required
1487 2-year employment period may be satisfied by maintaining
1488 employment at one or more employing agencies, but such period
1489 must not contain any break in service longer than 180 ~~45~~

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1490 ~~calendar~~ days. A law enforcement officer must provide
1491 documentation to the department justifying the break in service.
1492 The department shall establish the acceptable circumstances for
1493 any such break in service. Any break in service will not count
1494 toward satisfying the 2-year full-time employment requirement of
1495 this section.
1496 The department may establish other criteria deemed necessary to
1497 determine bonus payment eligibility and distribution.
1498 (9) ~~This section expires July 1, 2025.~~
1499 Section 49. Paragraph (a) of subsection (4) of section
1500 447.203, Florida Statutes, is amended to read:
1501 447.203 Definitions.—As used in this part:
1502 (4) "Managerial employees" are those employees who:
1503 (a) Perform jobs that are not of a routine, clerical, or
1504 ministerial nature and require the exercise of independent
1505 judgment in the performance of such jobs and to whom one or more
1506 of the following applies:
1507 1. They formulate or assist in formulating policies which
1508 are applicable to bargaining unit employees.
1509 2. They may reasonably be required on behalf of the
1510 employer to assist in the preparation for the conduct of
1511 collective bargaining negotiations.
1512 3. They have a role in the administration of agreements
1513 resulting from collective bargaining negotiations.
1514 4. They have a significant role in personnel
1515 administration.
1516 5. They have a significant role in employee relations.
1517 6. They are included in the definition of administrative
1518

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1519 personnel contained in s. 1012.01(3).
1520 7. They have a significant role in the preparation or
1521 administration of budgets for any public agency or institution
1522 or subdivision thereof.
1523 8. They have a significant and specific role executing
1524 statewide business and economic development projects in support
1525 of business recruitment, retention, and expansion.
1526
1527 However, in determining whether an individual is a managerial
1528 employee pursuant to paragraph (a) or paragraph (b), above, the
1529 commission may consider historic relationships of the employee
1530 to the public employer and to ~~co-employees~~ ~~employees~~.
1531 Section 50. Local governments may enter into agreements to
1532 create regional planning entities pursuant to chapter 163,
1533 Florida Statutes.
1534 Section 51. Subsection (2) of section 17.11, Florida
1535 Statutes, is amended to read:
1536 17.11 To report disbursements made.—
1537 (2) The Chief Financial Officer shall also cause to have
1538 reported from the Florida Accounting Information Resource
1539 Subsystem no less than quarterly the disbursements which
1540 agencies made to small businesses, as defined in the Florida
1541 ~~Small and Minority Business Assistance Act,~~ and to certified
1542 ~~rural or urban minority business enterprises in the aggregate,~~
1543 ~~and to certified minority business enterprises broken down into~~
1544 ~~categories of minority persons, as well as gender and~~
1545 ~~nationality subgroups.~~ This information must ~~shall~~ be made
1546 available to the agencies, the Office of Supplier Development
1547 ~~Diversity~~, the Governor, the President of the Senate, and the

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1548 Speaker of the House of Representatives. Each agency shall be
1549 responsible for the accuracy of information entered into the
1550 Florida Accounting Information Resource Subsystem for use in
1551 this reporting.
1552 Section 52. Paragraph (f) of subsection (1) of section
1553 68.082, Florida Statutes, is amended to read:
1554 68.082 False claims against the state; definitions;
1555 liability.—
1556 (1) As used in this section, the term:
1557 (f) "State" means the government of the state or any
1558 department, division, bureau, commission, regional ~~planning~~
1559 agency, board, district, authority, agency, or other
1560 instrumentality of the state.
1561 Section 53. Paragraph (a) of subsection (1) of section
1562 120.52, Florida Statutes, is amended to read:
1563 120.52 Definitions.—As used in this act:
1564 (1) "Agency" means the following officers or governmental
1565 entities if acting pursuant to powers other than those derived
1566 from the constitution:
1567 (a) The Governor; each state officer and state department,
1568 and each departmental unit described in s. 20.04; the Board of
1569 Governors of the State University System; the Commission on
1570 Ethics; the Fish and Wildlife Conservation Commission; a
1571 regional water supply authority; ~~a regional planning agency;~~ a
1572 multicounty special district, but only if a majority of its
1573 governing board is comprised of nonelected persons; educational
1574 units; and each entity described in chapters 163, 373, 380, and
1575 582 ~~and s. 126.504.~~
1576

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1577 This definition does not include a municipality or legal entity
1578 created solely by a municipality; a legal entity or agency
1579 created in whole or in part pursuant to part II of chapter 361;
1580 a metropolitan planning organization created pursuant to s.
1581 339.175; a separate legal or administrative entity created
1582 pursuant to s. 339.175 of which a metropolitan planning
1583 organization is a member; an expressway authority pursuant to
1584 chapter 348 or any transportation authority or commission under
1585 chapter 343 or chapter 349; or a legal or administrative entity
1586 created by an interlocal agreement pursuant to s. 163.01(7),
1587 unless any party to such agreement is otherwise an agency as
1588 defined in this subsection.
1589 Section 54. Subsection (4) of section 120.525, Florida
1590 Statutes, is amended to read:
1591 120.525 Meetings, hearings, and workshops.—
1592 ~~(4) For purposes of establishing a quorum at meetings of~~
1593 ~~regional planning councils that cover three or more counties, a~~
1594 ~~voting member who appears via telephone, real-time~~
1595 ~~videoconferencing, or similar real-time electronic or video~~
1596 ~~communication that is broadcast publicly at the meeting location~~
1597 ~~may be counted toward the quorum requirement if at least one~~
1598 ~~third of the voting members of the regional planning council are~~
1599 ~~physically present at the meeting location. A member must~~
1600 ~~provide oral, written, or electronic notice of his or her intent~~
1601 ~~to appear via telephone, real-time videoconferencing, or similar~~
1602 ~~real-time electronic or video communication to the regional~~
1603 ~~planning council at least 24 hours before the scheduled meeting.~~
1604 Section 55. Subsection (9) of section 120.65, Florida
1605 Statutes, is amended to read:

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1606 120.65 Administrative law judges.—
1607 (9) The division shall be reimbursed for administrative law
1608 judge services and travel expenses by the following entities:
1609 water management districts, ~~regional planning councils~~, school
1610 districts, community colleges, the Division of Florida Colleges,
1611 state universities, the Board of Governors of the State
1612 University System, the State Board of Education, the Florida
1613 School for the Deaf and the Blind, and the Commission for
1614 Independent Education. These entities shall contract with the
1615 division to establish a contract rate for services and
1616 provisions for reimbursement of administrative law judge travel
1617 expenses and video teleconferencing expenses attributable to
1618 hearings conducted on behalf of these entities. The contract
1619 rate must be based on a total-cost-recovery methodology.
1620 Section 56. Subsections (43) and (47) of section 163.3164,
1621 Florida Statutes, are amended to read:
1622 163.3164 Community Planning Act; definitions.—As used in
1623 this act:
1624 ~~(43) "Regional planning agency" means the council created~~
1625 ~~pursuant to chapter 186.~~
1626 ~~(46)-(47)~~ "Structure" has the same meaning as in s. 380.031
1627 ~~s. 380.031(19).~~
1628 Section 57. Paragraph (h) of subsection (6) of section
1629 163.3177, Florida Statutes, is amended to read:
1630 163.3177 Required and optional elements of comprehensive
1631 plan; studies and surveys.—
1632 (6) In addition to the requirements of subsections (1)-(5),
1633 the comprehensive plan must ~~shall~~ include the following
1634 elements:

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1635 (h)1. An intergovernmental coordination element showing
1636 relationships and stating principles and guidelines to be used
1637 in coordinating the adopted comprehensive plan with the plans of
1638 school boards, regional water supply authorities, and other
1639 units of local government providing services but not having
1640 regulatory authority over the use of land, with the
1641 comprehensive plans of adjacent municipalities, the county,
1642 adjacent counties, or the region, with the state comprehensive
1643 plan and with the applicable regional water supply plan approved
1644 pursuant to s. 373.709, as the case may require and as such
1645 adopted plans or plans in preparation may exist. This element of
1646 the local comprehensive plan must demonstrate consideration of
1647 the particular effects of the local plan, when adopted, upon the
1648 development of adjacent municipalities, the county, adjacent
1649 counties, or the region, or upon the state comprehensive plan,
1650 as the case may require.

1651 a. The intergovernmental coordination element must provide
1652 procedures for identifying and implementing joint planning
1653 areas, especially for the purpose of annexation, municipal
1654 incorporation, and joint infrastructure service areas.

1655 b. The intergovernmental coordination element must shall
1656 provide for a dispute resolution process, ~~as established~~
1657 ~~pursuant to s. 186.509~~, for bringing intergovernmental disputes
1658 to closure in a timely manner.

1659 c. The intergovernmental coordination element must shall
1660 provide for interlocal agreements as established pursuant to s.
1661 333.03(1)(b).

1662 2. The intergovernmental coordination element must shall
1663 also state principles and guidelines to be used in coordinating

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1664 the adopted comprehensive plan with the plans of school boards
1665 and other units of local government providing facilities and
1666 services but not having regulatory authority over the use of
1667 land. In addition, the intergovernmental coordination element
1668 must describe joint processes for collaborative planning and
1669 decisionmaking on population projections and public school
1670 siting, the location and extension of public facilities subject
1671 to concurrency, and siting facilities with countywide
1672 significance, including locally unwanted land uses whose nature
1673 and identity are established in an agreement.

1674 3. Within 1 year after adopting their intergovernmental
1675 coordination elements, each county, all the municipalities
1676 within that county, the district school board, and any unit of
1677 local government service providers in that county shall
1678 establish by interlocal or other formal agreement executed by
1679 all affected entities, the joint processes described in this
1680 subparagraph consistent with their adopted intergovernmental
1681 coordination elements. The agreement must:

1682 a. Ensure that the local government addresses through
1683 coordination mechanisms the impacts of development proposed in
1684 the local comprehensive plan upon development in adjacent
1685 municipalities, the county, adjacent counties, the region, and
1686 the state. The area of concern for municipalities must shall
1687 include adjacent municipalities, the county, and counties
1688 adjacent to the municipality. The area of concern for counties
1689 must shall include all municipalities within the county,
1690 adjacent counties, and adjacent municipalities.

1691 b. Ensure coordination in establishing level of service
1692 standards for public facilities with any state, regional, or

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1693 local entity having operational and maintenance responsibility
1694 for such facilities.

1695 Section 58. Subsection (5) of section 163.3178, Florida
1696 Statutes, is amended to read:

1697 163.3178 Coastal management.—

1698 (5) ~~A~~ The appropriate dispute resolution process provided
1699 ~~under s. 186.509~~ must be used to reconcile inconsistencies
1700 between port master plans and local comprehensive plans. In
1701 recognition of the state's commitment to deepwater ports, the
1702 state comprehensive plan must include goals, objectives, and
1703 policies that establish a statewide strategy for enhancement of
1704 existing deepwater ports, ensuring that priority is given to
1705 water-dependent land uses. As an incentive for promoting plan
1706 consistency, port facilities as defined in s. 315.02(6) on lands
1707 owned or controlled by a deepwater port as defined in s.
1708 311.09(1), as of the effective date of this act are shall not ~~be~~
1709 subject to development-of-regional-impact review provided the
1710 port either successfully completes an alternative comprehensive
1711 development agreement with a local government pursuant to ss.
1712 163.3220-163.3243 or successfully enters into a development
1713 agreement with the state land planning agency and applicable
1714 local government pursuant to s. 380.032 or, where the port is a
1715 department of a local government, successfully enters into a
1716 development agreement with the state land planning agency
1717 pursuant to s. 380.032. Port facilities as defined in s.
1718 315.02(6) on lands not owned or controlled by a deepwater port
1719 as defined in s. 311.09(1) as of the effective date of this act
1720 are shall not ~~be~~ subject to development-of-regional-impact
1721 review provided the port successfully enters into a development

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1722 agreement with the state land planning agency and applicable
1723 local government pursuant to s. 380.032 or, where the port is a
1724 department of a local government, successfully enters into a
1725 development agreement with the state land planning agency
1726 pursuant to s. 380.032.

1727 Section 59. Paragraph (c) of subsection (1) and paragraph
1728 (b) of subsection (3) of section 163.3184, Florida Statutes, are
1729 amended to read:

1730 163.3184 Process for adoption of comprehensive plan or plan
1731 amendment.—

1732 (1) DEFINITIONS.—As used in this section, the term:

1733 (c) "Reviewing agencies" means:

1734 1. The state land planning agency;

1735 ~~2. The appropriate regional planning council;~~

1736 ~~2.3-~~ The appropriate water management district;

1737 ~~3.4-~~ The Department of Environmental Protection;

1738 ~~4.5-~~ The Department of State;

1739 ~~5.6-~~ The Department of Transportation;

1740 ~~6.7-~~ In the case of plan amendments relating to public
1741 schools, the Department of Education;

1742 ~~7.8-~~ In the case of plans or plan amendments that affect a
1743 military installation listed in s. 163.3175, the commanding
1744 officer of the affected military installation;

1745 ~~8.9-~~ In the case of county plans and plan amendments, the
1746 Fish and Wildlife Conservation Commission and the Department of
1747 Agriculture and Consumer Services; and

1748 ~~9.10-~~ In the case of municipal plans and plan amendments,
1749 the county in which the municipality is located.

1750 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF

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1751 COMPREHENSIVE PLAN AMENDMENTS.—

1752 (b)1. The local government, after the initial public
1753 hearing held pursuant to subsection (11), shall transmit within
1754 10 working days the amendment or amendments and appropriate
1755 supporting data and analyses to the reviewing agencies. The
1756 local governing body shall also transmit a copy of the
1757 amendments and supporting data and analyses to any other local
1758 government or governmental agency that has filed a written
1759 request with the governing body.

1760 2. The reviewing agencies and any other local government or
1761 governmental agency specified in subparagraph 1. may provide
1762 comments regarding the amendment or amendments to the local
1763 government. State agencies shall only comment on important state
1764 resources and facilities that will be adversely impacted by the
1765 amendment if adopted. Comments provided by state agencies shall
1766 state with specificity how the plan amendment will adversely
1767 impact an important state resource or facility and shall
1768 identify measures the local government may take to eliminate,
1769 reduce, or mitigate the adverse impacts. Such comments, if not
1770 resolved, may result in a challenge by the state land planning
1771 agency to the plan amendment. Agencies and local governments
1772 must transmit their comments to the affected local government
1773 such that they are received by the local government not later
1774 than 30 days after the date on which the agency or government
1775 received the amendment or amendments. Reviewing agencies shall
1776 also send a copy of their comments to the state land planning
1777 agency.

1778 3. Comments to the local government from a ~~regional~~
1779 ~~planning council~~, county, or municipality ~~are~~ shall be limited

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1780 as follows:

1781 a. ~~The regional planning council review and comments shall~~
1782 ~~be limited to adverse effects on regional resources or~~
1783 ~~facilities identified in the strategic regional policy plan and~~
1784 ~~extrajurisdictional impacts that would be inconsistent with the~~
1785 ~~comprehensive plan of any affected local government within the~~
1786 ~~region. A regional planning council may not review and comment~~
1787 ~~on a proposed comprehensive plan amendment prepared by such~~
1788 ~~council unless the plan amendment has been changed by the local~~
1789 ~~government subsequent to the preparation of the plan amendment~~
1790 ~~by the regional planning council.~~

1791 b. County comments ~~must~~ shall be in the context of the
1792 relationship and effect of the proposed plan amendments on the
1793 county plan.

1794 b.e. Municipal comments ~~must~~ shall be in the context of the
1795 relationship and effect of the proposed plan amendments on the
1796 municipal plan.

1797 c.d. Military installation comments ~~must~~ shall be provided
1798 in accordance with s. 163.3175.

1799 4. Comments to the local government from state agencies
1800 ~~must~~ shall be limited to the following subjects as they relate
1801 to important state resources and facilities that will be
1802 adversely impacted by the amendment if adopted:

1803 a. The Department of Environmental Protection shall limit
1804 its comments to the subjects of air and water pollution;
1805 wetlands and other surface waters of the state; federal and
1806 state-owned lands and interest in lands, including state parks,
1807 greenways and trails, and conservation easements; solid waste;
1808 water and wastewater treatment; and the Everglades ecosystem

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1809 restoration.

1810 b. The Department of State shall limit its comments to the
1811 subjects of historic and archaeological resources.

1812 c. The Department of Transportation shall limit its
1813 comments to issues within the agency's jurisdiction as it
1814 relates to transportation resources and facilities of state
1815 importance.

1816 d. The Fish and Wildlife Conservation Commission shall
1817 limit its comments to subjects relating to fish and wildlife
1818 habitat and listed species and their habitat.

1819 e. The Department of Agriculture and Consumer Services
1820 shall limit its comments to the subjects of agriculture,
1821 forestry, and aquaculture issues.

1822 f. The Department of Education shall limit its comments to
1823 the subject of public school facilities.

1824 g. The appropriate water management district shall limit
1825 its comments to flood protection and floodplain management,
1826 wetlands and other surface waters, and regional water supply.

1827 h. The state land planning agency shall limit its comments
1828 to important state resources and facilities outside the
1829 jurisdiction of other commenting state agencies and may include
1830 comments on countervailing planning policies and objectives
1831 served by the plan amendment that should be balanced against
1832 potential adverse impacts to important state resources and
1833 facilities.

1834 Section 60. Subsection (2) of section 163.3245, Florida
1835 Statutes, is amended to read:

1836 163.3245 Sector plans.—

1837 (2) ~~Upon the request of a~~ local government having

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1838 jurisdiction, ~~the applicable regional planning council~~ shall
1839 conduct a scoping meeting with affected local governments and
1840 those agencies identified in s. 163.3184(1)(c) before
1841 preparation of the sector plan. The purpose of this meeting is
1842 to assist the state land planning agency and the local
1843 government in the identification of the relevant planning issues
1844 to be addressed and the data and resources available to assist
1845 in the preparation of the sector plan. ~~If a scoping meeting is~~
1846 ~~conducted, the regional planning council shall make written~~
1847 ~~recommendations to the state land planning agency and affected~~
1848 ~~local governments on the issues requested by the local~~
1849 ~~government.~~ The scoping meeting ~~must~~ shall be noticed and open
1850 to the public. If the entire planning area proposed for the
1851 sector plan is within the jurisdiction of two or more local
1852 governments, some or all of them may enter into a joint planning
1853 agreement pursuant to s. 163.3171 with respect to the geographic
1854 area to be subject to the sector plan, the planning issues that
1855 will be emphasized, procedures for intergovernmental
1856 coordination to address extrajurisdictional impacts, supporting
1857 application materials including data and analysis, procedures
1858 for public participation, or other issues.

1859 Section 61. Paragraph (i) of subsection (2) of section
1860 163.568, Florida Statutes, is amended to read:

1861 163.568 Purposes and powers.—

1862 (2) The authority is granted the authority to exercise all
1863 powers necessary, appurtenant, convenient, or incidental to the
1864 carrying out of the aforesaid purposes, including, but not
1865 limited to, the following rights and powers:

1866 (i) To develop transportation plans, and to coordinate its

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1867 planning and programs with those of appropriate municipal,
1868 county, and state agencies and other political subdivisions of
1869 the state. All transportation plans are subject to review and
1870 approval by the Department of Transportation ~~and by the regional~~
1871 ~~planning agency~~, if any, for consistency with programs or
1872 planning for the area and region.
1873 Section 62. Subsection (2) of section 164.1031, Florida
1874 Statutes, is amended to read:
1875 164.1031 Definitions.—For purposes of this act:
1876 (2) "Regional governmental entities" includes ~~regional~~
1877 ~~planning councils~~, metropolitan planning organizations, water
1878 supply authorities that include more than one county, local
1879 health councils, water management districts, and other regional
1880 entities that are authorized and created by general or special
1881 law that have duties or responsibilities extending beyond the
1882 jurisdiction of a single county.
1883 Section 63. Subsection (5) of section 186.003, Florida
1884 Statutes, is amended to read:
1885 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—
1886 As used in ss. 186.001-186.031 and 186.801-186.901, the term:
1887 ~~(5) "Regional planning agency" means the regional planning~~
1888 ~~council created pursuant to ss. 186.501-186.515 to exercise~~
1889 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~
1890 ~~in a particular region of the state.~~
1891 Section 64. Subsection (7) of section 186.006, Florida
1892 Statutes, is amended to read:
1893 186.006 Powers and responsibilities of Executive Office of
1894 the Governor.—For the purpose of establishing consistency and
1895 uniformity in the state and regional planning process and in

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1896 order to ensure that the intent of ss. 186.001-186.031 and
1897 186.801-186.901 is accomplished, the Executive Office of the
1898 Governor shall:
1899 (7) Act as the state clearinghouse ~~and designate the~~
1900 ~~regional planning councils as the regional data clearinghouses.~~
1901 Section 65. Subsections (7) and (8) of section 186.007,
1902 Florida Statutes, are amended to read:
1903 186.007 State comprehensive plan; preparation; revision.—
1904 (7) In preparing and revising the state comprehensive plan,
1905 the Executive Office of the Governor shall, to the extent
1906 feasible, consider studies, reports, and plans of each
1907 department, agency, and institution of state and local
1908 government, ~~each regional planning agency~~, and the Federal
1909 Government and shall take into account the existing and
1910 prospective resources, capabilities, and needs of state and
1911 local levels of government.
1912 (8) The revision of the state comprehensive plan is a
1913 continuing process. Each section of the plan must ~~shall~~ be
1914 reviewed and analyzed biennially by the Executive Office of the
1915 Governor in conjunction with the planning officers of other
1916 state agencies significantly affected by the ~~provisions of the~~
1917 particular section under review. In conducting this review and
1918 analysis, the Executive Office of the Governor shall review and
1919 consider, with the assistance of the state land planning agency,
1920 any relevant reports, data, or analyses ~~and regional planning~~
1921 ~~councils, the evaluation and appraisal reports prepared pursuant~~
1922 ~~to s. 186.514.~~ Any necessary revisions of the state
1923 comprehensive plan shall be proposed by the Governor in a
1924 written report and be accompanied by an explanation of the need

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1925 for such changes. If the Governor determines that changes are
1926 unnecessary, the written report must explain why changes are
1927 unnecessary. The proposed revisions and accompanying
1928 explanations may be submitted in the report required by s.
1929 186.031. Any proposed revisions to the plan must ~~shall~~ be
1930 submitted to the Legislature as provided in s. 186.008(2) at
1931 least 30 days before ~~prior to~~ the regular legislative session
1932 occurring in each even-numbered year.
1933 Section 66. Subsection (1) of section 186.008, Florida
1934 Statutes, is amended to read:
1935 186.008 State comprehensive plan; revision;
1936 implementation.—
1937 (1) On or before October 1 of every odd-numbered year, the
1938 Executive Office of the Governor shall prepare, and the Governor
1939 shall recommend to the Administration Commission, any proposed
1940 revisions to the state comprehensive plan deemed necessary. The
1941 Governor shall transmit his or her recommendations and
1942 explanation as required by s. 186.007(8). Copies must ~~shall~~ also
1943 be provided to each state agency, ~~to each regional planning~~
1944 ~~agency~~, to any other unit of government that requests a copy,
1945 and to any member of the public who requests a copy.
1946 Section 67. Section 186.803, Florida Statutes, is amended
1947 to read:
1948 186.803 Use of geographic information by governmental
1949 entities.—When state agencies, water management districts,
1950 ~~regional planning councils~~, local governments, and other
1951 governmental entities use maps, including geographic information
1952 maps and other graphic information materials, as the source of
1953 data for planning or any other purposes, they must take into

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1954 account that the accuracy and reliability of such maps and data
1955 may be limited by various factors, including the scale of the
1956 maps, the timeliness and accuracy of the underlying information,
1957 the availability of more accurate site-specific information, and
1958 the presence or absence of ground truthing or peer review of the
1959 underlying information contained in such maps and other graphic
1960 information. This section does not apply to maps adopted
1961 pursuant to part II of chapter 163.
1962 Section 68. Paragraph (b) of subsection (20) and paragraph
1963 (b) of subsection (21) of section 187.201, Florida Statutes, are
1964 amended to read:
1965 187.201 State Comprehensive Plan adopted.—The Legislature
1966 hereby adopts as the State Comprehensive Plan the following
1967 specific goals and policies:
1968 (20) GOVERNMENTAL EFFICIENCY.—
1969 (b) Policies.—
1970 1. Encourage greater cooperation between, among, and within
1971 all levels of Florida government through the use of appropriate
1972 interlocal agreements and mutual participation for mutual
1973 benefit.
1974 2. Allow the creation of independent special taxing
1975 districts which have uniform general law standards and
1976 procedures and do not overburden other governments and their
1977 taxpayers while preventing the proliferation of independent
1978 special taxing districts which do not meet these standards.
1979 3. Encourage the use of municipal services taxing units and
1980 other dependent special districts to provide needed
1981 infrastructure where the fiscal capacity exists to support such
1982 an approach.

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1983 4. Eliminate regulatory activities that are not tied to
1984 specific public and natural resource protection needs.
1985 5. Eliminate needless duplication of, and promote
1986 cooperation in, governmental activities between, among, and
1987 within state, regional, county, city, and other governmental
1988 units.
1989 6. Ensure, wherever possible, that the geographic
1990 boundaries of water management districts, ~~regional planning~~
1991 ~~councils~~, and substate districts of the executive departments
1992 ~~are shall be~~ coterminous for related state or agency programs
1993 and functions and promote interagency agreements in order to
1994 reduce the number of districts and councils with jurisdiction in
1995 any one county.
1996 7. Encourage and provide for the restructuring of city and
1997 county political jurisdictions with the goals of greater
1998 efficiency and high-quality and more equitable and responsive
1999 public service programs.
2000 8. Replace multiple, small scale, economically inefficient
2001 local public facilities with regional facilities where they are
2002 proven to be more economical, particularly in terms of energy
2003 efficiency, and yet can retain the quality of service expected
2004 by the public.
2005 9. Encourage greater efficiency and economy at all levels
2006 of government through adoption and implementation of effective
2007 records management, information management, and evaluation
2008 procedures.
2009 10. Throughout government, establish citizen management
2010 efficiency groups and internal management groups to make
2011 recommendations for greater operating efficiencies and improved

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2012 management practices.
2013 11. Encourage governments to seek outside contracting on a
2014 competitive-bid basis when cost-effective and appropriate.
2015 12. Discourage undue expansion of state government and make
2016 every effort to streamline state government in a cost-effective
2017 manner.
2018 13. Encourage joint venture solutions to mutual problems
2019 between levels of government and private enterprise.
2020 (21) THE ECONOMY.—
2021 (b) Policies.—
2022 1. Attract new job-producing industries, corporate
2023 headquarters, distribution and service centers, regional
2024 offices, and research and development facilities to provide
2025 quality employment for the residents of Florida.
2026 2. Promote entrepreneurship, ~~small and small and minority-~~
2027 ~~owned business startups, and business startups in rural or urban~~
2028 ~~areas as described in s. 288.703~~ by providing technical and
2029 information resources, facilitating capital formation, and
2030 removing regulatory restraints which are unnecessary for the
2031 protection of consumers and society.
2032 3. Maintain, as one of the state's primary economic assets,
2033 the environment, including clean air and water, beaches,
2034 forests, historic landmarks, and agricultural and natural
2035 resources.
2036 4. Strengthen Florida's position in the world economy
2037 through attracting foreign investment and promoting
2038 international banking and trade.
2039 5. Build on the state's attractiveness to make it a leader
2040 in the visual and performing arts and in all phases of film,

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2041 television, and recording production.
2042 6. Promote economic development for Florida residents
2043 through partnerships among education, business, industry,
2044 agriculture, and the arts.
2045 7. Provide increased opportunities for training Florida's
2046 workforce to provide skilled employees for new and expanding
2047 business.
2048 8. Promote economic self-sufficiency through training and
2049 educational programs which result in productive employment.
2050 9. Promote cooperative employment arrangements between
2051 private employers and public sector employment efforts to
2052 provide productive, permanent employment opportunities for
2053 public assistance recipients through provisions of education
2054 opportunities, tax incentives, and employment training.
2055 10. Provide for nondiscriminatory employment opportunities.
2056 11. Provide quality child day care for public assistance
2057 families and others who need it in order to work.
2058 12. Encourage the development of a business climate that
2059 provides opportunities for the growth and expansion of existing
2060 state industries, particularly those industries which are
2061 compatible with Florida's environment.
2062 13. Promote coordination among Florida's ports to increase
2063 their utilization.
2064 14. Encourage the full utilization by businesses of the
2065 economic development enhancement programs implemented by the
2066 Legislature for the purpose of extensively involving private
2067 businesses in the development and expansion of permanent job
2068 opportunities, especially for the economically disadvantaged,
2069 through the utilization of enterprise zones, community

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2070 development corporations, and other programs designed to enhance
2071 economic and employment opportunities.
2072 Section 69. Paragraph (g) of subsection (3) of section
2073 212.096, Florida Statutes, is amended to read:
2074 212.096 Sales, rental, storage, use tax; enterprise zone
2075 jobs credit against sales tax.—
2076 (3) In order to claim this credit, an eligible business
2077 must file under oath with the governing body or enterprise zone
2078 development agency having jurisdiction over the enterprise zone
2079 where the business is located, as applicable, a statement which
2080 includes:
2081 (g) Whether the business is a small business as defined by
2082 s. 288.703 ~~or 288.703(4)~~.
2083 Section 70. Paragraph (c) of subsection (1) and subsection
2084 (2) of section 218.32, Florida Statutes, are amended to read:
2085 218.32 Annual financial reports; local governmental
2086 entities.—
2087 (1)
2088 (c) Each ~~regional planning council created under s.~~
2089 ~~186.504, each~~ local government finance commission, board, or
2090 council, and each municipal power corporation created as a
2091 separate legal or administrative entity by interlocal agreement
2092 under s. 163.01(7) shall submit to the department a copy of its
2093 audit report and an annual financial report for the previous
2094 fiscal year in a format prescribed by the department.
2095 (2) The department shall annually by December 1 file a
2096 verified report with the Governor, the Legislature, the Auditor
2097 General, and the Special District Accountability Program of the
2098 Department of Commerce showing the revenues, both locally

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2099 derived and derived from intergovernmental transfers, and the
2100 expenditures of each local governmental entity, ~~regional~~
2101 ~~planning council~~, local government finance commission, and
2102 municipal power corporation that is required to submit an annual
2103 financial report. In preparing the verified report, the
2104 department may request additional information from the local
2105 governmental entity. The information requested must be provided
2106 to the department within 45 days after the request. If the local
2107 governmental entity does not comply with the request, the
2108 department shall notify the Legislative Auditing Committee,
2109 which may take action pursuant to s. 11.40(2). The report must
2110 include, but is not limited to:
2111 (a) The total revenues and expenditures of each local
2112 governmental entity that is a component unit included in the
2113 annual financial report of the reporting entity.
2114 (b) The amount of outstanding long-term debt by each local
2115 governmental entity. For purposes of this paragraph, the term
2116 "long-term debt" means any agreement or series of agreements to
2117 pay money, which, at inception, contemplate terms of payment
2118 exceeding 1 year in duration.
2119 Section 71. Section 255.101, Florida Statutes, is amended
2120 to read:
2121 255.101 Contracts for public construction works;
2122 utilization of rural or urban minority business enterprises.-
2123 (1) All county officials, boards of county commissioners,
2124 school boards, city councils, city commissioners, and all other
2125 public officers of state boards or commissions which are charged
2126 with the letting of contracts for public works and for the
2127 construction of public bridges, buildings, and other structures

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2128 shall operate in accordance with s. 287.093, except that all
2129 contracts for the construction of state facilities should comply
2130 with ~~provisions in~~ s. 287.09451, and rules adopted pursuant
2131 thereto, for the utilization of rural or urban minority business
2132 enterprises. When construction is financed in whole or in part
2133 from federal funds and where federal provisions for utilization
2134 of rural or urban minority business enterprises apply, this
2135 section ~~may shall~~ not apply.
2136 (2) Counties, municipalities, and special districts as
2137 defined in chapter 189, or other political subdivisions of the
2138 state are encouraged to be sensitive to the effect of job-size
2139 barriers on rural or urban minority businesses. To this end,
2140 these governmental entities are encouraged to competitively
2141 award public construction projects exceeding \$100,000.
2142 Section 72. Section 255.102, Florida Statutes, is amended
2143 to read:
2144 255.102 Contractor utilization of rural or urban minority
2145 business enterprises.-
2146 (1) Agencies shall consider the use of price preferences,
2147 weighted preference formulas, or other preferences for
2148 construction contracts, as determined appropriate by the Office
2149 of Supplier Development Diversity to increase minority
2150 participation ~~in rural or urban areas~~.
2151 (2) The Office of Supplier Development Diversity, in
2152 collaboration with the Board of Governors of the State
2153 University System, shall adopt rules to determine what is a
2154 "good faith effort" for purposes of contractor compliance with
2155 rural or urban areas minority participation goals established
2156 for competitively awarded building and construction projects.

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2157 Pro forma efforts ~~may shall~~ not be considered good faith.
2158 Factors which ~~must shall~~ be considered by the state agency in
2159 determining whether a contractor has made good faith efforts
2160 ~~shall~~ include, but not be limited to:
2161 (a) Whether the contractor attended any presolicitation or
2162 prebid meetings that were scheduled by the agency to inform
2163 rural or urban minority business enterprises of contracting and
2164 subcontracting opportunities.
2165 (b) Whether the contractor advertised in general
2166 circulation, trade association, or rural-focused or urban-
2167 focused minority-focus media concerning the subcontracting
2168 opportunities.
2169 (c) Whether the contractor provided written notice to all
2170 relevant subcontractors listed on the minority vendor list for
2171 that locality and statewide as provided by the agency as of the
2172 date of issuance of the invitation to bid, that their interest
2173 in the contract was being solicited in sufficient time to allow
2174 the rural or urban minority business enterprises to participate
2175 effectively.
2176 (d) Whether the contractor followed up initial
2177 solicitations of interest by contacting rural or urban minority
2178 business enterprises, the Office of Supplier Development
2179 Diversity, or minority persons who responded and provided
2180 detailed information about prebid meetings, access to plans,
2181 specifications, contractor's project manager, subcontractor
2182 bonding, if any, payment schedule, bid addenda, and other
2183 assistance provided by the contractor to enhance rural or urban
2184 minority business enterprise participation.
2185 (e) Whether the contractor selected portions of the work to

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2186 be performed by rural or urban minority business enterprises in
2187 order to increase the likelihood of meeting the rural or urban
2188 minority business enterprise procurement goals, including, where
2189 appropriate, breaking down contracts into economically feasible
2190 units to facilitate rural or urban minority business enterprise
2191 participation under reasonable and economical conditions of
2192 performance.
2193 (f) Whether the contractor provided the Office of Supplier
2194 Development Diversity as well as interested rural or urban
2195 minority business enterprises or minority persons with adequate
2196 information about the plans, specifications, and requirements of
2197 the contract or the availability of jobs at a time no later than
2198 when such information was provided to other subcontractors.
2199 (g) Whether the contractor negotiated in good faith with
2200 interested rural or urban minority business enterprises or
2201 minority persons, not rejecting rural or urban minority business
2202 enterprises or minority persons as unqualified without sound
2203 reasons based on a thorough investigation of their capabilities
2204 or imposing implausible conditions of performance on the
2205 contract.
2206 (h) Whether the contractor diligently seeks to replace a
2207 rural or urban minority business enterprise subcontractor that
2208 is unable to perform successfully with another rural or urban
2209 minority business enterprise.
2210 (i) Whether the contractor effectively used the services of
2211 available rural or urban minority community organizations; rural
2212 or urban minority contractors' groups; local, state, and federal
2213 rural or urban minority business assistance offices; and other
2214 organizations that provide assistance in the recruitment and

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2215 placement of rural or urban minority business enterprises or
2216 ~~minority~~ persons.
2217 (3) If an agency considers any other criteria in
2218 determining whether a contractor has made a good faith effort,
2219 the agency must ~~shall~~ adopt such criteria in accordance with s.
2220 120.54, and, where required by that section, by rule, after May
2221 31, 1994. In adopting such criteria, the agency shall identify
2222 the specific factors in as objective a manner as possible to be
2223 used to assess a contractor's performance against said criteria.
2224 (4) Notwithstanding ~~the provisions of~~ s. 287.09451 ~~to the~~
2225 ~~contrary~~, agencies shall monitor good faith efforts of
2226 contractors in competitively awarded building and construction
2227 projects, in accordance with rules established pursuant to this
2228 section. It is the responsibility of the contractor to exercise
2229 good faith efforts in accordance with rules established pursuant
2230 to this section, and to provide documentation necessary to
2231 assess efforts to include rural or urban minority business
2232 participation.
2233 Section 73. Paragraph (a) of subsection (7) of section
2234 258.501, Florida Statutes, is amended to read:
2235 258.501 Myakka River; wild and scenic segment.-
2236 (7) MANAGEMENT COORDINATING COUNCIL.-
2237 (a) Upon designation, the department shall create a
2238 permanent council to provide interagency and intergovernmental
2239 coordination in the management of the river. The coordinating
2240 council shall be composed of one representative appointed from
2241 each of the following: the department, the Department of
2242 Transportation, the Fish and Wildlife Conservation Commission,
2243 the Department of Commerce, the Florida Forest Service of the

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2244 Department of Agriculture and Consumer Services, the Division of
2245 Historical Resources of the Department of State, ~~the Tampa Bay~~
2246 ~~Regional Planning Council~~, the Southwest Florida Water
2247 Management District, ~~the Southwest Florida Regional Planning~~
2248 ~~Council~~, Manatee County, Sarasota County, Charlotte County, the
2249 City of Sarasota, the City of North Port, agricultural
2250 interests, environmental organizations, and any others deemed
2251 advisable by the department.
2252 Section 74. Subsections (1) and (3) of section 260.0142,
2253 Florida Statutes, are amended to read:
2254 260.0142 Florida Greenways and Trails Council; composition;
2255 powers and duties.-
2256 (1) There is created within the department the Florida
2257 Greenways and Trails Council which shall advise the department
2258 in the execution of the department's powers and duties under
2259 this chapter. The council shall be composed of 19 ~~24~~ members,
2260 consisting of:
2261 (a)1. Five ~~Six~~ members appointed by the Governor, with two
2262 members representing the trail user community, two members
2263 representing the greenway user community, ~~one member from the~~
2264 ~~board of the Florida Wildlife Corridor Foundation~~, and one
2265 member representing private landowners.
2266 2. Three members appointed by the President of the Senate,
2267 with one member representing the trail user community and two
2268 members representing the greenway user community.
2269 3. Three members appointed by the Speaker of the House of
2270 Representatives, with two members representing the trail user
2271 community and one member representing the greenway user
2272 community.

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2273
2274 Those eligible to represent the trail user community shall be
2275 chosen from, but not be limited to, paved trail users, hikers,
2276 off-road bicyclists, users of off-highway vehicles, paddlers,
2277 equestrians, disabled outdoor recreational users, and commercial
2278 recreational interests. Those eligible to represent the greenway
2279 user community must be chosen from, but not be limited to,
2280 conservation organizations, nature study organizations, and
2281 scientists and university experts.
2282 (b) The 8 ~~9~~ remaining members include:
2283 1. The Secretary of Environmental Protection or a designee.
2284 2. The executive director of the Fish and Wildlife
2285 Conservation Commission or a designee.
2286 3. The Secretary of Transportation or a designee.
2287 4. The Director of the Florida Forest Service of the
2288 Department of Agriculture and Consumer Services or a designee.
2289 5. The director of the Division of Historical Resources of
2290 the Department of State or a designee.
2291 6. A representative of the water management districts.
2292 Membership on the council must rotate among the five districts.
2293 The districts shall determine the order of rotation.
2294 7. A representative of a federal land management agency.
2295 The Secretary of Environmental Protection shall identify the
2296 appropriate federal agency and request designation of a
2297 representative from the agency to serve on the council.
2298 ~~8. A representative of the regional planning councils to be~~
2299 ~~appointed by the Secretary of Environmental Protection.~~
2300 ~~Membership on the council must rotate among the seven regional~~
2301 ~~planning councils. The regional planning councils shall~~

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2302 ~~determine the order of rotation.~~
2303 8.9- A representative of local governments to be appointed
2304 by the Secretary of Environmental Protection. Membership must
2305 alternate between a county representative and a municipal
2306 representative.
2307 (3) The term of all appointees shall be for 2 years unless
2308 otherwise specified. The appointees of the Governor, the
2309 President of the Senate, and the Speaker of the House of
2310 Representatives may be reappointed for no more than four
2311 consecutive terms. The representatives of the water management
2312 districts, ~~regional planning councils~~, and local governments may
2313 be reappointed for no more than two consecutive terms. All other
2314 appointees shall serve until replaced.
2315 Section 75. Subsections (8), (9), and (12) of section
2316 287.057, Florida Statutes, are amended to read:
2317 287.057 Procurement of commodities or contractual
2318 services.-
2319 (8)(a) In order to strive to meet the rural or urban
2320 ~~minority~~ business enterprise procurement goals set forth in s.
2321 287.09451, an agency may reserve any contract for competitive
2322 solicitation only among certified rural or urban minority
2323 business enterprises. Agencies shall review all their contracts
2324 each fiscal year and shall determine which contracts may be
2325 reserved for solicitation only among certified rural or urban
2326 ~~minority~~ business enterprises. This reservation may only be used
2327 when it is determined, by reasonable and objective means, before
2328 the solicitation that there are capable, qualified certified
2329 rural or urban minority business enterprises available to submit
2330 a bid, proposal, or reply on a contract to provide for effective

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2331 competition. The Office of Supplier Development Diversity shall
2332 consult with any agency in reaching such determination when
2333 deemed appropriate.

2334 (b) Before a contract may be reserved for solicitation only
2335 among certified rural or urban minority business enterprises,
2336 the agency head must find that such a reservation is in the best
2337 interests of the state. All determinations are shall be subject
2338 to s. 287.09451(5). Once a decision has been made to reserve a
2339 contract, but before sealed bids, proposals, or replies are
2340 requested, the agency shall estimate what it expects the amount
2341 of the contract to be, based on the nature of the services or
2342 commodities involved and their value under prevailing market
2343 conditions. If all the sealed bids, proposals, or replies
2344 received are over this estimate, the agency may reject the bids,
2345 proposals, or replies and request new ones from certified rural
2346 or urban minority business enterprises, or the agency may reject
2347 the bids, proposals, or replies and reopen the bidding to all
2348 eligible vendors.

2349 (c) All agencies shall consider the use of price
2350 preferences of up to 10 percent, weighted preference formulas,
2351 or other preferences for vendors as determined appropriate
2352 pursuant to guidelines established in accordance with s.
2353 287.09451(4) to increase the participation of certified rural or
2354 urban minority business enterprises.

2355 (d) All agencies shall avoid any undue concentration of
2356 contracts or purchases in categories of commodities or
2357 contractual services in order to meet the certified rural or
2358 urban minority business enterprise purchasing goals in s.
2359 287.09451.

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2360 (9) An agency may reserve any contract for competitive
2361 solicitation only among vendors who agree to use certified rural
2362 or urban minority business enterprises as subcontractors or
2363 subvendors. The percentage of funds, in terms of gross contract
2364 amount and revenues, which must be expended with the certified
2365 rural or urban minority business enterprise subcontractors and
2366 subvendors shall be determined by the agency before such
2367 contracts may be reserved. In order to bid on a contract so
2368 reserved, the vendor shall identify those certified rural or
2369 urban minority business enterprises which will be utilized as
2370 subcontractors or subvendors by sworn statement. At the time of
2371 performance or project completion, the contractor shall report
2372 by sworn statement the payments and completion of work for all
2373 certified rural or urban minority business enterprises used in
2374 the contract.

2375 (12) If two equal responses to a solicitation or a request
2376 for quote are received and one response is from a certified
2377 rural or urban minority business enterprise, the agency must
2378 shall enter into a contract with the certified rural or urban
2379 minority business enterprise.

2380 Section 76. Section 287.0943, Florida Statutes, is amended
2381 to read:
2382 287.0943 Certification of rural or urban minority business
2383 enterprises.—
2384 (1) A business certified by any local governmental
2385 jurisdiction or organization shall be accepted by the Department
2386 of Management Services, Office of Supplier Development
2387 Diversity, as a certified rural or urban minority business
2388 enterprise for purposes of doing business with state government

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2389 when the Office of Supplier Development Diversity determines
2390 that the state's rural or urban minority business enterprise
2391 certification criteria are applied in the local certification
2392 process.

2393 (2)(a) The office is hereby directed to convene a "Rural or
2394 Urban Minority Business Certification Task Force." The task
2395 force shall meet as often as necessary, but no less frequently
2396 than annually.

2397 (b) The task force shall be regionally balanced and
2398 comprised of officials representing the department, counties,
2399 municipalities, school boards, special districts, and other
2400 political subdivisions of the state who administer programs to
2401 assist rural or urban minority businesses in procurement or
2402 development in government-sponsored programs. The following
2403 organizations may appoint two members each of the task force who
2404 fit the description above:

- 2405 1. The Florida League of Cities, Inc.
- 2406 2. The Florida Association of Counties.
- 2407 3. The Florida School Boards Association, Inc.
- 2408 4. The Association of Special Districts.
- 2409 5. The Florida Association of Rural or Urban Minority
- 2410 Business Enterprise Officials.
- 2411 6. The Florida Association of Government Purchasing
- 2412 Officials.

2413

2414 In addition, the Office of Supplier Development Diversity shall
2415 appoint seven members consisting of three representatives of
2416 rural or urban minority business enterprises, one of whom should
2417 be a woman business owner, two officials of the office, and two

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2418 at-large members to ensure balance. A quorum shall consist of
2419 one-third of the current members, and the task force may take
2420 action by majority vote. Any vacancy may only be filled by the
2421 organization or agency originally authorized to appoint the
2422 position.

2423 (c) The purpose of the task force will be to propose
2424 uniform criteria and procedures by which participating entities
2425 and organizations can qualify businesses to participate in
2426 procurement or contracting programs as certified rural or urban
2427 minority business enterprises in accordance with the
2428 certification criteria established by law.

2429 (d) A final list of the criteria and procedures proposed by
2430 the task force shall be considered by the secretary. The task
2431 force may seek technical assistance from qualified providers of
2432 technical, business, and managerial expertise to ensure the
2433 reliability of the certification criteria developed.

2434 (e) In assessing the status of ownership and control,
2435 certification criteria shall, at a minimum:

- 2436 1. Link ownership by a minority person owning a business
- 2437 enterprise in a rural or urban area as defined in s. 288.703, or
- 2438 as dictated by the legal obligations of a certifying
- 2439 organization, to day-to-day control and financial risk by the
- 2440 qualifying minority owner, and to demonstrated expertise or
- 2441 licensure of an a minority owner in any trade or profession that
- 2442 the rural or urban minority business enterprise will offer to
- 2443 the state when certified. Businesses must comply with all state
- 2444 licensing requirements before becoming certified as a rural or
- 2445 urban minority business enterprise.
- 2446 2. If present ownership was obtained by transfer, require

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2447 the minority person on whom eligibility is based to have owned
2448 at least 51 percent of the applicant firm for a minimum of 2
2449 years, when any previous majority ownership interest in the firm
2450 was by a nonminority who is or was a relative, former employer,
2451 or current employer of the minority person on whom eligibility
2452 is based. This requirement does not apply to minority persons
2453 who are otherwise eligible who take a 51 percent or greater
2454 interest in a firm that requires professional licensure to
2455 operate and who will be the qualifying licenseholder for the
2456 firm when certified. A transfer made within a related immediate
2457 family group from a nonminority person to a minority person in
2458 order to establish ownership by a minority person shall be
2459 deemed to have been made solely for purposes of satisfying
2460 certification criteria and shall render such ownership invalid
2461 for purposes of qualifying for such certification if the
2462 combined total net asset value of all members of such family
2463 group exceeds \$1 million. For purposes of this subparagraph, the
2464 term "related immediate family group" means one or more children
2465 under 16 years of age and a parent of such children or the
2466 spouse of such parent residing in the same house or living unit.
2467 ~~3-~~ Require that prospective certified rural or urban
2468 minority business enterprises be currently performing or seeking
2469 to perform a useful business function. A "useful business
2470 function" is defined as a business function which results in the
2471 provision of materials, supplies, equipment, or services to
2472 customers. Acting as a conduit to transfer funds to a non-rural
2473 or a non-urban nonminority business does not constitute a useful
2474 business function unless it is done so in a normal industry
2475 practice. As used in this section, the term "acting as a

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2476 conduit" means, in part, not acting as a regular dealer by
2477 making sales of material, goods, or supplies from items bought,
2478 kept in stock, and regularly sold to the public in the usual
2479 course of business. Brokers, manufacturer's representatives,
2480 sales representatives, and nonstocking distributors are
2481 considered as conduits that do not perform a useful business
2482 function, unless normal industry practice dictates.
2483 (f) When a business receives payments or awards exceeding
2484 \$100,000 in one fiscal year, a review of its certification
2485 status or an audit will be conducted within 2 years. In
2486 addition, random reviews or audits will be conducted as deemed
2487 appropriate by the Office of Supplier Development Diversity.
2488 (g) The certification criteria approved by the task force
2489 and adopted by the Department of Management Services ~~must shall~~
2490 be included in a statewide and interlocal agreement as defined
2491 in s. 287.09431 and, in accordance with s. 163.01, shall be
2492 executed according to the terms included therein.
2493 (h) The certification procedures should allow an applicant
2494 seeking certification to designate on the application form the
2495 information the applicant considers to be proprietary,
2496 confidential business information. As used in this paragraph,
2497 the term "proprietary, confidential business information"
2498 includes, but is not limited to, any information that would be
2499 exempt from public inspection pursuant to the provisions of
2500 chapter 119; trade secrets; internal auditing controls and
2501 reports; contract costs; or other information the disclosure of
2502 which would injure the affected party in the marketplace or
2503 otherwise violate s. 286.041. The executor in receipt of the
2504 application shall issue written and final notice of any

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2505 information for which noninspection is requested but not
2506 provided for by law.
2507 (i) A business that is certified under the provisions of
2508 the statewide and interlocal agreement ~~is shall be~~ deemed a
2509 certified rural or urban minority enterprise in all
2510 jurisdictions or organizations where the agreement is in effect,
2511 and that business is deemed available to do business as such
2512 within any such jurisdiction or with any such organization
2513 statewide. All state agencies must accept rural or urban
2514 minority business enterprises certified in accordance with the
2515 statewide and interlocal agreement of s. 287.09431, and that
2516 business shall also be deemed a "certified rural or urban
2517 minority business enterprise" as defined in s. 288.703. However,
2518 any governmental jurisdiction or organization that administers a
2519 rural or urban minority business purchasing program may reserve
2520 the right to establish further certification procedures
2521 necessary to comply with federal law.
2522 (j) The statewide and interlocal agreement ~~must shall be~~
2523 guided by the terms and conditions found therein and may be
2524 amended at any meeting of the task force and subsequently
2525 adopted by the secretary of the Department of Management
2526 Services. The amended agreement must be enacted, initialed, and
2527 legally executed by at least two-thirds of the certifying
2528 entities party to the existing agreement and adopted by the
2529 state as originally executed in order to bind the certifying
2530 entity.
2531 (k) The task force shall meet for the first time no later
2532 than 45 days after the effective date of this act.
2533 (3) (a) The office shall review and evaluate the

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2534 certification programs and procedures of all prospective
2535 executors of the statewide and interlocal agreement to determine
2536 ~~whether~~ ~~if~~ their programs exhibit the capacity to meet the
2537 standards of the agreement.
2538 (b) The evaluations shall, at a minimum, consider: the
2539 certifying entity's capacity to conduct investigations of
2540 applicants seeking certification under the designated criteria;
2541 the ability of the certifying entity to collect the requisite
2542 data and to establish adequate protocol to store and exchange
2543 said information among the executors of the agreement and to
2544 provide adequate security to prevent unauthorized access to
2545 information gathered during the certification process; and the
2546 degree to which any legal obligations or supplemental
2547 requirements unique to the certifying entity exceed the capacity
2548 of that entity to conduct certifications.
2549 (c) Any firms certified by organizations or governmental
2550 entities determined not to meet the state certification criteria
2551 ~~may shall~~ not be eligible to participate as certified rural or
2552 urban minority business enterprises in the rural or urban
2553 minority business assistance programs of the state. For a period
2554 of 1 year from the effective date of this legislation, the
2555 executor of the statewide and interlocal agreement may elect to
2556 accept only rural or urban minority business enterprises
2557 certified pursuant to criteria in place at the time the
2558 agreement was signed. After the 1-year period, either party may
2559 elect to withdraw from the agreement without further notice.
2560 (d) Any organizations or governmental entities determined
2561 by the office not to meet the standards of the agreement ~~may~~
2562 ~~shall~~ not be eligible to execute the statewide and interlocal

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2563 agreement as a participating organization until approved by the
2564 office.
2565 (e) Any participating program receiving three or more
2566 challenges to its certification decisions pursuant to subsection
2567 (4) from other organizations that are executors to the statewide
2568 and interlocal agreement, shall be subject to a review by the
2569 office, as provided in paragraphs (a) and (b), of the
2570 organization's capacity to perform under such agreement and in
2571 accordance with the core criteria established by the task force.
2572 The office shall submit a report to the secretary of the
2573 Department of Management Services regarding the results of the
2574 review.
2575 (f) The office shall maintain a directory of all executors
2576 of the statewide and interlocal agreement. The directory should
2577 be communicated to the general public.
2578 (4) A certification may be challenged by any executor to
2579 the statewide and interlocal agreement upon the grounds of
2580 failure by the certifying organization to adhere to the adopted
2581 criteria or to the certifying organization's rules and
2582 procedures, or on the grounds of a misrepresentation or fraud by
2583 the certified rural or urban minority business enterprise. The
2584 challenge must ~~shall~~ proceed according to procedures specified
2585 in the agreement.
2586 (5) (a) The secretary of the Department of Management
2587 Services shall execute the statewide and interlocal agreement
2588 established under s. 287.09431 on behalf of the state. The
2589 office shall certify rural or urban minority business
2590 enterprises in accordance with the laws of this state and, by
2591 affidavit, shall recertify such rural or urban minority business

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2592 enterprises not less than once each year.
2593 (b) The office shall contract with parties to the statewide
2594 and interlocal agreement to perform onsite visits associated
2595 with state certifications.
2596 (6) (a) The office shall maintain up-to-date records of all
2597 certified rural or urban minority business enterprises, as
2598 defined in s. 288.703, and of applications for certification
2599 that were denied and shall make this list available to all
2600 agencies. The office shall, for statistical purposes, collect
2601 and track subgroupings of gender and nationality status for each
2602 certified rural or urban minority business enterprise. Agency
2603 spending shall also be tracked for these subgroups. The records
2604 may include information about certified rural or urban minority
2605 business enterprises that provide legal services, auditing
2606 services, and health services. Agencies shall use this list in
2607 efforts to meet the certified rural or urban minority business
2608 enterprise procurement goals set forth in s. 287.09451.
2609 (b) The office shall establish and administer a
2610 computerized data bank to carry out the requirements of
2611 paragraph (a), to be available to all executors of the statewide
2612 and interlocal agreement. Data maintained in the data bank must
2613 ~~shall~~ be sufficient to allow each executor to reasonably monitor
2614 certifications it has issued.
2615 (7) The office shall identify rural or urban minority
2616 business enterprises eligible for certification in all areas of
2617 state services and commodities purchasing. The office may
2618 contract with a private firm or other agency, if necessary, in
2619 seeking to identify rural or urban minority business enterprises
2620 for certification. Agencies may request the office to identify

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2621 certifiable rural or urban minority business enterprises that
2622 are in the business of providing a given service or commodity;
2623 the office shall respond to such requests and seek out such
2624 certifiable rural or urban minority business enterprises.
2625 (8) The office shall adopt rules necessary to implement
2626 this section.
2627 (9) State agencies shall comply with this act except to the
2628 extent that the requirements of this act are in conflict with
2629 federal law.
2630 (10) Any transfer of ownership or permanent change in the
2631 management and daily operations of a certified rural or urban
2632 minority business enterprise which may affect certification must
2633 be reported to the original certifying jurisdiction or entity
2634 and to the office within 14 days of the transfer or change
2635 taking place. In the event of a transfer of ownership, the
2636 transferee seeking to do business with the state as a certified
2637 rural or urban minority business enterprise is responsible for
2638 such reporting. In the event of a permanent change in the
2639 management and daily operations, owners seeking to do business
2640 with the state as a certified rural or urban minority business
2641 enterprise are responsible for reporting such change to the
2642 office. ~~A Any person violating the provisions of this subsection~~
2643 ~~commits shall be guilty of~~ a misdemeanor of the first degree,
2644 punishable as provided in s. 775.082 or s. 775.083.
2645 (11) To deter fraud in the program, the Auditor General may
2646 review the criteria by which a business became certified as a
2647 certified rural or urban minority business enterprise.
2648 (12) Any executor of the statewide and interlocal agreement
2649 may revoke the certification or recertification of a firm doing

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2650 business as a certified rural or urban minority business
2651 enterprise if the rural or urban minority business enterprise
2652 does not meet the requirements of the jurisdiction or certifying
2653 entity that certified or recertified the firm as a certified
2654 rural or urban minority business enterprise, or the requirements
2655 of ~~subsection (2)~~, s. 288.703(2), and any rule of the office or
2656 the Department of Management Services or if the business
2657 acquired certification or recertification by means of falsely
2658 representing any entity as a rural or urban minority business
2659 enterprise for purposes of qualifying for certification or
2660 recertification.
2661 (13) Unless permanently revoked, a certified rural or urban
2662 minority business enterprise for which certification or
2663 recertification has been revoked may not apply or reapply for
2664 certification or recertification for a minimum of 36 months
2665 after the date of the notice of revocation.
2666 (14) (a) Except for certification decisions issued by the
2667 Office of Supplier Development Diversity, an executor to the
2668 statewide and interlocal agreement shall, in accordance with its
2669 rules and procedures:
2670 1. Give reasonable notice to affected persons or parties of
2671 its decision to deny certification based on failure to meet
2672 eligibility requirements of the statewide and interlocal
2673 agreement of s. 287.09431, together with a summary of the
2674 grounds therefor.
2675 2. Give affected persons or parties an opportunity, at a
2676 convenient time and place, to present to the agency written or
2677 oral evidence in opposition to the action or of the executor's
2678 refusal to act.

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2679 3. Give a written explanation of any subsequent decision of
2680 the executor overruling the objections.
2681 (b) An applicant that is denied rural or urban minority
2682 business enterprise certification based on failure to meet
2683 eligibility requirements of the statewide and interlocal
2684 agreement pursuant to s. 287.09431 may not reapply for
2685 certification or recertification until at least 6 months after
2686 the date of the notice of the denial of certification or
2687 recertification.
2688 (15) The office shall adopt rules in compliance with this
2689 part.
2690 Section 77. Paragraph (d) of subsection (3) of section
2691 287.055, Florida Statutes, is amended to read:
2692 287.055 Acquisition of professional architectural,
2693 engineering, landscape architectural, or surveying and mapping
2694 services; definitions; procedures; contingent fees prohibited;
2695 penalties.—
2696 (3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—
2697 (d) Each agency shall evaluate professional services,
2698 including capabilities, adequacy of personnel, past record,
2699 experience, whether the firm is a certified minority business
2700 enterprise as defined by the Florida Small and Minority Business
2701 Assistance Act, and other factors determined by the agency to be
2702 applicable to its particular requirements. When securing
2703 professional services, an agency must endeavor to meet the rural
2704 or urban minority business enterprise procurement goals under s.
2705 287.09451.
2706 Section 78. Section 287.09431, Florida Statutes, is amended
2707 to read:

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2708 287.09431 Statewide and interlocal agreement on
2709 certification of business concerns for the status of rural or
2710 urban minority business enterprise.—The statewide and interlocal
2711 agreement on certification of business concerns for the status
2712 of rural or urban minority business enterprise is hereby enacted
2713 and entered into with all jurisdictions or organizations legally
2714 joining therein. If, within 2 years from the date that the
2715 certification core criteria are approved by the Department of
2716 Management Services, the agreement included herein is not
2717 executed by a majority of county and municipal governing bodies
2718 that administer a rural or urban minority business assistance
2719 program on the effective date of this act, then the Legislature
2720 shall review this agreement. It is the intent of the Legislature
2721 that if the agreement is not executed by a majority of the
2722 requisite governing bodies, then a statewide uniform
2723 certification process should be adopted, and that such said
2724 agreement ~~should~~ be repealed and replaced by a mandatory state
2725 government certification process.
2726
2727 ARTICLE I
2728
2729 PURPOSE, FINDINGS, AND POLICY.—
2730 (1) The parties to this agreement, desiring by common
2731 action to establish a uniform certification process in order to
2732 reduce the multiplicity of applications by business concerns to
2733 state and local governmental programs for rural or urban
2734 minority business assistance, declare that it is the policy of
2735 each of them, on the basis of cooperation with one another, to
2736 remedy social and economic disadvantage suffered by certain

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2737 groups, resulting in their being historically underutilized in
2738 ownership and control of commercial enterprises. Thus, the
2739 parties seek to address this history by increasing the
2740 participation of the identified groups in opportunities afforded
2741 by government procurement.
2742 (2) The parties find that the State of Florida presently
2743 certifies firms for participation in the rural or urban minority
2744 business assistance programs of the state. The parties find
2745 further that some counties, municipalities, school boards,
2746 special districts, and other divisions of local government
2747 require a separate, yet similar, and in most cases redundant
2748 certification in order for businesses to participate in the
2749 programs sponsored by each government entity.
2750 (3) The parties find further that this redundant
2751 certification has proven to be unduly burdensome to ~~the~~
2752 minority-owned firms located in rural or urban areas as defined
2753 in s. 288.703 which are intended to benefit from the underlying
2754 purchasing incentives.
2755 (4) The parties agree that:
2756 (a) They will facilitate integrity, stability, and
2757 cooperation in the statewide and interlocal certification
2758 process, and in other elements of programs established to assist
2759 minority-owned businesses located in rural or urban areas.
2760 (b) They shall cooperate with agencies, organizations, and
2761 associations interested in certification and other elements of
2762 rural or urban minority business assistance.
2763 (c) It is the purpose of this agreement to provide for a
2764 uniform process whereby the status of a business concern may be
2765 determined in a singular review of the business information for

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2766 these purposes, in order to eliminate any undue expense, delay,
2767 or confusion to the ~~minority-owned~~ businesses located in rural
2768 or urban areas in seeking to participate in the rural or urban
2769 minority business assistance programs of state and local
2770 jurisdictions.
2771
2772 ARTICLE II
2773
2774 DEFINITIONS.—As used in this agreement and contracts made
2775 pursuant to it, unless the context clearly requires otherwise:
2776 (1) "Awarding organization" means any political subdivision
2777 or organization authorized by law, ordinance, or agreement to
2778 enter into contracts and for which the governing body has
2779 entered into this agreement.
2780 (2) "Department" means the Department of Management
2781 Services.
2782 (3) "~~Minority~~" means ~~a person who is a lawful, permanent~~
2783 ~~resident of the state, having origins in one of the minority~~
2784 ~~groups as described and adopted by the Department of Management~~
2785 ~~Services, hereby incorporated by reference.~~
2786 (4) "Rural or urban minority business enterprise" means any
2787 small business concern as defined in subsection (5) ~~(4)~~ that
2788 meets all of the criteria described and adopted by the
2789 Department of Management Services, hereby incorporated by
2790 reference.
2791 (3) ~~(5)~~ "Participating state or local organization" means
2792 any political subdivision of the state or organization
2793 designated by such that elects to participate in the
2794 certification process pursuant to this agreement, which has been

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2795 approved according to s. 287.0943(3) and has legally entered
2796 into this agreement.

2797 ~~(5) (6)~~ "Small business concern" means an independently
2798 owned and operated business concern which is of a size and type
2799 as described and adopted by vote related to this agreement of
2800 the commission, hereby incorporated by reference.

2801
2802 ARTICLE III
2803

2804 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

2805 (1) All awarding organizations shall accept a certification
2806 granted by any participating organization which has been
2807 approved according to s. 287.0943(3) and has entered into this
2808 agreement, as valid status of rural or urban minority business
2809 enterprise.

2810 (2) A participating organization shall certify a business
2811 concern that meets the definition of a rural or urban minority
2812 business enterprise in this agreement, in accordance with the
2813 duly adopted eligibility criteria.

2814 (3) All participating organizations shall issue notice of
2815 certification decisions granting or denying certification to all
2816 other participating organizations within 14 days of the
2817 decision. Such notice may be made through electronic media.

2818 (4) ~~A~~ No certification may not ~~will~~ be granted without an
2819 onsite visit to verify ownership and control of the prospective
2820 rural or urban minority business enterprise, unless verification
2821 can be accomplished by other methods of adequate verification or
2822 assessment of ownership and control.

2823 (5) The certification of a rural or urban minority business

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2824 enterprise pursuant to the terms of this agreement may ~~shall~~ not
2825 be suspended, revoked, or otherwise impaired except on any
2826 grounds which would be sufficient for revocation or suspension
2827 of a certification in the jurisdiction of the participating
2828 organization.

2829 (6) The certification determination of a party may be
2830 challenged by any other participating organization by the
2831 issuance of a timely written notice by the challenging
2832 organization to the certifying organization's determination
2833 within 10 days of receiving notice of the certification
2834 decision, stating the grounds for such challenge ~~therefor~~.

2835 (7) The sole accepted grounds for challenge are ~~shall be~~
2836 the failure of the certifying organization to adhere to the
2837 adopted criteria or the certifying organization's rules or
2838 procedures, or the perpetuation of a misrepresentation or fraud
2839 by the firm.

2840 (8) The certifying organization shall reexamine its
2841 certification determination and submit written notice to the
2842 applicant and the challenging organization of its findings
2843 within 30 days after the receipt of the notice of challenge.

2844 (9) If the certification determination is affirmed, the
2845 challenging agency may subsequently submit timely written notice
2846 to the firm of its intent to revoke certification of the firm.

2847
2848 ARTICLE IV
2849

2850 APPROVED AND ACCEPTED PROGRAMS.—~~Nothing in~~ This agreement
2851 may not ~~shall~~ be construed to repeal or otherwise modify any
2852 ordinance, law, or regulation of a party relating to the

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2853 existing rural or urban minority business assistance provisions
2854 and procedures by which rural or urban minority business
2855 enterprises participate therein.

2856
2857 ARTICLE V
2858

2859 TERM.—The term of the agreement is ~~shall be~~ 5 years, after
2860 which it may be reexecuted by the parties.

2861
2862 ARTICLE VI
2863

2864 AGREEMENT EVALUATION.—The designated state and local
2865 officials may meet ~~from time to time~~ as a group to evaluate
2866 progress under the agreement, to formulate recommendations for
2867 changes, or to propose a new agreement.

2868
2869 ARTICLE VII
2870

2871 OTHER ARRANGEMENTS.—~~Nothing in~~ This agreement may not ~~shall~~
2872 be construed to prevent or inhibit other arrangements or
2873 practices of any party in order to comply with federal law.

2874
2875 ARTICLE VIII
2876

2877 EFFECT AND WITHDRAWAL.—

2878 (1) This agreement becomes ~~shall become~~ effective when
2879 properly executed by a legal representative of the participating
2880 organization, when enacted into the law of the state and after
2881 an ordinance or other legislation is enacted into law by the

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2882 governing body of each participating organization. Thereafter it
2883 becomes ~~shall become~~ effective as to any participating
2884 organization upon the enactment of this agreement by the
2885 governing body of that organization.

2886 (2) Any party may withdraw from this agreement by enacting
2887 legislation repealing the same, but ~~no~~ such withdrawal may not
2888 ~~shall~~ take effect until one year after the governing body of the
2889 withdrawing party has given notice in writing of the withdrawal
2890 to the other parties.

2891 (3) ~~A~~ No withdrawal may not ~~shall~~ relieve the withdrawing
2892 party of any obligations imposed upon it by law.

2893
2894 ARTICLE IX
2895

2896 FINANCIAL RESPONSIBILITY.—

2897 (1) A participating organization is ~~shall~~ not be
2898 financially responsible or liable for the obligations of any
2899 other participating organization related to this agreement.

2900 (2) ~~The provisions of~~ This agreement does not ~~shall~~
2901 constitute ~~neither~~ a waiver of any governmental immunity under
2902 Florida law or ~~nor~~ a waiver of any defenses of the parties under
2903 Florida law. ~~The provisions of~~ This agreement is ~~are solely~~ for
2904 the benefit of its executors and is not intended to create or
2905 grant any rights, contractual or otherwise, to any person or
2906 entity.

2907
2908 ARTICLE X
2909

2910 VENUE AND GOVERNING LAW.—The obligations of the parties to

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2911 this agreement are performable only within the county where the
2912 participating organization is located, and statewide for the
2913 Office of Supplier ~~Development Diversity~~, and venue for any
2914 legal action in connection with this agreement ~~is shall lie~~, for
2915 any participating organization except the Office of Supplier
2916 ~~Development, Diversity, exclusively~~ in the county where the
2917 participating organization is located. This agreement ~~is shall~~
2918 ~~be~~ governed by and construed in accordance with the laws and
2919 court decisions of ~~this the~~ state.

2921 ARTICLE XI

2923 CONSTRUCTION AND SEVERABILITY.—This agreement must ~~shall~~ be
2924 liberally construed so as to effectuate the purposes thereof.
2925 ~~The provisions of~~ This agreement ~~is shall be~~ severable and if
2926 any phrase, clause, sentence, or provision of this agreement is
2927 declared to be contrary to the State Constitution or the United
2928 States Constitution, or the application thereof to any
2929 government, agency, person, or circumstance is held invalid, the
2930 validity of the remainder of this agreement and the
2931 applicability thereof to any government, agency, person, or
2932 circumstance ~~is shall not be affected thereby~~. If this agreement
2933 ~~is shall be~~ held contrary to the State Constitution, the
2934 agreement ~~remains shall remain~~ in full force and effect as to
2935 all severable matters.

2936 Section 79. Paragraph (b) of subsection (2) of section
2937 288.0001, Florida Statutes, is amended to read:
2938 288.0001 Economic Development Programs Evaluation.—The
2939 Office of Economic and Demographic Research and the Office of

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2940 Program Policy Analysis and Government Accountability (OPPAGA)
2941 shall develop and present to the Governor, the President of the
2942 Senate, the Speaker of the House of Representatives, and the
2943 chairs of the legislative appropriations committees the Economic
2944 Development Programs Evaluation.

2945 (2) The Office of Economic and Demographic Research and
2946 OPPAGA shall provide a detailed analysis of economic development
2947 programs as provided in the following schedule:

2948 (b) By January 1, 2015, and every 3 years thereafter, an
2949 analysis of:

2950 1. The entertainment industry sales tax exemption program
2951 established under s. 288.1258.

2952 2. VISIT Florida and its programs established or funded
2953 under ss. 288.122-288.12265 ~~and 288.124~~.

2954 3. The Florida Sports Foundation and related programs,
2955 including those established under ss. 288.1162, 288.11621,
2956 288.1166, and 288.1167.

2957 Section 80. Section 288.7031, Florida Statutes, is amended
2958 to read:

2959 288.7031 Application of certain definitions.—The
2960 definitions of "small business," ~~and "certified rural or urban~~
2961 ~~minority business enterpriser," and "certified minority business~~
2962 ~~enterprise"~~ provided in s. 288.703 apply to the state and all
2963 political subdivisions of the state.

2964 Section 81. Paragraph (f) of subsection (2), paragraph (c)
2965 of subsection (4), and subsections (7) and (8), and (9) of
2966 section 288.975, Florida Statutes, are amended to read:

2967 288.975 Military base reuse plans.—

2968 (2) As used in this section, the term:

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2969 (f) "Regional policy plan" means a ~~strategic regional~~
2970 ~~policy plan that has been adopted by rule by a regional planning~~
2971 ~~council pursuant to s. 186.508~~.

2972 (4)
2973 (c) Military base reuse plans shall identify projected
2974 impacts to significant regional resources and natural resources
2975 ~~of regional significance as identified by applicable regional~~
2976 ~~planning councils in their regional policy plans~~ and the actions
2977 that shall be taken to mitigate such impacts.

2978 (7) A military base reuse plan ~~must shall~~ be consistent
2979 with the comprehensive plan of the host local government and ~~may~~
2980 ~~shall~~ not conflict with the comprehensive plan of any affected
2981 local governments. A military base reuse plan ~~must shall~~ be
2982 consistent with the nonprocedural requirements of part II of
2983 chapter 163 and rules adopted thereunder, ~~applicable regional~~
2984 ~~policy plans~~, and the state comprehensive plan.

2985 (8) At the request of a host local government, the
2986 department shall coordinate a presubmission workshop concerning
2987 a military base reuse plan within the boundaries of the host
2988 jurisdiction. Agencies that ~~must shall~~ participate in the
2989 workshop ~~shall~~ include any affected local governments; the
2990 Department of Environmental Protection; the department; the
2991 Department of Transportation; the Department of Health; the
2992 Department of Children and Families; the Department of Juvenile
2993 Justice; the Department of Agriculture and Consumer Services;
2994 the Department of State; the Fish and Wildlife Conservation
2995 Commission; and any applicable water management districts ~~and~~
2996 ~~regional planning councils~~. The purposes of the workshop ~~are~~
2997 ~~shall be~~ to assist the host local government to understand

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2998 issues of concern to the above listed entities pertaining to the
2999 military base site and to identify opportunities for better
3000 coordination of planning and review efforts with the information
3001 and analyses generated by the federal environmental impact
3002 statement process and the federal community base reuse planning
3003 process.

3004 (9) If a host local government elects to use the optional
3005 provisions of this act, it ~~must shall~~, no later than 12 months
3006 after notifying the agencies of its intent pursuant to
3007 subsection (3) either:

3008 (a) Send a copy of the proposed military base reuse plan
3009 for review to any affected local governments; the Department of
3010 Environmental Protection; the department; the Department of
3011 Transportation; the Department of Health; the Department of
3012 Children and Families; the Department of Juvenile Justice; the
3013 Department of Agriculture and Consumer Services; the Department
3014 of State; the Fish and Wildlife Conservation Commission; and any
3015 applicable water management districts ~~and regional planning~~
3016 ~~councils~~, or

3017 (b) Petition the department for an extension of the
3018 deadline for submitting a proposed reuse plan. Such an extension
3019 request must be justified by changes or delays in the closure
3020 process by the federal Department of Defense or for reasons
3021 otherwise deemed to promote the orderly and beneficial planning
3022 of the subject military base reuse. The department may grant
3023 extensions to the required submission date of the reuse plan.

3024 Section 82. Subsection (4) of section 290.004, Florida
3025 Statutes, is amended to read:

3026 290.004 Definitions relating to Florida Enterprise Zone

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3027 Act.—As used in ss. 290.001-290.016:
3028 (4) "~~Certified rural or urban~~ Minority business enterprise"
3029 has the same meaning as provided in s. 288.703.
3030 Section 83. Paragraph (b) of subsection (26) of section
3031 320.08058, Florida Statutes, is amended to read:
3032 320.08058 Specialty license plates.—
3033 (26) TAMPA BAY ESTUARY LICENSE PLATES.—
3034 (b) The annual use fees shall be distributed to the Tampa
3035 Bay Estuary Program created by s. 163.01.
3036 1. A maximum of 5 percent of such fees may be used for
3037 marketing the plate.
3038 ~~2. Twenty percent of the proceeds from the annual use fee,~~
3039 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
3040 ~~Regional Planning Council for activities of the Agency on Bay~~
3041 ~~Management implementing the Council/Agency Action Plan for the~~
3042 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
3043 ~~Bay Estuary Program Policy Board.~~
3044 ~~2.3-~~ The remaining proceeds must be used to implement the
3045 Comprehensive Conservation and Management Plan for Tampa Bay,
3046 pursuant to priorities approved by the Tampa Bay Estuary Program
3047 Policy Board.
3048 Section 84. Paragraph (b) of subsection (3) of section
3049 335.188, Florida Statutes, is amended to read:
3050 335.188 Access management standards; access control
3051 classification system; criteria.—
3052 (3) The control classification system shall be developed
3053 consistent with the following:
3054 (b) The access control classification system shall be
3055 developed in cooperation with counties, municipalities, the

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3056 state land planning agency, ~~regional planning councils,~~
3057 metropolitan planning organizations, and other local
3058 governmental entities.
3059 Section 85. Paragraph (b) of subsection (4) of section
3060 339.155, Florida Statutes, is amended to read:
3061 339.155 Transportation planning.—
3062 (4) ADDITIONAL TRANSPORTATION PLANS.—
3063 ~~(b) Each regional planning council, as provided for in s.~~
3064 ~~166.504, or any successor agency thereto, shall develop, as an~~
3065 ~~element of its strategic regional policy plan, transportation~~
3066 ~~goals and policies. The transportation goals and policies must~~
3067 ~~be prioritized to comply with the prevailing principles provided~~
3068 ~~in subsection (1) and s. 334.046(1). The transportation goals~~
3069 ~~and policies shall be consistent, to the maximum extent~~
3070 ~~feasible, with the goals and policies of the metropolitan~~
3071 ~~planning organization and the Florida Transportation Plan. The~~
3072 ~~transportation goals and policies of the regional planning~~
3073 ~~council will be advisory only and shall be submitted to the~~
3074 ~~department and any affected metropolitan planning organization~~
3075 ~~for their consideration and comments. Metropolitan planning~~
3076 ~~organization plans and other local transportation plans shall be~~
3077 ~~developed consistent, to the maximum extent feasible, with the~~
3078 ~~regional transportation goals and policies.~~
3079 Section 86. Paragraph (g) of subsection (6) of section
3080 339.175, Florida Statutes, is amended to read:
3081 339.175 Metropolitan planning organization.—
3082 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
3083 privileges, and authority of an M.P.O. are those specified in
3084 this section or incorporated in an interlocal agreement

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3085 authorized under s. 163.01. Each M.P.O. shall perform all acts
3086 required by federal or state laws or rules, now and subsequently
3087 applicable, which are necessary to qualify for federal aid. It
3088 is the intent of this section that each M.P.O. be involved in
3089 the planning and programming of transportation facilities,
3090 including, but not limited to, airports, intercity and high-
3091 speed rail lines, seaports, and intermodal facilities, to the
3092 extent permitted by state or federal law. An M.P.O. may not
3093 perform project production or delivery for capital improvement
3094 projects on the State Highway System.
3095 (g) Each M.P.O. shall have an executive or staff director
3096 who reports directly to the M.P.O. governing board for all
3097 matters regarding the administration and operation of the M.P.O.
3098 and any additional personnel as deemed necessary. The executive
3099 director and any additional personnel may be employed either by
3100 an M.P.O. or by another governmental entity, such as a county,
3101 ~~or city, or regional planning council,~~ that has a staff services
3102 agreement signed and in effect with the M.P.O. Each M.P.O. may
3103 enter into contracts with local or state agencies, private
3104 planning firms, private engineering firms, or other public or
3105 private entities to accomplish its transportation planning and
3106 programming duties and administrative functions.
3107 Section 87. Subsection (6) of section 339.285, Florida
3108 Statutes, is amended to read:
3109 339.285 Enhanced Bridge Program for Sustainable
3110 Transportation.—
3111 (6) Preference shall be given to bridge projects located on
3112 corridors that connect to the Strategic Intermodal System,
3113 created under s. 339.64, and that have been identified as

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3114 regionally significant in accordance with s. 339.155(4)(b), (c),
3115 and (d), ~~s. 339.155(4)(e), (d), and (e).~~
3116 Section 88. Subsections (3) and (4) of section 339.63,
3117 Florida Statutes, are amended to read:
3118 339.63 System facilities designated; additions and
3119 deletions.—
3120 (3) After the initial designation of the Strategic
3121 Intermodal System under subsection (1), the department shall, in
3122 coordination with the metropolitan planning organizations, local
3123 governments, ~~regional planning councils,~~ transportation
3124 providers, and affected public agencies, add facilities to or
3125 delete facilities from the Strategic Intermodal System described
3126 in paragraphs (2)(b) and (c) based upon criteria adopted by the
3127 department.
3128 (4) After the initial designation of the Strategic
3129 Intermodal System under subsection (1), the department shall, in
3130 coordination with the metropolitan planning organizations, local
3131 governments, ~~regional planning councils,~~ transportation
3132 providers, and affected public agencies, add facilities to or
3133 delete facilities from the Strategic Intermodal System described
3134 in paragraph (2)(a) based upon criteria adopted by the
3135 department. However, an airport that is designated as a reliever
3136 airport to a Strategic Intermodal System airport which has at
3137 least 75,000 itinerant operations per year, has a runway length
3138 of at least 5,500 linear feet, is capable of handling aircraft
3139 weighing at least 60,000 pounds with a dual wheel configuration
3140 which is served by at least one precision instrument approach,
3141 and serves a cluster of aviation-dependent industries, shall be
3142 designated as part of the Strategic Intermodal System by the

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3143 Secretary of Transportation upon the request of a reliever
3144 airport meeting this criteria.
3145 Section 89. Subsection (1) and paragraph (a) of subsection
3146 (3) of section 339.64, Florida Statutes, are amended to read:
3147 339.64 Strategic Intermodal System Plan.—
3148 (1) The department shall develop, in cooperation with
3149 metropolitan planning organizations, ~~regional planning councils,~~
3150 local governments, and other transportation providers, a
3151 Strategic Intermodal System Plan. The plan shall be consistent
3152 with the Florida Transportation Plan developed pursuant to s.
3153 339.155 and shall be updated at least once every 5 years,
3154 subsequent to updates of the Florida Transportation Plan.
3155 (3)(a) During the development of updates to the Strategic
3156 Intermodal System Plan, the department shall provide
3157 metropolitan planning organizations, ~~regional planning councils,~~
3158 local governments, transportation providers, affected public
3159 agencies, and citizens with an opportunity to participate in and
3160 comment on the development of the update.
3161 Section 90. Subsection (1) of section 341.041, Florida
3162 Statutes, is amended to read:
3163 341.041 Transit responsibilities of the department.—The
3164 department shall, within the resources provided pursuant to
3165 chapter 216:
3166 (1) Develop a statewide plan that provides for public
3167 transit and intercity bus service needs at least 5 years in
3168 advance. The plan shall be developed in a manner that will
3169 assure maximum use of existing facilities, and optimum
3170 integration and coordination of the various modes of
3171 transportation, including both governmentally owned and

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3172 privately owned resources, in the most cost-effective manner
3173 possible. The plan shall also incorporate plans adopted by local
3174 ~~and regional~~ planning agencies which are consistent, to the
3175 maximum extent feasible, with ~~adopted strategic policy plans and~~
3176 approved local government comprehensive plans for the region and
3177 units of local government covered by the plan and shall, insofar
3178 as practical, conform to federal planning requirements. The plan
3179 shall be consistent with the goals of the Florida Transportation
3180 Plan developed pursuant to s. 339.155.
3181 Section 91. Paragraph (m) of subsection (3) of section
3182 343.54, Florida Statutes, is amended to read:
3183 343.54 Powers and duties.—
3184 (3) The authority may exercise all powers necessary,
3185 appurtenant, convenient, or incidental to the carrying out of
3186 the aforesaid purposes, including, but not limited to, the
3187 following rights and powers:
3188 (m) To cooperate with other governmental entities and to
3189 contract with other governmental agencies, including the
3190 Department of Transportation, the Federal Government, ~~regional~~
3191 ~~planning councils,~~ counties, and municipalities.
3192 Section 92. Paragraphs (c) and (d) of subsection (1) of
3193 section 366.93, Florida Statutes, are amended to read:
3194 366.93 Cost recovery for the siting, design, licensing, and
3195 construction of nuclear and integrated gasification combined
3196 cycle power plants.—
3197 (1) As used in this section, the term:
3198 (c) "Integrated gasification combined cycle power plant" or
3199 "plant" means an electrical power plant as defined in s. 403.503
3200 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated

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3201 gasification technology.
3202 (d) "Nuclear power plant" or "plant" means an electrical
3203 power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses
3204 nuclear materials for fuel.
3205 Section 93. Subsection (1) of section 369.303, Florida
3206 Statutes, is amended to read:
3207 369.303 Definitions.—As used in this part:
3208 (1) ~~"Council" means the East Central Florida Regional~~
3209 ~~Planning Council.~~
3210 Section 94. Subsection (3) of section 369.307, Florida
3211 Statutes, is amended to read:
3212 369.307 Developments of regional impact in the Wekiva River
3213 Protection Area; land acquisition.—
3214 (3) The Wekiva River Protection Area is hereby declared to
3215 be a natural resource of state and regional importance. The St.
3216 Johns River Water Management District ~~East Central Florida~~
3217 ~~Regional Planning Council~~ shall adopt policies that as part of
3218 its strategic regional policy plan and regional issues list
3219 ~~which~~ will protect the water quantity, water quality, hydrology,
3220 wetlands, aquatic and wetland-dependent wildlife species,
3221 habitat of all species designated pursuant to rules 39-27.003,
3222 39-27.004, and 39-27.005, Florida Administrative Code, and
3223 native vegetation in the Wekiva River Protection Area. The water
3224 management district council shall also cooperate with the
3225 department in the department's implementation ~~of the provisions~~
3226 of s. 369.305.
3227 Section 95. Paragraph (e) of subsection (1) of section
3228 373.309, Florida Statutes, is amended to read:
3229 373.309 Authority to adopt rules and procedures.—

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3230 (1) The department shall adopt, and may from time to time
3231 amend, rules governing the location, construction, repair, and
3232 abandonment of water wells and shall be responsible for the
3233 administration of this part. With respect thereto, the
3234 department shall:
3235 (e) Encourage prevention of potable water well
3236 contamination and promote cost-effective remediation of
3237 contaminated potable water supplies by use of the Water Quality
3238 Assurance Trust Fund as provided in s. 376.307(1)(e) and
3239 establish by rule:
3240 1. Delineation of areas of groundwater contamination for
3241 implementation of well location and construction, testing,
3242 permitting, and clearance requirements as set forth in
3243 subparagraphs 2., ~~3., 4., 5., and 6.~~ The department shall
3244 make available to water management districts, ~~regional planning~~
3245 ~~councils,~~ the Department of Health, and county building and
3246 zoning departments, maps or other information on areas of
3247 contamination, including areas of ethylene dibromide
3248 contamination. Such maps or other information shall be made
3249 available to property owners, realtors, real estate
3250 associations, property appraisers, and other interested persons
3251 upon request and upon payment of appropriate costs.
3252 2. Requirements for testing for suspected contamination in
3253 areas of known contamination, as a prerequisite for clearance of
3254 a water well for drinking purposes. The department is authorized
3255 to establish criteria for acceptance of water quality testing
3256 results from the Department of Health and laboratories certified
3257 by the Department of Health, and is authorized to establish
3258 requirements for sample collection quality assurance.

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3259 | 3. Requirements for mandatory connection to available
3260 | potable water systems in areas of known contamination, wherein
3261 | the department may prohibit the permitting and construction of
3262 | new potable water wells.
3263 | 4. Location and construction standards for public and all
3264 | other potable water wells permitted in areas of contamination.
3265 | Such standards shall be designed to minimize the effects of such
3266 | contamination.
3267 | 5. A procedure for permitting all potable water wells in
3268 | areas of known contamination. Any new water well that is to be
3269 | used for drinking water purposes and that does not meet
3270 | construction standards pursuant to subparagraph 4. must be
3271 | abandoned and plugged by the owner. Water management districts
3272 | shall implement, through delegation from the department, the
3273 | permitting and enforcement responsibilities of this
3274 | subparagraph.
3275 | 6. A procedure for clearing for use all potable water
3276 | wells, except wells that serve a public water supply system, in
3277 | areas of known contamination. If contaminants are found upon
3278 | testing pursuant to subparagraph 2., a well may not be cleared
3279 | for use without a filter or other means of preventing the users
3280 | of the well from being exposed to deleterious amounts of
3281 | contaminants. The Department of Health shall implement the
3282 | responsibilities of this subparagraph.
3283 | 7. Fees to be paid for well construction permits and
3284 | clearance for use. The fees shall be based on the actual costs
3285 | incurred by the water management districts, the Department of
3286 | Health, or other political subdivisions in carrying out the
3287 | responsibilities related to potable water well permitting and

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3288 | clearance for use. The fees shall provide revenue to cover all
3289 | such costs and shall be set according to the following schedule:
3290 | a. The well construction permit fee may not exceed \$500.
3291 | b. The clearance fee may not exceed \$50.
3292 | 8. Procedures for implementing well-location, construction,
3293 | testing, permitting, and clearance requirements as set forth in
3294 | subparagraphs 2.-6. within areas that research or monitoring
3295 | data indicate are vulnerable to contamination with nitrate, or
3296 | areas in which the department provides a subsidy for restoration
3297 | or replacement of contaminated drinking water supplies through
3298 | extending existing water lines or developing new water supply
3299 | systems pursuant to s. 376.307(1)(e). The department shall
3300 | consult with the Florida Ground Water Association in the process
3301 | of developing rules pursuant to this subparagraph.
3302 |
3303 | All fees and funds collected by each delegated entity pursuant
3304 | to this part shall be deposited in the appropriate operating
3305 | account of that entity.
3306 | Section 96. Subsections (1) and (2) of section 373.415,
3307 | Florida Statutes, are amended to read:
3308 | 373.415 Protection zones; duties of the St. Johns River
3309 | Water Management District.-
3310 | (1) Not later than November 1, 1988, the St. Johns River
3311 | Water Management District shall adopt rules establishing
3312 | protection zones adjacent to the watercourses in the Wekiva
3313 | River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such
3314 | protection zones shall be sufficiently wide to prevent harm to
3315 | the Wekiva River System, including water quality, water
3316 | quantity, hydrology, wetlands, and aquatic and wetland-dependent

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3317 | wildlife species, caused by any of the activities regulated
3318 | under this part. Factors on which the widths of the protection
3319 | zones shall be based shall include, but not be limited to:
3320 | (a) The biological significance of the wetlands and uplands
3321 | adjacent to the designated watercourses in the Wekiva River
3322 | System, including the nesting, feeding, breeding, and resting
3323 | needs of aquatic species and wetland-dependent wildlife species.
3324 | (b) The sensitivity of these species to disturbance,
3325 | including the short-term and long-term adaptability to
3326 | disturbance of the more sensitive species, both migratory and
3327 | resident.
3328 | (c) The susceptibility of these lands to erosion, including
3329 | the slope, soils, runoff characteristics, and vegetative cover.
3330 |
3331 | In addition, the rules may establish permitting thresholds,
3332 | permitting exemptions, or general permits, if such thresholds,
3333 | exemptions, or general permits do not allow significant adverse
3334 | impacts to the Wekiva River System to occur individually or
3335 | cumulatively.
3336 | (2) Notwithstanding the provisions of s. 120.60, the St.
3337 | Johns River Water Management District may ~~shall~~ not issue any
3338 | permit under this part within the Wekiva River Protection Area,
3339 | as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
3340 | local government has provided written notification to the
3341 | district that the proposed activity is consistent with the local
3342 | comprehensive plan and is in compliance with any land
3343 | development regulation in effect in the area where the
3344 | development will take place. The district may, however, inform
3345 | any property owner who makes a request for such information as

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3346 | to the location of the protection zone or zones on his or her
3347 | property. However, if a development proposal is amended as the
3348 | result of the review by the district, a permit may be issued
3349 | before ~~prior~~ to the development proposal being returned, if
3350 | necessary, to the local government for additional review.
3351 | Section 97. Paragraph (a) of subsection (2) of section
3352 | 376.3072, Florida Statutes, is amended to read:
3353 | 376.3072 Florida Petroleum Liability and Restoration
3354 | Insurance Program.-
3355 | (2)(a) An owner or operator of a petroleum storage system
3356 | may become an insured in the restoration insurance program at a
3357 | facility if:
3358 | 1. A site at which an incident has occurred is eligible for
3359 | restoration if the insured is a participant in the third-party
3360 | liability insurance program or otherwise meets applicable
3361 | financial responsibility requirements. After July 1, 1993, the
3362 | insured must also provide the required excess insurance coverage
3363 | or self-insurance for restoration to achieve the financial
3364 | responsibility requirements of 40 C.F.R. s. 280.97, subpart H,
3365 | not covered by paragraph (d).
3366 | 2. A site which had a discharge reported before January 1,
3367 | 1989, for which notice was given pursuant to s. 376.3071(10) and
3368 | which is ineligible for the third-party liability insurance
3369 | program solely due to that discharge is eligible for
3370 | participation in the restoration program for an incident
3371 | occurring on or after January 1, 1989, pursuant to subsection
3372 | (3). Restoration funding for an eligible contaminated site will
3373 | be provided without participation in the third-party liability
3374 | insurance program until the site is restored as required by the

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3375 department or until the department determines that the site does
3376 not require restoration.
3377 3. Notwithstanding paragraph (b), a site where an
3378 application is filed with the department before January 1, 1995,
3379 where the owner is a small business under s. 288.703 ~~←~~
3380 ~~288.703(6)~~, a Florida College System institution with less than
3381 2,500 FTE, a religious institution as defined by s.
3382 212.08(7)(m), a charitable institution as defined by s.
3383 212.08(7)(p), or a county or municipality with a population of
3384 less than 50,000, is eligible for up to \$400,000 of eligible
3385 restoration costs, less a deductible of \$10,000 for small
3386 businesses, eligible Florida College System institutions, and
3387 religious or charitable institutions, and \$30,000 for eligible
3388 counties and municipalities, if:
3389 a. Except as provided in sub-subparagraph e., the facility
3390 was in compliance with department rules at the time of the
3391 discharge.
3392 b. The owner or operator has, upon discovery of a
3393 discharge, promptly reported the discharge to the department,
3394 and drained and removed the system from service, if necessary.
3395 c. The owner or operator has not intentionally caused or
3396 concealed a discharge or disabled leak detection equipment.
3397 d. The owner or operator proceeds to complete initial
3398 remedial action as specified in department rules.
3399 e. The owner or operator, if required and if it has not
3400 already done so, applies for third-party liability coverage for
3401 the facility within 30 days after receipt of an eligibility
3402 order issued by the department pursuant to this subparagraph.
3403

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3404 However, the department may consider in-kind services from
3405 eligible counties and municipalities in lieu of the \$30,000
3406 deductible. The cost of conducting initial remedial action as
3407 defined by department rules is an eligible restoration cost
3408 pursuant to this subparagraph.
3409 4.a. By January 1, 1997, facilities at sites with existing
3410 contamination must have methods of release detection to be
3411 eligible for restoration insurance coverage for new discharges
3412 subject to department rules for secondary containment. Annual
3413 storage system testing, in conjunction with inventory control,
3414 shall be considered to be a method of release detection until
3415 the later of December 22, 1998, or 10 years after the date of
3416 installation or the last upgrade. Other methods of release
3417 detection for storage tanks which meet such requirement are:
3418 (I) Interstitial monitoring of tank and integral piping
3419 secondary containment systems;
3420 (II) Automatic tank gauging systems; or
3421 (III) A statistical inventory reconciliation system with a
3422 tank test every 3 years.
3423 b. For pressurized integral piping systems, the owner or
3424 operator must use:
3425 (I) An automatic in-line leak detector with flow
3426 restriction meeting the requirements of department rules used in
3427 conjunction with an annual tightness or pressure test; or
3428 (II) An automatic in-line leak detector with electronic
3429 flow shut-off meeting the requirements of department rules.
3430 c. For suction integral piping systems, the owner or
3431 operator must use:
3432 (I) A single check valve installed directly below the

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3433 suction pump if there are no other valves between the dispenser
3434 and the tank; or
3435 (II) An annual tightness test or other approved test.
3436 d. Owners of facilities with existing contamination that
3437 install internal release detection systems pursuant to sub-
3438 subparagraph a. shall permanently close their external
3439 groundwater and vapor monitoring wells pursuant to department
3440 rules by December 31, 1998. Upon installation of the internal
3441 release detection system, such wells must be secured and taken
3442 out of service until permanent closure.
3443 e. Facilities with vapor levels of contamination meeting
3444 the requirements of or below the concentrations specified in the
3445 performance standards for release detection methods specified in
3446 department rules may continue to use vapor monitoring wells for
3447 release detection.
3448 f. The department may approve other methods of release
3449 detection for storage tanks and integral piping which have at
3450 least the same capability to detect a new release as the methods
3451 specified in this subparagraph.
3452
3453 Sites meeting the criteria of this subsection for which a site
3454 rehabilitation completion order was issued before June 1, 2008,
3455 do not qualify for the 2008 increase in site rehabilitation
3456 funding assistance and are bound by the pre-June 1, 2008,
3457 limits. Sites meeting the criteria of this subsection for which
3458 a site rehabilitation completion order was not issued before
3459 June 1, 2008, regardless of whether they have previously
3460 transitioned to nonstate-funded cleanup status, may continue
3461 state-funded cleanup pursuant to s. 376.3071(6) until a site

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3462 rehabilitation completion order is issued or the increased site
3463 rehabilitation funding assistance limit is reached, whichever
3464 occurs first.
3465 Section 98. Paragraph (k) of subsection (2) of section
3466 377.703, Florida Statutes, is amended to read:
3467 377.703 Additional functions of the Department of
3468 Agriculture and Consumer Services.—
3469 (2) DUTIES.—The department shall perform the following
3470 functions, unless as otherwise provided, consistent with the
3471 development of a state energy policy:
3472 (k) The department shall coordinate energy-related programs
3473 of state government, including, but not limited to, the programs
3474 provided in this section. To this end, the department shall:
3475 1. Provide assistance to other state agencies, counties,
3476 and municipalities, ~~and regional planning agencies~~ to further
3477 and promote their energy planning activities.
3478 2. Require, in cooperation with the Department of
3479 Management Services, all state agencies to operate state-owned
3480 and state-leased buildings in accordance with energy
3481 conservation standards as adopted by the Department of
3482 Management Services. Every 3 months, the Department of
3483 Management Services shall furnish the department data on
3484 agencies' energy consumption and emissions of greenhouse gases
3485 in a format prescribed by the department.
3486 3. Promote the development and use of renewable energy
3487 resources, energy efficiency technologies, and conservation
3488 measures.
3489 4. Promote the recovery of energy from wastes, including,
3490 but not limited to, the use of waste heat, the use of

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3491 agricultural products as a source of energy, and recycling of
3492 manufactured products. Such promotion shall be conducted in
3493 conjunction with, and after consultation with, the Department of
3494 Environmental Protection and the Florida Public Service
3495 Commission where electrical generation or natural gas is
3496 involved, and any other relevant federal, state, or local
3497 governmental agency having responsibility for resource recovery
3498 programs.

3499 Section 99. Subsection (3) of section 378.411, Florida
3500 Statutes, is amended to read:
3501 378.411 Certification to receive notices of intent to mine,
3502 to review, and to inspect for compliance.—

3503 (3) In making his or her determination, the secretary shall
3504 consult with the Department of Commerce, ~~the appropriate~~
3505 ~~regional planning council~~, and the appropriate water management
3506 district.

3507 Section 100. Subsection (15) of section 380.031, Florida
3508 Statutes, is amended to read:

3509 380.031 Definitions.—As used in this chapter:

3510 (15) “Regional planning agency” means the agency designated
3511 ~~by the state land planning agency to exercise responsibilities~~
3512 ~~under this chapter in a particular region of the state.~~

3513 Section 101. Subsection (2) of section 380.045, Florida
3514 Statutes, is amended to read:

3515 380.045 Resource planning and management committees;
3516 objectives; procedures.—

3517 (2) The committee must include, but is not limited to,
3518 representation from each of the following: elected officials
3519 from the local governments within the area under study; the

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3520 planning office of each of the local governments within the area
3521 under study; the state land planning agency; any other state
3522 agency under chapter 20 a representative of which the Governor
3523 feels is relevant to the compilation of the committee; and a
3524 water management district, if appropriate, ~~and regional planning~~
3525 ~~council all or part of whose jurisdiction lies within the area~~
3526 ~~under study.~~ After the appointment of the members, the Governor

3527 shall select a chair and vice chair. A staff member of the state
3528 land planning agency shall be appointed by the secretary of such
3529 agency to serve as the secretary of the committee. The state
3530 land planning agency shall, to the greatest extent possible,
3531 provide technical assistance and administrative support to the
3532 committee. Meetings will be called as needed by the chair or on
3533 the demand of three or more members of the committee. The
3534 committee will act on a simple majority of a quorum present and
3535 shall make a report within 6 months to the head of the state
3536 land planning agency. The committee must, from the time of
3537 appointment, remain in existence for no less than 6 months.

3538 Section 102. Subsections (3), (4), (7), (8), and (12) of
3539 section 380.05, Florida Statutes, are amended to read:

3540 380.05 Areas of critical state concern.—

3541 (3) Each local government ~~regional planning agency may~~
3542 ~~recommend to the state land planning agency from time to time~~
3543 ~~areas wholly or partially within its jurisdiction that meet the~~
3544 ~~criteria for areas of critical state concern as defined in this~~
3545 ~~section. Each regional planning agency shall solicit from the~~
3546 ~~local governments within its jurisdiction suggestions as to~~
3547 ~~areas to be recommended. A local government in an area where~~
3548 ~~there is no regional planning agency may recommend to the state~~

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3549 land planning agency from time to time areas wholly or partially
3550 within its jurisdiction that meet the criteria for areas of
3551 critical state concern as defined in this section. If the state
3552 land planning agency does not recommend to the commission as an
3553 area of critical state concern an area substantially similar to
3554 one that has been recommended, it must shall respond in writing
3555 as to its reasons therefor.

3556 (4) ~~Before~~ ~~Prior to~~ submitting any recommendation to the
3557 commission under subsection (1), the state land planning agency
3558 shall give notice to any committee appointed pursuant to s.
3559 380.045 and to all local governments ~~and regional planning~~
3560 ~~agencies~~ that include within their boundaries any part of any
3561 area of critical state concern proposed to be designated by the
3562 rule, in addition to any notice otherwise required under chapter
3563 120.

3564 (7) The state land planning agency ~~and any applicable~~
3565 ~~regional planning agency~~ shall, to the greatest extent possible,
3566 provide technical assistance to local governments in the
3567 preparation of the land development regulations and local
3568 comprehensive plan for areas of critical state concern.

3569 (8) If any local government fails to submit land
3570 development regulations or a local comprehensive plan, or if the
3571 regulations or plan or plan amendment submitted do not comply
3572 with the principles for guiding development set out in the rule
3573 designating the area of critical state concern, within 120 days
3574 after the adoption of the rule designating an area of critical
3575 state concern, or within 120 days after the issuance of a
3576 recommended order on the compliance of the plan or plan
3577 amendment pursuant to s. 163.3184, or within 120 days after the

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3578 effective date of an order rejecting a proposed land development
3579 regulation, the state land planning agency must shall submit to
3580 the commission recommended land development regulations and a
3581 local comprehensive plan or portions thereof applicable to that
3582 local government's portion of the area of critical state
3583 concern. Within 45 days following receipt of the recommendation
3584 from the agency, the commission shall either reject the
3585 recommendation as tendered or adopt the recommendation with or
3586 without modification, and by rule establish land development
3587 regulations and a local comprehensive plan applicable to that
3588 local government's portion of the area of critical state
3589 concern. However, such rule may shall not become effective
3590 ~~before~~ ~~prior to~~ legislative review of an area of critical state
3591 concern pursuant to paragraph (1)(c). In the rule, the
3592 commission shall specify the extent to which its land
3593 development regulations, plans, or plan amendments will
3594 supersede, or will be supplementary to, local land development
3595 regulations and plans. Notice of any proposed rule issued under
3596 this section shall be given to all local governments and
3597 regional ~~planning~~ agencies in the area of critical state
3598 concern, in addition to any other notice required under chapter
3599 120. The land development regulations and local comprehensive
3600 plan adopted by the commission under this section may include
3601 any type of regulation and plan that could have been adopted by
3602 the local government. Any land development regulations or local
3603 comprehensive plan or plan amendments adopted by the commission
3604 under this section shall be administered by the local government
3605 as part of, or in the absence of, the local land development
3606 regulations and local comprehensive plan.

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3607 (12) Upon the request of a substantially interested person
3608 pursuant to s. 120.54(7), a local government or regional
3609 ~~planning~~ agency within the designated area, or the state land
3610 planning agency, the commission may by rule remove, contract, or
3611 expand any designated boundary. Boundary expansions are subject
3612 to legislative review pursuant to paragraph (1)(c). No boundary
3613 may be modified without a specific finding by the commission
3614 that such changes are consistent with necessary resource
3615 protection. The total boundaries of an entire area of critical
3616 state concern ~~may shall~~ not be removed by the commission unless
3617 a minimum time of 1 year has elapsed from the adoption of
3618 regulations and a local comprehensive plan pursuant to
3619 subsection (1), subsection (6), subsection (8), or subsection
3620 (10). Before totally removing such boundaries, the commission
3621 shall make findings that the regulations and plans adopted
3622 pursuant to subsection (1), subsection (6), subsection (8), or
3623 subsection (10) are being effectively implemented by local
3624 governments within the area of critical state concern to protect
3625 the area and that adopted local government comprehensive plans
3626 within the area have been conformed to principles for guiding
3627 development for the area.

3628 Section 103. Subsection (3) of section 380.055, Florida
3629 Statutes, is amended to read:

3630 380.055 Big Cypress Area.—

3631 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The “Big
3632 Cypress Area,” as defined in this subsection, is hereby
3633 designated as an area of critical state concern. “Big Cypress
3634 Area” means the area generally depicted on the map entitled
3635 “Boundary Map, Big Cypress National Freshwater Reserve,

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3636 Florida,” numbered BC-91,001 and dated November 1971, which is
3637 on file and available for public inspection in the office of the
3638 National Park Service, Department of the Interior, Washington,
3639 D.C., and in the office of the Board of Trustees of the Internal
3640 Improvement Trust Fund, which is the area proposed as the
3641 Federal Big Cypress National Freshwater Reserve, Florida, and
3642 that area described as follows: Sections 1, 2, 11, 12 and 13 in
3643 Township 49 South, Range 31 East; and Township 49 South, Range
3644 32 East, less Sections 19, 30 and 31; and Township 49 South,
3645 Range 33 East; and Township 49 South, Range 34 East; and
3646 Sections 1 through 5 and 10 through 14 in Township 50 South,
3647 Range 32 East; and Sections 1 through 18 and 20 through 25 in
3648 Township 50 South, Range 33 East; and Township 50 South, Range
3649 34 East, less Section 31; and Sections 1 and 2 in Township 51
3650 South, Range 34 East; All in Collier County, Florida, which
3651 described area shall be known as the “Big Cypress National
3652 Preserve Addition, Florida,” together with such contiguous land
3653 and water areas as are ecologically linked with the Everglades
3654 National Park, certain of the estuarine fisheries of South
3655 Florida, or the freshwater aquifer of South Florida, the
3656 definitive boundaries of which shall be set in the following
3657 manner: Within 120 days following the effective date of this
3658 act, the state land planning agency shall recommend definitive
3659 boundaries for the Big Cypress Area to the Administration
3660 Commission, after giving notice to all local governments and
3661 regional ~~planning~~ agencies which include within their boundaries
3662 any part of the area proposed to be included in the Big Cypress
3663 Area and holding such hearings as the state land planning agency
3664 deems appropriate. Within 45 days following receipt of the

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3665 recommended boundaries, the Administration Commission shall
3666 adopt, modify, or reject the recommendation and shall by rule
3667 establish the boundaries of the area defined as the Big Cypress
3668 Area.

3669 Section 104. Subsection (6) and paragraph (b) of subsection
3670 (12) of section 380.06, Florida Statutes, are amended to read:

3671 380.06 Developments of regional impact.—

3672 (6) REPORTS.—Notwithstanding any condition in a development
3673 order for an approved development of regional impact, the
3674 developer is not required to submit an annual or a biennial
3675 report on the development of regional impact to the local
3676 government, ~~the regional planning agency,~~ the state land
3677 planning agency, and all affected permit agencies unless
3678 required to do so by the local government that has jurisdiction
3679 over the development. The penalty for failure to file such a
3680 required report is as prescribed by the local government.

3681 (12) PROPOSED DEVELOPMENTS.—

3682 (b) This subsection does not apply to:

3683 1. Amendments to a development order governing an existing
3684 development of regional impact.

3685 2. An application for development approval filed with a
3686 concurrent plan amendment application pending as of May 14,
3687 2015, if the applicant elects to have the application reviewed
3688 pursuant to this section as it existed on that date. The
3689 election shall be in writing and filed with the affected local
3690 government, ~~regional planning council,~~ and ~~the~~ state land
3691 planning agency before December 31, 2018.

3692 Section 105. Subsection (2) of section 380.061, Florida
3693 Statutes, is amended to read:

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3694 380.061 The Florida Quality Developments program.—

3695 (2) Following written notification to the state land
3696 planning agency ~~and the appropriate regional planning agency,~~ a
3697 local government with an approved Florida Quality Development
3698 within its jurisdiction must set a public hearing pursuant to
3699 its local procedures and shall adopt a local development order
3700 to replace and supersede the development order adopted by the
3701 state land planning agency for the Florida Quality Development.
3702 Thereafter, the Florida Quality Development shall follow the
3703 procedures and requirements for developments of regional impact
3704 as specified in this chapter.

3705 Section 106. Subsection (2) of section 380.07, Florida
3706 Statutes, is amended to read:

3707 380.07 Florida Land and Water Adjudicatory Commission.—

3708 (2) Whenever any local government issues any development
3709 order in any area of critical state concern, or in regard to the
3710 abandonment of any approved development of regional impact,
3711 copies of such orders as prescribed by rule by the state land
3712 planning agency shall be transmitted to the state land planning
3713 agency, ~~the regional planning agency,~~ and the owner or developer
3714 of the property affected by such order. The state land planning
3715 agency shall adopt rules describing development order rendition
3716 and effectiveness in designated areas of critical state concern.
3717 Within 45 days after the order is rendered, the owner, the
3718 developer, or the state land planning agency may appeal the
3719 order to the Florida Land and Water Adjudicatory Commission by
3720 filing a petition alleging that the development order is not
3721 consistent with this part.

3722 Section 107. Paragraph (c) of subsection (3) of section

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3723 380.23, Florida Statutes, is amended to read:
3724 380.23 Federal consistency.—
3725 (3) Consistency review shall be limited to review of the
3726 following activities, uses, and projects to ensure that such
3727 activities, uses, and projects are conducted in accordance with
3728 the state's coastal management program:
3729 (c) Federally licensed or permitted activities affecting
3730 land or water uses when such activities are in or seaward of the
3731 jurisdiction of local governments required to develop a coastal
3732 zone protection element as provided in s. 380.24 and when such
3733 activities involve:
3734 1. Permits and licenses required under the Rivers and
3735 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.
3736 2. Permits and licenses required under the Marine
3737 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.
3738 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.
3739 3. Permits and licenses required under the Federal Water
3740 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as
3741 amended, unless such permitting activities have been delegated
3742 to the state pursuant to said act.
3743 4. Permits and licenses relating to the transportation of
3744 hazardous substance materials or transportation and dumping
3745 which are issued pursuant to the Hazardous Materials
3746 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or
3747 33 U.S.C. s. 1321, as amended.
3748 5. Permits and licenses required under 15 U.S.C. ss. 717-
3749 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.
3750 1331-1356 for construction and operation of interstate gas
3751 pipelines and storage facilities.

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3752 6. Permits and licenses required for the siting and
3753 construction of any new electrical power plants as defined in s.
3754 ~~403.503~~ ~~403.503(14)~~, as amended, and the licensing and
3755 relicensing of hydroelectric power plants under the Federal
3756 Power Act, 16 U.S.C. ss. 791a et seq., as amended.
3757 7. Permits and licenses required under the Mining Law of
3758 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands
3759 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral
3760 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as
3761 amended; the Federal Land Policy and Management Act, 43 U.S.C.
3762 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16
3763 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43
3764 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,
3765 pipelines, geological and geophysical activities, or rights-of-
3766 way on public lands and permits and licenses required under the
3767 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3768 amended.
3769 8. Permits and licenses for areas leased under the OCS
3770 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3771 leases and approvals of exploration, development, and production
3772 plans.
3773 9. Permits and licenses required under the Deepwater Port
3774 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.
3775 10. Permits required for the taking of marine mammals under
3776 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3777 s. 1374.
3778 Section 108. Subsection (3) of section 380.507, Florida
3779 Statutes, is amended to read:
3780 380.507 Powers of the trust.—The trust shall have all the

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3781 powers necessary or convenient to carry out the purposes and
3782 provisions of this part, including:
3783 (3) To provide technical and financial assistance to local
3784 governments, state agencies, water management districts,
3785 ~~regional planning councils~~, and nonprofit agencies to carry out
3786 projects and activities and develop programs to achieve the
3787 purposes of this part.
3788 Section 109. Paragraph (b) of subsection (8) of section
3789 381.986, Florida Statutes, is amended to read:
3790 381.986 Medical use of marijuana.—
3791 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—
3792 (b) An applicant for licensure as a medical marijuana
3793 treatment center shall apply to the department on a form
3794 prescribed by the department and adopted in rule. The department
3795 shall adopt rules pursuant to ss. 120.536(1) and 120.54
3796 establishing a procedure for the issuance and biennial renewal
3797 of licenses, including initial application and biennial renewal
3798 fees sufficient to cover the costs of implementing and
3799 administering this section, and establishing supplemental
3800 licensure fees for payment beginning May 1, 2018, sufficient to
3801 cover the costs of administering ss. 381.989 and 1004.4351. The
3802 department shall identify applicants with strong diversity plans
3803 reflecting this state's commitment to diversity and implement
3804 training programs and other educational programs to enable
3805 minority persons and certified rural or urban business
3806 enterprises ~~minority business enterprises~~, as defined in s.
3807 288.703, and veteran business enterprises, as defined in s.
3808 295.187, to compete for medical marijuana treatment center
3809 licensure and contracts. Subject to the requirements in

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3810 subparagraphs (a)2.-4., the department shall issue a license to
3811 an applicant if the applicant meets the requirements of this
3812 section and pays the initial application fee. The department
3813 shall renew the licensure of a medical marijuana treatment
3814 center biennially if the licensee meets the requirements of this
3815 section and pays the biennial renewal fee. However, the
3816 department may not renew the license of a medical marijuana
3817 treatment center that has not begun to cultivate, process, and
3818 dispense marijuana by the date that the medical marijuana
3819 treatment center is required to renew its license. An individual
3820 may not be an applicant, owner, officer, board member, or
3821 manager on more than one application for licensure as a medical
3822 marijuana treatment center. An individual or entity may not be
3823 awarded more than one license as a medical marijuana treatment
3824 center. An applicant for licensure as a medical marijuana
3825 treatment center must demonstrate:
3826 1. That, for the 5 consecutive years before submitting the
3827 application, the applicant has been registered to do business in
3828 the state.
3829 2. Possession of a valid certificate of registration issued
3830 by the Department of Agriculture and Consumer Services pursuant
3831 to s. 581.131.
3832 3. The technical and technological ability to cultivate and
3833 produce marijuana, including, but not limited to, low-THC
3834 cannabis.
3835 4. The ability to secure the premises, resources, and
3836 personnel necessary to operate as a medical marijuana treatment
3837 center.
3838 5. The ability to maintain accountability of all raw

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3839 materials, finished products, and any byproducts to prevent
3840 diversion or unlawful access to or possession of these
3841 substances.
3842 6. An infrastructure reasonably located to dispense
3843 marijuana to registered qualified patients statewide or
3844 regionally as determined by the department.
3845 7. The financial ability to maintain operations for the
3846 duration of the 2-year approval cycle, including the provision
3847 of certified financial statements to the department.
3848 a. Upon approval, the applicant must post a \$5 million
3849 performance bond issued by an authorized surety insurance
3850 company rated in one of the three highest rating categories by a
3851 nationally recognized rating service. However, a medical
3852 marijuana treatment center serving at least 1,000 qualified
3853 patients is only required to maintain a \$2 million performance
3854 bond.
3855 b. In lieu of the performance bond required under sub-
3856 subparagraph a., the applicant may provide an irrevocable letter
3857 of credit payable to the department or provide cash to the
3858 department. If provided with cash under this sub-subparagraph,
3859 the department shall deposit the cash in the Grants and
3860 Donations Trust Fund within the Department of Health, subject to
3861 the same conditions as the bond regarding requirements for the
3862 applicant to forfeit ownership of the funds. If the funds
3863 deposited under this sub-subparagraph generate interest, the
3864 amount of that interest shall be used by the department for the
3865 administration of this section.
3866 8. That all owners, officers, board members, and managers
3867 have passed a background screening pursuant to subsection (9).

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3868 9. The employment of a medical director to supervise the
3869 activities of the medical marijuana treatment center.
3870 10. A diversity plan that promotes and ensures the
3871 involvement of minority persons and certified rural or urban
3872 ~~minority~~ business enterprises, as defined in s. 288.703, or
3873 veteran business enterprises, as defined in s. 295.187, in
3874 ownership, management, and employment. An applicant for
3875 licensure renewal must show the effectiveness of the diversity
3876 plan by including the following with his or her application for
3877 renewal:
3878 a. Representation of minority persons and veterans in the
3879 medical marijuana treatment center's workforce;
3880 b. Efforts to recruit minority persons and veterans for
3881 employment; and
3882 c. A record of contracts for services with rural or urban
3883 ~~minority~~ business enterprises and veteran business enterprises.
3884 Section 110. Subsection (4) of section 403.031, Florida
3885 Statutes, is amended to read:
3886 403.031 Definitions.—In construing this chapter, or rules
3887 and regulations adopted pursuant hereto, the following words,
3888 phrases, or terms, unless the context otherwise indicates, have
3889 the following meanings:
3890 (4) "Electrical power plant" means, for purposes of this
3891 part of this chapter, any electrical generating facility that
3892 uses any process or fuel and that is owned or operated by an
3893 electric utility, as defined in s. 403.503 ~~or 403.503(14)~~, and
3894 includes any associated facility that directly supports the
3895 operation of the electrical power plant.
3896 Section 111. Subsection (6) of section 403.0752, Florida

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3897 Statutes, is amended to read:
3898 403.0752 Ecosystem management agreements.—
3899 (6) The secretary of the department may form ecosystem
3900 management advisory teams for consultation and participation in
3901 the preparation of an ecosystem management agreement. The
3902 secretary shall request the participation of at least the state
3903 and regional and local government entities having regulatory
3904 authority over the activities to be subject to the ecosystem
3905 management agreement. Such teams may also include
3906 representatives of other participating or advisory government
3907 agencies, which may include ~~regional planning councils~~, private
3908 landowners, public landowners and managers, public and private
3909 utilities, corporations, and environmental interests. Team
3910 members shall be selected in a manner that ensures adequate
3911 representation of the diverse interests and perspectives within
3912 the designated ecosystem. Participation by any department of
3913 state government is at the discretion of that agency.
3914 Section 112. Subsection (27) of section 403.503, Florida
3915 Statutes, is amended to read:
3916 403.503 Definitions relating to Florida Electrical Power
3917 Plant Siting Act.—As used in this act:
3918 (27) ~~"Regional planning council" means a regional planning~~
3919 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
3920 ~~the electrical power plant is proposed to be located.~~
3921 Section 113. Subsection (1) of section 403.50663, Florida
3922 Statutes, is amended to read:
3923 403.50663 Informational public meetings.—
3924 (1) A local government within whose jurisdiction the power
3925 plant is proposed to be sited may hold one informational public

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3926 meeting in addition to the hearings specifically authorized by
3927 this act on any matter associated with the electrical power
3928 plant proceeding. Such informational public meetings shall be
3929 held by the local government ~~or by the regional planning council~~
3930 ~~if the local government does not hold such meeting~~ within 70
3931 days after the filing of the application. The purpose of an
3932 informational public meeting is for the local government ~~or~~
3933 ~~regional planning council~~ to further inform the public about the
3934 proposed electrical power plant or associated facilities, obtain
3935 comments from the public, and formulate its recommendation with
3936 respect to the proposed electrical power plant.
3937 Section 114. Paragraph (a) of subsection (2) of section
3938 403.507, Florida Statutes, is amended to read:
3939 403.507 Preliminary statements of issues, reports, project
3940 analyses, and studies.—
3941 (2)(a) No later than 100 days after the certification
3942 application has been determined complete, the following agencies
3943 shall prepare reports as provided below and shall submit them to
3944 the department and the applicant, unless a final order denying
3945 the determination of need has been issued under s. 403.519:
3946 1. The Department of Commerce shall prepare a report
3947 containing recommendations which address the impact upon the
3948 public of the proposed electrical power plant, based on the
3949 degree to which the electrical power plant is consistent with
3950 the applicable portions of the state comprehensive plan,
3951 emergency management, and other such matters within its
3952 jurisdiction. The Department of Commerce may also comment on the
3953 consistency of the proposed electrical power plant with
3954 applicable ~~strategic regional policy plans or~~ local

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3955 comprehensive plans and land development regulations.
3956 2. The water management district shall prepare a report as
3957 to matters within its jurisdiction, including but not limited
3958 to, the impact of the proposed electrical power plant on water
3959 resources, regional water supply planning, and district-owned
3960 lands and works.
3961 3. Each local government in whose jurisdiction the proposed
3962 electrical power plant is to be located shall prepare a report
3963 as to the consistency of the proposed electrical power plant
3964 with all applicable local ordinances, regulations, standards, or
3965 criteria that apply to the proposed electrical power plant,
3966 including any applicable local environmental regulations adopted
3967 pursuant to s. 403.182 or by other means.
3968 4. The Fish and Wildlife Conservation Commission shall
3969 prepare a report as to matters within its jurisdiction.
3970 5. The Department of Transportation shall address the
3971 impact of the proposed electrical power plant on matters within
3972 its jurisdiction.
3973 Section 115. Paragraphs (a) and (c) of subsection (4) of
3974 section 403.509, Florida Statutes, are amended to read:
3975 403.509 Final disposition of application.—
3976 (4)(a) Any transmission line corridor certified by the
3977 board, or secretary if applicable, shall meet the criteria of
3978 this section. When more than one transmission line corridor is
3979 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and
3980 meets the criteria of this section, the board, or secretary if
3981 applicable, shall certify the transmission line corridor that
3982 has the least adverse impact regarding the criteria in
3983 subsection (3), including costs.

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3984 (c) If the board, or secretary if applicable, finds that
3985 two or more of the corridors that comply with subsection (3)
3986 have the least adverse impacts regarding the criteria in
3987 subsection (3), including costs, and that the corridors are
3988 substantially equal in adverse impacts regarding the criteria in
3989 subsection (3), including costs, the board, or secretary if
3990 applicable, shall certify the corridor preferred by the
3991 applicant if the corridor is one proper for certification under
3992 s. 403.503 ~~s. 403.503(11)~~.
3993 Section 116. Paragraph (a) of subsection (6) and paragraph
3994 (a) of subsection (7) of section 403.5115, Florida Statutes, are
3995 amended to read:
3996 403.5115 Public notice.—
3997 (6)(a) A good faith effort shall be made by the applicant
3998 to provide direct written notice of the filing of an application
3999 for certification by United States mail or hand delivery no
4000 later than 45 days after filing of the application to all local
4001 landowners whose property, as noted in the most recent local
4002 government tax records, and residences are located within the
4003 following distances of the proposed project:
4004 1. Three miles of the proposed main site boundaries of the
4005 proposed electrical power plant.
4006 2. One-quarter mile for a transmission line corridor that
4007 only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.
4008 ~~403.522(22)~~.
4009 3. One-quarter mile for all other linear associated
4010 facilities extending away from the main site boundary except for
4011 a transmission line corridor that includes a transmission line
4012 that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

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4013 (7)(a) A good faith effort shall be made by the proponent
4014 of an alternate corridor that includes a transmission line, as
4015 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written
4016 notice of the filing of an alternate corridor for certification
4017 by United States mail or hand delivery of the filing no later
4018 than 30 days after filing of the alternate corridor to all local
4019 landowners whose property, as noted in the most recent local
4020 government tax records, and residences, are located within one-
4021 quarter mile of the proposed boundaries of a transmission line
4022 corridor that includes a transmission line as defined by s.
4023 403.522 ~~s. 403.522(22)~~.
4024 Section 117. Subsection (1) of section 403.5175, Florida
4025 Statutes, is amended to read:
4026 403.5175 Existing electrical power plant site
4027 certification.—
4028 (1) An electric utility that owns or operates an existing
4029 electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~
4030 may apply for certification of an existing power plant and its
4031 site in order to obtain all agency licenses necessary to ensure
4032 compliance with federal or state environmental laws and
4033 regulation using the centrally coordinated, one-stop licensing
4034 process established by this part. An application for
4035 certification under this section must be in the form prescribed
4036 by department rule. Applications must be reviewed and processed
4037 using the same procedural steps and notices as for an
4038 application for a new facility, except that a determination of
4039 need by the Public Service Commission is not required.
4040 Section 118. Paragraph (c) of subsection (2) of section
4041 403.518, Florida Statutes, is amended to read:

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4042 403.518 Fees; disposition.—The department shall charge the
4043 applicant the following fees, as appropriate, which, unless
4044 otherwise specified, shall be paid into the Florida Permit Fee
4045 Trust Fund:
4046 (2) An application fee, which may ~~shall~~ not exceed
4047 \$200,000. The fee shall be fixed by rule on a sliding scale
4048 related to the size, type, ultimate site capacity, or increase
4049 in electrical generating capacity proposed by the application.
4050 (c)1. Upon written request with proper itemized accounting
4051 within 90 days after final agency action by the board or
4052 department or withdrawal of the application, the agencies that
4053 prepared reports pursuant to s. 403.507 or participated in a
4054 hearing pursuant to s. 403.508 may submit a written request to
4055 the department for reimbursement of expenses incurred during the
4056 certification proceedings. The request must ~~shall~~ contain an
4057 accounting of expenses incurred which may include time spent
4058 reviewing the application, preparation of any studies required
4059 of the agencies by this act, agency travel and per diem to
4060 attend any hearing held pursuant to this act, and for any local
4061 government's ~~or regional planning council's~~ provision of notice
4062 of public meetings required as a result of the application for
4063 certification. The department shall review the request and
4064 verify that the expenses are valid. Valid expenses must ~~shall~~ be
4065 reimbursed; however, in the event the amount of funds available
4066 for reimbursement is insufficient to provide for full
4067 compensation to the agencies requesting reimbursement,
4068 reimbursement is ~~shall be~~ on a prorated basis.
4069 2. If the application review is held in abeyance for more
4070 than 1 year, the agencies may submit a request for

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4071 reimbursement. This time period ~~is shall be~~ measured from the
4072 date the applicant has provided written notification to the
4073 department that it desires to have the application review
4074 process placed on hold. The fee disbursement shall be processed
4075 in accordance with subparagraph 1.
4076 Section 119. Subsection (21) of section 403.522, Florida
4077 Statutes, is amended to read:
4078 403.522 Definitions relating to the Florida Electric
4079 Transmission Line Siting Act.—As used in this act:
4080 ~~(21) "Regional planning council" means a regional planning~~
4081 ~~council as defined in s. 166.503(4) in the jurisdiction of which~~
4082 ~~the project is proposed to be located.~~
4083 Section 120. Paragraph (a) of subsection (1) of section
4084 403.5251, Florida Statutes, is amended to read:
4085 403.5251 Application; schedules.—
4086 (1)(a) The formal date of the filing of the application for
4087 certification and commencement of the review process for
4088 certification is the date on which the applicant submits:
4089 1. Copies of the application for certification in a
4090 quantity and format, electronic or otherwise as prescribed by
4091 rule, to the department and other agencies identified in s.
4092 403.526(2).
4093 2. The application fee as specified under s. 403.5365 to
4094 the department.
4095
4096 The department shall provide to the applicant and the Division
4097 of Administrative Hearings the names and addresses of any
4098 additional agencies or persons entitled to notice and copies of
4099 the application and amendments, if any, within 7 days after

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4100 receiving the application for certification and the application
4101 fees.
4102 Section 121. Paragraph (a) of subsection (2) of section
4103 403.526, Florida Statutes, is amended to read:
4104 403.526 Preliminary statements of issues, reports, and
4105 project analyses; studies.—
4106 (2)(a) No later than 90 days after the filing of the
4107 application, the following agencies shall prepare reports as
4108 provided below, unless a final order denying the determination
4109 of need has been issued under s. 403.537:
4110 1. The department shall prepare a report as to the impact
4111 of each proposed transmission line or corridor as it relates to
4112 matters within its jurisdiction.
4113 2. Each water management district in the jurisdiction of
4114 which a proposed transmission line or corridor is to be located
4115 shall prepare a report as to the impact on water resources and
4116 other matters within its jurisdiction.
4117 3. The Department of Commerce shall prepare a report
4118 containing recommendations which address the impact upon the
4119 public of the proposed transmission line or corridor, based on
4120 the degree to which the proposed transmission line or corridor
4121 is consistent with the applicable portions of the state
4122 comprehensive plan, emergency management, and other matters
4123 within its jurisdiction. The Department of Commerce may also
4124 comment on the consistency of the proposed transmission line or
4125 corridor with applicable ~~strategic regional policy plans or~~
4126 local comprehensive plans and land development regulations.
4127 4. The Fish and Wildlife Conservation Commission shall
4128 prepare a report as to the impact of each proposed transmission

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4129 line or corridor on fish and wildlife resources and other
4130 matters within its jurisdiction.
4131 5. Each local government shall prepare a report as to the
4132 impact of each proposed transmission line or corridor on matters
4133 within its jurisdiction, including the consistency of the
4134 proposed transmission line or corridor with all applicable local
4135 ordinances, regulations, standards, or criteria that apply to
4136 the proposed transmission line or corridor, including local
4137 comprehensive plans, zoning regulations, land development
4138 regulations, and any applicable local environmental regulations
4139 adopted pursuant to s. 403.182 or by other means. A change by
4140 the responsible local government or local agency in local
4141 comprehensive plans, zoning ordinances, or other regulations
4142 made after the date required for the filing of the local
4143 government's report required by this section is not applicable
4144 to the certification of the proposed transmission line or
4145 corridor unless the certification is denied or the application
4146 is withdrawn.
4147 6. The Department of Transportation shall prepare a report
4148 as to the impact of the proposed transmission line or corridor
4149 on state roads, railroads, airports, aeronautics, seaports, and
4150 other matters within its jurisdiction.
4151 7. The commission shall prepare a report containing its
4152 determination under s. 403.537, and the report may include the
4153 comments from the commission with respect to any other subject
4154 within its jurisdiction.
4155 8. Any other agency, if requested by the department, shall
4156 also perform studies or prepare reports as to subjects within
4157 the jurisdiction of the agency which may potentially be affected

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4158 by the proposed transmission line.
4159 Section 122. Paragraphs (d) and (f) of subsection (1) of
4160 section 403.5271, Florida Statutes, are amended to read:
4161 403.5271 Alternate corridors.—
4162 (1) No later than 45 days before the originally scheduled
4163 certification hearing, any party may propose alternate
4164 transmission line corridor routes for consideration under the
4165 provisions of this act.
4166 (d) Within 21 days after acceptance of an alternate
4167 corridor by the department and the applicant, the party
4168 proposing an alternate corridor shall have the burden of
4169 providing all data to the agencies listed in s. 403.5365 ~~or~~
4170 ~~403.526(2)~~ and newly affected agencies necessary for the
4171 preparation of a supplementary report on the proposed alternate
4172 corridor.
4173 (f) The agencies listed in s. 403.5365 ~~or 403.526(2)~~ and
4174 any newly affected agencies shall file supplementary reports
4175 with the applicant and the department which address the proposed
4176 alternate corridors no later than 24 days after the data
4177 submitted pursuant to paragraph (d) or paragraph (e) is
4178 determined to be complete.
4179 Section 123. Subsection (1) of section 403.5272, Florida
4180 Statutes, is amended to read:
4181 403.5272 Informational public meetings.—
4182 (1) A local government whose jurisdiction is to be crossed
4183 by a proposed corridor may hold one informational public meeting
4184 in addition to the hearings specifically authorized by this act
4185 on any matter associated with the transmission line proceeding.
4186 The informational public meeting ~~may be conducted by the local~~

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4187 ~~government or the regional planning council and~~ shall be held no
4188 later than 55 days after the application is filed. The purpose
4189 of an informational public meeting is for the local government
4190 ~~or regional planning council~~ to further inform the public about
4191 the transmission line proposed, obtain comments from the public,
4192 and formulate its recommendation with respect to the proposed
4193 transmission line.

4194 Section 124. Subsection (4), paragraph (a) of subsection
4195 (5), and paragraph (a) of subsection (6) of section 403.5363,
4196 Florida Statutes, are amended to read:

4197 403.5363 Public notices; requirements.—

4198 (4) A local government ~~or regional planning council~~ that
4199 proposes to conduct an informational public meeting pursuant to
4200 s. 403.5272 must publish notice of the meeting in a newspaper of
4201 general circulation within the county or counties in which the
4202 proposed electrical transmission line will be located no later
4203 than 7 days ~~before~~ ~~prior~~ to the meeting. A newspaper of general
4204 circulation shall be the newspaper that has the largest daily
4205 circulation in that county and has its principal office in that
4206 county. If the newspaper with the largest daily circulation has
4207 its principal office outside the county, the notices shall
4208 appear in both the newspaper having the largest circulation in
4209 that county and in a newspaper authorized to publish legal
4210 notices in that county.

4211 (5) (a) A good faith effort shall be made by the applicant
4212 to provide direct notice of the filing of an application for
4213 certification by United States mail or hand delivery no later
4214 than 45 days after filing of the application to all local
4215 landowners whose property, as noted in the most recent local

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4216 government tax records, and residences are located within one-
4217 quarter mile of the proposed boundaries of a transmission line
4218 corridor that only includes a transmission line as defined by s.
4219 ~~403.522 or 403.522(22).~~

4220 (6) (a) A good faith effort shall be made by the proponent
4221 of an alternate corridor that includes a transmission line, as
4222 defined by s. 403.522 ~~or 403.522(22)~~, to provide direct notice
4223 of the filing of an alternate corridor for certification by
4224 United States mail or hand delivery of the filing no later than
4225 30 days after filing of the alternate corridor to all local
4226 landowners whose property, as noted in the most recent local
4227 government tax records, and residences are located within one-
4228 quarter mile of the proposed boundaries of a transmission line
4229 corridor that includes a transmission line as defined by s.
4230 ~~403.522 or 403.522(22).~~

4231 Section 125. Paragraph (d) of subsection (1) of section
4232 403.5365, Florida Statutes, is amended to read:

4233 403.5365 Fees; disposition.—The department shall charge the
4234 applicant the following fees, as appropriate, which, unless
4235 otherwise specified, shall be paid into the Florida Permit Fee
4236 Trust Fund:

4237 (1) An application fee.

4238 (d)1. Upon written request with proper itemized accounting
4239 within 90 days after final agency action by the siting board or
4240 the department or the written notification of the withdrawal of
4241 the application, the agencies that prepared reports under s.
4242 403.526 or s. 403.5271 or participated in a hearing under s.
4243 403.527 or s. 403.5271 may submit a written request to the
4244 department for reimbursement of expenses incurred during the

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4245 certification proceedings. The request must contain an
4246 accounting of expenses incurred, which may include time spent
4247 reviewing the application, preparation of any studies required
4248 of the agencies by this act, agency travel and per diem to
4249 attend any hearing held under this act, and for the local
4250 government ~~or regional planning council~~ providing additional
4251 notice of the informational public meeting. The department shall
4252 review the request and verify whether a claimed expense is
4253 valid. Valid expenses shall be reimbursed; however, if the
4254 amount of funds available for reimbursement is insufficient to
4255 provide for full compensation to the agencies, reimbursement
4256 shall be on a prorated basis.

4257 2. If the application review is held in abeyance for more
4258 than 1 year, the agencies may submit a request for reimbursement
4259 under subparagraph 1. This time period shall be measured from
4260 the date the applicant has provided written notification to the
4261 department that it desires to have the application review
4262 process placed on hold. The fee disbursement shall be processed
4263 in accordance with subparagraph 1.

4264 Section 126. Paragraphs (a) and (d) of subsection (1) of
4265 section 403.537, Florida Statutes, are amended to read:

4266 403.537 Determination of need for transmission line; powers
4267 and duties.—

4268 (1) (a) Upon request by an applicant or upon its own motion,
4269 the Florida Public Service Commission shall schedule a public
4270 hearing, after notice, to determine the need for a transmission
4271 line regulated by the Florida Electric Transmission Line Siting
4272 Act, ss. 403.52-403.5365. The notice shall be published at least
4273 21 days before the date set for the hearing and shall be

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4274 published by the applicant in at least one-quarter page size
4275 notice in newspapers of general circulation, and by the
4276 commission in the manner specified in chapter 120, by giving
4277 notice to counties ~~and regional planning councils~~ in whose
4278 jurisdiction the transmission line could be placed, and by
4279 giving notice to any persons who have requested to be placed on
4280 the mailing list of the commission for this purpose. Within 21
4281 days after receipt of a request for determination by an
4282 applicant, the commission shall set a date for the hearing. The
4283 hearing shall be held pursuant to s. 350.01 within 45 days after
4284 the filing of the request, and a decision shall be rendered
4285 within 60 days after such filing.

4286 (d) The determination by the commission of the need for the
4287 transmission line, as defined in s. 403.522 ~~or 403.522(22)~~, is
4288 binding on all parties to any certification proceeding under the
4289 Florida Electric Transmission Line Siting Act and is a condition
4290 precedent to the conduct of the certification hearing prescribed
4291 therein. An order entered pursuant to this section constitutes
4292 final agency action.

4293 Section 127. Subsection (17) of section 403.704, Florida
4294 Statutes, is amended to read:

4295 403.704 Powers and duties of the department.—The department
4296 shall have responsibility for the implementation and enforcement
4297 of this act. In addition to other powers and duties, the
4298 department shall:

4299 (17) Provide technical assistance to local governments and
4300 regional agencies to ensure consistency between county hazardous
4301 waste management assessments; coordinate the development of such
4302 assessments ~~with the assistance of the appropriate regional~~

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4303 ~~planning councils~~; and review and make recommendations to the
4304 Legislature relative to the sufficiency of the assessments to
4305 meet state hazardous waste management needs.
4306 Section 128. Subsections (3) and (6) of section 403.7225,
4307 Florida Statutes, are amended to read:
4308 403.7225 Local hazardous waste management assessments.—
4309 (3) Each county ~~or regional planning council~~ shall
4310 coordinate the local hazardous waste management assessments
4311 within its jurisdiction according to guidelines established
4312 under s. 403.7226. If a county declines to perform the local
4313 hazardous waste management assessment, the county ~~must~~ shall
4314 make arrangements with the department ~~its regional planning~~
4315 ~~council~~ to perform the assessment.
4316 (6) Unless performed by the county pursuant to subsection
4317 (3), the ~~department regional planning councils~~ shall upon
4318 successful arrangements with a county:
4319 (a) Perform local hazardous waste management assessments;
4320 and
4321 (b) Provide any technical expertise needed by the counties
4322 in developing the assessments.
4323 Section 129. Subsection (1) of section 403.7226, Florida
4324 Statutes, is amended to read:
4325 403.7226 Technical assistance by the department.—The
4326 department shall:
4327 (1) Provide technical assistance to county governments ~~and~~
4328 ~~regional planning councils~~ to ensure consistency in implementing
4329 local hazardous waste management assessments as provided in ss.
4330 403.7225, 403.7234, and 403.7236. In order to ensure that each
4331 local assessment is properly implemented and that all

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4332 information gathered during the assessment is uniformly compiled
4333 and documented, each county ~~or regional planning council~~ shall
4334 contact the department during the preparation of the local
4335 assessment to receive technical assistance. Each county ~~or~~
4336 ~~regional planning council~~ shall follow guidelines established by
4337 the department, and adopted by rule as appropriate, in order to
4338 properly implement these assessments.
4339 Section 130. Subsection (2) of section 403.723, Florida
4340 Statutes, is amended to read:
4341 403.723 Siting of hazardous waste facilities.—It is the
4342 intent of the Legislature to facilitate siting of proper
4343 hazardous waste storage facilities in each region and any
4344 additional storage, treatment, or disposal facilities as
4345 required. The Legislature recognizes the need for facilitating
4346 disposal of waste produced by small generators, reducing the
4347 volume of wastes generated in the state, reducing the toxicity
4348 of wastes generated in the state, and providing treatment and
4349 disposal facilities in the state.
4350 (2) After each county designates areas for storage
4351 facilities, the department ~~each regional planning council~~ shall
4352 designate one or more sites at which a regional hazardous waste
4353 storage or treatment facility could be constructed.
4354 Section 131. Subsection (22) of section 403.9403, Florida
4355 Statutes, is amended to read:
4356 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
4357 term:
4358 (22) “Regional planning council” means a regional planning
4359 council created pursuant to chapter 186 in the jurisdiction of
4360 ~~which the project is proposed to be located.~~

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4361 Section 132. Paragraph (a) of subsection (2) of section
4362 403.941, Florida Statutes, is amended to read:
4363 403.941 Preliminary statements of issues, reports, and
4364 studies.—
4365 (2) (a) The affected agencies shall prepare reports as
4366 provided in this paragraph and shall submit them to the
4367 department and the applicant within 60 days after the
4368 application is determined sufficient:
4369 1. The department shall prepare a report as to the impact
4370 of each proposed natural gas transmission pipeline or corridor
4371 as it relates to matters within its jurisdiction.
4372 2. Each water management district in the jurisdiction of
4373 which a proposed natural gas transmission pipeline or corridor
4374 is to be located shall prepare a report as to the impact on
4375 water resources and other matters within its jurisdiction.
4376 3. The Department of Commerce shall prepare a report
4377 containing recommendations which address the impact upon the
4378 public of the proposed natural gas transmission pipeline or
4379 corridor, based on the degree to which the proposed natural gas
4380 transmission pipeline or corridor is consistent with the
4381 applicable portions of the state comprehensive plan and other
4382 matters within its jurisdiction. The Department of Commerce may
4383 also comment on the consistency of the proposed natural gas
4384 transmission pipeline or corridor with applicable strategic
4385 ~~regional policy plans or~~ local comprehensive plans and land
4386 development regulations.
4387 4. The Fish and Wildlife Conservation Commission shall
4388 prepare a report as to the impact of each proposed natural gas
4389 transmission pipeline or corridor on fish and wildlife resources

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4390 and other matters within its jurisdiction.
4391 5. Each local government in which the natural gas
4392 transmission pipeline or natural gas transmission pipeline
4393 corridor will be located shall prepare a report as to the impact
4394 of each proposed natural gas transmission pipeline or corridor
4395 on matters within its jurisdiction, including the consistency of
4396 the proposed natural gas transmission pipeline or corridor with
4397 all applicable local ordinances, regulations, standards, or
4398 criteria that apply to the proposed natural gas transmission
4399 pipeline or corridor, including local comprehensive plans,
4400 zoning regulations, land development regulations, and any
4401 applicable local environmental regulations adopted pursuant to
4402 s. 403.182 or by other means. No change by the responsible local
4403 government or local agency in local comprehensive plans, zoning
4404 ordinances, or other regulations made after the date required
4405 for the filing of the local government's report required by this
4406 section shall be applicable to the certification of the proposed
4407 natural gas transmission pipeline or corridor unless the
4408 certification is denied or the application is withdrawn.
4409 6. The Department of Transportation shall prepare a report
4410 on the effect of the natural gas transmission pipeline or
4411 natural gas transmission pipeline corridor on matters within its
4412 jurisdiction, including roadway crossings by the pipeline. The
4413 report shall contain at a minimum:
4414 a. A report by the applicant to the department stating that
4415 all requirements of the department's utilities accommodation
4416 guide have been or will be met in regard to the proposed
4417 pipeline or pipeline corridor; and
4418 b. A statement by the department as to the adequacy of the

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4419 report to the department by the applicant.
4420 7. The Department of State, Division of Historical
4421 Resources, shall prepare a report on the impact of the natural
4422 gas transmission pipeline or natural gas transmission pipeline
4423 corridor on matters within its jurisdiction.
4424 8. The commission shall prepare a report addressing matters
4425 within its jurisdiction. The commission's report shall include
4426 its determination of need issued pursuant to s. 403.9422.
4427 Section 133. Paragraph (a) of subsection (1) of section
4428 403.9422, Florida Statutes, is amended to read:
4429 403.9422 Determination of need for natural gas transmission
4430 pipeline; powers and duties.—
4431 (1)(a) Upon request by an applicant or upon its own motion,
4432 the commission shall schedule a public hearing, after notice, to
4433 determine the need for a natural gas transmission pipeline
4434 regulated by ss. 403.9401-403.9425. Such notice shall be
4435 published at least 45 days before the date set for the hearing
4436 and shall be published in at least one-quarter page size in
4437 newspapers of general circulation and in the Florida
4438 Administrative Register, by giving notice to counties ~~and~~
4439 ~~regional planning councils~~ in whose jurisdiction the natural gas
4440 transmission pipeline could be placed, and by giving notice to
4441 any persons who have requested to be placed on the mailing list
4442 of the commission for this purpose. Within 21 days after receipt
4443 of a request for determination by an applicant, the commission
4444 shall set a date for the hearing. The hearing shall be held
4445 pursuant to s. 350.01 within 75 days after the filing of the
4446 request, and a decision shall be rendered within 90 days after
4447 such filing.

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4448 Section 134. Subsection (4) of section 403.973, Florida
4449 Statutes, is amended to read:
4450 403.973 Expedited permitting; amendments to comprehensive
4451 plans.—
4452 (4) The regional teams shall be established through the
4453 execution of a project-specific memorandum of agreement
4454 developed and executed by the applicant and the secretary, with
4455 input solicited from the respective heads of the Department of
4456 Transportation and its district offices, the Department of
4457 Agriculture and Consumer Services, the Fish and Wildlife
4458 Conservation Commission, ~~appropriate regional planning councils~~,
4459 appropriate water management districts, and voluntarily
4460 participating municipalities and counties. The memorandum of
4461 agreement should also accommodate participation in this
4462 expedited process by other local governments and federal
4463 agencies as circumstances warrant.
4464 Section 135. Paragraphs (b) and (d) of subsection (1) of
4465 section 408.033, Florida Statutes, are amended to read:
4466 408.033 Local and state health planning.—
4467 (1) LOCAL HEALTH COUNCILS.—
4468 (b) Each local health council may:
4469 1. Develop a district area health plan that permits each
4470 local health council to develop strategies and set priorities
4471 for implementation based on its unique local health needs.
4472 2. Advise the agency on health care issues and resource
4473 allocations.
4474 3. Promote public awareness of community health needs,
4475 emphasizing health promotion and cost-effective health service
4476 selection.

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4477 4. Collect data and conduct analyses and studies related to
4478 health care needs of the district, including the needs of
4479 medically indigent persons, and assist the agency and other
4480 state agencies in carrying out data collection activities that
4481 relate to the functions in this subsection.
4482 5. Monitor the onsite construction progress, if any, of
4483 certificate-of-need approved projects and report council
4484 findings to the agency on forms provided by the agency.
4485 ~~6. Advise and assist any regional planning councils within~~
4486 ~~each district that have elected to address health issues in~~
4487 ~~their strategic regional policy plans with the development of~~
4488 ~~the health element of the plans to address the health goals and~~
4489 ~~policies in the State Comprehensive Plan.~~
4490 ~~6.7-~~ Advise and assist local governments within each
4491 district on the development of an optional health plan element
4492 of the comprehensive plan provided in chapter 163, to assure
4493 compatibility with the health goals and policies in the State
4494 Comprehensive Plan and district health plan. To facilitate the
4495 implementation of this section, the local health council shall
4496 annually provide the local governments in its service area, upon
4497 request, with:
4498 a. A copy and appropriate updates of the district health
4499 plan;
4500 b. A report of nursing home utilization statistics for
4501 facilities within the local government jurisdiction; and
4502 c. Applicable agency rules and calculated need
4503 methodologies for health facilities and services regulated under
4504 s. 408.034 for the district served by the local health council.
4505 ~~7.9-~~ Monitor and evaluate the adequacy, appropriateness,

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4506 and effectiveness, within the district, of local, state,
4507 federal, and private funds distributed to meet the needs of the
4508 medically indigent and other underserved population groups.
4509 ~~8.9-~~ In conjunction with the Department of Health, plan for
4510 services at the local level for persons infected with the human
4511 immunodeficiency virus.
4512 ~~9.10-~~ Provide technical assistance to encourage and support
4513 activities by providers, purchasers, consumers, and local,
4514 regional, and state agencies in meeting the health care goals,
4515 objectives, and policies adopted by the local health council.
4516 ~~10.11-~~ Provide the agency with data required by rule for
4517 the review of certificate-of-need applications and the
4518 projection of need for health facilities in the district.
4519 (d) Each local health council shall enter into a memorandum
4520 of agreement with each ~~regional planning council in its district~~
4521 ~~that elects to address health issues in its strategic regional~~
4522 ~~policy plan. In addition, each local health council shall enter~~
4523 ~~into a memorandum of agreement with each~~ local government that
4524 includes an optional health element in its comprehensive plan.
4525 Each memorandum of agreement must specify the manner in which
4526 each local government, ~~regional planning council~~, and local
4527 health council will coordinate its activities to ensure a
4528 unified approach to health planning and implementation efforts.
4529 Section 136. Subsection (1) of section 420.609, Florida
4530 Statutes, is amended to read:
4531 420.609 Affordable Housing Study Commission.—Because the
4532 Legislature firmly supports affordable housing in Florida for
4533 all economic classes:
4534 (1) There is created the Affordable Housing Study

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4535 Commission, which shall be composed of 20 ~~21~~ members to be
4536 appointed by the Governor:
4537 (a) One citizen actively engaged in the residential home
4538 building industry.
4539 (b) One citizen actively engaged in the home mortgage
4540 lending profession.
4541 (c) One citizen actively engaged in the real estate sales
4542 profession.
4543 (d) One citizen actively engaged in apartment development.
4544 (e) One citizen actively engaged in the management and
4545 operation of a rental housing development.
4546 (f) Two citizens who represent very-low-income and low-
4547 income persons.
4548 (g) One citizen representing a community-based organization
4549 with experience in housing development.
4550 (h) One citizen representing a community-based organization
4551 with experience in housing development in a community with a
4552 population of less than 50,000 persons.
4553 (i) Two citizens who represent elderly persons' housing
4554 interests.
4555 ~~(j) One representative of regional planning councils.~~
4556 ~~(j) (1) One representative of the Florida League of Cities.~~
4557 ~~(k) (1) One representative of the Florida Association of~~
4558 ~~Counties.~~
4559 ~~(l) (1) Two citizens representing statewide growth~~
4560 ~~management organizations.~~
4561 ~~(m) (1) One citizen of the state to serve as chair of the~~
4562 ~~commission.~~
4563 ~~(n) (1) One citizen representing a residential community~~

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4564 developer.
4565 ~~(o) (1)~~ One member who is a resident of the state.
4566 ~~(p) (1)~~ One representative from a local housing authority.
4567 ~~(q) (1)~~ One citizen representing the housing interests of
4568 homeless persons.
4569 Section 137. Paragraph (a) of subsection (3) and subsection
4570 (6) of section 473.3065, Florida Statutes, is amended to read:
4571 473.3065 Clay Ford Scholarship Program; Certified Public
4572 Accountant Education Minority Assistance Advisory Council.—
4573 (3) The board shall adopt rules as necessary for
4574 administration of the Clay Ford Scholarship Program, including
4575 rules relating to the following:
4576 (a) Eligibility criteria for receipt of a scholarship,
4577 which, at a minimum, shall include the following factors:
4578 1. Financial need.
4579 2. Ethnic, gender, or racial minority status pursuant to s.
4580 288.703 ~~s. 288.703(4)~~.
4581 3. Scholastic ability and performance.
4582 (6) There is hereby created the Certified Public Accountant
4583 Education Minority Assistance Advisory Council to assist the
4584 board in administering the Clay Ford Scholarship Program. The
4585 council shall be diverse and representative of the gender,
4586 ethnic, and racial categories set forth in s. 288.703 ~~s.~~
4587 288.703(4).
4588 (a) The council shall consist of five licensed Florida-
4589 certified public accountants selected by the board, of whom one
4590 shall be a board member who serves as chair of the council, one
4591 shall be a representative of the National Association of Black
4592 Accountants, one shall be a representative of the Cuban American

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4593 CPA Association, and two shall be selected at large. At least
4594 one member of the council must be a woman.
4595 (b) The board shall determine the terms for initial
4596 appointments and appointments thereafter.
4597 (c) Any vacancy on the council shall be filled in the
4598 manner provided for the selection of the initial member. Any
4599 member appointed to fill a vacancy of an unexpired term shall be
4600 appointed for the remainder of that term.
4601 (d) Three consecutive absences or absences constituting 50
4602 percent or more of the council's meetings within any 12-month
4603 period shall cause the council membership of the member in
4604 question to become void, and the position shall be considered
4605 vacant.
4606 (e) The members of the council shall serve without
4607 compensation, and any necessary and actual expenses incurred by
4608 a member while engaged in the business of the council shall be
4609 borne by such member or by the organization or agency such
4610 member represents. However, the council member who is a member
4611 of the board shall be compensated in accordance with ss.
4612 455.207(4) and 112.061.
4613 Section 138. Paragraph (f) of subsection (1) of section
4614 501.171, Florida Statutes, is amended to read:
4615 501.171 Security of confidential personal information.—
4616 (1) DEFINITIONS.—As used in this section, the term:
4617 (f) "Governmental entity" means any department, division,
4618 bureau, commission, ~~regional planning agency~~, board, district,
4619 authority, agency, or other instrumentality of this state that
4620 acquires, maintains, stores, or uses data in electronic form
4621 containing personal information.

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4622 Section 139. Section 625.3255, Florida Statutes, is amended
4623 to read:
4624 625.3255 Capital participation instrument.—An insurer may
4625 invest in any capital participation instrument or evidence of
4626 indebtedness issued by the Department of Commerce pursuant to
4627 the Florida Small ~~and Minority~~ Business Assistance Act.
4628 Section 140. Paragraph (b) of subsection (4) of section
4629 657.042, Florida Statutes, is amended to read:
4630 657.042 Investment powers and limitations.—A credit union
4631 may invest its funds subject to the following definitions,
4632 restrictions, and limitations:
4633 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
4634 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
4635 the credit union may be invested in any of the following:
4636 (b) Any capital participation instrument or evidence of
4637 indebtedness issued by the Department of Commerce pursuant to
4638 the Florida Small ~~and Minority~~ Business Assistance Act.
4639 Section 141. Paragraph (f) of subsection (4) of section
4640 658.67, Florida Statutes, is amended to read:
4641 658.67 Investment powers and limitations.—A bank may invest
4642 its funds, and a trust company may invest its corporate funds,
4643 subject to the following definitions, restrictions, and
4644 limitations:
4645 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
4646 OF CAPITAL ACCOUNTS.—
4647 (f) Up to 10 percent of the capital accounts of a bank or
4648 trust company may be invested in any capital participation
4649 instrument or evidence of indebtedness issued by the Department
4650 of Commerce pursuant to the Florida Small ~~and Minority~~ Business

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4651 ~~Assistance~~ Act.
4652 Section 142. Subsection (6) of section 1013.30, Florida
4653 Statutes, is amended to read:
4654 1013.30 University campus master plans and campus
4655 development agreements.—
4656 (6) Before a campus master plan is adopted, a copy of the
4657 draft master plan must be sent for review or made available
4658 electronically to the host and any affected local governments,
4659 the state land planning agency, the Department of Environmental
4660 Protection, the Department of Transportation, the Department of
4661 State, the Fish and Wildlife Conservation Commission, and the
4662 applicable water management district ~~and regional planning~~
4663 ~~council~~. At the request of a governmental entity, a hard copy of
4664 the draft master plan shall be submitted within 7 business days
4665 of an electronic copy being made available. These agencies must
4666 be given 90 days after receipt of the campus master plans in
4667 which to conduct their review and provide comments to the
4668 university board of trustees. The commencement of this review
4669 period must be advertised in newspapers of general circulation
4670 within the host local government and any affected local
4671 government to allow for public comment. Following receipt and
4672 consideration of all comments and the holding of an informal
4673 information session and at least two public hearings within the
4674 host jurisdiction, the university board of trustees shall adopt
4675 the campus master plan. It is the intent of the Legislature that
4676 the university board of trustees comply with the notice
4677 requirements set forth in s. 163.3184(11) to ensure full public
4678 participation in this planning process. The informal public
4679 information session must be held before the first public

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4680 hearing. The first public hearing shall be held before the draft
4681 master plan is sent to the agencies specified in this
4682 subsection. The second public hearing shall be held in
4683 conjunction with the adoption of the draft master plan by the
4684 university board of trustees. Campus master plans developed
4685 under this section are not rules and are not subject to chapter
4686 120 except as otherwise provided in this section.
4687 Section 143. For the purpose of incorporating the amendment
4688 made by this act to section 447.203, Florida Statutes, in
4689 references thereto, paragraph (w) of subsection (2) of section
4690 110.205, Florida Statutes, is reenacted to read:
4691 110.205 Career service; exemptions.—
4692 (2) EXEMPT POSITIONS.—The exempt positions that are not
4693 covered by this part include the following:
4694 (w) Managerial employees, as defined in s. 447.203(4),
4695 confidential employees, as defined in s. 447.203(5), and
4696 supervisory employees who spend the majority of their time
4697 communicating with, motivating, training, and evaluating
4698 employees, and planning and directing employees' work, and who
4699 have the authority to hire, transfer, suspend, lay off, recall,
4700 promote, discharge, assign, reward, or discipline subordinate
4701 employees or effectively recommend such action, including all
4702 employees serving as supervisors, administrators, and directors.
4703 Excluded are employees also designated as special risk or
4704 special risk administrative support and attorneys who serve as
4705 administrative law judges pursuant to s. 120.65 or for hearings
4706 conducted pursuant to s. 120.57(1)(a). Additionally, registered
4707 nurses licensed under chapter 464, dentists licensed under
4708 chapter 466, psychologists licensed under chapter 490 or chapter

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4709 491, nutritionists or dietitians licensed under part X of
4710 chapter 468, pharmacists licensed under chapter 465,
4711 psychological specialists licensed under chapter 491, physical
4712 therapists licensed under chapter 486, and speech therapists
4713 licensed under part I of chapter 468 are excluded, unless
4714 otherwise collectively bargained.
4715 Section 144. For the purpose of incorporating the amendment
4716 made by this act to section 164.1031, Florida Statutes, in a
4717 reference thereto, paragraph (d) of subsection (2) of section
4718 163.3162, Florida Statutes, is reenacted to read:
4719 163.3162 Agricultural lands and practices.—
4720 (2) DEFINITIONS.—As used in this section, the term:
4721 (d) "Governmental entity" has the same meaning as provided
4722 in s. 164.1031. The term does not include a water management
4723 district, a water control district established under chapter
4724 298, or a special district created by special act for water
4725 management purposes.
4726 Section 145. For the purpose of incorporating the amendment
4727 made by this act to section 164.1031, Florida Statutes, in a
4728 reference thereto, subsection (8) of section 373.129, Florida
4729 Statutes, is reenacted to read:
4730 373.129 Maintenance of actions.—The department, the
4731 governing board of any water management district, any local
4732 board, or a local government to which authority has been
4733 delegated pursuant to s. 373.103(8), is authorized to commence
4734 and maintain proper and necessary actions and proceedings in any
4735 court of competent jurisdiction for any of the following
4736 purposes:
4737 (8) In conflicts arising where a water management district

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4738 is a party to litigation against another governmental entity, as
4739 defined in s. 164.1031, a district has an affirmative duty to
4740 engage in alternative dispute resolution in good faith as
4741 required by chapter 164.
4742 Section 146. For the purpose of incorporating the amendment
4743 made by this act to section 339.155, Florida Statutes, in
4744 references thereto, subsections (1) and (3) of section 339.2819,
4745 Florida Statutes, are reenacted to read:
4746 339.2819 Transportation Regional Incentive Program.—
4747 (1) There is created within the Department of
4748 Transportation a Transportation Regional Incentive Program for
4749 the purpose of providing funds to improve regionally significant
4750 transportation facilities in regional transportation areas
4751 created pursuant to s. 339.155(4).
4752 (3) The department shall allocate funding available for the
4753 Transportation Regional Incentive Program to the districts based
4754 on a factor derived from equal parts of population and motor
4755 fuel collections for eligible counties in regional
4756 transportation areas created pursuant to s. 339.155(4).
4757 Section 147. For the purpose of incorporating the
4758 amendments made by this act to sections 380.045 and 380.05,
4759 Florida Statutes, in a reference thereto, subsections (5) and
4760 (6) of section 380.0552, Florida Statutes, are reenacted to
4761 read:
4762 380.0552 Florida Keys Area; protection and designation as
4763 area of critical state concern.—
4764 (5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5),
4765 (9)-(11), (15), (17), and (21) shall not apply to the area
4766 designated by this section for so long as the designation

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4767 remains in effect. Except as otherwise provided in this section,
4768 s. 380.045 shall not apply to the area designated by this
4769 section. All other provisions of this chapter shall apply,
4770 including s. 380.07.
4771 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
4772 Governor, acting as the chief planning officer of the state,
4773 shall appoint a resource planning and management committee for
4774 the Florida Keys Area with the membership as specified in s.
4775 380.045(2). Meetings shall be called as needed by the chair or
4776 on the demand of three or more members of the committee. The
4777 committee shall:
4778 (a) Serve as a liaison between the state and local
4779 governments within Monroe County.
4780 (b) Develop, with local government officials in the Florida
4781 Keys Area, recommendations to the state land planning agency as
4782 to the sufficiency of the Florida Keys Area's comprehensive plan
4783 and land development regulations.
4784 (c) Recommend to the state land planning agency changes to
4785 state and regional plans and regulatory programs affecting the
4786 Florida Keys Area.
4787 (d) Assist units of local government within the Florida
4788 Keys Area in carrying out the planning functions and other
4789 responsibilities required by this section.
4790 (e) Review, at a minimum, all reports and other materials
4791 provided to it by the state land planning agency or other
4792 governmental agencies.
4793 Section 148. For the purpose of incorporating the amendment
4794 made by this act to section 403.507, Florida Statutes, in a
4795 reference thereto, paragraph (a) of subsection (1) of section

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4796 403.5064, Florida Statutes, is reenacted to read:
4797 403.5064 Application; schedules.—
4798 (1) The formal date of filing of a certification
4799 application and commencement of the certification review process
4800 shall be when the applicant submits:
4801 (a) Copies of the certification application in a quantity
4802 and format as prescribed by rule to the department and other
4803 agencies identified in s. 403.507(2)(a).
4804 Section 149. For the purpose of incorporating the amendment
4805 made by this act to section 403.526, Florida Statutes, in a
4806 reference thereto, paragraph (a) of subsection (1) of section
4807 403.5251, Florida Statutes, is reenacted to read:
4808 403.5251 Application; schedules.—
4809 (1)(a) The formal date of the filing of the application for
4810 certification and commencement of the review process for
4811 certification is the date on which the applicant submits:
4812 1. Copies of the application for certification in a
4813 quantity and format, electronic or otherwise as prescribed by
4814 rule, to the department and other agencies identified in s.
4815 403.526(2).
4816 2. The application fee as specified under s. 403.5365 to
4817 the department.
4818
4819 The department shall provide to the applicant and the Division
4820 of Administrative Hearings the names and addresses of any
4821 additional agencies or persons entitled to notice and copies of
4822 the application and amendments, if any, within 7 days after
4823 receiving the application for certification and the application
4824 fees.

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4825 Section 150. For the purpose of incorporating the amendment
4826 made by this act to section 403.526, Florida Statutes, in
4827 references thereto, paragraphs (d) and (f) of subsection (1) of
4828 section 403.5271, Florida Statutes, are reenacted to read:
4829 403.5271 Alternate corridors.—
4830 (1) No later than 45 days before the originally scheduled
4831 certification hearing, any party may propose alternate
4832 transmission line corridor routes for consideration under the
4833 provisions of this act.
4834 (d) Within 21 days after acceptance of an alternate
4835 corridor by the department and the applicant, the party
4836 proposing an alternate corridor shall have the burden of
4837 providing all data to the agencies listed in s. 403.526(2) and
4838 newly affected agencies necessary for the preparation of a
4839 supplementary report on the proposed alternate corridor.
4840 (f) The agencies listed in s. 403.526(2) and any newly
4841 affected agencies shall file supplementary reports with the
4842 applicant and the department which address the proposed
4843 alternate corridors no later than 24 days after the data
4844 submitted pursuant to paragraph (d) or paragraph (e) is
4845 determined to be complete.
4846 Section 151. For the purpose of incorporating the amendment
4847 made by this act to section 403.941, Florida Statutes, in a
4848 reference thereto, paragraph (c) of subsection (5) of section
4849 403.9421, Florida Statutes, is reenacted to read:
4850 403.9421 Fees; disposition.—The department shall charge the
4851 applicant the following fees, as appropriate, which shall be
4852 paid into the Florida Permit Fee Trust Fund:
4853 (5) In administering fee revenues received under this

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4854 section, the department shall allocate the funds as follows:
4855 (c) The balance of fees remaining shall be used by the
4856 department to reimburse affected agencies included in s.
4857 403.941(2)(a) for costs incurred in application and
4858 postcertification review, respectively.
4859 1. For application processing costs, upon presentation by
4860 an affected agency of a proper itemized accounting within 90
4861 days after the date of the board's order approving certification
4862 or the date on which a pending application is otherwise disposed
4863 of, the department shall reimburse the agencies for authorized
4864 costs from the fee balances remaining. Such reimbursement shall
4865 be authorized for studies and the preparation of any reports
4866 required of the agencies by ss. 403.9401-403.9425, for agency
4867 travel and per diem to attend any hearing held, and for
4868 participation in the proceedings. In the event the amount
4869 available for allocation is insufficient to provide for complete
4870 reimbursement to the agencies, reimbursement shall be on a
4871 prorated basis. If any sums are remaining, the department shall
4872 retain them for use in the same manner as is otherwise
4873 authorized by this section; however, if the certification
4874 application is withdrawn, the remaining sums shall be refunded
4875 to the applicant within 120 days after withdrawal.
4876 2. For postcertification costs, an invoice may be submitted
4877 on an annual basis, commencing from the date of certification,
4878 for expenses incurred by affected agencies conducting
4879 postcertification review work pursuant to the conditions of
4880 certification. In the event the amount available for allocation
4881 is insufficient to provide for complete reimbursement to the
4882 agencies, reimbursement shall be on a prorated basis.

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4883 Section 152. This act shall take effect July 1, 2025.
4884
4885 ===== T I T L E A M E N D M E N T =====
4886 And the title is amended as follows:
4887 Delete everything before the enacting clause
4888 and insert:
4889 A bill to be entitled
4890 An act relating to rural and urban business
4891 enterprises; repealing ss. 24.113, 186.501, 186.502,
4892 186.503, 186.504, 186.505, 186.506, 186.507, 186.508,
4893 186.509, 186.511, 186.512, 186.513, 186.515, 287.0931,
4894 288.12266, 288.124, 288.706, 288.7094, 288.7102,
4895 288.71025, 288.7103, and 288.714, F.S., relating to
4896 minority participation; a short title; legislative
4897 findings and public purpose; definitions relating to
4898 the Florida Regional Planning Council Act; regional
4899 planning councils, creation, and membership; regional
4900 planning councils, powers and duties; the Executive
4901 Office of the Governor, powers and duties; strategic
4902 regional policy plans; strategic regional policy plan
4903 adoption, consistency with state comprehensive plan;
4904 dispute resolution process; evaluation of strategic
4905 regional policy plan, changes in plan; designation of
4906 regional planning councils; reports; creation of
4907 regional planning councils under ch. 163, F.S.;
4908 minority business enterprises; the Targeted Marketing
4909 Assistance Program; convention grants program; the
4910 Florida Minority Business Loan Mobilization Program;
4911 black business investment corporations; the Black

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4912 Business Loan Program; prohibited acts and penalties;
4913 eligibility for a loan, loan guarantee, or investment;
4914 and quarterly and annual reports, respectively;
4915 amending s. 20.60, F.S.; revising the purpose of the
4916 Department of Commerce; revising the responsibilities
4917 of the Division of Economic Development within the
4918 department; assigning responsibility to the division
4919 for the Office of Secure Florida within the
4920 department; specifying the responsibilities of the
4921 office; amending s. 212.08, F.S.; deleting a
4922 prohibition that the Department of Revenue may not
4923 issue temporary tax exemption certificates after a
4924 specified date; amending s. 215.559, F.S.; requiring
4925 the Division of Emergency Management to give funding
4926 priority to projects for the Hurricane Loss Mitigation
4927 Program in regional planning council regions as such
4928 regions existed on a specified date; amending s.
4929 252.385, F.S.; requiring that the statewide emergency
4930 shelter plan identify the general location and square
4931 footage of special needs shelters by regional planning
4932 council regions, as such regions existed on a
4933 specified date, during the next 5 years; requiring
4934 that state funds be maximized and targeted to regional
4935 planning council regions as such regions existed on a
4936 specified date; amending s. 253.025, F.S.; providing
4937 an exemption for Federal Government agencies regarding
4938 land being reverted to the Board of Trustees of the
4939 Internal Improvement Trust Fund if land conveyances
4940 are at less than the appraised value; amending s.

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4941 287.012, F.S.; deleting the definition of the term
4942 "minority business enterprise" amending s. 287.042,
4943 F.S.; conforming provisions to changes made by the
4944 act; amending s. 287.09451, F.S.; revising legislative
4945 findings; renaming the Office of Supplier Diversity as
4946 the Office of Supplier Development; specifying that
4947 the purpose and duties of the office are to assist
4948 rural or urban business enterprises, rather than
4949 minority business enterprises; conforming a provision
4950 to changes made by the act; making technical changes;
4951 amending s. 287.0947, F.S.; renaming the Florida
4952 Advisory Council on Small and Minority Business
4953 Development as the Florida Advisory Council on Small,
4954 Rural, and Urban Business Development; revising the
4955 composition of the council's membership; revising the
4956 council's powers and duties; conforming a cross-
4957 reference; amending s. 288.001, F.S.; revising the
4958 criteria for membership of the statewide advisory
4959 board of the Florida Small Business Development Center
4960 Network; amending s. 288.0065, F.S.; revising what
4961 information must be included in the department's
4962 annual incentives report; amending s. 288.1167, F.S.;
4963 revising the sports franchise contract provisions for
4964 food and beverage concession and contract awards;
4965 amending s. 288.1229, F.S.; revising the
4966 representational criteria for the board of directors
4967 of the Florida Sports Foundation; amending s.
4968 288.7015, F.S.; revising the duties of the state's
4969 rules ombudsman; amending s. 288.702, F.S.; renaming

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4970 the Florida Small and Minority Business Assistance Act
4971 as the Florida Small Business Act; conforming a cross-
4972 reference; amending s. 288.703, F.S.; defining,
4973 deleting, and revising terms; amending s. 288.705,
4974 F.S.; requiring that the Small Business Development
4975 Center, in coordination with Minority Business
4976 Development Centers, compile and distribute certain
4977 information to small businesses and businesses located
4978 in rural or urban areas, rather than to minority
4979 businesses; revising the information to be provided by
4980 the Small Business Development Center in its annual
4981 report to the Department of Commerce; amending s.
4982 288.776, F.S.; deleting a membership requirement of
4983 the board of directors of the Florida Export Finance
4984 Corporation; creating s. 288.9628, F.S.; providing
4985 legislative findings; establishing the Research,
4986 Innovation, Science, and Engineering (RISE) Investment
4987 Tax Credit Program within the Department of Commerce;
4988 providing the purpose for the program; requiring the
4989 department to coordinate with the Florida Opportunity
4990 Fund and the State Board of Administration for a
4991 specified purpose; defining terms; requiring an
4992 applicant to apply to the department for authorization
4993 to claim tax credits; requiring the department to
4994 review and act upon such application within a
4995 specified timeframe; requiring the applicant to
4996 provide certain information required by the
4997 department; specifying the information that must be
4998 included in the application; requiring an applicant to

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4999 update its application if there has been a material
5000 change; prohibiting tax credits from exceeding a
5001 specified amount in a fiscal year; prohibiting the
5002 department from issuing a tax credit to a qualifying
5003 private fund until the private fund demonstrates it
5004 has received its total capital commitment; prohibiting
5005 the department from authorizing more than a specified
5006 amount of tax credits to a qualifying private fund in
5007 a fiscal year; requiring a qualifying private fund to
5008 provide documentation to show that the qualifying
5009 investment meets the department's requirements to
5010 issue a tax credit; providing that follow-on or add-on
5011 capital commitments may only be considered after the
5012 follow-on or add-on investment has been deployed;
5013 requiring a qualifying private fund to make a
5014 specified number of qualified investments in a
5015 specified number of qualifying portfolio projects to
5016 be eligible for a tax credit; specifying the
5017 information that must be included in the submission by
5018 a qualifying private fund; authorizing a qualifying
5019 private fund to receive tax credits equivalent to a
5020 certain percentage of a qualifying investment in a
5021 qualifying portfolio company; requiring the department
5022 to authorize the Department of Revenue to issue tax
5023 credits to a qualifying private fund if certain
5024 requirements are met; prohibiting the Department of
5025 Revenue from issuing more than a specified fraction of
5026 the tax credits authorized for a qualifying investment
5027 in a qualifying portfolio company in a fiscal year;

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5028 authorizing credits received to be applied against the
5029 qualifying private fund's corporate income tax
5030 liability; authorizing a qualifying private fund to
5031 transfer or sell any portion of its tax credit;
5032 requiring such transfer or sale to take place within a
5033 specified timeframe, after which the credit expires;
5034 prohibiting such transfer or sale if the department
5035 authorizes the credit but the Department of Revenue
5036 has not yet issued such credit; authorizing the
5037 department to revoke or modify its previous decisions
5038 if it is discovered that the qualifying private fund
5039 submitted any false statement, representation, or
5040 certification in its application or if information in
5041 a previous application materially changes; requiring
5042 the department to notify the Department of Revenue of
5043 any such revocation or modification affecting
5044 previously granted tax credits; requiring the
5045 qualifying private fund to notify the Department of
5046 Revenue of any change in its tax credit claimed;
5047 requiring that a qualifying private fund annually
5048 report to the department for each investment within a
5049 specified timeframe in order to remain eligible to
5050 receive tax credits; providing that failure to do so
5051 will result in the qualifying private fund's tax
5052 credit being revoked; requiring a qualifying private
5053 fund to submit specified information to the department
5054 in order to receive a tax credit; requiring the
5055 department to revoke its approval of tax credits for
5056 the qualifying investment if it fails to meet certain

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5057 requirements; requiring the department to issue a
5058 notice of revocation and recapture to the qualifying
5059 private fund and the Department of Revenue; requiring
5060 such qualifying private fund to repay to the
5061 department an amount equal to a certain percent of the
5062 tax credits authorized by the department and claimed
5063 by a qualifying portfolio company for the qualifying
5064 investment; requiring that such funds be deposited
5065 into the General Revenue Fund; providing construction;
5066 requiring the department to include specified
5067 information in its annual incentives report beginning
5068 on a specified date and annually thereafter; requiring
5069 that a certain percentage of tax credits be made
5070 available during a specified period of time for a
5071 specified purpose; requiring that all remaining tax
5072 credits be made available during a specified period of
5073 time on a first-come, first-served basis, subject to
5074 eligibility of the qualifying investment; authorizing
5075 the department to adopt rules; amending s. 290.0056,
5076 F.S.; conforming provisions to changes made by the
5077 act; amending s. 290.0057, F.S.; revising enterprise
5078 zone development plan requirements to include business
5079 investment corporations in rural or urban areas;
5080 amending s. 331.302, F.S.; providing that Space
5081 Florida is not an agency for purposes of its ability
5082 to bid and contract for certain professional and
5083 construction services under certain circumstances, and
5084 is therefore exempt from certain requirements;
5085 providing that monies received by the person under

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5086 contract with Space Florida to provide certain goods
5087 and services are not state or local government funds;
5088 amending s. 331.351, F.S.; revising legislative intent
5089 that rural or urban business enterprises, rather than
5090 women, minorities, and socially and economically
5091 disadvantaged business enterprises, be encouraged to
5092 participate fully in specified development; amending
5093 s. 445.08, F.S.; revising the minimum eligibility
5094 requirements for the Florida Law Enforcement
5095 Recruitment Bonus Payment Program for newly employed
5096 law enforcement officers; deleting an expiration date;
5097 amending s. 447.203, F.S.; revising the definition of
5098 the term "managerial employees"; authorizing local
5099 governments to enter into agreements to create
5100 regional planning entities; amending ss. 17.11,
5101 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,
5102 163.3178, 163.3184, 163.3245, 163.568, 164.1031,
5103 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,
5104 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142,
5105 287.042, 287.055, 287.057, 287.0943, 287.09431,
5106 288.0001, 288.7031, 288.975, 290.004, 320.08058,
5107 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,
5108 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,
5109 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,
5110 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,
5111 380.507, 381.986, 403.031, 403.0752, 403.503,
5112 403.50663, 403.507, 403.509, 403.5115, 403.5175,
5113 403.518, 403.522, 403.5251, 403.526, 403.5271,
5114 403.5272, 403.5363, 403.5365, 403.537, 403.704,

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5115 403.7225, 403.7226, 403.723, 403.9403, 403.941,
5116 403.9422, 403.973, 408.033, 420.609, 473.3065,
5117 501.171, 625.3255, 657.042, 658.67, and 1013.30, F.S.;
5118 conforming provisions to changes made by the act;
5119 revising and conforming cross-references; making
5120 technical changes; reenacting s. 288.0001(2)(b), F.S.,
5121 relating to the Economic Development Programs
5122 Evaluation, to incorporate the amendments made to s.
5123 288.1167, F.S., in a reference thereto; reenacting s.
5124 110.205(2)(w), F.S., relating to career service
5125 exemptions, to incorporate the amendment made to s.
5126 447.203, F.S., in references thereto; reenacting ss.
5127 163.3162(2)(d) and 373.129(8), F.S., relating to
5128 agricultural lands and practices and maintenance of
5129 actions, respectively, to incorporate the amendment
5130 made to s. 164.1031, F.S., in references thereto;
5131 reenacting s. 339.2819(1) and (3), F.S., relating to
5132 the Transportation Regional Incentive Program, to
5133 incorporate the amendment made to s. 339.155, F.S., in
5134 references thereto; reenacting s. 380.0552(5) and (6),
5135 F.S., relating to the Florida Keys Area, to
5136 incorporate the amendments made to ss. 380.045 and
5137 380.05, F.S., in references thereto; reenacting s.
5138 403.5064(1)(a), F.S., relating to application
5139 schedules, to incorporate the amendment made to s.
5140 403.507, F.S., in a reference thereto; reenacting ss.
5141 403.5251(1)(a) and 403.5271(1)(d) and (f), F.S.,
5142 relating to application schedules and alternate
5143 corridors, respectively, to incorporate the amendment

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5144 made to s. 403.526, F.S., in references thereto;
5145 reenacting s. 403.9421(5)(c), F.S., relating to fees
5146 and disposition, to incorporate the amendment made to
5147 s. 403.941, F.S., in a reference thereto; providing an
5148 effective date.

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LEGISLATIVE ACTION

Senate	House
Comm: WD	.
03/31/2025	.
	.
	.
	.

The Committee on Commerce and Tourism (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1617 - 1790
and insert:

(2) RISE PROGRAM CREATED.—There is established within the department the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program. The purpose of the program is to increase venture capital investment in this state. The department shall coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving

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11 applications for tax credits under this section.
12 (3) DEFINITIONS.—As used in this section, the term:
13 (a) "Accredited investor" has the same meaning as in s.
14 517.021.
15 (b) "Advisory affiliate" has the same meaning as in s.
16 517.12(22).
17 (c) "Affiliate" has the same meaning as in s. 517.021.
18 (d) "Applicant" means an advisory affiliate, exempt
19 reporting adviser, or investment adviser who submits or updates
20 an application on behalf of a qualifying private fund.
21 (e) "Associated person" has the same meaning as in s.
22 517.021.
23 (f) "Company" means any business in this state, or a
24 business with more than 50 percent of its workforce in this
25 state, with 500 or fewer employees, and which is engaged in a
26 project.
27 (g) "Department" means the Department of Commerce.
28 (h) "Exempt reporting adviser" has the same meaning as in
29 s. 517.12(22).
30 (i) "Investment adviser" has the same meaning as in s.
31 517.021.
32 (j) "Investor" means any person or entity that has made a
33 capital contribution to a qualifying private fund.
34 (k) "Private fund adviser" has the same meaning as in s.
35 517.12(22).
36 (l) "Project" means research and development that leads to
37 or is anticipated to lead to the creation of new or useful
38 improvement of technologies, agricultural technologies, devices,
39 processes, machines, manufacturing, or composition of matter. A

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40 project may result from the innovative activities of a company
41 or research at a university or college in this state.
42 (m) "Qualifying investment" has the same meaning as in 17
43 C.F.R. s. 275.203(l)-1(c)(3) and, for purposes of this section,
44 includes investment in one or more companies or projects.
45 (n) "Qualifying portfolio company" has the same meaning as
46 in 17 C.F.R. s. 275.203(l)-1(c)(4) and, for purposes of this
47 section, includes a company that meets the definition of
48 "company" in paragraph (f).
49 (o) "Qualifying private fund" has the same meaning as in s.
50 517.12(22) and includes the definition of "angel investor group"
51 as defined in s. 517.021.
52 (p) "Total capital commitment" means the total amount of
53 cash funding the qualifying private fund intends to raise to
54 make one or more qualifying investments in one or more
55 qualifying portfolio companies.
56 (4) APPLICATION.—
57 (a) An applicant must apply to the department for
58 authorization to claim RISE tax credits under this section. The
59 department must review and approve or deny a complete
60 application within 60 calendar days after the complete
61 application has been submitted.
62 (b) An applicant must demonstrate to the department's
63 satisfaction within 12 months after the complete application has
64 been submitted that the qualifying private fund has received at
65 least the total capital commitment contained in its application.
66 (c) The application must include, at a minimum:
67 1. The names of any accredited investors, advisory
68 affiliates, affiliates, associated persons, exempt reporting

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69 advisers, investment advisers, or private fund advisers
70 associated with the qualifying private fund, if there are any at
71 the time of application.
72 2. The names of any investors in the qualifying private
73 fund, if there are any at the time of application.
74 3. The estimated total number of qualifying investments in
75 qualifying portfolio companies.
76 4. The total capital commitment of the qualifying private
77 fund.
78 (d) If, at any time after an applicant has submitted a
79 complete application, there has been a material change that
80 affects the accuracy or completeness of the information
81 contained in the application, the applicant must update its
82 application.
83 (5) TAX CREDITS; GENERALLY.—
84 (a) The amount of tax credits available pursuant to this
85 section in a fiscal year may not exceed \$100 million.
86 (b) The department may not issue a tax credit to a
87 qualifying private fund until the qualifying private fund
88 demonstrates that it has received its total capital commitment.
89 (c) The department may not authorize more than \$10 million
90 in tax credits to a qualifying private fund in a fiscal year.
91 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—
92 (a) To receive tax credits, a qualifying private fund must
93 provide documentation that demonstrates to the department's
94 reasonable satisfaction that the qualifying investment meets the
95 requirements of this section. For purposes of this section,
96 follow-on or add-on commitments may only be considered by the
97 department after the follow-on or add-on investment has been

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98 deployed.
99 (b) A qualifying private fund must make at least one
100 qualified investment in at least one qualifying portfolio
101 project to be eligible to receive tax credits under this
102 section.
103 (c) Each submission by a qualifying private fund to receive
104 tax credits for a qualifying investment in a qualifying
105 portfolio company must include, at a minimum:
106 1. The amount of cash deployed by the qualifying private
107 fund to a qualifying investment in a qualifying portfolio
108 company.
109 2. The total number of employees employed by the qualifying
110 portfolio company.
111 3. The total number of Florida-based, full-time equivalent
112 employees employed by the qualifying portfolio company.
113 (7) TAX CREDITS; RECEIPT; REVOCATION.—
114 (a) A qualifying private fund may receive tax credits
115 equivalent to 25 percent of a qualifying investment in a
116 qualifying portfolio company.
117 (b) Upon a determination by the department that the
118 qualifying investment meets the requirements of this section,
119 the department shall authorize the Department of Revenue to
120 issue tax credits to the qualifying private fund.
121 (c) The Department of Revenue may not issue more than one-
122 fifth of the tax credits authorized for a qualifying investment
123 in a qualifying portfolio company in a fiscal year.
124 (d) Credits received pursuant to this section may be
125 applied against the qualifying private fund's corporate income
126 tax liability. A qualifying private fund may elect to sell or

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127 transfer, in whole or in part, any tax credit issued under this
128 section. An election to sell or transfer any tax credit received
129 pursuant to this section must be made no later than 5 years
130 after the date the credit is received by the qualifying private
131 fund, after which the credit expires and may not be used. A
132 qualifying private fund may not sell or transfer credits that
133 have been authorized by the department but not yet issued by the
134 Department of Revenue.
135 (e) The department may revoke or modify any written
136 decision qualifying, certifying, or otherwise granting
137 eligibility for tax credits under this section if it is
138 discovered that the qualifying private fund submitted any false
139 statement, representation, or certification in any application
140 filed in an attempt to receive tax credits under this section,
141 or if the information in a previously completed application
142 materially changes. The department must immediately notify the
143 Department of Revenue of any revoked or modified orders
144 affecting previously granted tax credits. Additionally, the
145 qualifying private fund must notify the Department of Revenue of
146 any change in its tax credit claimed.
147 (8) COMPLIANCE.—
148 (a) A qualifying private fund must annually report to the
149 department for each qualifying investment for 5 years after
150 authorization to receive credits. Failure to do so will result
151 in the qualifying private fund's tax credit being revoked.
152 (b) In order to receive a tax credit, a qualifying fund
153 must submit to the department the following:
154 1. A certification that there have been no material changes
155 to the information contained in the application or, if material

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156 | changes have occurred since the submission of the application, a
157 | disclosure containing all material changes.
158 | 2. Documentation supporting the total number of full-time
159 | equivalent employees employed by the qualifying portfolio
160 | company.
161 | 3. Documentation supporting the total number of full-time
162 | equivalent employees employed in this state by the qualifying
163 | portfolio company.
164 | 4. Documentation supporting that the qualifying private
165 | fund has not exited its position from the qualifying portfolio
166 | company through acquisition by a company not based in this
167 | state.
168 | (9) SANCTIONS.—
169 | (a) If a qualifying investment fails to meet the
170 | requirements of paragraph (8) (a) or paragraph (8) (b), the
171 | department must revoke its approval of tax credits for the
172 | qualifying investment. The department shall issue a notice of
173 | revocation and recapture to the qualifying private fund and the
174 | Department of Revenue. The qualifying private fund must repay to
175 | the department an amount equal to 50 percent of the tax credits
176 | authorized by the department and claimed by a qualifying
177 | portfolio company for the qualifying investment. Recaptured
178 | funds must be deposited into the General Revenue Fund.
179 | (b) If the department determines that the qualifying
180 | private fund submitted any false statement, representation, or
181 | certification in any application as provided in paragraph
182 | (7) (e), the department must revoke its approval of tax credits
183 | for the qualifying investment. The department shall issue a
184 | notice of revocation and recapture to the qualifying private

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185 | fund and the Department of Revenue. The qualifying private fund
186 | must repay to the department an amount equal to 100 percent of
187 | the tax credits authorized by the department and claimed by a
188 | qualifying portfolio company for the qualifying investment.
189 | Recaptured funds must be deposited into the General Revenue
190 | Fund.
191 | (10) CONSTRUCTION.—For purposes of this section and part
192 | III of chapter 692, committed capital invested in a qualifying
193 | portfolio company by a venture capital fund may not be construed
194 | as having ownership of the qualifying portfolio company.
195 | (11) REPORTING.—Beginning December 30, 2026, the department
196 | shall include the amounts of tax credits authorized and
197 | received, the total number of jobs created, and the total number
198 | of jobs created in this state in its annual incentives report
199 | required under s. 288.0065.
200 | (12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax
201 | credits provided in this section must be made available from
202 | July 1 to December 31 of each year to provide tax credits for
203 | qualifying investments in qualifying portfolio companies located
204 | in rural communities as defined in s. 288.0656(2). All remaining
205 | tax credits must be made available from January 1 to June 30 of
206 | each year on a first-come, first-served basis, subject to the
207 | eligibility of the qualifying investment.
208 | (13) RULEMAKING.—The department is authorized to adopt
209 | rules to implement this section.
210 |
211 | ===== T I T L E A M E N D M E N T =====
212 | And the title is amended as follows:
213 | Delete lines 179 - 192

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214 | and insert:
215 | previously granted tax credits; requiring the
216 | qualifying private fund to notify the Department of
217 | Revenue of any change in its tax credit claimed;
218 | requiring that a qualifying private fund annually
219 | report to the department for each investment within a
220 | specified timeframe in order to remain eligible to
221 | receive tax credits; providing that failure to do so
222 | will result in the qualifying private fund's tax
223 | credit being revoked; requiring a qualifying private
224 | fund to submit specified information to the department
225 | in order to receive a tax credit; requiring the
226 | department to revoke its approval of tax credits for
227 | the qualifying investment if it fails to meet certain
228 | requirements; requiring the department to issue a
229 | notice of revocation and recapture to the qualifying
230 | private fund and the Department of Revenue; requiring
231 | such qualifying private fund to repay to the
232 | department an amount equal to a certain percent of the
233 | tax credits authorized by the department and claimed
234 | by a qualifying portfolio company for the qualifying
235 | investment; requiring that such funds be deposited
236 | into the General Revenue Fund; providing construction;
237 | requiring the department to include specified
238 | information in its annual incentives report beginning
239 | on a specified date and annually thereafter; requiring
240 | that a certain percentage of tax credits be made
241 | available during a specified period of time for a
242 | specified purpose; requiring that all remaining tax

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243 | credits be made available during a specified period of
244 | time on a first-come, first-served basis, subject to
245 | eligibility of the qualifying investment; authorizing
246 | the department to

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By Senator Collins

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1 A bill to be entitled
 2 An act relating to rural and urban business
 3 enterprises; repealing ss. 24.113, 186.501, 186.502,
 4 186.503, 186.504, 186.505, 186.506, 186.507, 186.508,
 5 186.509, 186.511, 186.512, 186.513, 186.515, 288.706,
 6 288.7094, 288.7102, 288.71025, 288.7103, and 288.714,
 7 F.S., relating to minority participation; a short
 8 title; legislative findings and public purpose;
 9 definitions relating to the Florida Regional Planning
 10 Council Act; regional planning councils, creation, and
 11 membership; regional planning councils, powers and
 12 duties; the Executive Office of the Governor, powers
 13 and duties; strategic regional policy plans; strategic
 14 regional policy plan adoption, consistency with state
 15 comprehensive plan; dispute resolution process;
 16 evaluation of strategic regional policy plan, changes
 17 in plan; designation of regional planning councils;
 18 reports; creation of regional planning councils under
 19 ch. 163, F.S.; the Florida Minority Business Loan
 20 Mobilization Program; black business investment
 21 corporations; the Black Business Loan Program;
 22 prohibited acts and penalties; eligibility for a loan,
 23 loan guarantee, or investment; and quarterly and
 24 annual reports, respectively; amending s. 20.60, F.S.;
 25 revising the purpose of the Department of Commerce;
 26 revising the responsibilities of the Division of
 27 Economic Development within the department; assigning
 28 responsibility to the division for the Office of
 29 Secure Florida within the department; specifying the

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30 responsibilities of the office; amending s. 212.08,
 31 F.S.; deleting a prohibition that the Department of
 32 Revenue may not issue temporary tax exemption
 33 certificates after a specified date; amending s.
 34 215.559, F.S.; requiring the Division of Emergency
 35 Management to give funding priority to projects for
 36 the Hurricane Loss Mitigation Program in regional
 37 planning council regions as such regions existed on a
 38 specified date; amending s. 252.385, F.S.; requiring
 39 that the statewide emergency shelter plan identify the
 40 general location and square footage of special needs
 41 shelters by regional planning council regions, as such
 42 regions existed on a specified date, during the next 5
 43 years; requiring that state funds be maximized and
 44 targeted to regional planning council regions as such
 45 regions existed on a specified date; amending s.
 46 253.025, F.S.; providing an exemption for Federal
 47 Government agencies regarding land being reverted to
 48 the Board of Trustees of the Internal Improvement
 49 Trust Fund if land conveyances are at less than the
 50 appraised value; amending s. 287.012, F.S.; revising
 51 the definition of the term "minority business
 52 enterprise"; defining the term "related immediate
 53 family group"; amending s. 287.042, F.S.; conforming
 54 provisions to changes made by the act; amending s.
 55 287.0931, F.S.; revising the definition of the term
 56 "minority person"; conforming provisions to changes
 57 made by the act; amending s. 287.09451, F.S.; revising
 58 legislative findings; renaming the Office of Supplier

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59 Diversity as the Office of Supplier Development;
 60 specifying that the purpose and duties of the office
 61 are to assist rural or urban business enterprises,
 62 rather than minority business enterprises; conforming
 63 a provision to changes made by the act; making
 64 technical changes; amending s. 287.0947, F.S.;
 65 renaming the Florida Advisory Council on Small and
 66 Minority Business Development as the Florida Advisory
 67 Council on Small, Rural, and Urban Business
 68 Development; revising the composition of the council's
 69 membership; revising the council's powers and duties;
 70 conforming a cross-reference; amending s. 288.001,
 71 F.S.; revising the criteria for membership of the
 72 statewide advisory board of the Florida Small Business
 73 Development Center Network; amending s. 288.0065,
 74 F.S.; revising what information must be included in
 75 the department's annual incentives report; amending s.
 76 288.0656, F.S.; revising the definition of the term
 77 "rural community"; deleting the Florida Regional
 78 Planning Council Association as an agency that may sit
 79 on the Rural Economic Development Initiative; creating
 80 s. 288.06562, F.S.; creating the Rural Accelerator
 81 Program within the Department of Commerce; providing a
 82 purpose for the program; requiring the department to
 83 accept grant applications from certain communities;
 84 requiring the department to collaborate with the
 85 Florida Regional Economic Development Association to
 86 review grant applications; requiring that funds be
 87 distributed by the department for specified purposes;

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88 authorizing the department to reimburse recipients for
 89 specified costs through direct payment methods;
 90 authorizing the department to adopt rules; amending s.
 91 288.1167, F.S.; revising the sports franchise contract
 92 provisions for food and beverage concession and
 93 contract awards; amending s. 288.12266, F.S.; revising
 94 the purpose of the Targeted Marketing Assistance
 95 Program to include businesses in rural or urban areas;
 96 amending s. 288.1229, F.S.; revising the
 97 representational criteria for the board of directors
 98 of the Florida Sports Foundation; amending s. 288.124,
 99 F.S.; deleting a requirement that the Florida Tourism
 100 Industry Marketing Corporation give preference to
 101 specified governments and groups seeking to attract
 102 minority conventions in this state; amending s.
 103 288.7015, F.S.; revising the duties of the state's
 104 rules ombudsman; amending s. 288.702, F.S.; renaming
 105 the Florida Small and Minority Business Assistance Act
 106 as the Florida Small Business Act; conforming a cross-
 107 reference; amending s. 288.703, F.S.; defining,
 108 deleting, and revising terms; amending s. 288.705,
 109 F.S.; requiring that the Small Business Development
 110 Center, in coordination with Minority Business
 111 Development Centers, compile and distribute certain
 112 information to small businesses and businesses located
 113 in rural or urban areas, rather than to minority
 114 businesses; revising the information to be provided by
 115 the Small Business Development Center in its annual
 116 report to the Department of Commerce; amending s.

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117 288.776, F.S.; deleting a membership requirement of
 118 the board of directors of the Florida Export Finance
 119 Corporation; creating s. 288.9628, F.S.; providing
 120 legislative findings; establishing the Research,
 121 Innovation, Science, and Engineering (RISE) Investment
 122 Tax Credit Program within the Department of Commerce;
 123 providing the purpose for the program; requiring the
 124 department to coordinate with the Florida Opportunity
 125 Fund and the State Board of Administration for a
 126 specified purpose; defining terms; requiring an
 127 applicant to apply to the department for authorization
 128 to claim tax credits; requiring the department to
 129 review and act upon such application within a
 130 specified timeframe; requiring the applicant to
 131 provide certain information required by the
 132 department; specifying the information that must be
 133 included in the application; requiring an applicant to
 134 update its application if there has been a material
 135 change; prohibiting tax credits from exceeding a
 136 specified amount in a fiscal year; prohibiting the
 137 department from issuing a tax credit to a qualifying
 138 private fund until the private fund demonstrates it
 139 has received its total capital commitment; prohibiting
 140 the department from authorizing more than a specified
 141 amount of tax credits to a qualifying private fund in
 142 a fiscal year; requiring a qualifying private fund to
 143 provide documentation to show that the qualifying
 144 investment meets the department's requirements to
 145 issue a tax credit; providing that follow-on or add-on

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146 capital commitments may only be considered after the
 147 follow-on or add-on investment has been deployed;
 148 requiring a qualifying private fund to make a
 149 specified number of qualified investments in a
 150 specified number of qualifying portfolio projects to
 151 be eligible for a tax credit; specifying the
 152 information that must be included in the submission by
 153 a qualifying private fund; authorizing a qualifying
 154 private fund to receive tax credits equivalent to a
 155 certain percentage of a qualifying investment in a
 156 qualifying portfolio company; requiring the department
 157 to authorize the Department of Revenue to issue tax
 158 credits to a qualifying private fund if certain
 159 requirements are met; prohibiting the Department of
 160 Revenue from issuing more than a specified fraction of
 161 the tax credits authorized for a qualifying investment
 162 in a qualifying portfolio company in a fiscal year;
 163 authorizing credits received to be applied against the
 164 qualifying private fund's corporate income tax
 165 liability; authorizing a qualifying private fund to
 166 transfer or sell any portion of its tax credit;
 167 requiring such transfer or sale to take place within a
 168 specified timeframe, after which the credit expires;
 169 prohibiting such transfer or sale if the department
 170 authorizes the credit but the Department of Revenue
 171 has not yet issued such credit; authorizing the
 172 department to revoke or modify its previous decisions
 173 if it is discovered that the qualifying private fund
 174 submitted any false statement, representation, or

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175 certification in its application or if information in
 176 a previous application materially changes; requiring
 177 the department to notify the Department of Revenue of
 178 any such revocation or modification affecting
 179 previously granted tax credits; requiring the notify
 180 the department of any change in its tax credit
 181 claimed; requiring that a qualifying private fund must
 182 annually report to the department for each investment
 183 within a specified timeframe in order to remain
 184 eligible to receive tax credits; providing that
 185 failure to do so will result in the qualifying private
 186 fund's tax credit being revoked; requiring a
 187 qualifying private fund to submit specified
 188 information to the department in order to receive a
 189 tax credit; providing construction; requiring the
 190 department to include specified information in its
 191 annual incentives report beginning on a specified date
 192 and annually thereafter; authorizing the department to
 193 adopt rules; amending s. 290.0056, F.S.; conforming
 194 provisions to changes made by the act; amending s.
 195 290.0057, F.S.; revising enterprise zone development
 196 plan requirements to include business investment
 197 corporations in rural or urban areas; amending s.
 198 331.302, F.S.; providing that Space Florida is not an
 199 agency for purposes of its ability to bid and contract
 200 for certain professional and construction services
 201 under certain circumstances, and is therefore exempt
 202 from certain requirements; providing that monies
 203 received by the person under contract with Space

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204 Florida to provide certain goods and services are not
 205 state or local government funds; amending s. 331.351,
 206 F.S.; revising legislative intent that rural or urban
 207 business enterprises, rather than women, minorities,
 208 and socially and economically disadvantaged business
 209 enterprises, be encouraged to participate fully in
 210 specified development; amending s. 445.004, F.S.;
 211 deleting minority and gender representation as
 212 criteria for the Governor to consider when choosing
 213 the members of the state board of CareerSource
 214 Florida, Inc.; amending s. 445.007, F.S.; deleting
 215 minority and gender representation as a consideration
 216 when making appointments to the local workforce
 217 development boards or to any committees established by
 218 the local workforce development board; amending s.
 219 445.08, F.S.; revising the minimum eligibility
 220 requirements for the Florida Law Enforcement
 221 Recruitment Bonus Payment Program for newly employed
 222 law enforcement officers; deleting an expiration date;
 223 amending s. 447.203, F.S.; revising the definition of
 224 the term "managerial employees"; authorizing local
 225 governments to enter into agreements to create
 226 regional planning entities; amending ss. 17.11,
 227 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,
 228 163.3178, 163.3184, 163.3245, 163.568, 164.1031,
 229 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,
 230 218.32, 255.101, 255.102, 258.501, 260.0142, 287.042,
 231 287.055, 287.057, 287.0943, 288.7031, 288.975,
 232 290.004, 320.08058, 320.63, 335.188, 339.155, 339.175,

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233 339.285, 339.63, 339.64, 341.041, 343.54, 366.93,
 234 369.303, 369.307, 373.309, 373.415, 377.703, 378.411,
 235 380.031, 380.045, 380.05, 380.055, 380.06, 380.061,
 236 380.07, 380.23, 380.507, 381.986, 403.031, 403.0752,
 237 403.503, 403.50663, 403.507, 403.509, 403.5115,
 238 403.5175, 403.518, 403.522, 403.5251, 403.526,
 239 403.5271, 403.5272, 403.5363, 403.5365, 403.537,
 240 403.704, 403.7225, 403.7226, 403.723, 403.9403,
 241 403.941, 403.9422, 403.973, 408.033, 409.901, 420.609,
 242 440.45, 473.3065, 501.171, 625.3255, 627.3511,
 243 641.217, 657.042, 658.67, 947.02, 947.021, 1004.435,
 244 and 1013.30, F.S.; conforming provisions to changes
 245 made by the act; revising and conforming cross-
 246 references; making technical changes; reenacting ss.
 247 215.971(1)(h), 257.193(2), 288.0655(2)(b), and
 248 627.6699(14)(d), relating to agreements funded with
 249 federal or state assistance, the Community Libraries
 250 in Caring Program, the Rural Infrastructure Fund, and
 251 the Employee Health Care Access Act, respectively, to
 252 incorporate the amendment made to s. 288.0656, F.S.,
 253 in references thereto; reenacting s. 288.0001(2)(b),
 254 F.S., relating to the Economic Development Programs
 255 Evaluation, to incorporate the amendments made to ss.
 256 288.1167 and 288.124, F.S., in references thereto;
 257 reenacting s. 110.205(2)(w), F.S., relating to career
 258 service exemptions, to incorporate the amendment made
 259 to s. 447.203, F.S., in references thereto; reenacting
 260 ss. 163.3162(2)(d) and 373.129(8), F.S., relating to
 261 agricultural lands and practices and maintenance of

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262 actions, respectively, to incorporate the amendment
 263 made to s. 164.1031, F.S., in references thereto;
 264 reenacting s. 339.2819(1) and (3), F.S., relating to
 265 the Transportation Regional Incentive Program, to
 266 incorporate the amendment made to s. 339.155, F.S., in
 267 references thereto; reenacting s. 380.0552(5) and (6),
 268 F.S., relating to the Florida Keys Area, to
 269 incorporate the amendments made to ss. 380.045 and
 270 380.05, F.S., in references thereto; reenacting s.
 271 403.5064(1)(a), F.S., relating to application
 272 schedules, to incorporate the amendment made to s.
 273 403.507, F.S., in a reference thereto; reenacting ss.
 274 403.5251(1)(a) and 403.5271(1)(d) and (f), F.S.,
 275 relating to application schedules and alternate
 276 corridors, respectively, to incorporate the amendment
 277 made to s. 403.526, F.S., in references thereto;
 278 reenacting s. 403.9421(5)(c), F.S., relating to fees
 279 and disposition, to incorporate the amendment made to
 280 s. 403.941, F.S., in a reference thereto; providing an
 281 effective date.

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

284
 285 Section 1. Section 24.113, Florida Statutes, is repealed.
 286 Section 2. Section 186.501, Florida Statutes, is repealed.
 287 Section 3. Section 186.502, Florida Statutes, is repealed.
 288 Section 4. Section 186.503, Florida Statutes, is repealed.
 289 Section 5. Section 186.504, Florida Statutes, is repealed.
 290 Section 6. Section 186.505, Florida Statutes, is repealed.

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291 Section 7. Section 186.506, Florida Statutes, is repealed.
 292 Section 8. Section 186.507, Florida Statutes, is repealed.
 293 Section 9. Section 186.508, Florida Statutes, is repealed.
 294 Section 10. Section 186.509, Florida Statutes, is repealed.
 295 Section 11. Section 186.511, Florida Statutes, is repealed.
 296 Section 12. Section 186.512, Florida Statutes, is repealed.
 297 Section 13. Section 186.513, Florida Statutes, is repealed.
 298 Section 14. Section 186.515, Florida Statutes, is repealed.
 299 Section 15. Section 288.706, Florida Statutes, is repealed.
 300 Section 16. Section 288.7094, Florida Statutes, is
 301 repealed.
 302 Section 17. Section 288.7102, Florida Statutes, is
 303 repealed.
 304 Section 18. Section 288.71025, Florida Statutes, is
 305 repealed.
 306 Section 19. Section 288.7103, Florida Statutes, is
 307 repealed.
 308 Section 20. Section 288.714, Florida Statutes, is repealed.
 309 Section 21. Paragraphs (e) and (k) of subsection (4) and
 310 paragraph (a) of subsection (5) of section 20.60, Florida
 311 Statutes, are amended to read:
 312 20.60 Department of Commerce; creation; powers and duties.—
 313 (4) The purpose of the department is to assist the Governor
 314 in working with the Legislature, state agencies, business
 315 leaders, and economic development professionals to formulate and
 316 implement coherent and consistent policies and strategies
 317 designed to promote economic opportunities for all Floridians.
 318 The department is the state's chief agency for business
 319 recruitment and expansion and economic development. To

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320 accomplish such purposes, the department shall:
 321 (e) Manage the activities of public-private partnerships
 322 and state agencies in order to avoid duplication and promote
 323 coordinated and consistent implementation of programs in areas
 324 including, but not limited to, tourism; international trade and
 325 investment; business recruitment, creation, retention, and
 326 expansion; ~~minority~~ and small business development; business
 327 development in rural or urban areas; defense, space, and
 328 aerospace development; rural community development; and the
 329 development and promotion of professional and amateur sporting
 330 events.
 331 (k) Assist, promote, and enhance economic opportunities for
 332 this state's ~~minority-owned~~ businesses and rural or ~~and~~ urban
 333 communities.
 334 (5) The divisions within the department have specific
 335 responsibilities to achieve the duties, responsibilities, and
 336 goals of the department. Specifically:
 337 (a) The Division of Economic Development shall:
 338 1. Analyze and evaluate business prospects identified by
 339 the Governor and the secretary.
 340 2. Administer certain tax refund, tax credit, and grant
 341 programs created in law. Notwithstanding any other provision of
 342 law, the department may expend interest earned from the
 343 investment of program funds deposited in the Grants and
 344 Donations Trust Fund to contract for the administration of those
 345 programs, or portions of the programs, assigned to the
 346 department by law, by the appropriations process, or by the
 347 Governor. Such expenditures are ~~shall be~~ subject to review under
 348 chapter 216.

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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 must ~~shall~~ be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, attraction of venture capital and finance development, domestic trade, 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.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term

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economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result 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 that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The 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 promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

h. Strategies and plans to support this state's defense, space, and aerospace industries and the emerging complementary business activities and industries that support the development and growth of defense, space, and aerospace in this state.

5. Update the strategic plan every 5 years.

6. Involve CareerSource Florida, Inc.; direct-support organizations of the department; local governments; the general public; local and regional economic development organizations;

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other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

7. Coordinate with the Florida Tourism Industry Marketing Corporation in the development of the 4-year marketing plan pursuant to s. 288.1226(13).

8. Administer and manage relationships, as appropriate, with the entities and programs created pursuant to the Florida Capital Formation Act, ss. 288.9621-288.96255.

9. Establish the Office of Secure Florida. The office is responsible for administering and enforcing:

a. E-Verify and employment authorization compliance, as set forth in ss. 448.09 and 448.095.

b. The prohibition against the purchase and registration of real property in this state by foreign principals, as set forth in ss. 692.203 and 692.204.

Section 22. Paragraph (r) of subsection (5) 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(r) *Data center property.*—

1. As used in this paragraph, the term:

a. "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved

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solely for owners or tenants of a data center to operate their computer server equipment. The term does not include any ancillary load for cooling, lighting, common areas, or other equipment.

b. "Cumulative capital investment" means the combined total of all expenses incurred by the owners or tenants of a data center after July 1, 2017, in connection with acquiring, constructing, installing, equipping, or expanding the data center. However, the term does not include any expenses incurred in the acquisition of improved real property operating as a data center at the time of acquisition or within 6 months before the acquisition.

c. "Data center" means a facility that:

(I) Consists of one or more contiguous parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(II) Is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(III) Has a critical IT load of 15 megawatts or higher, and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center; and

(IV) Is constructed on or after July 1, 2017.

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power,

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cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

2. Data center property is exempt from the tax imposed by this chapter, except for the tax imposed by s. 212.031. To be eligible for the exemption provided by this paragraph, the data center's owners and tenants must make a cumulative capital investment of \$150 million or more for the data center and the data center must have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. Each of these requirements must be satisfied no later than 5 years after the commencement of construction of the data center.

3.a. To receive the exemption provided by this paragraph, the person seeking the exemption must apply to the department for a temporary tax exemption certificate. The application must state that a qualifying data center designation is being sought and provide information that the requirements of subparagraph 2. will be met. Upon a tentative determination by the department that the data center will meet the requirements of subparagraph 2., the department must issue the certificate.

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this

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paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such documentation must include written declarations, pursuant to s. 92.525, from:

(A) A professional engineer, licensed pursuant to chapter 471, certifying that the critical IT load requirement set forth in subparagraph 2. has been satisfied at the data center; and

(B) A Florida certified public accountant, as defined in s. 473.302, certifying that the cumulative capital investment requirement set forth in subparagraph 2. has been satisfied for the data center.

The professional engineer and the Florida certified public accountant may not be professionally related with the data center's owners, tenants, or contractors, except that they may be retained by a data center owner to certify that the requirements of subparagraph 2. have been met.

(II) If the department determines that the subparagraph 2. requirements have been satisfied, the department must issue a permanent tax exemption certificate.

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written

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declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

(IV) Notwithstanding s. 213.053, the department may share information concerning a temporary or permanent data center exemption certificate among all owners, tenants, contractors, and others purchasing exempt data center property pursuant to such certificate.

c. If, in an audit conducted by the department, it is determined that the certificateholder or any owners, tenants, contractors, or others purchasing, renting, or leasing data center property do not meet the criteria of this paragraph, the amount of taxes exempted at the time of purchase, rental, or lease is immediately due and payable to the department from the purchaser, renter, or lessee of those particular items, together with the appropriate interest and penalty computed from the date of purchase in the manner prescribed by this chapter. Notwithstanding s. 95.091(3)(a), any tax due as provided in this sub-subparagraph may be assessed by the department within 6 years after the date the data center property was purchased.

d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or

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items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

e. For any purchase, lease, or rental of property that is exempt pursuant to this paragraph, the possession of a copy of a tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. and a signed certificate of entitlement relieves the seller of the responsibility of collecting the tax on the sale, lease, or rental of such property, and the department must look solely to the purchaser, renter, or lessee for recovery of the tax if it determines that the purchase, rental, or lease was not entitled to the exemption.

~~4. After June 30, 2027, the department may not issue a temporary tax exemption certificate pursuant to this paragraph.~~

Section 23. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division 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 division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit facilities used as public hurricane

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 shelters. Each year the division shall prioritize the use of these funds for projects included in the annual report of the Shelter Development Report prepared in accordance with s. 252.385(3). The division must give funding priority to projects in regional planning council regions, as such regions existed on January 1, 2025, that have shelter deficits and to projects that maximize the use of state funds.

Section 24. Paragraph (b) of subsection (2) and subsection (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space; public records exemption.—
 (2)

(b) By January 31 of each even-numbered year, the 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 emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must identify the general location and square footage of special needs shelters annually through 2030, by regional planning council region. The plan must also include information on the availability of shelters that accept pets. The Department of Health shall assist the 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.

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 (3) The 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 ~~must~~ should be maximized and targeted to regional planning council regions, as such regions existed on January 1, 2025, with hurricane evacuation shelter deficits. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

Section 25. Paragraph (d) of subsection (21) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—
 (21)

(d) A conveyance at less than appraised value must state that the land will revert to the board of trustees if the land is not used for its intended purposes as a military installation buffer or if the military installation closes. Federal Government agencies, including the Department of Defense and its subordinate Departments of the Army, Navy, and Air Force, and the Department of Homeland Security's United States Coast Guard, are exempt from this paragraph if the primary purpose of remaining as a military installation buffer continues, even though the specific military purpose, mission, and function on the conveyed land is modified or changes from that which was present or proposed at the time of the conveyance.

Section 26. Subsection (18) of section 287.012, Florida Statutes, is amended to read:

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

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(18) "Minority business enterprise" means any small business concern that is organized to engage in commercial transactions, is domiciled in Florida, and is at least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin and such group has been subjected historically to disparate treatment resulting in an underrepresentation of commercial enterprises under the group's control, and the management and daily operations of the minority business enterprise are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership that is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit ~~has the same meaning as provided in s. 288.703.~~

Section 27. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 287.042, Florida Statutes, are amended to read:

287.042 Powers, duties, and functions.—The department shall have the following powers, duties, and functions:

(2)(a) To establish purchasing agreements and procure state term contracts for commodities and contractual services, pursuant to s. 287.057, under which state agencies shall, and eligible users may, make purchases pursuant to s. 287.056. The

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department may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Office of Supplier ~~Development Diversity~~ may monitor to ensure that opportunities are afforded for contracting with rural or urban minority business enterprises. The department, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified rural or urban minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive solicitation requirements otherwise applying to their purchases.

(3) To establish a system of coordinated, uniform procurement policies, procedures, and practices to be used by agencies in acquiring commodities and contractual services, which shall include, but not be limited to:

(b)1. Development of procedures for advertising solicitations. These procedures must provide for electronic posting of solicitations for at least 10 days before the date set for receipt of bids, proposals, or replies, unless the department or other agency determines in writing that a shorter

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period of time is necessary to avoid harming the interests of the state. The Office of Supplier ~~Development Diversity~~ may consult with the department regarding the development of solicitation distribution procedures to ensure that maximum distribution is afforded to certified minority business enterprises as defined in s. 287.012 ~~s. 288.703~~.

2. Development of procedures for electronic posting. The department shall designate a centralized website on the Internet for the department and other agencies to electronically post solicitations, decisions or intended decisions, and other matters relating to procurement.

Section 28. Subsection (2) of section 287.0931, Florida Statutes, is amended to read:

287.0931 Minority business enterprises; participation in bond underwriting.—

(2) To meet such participation requirement, the minority firm must have full-time employees located in this state, must have a permanent place of business located in this state, and must be a firm which is at least 51-percent-owned by minority persons ~~as defined in s. 288.703~~. However, for the purpose of bond underwriting only, the requirement that the minority person be a permanent resident of this state does not apply. For purposes of this section, the term "minority person" means a lawful, permanent resident of Florida who is:

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America,

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Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof, as established by rule of the Department of Management Services.

(e) An American woman.

Section 29. Section 287.09451, Florida Statutes, is amended to read:

287.09451 Office of Supplier ~~Development Diversity~~; powers, duties, and functions.—

(1) The Legislature finds that there is evidence of a systematic pattern of past and continuing ~~racial~~ discrimination against rural or urban minority business enterprises and a disparity in the availability and use of such rural or urban minority business enterprises in the state procurement system. It is determined to be a compelling state interest to rectify such discrimination and disparity. Based upon statistical data profiling this discrimination, the Legislature has enacted ~~race-conscious and gender-conscious~~ remedial programs to ensure rural or urban minority participation in the economic life of the state, in state contracts for the purchase of commodities and services, and in construction contracts. The purpose and intent of this section is to increase participation by minority business enterprises in rural or urban areas, accomplished by encouraging the use of such rural or urban minority business

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enterprises and the entry of new and diversified rural or urban ~~minority~~ business enterprises into the marketplace.

(2) The Office of Supplier Development Diversity is established within the Department of Management Services to assist ~~minority~~ business enterprises in rural or urban areas in becoming suppliers of commodities, services, and construction to state government.

(3) The secretary shall appoint an executive director for the Office of Supplier Development Diversity, who shall serve at the pleasure of the secretary.

(4) The Office of Supplier Development has Diversity shall ~~have~~ the following powers, duties, and functions:

(a) To adopt rules to determine what constitutes a "good faith effort" for purposes of state agency compliance with the rural or urban minority business enterprise procurement goals set forth in s. 287.042. Factors which must ~~shall~~ be considered ~~by the Minority Business Enterprise Assistance Office~~ in determining good faith effort must ~~shall~~ include, but are not ~~be~~ limited to:

1. Whether the agency scheduled presolicitation or prebid meetings for the purpose of informing rural or urban minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or rural-focused or urban-focused ~~minority-focus~~ media concerning the subcontracting opportunities.

3. Whether the agency effectively used services and resources of available rural or urban minority community

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organizations; minority contractors' groups; local, state, and federal ~~minority business~~ assistance offices for rural or urban businesses; and other organizations that provide assistance in the recruitment and placement of rural or urban minority business enterprises ~~or minority persons~~.

4. Whether the agency provided written notice to a reasonable number of rural or urban minority business enterprises that their interest in contracting with the agency was being solicited in sufficient time to allow the rural or urban minority business enterprises to participate effectively.

(b) To adopt rules to determine what constitutes a "good faith effort" for purposes of contractor compliance with contractual requirements relating to the use of services or commodities of a rural or urban minority business enterprise under s. 287.094(2). Factors which must ~~shall~~ be considered by the Office of Supplier Development Diversity in determining whether a contractor has made good faith efforts must ~~shall~~ include, but are not ~~be~~ limited to:

1. Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform rural or urban minority business enterprises of contracting and subcontracting opportunities.

2. Whether the contractor advertised in general circulation, trade association, or rural-focused or urban-focused ~~minority-focus~~ media concerning the subcontracting opportunities.

3. Whether the contractor provided written notice to a reasonable number of specific rural or urban minority business enterprises that their interest in the contract was being

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813 solicited in sufficient time to allow the rural or urban
 814 ~~minority~~ business enterprises to participate effectively.

815 4. Whether the contractor followed up initial solicitations
 816 of interest by contacting rural or urban ~~minority~~ business
 817 enterprises ~~or minority persons~~ to determine with certainty
 818 whether the rural or urban ~~minority~~ business enterprises ~~or~~
 819 ~~minority persons~~ were interested.

820 5. Whether the contractor selected portions of the work to
 821 be performed by rural or urban ~~minority~~ business enterprises in
 822 order to increase the likelihood of meeting the rural or urban
 823 ~~minority~~ business enterprise procurement goals, including, where
 824 appropriate, breaking down contracts into economically feasible
 825 units to facilitate rural or urban ~~minority~~ business enterprise
 826 participation.

827 6. Whether the contractor provided interested rural or
 828 urban ~~minority~~ business enterprises ~~or minority persons~~ with
 829 adequate information about the plans, specifications, and
 830 requirements of the contract or the availability of jobs.

831 7. Whether the contractor negotiated in good faith with
 832 interested rural or urban ~~minority~~ business enterprises ~~or~~
 833 ~~minority persons~~, not rejecting rural or urban ~~minority~~ business
 834 enterprises ~~or minority persons~~ as unqualified without sound
 835 reasons based on a thorough investigation of their capabilities.

836 8. Whether the contractor effectively used the services of
 837 available rural or urban ~~minority~~ community organizations; rural
 838 or urban ~~minority~~ contractors' groups; local, state, and federal
 839 rural or urban ~~minority~~ business assistance offices; and other
 840 organizations that provide assistance in the recruitment and
 841 placement of rural or urban ~~minority~~ business enterprises ~~or~~

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842 ~~minority persons~~.

843 (c) To adopt rules and do all things necessary or
 844 convenient to guide all state agencies toward making
 845 expenditures for commodities, contractual services,
 846 construction, and architectural and engineering services with
 847 certified rural or urban ~~minority~~ business enterprises in
 848 accordance with the rural or urban ~~minority~~ business enterprise
 849 procurement goals set forth in s. 287.042.

850 (d) To monitor the degree to which agencies procure
 851 services, commodities, and construction from rural or urban
 852 ~~minority~~ business enterprises in conjunction with the Department
 853 of Financial Services as specified in s. 17.11.

854 (e) To receive and disseminate information relative to
 855 procurement opportunities, availability of rural or urban
 856 ~~minority~~ business enterprises, and technical assistance.

857 (f) To advise agencies on methods and techniques for
 858 achieving procurement objectives.

859 (g) To provide a central rural or urban ~~minority~~ business
 860 enterprise certification process which includes independent
 861 verification of status as a rural or urban ~~minority~~ business
 862 enterprise.

863 (h) To develop procedures to investigate complaints against
 864 rural or urban ~~minority~~ business enterprises or contractors
 865 alleged to violate any provision related to this section or s.
 866 287.0943, that may include visits to worksites or business
 867 premises, and to refer all information on businesses suspected
 868 of misrepresenting its rural or urban ~~minority~~ status to the
 869 Department of Management Services for investigation. When an
 870 investigation is completed and there is reason to believe that a

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violation has occurred, the matter shall be referred to the office of the Attorney General, Department of Legal Affairs, for prosecution.

(i) To maintain a directory of all rural or urban minority business enterprises which have been certified and provide this information to any agency or business requesting it.

(j) To encourage all firms which do more than \$1 million in business with the state within a 12-month period to develop, implement, and submit to this office a rural or urban minority business development plan.

(k) To communicate on a monthly basis with the Small and Minority Business Advisory Council to keep the council informed on issues relating to rural or urban minority enterprise procurement.

(l) To serve as an advocate for rural or urban minority business enterprises, and coordinate with the small and minority business ombudsman, as defined in s. 288.703, which duties shall include:

1. Ensuring that agencies supported by state funding effectively target the delivery of services and resources, as related to rural or urban minority business enterprises.
2. Establishing standards within each industry with which the state government contracts on how agencies and contractors may provide the maximum practicable opportunity for minority business enterprises.
3. Assisting agencies and contractors by providing outreach to rural or urban minority businesses, by specifying and monitoring technical and managerial competence for rural or urban minority business enterprises, and by consulting in

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planning of agency procurement to determine how best to provide opportunities for rural or urban minority business enterprises.

4. Integrating technical and managerial assistance for rural or urban minority business enterprises with government contracting opportunities.

(m) To certify rural or urban minority business enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such minority businesses at least once every 2 years. Rural or urban Minority business enterprises must be recertified at least once every 2 years. Such certifications may include an electronic signature.

(n)1. To develop procedures to be used by an agency in identifying commodities, contractual services, architectural and engineering services, and construction contracts, except those architectural, engineering, construction, or other related services or contracts subject to the provisions of chapter 339, that could be provided by rural or urban minority business enterprises. Each agency is encouraged to spend 21 percent of the moneys actually expended for construction contracts, 25 percent of the moneys actually expended for architectural and engineering contracts, 24 percent of the moneys actually expended for commodities, and 50.5 percent of the moneys actually expended for contractual services during the previous fiscal year, except for the state university construction program which ~~are shall be~~ based upon public education capital outlay projections for the subsequent fiscal year, and reported to the Legislature pursuant to s. 216.023, for the purpose of entering into contracts with certified rural or urban minority business enterprises as defined in s. 288.703, or approved joint

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ventures. However, in the event of budget reductions pursuant to s. 216.221, the base amounts may be adjusted to reflect such reductions. ~~The overall spending goal for each industry category shall be subdivided as follows:~~

a. ~~For construction contracts: 4 percent for black Americans, 6 percent for Hispanic Americans, and 11 percent for American women.~~

b. ~~For architectural and engineering contracts: 9 percent for Hispanic Americans, 1 percent for Asian Americans, and 15 percent for American women.~~

c. ~~For commodities: 2 percent for black Americans, 4 percent for Hispanic Americans, 0.5 percent for Asian Americans, 0.5 percent for Native Americans, and 17 percent for American women.~~

d. ~~For contractual services: 6 percent for black Americans, 7 percent for Hispanic Americans, 1 percent for Asian Americans, 0.5 percent for Native Americans, and 36 percent for American women.~~

2. For the purposes of commodities contracts for the purchase of equipment to be used in the construction and maintenance of state transportation facilities involving the Department of Transportation, the ~~term~~ ~~terms~~ "certified rural or urban minority business enterprise" ~~has the same meaning as and "minority person" have the same meanings as~~ provided in s. 288.703. In order to ensure that the goals established under this paragraph for contracting with certified rural or urban minority business enterprises are met, the department, with the assistance of the Office of Supplier Development Diversity, shall make recommendations to the Legislature on revisions to

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the goals, based on an updated statistical analysis, at least once every 5 years. Such recommendations ~~must~~ ~~shall~~ be based on statistical data indicating the availability of and disparity in the use of rural or urban minority businesses contracting with the state.

3. In determining the base amounts for assessing compliance with this paragraph, the Office of Supplier Development Diversity may develop, by rule, guidelines for all agencies to use in establishing such base amounts. These rules must include, but are not limited to, guidelines for calculation of base amounts, a deadline for the agencies to submit base amounts, a deadline for approval of the base amounts by the Office of Supplier Development Diversity, and procedures for adjusting the base amounts as a result of budget reductions made pursuant to s. 216.221.

4. To determine guidelines for the use of price preferences, weighted preference formulas, or other preferences, as appropriate to the particular industry or trade, to increase the participation of rural or urban minority businesses in state contracting. These guidelines ~~must~~ ~~shall~~ include consideration of:

a. Size and complexity of the project.

b. The concentration of transactions with rural or urban minority business enterprises for the commodity or contractual services in question in prior agency contracting.

c. The specificity and definition of work allocated to participating rural or urban minority business enterprises.

d. The capacity of participating rural or urban minority business enterprises to complete the tasks identified in the

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project.

e. The available pool of rural or urban minority business enterprises as prime contractors, either alone or as partners in an approved joint venture that serves as the prime contractor.

5. To determine guidelines for use of joint ventures to meet rural or urban minority business enterprises spending goals. For purposes of this section, the term "joint venture" means any association of two or more business concerns to carry out a single business enterprise for profit, for which purpose they combine their property, capital, efforts, skills, and knowledge. The guidelines must ~~shall~~ allow transactions with joint ventures to be eligible for credit against the rural or urban minority business enterprise goals of an agency when the contracting joint venture demonstrates that at least one partner to the joint venture is a certified rural or urban minority business enterprise as defined in s. 288.703, and that such partner is responsible for a clearly defined portion of the work to be performed, and shares in the ownership, control, management, responsibilities, risks, and profits of the joint venture. Such demonstration must ~~shall~~ be by verifiable documents and sworn statements and may be reviewed by the Office of Supplier Development Diversity at or before the time a contract bid, proposal, or reply is submitted. An agency may count toward its rural or urban minority business enterprise goals a portion of the total dollar amount of a contract equal to the percentage of the ownership and control held by the qualifying certified rural or urban minority business partners in the contracting joint venture, so long as the joint venture meets the guidelines adopted by the office.

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(o)1. To establish a system to record and measure the use of certified rural or urban minority business enterprises in state contracting. This system must ~~shall~~ maintain information and statistics on certified rural or urban 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 rural or urban 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 rural or urban 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 whether 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 rural or urban 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 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 rural or urban minority business enterprises by each state agency.
- c. The dollar amount and percentage of contracts awarded indirectly to certified rural or urban minority business enterprises as subcontractors by each state agency.
- d. The total dollar amount and percentage of contracts awarded to certified rural or urban 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.

(5)(a) Each agency shall, at the time the specifications or designs are developed or contract sizing is determined for any proposed procurement costing in excess of CATEGORY FOUR, as defined in s. 287.017, forward a notice to the Office of Supplier Development Diversity of the proposed procurement and any determination on the designs of specifications of the proposed procurement that impose requirements on prospective vendors, no later than 30 days before ~~prior to~~ the issuance of a solicitation, except that this provision does ~~shall~~ not apply to emergency acquisitions. The 30-day notice period does ~~shall~~ not toll the time for any other procedural requirements.

(b) If the Office of Supplier Development Diversity

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determines that the proposed procurement will not likely allow opportunities for rural or urban minority business enterprises, the office may, within 20 days after it receives the information specified in paragraph (a), propose the implementation of rural or urban minority business enterprise utilization provisions or submit alternative procurement methods that would significantly increase rural or urban minority business enterprise contracting opportunities.

(c) Whenever the agency and the Office of Supplier Development Diversity disagree, the matter must ~~shall~~ be submitted for determination to the head of the agency or the senior-level official designated pursuant to this section as liaison for rural or urban minority business enterprise issues.

(d) If the proposed procurement proceeds to competitive solicitation, the office is hereby granted standing to protest, pursuant to this section, in a timely manner, any contract award during competitive solicitation for contractual services and construction contracts that fail to include rural or urban minority business enterprise participation, if any responsible and responsive vendor has demonstrated the ability to achieve any level of participation, or, any contract award for commodities where, a reasonable and economical opportunity to reserve a contract, statewide or district level, for rural or urban minority participation was not executed or, an agency failed to adopt an applicable preference for rural or urban minority participation. The bond requirement is ~~shall be~~ waived for the office purposes of this subsection.

(e) An agency may presume that a vendor offering no rural or urban minority participation has not made a good faith effort

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when other vendors offer rural or urban ~~minority~~ participation of firms listed as relevant to the agency's purchasing needs in the pertinent locality or statewide to complete the project.

(f) Paragraph (a) will not apply when the Office of Supplier Development ~~Diversity~~ determines that an agency has established a work plan to allow advance consultation and planning with rural or urban ~~minority~~ business enterprises and where such plan clearly demonstrates:

1. A high level of advance planning by the agency with rural or urban ~~minority~~ business enterprises.

2. A high level of accessibility, knowledge, and experience by rural or urban ~~minority~~ business enterprises in the agency's contract decisionmaking process.

3. A high quality of agency monitoring and enforcement of internal implementation of rural or urban ~~minority~~ business utilization provisions.

4. A high quality of agency monitoring and enforcement of contractor utilization of rural or urban ~~minority~~ business enterprises, especially tracking subcontractor data, and ensuring the integrity of subcontractor reporting.

5. A high quality of agency outreach, agency networking of major vendors with rural or urban ~~minority~~ vendors, and innovation in techniques to improve utilization of rural or urban ~~minority~~ business enterprises.

6. Substantial commitment, sensitivity, and proactive attitude by the agency head and among the agency rural and urban ~~minority~~ business staff.

(6) Each state agency shall coordinate its rural or urban ~~minority~~ business enterprise procurement activities with the

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Office of Supplier Development ~~Diversity~~. At a minimum, each agency shall:

(a) Adopt a minority business enterprise utilization plan for review and approval by the Office of Supplier Development ~~Diversity~~ which should require meaningful and useful methods to attain the legislative intent in assisting rural or urban ~~minority~~ business enterprises.

(b) Designate a senior-level employee in the agency as a rural or urban ~~minority~~ enterprise assistance officer, responsible for overseeing the agency's rural or urban ~~minority~~ business utilization activities, and who is not also charged with purchasing responsibility. A senior-level agency employee and agency purchasing officials ~~is shall be~~ accountable to the agency head for the agency's rural or urban ~~minority~~ business utilization performance. The Office of Supplier Development ~~Diversity~~ shall advise each agency on compliance performance.

(c) If an agency deviates significantly from its utilization plan in 2 consecutive or 3 out of 5 total fiscal years, the Office of Supplier Development ~~Diversity~~ may review any and all solicitations and contract awards of the agency as deemed necessary until such time as the agency meets its utilization plan.

Section 30. Section 287.0947, Florida Statutes, is amended to read:

287.0947 Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~ Business Development; creation; membership; duties.—

(1) The Secretary of Management Services may create the Florida Advisory Council on Small, Rural, and Urban ~~and Minority~~

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Business Development with the purpose of advising and assisting the secretary in carrying out the secretary's duties with respect to rural or urban minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small, rural, and urban ~~and minority~~ business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall be composed ~~consist~~ of members representing all regions of this ~~the~~ state and shall include at least one member from each group identified within the definition of "minority person" in s. 287.0931(2) ~~s. 288.703(4)~~, considering also gender and nationality subgroups, and shall be composed ~~consist~~ of the following:

(a) Four members ~~consisting of~~ representatives of local and federal small, rural, and urban ~~and minority~~ business assistance programs or community development programs.

(b) Eight members representing ~~composed of~~ ~~representatives of the rural and urban minority private business sectors sector,~~ including certified rural or urban minority business enterprises and rural or urban minority supplier development councils, among whom at least two are ~~shall be~~ women and at least four are ~~shall be~~ minority persons.

(c) Two representatives of local government, one of whom is

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~~shall be~~ a representative of a large local government, and one of whom is ~~shall be~~ a representative of a small local government.

(d) Two representatives from the banking and insurance industry.

(e) Two members from the private business sector, representing the construction and commodities industries.

(f) The Secretary of Commerce or his or her designee.

A candidate for appointment may be considered if eligible to be certified as an owner of a rural or urban 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.

(2) Each appointed member shall serve for a term of 2 years from the date of appointment, except that a vacancy must ~~shall~~ be filled by appointment for the remainder of the unexpired term. The council shall annually elect a chair and a vice chair. The council shall adopt internal procedures or bylaws necessary for efficient operations. Members of the council shall serve without compensation or honorarium but shall be entitled to per diem and travel expenses pursuant to s. 112.061 for the performance of duties for the council. The executive administrator of the commission may remove a council member for cause.

(3) Within 30 days after its initial meeting, the council shall elect from among its members a chair and a vice chair.

(4) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the

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commission or its executive administrator, or at such times as may be prescribed by rule, but not less than once a year, to offer its views on issues related to small, rural, and urban ~~and minority~~ business development of concern to this state. A majority of the members of the council shall constitute a quorum.

(5) The powers and duties of the council include, but are not limited to the following: researching and reviewing the role of small, rural, and urban ~~and minority~~ businesses in the state's economy; reviewing issues and emerging topics relating to small, rural, and urban ~~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, rural, and urban businesses; assessing the implementation of s.

187.201(21), requiring a state economic development comprehensive plan, as it relates to small and certified rural or urban business enterprises as defined in s. 288.703 ~~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, rural, and urban ~~and minority~~ business development which are of importance to the international strategic planning and activities of this state.

(6) On or before January 1 of each year, the council shall present an annual report to the secretary that sets forth in appropriate detail the business transacted by the council during the year and any recommendations to the secretary, including

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those to improve business opportunities for small, rural, and urban ~~and minority~~ business enterprises.

Section 31. Paragraph (b) of subsection (4) of section 288.001, Florida Statutes, is amended, and paragraph (b) of subsection (3) is reenacted, to read:

288.001 The Florida Small Business Development Center Network.—

(3) OPERATION; POLICIES AND PROGRAMS.—

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

(4) STATEWIDE ADVISORY BOARD.—

(b) The statewide advisory board shall be composed ~~consist~~ of 19 members from across the state. At least 12 members must be representatives of the private sector who are knowledgeable of the needs and challenges of small businesses. The members must represent various segments and industries of the economy in this state and must bring knowledge and skills to the statewide advisory board which would enhance the board's collective knowledge of small business assistance needs and challenges. ~~Minority and gender~~ Representation for this state's rural or urban areas must be considered when making appointments to the board. The board must include the following members:

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

2. Three members appointed from the private sector by the

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1277 Speaker of the House of Representatives.

1278 3. Three members appointed from the private sector by the

1279 Governor.

1280 4. Three members appointed from the private sector by the

1281 network's statewide director.

1282 5. One member appointed by the host institution.

1283 6. The Secretary of Commerce, or his or her designee.

1284 7. The Chief Financial Officer, or his or her designee.

1285 8. The President of the Florida Chamber of Commerce, or his

1286 or her designee.

1287 9. The Small Business Development Center Project Officer

1288 from the U.S. Small Business Administration at the South Florida

1289 District Office, or his or her designee.

1290 10. The executive director of the National Federation of

1291 Independent Businesses, Florida, or his or her designee.

1292 11. The executive director of the Florida United Business

1293 Association, or his or her designee.

1294 Section 32. Subsection (8) of section 288.0065, Florida

1295 Statutes, is amended to read:

1296 288.0065 Annual incentives report.—By December 30 of each

1297 year, the department shall provide the Governor, the President

1298 of the Senate, and the Speaker of the House of Representatives a

1299 detailed incentives report quantifying the economic benefits for

1300 all of the economic development incentive programs administered

1301 by the department and its public-private partnerships. The

1302 annual incentives report must include:

1303 (8) A description of the trends relating to business

1304 interest in, and usage of, the various incentives, and the

1305 number of ~~minority-owned or woman-owned~~ small businesses and

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1306 businesses in rural or urban areas receiving incentives.

1307 Section 33. Paragraph (e) of subsection (2) and paragraph

1308 (a) of subsection (6) of section 288.0656, Florida Statutes, are

1309 amended to read:

1310 288.0656 Rural Economic Development Initiative.—

1311 (2) As used in this section, the term:

1312 (e) "Rural community" means:

1313 1. A county with a population of 85,000 or less ~~75,000 or~~

1314 ~~fewer~~.

1315 2. A county with a population of 135,000 or less ~~125,000 or~~

1316 ~~fewer~~ which is contiguous to a county with a population of

1317 85,000 or less ~~75,000 or fewer~~.

1318 3. A municipality within a county described in subparagraph

1319 1. or subparagraph 2.

1320 4. An unincorporated federal enterprise community or an

1321 incorporated rural city with a population of 25,000 or less

1322 ~~fewer~~ and an employment base focused on municipalities with at

1323 least 20 traditional agricultural or resource-based industries,

1324 located in a county not defined as rural, which has at least

1325 three or more of the economic distress factors identified in

1326 paragraph (c) and verified by the department.

1327

1328 For purposes of this paragraph, population must ~~shall~~ be

1329 determined in accordance with the most recent official estimate

1330 pursuant to s. 186.901.

1331 (6)(a) By August 1 of each year, the head of each of the

1332 following agencies and organizations shall designate a deputy

1333 secretary or higher-level staff person from within the agency or

1334 organization to serve as the REDI representative for the agency

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or organization:

1. The Department of Transportation.
2. The Department of Environmental Protection.
3. The Department of Agriculture and Consumer Services.
4. The Department of State.
5. The Department of Health.
6. The Department of Children and Families.
7. The Department of Corrections.
8. The Department of Education.
9. The Department of Juvenile Justice.
10. The Fish and Wildlife Conservation Commission.
11. Each water management district.
12. CareerSource Florida, Inc.
13. VISIT Florida.
- ~~14. The Florida Regional Planning Council Association.~~
- ~~14.15.~~ The Agency for Health Care Administration.
- ~~15.16.~~ The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the Secretary of Commerce.

Section 34. Section 288.06562, Florida Statutes, is created to read:

288.06562 Rural Accelerator Program.—

(1) The Rural Accelerator Program is created within the department to facilitate grant funding for rural communities as defined in s. 288.0656 to identify, prepare, and promote sites for economic development.

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(2) The department shall accept grant applications from communities or counties defined as a rural community in s. 288.0656, as well as local economic development groups applying on behalf of the community.

(3) The department shall collaborate with the Florida Regional Economic Development Association to review grant applications.

(4) Funds appropriated by the Legislature are distributed by the department to rural communities for their use in paying marketing expenses or the costs of site readiness.

a. Marketing expenses may include deploying materials through advertising campaigns, as well as costs associated with meetings, trade missions, and professional development affiliated with site preparation and marketing sites to businesses and site selectors.

b. Site readiness expenses may include clearing title, surveys, permitting, environmental studies, and regulatory compliance, as well as planning, design, and engineering costs. It can also include matching funds for federal and private grants associated with site preparation and nonrecurring administrative expenses associated with site preparation.

(5) The department may reimburse grant recipients for the allowable costs described in subsection (4) through direct payment methods.

(6) The department may adopt rules to implement this section.

Section 35. Section 288.1167, Florida Statutes, is amended to read:

288.1167 Sports franchise contract provisions for food and

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1393 beverage concession and contract awards to ~~minority~~ business
 1394 enterprises in rural or urban areas.—Any applicant who receives
 1395 funding pursuant to the provisions of s. 212.20 must demonstrate
 1396 that:

1397 (1) Funds and facilities with respect to food and beverage
 1398 and related concessions shall be awarded to certified rural or
 1399 urban small ~~minority~~ business enterprises ~~as defined in s.~~
 1400 ~~288.703~~ on the same terms and conditions as the general food and
 1401 beverage concessionaire and in accordance with the minority
 1402 business enterprise procurement goals set forth in s. 287.09451;

1403 (2) At least 15 percent of a company contracted to manage a
 1404 professional sports franchise facility or a spring training
 1405 franchise facility is owned by certified rural or urban ~~minority~~
 1406 business enterprises ~~or by a minority person as that term is~~
 1407 ~~those terms~~ are defined in s. 288.703; or

1408 (3) At least 15 percent of all operational service
 1409 contracts with a professional sports franchise facility or a
 1410 spring training franchise facility are awarded to certified
 1411 rural or urban ~~minority~~ business enterprises as that term is
 1412 defined in s. 288.703 or to a ~~minority~~ person residing in a
 1413 rural or urban area ~~as those terms are defined in s. 288.703~~.

1414 Section 36. Subsection (1) of section 288.12266, Florida
 1415 Statutes, is amended to read:

1416 288.12266 Targeted Marketing Assistance Program.—

1417 (1) The Targeted Marketing Assistance Program is created to
 1418 enhance the tourism business marketing of this state's small,
 1419 ~~minority~~, rural, and agritourism businesses, as well as
 1420 certified rural or urban businesses as that term is defined in
 1421 s. 288.703 ~~in the state~~. The department, in conjunction with the

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1422 Florida Tourism Industry Marketing Corporation, shall administer
 1423 the program. The program shall provide marketing plans,
 1424 marketing assistance, promotional support, media development,
 1425 technical expertise, marketing advice, technology training,
 1426 social marketing support, and other assistance to an eligible
 1427 entity.

1428 Section 37. Paragraph (b) of subsection (2) of section
 1429 288.1229, Florida Statutes, is amended to read:

1430 288.1229 Promotion and development of sports-related
 1431 industries and amateur athletics; direct-support organization
 1432 established; powers and duties.—

1433 (2) The Florida Sports Foundation must:

1434 (b) Be governed by a board of directors, which must be
 1435 composed ~~consist~~ of up to 15 members appointed by the Governor.
 1436 In making appointments, the Governor shall ~~must~~ consider a
 1437 potential member's background in community service and sports
 1438 activism in, and financial support of, the sports industry,
 1439 professional sports, or organized amateur athletics. Members
 1440 must be residents of the state and highly knowledgeable about or
 1441 active in professional or organized amateur sports.

1442 1. The board must contain representatives of all
 1443 geographical regions of the state ~~and must represent ethnic and~~
 1444 ~~gender diversity~~.

1445 2. The terms of office of the members shall be 4 years. No
 1446 member may serve more than two consecutive terms. The Governor
 1447 may remove any member for cause and shall fill all vacancies
 1448 that occur.

1449 Section 38. Section 288.124, Florida Statutes, is amended
 1450 to read:

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1451 288.124 Convention grants program.—The Florida Tourism
 1452 Industry Marketing Corporation is authorized to establish a
 1453 convention grants program and, pursuant to that program, to
 1454 recommend to the department expenditures and contracts with
 1455 local governments and nonprofit corporations or organizations
 1456 for the purpose of attracting national conferences and
 1457 conventions to Florida. ~~Preference shall be given to local~~
 1458 ~~governments and nonprofit corporations or organizations seeking~~
 1459 ~~to attract minority conventions to Florida. Minority conventions~~
 1460 ~~are events that primarily involve minority persons, as defined~~
 1461 ~~in s. 288.703, who are residents or nonresidents of the state.~~
 1462 The Florida Tourism Industry Marketing Corporation shall
 1463 establish guidelines governing the award of grants and the
 1464 administration of this program. The department has final
 1465 approval authority for any grants under this section. The total
 1466 annual allocation of funds for this program may ~~shall~~ not exceed
 1467 \$40,000.

1468 Section 39. Subsection (2) of section 288.7015, Florida
 1469 Statutes, is amended to read:

1470 288.7015 Appointment of rules ombudsman; duties.—The
 1471 Governor shall appoint a rules ombudsman, as defined in s.
 1472 288.703, in the Executive Office of the Governor, for
 1473 considering the impact of agency rules on the state's citizens
 1474 and businesses. The duties of the rules ombudsman are to:

1475 (2) Review state agency rules that adversely or
 1476 disproportionately impact businesses, particularly those
 1477 relating to small and certified rural or urban minority
 1478 businesses as that term is defined in s. 288.703.

1479 Section 40. Section 288.702, Florida Statutes, is amended

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1480 to read:

1481 288.702 Short title.—This section and ss. 288.703-288.705
 1482 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small and
 1483 ~~Minority Business Assistance Act."~~

1484 Section 41. Section 288.703, Florida Statutes, is amended
 1485 to read:

1486 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~
 1487 ~~288.702-288.706~~, the term:

1488 (1) "Certified rural or urban business enterprise" means a
 1489 business located in a defined geographic area within this state
 1490 where one of the following conditions has been documented in the
 1491 most recent census conducted by the Bureau of the Census of the
 1492 United States Department of Commerce:

1493 a. Per capita income in the area is less than 80 percent of
 1494 this state's per capita income.

1495 b. The unemployment rate in the area has been greater than
 1496 the unemployment rate for this state by more than 1 percent over
 1497 the previous 24 months from the time the comparison is made.

1498 ~~"Certified minority business enterprise" means a business~~
 1499 ~~which has been certified by the certifying organization or~~
 1500 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~

1501 (2) "Financial institution" means any bank, trust company,
 1502 insurance company, savings and loan association, credit union,
 1503 federal lending agency, or foundation.

1504 ~~(3) "Minority business enterprise" means any small business~~
 1505 ~~concern as defined in subsection (6) which is organized to~~
 1506 ~~engage in commercial transactions, which is domiciled in~~
 1507 ~~Florida, and which is at least 51 percent owned by minority~~
 1508 ~~persons who are members of an insular group that is of a~~

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particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons. A minority business enterprise may primarily involve the practice of a profession. Ownership by a minority person does not include ownership which is the result of a transfer from a nonminority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subsection, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

(4) "Minority person" means a lawful, permanent resident of Florida who is:

(a) An African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin.

(b) A Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778.

(d) A Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon

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presentation of proper documentation thereof as established by rule of the Department of Management Services.

~~(e) An American woman.~~

(3)(5) "Ombudsman" means an office or individual whose responsibilities include coordinating with the Office of Supplier Development Diversity for the interests of and providing assistance to rural or urban small and minority business enterprises in dealing with governmental agencies and in developing proposals for changes in state agency rules.

(4)(6) "Small business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement includes ~~shall include~~ both personal and business investments.

Section 42. 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 rural or urban 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

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year, the Small Business Development Center shall report to the department on the use of the statewide contracts register. The report ~~must shall~~ include, but not be limited to, information relating to:

(1) The total number of solicitations received from state agencies during the calendar year.

(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.~~

(5)(6) The percentage of service-disabled veteran business enterprises using the service.

Section 43. Subsection (1) of section 288.776, Florida Statutes, is 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 Secretary

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of Commerce, the Chief Financial Officer, the Secretary of State, and a senior official of the United States Department of Commerce.

(b) Appointees who are not state or Federal Government officials shall serve for a term of 3 years and shall be eligible for reappointment. Nonstate and nonfederal official vacancies on the board shall be filled by the board within 30 days after the effective date of the vacancy.

Section 44. Section 288.9628, Florida Statutes, is created to read:

288.9628 Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that strengthening the state's early-stage business ecosystem and supporting cutting-edge innovation are essential for fostering innovation and economic growth. The early-stage business ecosystem, fueled by the state's colleges, universities, and private industry growth, represents significant opportunity for the state to retain entrepreneurial talent and provides an overall benefit for jobseekers, job creators, families, communities, and the state's economy.

(2) RISE Program created.—There is established within the department the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program. The purpose of the program is to increase venture capital investment in this state. The department shall coordinate with the Florida Opportunity Fund and the State Board of Administration in reviewing and approving applications for tax credits under this section.

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

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1625 (a) "Accredited investor" has the same meaning as in s.
 1626 517.021.
 1627 (b) "Advisory affiliate" has the same meaning as in s.
 1628 517.12(22).
 1629 (c) "Affiliate" has the same meaning as in s. 517.021.
 1630 (d) "Applicant" means an advisory affiliate, exempt
 1631 reporting adviser, or investment adviser who submits or updates
 1632 an application on behalf of a qualifying private fund.
 1633 (e) "Associated person" has the same meaning as in s.
 1634 517.021.
 1635 (f) "Company" means any business in this state, or a
 1636 business with more than 50 percent of its workforce in this
 1637 state, with 500 or fewer employees, and which is engaged in a
 1638 project.
 1639 (g) "Department" means the Department of Commerce.
 1640 (h) "Exempt reporting adviser" has the same meaning as in
 1641 s. 517.12(22).
 1642 (i) "Investment adviser" has the same meaning as in s.
 1643 517.021.
 1644 (j) "Investor" means any person or entity that has made a
 1645 capital contribution to a qualifying private fund.
 1646 (k) "Private fund adviser" has the same meaning as in s.
 1647 517.12(22).
 1648 (l) "Project" means research and development that leads to
 1649 or is anticipated to lead to the creation of new or useful
 1650 improvement of technologies, agricultural technologies, devices,
 1651 processes, machines, manufacturing, or composition of matter. A
 1652 project may result from the innovative activities of a company
 1653 or research at a university or college in this state.

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1654 (m) "Qualifying investment" has the same meaning as in 17
 1655 C.F.R. 275.203(l)-1(c)(3) and, for purposes of this section,
 1656 includes investment in one or more companies or projects.
 1657 (n) "Qualifying portfolio company" has the same meaning as
 1658 in 17 C.F.R. 275.203(l)-1(c)(4) and, for purposes of this
 1659 section, includes a company that meets the definition of
 1660 "company" in paragraph (f).
 1661 (o) "Qualifying private fund" has the same meaning as in s.
 1662 517.12(22) and includes the definition of "angel investor group"
 1663 as defined in s. 517.021.
 1664 (p) "Total capital commitment" means the total amount of
 1665 cash funding the qualifying private fund intends to raise to
 1666 make one or more qualifying investments in one or more
 1667 qualifying portfolio companies.
 1668 (4) APPLICATION.—
 1669 (a) An applicant must apply to the department for
 1670 authorization to claim RISE tax credits under this section. The
 1671 department must review and approve or deny a complete
 1672 application within 60 calendar days after the complete
 1673 application has been submitted.
 1674 (b) An applicant must demonstrate to the department's
 1675 satisfaction within 12 months after the complete application has
 1676 been submitted that the qualifying private fund has received at
 1677 least the total capital commitment contained in its application.
 1678 (c) The application must include, at a minimum:
 1679 1. The names of any accredited investors, advisory
 1680 affiliates, affiliates, associated persons, exempt reporting
 1681 advisers, investment advisers, or private fund advisers
 1682 associated with the qualifying private fund, if there are any at

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the time of application.

2. The names of any investors in the qualifying private fund, if there are any at the time of application.

3. The estimated total number of qualifying investments in qualifying portfolio companies.

4. The total capital commitment of the qualifying private fund.

(d) If, at any time after an applicant has submitted a complete application, there has been a material change that affects the accuracy or completeness of the information contained in the application, the applicant must update its application.

(5) TAX CREDITS; GENERALLY.—

(a) The amount of tax credits available pursuant to this section in a fiscal year may not exceed \$100 million.

(b) The department may not issue a tax credit to a qualifying private fund until the qualifying private fund demonstrates that it has received its total capital commitment.

(c) The department may not authorize more than \$10 million in tax credits to a qualifying private fund in a fiscal year.

(6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

(a) To receive tax credits, a qualifying private fund must provide documentation that demonstrates to the department's reasonable satisfaction that the qualifying investment meets the requirements of this section. For purposes of this section, follow-on or add-on commitments may only be considered by the department after the follow-on or add-on investment has been deployed.

(b) A qualifying private fund must make at least one

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qualified investment in at least one qualifying portfolio project to be eligible to receive tax credits under this section.

(c) Each submission by a qualifying private fund to receive tax credits for a qualifying investment in a qualifying portfolio company must include, at a minimum:

1. The amount of cash deployed by the qualifying private fund to a qualifying investment in a qualifying portfolio company.

2. The total number of employees employed by the qualifying portfolio company.

3. The total number of Florida-based, full-time equivalent employees employed by the qualifying portfolio company.

(7) TAX CREDITS; RECEIPT; REVOCATION.—

(a) A qualifying private fund may receive tax credits equivalent to 25 percent of a qualifying investment in a qualifying portfolio company.

(b) Upon a determination by the department that the qualifying investment meets the requirements of this section, the department shall authorize the Department of Revenue to issue tax credits to the qualifying private fund.

(c) The Department of Revenue may not issue more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio company in a fiscal year.

(d) Credits received pursuant to this section may be applied against the qualifying private fund's corporate income tax liability. A qualifying private fund may elect to sell or transfer, in whole or in part, any tax credit issued under this section. An election to sell or transfer any tax credit received

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1741 pursuant to this section must be made no later than 5 years
 1742 after the date the credit is received by the qualifying private
 1743 fund, after which the credit expires and may not be used. A
 1744 qualifying private fund may not sell or transfer credits that
 1745 have been authorized by the department but not yet issued by the
 1746 Department of Revenue.

1747 (e) The department may revoke or modify any written
 1748 decision qualifying, certifying, or otherwise granting
 1749 eligibility for tax credits under this section if it is
 1750 discovered that the qualifying private fund submitted any false
 1751 statement, representation, or certification in any application
 1752 filed in an attempt to receive tax credits under this section,
 1753 or if the information in a previously completed application
 1754 materially changes. The department must immediately notify the
 1755 Department of Revenue of any revoked or modified orders
 1756 affecting previously granted tax credits. Additionally, the
 1757 qualifying private fund must notify the Department of Revenue of
 1758 any change in its tax credit claimed.

1759 (8) COMPLIANCE.—

1760 (a) A qualifying private fund must annually report to the
 1761 department for each qualifying investment for 5 years after
 1762 authorization to receive credits. Failure to do so will result
 1763 in the qualifying private fund's tax credit being revoked.

1764 (b) In order to receive a tax credit, a qualifying fund
 1765 must submit to the department the following:

1766 1. A certification that there have been no material changes
 1767 to the information contained in the application or, if material
 1768 changes have occurred since the submission of the application, a
 1769 disclosure containing all material changes.

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1770 2. Documentation supporting the total number of full-time
 1771 equivalent employees employed by the qualifying portfolio
 1772 company.

1773 3. Documentation supporting the total number of full-time
 1774 equivalent employees employed in this state by the qualifying
 1775 portfolio company.

1776 4. Documentation supporting that the qualifying private
 1777 fund has not exited its position from the qualifying portfolio
 1778 company through acquisition by a company not based in this
 1779 state.

1780 (9) CONSTRUCTION.—For purposes of this section and part III
 1781 of chapter 692, committed capital invested in a qualifying
 1782 portfolio company by a venture capital fund may not be construed
 1783 as having ownership of the qualifying portfolio company.

1784 (10) REPORTING.—Beginning December 30, 2026, the department
 1785 shall include the amounts of tax credits authorized and
 1786 received, the total number of jobs created, and the total number
 1787 of jobs created in this state in its annual incentives report
 1788 required in s. 288.0065.

1789 (11) RULEMAKING.—The department is authorized to adopt
 1790 rules to implement this section.

1791 Section 45. Subsection (10) of section 290.0056, Florida
 1792 Statutes, is amended to read:

1793 290.0056 Enterprise zone development agency.—

1794 (10) Contingent upon approval by the governing body, the
 1795 agency may invest in community investment corporations which
 1796 conduct, or agree to conduct, loan guarantee programs assisting
 1797 rural or urban minority business enterprises located in the
 1798 enterprise zone. In making such investments, the agency shall

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first attempt to invest in existing community investment corporations providing services in the enterprise zone. Such investments shall be made under conditions required by law and as the agency may require, including, but not limited to:

(a) The funds invested by the agency shall be used to provide loan guarantees to individuals for rural or urban ~~minority~~ business enterprises located in the enterprise zone.

(b) The community investment corporation may not approve any application for a loan guarantee unless the person applying for the loan guarantee shows that he or she has applied for the loan or loan guarantee through normal banking channels and that the loan or loan guarantee has been refused by at least one bank or other financial institution.

Section 46. Paragraph (f) of subsection (1) of section 290.0057, Florida Statutes, is amended to read:

290.0057 Enterprise zone development plan.—

(1) Any application for designation as a new enterprise zone must be accompanied by a strategic plan adopted by the governing body of the municipality or county, or the governing bodies of the county and one or more municipalities together. At a minimum, the plan must:

(f) Identify the amount of local and private resources that will be available in the nominated area and the private/public partnerships to be used, which may include participation by, and cooperation with, universities, community colleges, small business development centers, ~~black~~ business investment corporations in rural or urban areas as defined in s. 288.703, certified development corporations, and other private and public entities.

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Section 47. Subsection (4) of section 331.302, Florida Statutes, is amended to read:

331.302 Space Florida; creation; purpose.—

(4) Space Florida is not an agency as defined in ss.

216.011, ~~and~~ 287.012, and 287.055. Space Florida is exempt from the bidding requirements in s. 255.20 when Space Florida engages in professional or construction services, or both, under an arrangement with a person in which:

(a) The person offering personal or construction goods or services is not subject to the requirements of s. 287.055;

(b) Space Florida and the person execute a contract with terms acceptable to Space Florida; and

(c) The person provides to Space Florida by contract an unqualified representation and warranty that the payments by the person to Space Florida in return for the possession and use of the project by the person will not be derived, directly or indirectly, from state or local government funds.

For purposes of this subsection, monies received by the person contracted to provide goods produced and services provided from government entities in the ordinary course of its operation of the project are not state or local government funds.

Section 48. Section 331.351, Florida Statutes, is amended to read:

331.351 Participation by rural or urban ~~women, minorities, and socially and economically disadvantaged~~ business enterprises encouraged.—It is the intent of the Legislature and the public policy of this state that rural or urban ~~women, minorities, and socially and economically disadvantaged~~ business enterprises be

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1857 encouraged to participate fully in all phases of economic and
 1858 community development. Accordingly, to achieve such purpose,
 1859 Space Florida shall, in accordance with applicable state and
 1860 federal law, involve and utilize rural or urban women,
 1861 ~~minorities, and socially and economically disadvantaged~~ business
 1862 enterprises in all phases of the design, development,
 1863 construction, maintenance, and operation of spaceports developed
 1864 under this act.

1865 Section 49. Paragraph (a) of subsection (3) of section
 1866 445.004, Florida Statutes, is amended to read:

1867 445.004 CareerSource Florida, Inc., and the state board;
 1868 creation; purpose; membership; duties and powers.—

1869 (3)(a) Members of the state board described in Pub. L. No.
 1870 113-128, Title I, s. 101(b)(1)(C)(iii)(I)(aa) are voting
 1871 members. The number of members is determined by the Governor,
 1872 who shall consider the importance of ~~minority, gender, and~~
 1873 geographic representation in making appointments to the state
 1874 board. When the Governor is in attendance, he or she shall
 1875 preside at all meetings of the state board.

1876 Section 50. Subsections (1) and (8) of section 445.007,
 1877 Florida Statutes, are amended to read:

1878 445.007 Local workforce development boards.—

1879 (1) One local workforce development board shall be
 1880 appointed in each designated service delivery area and shall
 1881 serve as the local workforce development board pursuant to Pub.
 1882 L. No. 113-128. The membership of the local board must be
 1883 consistent with Pub. L. No. 113-128, Title I, s. 107(b). If a
 1884 public education or training provider is represented on the
 1885 local board, a representative of a private education provider

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1886 must also be appointed to the local board. The state board may
 1887 waive this requirement if requested by a local board if it is
 1888 demonstrated that such representatives do not exist in the
 1889 region. ~~The importance of minority and gender representation~~
 1890 ~~shall be considered when making appointments to the local board.~~
 1891 The local board, its committees, subcommittees, and
 1892 subdivisions, and other units of the workforce system, including
 1893 units that may consist in whole or in part of local governmental
 1894 units, may use any method of telecommunications to conduct
 1895 meetings, including establishing a quorum through
 1896 telecommunications, provided that the public is given proper
 1897 notice of the telecommunications meeting and reasonable access
 1898 to observe and, when appropriate, participate. Local boards are
 1899 subject to chapters 119 and 286 and s. 24, Art. I of the State
 1900 Constitution. Each member of a local board who is not otherwise
 1901 required to file a full and public disclosure of financial
 1902 interests under s. 8, Art. II of the State Constitution or s.
 1903 112.3144 shall file a statement of financial interests under s.
 1904 112.3145. The executive director or designated person
 1905 responsible for the operational and administrative functions of
 1906 the local board who is not otherwise required to file a full and
 1907 public disclosure of financial interests under s. 8, Art. II of
 1908 the State Constitution or s. 112.3144 shall file a statement of
 1909 financial interests under s. 112.3145. The local board's
 1910 website, or the department's website if the local board does not
 1911 maintain a website, must inform the public that each disclosure
 1912 or statement has been filed with the Commission on Ethics and
 1913 provide information how each disclosure or statement may be
 1914 reviewed. The notice to the public must remain on the website

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throughout the term of office or employment of the filer and until 1 year after the term on the local board or employment ends.

~~(8) The importance of minority and gender representation shall be considered when appointments are made to any committee established by the local workforce development board.~~

Section 51. Paragraph (b) of subsection (4) and subsection (9) of section 445.08, Florida Statutes, are amended to read:

445.08 Florida Law Enforcement Recruitment Bonus Payment Program.—

(4) The department shall develop an annual plan for the administration of the program and distribution of bonus payments. Applicable employing agencies shall assist the department with the collection of any data necessary to determine bonus payment amounts and to distribute the bonus payments, and shall otherwise provide the department with any information or assistance needed to fulfill the requirements of this section. At a minimum, the plan must include:

(b) The minimum eligibility requirements a newly employed officer must meet to receive and retain a bonus payment, which must include:

1. Obtaining certification for employment or appointment as a law enforcement officer pursuant to s. 943.1395.

2. Gaining full-time employment with a Florida criminal justice agency.

3. Maintaining ~~continuous~~ full-time employment with a Florida criminal justice agency for at least 2 years from the date on which the officer obtained certification. The required 2-year employment period may be satisfied by maintaining

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employment at one or more employing agencies, but such period must not contain any break in service longer than 180 ~~15~~ calendar days. A law enforcement officer must provide documentation to the department justifying the break in service. The department shall establish the acceptable circumstances for any such break in service. Any break in service will not count toward satisfying the 2-year full-time employment requirement of this section.

The department may establish other criteria deemed necessary to determine bonus payment eligibility and distribution.

~~(9) This section expires July 1, 2025.~~

Section 52. Paragraph (a) of subsection (4) of section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

(4) "Managerial employees" are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs and to whom one or more of the following applies:

1. They formulate or assist in formulating policies which are applicable to bargaining unit employees.

2. They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations.

3. They have a role in the administration of agreements resulting from collective bargaining negotiations.

4. They have a significant role in personnel administration.

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1973 5. They have a significant role in employee relations.
 1974 6. They are included in the definition of administrative
 1975 personnel contained in s. 1012.01(3).

1976 7. They have a significant role in the preparation or
 1977 administration of budgets for any public agency or institution
 1978 or subdivision thereof.

1979 8. They have a significant and specific role executing
 1980 statewide business and economic development projects in support
 1981 of business recruitment, retention, and expansion.
 1982

1983 However, in determining whether an individual is a managerial
 1984 employee pursuant to paragraph (a) or paragraph (b), above, the
 1985 commission may consider historic relationships of the employee
 1986 to the public employer and to co-employees ~~employees~~.

1987 Section 53. Local governments may enter into agreements to
 1988 create regional planning entities pursuant to chapter 163,
 1989 Florida Statutes.

1990 Section 54. Subsection (2) of section 17.11, Florida
 1991 Statutes, is amended to read:

1992 17.11 To report disbursements made.—

1993 (2) The Chief Financial Officer shall also cause to have
 1994 reported from the Florida Accounting Information Resource
 1995 Subsystem no less than quarterly the disbursements which
 1996 agencies made to small businesses, as defined in the Florida
 1997 Small ~~and Minority~~ Business Assistance Act, and to certified
 1998 rural or urban minority business enterprises in the aggregate, ~~and to certified minority business enterprises broken down into~~
 1999 ~~categories of minority persons, as well as gender and~~
 2000 ~~nationality subgroups.~~ This information must ~~shall~~ be made
 2001

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2002 available to the agencies, the Office of Supplier Development
 2003 ~~Diversity~~, the Governor, the President of the Senate, and the
 2004 Speaker of the House of Representatives. Each agency shall be
 2005 responsible for the accuracy of information entered into the
 2006 Florida Accounting Information Resource Subsystem for use in
 2007 this reporting.

2008 Section 55. Paragraph (f) of subsection (1) of section
 2009 68.082, Florida Statutes, is amended to read:

2010 68.082 False claims against the state; definitions;
 2011 liability.—

2012 (1) As used in this section, the term:

2013 (f) "State" means the government of the state or any
 2014 department, division, bureau, commission, regional ~~planning~~
 2015 agency, board, district, authority, agency, or other
 2016 instrumentality of the state.

2017 Section 56. Paragraph (a) of subsection (1) of section
 2018 120.52, Florida Statutes, is amended to read:

2019 120.52 Definitions.—As used in this act:

2020 (1) "Agency" means the following officers or governmental
 2021 entities if acting pursuant to powers other than those derived
 2022 from the constitution:

2023 (a) The Governor; each state officer and state department,
 2024 and each departmental unit described in s. 20.04; the Board of
 2025 Governors of the State University System; the Commission on
 2026 Ethics; the Fish and Wildlife Conservation Commission; a
 2027 regional water supply authority; ~~a regional planning agency;~~ a
 2028 multicounty special district, but only if a majority of its
 2029 governing board is comprised of nonelected persons; educational
 2030 units; and each entity described in chapters 163, 373, 380, and

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582 ~~and s. 186.504.~~

This definition does not include a municipality or legal entity created solely by a municipality; a legal entity or agency created in whole or in part pursuant to part II of chapter 361; a metropolitan planning organization created pursuant to s. 339.175; a separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member; an expressway authority pursuant to chapter 348 or any transportation authority or commission under chapter 343 or chapter 349; or a legal or administrative entity created by an interlocal agreement pursuant to s. 163.01(7), unless any party to such agreement is otherwise an agency as defined in this subsection.

Section 57. Subsection (4) of section 120.525, Florida Statutes, is amended to read:

120.525 Meetings, hearings, and workshops.—

~~(4) For purposes of establishing a quorum at meetings of regional planning councils that cover three or more counties, a voting member who appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication that is broadcast publicly at the meeting location may be counted toward the quorum requirement if at least one-third of the voting members of the regional planning council are physically present at the meeting location. A member must provide oral, written, or electronic notice of his or her intent to appear via telephone, real-time videoconferencing, or similar real-time electronic or video communication to the regional planning council at least 24 hours before the scheduled meeting.~~

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Section 58. Subsection (9) of section 120.65, Florida Statutes, is amended to read:

120.65 Administrative law judges.—

(9) The division shall be reimbursed for administrative law judge services and travel expenses by the following entities: water management districts, ~~regional planning councils~~, school districts, community colleges, the Division of Florida Colleges, state universities, the Board of Governors of the State University System, the State Board of Education, the Florida School for the Deaf and the Blind, and the Commission for Independent Education. These entities shall contract with the division to establish a contract rate for services and provisions for reimbursement of administrative law judge travel expenses and video teleconferencing expenses attributable to hearings conducted on behalf of these entities. The contract rate must be based on a total-cost-recovery methodology.

Section 59. Subsections (43) and (47) of section 163.3164, Florida Statutes, are amended to read:

163.3164 Community Planning Act; definitions.—As used in this act:

~~(43) "Regional planning agency" means the council created pursuant to chapter 186.~~

~~(46)-(47)~~ "Structure" has the same meaning as in s. 380.031 ~~s. 380.031(19)~~.

Section 60. Paragraph (h) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

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

(6) In addition to the requirements of subsections (1)-(5),

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2089 the comprehensive plan must ~~shall~~ include the following
 2090 elements:

2091 (h)1. An intergovernmental coordination element showing
 2092 relationships and stating principles and guidelines to be used
 2093 in coordinating the adopted comprehensive plan with the plans of
 2094 school boards, regional water supply authorities, and other
 2095 units of local government providing services but not having
 2096 regulatory authority over the use of land, with the
 2097 comprehensive plans of adjacent municipalities, the county,
 2098 adjacent counties, or the region, with the state comprehensive
 2099 plan and with the applicable regional water supply plan approved
 2100 pursuant to s. 373.709, as the case may require and as such
 2101 adopted plans or plans in preparation may exist. This element of
 2102 the local comprehensive plan must demonstrate consideration of
 2103 the particular effects of the local plan, when adopted, upon the
 2104 development of adjacent municipalities, the county, adjacent
 2105 counties, or the region, or upon the state comprehensive plan,
 2106 as the case may require.

2107 a. The intergovernmental coordination element must provide
 2108 procedures for identifying and implementing joint planning
 2109 areas, especially for the purpose of annexation, municipal
 2110 incorporation, and joint infrastructure service areas.

2111 b. The intergovernmental coordination element must ~~shall~~
 2112 provide for a dispute resolution process, ~~as established~~
 2113 ~~pursuant to s. 186.509~~, for bringing intergovernmental disputes
 2114 to closure in a timely manner.

2115 c. The intergovernmental coordination element must ~~shall~~
 2116 provide for interlocal agreements as established pursuant to s.
 2117 333.03(1)(b).

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2118 2. The intergovernmental coordination element must ~~shall~~
 2119 also state principles and guidelines to be used in coordinating
 2120 the adopted comprehensive plan with the plans of school boards
 2121 and other units of local government providing facilities and
 2122 services but not having regulatory authority over the use of
 2123 land. In addition, the intergovernmental coordination element
 2124 must describe joint processes for collaborative planning and
 2125 decisionmaking on population projections and public school
 2126 siting, the location and extension of public facilities subject
 2127 to concurrency, and siting facilities with countywide
 2128 significance, including locally unwanted land uses whose nature
 2129 and identity are established in an agreement.

2130 3. Within 1 year after adopting their intergovernmental
 2131 coordination elements, each county, all the municipalities
 2132 within that county, the district school board, and any unit of
 2133 local government service providers in that county shall
 2134 establish by interlocal or other formal agreement executed by
 2135 all affected entities, the joint processes described in this
 2136 subparagraph consistent with their adopted intergovernmental
 2137 coordination elements. The agreement must:

2138 a. Ensure that the local government addresses through
 2139 coordination mechanisms the impacts of development proposed in
 2140 the local comprehensive plan upon development in adjacent
 2141 municipalities, the county, adjacent counties, the region, and
 2142 the state. The area of concern for municipalities must ~~shall~~
 2143 include adjacent municipalities, the county, and counties
 2144 adjacent to the municipality. The area of concern for counties
 2145 must ~~shall~~ include all municipalities within the county,
 2146 adjacent counties, and adjacent municipalities.

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b. Ensure coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.

Section 61. Subsection (5) of section 163.3178, Florida Statutes, is amended to read:

163.3178 Coastal management.—

(5) A ~~The appropriate~~ dispute resolution process ~~provided under s. 186.509~~ must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, port facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act are ~~shall not be~~ subject to development-of-regional-impact review provided the port either successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act

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are ~~shall not be~~ subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

Section 62. Paragraph (c) of subsection (1) and paragraph (b) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

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

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

(c) "Reviewing agencies" means:

1. The state land planning agency;

~~2. The appropriate regional planning council;~~

2.3- The appropriate water management district;

3.4- The Department of Environmental Protection;

4.5- The Department of State;

5.6- The Department of Transportation;

6.7- In the case of plan amendments relating to public schools, the Department of Education;

7.8- In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;

8.9- In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and

9.10- In the case of municipal plans and plan amendments,

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the county in which the municipality is located.

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. 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.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. 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 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

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3. Comments to the local government from a ~~regional planning council~~, county, or municipality are ~~shall~~ be limited as follows:

a. ~~The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may 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.~~

~~b.~~ County comments must ~~shall~~ be in the context of the relationship and effect of the proposed plan amendments on the county plan.

~~b.e.~~ Municipal comments must ~~shall~~ be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

~~c.d.~~ Military installation comments must ~~shall~~ be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies must ~~shall~~ be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks,

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2263 greenways and trails, and conservation easements; solid waste;
 2264 water and wastewater treatment; and the Everglades ecosystem
 2265 restoration.
 2266 b. The Department of State shall limit its comments to the
 2267 subjects of historic and archaeological resources.
 2268 c. The Department of Transportation shall limit its
 2269 comments to issues within the agency's jurisdiction as it
 2270 relates to transportation resources and facilities of state
 2271 importance.
 2272 d. The Fish and Wildlife Conservation Commission shall
 2273 limit its comments to subjects relating to fish and wildlife
 2274 habitat and listed species and their habitat.
 2275 e. The Department of Agriculture and Consumer Services
 2276 shall limit its comments to the subjects of agriculture,
 2277 forestry, and aquaculture issues.
 2278 f. The Department of Education shall limit its comments to
 2279 the subject of public school facilities.
 2280 g. The appropriate water management district shall limit
 2281 its comments to flood protection and floodplain management,
 2282 wetlands and other surface waters, and regional water supply.
 2283 h. The state land planning agency shall limit its comments
 2284 to important state resources and facilities outside the
 2285 jurisdiction of other commenting state agencies and may include
 2286 comments on countervailing planning policies and objectives
 2287 served by the plan amendment that should be balanced against
 2288 potential adverse impacts to important state resources and
 2289 facilities.
 2290 Section 63. Subsection (2) of section 163.3245, Florida
 2291 Statutes, is amended to read:

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2292 163.3245 Sector plans.—
 2293 (2) ~~The~~ Upon the request of a local government having
 2294 jurisdiction, ~~the applicable regional planning council~~ shall
 2295 conduct a scoping meeting with affected local governments and
 2296 those agencies identified in s. 163.3184(1)(c) before
 2297 preparation of the sector plan. The purpose of this meeting is
 2298 to assist the state land planning agency and the local
 2299 government in the identification of the relevant planning issues
 2300 to be addressed and the data and resources available to assist
 2301 in the preparation of the sector plan. ~~If a scoping meeting is~~
 2302 ~~conducted, the regional planning council shall make written~~
 2303 ~~recommendations to the state land planning agency and affected~~
 2304 ~~local governments on the issues requested by the local~~
 2305 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open
 2306 to the public. If the entire planning area proposed for the
 2307 sector plan is within the jurisdiction of two or more local
 2308 governments, some or all of them may enter into a joint planning
 2309 agreement pursuant to s. 163.3171 with respect to the geographic
 2310 area to be subject to the sector plan, the planning issues that
 2311 will be emphasized, procedures for intergovernmental
 2312 coordination to address extrajurisdictional impacts, supporting
 2313 application materials including data and analysis, procedures
 2314 for public participation, or other issues.
 2315 Section 64. Paragraph (i) of subsection (2) of section
 2316 163.568, Florida Statutes, is amended to read:
 2317 163.568 Purposes and powers.—
 2318 (2) The authority is granted the authority to exercise all
 2319 powers necessary, appurtenant, convenient, or incidental to the
 2320 carrying out of the aforesaid purposes, including, but not

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limited to, the following rights and powers:

(i) To develop transportation plans, and to coordinate its planning and programs with those of appropriate municipal, county, and state agencies and other political subdivisions of the state. All transportation plans are subject to review and approval by the Department of Transportation ~~and by the regional planning agency~~, if any, for consistency with programs or planning for the area and region.

Section 65. Subsection (2) of section 164.1031, Florida Statutes, is amended to read:

164.1031 Definitions.—For purposes of this act:

(2) "Regional governmental entities" includes ~~regional planning councils~~, metropolitan planning organizations, water supply authorities that include more than one county, local health councils, water management districts, and other regional entities that are authorized and created by general or special law that have duties or responsibilities extending beyond the jurisdiction of a single county.

Section 66. Subsection (5) of section 186.003, Florida Statutes, is amended to read:

186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the term:

~~(5) "Regional planning agency" means the regional planning council created pursuant to ss. 186.501-186.515 to exercise responsibilities under ss. 186.001-186.031 and 186.801-186.901 in a particular region of the state.~~

Section 67. Subsection (7) of section 186.006, Florida Statutes, is amended to read:

186.006 Powers and responsibilities of Executive Office of

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the Governor.—For the purpose of establishing consistency and uniformity in the state and regional planning process and in order to ensure that the intent of ss. 186.001-186.031 and 186.801-186.901 is accomplished, the Executive Office of the Governor shall:

(7) Act as the state clearinghouse ~~and designate the regional planning councils as the regional data clearinghouses.~~

Section 68. Subsections (7) and (8) of section 186.007, Florida Statutes, are amended to read:

186.007 State comprehensive plan; preparation; revision.—

(7) In preparing and revising the state comprehensive plan, the Executive Office of the Governor shall, to the extent feasible, consider studies, reports, and plans of each department, agency, and institution of state and local government, ~~each regional planning agency~~, and the Federal Government and shall take into account the existing and prospective resources, capabilities, and needs of state and local levels of government.

(8) The revision of the state comprehensive plan is a continuing process. Each section of the plan must ~~shall~~ be reviewed and analyzed biennially by the Executive Office of the Governor in conjunction with the planning officers of other state agencies significantly affected by the ~~provisions of the~~ particular section under review. In conducting this review and analysis, the Executive Office of the Governor shall review and consider, with the assistance of the state land planning agency, any relevant reports, data, or analyses ~~and regional planning councils, the evaluation and appraisal reports prepared pursuant to s. 186.511.~~ Any necessary revisions of the state

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comprehensive plan shall be proposed by the Governor in a written report and be accompanied by an explanation of the need for such changes. If the Governor determines that changes are unnecessary, the written report must explain why changes are unnecessary. The proposed revisions and accompanying explanations may be submitted in the report required by s. 186.031. Any proposed revisions to the plan must ~~shall~~ be submitted to the Legislature as provided in s. 186.008(2) at least 30 days before ~~prior to~~ the regular legislative session occurring in each even-numbered year.

Section 69. Subsection (1) of section 186.008, Florida Statutes, is amended to read:

186.008 State comprehensive plan; revision; implementation.—

(1) On or before October 1 of every odd-numbered year, the Executive Office of the Governor shall prepare, and the Governor shall recommend to the Administration Commission, any proposed revisions to the state comprehensive plan deemed necessary. The Governor shall transmit his or her recommendations and explanation as required by s. 186.007(8). Copies must ~~shall~~ also be provided to each state agency, ~~to each regional planning agency,~~ to any other unit of government that requests a copy, and to any member of the public who requests a copy.

Section 70. Section 186.803, Florida Statutes, is amended to read:

186.803 Use of geographic information by governmental entities.—When state agencies, water management districts, ~~regional planning councils,~~ local governments, and other governmental entities use maps, including geographic information

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maps and other graphic information materials, as the source of data for planning or any other purposes, they must take into account that the accuracy and reliability of such maps and data may be limited by various factors, including the scale of the maps, the timeliness and accuracy of the underlying information, the availability of more accurate site-specific information, and the presence or absence of ground truthing or peer review of the underlying information contained in such maps and other graphic information. This section does not apply to maps adopted pursuant to part II of chapter 163.

Section 71. Paragraph (b) of subsection (20) and paragraph (b) of subsection (21) of section 187.201, Florida Statutes, are amended to read:

187.201 State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(20) GOVERNMENTAL EFFICIENCY.—

(b) *Policies*.—

1. Encourage greater cooperation between, among, and within all levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

2. Allow the creation of independent special taxing districts which have uniform general law standards and procedures and do not overburden other governments and their taxpayers while preventing the proliferation of independent special taxing districts which do not meet these standards.

3. Encourage the use of municipal services taxing units and other dependent special districts to provide needed

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infrastructure where the fiscal capacity exists to support such an approach.

4. Eliminate regulatory activities that are not tied to specific public and natural resource protection needs.

5. Eliminate needless duplication of, and promote cooperation in, governmental activities between, among, and within state, regional, county, city, and other governmental units.

6. Ensure, wherever possible, that the geographic boundaries of water management districts, ~~regional planning councils,~~ and substate districts of the executive departments are ~~shall be~~ coterminous for related state or agency programs and functions and promote interagency agreements in order to reduce the number of districts and councils with jurisdiction in any one county.

7. Encourage and provide for the restructuring of city and county political jurisdictions with the goals of greater efficiency and high-quality and more equitable and responsive public service programs.

8. Replace multiple, small scale, economically inefficient local public facilities with regional facilities where they are proven to be more economical, particularly in terms of energy efficiency, and yet can retain the quality of service expected by the public.

9. Encourage greater efficiency and economy at all levels of government through adoption and implementation of effective records management, information management, and evaluation procedures.

10. Throughout government, establish citizen management

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efficiency groups and internal management groups to make recommendations for greater operating efficiencies and improved management practices.

11. Encourage governments to seek outside contracting on a competitive-bid basis when cost-effective and appropriate.

12. Discourage undue expansion of state government and make every effort to streamline state government in a cost-effective manner.

13. Encourage joint venture solutions to mutual problems between levels of government and private enterprise.

(21) THE ECONOMY.—

(b) *Policies.*—

1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.

2. Promote entrepreneurship, small and ~~small and minority-owned~~ business startups, and business startups in rural or urban areas as described in s. 288.703 by providing technical and information resources, facilitating capital formation, and removing regulatory restraints which are unnecessary for the protection of consumers and society.

3. Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.

4. Strengthen Florida's position in the world economy through attracting foreign investment and promoting international banking and trade.

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2495 5. Build on the state's attractiveness to make it a leader
2496 in the visual and performing arts and in all phases of film,
2497 television, and recording production.

2498 6. Promote economic development for Florida residents
2499 through partnerships among education, business, industry,
2500 agriculture, and the arts.

2501 7. Provide increased opportunities for training Florida's
2502 workforce to provide skilled employees for new and expanding
2503 business.

2504 8. Promote economic self-sufficiency through training and
2505 educational programs which result in productive employment.

2506 9. Promote cooperative employment arrangements between
2507 private employers and public sector employment efforts to
2508 provide productive, permanent employment opportunities for
2509 public assistance recipients through provisions of education
2510 opportunities, tax incentives, and employment training.

2511 10. Provide for nondiscriminatory employment opportunities.

2512 11. Provide quality child day care for public assistance
2513 families and others who need it in order to work.

2514 12. Encourage the development of a business climate that
2515 provides opportunities for the growth and expansion of existing
2516 state industries, particularly those industries which are
2517 compatible with Florida's environment.

2518 13. Promote coordination among Florida's ports to increase
2519 their utilization.

2520 14. Encourage the full utilization by businesses of the
2521 economic development enhancement programs implemented by the
2522 Legislature for the purpose of extensively involving private
2523 businesses in the development and expansion of permanent job

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2524 opportunities, especially for the economically disadvantaged,
2525 through the utilization of enterprise zones, community
2526 development corporations, and other programs designed to enhance
2527 economic and employment opportunities.

2528 Section 72. Paragraph (c) of subsection (1) and subsection
2529 (2) of section 218.32, Florida Statutes, are amended to read:

2530 218.32 Annual financial reports; local governmental
2531 entities.—

2532 (1)

2533 (c) Each ~~regional planning council created under s.~~
2534 ~~186.504, each~~ local government finance commission, board, or
2535 council, and each municipal power corporation created as a
2536 separate legal or administrative entity by interlocal agreement
2537 under s. 163.01(7) shall submit to the department a copy of its
2538 audit report and an annual financial report for the previous
2539 fiscal year in a format prescribed by the department.

2540 (2) The department shall annually by December 1 file a
2541 verified report with the Governor, the Legislature, the Auditor
2542 General, and the Special District Accountability Program of the
2543 Department of Commerce showing the revenues, both locally
2544 derived and derived from intergovernmental transfers, and the
2545 expenditures of each local governmental entity, ~~regional~~
2546 ~~planning council,~~ local government finance commission, and
2547 municipal power corporation that is required to submit an annual
2548 financial report. In preparing the verified report, the
2549 department may request additional information from the local
2550 governmental entity. The information requested must be provided
2551 to the department within 45 days after the request. If the local
2552 governmental entity does not comply with the request, the

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department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 73. Section 255.101, Florida Statutes, is amended to read:

255.101 Contracts for public construction works; utilization of minority business enterprises.—

(1) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions which are charged with the letting of contracts for public works and for the construction of public bridges, buildings, and other structures shall operate in accordance with s. 287.093, except that all contracts for the construction of state facilities should comply with ~~provisions in~~ s. 287.09451, and rules adopted pursuant thereto, for the utilization of rural or urban minority business enterprises. When construction is financed in whole or in part from federal funds and where federal provisions for utilization of rural or urban minority business enterprises apply, this section ~~may shall~~ not apply.

(2) Counties, municipalities, and special districts as

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defined in chapter 189, or other political subdivisions of the state are encouraged to be sensitive to the effect of job-size barriers on rural or urban minority businesses. To this end, these governmental entities are encouraged to competitively award public construction projects exceeding \$100,000.

Section 74. Section 255.102, Florida Statutes, is amended to read:

255.102 Contractor utilization of rural or urban minority business enterprises.—

(1) Agencies shall consider the use of price preferences, weighted preference formulas, or other preferences for construction contracts, as determined appropriate by the Office of Supplier Development Diversity to increase ~~minority~~ participation in rural or urban areas.

(2) The Office of Supplier Development Diversity, in collaboration with the Board of Governors of the State University System, shall adopt rules to determine what is a "good faith effort" for purposes of contractor compliance with rural or urban areas minority participation goals established for competitively awarded building and construction projects. Pro forma efforts ~~may shall~~ not be considered good faith. Factors which ~~must shall~~ be considered by the state agency in determining whether a contractor has made good faith efforts ~~shall~~ include, but not be limited to:

(a) Whether the contractor attended any presolicitation or prebid meetings that were scheduled by the agency to inform rural or urban minority business enterprises of contracting and subcontracting opportunities.

(b) Whether the contractor advertised in general

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circulation, trade association, or rural-focused or urban-
~~focused minority-focus~~ media concerning the subcontracting
 opportunities.

(c) Whether the contractor provided written notice to all
 relevant subcontractors listed on the ~~minority~~ vendor list for
 that locality and statewide as provided by the agency as of the
 date of issuance of the invitation to bid, that their interest
 in the contract was being solicited in sufficient time to allow
 the rural or urban ~~minority~~ business enterprises to participate
 effectively.

(d) Whether the contractor followed up initial
 solicitations of interest by contacting rural or urban ~~minority~~
 business enterprises, the Office of Supplier Development
~~Diversity~~, or ~~minority~~ persons who responded and provided
 detailed information about prebid meetings, access to plans,
 specifications, contractor's project manager, subcontractor
 bonding, if any, payment schedule, bid addenda, and other
 assistance provided by the contractor to enhance rural or urban
~~minority~~ business enterprise participation.

(e) Whether the contractor selected portions of the work to
 be performed by rural or urban ~~minority~~ business enterprises in
 order to increase the likelihood of meeting the rural or urban
~~minority~~ business enterprise procurement goals, including, where
 appropriate, breaking down contracts into economically feasible
 units to facilitate rural or urban ~~minority~~ business enterprise
 participation under reasonable and economical conditions of
 performance.

(f) Whether the contractor provided the Office of Supplier
Development ~~Diversity~~ as well as interested rural or urban

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~~minority~~ business enterprises or ~~minority~~ persons with adequate
 information about the plans, specifications, and requirements of
 the contract or the availability of jobs at a time no later than
 when such information was provided to other subcontractors.

(g) Whether the contractor negotiated in good faith with
 interested rural or urban ~~minority~~ business enterprises or
~~minority~~ persons, not rejecting rural or urban ~~minority~~ business
 enterprises or ~~minority~~ persons as unqualified without sound
 reasons based on a thorough investigation of their capabilities
 or imposing implausible conditions of performance on the
 contract.

(h) Whether the contractor diligently seeks to replace a
rural or urban ~~minority~~ business enterprise subcontractor that
 is unable to perform successfully with another rural or urban
~~minority~~ business enterprise.

(i) Whether the contractor effectively used the services of
 available rural or urban ~~minority~~ community organizations; rural
or urban ~~minority~~ contractors' groups; local, state, and federal
rural or urban ~~minority~~ business assistance offices; and other
 organizations that provide assistance in the recruitment and
 placement of rural or urban ~~minority~~ business enterprises or
~~minority~~ persons.

(3) If an agency considers any other criteria in
 determining whether a contractor has made a good faith effort,
 the agency ~~must~~ shall adopt such criteria in accordance with s.
 120.54, and, where required by that section, by rule, after May
 31, 1994. In adopting such criteria, the agency shall identify
 the specific factors in as objective a manner as possible to be
 used to assess a contractor's performance against said criteria.

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(4) Notwithstanding ~~the provisions of s. 287.09451 to the contrary~~, agencies shall monitor good faith efforts of contractors in competitively awarded building and construction projects, in accordance with rules established pursuant to this section. It is the responsibility of the contractor to exercise good faith efforts in accordance with rules established pursuant to this section, and to provide documentation necessary to assess efforts to include rural or urban minority business participation.

Section 75. Paragraph (a) of subsection (7) of section 258.501, Florida Statutes, is amended to read:

258.501 Myakka River; wild and scenic segment.—

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Department of Commerce, the Florida Forest Service of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, ~~the Tampa Bay Regional Planning Council~~, the Southwest Florida Water Management District, ~~the Southwest Florida Regional Planning Council~~, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

Section 76. Subsections (1) and (3) of section 260.0142,

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Florida Statutes, are 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 19 ~~24~~ members, consisting of:

(a)1. Five ~~Six~~ members appointed by the Governor, with two members representing the trail user community, two members representing the greenway user community, ~~one member from the board of the Florida Wildlife Corridor Foundation~~, and one member representing private landowners.

2. Three members appointed by the President of the Senate, with one member representing the trail user community and two members representing the greenway user community.

3. Three members appointed by the Speaker of the House of Representatives, with two members representing the trail user community and one member representing the greenway user community.

Those eligible to represent the trail user community shall be chosen from, but not be limited to, paved trail users, hikers, off-road bicyclists, users of off-highway vehicles, paddlers, equestrians, disabled outdoor recreational users, and commercial recreational interests. Those eligible to represent the greenway user community must be chosen from, but not be limited to, conservation organizations, nature study organizations, and scientists and university experts.

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2727 (b) The 8 ~~9~~ remaining members include:

2728 1. The Secretary of Environmental Protection or a designee.

2729 2. The executive director of the Fish and Wildlife

2730 Conservation Commission or a designee.

2731 3. The Secretary of Transportation or a designee.

2732 4. The Director of the Florida Forest Service of the

2733 Department of Agriculture and Consumer Services or a designee.

2734 5. The director of the Division of Historical Resources of

2735 the Department of State or a designee.

2736 6. A representative of the water management districts.

2737 Membership on the council must rotate among the five districts.

2738 The districts shall determine the order of rotation.

2739 7. A representative of a federal land management agency.

2740 The Secretary of Environmental Protection shall identify the

2741 appropriate federal agency and request designation of a

2742 representative from the agency to serve on the council.

2743 ~~8. A representative of the regional planning councils to be~~

2744 ~~appointed by the Secretary of Environmental Protection.~~

2745 ~~Membership on the council must rotate among the seven regional~~

2746 ~~planning councils. The regional planning councils shall~~

2747 ~~determine the order of rotation.~~

2748 ~~8.9.~~ A representative of local governments to be appointed

2749 by the Secretary of Environmental Protection. Membership must

2750 alternate between a county representative and a municipal

2751 representative.

2752 (3) The term of all appointees shall be for 2 years unless

2753 otherwise specified. The appointees of the Governor, the

2754 President of the Senate, and the Speaker of the House of

2755 Representatives may be reappointed for no more than four

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2756 consecutive terms. The representatives of the water management

2757 districts, ~~regional planning councils~~, and local governments may

2758 be reappointed for no more than two consecutive terms. All other

2759 appointees shall serve until replaced.

2760 Section 77. Subsections (8), (9), and (12) of section

2761 287.057, Florida Statutes, are amended to read:

2762 287.057 Procurement of commodities or contractual

2763 services.—

2764 (8)(a) In order to strive to meet the rural or urban

2765 ~~minority~~ business enterprise procurement goals set forth in s.

2766 287.09451, an agency may reserve any contract for competitive

2767 solicitation only among certified rural or urban ~~minority~~

2768 business enterprises. Agencies shall review all their contracts

2769 each fiscal year and shall determine which contracts may be

2770 reserved for solicitation only among certified rural or urban

2771 ~~minority~~ business enterprises. This reservation may only be used

2772 when it is determined, by reasonable and objective means, before

2773 the solicitation that there are capable, qualified certified

2774 rural or urban ~~minority~~ business enterprises available to submit

2775 a bid, proposal, or reply on a contract to provide for effective

2776 competition. The Office of Supplier Development Diversity shall

2777 consult with any agency in reaching such determination when

2778 deemed appropriate.

2779 (b) Before a contract may be reserved for solicitation only

2780 among certified rural or urban ~~minority~~ business enterprises,

2781 the agency head must find that such a reservation is in the best

2782 interests of the state. All determinations are ~~shall be~~ subject

2783 to s. 287.09451(5). Once a decision has been made to reserve a

2784 contract, but before sealed bids, proposals, or replies are

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requested, the agency shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids, proposals, or replies received are over this estimate, the agency may reject the bids, proposals, or replies and request new ones from certified rural or urban minority business enterprises, or the agency may reject the bids, proposals, or replies and reopen the bidding to all eligible vendors.

(c) All agencies shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for vendors as determined appropriate pursuant to guidelines established in accordance with s. 287.09451(4) to increase the participation of certified rural or urban minority business enterprises.

(d) All agencies shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the certified rural or urban minority business enterprise purchasing goals in s. 287.09451.

(9) An agency may reserve any contract for competitive solicitation only among vendors who agree to use certified rural or urban minority business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified rural or urban minority business enterprise subcontractors and subvendors shall be determined by the agency before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those certified rural or

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urban minority business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified rural or urban minority business enterprises used in the contract.

(12) If two equal responses to a solicitation or a request for quote are received and one response is from a certified rural or urban minority business enterprise, the agency must ~~shall~~ enter into a contract with the certified rural or urban minority business enterprise.

Section 78. Section 287.0943, Florida Statutes, is amended to read:

287.0943 Certification of rural or urban minority business enterprises.—

(1) A business certified by any local governmental jurisdiction or organization shall be accepted by the Department of Management Services, Office of Supplier Development Diversity, as a certified rural or urban minority business enterprise for purposes of doing business with state government when the Office of Supplier Development Diversity determines that the state's rural or urban minority business enterprise certification criteria are applied in the local certification process.

(2)(a) The office is hereby directed to convene a "Rural or Urban Minority Business Certification Task Force." The task force shall meet as often as necessary, but no less frequently than annually.

(b) The task force shall be regionally balanced and

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comprised of officials representing the department, counties, municipalities, school boards, special districts, and other political subdivisions of the state who administer programs to assist rural or urban ~~minority~~ businesses in procurement or development in government-sponsored programs. The following organizations may appoint two members each of the task force who fit the description above:

1. The Florida League of Cities, Inc.
2. The Florida Association of Counties.
3. The Florida School Boards Association, Inc.
4. The Association of Special Districts.
5. The Florida Association of Minority Business Enterprise Officials.
6. The Florida Association of Government Purchasing Officials.

In addition, the Office of Supplier Development ~~Diversity~~ shall appoint seven members consisting of three representatives of rural or urban ~~minority~~ business enterprises, one of whom should be a woman business owner, two officials of the office, and two at-large members to ensure balance. A quorum shall consist of one-third of the current members, and the task force may take action by majority vote. Any vacancy may only be filled by the organization or agency originally authorized to appoint the position.

(c) The purpose of the task force will be to propose uniform criteria and procedures by which participating entities and organizations can qualify businesses to participate in procurement or contracting programs as certified rural or urban

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~~minority~~ business enterprises in accordance with the certification criteria established by law.

(d) A final list of the criteria and procedures proposed by the task force shall be considered by the secretary. The task force may seek technical assistance from qualified providers of technical, business, and managerial expertise to ensure the reliability of the certification criteria developed.

(e) In assessing the status of ownership and control, certification criteria shall, at a minimum:

1. Link ownership by a ~~minority~~ person owning a business enterprise in a rural or urban area as defined in s. 288.703, or as dictated by the legal obligations of a certifying organization, to day-to-day control and financial risk by the qualifying ~~minority~~ owner, and to demonstrated expertise or licensure of an ~~a minority~~ owner in any trade or profession that the rural or urban ~~minority~~ business enterprise will offer to the state when certified. Businesses must comply with all state licensing requirements before becoming certified as a rural or urban ~~minority~~ business enterprise.

2. ~~If present ownership was obtained by transfer, require the minority person on whom eligibility is based to have owned at least 51 percent of the applicant firm for a minimum of 2 years, when any previous majority ownership interest in the firm was by a nonminority who is or was a relative, former employer, or current employer of the minority person on whom eligibility is based. This requirement does not apply to minority persons who are otherwise eligible who take a 51 percent or greater interest in a firm that requires professional licensure to operate and who will be the qualifying licenseholder for the~~

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~~firm when certified. A transfer made within a related immediate family group from a nonminority person to a minority person in order to establish ownership by a minority person shall be deemed to have been made solely for purposes of satisfying certification criteria and shall render such ownership invalid for purposes of qualifying for such certification if the combined total net asset value of all members of such family group exceeds \$1 million. For purposes of this subparagraph, the term "related immediate family group" means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.~~

3. Require that prospective certified rural or urban ~~minority~~ business enterprises be currently performing or seeking to perform a useful business function. A "useful business function" is defined as a business function which results in the provision of materials, supplies, equipment, or services to customers. Acting as a conduit to transfer funds to a non-rural or a non-urban ~~nonminority~~ business does not constitute a useful business function unless it is done so in a normal industry practice. As used in this section, the term "acting as a conduit" means, in part, not acting as a regular dealer by making sales of material, goods, or supplies from items bought, kept in stock, and regularly sold to the public in the usual course of business. Brokers, manufacturer's representatives, sales representatives, and nonstocking distributors are considered as conduits that do not perform a useful business function, unless normal industry practice dictates.

(f) When a business receives payments or awards exceeding \$100,000 in one fiscal year, a review of its certification

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status or an audit will be conducted within 2 years. In addition, random reviews or audits will be conducted as deemed appropriate by the Office of Supplier Development Diversity.

(g) The certification criteria approved by the task force and adopted by the Department of Management Services ~~must~~ shall be included in a statewide and interlocal agreement as defined in s. 287.09431 and, in accordance with s. 163.01, shall be executed according to the terms included therein.

(h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of chapter 119; trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

(i) A business that is certified under the provisions of the statewide and interlocal agreement ~~is shall be~~ deemed a certified rural or urban ~~minority~~ enterprise in all jurisdictions or organizations where the agreement is in effect, and that business is deemed available to do business as such within any such jurisdiction or with any such organization statewide. All state agencies must accept rural or urban ~~minority~~ business enterprises certified in accordance with the

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statewide and interlocal agreement of s. 287.09431, and that business shall also be deemed a "certified rural or urban ~~minority~~ business enterprise" as defined in s. 288.703. However, any governmental jurisdiction or organization that administers a minority business purchasing program may reserve the right to establish further certification procedures necessary to comply with federal law.

(j) The statewide and interlocal agreement ~~must~~ shall be guided by the terms and conditions found therein and may be amended at any meeting of the task force and subsequently adopted by the secretary of the Department of Management Services. The amended agreement must be enacted, initialed, and legally executed by at least two-thirds of the certifying entities party to the existing agreement and adopted by the state as originally executed in order to bind the certifying entity.

(k) The task force shall meet for the first time no later than 45 days after the effective date of this act.

(3)(a) The office shall review and evaluate the certification programs and procedures of all prospective executors of the statewide and interlocal agreement to determine whether ~~if~~ their programs exhibit the capacity to meet the standards of the agreement.

(b) The evaluations shall, at a minimum, consider: the certifying entity's capacity to conduct investigations of applicants seeking certification under the designated criteria; the ability of the certifying entity to collect the requisite data and to establish adequate protocol to store and exchange said information among the executors of the agreement and to

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provide adequate security to prevent unauthorized access to information gathered during the certification process; and the degree to which any legal obligations or supplemental requirements unique to the certifying entity exceed the capacity of that entity to conduct certifications.

(c) Any firms certified by organizations or governmental entities determined not to meet the state certification criteria ~~may shall~~ not be eligible to participate as certified rural or urban ~~minority~~ business enterprises in the rural or urban ~~minority~~ business assistance programs of the state. For a period of 1 year from the effective date of this legislation, the executor of the statewide and interlocal agreement may elect to accept only rural or urban ~~minority~~ business enterprises certified pursuant to criteria in place at the time the agreement was signed. After the 1-year period, either party may elect to withdraw from the agreement without further notice.

(d) Any organizations or governmental entities determined by the office not to meet the standards of the agreement ~~may shall~~ not be eligible to execute the statewide and interlocal agreement as a participating organization until approved by the office.

(e) Any participating program receiving three or more challenges to its certification decisions pursuant to subsection (4) from other organizations that are executors to the statewide and interlocal agreement, shall be subject to a review by the office, as provided in paragraphs (a) and (b), of the organization's capacity to perform under such agreement and in accordance with the core criteria established by the task force. The office shall submit a report to the secretary of the

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Department of Management Services regarding the results of the review.

(f) The office shall maintain a directory of all executors of the statewide and interlocal agreement. The directory should be communicated to the general public.

(4) A certification may be challenged by any executor to the statewide and interlocal agreement upon the grounds of failure by the certifying organization to adhere to the adopted criteria or to the certifying organization's rules and procedures, or on the grounds of a misrepresentation or fraud by the certified rural or urban minority business enterprise. The challenge must ~~shall~~ proceed according to procedures specified in the agreement.

(5)(a) The secretary of the Department of Management Services shall execute the statewide and interlocal agreement established under s. 287.09431 on behalf of the state. The office shall certify rural or urban minority business enterprises in accordance with the laws of this state and, by affidavit, shall recertify such rural or urban minority business enterprises not less than once each year.

(b) The office shall contract with parties to the statewide and interlocal agreement to perform onsite visits associated with state certifications.

(6)(a) The office shall maintain up-to-date records of all certified rural or urban minority business enterprises, as defined in s. 288.703, and of applications for certification that were denied and shall make this list available to all agencies. The office shall, for statistical purposes, collect and track subgroupings of gender and nationality status for each

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certified rural or urban minority business enterprise. Agency spending shall also be tracked for these subgroups. The records may include information about certified rural or urban minority business enterprises that provide legal services, auditing services, and health services. Agencies shall use this list in efforts to meet the certified rural or urban minority business enterprise procurement goals set forth in s. 287.09451.

(b) The office shall establish and administer a computerized data bank to carry out the requirements of paragraph (a), to be available to all executors of the statewide and interlocal agreement. Data maintained in the data bank must ~~shall~~ be sufficient to allow each executor to reasonably monitor certifications it has issued.

(7) The office shall identify rural or urban minority business enterprises eligible for certification in all areas of state services and commodities purchasing. The office may contract with a private firm or other agency, if necessary, in seeking to identify rural or urban minority business enterprises for certification. Agencies may request the office to identify certifiable rural or urban minority business enterprises that are in the business of providing a given service or commodity; the office shall respond to such requests and seek out such certifiable rural or urban minority business enterprises.

(8) The office shall adopt rules necessary to implement this section.

(9) State agencies shall comply with this act except to the extent that the requirements of this act are in conflict with federal law.

(10) Any transfer of ownership or permanent change in the

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management and daily operations of a certified rural or urban
~~minority~~ business enterprise which may affect certification must
 be reported to the original certifying jurisdiction or entity
 and to the office within 14 days of the transfer or change
 taking place. In the event of a transfer of ownership, the
 transferee seeking to do business with the state as a certified
rural or urban ~~minority~~ business enterprise is responsible for
 such reporting. In the event of a permanent change in the
 management and daily operations, owners seeking to do business
 with the state as a certified rural or urban ~~minority~~ business
 enterprise are responsible for reporting such change to the
 office. Any person violating ~~the provisions of~~ this subsection
~~commits shall be guilty of~~ a misdemeanor of the first degree,
 punishable as provided in s. 775.082 or s. 775.083.

(11) To deter fraud in the program, the Auditor General may
 review the criteria by which a business became certified as a
 certified rural or urban ~~minority~~ business enterprise.

(12) Any executor of the statewide and interlocal agreement
 may revoke the certification or recertification of a firm doing
 business as a certified rural or urban ~~minority~~ business
 enterprise if the rural or urban ~~minority~~ business enterprise
 does not meet the requirements of the jurisdiction or certifying
 entity that certified or recertified the firm as a certified
rural or urban ~~minority~~ business enterprise, or the requirements
 of ~~subsection (2),~~ s. 288.703(2), and any rule of the office or
 the Department of Management Services or if the business
 acquired certification or recertification by means of falsely
 representing any entity as a rural or urban ~~minority~~ business
 enterprise for purposes of qualifying for certification or

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recertification.

(13) Unless permanently revoked, a certified rural or urban
~~minority~~ business enterprise for which certification or
 recertification has been revoked may not apply or reapply for
 certification or recertification for a minimum of 36 months
 after the date of the notice of revocation.

(14)(a) Except for certification decisions issued by the
 Office of Supplier Development Diversity, an executor to the
 statewide and interlocal agreement shall, in accordance with its
 rules and procedures:

1. Give reasonable notice to affected persons or parties of
 its decision to deny certification based on failure to meet
 eligibility requirements of the statewide and interlocal
 agreement of s. 287.09431, together with a summary of the
 grounds therefor.

2. Give affected persons or parties an opportunity, at a
 convenient time and place, to present to the agency written or
 oral evidence in opposition to the action or of the executor's
 refusal to act.

3. Give a written explanation of any subsequent decision of
 the executor overruling the objections.

(b) An applicant that is denied rural or urban ~~minority~~
 business enterprise certification based on failure to meet
 eligibility requirements of the statewide and interlocal
 agreement pursuant to s. 287.09431 may not reapply for
 certification or recertification until at least 6 months after
 the date of the notice of the denial of certification or
 recertification.

(15) The office shall adopt rules in compliance with this

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part.

Section 79. Paragraph (d) of subsection (3) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(3) PUBLIC ANNOUNCEMENT AND QUALIFICATION PROCEDURES.—

(d) Each agency shall evaluate professional services, including capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small ~~and~~ Minority Business Assistance Act, and other factors determined by the agency to be applicable to its particular requirements. When securing professional services, an agency must endeavor to meet the minority business enterprise procurement goals under s. 287.09451.

Section 80. Section 288.7031, Florida Statutes, is amended to read:

288.7031 Application of certain definitions.—The definitions of “small business,” and “certified rural or urban minority business enterprise,” ~~and “certified minority business enterprise”~~ provided in s. 288.703 apply to the state and all political subdivisions of the state.

Section 81. Paragraph (f) of subsection (2), paragraph (c) of subsection (4), and subsections (7) and (8), and (9) of section 288.975, Florida Statutes, are amended to read:

288.975 Military base reuse plans.—

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

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~~(f) “Regional policy plan” means a strategic regional policy plan that has been adopted by rule by a regional planning council pursuant to s. 186.508.~~

(4)

(c) Military base reuse plans shall identify projected impacts to significant regional resources and natural resources ~~of regional significance as identified by applicable regional planning councils in their regional policy plans~~ and the actions that shall be taken to mitigate such impacts.

(7) A military base reuse plan must ~~shall~~ be consistent with the comprehensive plan of the host local government and may ~~shall~~ not conflict with the comprehensive plan of any affected local governments. A military base reuse plan must ~~shall~~ be consistent with the nonprocedural requirements of part II of chapter 163 and rules adopted thereunder, ~~applicable regional policy plans,~~ and the state comprehensive plan.

(8) At the request of a host local government, the department shall coordinate a presubmission workshop concerning a military base reuse plan within the boundaries of the host jurisdiction. Agencies that must ~~shall~~ participate in the workshop ~~shall~~ include any affected local governments; the Department of Environmental Protection; the department; the Department of Transportation; the Department of Health; the Department of Children and Families; 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~~. The purposes of the workshop are ~~shall be~~ to assist the host local government to understand

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3191 issues of concern to the above listed entities pertaining to the
3192 military base site and to identify opportunities for better
3193 coordination of planning and review efforts with the information
3194 and analyses generated by the federal environmental impact
3195 statement process and the federal community base reuse planning
3196 process.

3197 (9) If a host local government elects to use the optional
3198 provisions of this act, it shall, no later than 12 months after
3199 notifying the agencies of its intent pursuant to subsection (3)
3200 either:

3201 (a) Send a copy of the proposed military base reuse plan
3202 for review to any affected local governments; the Department of
3203 Environmental Protection; the department; the Department of
3204 Transportation; the Department of Health; the Department of
3205 Children and Families; the Department of Juvenile Justice; the
3206 Department of Agriculture and Consumer Services; the Department
3207 of State; the Fish and Wildlife Conservation Commission; and any
3208 applicable water management districts ~~and regional planning~~
3209 ~~councils~~, or

3210 (b) Petition the department for an extension of the
3211 deadline for submitting a proposed reuse plan. Such an extension
3212 request must be justified by changes or delays in the closure
3213 process by the federal Department of Defense or for reasons
3214 otherwise deemed to promote the orderly and beneficial planning
3215 of the subject military base reuse. The department may grant
3216 extensions to the required submission date of the reuse plan.

3217 Section 82. Subsection (4) of section 290.004, Florida
3218 Statutes, is amended to read:

3219 290.004 Definitions relating to Florida Enterprise Zone

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3220 Act.—As used in ss. 290.001-290.016:

3221 (4) "Minority business enterprise" has the same meaning as
3222 provided in s. 287.012 ~~s. 288.703~~.

3223 Section 83. Paragraph (b) of subsection (26) of section
3224 320.08058, Florida Statutes, is amended to read:

3225 320.08058 Specialty license plates.—

3226 (26) TAMPA BAY ESTUARY LICENSE PLATES.—

3227 (b) The annual use fees shall be distributed to the Tampa
3228 Bay Estuary Program created by s. 163.01.

3229 1. A maximum of 5 percent of such fees may be used for
3230 marketing the plate.

3231 ~~2. Twenty percent of the proceeds from the annual use fee,~~
3232 ~~not to exceed \$50,000, shall be provided to the Tampa Bay~~
3233 ~~Regional Planning Council for activities of the Agency on Bay~~
3234 ~~Management implementing the Council/Agency Action Plan for the~~
3235 ~~restoration of the Tampa Bay estuary, as approved by the Tampa~~
3236 ~~Bay Estuary Program Policy Board.~~

3237 2.3- The remaining proceeds must be used to implement the
3238 Comprehensive Conservation and Management Plan for Tampa Bay,
3239 pursuant to priorities approved by the Tampa Bay Estuary Program
3240 Policy Board.

3241 Section 84. Subsection (3) of section 320.63, Florida
3242 Statutes, is amended to read:

3243 320.63 Application for license; contents.—Any person
3244 desiring to be licensed pursuant to ss. 320.60-320.70 shall make
3245 application therefor to the department upon a form containing
3246 such information as the department requires. The department
3247 shall require, with such application or otherwise and from time
3248 to time, all of the following, which information may be

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considered by the department in determining the fitness of the applicant or licensee to engage in the business for which the applicant or licensee desires to be licensed:

(3) From each manufacturer, distributor, or importer which utilizes an identical blanket basic agreement for its dealers or distributors in this state, which agreement comprises all or any part of the applicant's or licensee's agreements with motor vehicle dealers in this state, a copy of the written agreement and all supplements thereto, together with a list of the applicant's or licensee's authorized dealers or distributors and their addresses. The applicant or licensee shall further notify the department immediately of the appointment of any additional dealer or distributor. The applicant or licensee shall annually report to the department on its efforts to add new minority dealer points, including difficulties encountered under ss. 320.61-320.70. For purposes of this section "minority" shall have the same meaning as that given it in the definition of "minority person" in s. 287.0931(2) ~~s. 288.703~~. Not later than 60 days before the date a revision or modification to a franchise agreement is offered uniformly to a licensee's motor vehicle dealers in this state, the licensee shall notify the department of such revision, modification, or addition to the franchise agreement on file with the department. In no event may a franchise agreement, or any addendum or supplement thereto, be offered to a motor vehicle dealer in this state until the applicant or licensee files an affidavit with the department acknowledging that the terms or provisions of the agreement, or any related document, are not inconsistent with, prohibited by, or contrary to the provisions contained in ss. 320.60-320.70.

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Any franchise agreement offered to a motor vehicle dealer in this state shall provide that all terms and conditions in such agreement inconsistent with the law and rules of this state are of no force and effect.

Section 85. Paragraph (b) of subsection (3) of section 335.188, Florida Statutes, is amended to read:

335.188 Access management standards; access control classification system; criteria.—

(3) The control classification system shall be developed consistent with the following:

(b) The access control classification system shall be developed in cooperation with counties, municipalities, the state land planning agency, ~~regional planning councils~~, metropolitan planning organizations, and other local governmental entities.

Section 86. Paragraph (b) of subsection (4) of section 339.155, Florida Statutes, is amended to read:

339.155 Transportation planning.—

(4) ADDITIONAL TRANSPORTATION PLANS.—

~~(b) Each regional planning council, as provided for in s. 186.504, or any successor agency thereto, shall develop, as an element of its strategic regional policy plan, transportation goals and policies. The transportation goals and policies must be prioritized to comply with the prevailing principles provided in subsection (1) and s. 334.046(1). The transportation goals and policies shall be consistent, to the maximum extent feasible, with the goals and policies of the metropolitan planning organization and the Florida Transportation Plan. The transportation goals and policies of the regional planning~~

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3307 ~~council will be advisory only and shall be submitted to the~~
 3308 ~~department and any affected metropolitan planning organization~~
 3309 ~~for their consideration and comments. Metropolitan planning~~
 3310 ~~organization plans and other local transportation plans shall be~~
 3311 ~~developed consistent, to the maximum extent feasible, with the~~
 3312 ~~regional transportation goals and policies.~~

3313 Section 87. Paragraph (g) of subsection (6) of section
 3314 339.175, Florida Statutes, is amended to read:

3315 339.175 Metropolitan planning organization.—

3316 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 3317 privileges, and authority of an M.P.O. are those specified in
 3318 this section or incorporated in an interlocal agreement
 3319 authorized under s. 163.01. Each M.P.O. shall perform all acts
 3320 required by federal or state laws or rules, now and subsequently
 3321 applicable, which are necessary to qualify for federal aid. It
 3322 is the intent of this section that each M.P.O. be involved in
 3323 the planning and programming of transportation facilities,
 3324 including, but not limited to, airports, intercity and high-
 3325 speed rail lines, seaports, and intermodal facilities, to the
 3326 extent permitted by state or federal law. An M.P.O. may not
 3327 perform project production or delivery for capital improvement
 3328 projects on the State Highway System.

3329 (g) Each M.P.O. shall have an executive or staff director
 3330 who reports directly to the M.P.O. governing board for all
 3331 matters regarding the administration and operation of the M.P.O.
 3332 and any additional personnel as deemed necessary. The executive
 3333 director and any additional personnel may be employed either by
 3334 an M.P.O. or by another governmental entity, such as a county,
 3335 or city, ~~or regional planning council,~~ that has a staff services

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3336 agreement signed and in effect with the M.P.O. Each M.P.O. may
 3337 enter into contracts with local or state agencies, private
 3338 planning firms, private engineering firms, or other public or
 3339 private entities to accomplish its transportation planning and
 3340 programming duties and administrative functions.

3341 Section 88. Subsection (6) of section 339.285, Florida
 3342 Statutes, is amended to read:

3343 339.285 Enhanced Bridge Program for Sustainable
 3344 Transportation.—

3345 (6) Preference shall be given to bridge projects located on
 3346 corridors that connect to the Strategic Intermodal System,
 3347 created under s. 339.64, and that have been identified as
 3348 regionally significant in accordance with s. 339.155(4)(b), (c),
 3349 and (d) ~~s. 339.155(4)(e), (d), and (e).~~

3350 Section 89. Subsections (3) and (4) of section 339.63,
 3351 Florida Statutes, are amended to read:

3352 339.63 System facilities designated; additions and
 3353 deletions.—

3354 (3) After the initial designation of the Strategic
 3355 Intermodal System under subsection (1), the department shall, in
 3356 coordination with the metropolitan planning organizations, local
 3357 governments, ~~regional planning councils,~~ transportation
 3358 providers, and affected public agencies, add facilities to or
 3359 delete facilities from the Strategic Intermodal System described
 3360 in paragraphs (2)(b) and (c) based upon criteria adopted by the
 3361 department.

3362 (4) After the initial designation of the Strategic
 3363 Intermodal System under subsection (1), the department shall, in
 3364 coordination with the metropolitan planning organizations, local

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3365 governments, ~~regional planning councils~~, transportation
 3366 providers, and affected public agencies, add facilities to or
 3367 delete facilities from the Strategic Intermodal System described
 3368 in paragraph (2) (a) based upon criteria adopted by the
 3369 department. However, an airport that is designated as a reliever
 3370 airport to a Strategic Intermodal System airport which has at
 3371 least 75,000 itinerant operations per year, has a runway length
 3372 of at least 5,500 linear feet, is capable of handling aircraft
 3373 weighing at least 60,000 pounds with a dual wheel configuration
 3374 which is served by at least one precision instrument approach,
 3375 and serves a cluster of aviation-dependent industries, shall be
 3376 designated as part of the Strategic Intermodal System by the
 3377 Secretary of Transportation upon the request of a reliever
 3378 airport meeting this criteria.

3379 Section 90. Subsection (1) and paragraph (a) of subsection
 3380 (3) of section 339.64, Florida Statutes, are amended to read:

3381 339.64 Strategic Intermodal System Plan.—

3382 (1) The department shall develop, in cooperation with
 3383 metropolitan planning organizations, ~~regional planning councils~~,
 3384 local governments, and other transportation providers, a
 3385 Strategic Intermodal System Plan. The plan shall be consistent
 3386 with the Florida Transportation Plan developed pursuant to s.
 3387 339.155 and shall be updated at least once every 5 years,
 3388 subsequent to updates of the Florida Transportation Plan.

3389 (3)(a) During the development of updates to the Strategic
 3390 Intermodal System Plan, the department shall provide
 3391 metropolitan planning organizations, ~~regional planning councils~~,
 3392 local governments, transportation providers, affected public
 3393 agencies, and citizens with an opportunity to participate in and

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3394 comment on the development of the update.

3395 Section 91. Subsection (1) of section 341.041, Florida
 3396 Statutes, is amended to read:

3397 341.041 Transit responsibilities of the department.—The
 3398 department shall, within the resources provided pursuant to
 3399 chapter 216:

3400 (1) Develop a statewide plan that provides for public
 3401 transit and intercity bus service needs at least 5 years in
 3402 advance. The plan shall be developed in a manner that will
 3403 assure maximum use of existing facilities, and optimum
 3404 integration and coordination of the various modes of
 3405 transportation, including both governmentally owned and
 3406 privately owned resources, in the most cost-effective manner
 3407 possible. The plan shall also incorporate plans adopted by local
 3408 ~~and regional~~ planning agencies which are consistent, to the
 3409 maximum extent feasible, with ~~adopted strategic policy plans and~~
 3410 approved local government comprehensive plans for the region and
 3411 units of local government covered by the plan and shall, insofar
 3412 as practical, conform to federal planning requirements. The plan
 3413 shall be consistent with the goals of the Florida Transportation
 3414 Plan developed pursuant to s. 339.155.

3415 Section 92. Paragraph (m) of subsection (3) of section
 3416 343.54, Florida Statutes, is amended to read:

3417 343.54 Powers and duties.—

3418 (3) The authority may exercise all powers necessary,
 3419 appurtenant, convenient, or incidental to the carrying out of
 3420 the aforesaid purposes, including, but not limited to, the
 3421 following rights and powers:

3422 (m) To cooperate with other governmental entities and to

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contract with other governmental agencies, including the Department of Transportation, the Federal Government, ~~regional planning councils~~, counties, and municipalities.

Section 93. Paragraphs (c) and (d) of subsection (1) of section 366.93, Florida Statutes, are amended to read:

366.93 Cost recovery for the siting, design, licensing, and construction of nuclear and integrated gasification combined cycle power plants.—

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

(c) "Integrated gasification combined cycle power plant" or "plant" means an electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated gasification technology.

(d) "Nuclear power plant" or "plant" means an electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses nuclear materials for fuel.

Section 94. Subsection (1) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

~~(1) "Council" means the East Central Florida Regional Planning Council.~~

Section 95. Subsection (3) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The St. Johns River Water Management District ~~East Central Florida Regional Planning Council~~ shall adopt policies that ~~as part of~~

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~~its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of all species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The water management district council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.~~

Section 96. Paragraph (e) of subsection (1) of section 373.309, Florida Statutes, is amended to read:

373.309 Authority to adopt rules and procedures.—

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(e) Encourage prevention of potable water well contamination and promote cost-effective remediation of contaminated potable water supplies by use of the Water Quality Assurance Trust Fund as provided in s. 376.307(1)(e) and establish by rule:

1. Delineation of areas of groundwater contamination for implementation of well location and construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2., 3., 4., 5., and 6. The department shall make available to water management districts, ~~regional planning councils~~, the Department of Health, and county building and zoning departments, maps or other information on areas of

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contamination, including areas of ethylene dibromide contamination. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request and upon payment of appropriate costs.

2. Requirements for testing for suspected contamination in areas of known contamination, as a prerequisite for clearance of a water well for drinking purposes. The department is authorized to establish criteria for acceptance of water quality testing results from the Department of Health and laboratories certified by the Department of Health, and is authorized to establish requirements for sample collection quality assurance.

3. Requirements for mandatory connection to available potable water systems in areas of known contamination, wherein the department may prohibit the permitting and construction of new potable water wells.

4. Location and construction standards for public and all other potable water wells permitted in areas of contamination. Such standards shall be designed to minimize the effects of such contamination.

5. A procedure for permitting all potable water wells in areas of known contamination. Any new water well that is to be used for drinking water purposes and that does not meet construction standards pursuant to subparagraph 4. must be abandoned and plugged by the owner. Water management districts shall implement, through delegation from the department, the permitting and enforcement responsibilities of this subparagraph.

6. A procedure for clearing for use all potable water

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wells, except wells that serve a public water supply system, in areas of known contamination. If contaminants are found upon testing pursuant to subparagraph 2., a well may not be cleared for use without a filter or other means of preventing the users of the well from being exposed to deleterious amounts of contaminants. The Department of Health shall implement the responsibilities of this subparagraph.

7. Fees to be paid for well construction permits and clearance for use. The fees shall be based on the actual costs incurred by the water management districts, the Department of Health, or other political subdivisions in carrying out the responsibilities related to potable water well permitting and clearance for use. The fees shall provide revenue to cover all such costs and shall be set according to the following schedule:

a. The well construction permit fee may not exceed \$500.

b. The clearance fee may not exceed \$50.

8. Procedures for implementing well-location, construction, testing, permitting, and clearance requirements as set forth in subparagraphs 2.-6. within areas that research or monitoring data indicate are vulnerable to contamination with nitrate, or areas in which the department provides a subsidy for restoration or replacement of contaminated drinking water supplies through extending existing water lines or developing new water supply systems pursuant to s. 376.307(1)(e). The department shall consult with the Florida Ground Water Association in the process of developing rules pursuant to this subparagraph.

All fees and funds collected by each delegated entity pursuant to this part shall be deposited in the appropriate operating

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3539 account of that entity.

3540 Section 97. Subsections (1) and (2) of section 373.415,
3541 Florida Statutes, are amended to read:

3542 373.415 Protection zones; duties of the St. Johns River
3543 Water Management District.—

3544 (1) Not later than November 1, 1988, the St. Johns River
3545 Water Management District shall adopt rules establishing
3546 protection zones adjacent to the watercourses in the Wekiva
3547 River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such
3548 protection zones shall be sufficiently wide to prevent harm to
3549 the Wekiva River System, including water quality, water
3550 quantity, hydrology, wetlands, and aquatic and wetland-dependent
3551 wildlife species, caused by any of the activities regulated
3552 under this part. Factors on which the widths of the protection
3553 zones shall be based shall include, but not be limited to:

3554 (a) The biological significance of the wetlands and uplands
3555 adjacent to the designated watercourses in the Wekiva River
3556 System, including the nesting, feeding, breeding, and resting
3557 needs of aquatic species and wetland-dependent wildlife species.

3558 (b) The sensitivity of these species to disturbance,
3559 including the short-term and long-term adaptability to
3560 disturbance of the more sensitive species, both migratory and
3561 resident.

3562 (c) The susceptibility of these lands to erosion, including
3563 the slope, soils, runoff characteristics, and vegetative cover.

3564 In addition, the rules may establish permitting thresholds,
3565 permitting exemptions, or general permits, if such thresholds,
3566 exemptions, or general permits do not allow significant adverse
3567

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3568 impacts to the Wekiva River System to occur individually or
3569 cumulatively.

3570 (2) Notwithstanding ~~the provisions of~~ s. 120.60, the St.
3571 Johns River Water Management District ~~may shall~~ not issue any
3572 permit under this part within the Wekiva River Protection Area,
3573 as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate
3574 local government has provided written notification to the
3575 district that the proposed activity is consistent with the local
3576 comprehensive plan and is in compliance with any land
3577 development regulation in effect in the area where the
3578 development will take place. The district may, however, inform
3579 any property owner who makes a request for such information as
3580 to the location of the protection zone or zones on his or her
3581 property. However, if a development proposal is amended as the
3582 result of the review by the district, a permit may be issued
3583 before ~~prior~~ to the development proposal being returned, if
3584 necessary, to the local government for additional review.

3585 Section 98. Paragraph (k) of subsection (2) of section
3586 377.703, Florida Statutes, is amended to read:

3587 377.703 Additional functions of the Department of
3588 Agriculture and Consumer Services.—

3589 (2) DUTIES.—The department shall perform the following
3590 functions, unless as otherwise provided, consistent with the
3591 development of a state energy policy:

3592 (k) The department shall coordinate energy-related programs
3593 of state government, including, but not limited to, the programs
3594 provided in this section. To this end, the department shall:

3595 1. Provide assistance to other state agencies, counties,
3596 and municipalities, ~~and regional planning agencies~~ to further

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3597 and promote their energy planning activities.

3598 2. Require, in cooperation with the Department of
3599 Management Services, all state agencies to operate state-owned
3600 and state-leased buildings in accordance with energy
3601 conservation standards as adopted by the Department of
3602 Management Services. Every 3 months, the Department of
3603 Management Services shall furnish the department data on
3604 agencies' energy consumption and emissions of greenhouse gases
3605 in a format prescribed by the department.

3606 3. Promote the development and use of renewable energy
3607 resources, energy efficiency technologies, and conservation
3608 measures.

3609 4. Promote the recovery of energy from wastes, including,
3610 but not limited to, the use of waste heat, the use of
3611 agricultural products as a source of energy, and recycling of
3612 manufactured products. Such promotion shall be conducted in
3613 conjunction with, and after consultation with, the Department of
3614 Environmental Protection and the Florida Public Service
3615 Commission where electrical generation or natural gas is
3616 involved, and any other relevant federal, state, or local
3617 governmental agency having responsibility for resource recovery
3618 programs.

3619 Section 99. Subsection (3) of section 378.411, Florida
3620 Statutes, is amended to read:

3621 378.411 Certification to receive notices of intent to mine,
3622 to review, and to inspect for compliance.—

3623 (3) In making his or her determination, the secretary shall
3624 consult with the Department of Commerce, ~~the appropriate~~
3625 ~~regional planning council,~~ and the appropriate water management

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3626 district.

3627 Section 100. Subsection (15) of section 380.031, Florida
3628 Statutes, is amended to read:

3629 380.031 Definitions.—As used in this chapter:

3630 ~~(15) "Regional planning agency" means the agency designated~~
3631 ~~by the state land planning agency to exercise responsibilities~~
3632 ~~under this chapter in a particular region of the state.~~

3633 Section 101. Subsection (2) of section 380.045, Florida
3634 Statutes, is amended to read:

3635 380.045 Resource planning and management committees;
3636 objectives; procedures.—

3637 (2) The committee must include, but is not limited to,
3638 representation from each of the following: elected officials
3639 from the local governments within the area under study; the
3640 planning office of each of the local governments within the area
3641 under study; the state land planning agency; any other state
3642 agency under chapter 20 a representative of which the Governor
3643 feels is relevant to the compilation of the committee; and a
3644 water management district, if appropriate, and regional planning
3645 ~~council all or part of whose jurisdiction lies within the area~~
3646 ~~under study.~~ After the appointment of the members, the Governor
3647 shall select a chair and vice chair. A staff member of the state
3648 land planning agency shall be appointed by the secretary of such
3649 agency to serve as the secretary of the committee. The state
3650 land planning agency shall, to the greatest extent possible,
3651 provide technical assistance and administrative support to the
3652 committee. Meetings will be called as needed by the chair or on
3653 the demand of three or more members of the committee. The
3654 committee will act on a simple majority of a quorum present and

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shall make a report within 6 months to the head of the state land planning agency. The committee must, from the time of appointment, remain in existence for no less than 6 months.

Section 102. Subsections (3), (4), (7), (8), and (12) of section 380.05, Florida Statutes, are amended to read:

380.05 Areas of critical state concern.—

(3) Each local government ~~regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. Each regional planning agency shall solicit from the local governments within its jurisdiction suggestions as to areas to be recommended. A local government in an area where there is no regional planning agency may recommend to the state land planning agency from time to time areas wholly or partially within its jurisdiction that meet the criteria for areas of critical state concern as defined in this section. If the state land planning agency does not recommend to the commission as an area of critical state concern an area substantially similar to one that has been recommended, it must ~~shall~~ respond in writing as to its reasons therefor.~~

(4) ~~Before~~ Prior to submitting any recommendation to the commission under subsection (1), the state land planning agency shall give notice to any committee appointed pursuant to s. 380.045 and to all local governments ~~and regional planning agencies~~ that include within their boundaries any part of any area of critical state concern proposed to be designated by the rule, in addition to any notice otherwise required under chapter 120.

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(7) The state land planning agency ~~and any applicable regional planning agency~~ shall, to the greatest extent possible, provide technical assistance to local governments in the preparation of the land development regulations and local comprehensive plan for areas of critical state concern.

(8) If any local government fails to submit land development regulations or a local comprehensive plan, or if the regulations or plan or plan amendment submitted do not comply with the principles for guiding development set out in the rule designating the area of critical state concern, within 120 days after the adoption of the rule designating an area of critical state concern, or within 120 days after the issuance of a recommended order on the compliance of the plan or plan amendment pursuant to s. 163.3184, or within 120 days after the effective date of an order rejecting a proposed land development regulation, the state land planning agency must ~~shall~~ submit to the commission recommended land development regulations and a local comprehensive plan or portions thereof applicable to that local government's portion of the area of critical state concern. Within 45 days following receipt of the recommendation from the agency, the commission shall either reject the recommendation as tendered or adopt the recommendation with or without modification, and by rule establish land development regulations and a local comprehensive plan applicable to that local government's portion of the area of critical state concern. However, such rule may ~~shall~~ not become effective ~~before~~ prior to legislative review of an area of critical state concern pursuant to paragraph (1)(c). In the rule, the commission shall specify the extent to which its land

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3713 development regulations, plans, or plan amendments will
 3714 supersede, or will be supplementary to, local land development
 3715 regulations and plans. Notice of any proposed rule issued under
 3716 this section shall be given to all local governments and
 3717 regional ~~planning~~ agencies in the area of critical state
 3718 concern, in addition to any other notice required under chapter
 3719 120. The land development regulations and local comprehensive
 3720 plan adopted by the commission under this section may include
 3721 any type of regulation and plan that could have been adopted by
 3722 the local government. Any land development regulations or local
 3723 comprehensive plan or plan amendments adopted by the commission
 3724 under this section shall be administered by the local government
 3725 as part of, or in the absence of, the local land development
 3726 regulations and local comprehensive plan.

3727 (12) Upon the request of a substantially interested person
 3728 pursuant to s. 120.54(7), a local government or regional
 3729 ~~planning~~ agency within the designated area, or the state land
 3730 planning agency, the commission may by rule remove, contract, or
 3731 expand any designated boundary. Boundary expansions are subject
 3732 to legislative review pursuant to paragraph (1)(c). No boundary
 3733 may be modified without a specific finding by the commission
 3734 that such changes are consistent with necessary resource
 3735 protection. The total boundaries of an entire area of critical
 3736 state concern may ~~shall~~ not be removed by the commission unless
 3737 a minimum time of 1 year has elapsed from the adoption of
 3738 regulations and a local comprehensive plan pursuant to
 3739 subsection (1), subsection (6), subsection (8), or subsection
 3740 (10). Before totally removing such boundaries, the commission
 3741 shall make findings that the regulations and plans adopted

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3742 pursuant to subsection (1), subsection (6), subsection (8), or
 3743 subsection (10) are being effectively implemented by local
 3744 governments within the area of critical state concern to protect
 3745 the area and that adopted local government comprehensive plans
 3746 within the area have been conformed to principles for guiding
 3747 development for the area.

3748 Section 103. Subsection (3) of section 380.055, Florida
 3749 Statutes, is amended to read:

3750 380.055 Big Cypress Area.—

3751 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big
 3752 Cypress Area," as defined in this subsection, is hereby
 3753 designated as an area of critical state concern. "Big Cypress
 3754 Area" means the area generally depicted on the map entitled
 3755 "Boundary Map, Big Cypress National Freshwater Reserve,
 3756 Florida," numbered BC-91,001 and dated November 1971, which is
 3757 on file and available for public inspection in the office of the
 3758 National Park Service, Department of the Interior, Washington,
 3759 D.C., and in the office of the Board of Trustees of the Internal
 3760 Improvement Trust Fund, which is the area proposed as the
 3761 Federal Big Cypress National Freshwater Reserve, Florida, and
 3762 that area described as follows: Sections 1, 2, 11, 12 and 13 in
 3763 Township 49 South, Range 31 East; and Township 49 South, Range
 3764 32 East, less Sections 19, 30 and 31; and Township 49 South,
 3765 Range 33 East; and Township 49 South, Range 34 East; and
 3766 Sections 1 through 5 and 10 through 14 in Township 50 South,
 3767 Range 32 East; and Sections 1 through 18 and 20 through 25 in
 3768 Township 50 South, Range 33 East; and Township 50 South, Range
 3769 34 East, less Section 31; and Sections 1 and 2 in Township 51
 3770 South, Range 34 East; All in Collier County, Florida, which

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described area shall be known as the "Big Cypress National Preserve Addition, Florida," together with such contiguous land and water areas as are ecologically linked with the Everglades National Park, certain of the estuarine fisheries of South Florida, or the freshwater aquifer of South Florida, the definitive boundaries of which shall be set in the following manner: Within 120 days following the effective date of this act, the state land planning agency shall recommend definitive boundaries for the Big Cypress Area to the Administration Commission, after giving notice to all local governments and regional ~~planning~~ agencies which include within their boundaries any part of the area proposed to be included in the Big Cypress Area and holding such hearings as the state land planning agency deems appropriate. Within 45 days following receipt of the recommended boundaries, the Administration Commission shall adopt, modify, or reject the recommendation and shall by rule establish the boundaries of the area defined as the Big Cypress Area.

Section 104. Subsection (6) and paragraph (b) of subsection (12) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(6) REPORTS.—Notwithstanding any condition in a development order for an approved development of regional impact, the developer is not required to submit an annual or a biennial report on the development of regional impact to the local government, ~~the regional planning agency,~~ the state land planning agency, and all affected permit agencies unless required to do so by the local government that has jurisdiction over the development. The penalty for failure to file such a

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required report is as prescribed by the local government.

(12) PROPOSED DEVELOPMENTS.—

(b) This subsection does not apply to:

1. Amendments to a development order governing an existing development of regional impact.

2. An application for development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to this section as it existed on that date. The election shall be in writing and filed with the affected local government, ~~regional planning council,~~ and the state land planning agency before December 31, 2018.

Section 105. Subsection (2) of section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(2) Following written notification to the state land planning agency ~~and the appropriate regional planning agency,~~ a local government with an approved Florida Quality Development within its jurisdiction must set a public hearing pursuant to its local procedures and shall adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Development. Thereafter, the Florida Quality Development shall follow the procedures and requirements for developments of regional impact as specified in this chapter.

Section 106. Subsection (2) of section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(2) Whenever any local government issues any development

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order in any area of critical state concern, or in regard to the abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, ~~the regional planning agency~~, and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the development order is not consistent with this part.

Section 107. Paragraph (c) of subsection (3) of section 380.23, Florida Statutes, is amended to read:

380.23 Federal consistency.—

(3) Consistency review shall be limited to review of the following activities, uses, and projects to ensure that such activities, uses, and projects are conducted in accordance with the state's coastal management program:

(c) Federally licensed or permitted activities affecting land or water uses when such activities are in or seaward of the jurisdiction of local governments required to develop a coastal zone protection element as provided in s. 380.24 and when such activities involve:

1. Permits and licenses required under the Rivers and Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2. Permits and licenses required under the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.

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1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3. Permits and licenses required under the Federal Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as amended, unless such permitting activities have been delegated to the state pursuant to said act.

4. Permits and licenses relating to the transportation of hazardous substance materials or transportation and dumping which are issued pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s. 1321, as amended.

5. Permits and licenses required under 15 U.S.C. ss. 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-1356 for construction and operation of interstate gas pipelines and storage facilities.

6. Permits and licenses required for the siting and construction of any new electrical power plants as defined in s. 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and relicensing of hydroelectric power plants under the Federal Power Act, 16 U.S.C. ss. 791a et seq., as amended.

7. Permits and licenses required under the Mining Law of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as amended; the Federal Land Policy and Management Act, 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for drilling, mining, pipelines, geological and geophysical activities, or rights-of-way on public lands and permits and licenses required under the

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3887 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as
3888 amended.

3889 8. Permits and licenses for areas leased under the OCS
3890 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including
3891 leases and approvals of exploration, development, and production
3892 plans.

3893 9. Permits and licenses required under the Deepwater Port
3894 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

3895 10. Permits required for the taking of marine mammals under
3896 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.
3897 s. 1374.

3898 Section 108. Subsection (3) of section 380.507, Florida
3899 Statutes, is amended to read:

3900 380.507 Powers of the trust.—The trust shall have all the
3901 powers necessary or convenient to carry out the purposes and
3902 provisions of this part, including:

3903 (3) To provide technical and financial assistance to local
3904 governments, state agencies, water management districts,
3905 ~~regional planning councils~~, and nonprofit agencies to carry out
3906 projects and activities and develop programs to achieve the
3907 purposes of this part.

3908 Section 109. Paragraph (b) of subsection (8) of section
3909 381.986, Florida Statutes, is amended to read:

3910 381.986 Medical use of marijuana.—

3911 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

3912 (b) An applicant for licensure as a medical marijuana
3913 treatment center shall apply to the department on a form
3914 prescribed by the department and adopted in rule. The department
3915 shall adopt rules pursuant to ss. 120.536(1) and 120.54

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3916 establishing a procedure for the issuance and biennial renewal
3917 of licenses, including initial application and biennial renewal
3918 fees sufficient to cover the costs of implementing and
3919 administering this section, and establishing supplemental
3920 licensure fees for payment beginning May 1, 2018, sufficient to
3921 cover the costs of administering ss. 381.989 and 1004.4351. The
3922 department shall identify applicants with strong diversity plans
3923 reflecting this state's commitment to diversity and implement
3924 training programs and other educational programs to enable
3925 minority persons and certified rural or urban business
3926 enterprises ~~minority business enterprises~~, as defined in s.
3927 288.703, and veteran business enterprises, as defined in s.
3928 295.187, to compete for medical marijuana treatment center
3929 licensure and contracts. Subject to the requirements in
3930 subparagraphs (a)2.-4., the department shall issue a license to
3931 an applicant if the applicant meets the requirements of this
3932 section and pays the initial application fee. The department
3933 shall renew the licensure of a medical marijuana treatment
3934 center biennially if the licensee meets the requirements of this
3935 section and pays the biennial renewal fee. However, the
3936 department may not renew the license of a medical marijuana
3937 treatment center that has not begun to cultivate, process, and
3938 dispense marijuana by the date that the medical marijuana
3939 treatment center is required to renew its license. An individual
3940 may not be an applicant, owner, officer, board member, or
3941 manager on more than one application for licensure as a medical
3942 marijuana treatment center. An individual or entity may not be
3943 awarded more than one license as a medical marijuana treatment
3944 center. An applicant for licensure as a medical marijuana

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treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance

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bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and certified rural or urban ~~minority~~ business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with rural or urban

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4003 ~~minority~~ business enterprises and veteran business enterprises.
 4004 Section 110. Subsection (4) of section 403.031, Florida
 4005 Statutes, is amended to read:
 4006 403.031 Definitions.—In construing this chapter, or rules
 4007 and regulations adopted pursuant hereto, the following words,
 4008 phrases, or terms, unless the context otherwise indicates, have
 4009 the following meanings:
 4010 (4) "Electrical power plant" means, for purposes of this
 4011 part of this chapter, any electrical generating facility that
 4012 uses any process or fuel and that is owned or operated by an
 4013 electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and
 4014 includes any associated facility that directly supports the
 4015 operation of the electrical power plant.
 4016 Section 111. Subsection (6) of section 403.0752, Florida
 4017 Statutes, is amended to read:
 4018 403.0752 Ecosystem management agreements.—
 4019 (6) The secretary of the department may form ecosystem
 4020 management advisory teams for consultation and participation in
 4021 the preparation of an ecosystem management agreement. The
 4022 secretary shall request the participation of at least the state
 4023 and regional and local government entities having regulatory
 4024 authority over the activities to be subject to the ecosystem
 4025 management agreement. Such teams may also include
 4026 representatives of other participating or advisory government
 4027 agencies, which may include ~~regional planning councils~~, private
 4028 landowners, public landowners and managers, public and private
 4029 utilities, corporations, and environmental interests. Team
 4030 members shall be selected in a manner that ensures adequate
 4031 representation of the diverse interests and perspectives within

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4032 the designated ecosystem. Participation by any department of
 4033 state government is at the discretion of that agency.
 4034 Section 112. Subsection (27) of section 403.503, Florida
 4035 Statutes, is amended to read:
 4036 403.503 Definitions relating to Florida Electrical Power
 4037 Plant Siting Act.—As used in this act:
 4038 ~~(27) "Regional planning council" means a regional planning~~
 4039 ~~council as defined in s. 186.503(4) in the jurisdiction of which~~
 4040 ~~the electrical power plant is proposed to be located.~~
 4041 Section 113. Subsection (1) of section 403.50663, Florida
 4042 Statutes, is amended to read:
 4043 403.50663 Informational public meetings.—
 4044 (1) A local government within whose jurisdiction the power
 4045 plant is proposed to be sited may hold one informational public
 4046 meeting in addition to the hearings specifically authorized by
 4047 this act on any matter associated with the electrical power
 4048 plant proceeding. Such informational public meetings shall be
 4049 held by the local government ~~or by the regional planning council~~
 4050 ~~if the local government does not hold such meeting~~ within 70
 4051 days after the filing of the application. The purpose of an
 4052 informational public meeting is for the local government ~~or~~
 4053 ~~regional planning council~~ to further inform the public about the
 4054 proposed electrical power plant or associated facilities, obtain
 4055 comments from the public, and formulate its recommendation with
 4056 respect to the proposed electrical power plant.
 4057 Section 114. Paragraph (a) of subsection (2) of section
 4058 403.507, Florida Statutes, is amended to read:
 4059 403.507 Preliminary statements of issues, reports, project
 4060 analyses, and studies.—

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(2) (a) No later than 100 days after the certification application has been determined complete, the following agencies shall prepare reports as provided below and shall submit them to the department and the applicant, unless a final order denying the determination of need has been issued under s. 403.519:

1. The Department of Commerce shall prepare a report containing recommendations which address the impact upon the public of the proposed electrical power plant, based on the degree to which the electrical power plant is consistent with the applicable portions of the state comprehensive plan, emergency management, and other such matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed electrical power plant with applicable ~~strategic regional policy plans~~ or local comprehensive plans and land development regulations.

2. The water management district shall prepare a report as to matters within its jurisdiction, including but not limited to, the impact of the proposed electrical power plant on water resources, regional water supply planning, and district-owned lands and works.

3. Each local government in whose jurisdiction the proposed electrical power plant is to be located shall prepare a report as to the consistency of the proposed electrical power plant with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed electrical power plant, including any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to matters within its jurisdiction.

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5. The Department of Transportation shall address the impact of the proposed electrical power plant on matters within its jurisdiction.

Section 115. Paragraphs (a) and (c) of subsection (4) of section 403.509, Florida Statutes, are amended to read:

403.509 Final disposition of application.—

(4) (a) Any transmission line corridor certified by the board, or secretary if applicable, shall meet the criteria of this section. When more than one transmission line corridor is proper for certification under s. 403.503 ~~s. 403.503(11)~~ and meets the criteria of this section, the board, or secretary if applicable, shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

(c) If the board, or secretary if applicable, finds that two or more of the corridors that comply with subsection (3) have the least adverse impacts regarding the criteria in subsection (3), including costs, and that the corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, the board, or secretary if applicable, shall certify the corridor preferred by the applicant if the corridor is one proper for certification under s. 403.503 ~~s. 403.503(11)~~.

Section 116. Paragraph (a) of subsection (6) and paragraph (a) of subsection (7) of section 403.5115, Florida Statutes, are amended to read:

403.5115 Public notice.—

(6) (a) A good faith effort shall be made by the applicant to provide direct written notice of the filing of an application

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for certification by United States mail or hand delivery no later than 45 days after filing of the application to all local landowners whose property, as noted in the most recent local government tax records, and residences are located within the following distances of the proposed project:

1. Three miles of the proposed main site boundaries of the proposed electrical power plant.

2. One-quarter mile for a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

3. One-quarter mile for all other linear associated facilities extending away from the main site boundary except for a transmission line corridor that includes a transmission line that operates below those defined by s. 403.522 ~~s. 403.522(22)~~.

(7)(a) A good faith effort shall be made by the proponent of an alternate corridor that includes a transmission line, as defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct written notice of the filing of an alternate corridor for certification by United States mail or hand delivery of the filing no later than 30 days after filing of the alternate corridor to all local landowners whose property, as noted in the most recent local government tax records, and residences, are located within one-quarter mile of the proposed boundaries of a transmission line corridor that includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

Section 117. Subsection (1) of section 403.5175, Florida Statutes, is amended to read:

403.5175 Existing electrical power plant site certification.—

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(1) An electric utility that owns or operates an existing electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~ may apply for certification of an existing power plant and its site in order to obtain all agency licenses necessary to ensure compliance with federal or state environmental laws and regulation using the centrally coordinated, one-stop licensing process established by this part. An application for certification under this section must be in the form prescribed by department rule. Applications must be reviewed and processed using the same procedural steps and notices as for an application for a new facility, except that a determination of need by the Public Service Commission is not required.

Section 118. Paragraph (c) of subsection (2) of section 403.518, Florida Statutes, is amended to read:

403.518 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(2) An application fee, which may ~~shall~~ not exceed \$200,000. The fee shall be fixed by rule on a sliding scale related to the size, type, ultimate site capacity, or increase in electrical generating capacity proposed by the application.

(c)1. Upon written request with proper itemized accounting within 90 days after final agency action by the board or department or withdrawal of the application, the agencies that prepared reports pursuant to s. 403.507 or participated in a hearing pursuant to s. 403.508 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must ~~shall~~ contain an

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accounting of expenses incurred which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held pursuant to this act, and for any local government's ~~or regional planning council's~~ provision of notice of public meetings required as a result of the application for certification. The department shall review the request and verify that the expenses are valid. Valid expenses must ~~shall~~ be reimbursed; however, in the event the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies requesting reimbursement, reimbursement is ~~shall be~~ on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement. This time period is ~~shall be~~ measured from the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 119. Subsection (21) of section 403.522, Florida Statutes, is amended to read:

403.522 Definitions relating to the Florida Electric Transmission Line Siting Act.—As used in this act:

~~(21) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the project is proposed to be located.~~

Section 120. Paragraph (a) of subsection (1) of section 403.5251, Florida Statutes, is amended to read:

403.5251 Application; schedules.—

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(1) (a) The formal date of the filing of the application for certification and commencement of the review process for certification is the date on which the applicant submits:

1. Copies of the application for certification in a quantity and format, electronic or otherwise as prescribed by rule, to the department and other agencies identified in s. 403.526(2).

2. The application fee as specified under s. 403.5365 to the department.

The department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional agencies or persons entitled to notice and copies of the application and amendments, if any, within 7 days after receiving the application for certification and the application fees.

Section 121. Paragraph (a) of subsection (2) of section 403.526, Florida Statutes, is amended to read:

403.526 Preliminary statements of issues, reports, and project analyses; studies.—

(2) (a) No later than 90 days after the filing of the application, the following agencies shall prepare reports as provided below, unless a final order denying the determination of need has been issued under s. 403.537:

1. The department shall prepare a report as to the impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located

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shall prepare a report as to the impact on water resources and other matters within its jurisdiction.

3. The Department of Commerce shall prepare a report containing recommendations which address the impact upon the public of the proposed transmission line or corridor, based on the degree to which the proposed transmission line or corridor is consistent with the applicable portions of the state comprehensive plan, emergency management, and other matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed transmission line or corridor with applicable ~~strategic regional policy plans or~~ local comprehensive plans and land development regulations.

4. The Fish and Wildlife Conservation Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, including the consistency of the proposed transmission line or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed transmission line or corridor, including local comprehensive plans, zoning regulations, land development regulations, and any applicable local environmental regulations adopted pursuant to s. 403.182 or by other means. A change by the responsible local government or local agency in local comprehensive plans, zoning ordinances, or other regulations made after the date required for the filing of the local government's report required by this section is not applicable

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to the certification of the proposed transmission line or corridor unless the certification is denied or the application is withdrawn.

6. The Department of Transportation shall prepare a report as to the impact of the proposed transmission line or corridor on state roads, railroads, airports, aeronautics, seaports, and other matters within its jurisdiction.

7. The commission shall prepare a report containing its determination under s. 403.537, and the report may include the comments from the commission with respect to any other subject within its jurisdiction.

8. Any other agency, if requested by the department, shall also perform studies or prepare reports as to subjects within the jurisdiction of the agency which may potentially be affected by the proposed transmission line.

Section 122. Paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are amended to read:

403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.5365 ~~or~~ ~~403.526(2)~~ and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

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4293 (f) The agencies listed in s. 403.5365 ~~s. 403.526(2)~~ and
 4294 any newly affected agencies shall file supplementary reports
 4295 with the applicant and the department which address the proposed
 4296 alternate corridors no later than 24 days after the data
 4297 submitted pursuant to paragraph (d) or paragraph (e) is
 4298 determined to be complete.

4299 Section 123. Subsection (1) of section 403.5272, Florida
 4300 Statutes, is amended to read:

4301 403.5272 Informational public meetings.—

4302 (1) A local government whose jurisdiction is to be crossed
 4303 by a proposed corridor may hold one informational public meeting
 4304 in addition to the hearings specifically authorized by this act
 4305 on any matter associated with the transmission line proceeding.
 4306 The informational public meeting ~~may be conducted by the local~~
 4307 ~~government or the regional planning council~~ and shall be held no
 4308 later than 55 days after the application is filed. The purpose
 4309 of an informational public meeting is for the local government
 4310 ~~or regional planning council~~ to further inform the public about
 4311 the transmission line proposed, obtain comments from the public,
 4312 and formulate its recommendation with respect to the proposed
 4313 transmission line.

4314 Section 124. Subsection (4), paragraph (a) of subsection
 4315 (5), and paragraph (a) of subsection (6) of section 403.5363,
 4316 Florida Statutes, are amended to read:

4317 403.5363 Public notices; requirements.—

4318 (4) A local government ~~or regional planning council~~ that
 4319 proposes to conduct an informational public meeting pursuant to
 4320 s. 403.5272 must publish notice of the meeting in a newspaper of
 4321 general circulation within the county or counties in which the

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4322 proposed electrical transmission line will be located no later
 4323 than 7 days ~~before~~ prior to the meeting. A newspaper of general
 4324 circulation shall be the newspaper that has the largest daily
 4325 circulation in that county and has its principal office in that
 4326 county. If the newspaper with the largest daily circulation has
 4327 its principal office outside the county, the notices shall
 4328 appear in both the newspaper having the largest circulation in
 4329 that county and in a newspaper authorized to publish legal
 4330 notices in that county.

4331 (5) (a) A good faith effort shall be made by the applicant
 4332 to provide direct notice of the filing of an application for
 4333 certification by United States mail or hand delivery no later
 4334 than 45 days after filing of the application to all local
 4335 landowners whose property, as noted in the most recent local
 4336 government tax records, and residences are located within one-
 4337 quarter mile of the proposed boundaries of a transmission line
 4338 corridor that only includes a transmission line as defined by s.
 4339 403.522 ~~s. 403.522(22)~~.

4340 (6) (a) A good faith effort shall be made by the proponent
 4341 of an alternate corridor that includes a transmission line, as
 4342 defined by s. 403.522 ~~s. 403.522(22)~~, to provide direct notice
 4343 of the filing of an alternate corridor for certification by
 4344 United States mail or hand delivery of the filing no later than
 4345 30 days after filing of the alternate corridor to all local
 4346 landowners whose property, as noted in the most recent local
 4347 government tax records, and residences are located within one-
 4348 quarter mile of the proposed boundaries of a transmission line
 4349 corridor that includes a transmission line as defined by s.
 4350 403.522 ~~s. 403.522(22)~~.

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Section 125. Paragraph (d) of subsection (1) of section 403.5365, Florida Statutes, is amended to read:

403.5365 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which, unless otherwise specified, shall be paid into the Florida Permit Fee Trust Fund:

(1) An application fee.

(d)1. Upon written request with proper itemized accounting within 90 days after final agency action by the siting board or the department or the written notification of the withdrawal of the application, the agencies that prepared reports under s. 403.526 or s. 403.5271 or participated in a hearing under s. 403.527 or s. 403.5271 may submit a written request to the department for reimbursement of expenses incurred during the certification proceedings. The request must contain an accounting of expenses incurred, which may include time spent reviewing the application, preparation of any studies required of the agencies by this act, agency travel and per diem to attend any hearing held under this act, and for the local government ~~or regional planning council~~ providing additional notice of the informational public meeting. The department shall review the request and verify whether a claimed expense is valid. Valid expenses shall be reimbursed; however, if the amount of funds available for reimbursement is insufficient to provide for full compensation to the agencies, reimbursement shall be on a prorated basis.

2. If the application review is held in abeyance for more than 1 year, the agencies may submit a request for reimbursement under subparagraph 1. This time period shall be measured from

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the date the applicant has provided written notification to the department that it desires to have the application review process placed on hold. The fee disbursement shall be processed in accordance with subparagraph 1.

Section 126. Paragraphs (a) and (d) of subsection (1) of section 403.537, Florida Statutes, are amended to read:

403.537 Determination of need for transmission line; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Florida Electric Transmission Line Siting Act, ss. 403.52-403.5365. The notice shall be published at least 21 days before the date set for the hearing and shall be published by the applicant in at least one-quarter page size notice in newspapers of general circulation, and by the commission in the manner specified in chapter 120, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 45 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(d) The determination by the commission of the need for the transmission line, as defined in s. 403.522 ~~s. 403.522(22)~~, is binding on all parties to any certification proceeding under the

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Florida Electric Transmission Line Siting Act and is a condition precedent to the conduct of the certification hearing prescribed therein. An order entered pursuant to this section constitutes final agency action.

Section 127. Subsection (17) of section 403.704, Florida Statutes, is amended to read:

403.704 Powers and duties of the department.—The department shall have responsibility for the implementation and enforcement of this act. In addition to other powers and duties, the department shall:

(17) Provide technical assistance to local governments and regional agencies to ensure consistency between county hazardous waste management assessments; coordinate the development of such assessments ~~with the assistance of the appropriate regional planning councils~~; and review and make recommendations to the Legislature relative to the sufficiency of the assessments to meet state hazardous waste management needs.

Section 128. Subsections (3) and (6) of section 403.7225, Florida Statutes, are amended to read:

403.7225 Local hazardous waste management assessments.—

(3) Each county ~~or regional planning council~~ shall coordinate the local hazardous waste management assessments within its jurisdiction according to guidelines established under s. 403.7226. If a county declines to perform the local hazardous waste management assessment, the county must ~~shall~~ make arrangements with the department ~~its regional planning council~~ to perform the assessment.

(6) Unless performed by the county pursuant to subsection (3), the department ~~regional planning councils~~ shall upon

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successful arrangements with a county:

(a) Perform local hazardous waste management assessments;

and

(b) Provide any technical expertise needed by the counties in developing the assessments.

Section 129. Subsection (1) of section 403.7226, Florida Statutes, is amended to read:

403.7226 Technical assistance by the department.—The department shall:

(1) Provide technical assistance to county governments ~~and regional planning councils~~ to ensure consistency in implementing local hazardous waste management assessments as provided in ss. 403.7225, 403.7234, and 403.7236. In order to ensure that each local assessment is properly implemented and that all information gathered during the assessment is uniformly compiled and documented, each county ~~or regional planning council~~ shall contact the department during the preparation of the local assessment to receive technical assistance. Each county ~~or regional planning council~~ shall follow guidelines established by the department, and adopted by rule as appropriate, in order to properly implement these assessments.

Section 130. Subsection (2) of section 403.723, Florida Statutes, is amended to read:

403.723 Siting of hazardous waste facilities.—It is the intent of the Legislature to facilitate siting of proper hazardous waste storage facilities in each region and any additional storage, treatment, or disposal facilities as required. The Legislature recognizes the need for facilitating disposal of waste produced by small generators, reducing the

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4467 volume of wastes generated in the state, reducing the toxicity
 4468 of wastes generated in the state, and providing treatment and
 4469 disposal facilities in the state.

4470 (2) After each county designates areas for storage
 4471 facilities, the department ~~each regional planning council~~ shall
 4472 designate one or more sites at which a regional hazardous waste
 4473 storage or treatment facility could be constructed.

4474 Section 131. Subsection (22) of section 403.9403, Florida
 4475 Statutes, is amended to read:

4476 403.9403 Definitions.—As used in ss. 403.9401-403.9425, the
 4477 term:

4478 ~~(22) "Regional planning council" means a regional planning~~
 4479 ~~council created pursuant to chapter 186 in the jurisdiction of~~
 4480 ~~which the project is proposed to be located.~~

4481 Section 132. Paragraph (a) of subsection (2) of section
 4482 403.941, Florida Statutes, is amended to read:

4483 403.941 Preliminary statements of issues, reports, and
 4484 studies.—

4485 (2)(a) The affected agencies shall prepare reports as
 4486 provided in this paragraph and shall submit them to the
 4487 department and the applicant within 60 days after the
 4488 application is determined sufficient:

4489 1. The department shall prepare a report as to the impact
 4490 of each proposed natural gas transmission pipeline or corridor
 4491 as it relates to matters within its jurisdiction.

4492 2. Each water management district in the jurisdiction of
 4493 which a proposed natural gas transmission pipeline or corridor
 4494 is to be located shall prepare a report as to the impact on
 4495 water resources and other matters within its jurisdiction.

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4496 3. The Department of Commerce shall prepare a report
 4497 containing recommendations which address the impact upon the
 4498 public of the proposed natural gas transmission pipeline or
 4499 corridor, based on the degree to which the proposed natural gas
 4500 transmission pipeline or corridor is consistent with the
 4501 applicable portions of the state comprehensive plan and other
 4502 matters within its jurisdiction. The Department of Commerce may
 4503 also comment on the consistency of the proposed natural gas
 4504 transmission pipeline or corridor with applicable strategic
 4505 ~~regional policy plans or~~ local comprehensive plans and land
 4506 development regulations.

4507 4. The Fish and Wildlife Conservation Commission shall
 4508 prepare a report as to the impact of each proposed natural gas
 4509 transmission pipeline or corridor on fish and wildlife resources
 4510 and other matters within its jurisdiction.

4511 5. Each local government in which the natural gas
 4512 transmission pipeline or natural gas transmission pipeline
 4513 corridor will be located shall prepare a report as to the impact
 4514 of each proposed natural gas transmission pipeline or corridor
 4515 on matters within its jurisdiction, including the consistency of
 4516 the proposed natural gas transmission pipeline or corridor with
 4517 all applicable local ordinances, regulations, standards, or
 4518 criteria that apply to the proposed natural gas transmission
 4519 pipeline or corridor, including local comprehensive plans,
 4520 zoning regulations, land development regulations, and any
 4521 applicable local environmental regulations adopted pursuant to
 4522 s. 403.182 or by other means. No change by the responsible local
 4523 government or local agency in local comprehensive plans, zoning
 4524 ordinances, or other regulations made after the date required

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for the filing of the local government's report required by this section shall be applicable to the certification of the proposed natural gas transmission pipeline or corridor unless the certification is denied or the application is withdrawn.

6. The Department of Transportation shall prepare a report on the effect of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction, including roadway crossings by the pipeline. The report shall contain at a minimum:

a. A report by the applicant to the department stating that all requirements of the department's utilities accommodation guide have been or will be met in regard to the proposed pipeline or pipeline corridor; and

b. A statement by the department as to the adequacy of the report to the department by the applicant.

7. The Department of State, Division of Historical Resources, shall prepare a report on the impact of the natural gas transmission pipeline or natural gas transmission pipeline corridor on matters within its jurisdiction.

8. The commission shall prepare a report addressing matters within its jurisdiction. The commission's report shall include its determination of need issued pursuant to s. 403.9422.

Section 133. Paragraph (a) of subsection (1) of section 403.9422, Florida Statutes, is amended to read:

403.9422 Determination of need for natural gas transmission pipeline; powers and duties.—

(1)(a) Upon request by an applicant or upon its own motion, the commission shall schedule a public hearing, after notice, to determine the need for a natural gas transmission pipeline

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regulated by ss. 403.9401-403.9425. Such notice shall be published at least 45 days before the date set for the hearing and shall be published in at least one-quarter page size in newspapers of general circulation and in the Florida Administrative Register, by giving notice to counties ~~and regional planning councils~~ in whose jurisdiction the natural gas transmission pipeline could be placed, and by giving notice to any persons who have requested to be placed on the mailing list of the commission for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing. The hearing shall be held pursuant to s. 350.01 within 75 days after the filing of the request, and a decision shall be rendered within 90 days after such filing.

Section 134. Subsection (4) of section 403.973, Florida Statutes, is amended to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(4) The regional teams shall be established through the execution of a project-specific memorandum of agreement developed and executed by the applicant and the secretary, with input solicited from the respective heads of the Department of Transportation and its district offices, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, ~~appropriate regional planning councils,~~ appropriate water management districts, and voluntarily participating municipalities and counties. The memorandum of agreement should also accommodate participation in this expedited process by other local governments and federal

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agencies as circumstances warrant.

Section 135. Paragraphs (b) and (d) of subsection (1) of section 408.033, Florida Statutes, are amended to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(b) Each local health council may:

1. Develop a district area health plan that permits each local health council to develop strategies and set priorities for implementation based on its unique local health needs.
2. Advise the agency on health care issues and resource allocations.
3. Promote public awareness of community health needs, emphasizing health promotion and cost-effective health service selection.
4. Collect data and conduct analyses and studies related to health care needs of the district, including the needs of medically indigent persons, and assist the agency and other state agencies in carrying out data collection activities that relate to the functions in this subsection.
5. Monitor the onsite construction progress, if any, of certificate-of-need approved projects and report council findings to the agency on forms provided by the agency.
- ~~6. Advise and assist any regional planning councils within each district that have elected to address health issues in their strategic regional policy plans with the development of the health element of the plans to address the health goals and policies in the State Comprehensive Plan.~~
- 6.7- Advise and assist local governments within each district on the development of an optional health plan element

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of the comprehensive plan provided in chapter 163, to assure compatibility with the health goals and policies in the State Comprehensive Plan and district health plan. To facilitate the implementation of this section, the local health council shall annually provide the local governments in its service area, upon request, with:

- a. A copy and appropriate updates of the district health plan;
- b. A report of nursing home utilization statistics for facilities within the local government jurisdiction; and
- c. Applicable agency rules and calculated need methodologies for health facilities and services regulated under s. 408.034 for the district served by the local health council.

~~7.8-~~ Monitor and evaluate the adequacy, appropriateness, and effectiveness, within the district, of local, state, federal, and private funds distributed to meet the needs of the medically indigent and other underserved population groups.

~~8.9-~~ In conjunction with the Department of Health, plan for services at the local level for persons infected with the human immunodeficiency virus.

~~9.10-~~ Provide technical assistance to encourage and support activities by providers, purchasers, consumers, and local, regional, and state agencies in meeting the health care goals, objectives, and policies adopted by the local health council.

~~10.11-~~ Provide the agency with data required by rule for the review of certificate-of-need applications and the projection of need for health facilities in the district.

(d) Each local health council shall enter into a memorandum of agreement with each ~~regional planning council in its district~~

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that elects to address health issues in its strategic regional policy plan. In addition, each local health council shall enter into a memorandum of agreement with each local government that includes an optional health element in its comprehensive plan. Each memorandum of agreement must specify the manner in which each local government, ~~regional planning council~~, and local health council will coordinate its activities to ensure a unified approach to health planning and implementation efforts.

Section 136. Subsection (24) of section 409.901, Florida Statutes, is amended to read:

409.901 Definitions; ss. 409.901-409.920.—As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(24) "Minority physician network" means a network of primary care physicians with experience managing Medicaid or Medicare recipients that is predominantly owned by a minority person ~~minorities~~ as defined in s. 287.0931(2) ~~s. 288.703~~, which may have a collaborative partnership with a public college or university and a tax-exempt charitable corporation.

Section 137. Subsection (1) 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:

(1) There is created the Affordable Housing Study Commission, which shall be composed of 20 ~~21~~ members to be appointed by the Governor:

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

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(b) One citizen actively engaged in the home mortgage lending profession.

(c) One citizen actively engaged in the real estate sales profession.

(d) One citizen actively engaged in apartment development.

(e) One citizen actively engaged in the management and operation of a rental housing development.

(f) Two citizens who represent very-low-income and low-income persons.

(g) One citizen representing a community-based organization with experience in housing development.

(h) One citizen representing a community-based organization with experience in housing development in a community with a population of less than 50,000 persons.

(i) Two citizens who represent elderly persons' housing interests.

~~(j) One representative of regional planning councils.~~

(j) ~~(k)~~ One representative of the Florida League of Cities.

(k) ~~(l)~~ One representative of the Florida Association of Counties.

(l) ~~(m)~~ Two citizens representing statewide growth management organizations.

(m) ~~(n)~~ One citizen of the state to serve as chair of the commission.

(n) ~~(o)~~ One citizen representing a residential community developer.

(o) ~~(p)~~ One member who is a resident of the state.

(p) ~~(q)~~ One representative from a local housing authority.

(q) ~~(r)~~ One citizen representing the housing interests of

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homeless persons.

Section 138. Paragraph (b) of subsection (2) of section 440.45, Florida Statutes, is amended to read:

440.45 Office of the Judges of Compensation Claims.—

(2)

(b) Except as provided in paragraph (c), the Governor shall appoint a judge of compensation claims from a list of three persons nominated by a statewide nominating commission. The statewide nominating commission shall be composed of the following:

1. Six members, at least one of whom must be a member of a minority person group as defined in s. 287.0931(2) ~~s. 288.703~~, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Board of Governors of The Florida Bar from among The Florida Bar members engaged in the practice of law. Each member shall be appointed for a 4-year term;

2. Six electors, at least one of whom must be a member of a minority person group as defined in s. 287.0931(2) ~~s. 288.703~~, one of each who resides in each of the territorial jurisdictions of the district courts of appeal, appointed by the Governor. Each member shall be appointed for a 4-year term; and

3. Six electors, at least one of whom must be a member of a minority person group as defined in s. 287.0931(2) ~~s. 288.703~~, one of each who resides in the territorial jurisdictions of the district courts of appeal, selected and appointed by a majority vote of the other 10 members of the commission. Each member shall be appointed for a 4-year term.

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A vacancy occurring on the commission shall be filled by the original appointing authority for the unexpired balance of the term. An attorney who appears before any judge of compensation claims more than four times a year is not eligible to serve on the statewide nominating commission. The meetings and determinations of the nominating commission as to the judges of compensation claims shall be open to the public.

Section 139. Subsection (1), paragraph (a) of subsection (3), and subsection (6) of section 473.3065, Florida Statutes, are amended to read:

473.3065 Clay Ford Scholarship Program; Certified Public Accountant Education Minority Assistance Advisory Council.—

(1) The Clay Ford Scholarship Program for Florida residents is hereby established in the division for the purpose of providing scholarships to minority persons as defined in s. 287.0931(2) ~~s. 288.703~~ who are students enrolled in their fifth year of an accounting education program at an institution in this state approved by the board by rule. A Certified Public Accountant Education Minority Assistance Advisory Council shall assist the board in administering the program.

(3) The board shall adopt rules as necessary for administration of the Clay Ford Scholarship Program, including rules relating to the following:

(a) Eligibility criteria for receipt of a scholarship, which, at a minimum, shall include the following factors:

1. Financial need.

2. Ethnic, gender, or racial minority status pursuant to s. 287.0931(2) ~~s. 288.703(4)~~.

3. Scholastic ability and performance.

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4757 (6) There is hereby created the Certified Public Accountant
 4758 Education Minority Assistance Advisory Council to assist the
 4759 board in administering the Clay Ford Scholarship Program. The
 4760 council shall be diverse and representative of the gender,
 4761 ethnic, and racial categories set forth in s. 287.0931(2) ~~s.-~~
 4762 ~~288.703(4)~~.

4763 (a) The council shall consist of five licensed Florida-
 4764 certified public accountants selected by the board, of whom one
 4765 shall be a board member who serves as chair of the council, one
 4766 shall be a representative of the National Association of Black
 4767 Accountants, one shall be a representative of the Cuban American
 4768 CPA Association, and two shall be selected at large. At least
 4769 one member of the council must be a woman.

4770 (b) The board shall determine the terms for initial
 4771 appointments and appointments thereafter.

4772 (c) Any vacancy on the council shall be filled in the
 4773 manner provided for the selection of the initial member. Any
 4774 member appointed to fill a vacancy of an unexpired term shall be
 4775 appointed for the remainder of that term.

4776 (d) Three consecutive absences or absences constituting 50
 4777 percent or more of the council's meetings within any 12-month
 4778 period shall cause the council membership of the member in
 4779 question to become void, and the position shall be considered
 4780 vacant.

4781 (e) The members of the council shall serve without
 4782 compensation, and any necessary and actual expenses incurred by
 4783 a member while engaged in the business of the council shall be
 4784 borne by such member or by the organization or agency such
 4785 member represents. However, the council member who is a member

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4786 of the board shall be compensated in accordance with ss.
 4787 455.207(4) and 112.061.

4788 Section 140. Paragraph (f) of subsection (1) of section
 4789 501.171, Florida Statutes, is amended to read:

4790 501.171 Security of confidential personal information.—

4791 (1) DEFINITIONS.—As used in this section, the term:

4792 (f) "Governmental entity" means any department, division,
 4793 bureau, commission, ~~regional planning agency~~, board, district,
 4794 authority, agency, or other instrumentality of this state that
 4795 acquires, maintains, stores, or uses data in electronic form
 4796 containing personal information.

4797 Section 141. Section 625.3255, Florida Statutes, is amended
 4798 to read:

4799 625.3255 Capital participation instrument.—An insurer may
 4800 invest in any capital participation instrument or evidence of
 4801 indebtedness issued by the Department of Commerce pursuant to
 4802 the Florida Small ~~and Minority~~ Business Assistance Act.

4803 Section 142. Subsection (7) of section 627.3511, Florida
 4804 Statutes, is amended to read:

4805 627.3511 Depopulation of Citizens Property Insurance
 4806 Corporation.—

4807 (7) A minority business, which is at least 51 percent owned
 4808 by minority persons as described in s. 287.0931(2) ~~s. 288.703~~,
 4809 desiring to operate or become licensed as a property and
 4810 casualty insurer may exempt up to \$50 of the escrow requirements
 4811 of the take-out bonus, as described in this section. Such
 4812 minority business, which has applied for a certificate of
 4813 authority to engage in business as a property and casualty
 4814 insurer, may simultaneously file the business' proposed take-out

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4815 plan, as described in this section, with the corporation.
 4816 Section 143. Subsection (1) of section 641.217, Florida
 4817 Statutes, is amended to read:
 4818 641.217 Minority recruitment and retention plans required.—
 4819 (1) Any entity contracting with the Agency for Health Care
 4820 Administration to provide health care services to Medicaid
 4821 recipients or state employees on a prepaid or fixed-sum basis
 4822 must submit to the Agency for Health Care Administration the
 4823 entity's plan for recruitment and retention of health care
 4824 practitioners who are minority persons as defined in s.
 4825 287.0931(2) ~~s. 288.703~~. The plan must demonstrate an ability to
 4826 recruit and retain minority persons which shall include, but is
 4827 not limited to, the following efforts:
 4828 (a) Establishing and maintaining contacts with various
 4829 organizations representing the interests and concerns of
 4830 minority constituencies to seek advice and assistance.
 4831 (b) Identifying and recruiting at colleges and universities
 4832 which primarily serve minority students.
 4833 (c) Reviewing and analyzing the organization's workforce as
 4834 to minority representation.
 4835 (d) Other factors identified by the Agency for Health Care
 4836 Administration by rule.
 4837 Section 144. Paragraph (b) of subsection (4) of section
 4838 657.042, Florida Statutes, is amended to read:
 4839 657.042 Investment powers and limitations.—A credit union
 4840 may invest its funds subject to the following definitions,
 4841 restrictions, and limitations:
 4842 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
 4843 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of

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4844 the credit union may be invested in any of the following:
 4845 (b) Any capital participation instrument or evidence of
 4846 indebtedness issued by the Department of Commerce pursuant to
 4847 the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act.
 4848 Section 145. Paragraph (f) of subsection (4) of section
 4849 658.67, Florida Statutes, is amended to read:
 4850 658.67 Investment powers and limitations.—A bank may invest
 4851 its funds, and a trust company may invest its corporate funds,
 4852 subject to the following definitions, restrictions, and
 4853 limitations:
 4854 (4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS
 4855 OF CAPITAL ACCOUNTS.—
 4856 (f) Up to 10 percent of the capital accounts of a bank or
 4857 trust company may be invested in any capital participation
 4858 instrument or evidence of indebtedness issued by the Department
 4859 of Commerce pursuant to the Florida Small ~~and Minority~~ Business
 4860 ~~Assistance~~ Act.
 4861 Section 146. Subsection (1) of section 947.02, Florida
 4862 Statutes, is amended to read:
 4863 947.02 Florida Commission on Offender Review; members,
 4864 appointment.—
 4865 (1) Except as provided in s. 947.021, the members of the
 4866 Florida Commission on Offender Review shall be appointed by the
 4867 Governor and Cabinet from a list of eligible applicants
 4868 submitted by a parole qualifications committee. The appointments
 4869 of members of the commission shall be certified to the Senate by
 4870 the Governor and Cabinet for confirmation, and the membership of
 4871 the commission shall include representation from minority
 4872 persons as defined in s. 287.0931(2) ~~s. 288.703~~.

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4873 Section 147. Section 947.021, Florida Statutes, is amended
4874 to read:

4875 947.021 Florida Commission on Offender Review; expedited
4876 appointments.—Whenever the Legislature decreases the membership
4877 of the commission, all terms of office shall expire,
4878 notwithstanding any law to the contrary. Under such
4879 circumstances, the Governor and Cabinet shall expedite the
4880 appointment of commissioners. Notwithstanding the parole
4881 qualifications committee procedure in s. 947.02, members shall
4882 be directly appointed by the Governor and Cabinet. Members
4883 appointed to the commission may be selected from incumbents.
4884 Members shall be certified to the Senate by the Governor and
4885 Cabinet for confirmation, and the membership of the commission
4886 shall include representation from minority persons as defined in
4887 s. 287.0931(2) ~~s. 288.703~~.

4888 Section 148. Paragraph (a) of subsection (4) of section
4889 1004.435, Florida Statutes, is amended to read:

4890 1004.435 Cancer control and research.—

4891 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
4892 CREATION; COMPOSITION.—

4893 (a) There is created within the H. Lee Moffitt Cancer
4894 Center and Research Institute, Inc., the Florida Cancer Control
4895 and Research Advisory Council. The council shall consist of 16
4896 members, which includes the chairperson, all of whom must be
4897 residents of this state. The State Surgeon General or his or her
4898 designee within the Department of Health shall be one of the 16
4899 members. Members, except those appointed by the Governor, the
4900 Speaker of the House of Representatives, or the President of the
4901 Senate, must be appointed by the chief executive officer of the

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4902 institution or organization represented, or his or her designee.
4903 One member must be a representative of the American Cancer
4904 Society; one member must be a representative of the Sylvester
4905 Comprehensive Cancer Center of the University of Miami; one
4906 member must be a representative of the University of Florida
4907 Shands Cancer Center; one member must be a representative of the
4908 Florida Nurses Association who specializes in the field of
4909 oncology and is not from an institution or organization already
4910 represented on the council; one member must be a representative
4911 of the Florida Osteopathic Medical Association who specializes
4912 in the field of oncology; one member must be a member of the
4913 Florida Medical Association who specializes in the field of
4914 oncology and who represents a cancer center not already
4915 represented on the council; one member must be a representative
4916 of the H. Lee Moffitt Cancer Center and Research Institute,
4917 Inc.; one member must be a representative of the Mayo Clinic in
4918 Jacksonville; one member must be a member of the Florida
4919 Hospital Association who specializes in the field of oncology
4920 and who represents a comprehensive cancer center not already
4921 represented on the council; one member must be a representative
4922 of the Association of Community Cancer Centers; one member must
4923 specialize in pediatric oncology research or clinical care
4924 appointed by the Governor; one member must specialize in
4925 oncology clinical care or research appointed by the President of
4926 the Senate; one member must be a current or former cancer
4927 patient or a current or former caregiver to a cancer patient
4928 appointed by the Speaker of the House of Representatives; one
4929 member must be a member of the House of Representatives
4930 appointed by the Speaker of the House of Representatives; and

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one member must be a member of the Senate appointed by the President of the Senate. At least four of the members must be individuals who are minority persons as defined in s. 287.0931(2) ~~by s. 288.703~~.

Section 149. Subsection (6) of section 1013.30, Florida Statutes, is amended to read:

1013.30 University campus master plans and campus development agreements.—

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review or made available electronically to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district ~~and regional planning council~~. At the request of a governmental entity, a hard copy of the draft master plan shall be submitted within 7 business days of an electronic copy being made available. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments and the holding of an informal information session and at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice

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requirements set forth in s. 163.3184(11) to ensure full public participation in this planning process. The informal public information session must be held before the first public hearing. The first public hearing shall be held before the draft master plan is sent to the agencies specified in this subsection. The second public hearing shall be held in conjunction with the adoption of the draft master plan by the university board of trustees. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

Section 150. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in references thereto, paragraph (h) of subsection (1) of section 215.971, Florida Statutes, is reenacted to read:

215.971 Agreements funded with federal or state assistance.—

(1) An agency agreement that provides state financial assistance to a recipient or subrecipient, as those terms are defined in s. 215.97, or that provides federal financial assistance to a subrecipient, as defined by applicable United States Office of Management and Budget circulars, must include all of the following:

(h) If the agency agreement provides federal or state financial assistance to a county or municipality that is a rural community or rural area of opportunity as those terms are defined in s. 288.0656(2), a provision allowing the agency to provide for the payment of invoices to the county, municipality, or rural area of opportunity as that term is defined in s. 288.0656(2), for verified and eligible performance that has been

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completed in accordance with the terms and conditions set forth in the agreement. This provision is included to alleviate the financial hardships that certain rural counties and municipalities encounter when administering agreements, and must be exercised by the agency when a county or municipality demonstrates financial hardship, to the extent that federal or state law, rule, or other regulation allows such payments. This paragraph may not be construed to alter or limit any other provisions of federal or state law, rule, or other regulation.

Section 151. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, subsection (2) of section 257.193, Florida Statutes, is reenacted to read:

257.193 Community Libraries in Caring Program.—

(2) The purpose of the Community Libraries in Caring Program is to assist libraries in rural communities, as defined in s. 288.0656(2) and subject to the provisions of s. 288.06561, to strengthen their collections and services, improve literacy in their communities, and improve the economic viability of their communities.

Section 152. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 288.0655, Florida Statutes, is reenacted to read:

288.0655 Rural Infrastructure Fund.—

(2)

(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the

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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, the department may award grants for up to 75 percent of the total infrastructure project cost, or up to 100 percent of the total infrastructure project cost for a project located in a rural community as defined in s. 288.0656(2) which is also located in a fiscally constrained county as defined in s. 218.67(1) or a rural area of opportunity as defined in s. 288.0656(2). Eligible uses of funds may include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth and reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities. Eligible uses of funds 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; 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 publicly or privately owned self-powered nature-based tourism facilities, publicly owned telecommunications facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the

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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 when:

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.

Section 153. For the purpose of incorporating the amendment made by this act to section 288.0656, Florida Statutes, in a reference thereto, paragraph (d) of subsection (14) of section 627.6699, Florida Statutes, is reenacted to read:

627.6699 Employee Health Care Access Act.—

(14) SMALL EMPLOYERS ACCESS PROGRAM.—

(d) Eligibility.—

1. Any small employer that is actively engaged in business, has its principal place of business in this state, employs up to 25 eligible employees on business days during the preceding calendar year, employs at least 2 employees on the first day of the plan year, and has had no prior coverage for the last 6 months may participate.
2. Any municipality, county, school district, or hospital employer located in a rural community as defined in s. 288.0656(2) may participate.
3. Nursing home employers may participate.
4. Each dependent of a person eligible for coverage is also

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eligible to participate.

Any employer participating in the program must do so until the end of the term for which the carrier providing the coverage is obligated to provide such coverage to the program. Coverage for a small employer group that ceases to meet the eligibility requirements of this section may be terminated at the end of the policy period for which the necessary premiums have been paid.

Section 154. For the purpose of incorporating the amendments made by this act to sections 288.1167 and 288.124, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 288.0001, Florida Statutes, is reenacted to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

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

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

1. The entertainment industry sales tax exemption program established under s. 288.1258.
2. VISIT Florida and its programs established or funded under ss. 288.122-288.12265 and 288.124.

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5105 3. The Florida Sports Foundation and related programs,
 5106 including those established under ss. 288.1162, 288.11621,
 5107 288.1166, and 288.1167.

5108 Section 155. For the purpose of incorporating the amendment
 5109 made by this act to section 447.203, Florida Statutes, in
 5110 references thereto, paragraph (w) of subsection (2) of section
 5111 110.205, Florida Statutes, is reenacted to read:

5112 110.205 Career service; exemptions.—

5113 (2) EXEMPT POSITIONS.—The exempt positions that are not
 5114 covered by this part include the following:

5115 (w) Managerial employees, as defined in s. 447.203(4),
 5116 confidential employees, as defined in s. 447.203(5), and
 5117 supervisory employees who spend the majority of their time
 5118 communicating with, motivating, training, and evaluating
 5119 employees, and planning and directing employees' work, and who
 5120 have the authority to hire, transfer, suspend, lay off, recall,
 5121 promote, discharge, assign, reward, or discipline subordinate
 5122 employees or effectively recommend such action, including all
 5123 employees serving as supervisors, administrators, and directors.
 5124 Excluded are employees also designated as special risk or
 5125 special risk administrative support and attorneys who serve as
 5126 administrative law judges pursuant to s. 120.65 or for hearings
 5127 conducted pursuant to s. 120.57(1)(a). Additionally, registered
 5128 nurses licensed under chapter 464, dentists licensed under
 5129 chapter 466, psychologists licensed under chapter 490 or chapter
 5130 491, nutritionists or dietitians licensed under part X of
 5131 chapter 468, pharmacists licensed under chapter 465,
 5132 psychological specialists licensed under chapter 491, physical
 5133 therapists licensed under chapter 486, and speech therapists

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5134 licensed under part I of chapter 468 are excluded, unless
 5135 otherwise collectively bargained.

5136 Section 156. For the purpose of incorporating the amendment
 5137 made by this act to section 164.1031, Florida Statutes, in a
 5138 reference thereto, paragraph (d) of subsection (2) of section
 5139 163.3162, Florida Statutes, is reenacted to read:

5140 163.3162 Agricultural lands and practices.—

5141 (2) DEFINITIONS.—As used in this section, the term:

5142 (d) "Governmental entity" has the same meaning as provided
 5143 in s. 164.1031. The term does not include a water management
 5144 district, a water control district established under chapter
 5145 298, or a special district created by special act for water
 5146 management purposes.

5147 Section 157. For the purpose of incorporating the amendment
 5148 made by this act to section 164.1031, Florida Statutes, in a
 5149 reference thereto, subsection (8) of section 373.129, Florida
 5150 Statutes, is reenacted to read:

5151 373.129 Maintenance of actions.—The department, the
 5152 governing board of any water management district, any local
 5153 board, or a local government to which authority has been
 5154 delegated pursuant to s. 373.103(8), is authorized to commence
 5155 and maintain proper and necessary actions and proceedings in any
 5156 court of competent jurisdiction for any of the following
 5157 purposes:

5158 (8) In conflicts arising where a water management district
 5159 is a party to litigation against another governmental entity, as
 5160 defined in s. 164.1031, a district has an affirmative duty to
 5161 engage in alternative dispute resolution in good faith as
 5162 required by chapter 164.

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Section 158. For the purpose of incorporating the amendment made by this act to section 339.155, Florida Statutes, in references thereto, subsections (1) and (3) of section 339.2819, Florida Statutes, are reenacted to read:

339.2819 Transportation Regional Incentive Program.—

(1) There is created within the Department of Transportation a Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to s. 339.155(4).

(3) The department shall allocate funding available for the Transportation Regional Incentive Program to the districts based on a factor derived from equal parts of population and motor fuel collections for eligible counties in regional transportation areas created pursuant to s. 339.155(4).

Section 159. For the purpose of incorporating the amendments made by this act to sections 380.045 and 380.05, Florida Statutes, in a reference thereto, subsections (5) and (6) of section 380.0552, Florida Statutes, are reenacted to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5), (9)-(11), (15), (17), and (21) shall not apply to the area designated by this section for so long as the designation remains in effect. Except as otherwise provided in this section, s. 380.045 shall not apply to the area designated by this section. All other provisions of this chapter shall apply, including s. 380.07.

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(6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the Florida Keys Area with the membership as specified in s. 380.045(2). Meetings shall be called as needed by the chair or on the demand of three or more members of the committee. The committee shall:

(a) Serve as a liaison between the state and local governments within Monroe County.

(b) Develop, with local government officials in the Florida Keys Area, recommendations to the state land planning agency as to the sufficiency of the Florida Keys Area's comprehensive plan and land development regulations.

(c) Recommend to the state land planning agency changes to state and regional plans and regulatory programs affecting the Florida Keys Area.

(d) Assist units of local government within the Florida Keys Area in carrying out the planning functions and other responsibilities required by this section.

(e) Review, at a minimum, all reports and other materials provided to it by the state land planning agency or other governmental agencies.

Section 160. For the purpose of incorporating the amendment made by this act to section 403.507, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.5064, Florida Statutes, is reenacted to read:

403.5064 Application; schedules.—

(1) The formal date of filing of a certification application and commencement of the certification review process

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shall be when the applicant submits:

(a) Copies of the certification application in a quantity and format as prescribed by rule to the department and other agencies identified in s. 403.507(2)(a).

Section 161. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 403.5251, Florida Statutes, is reenacted to read:

403.5251 Application; schedules.—

(1)(a) The formal date of the filing of the application for certification and commencement of the review process for certification is the date on which the applicant submits:

1. Copies of the application for certification in a quantity and format, electronic or otherwise as prescribed by rule, to the department and other agencies identified in s. 403.526(2).

2. The application fee as specified under s. 403.5365 to the department.

The department shall provide to the applicant and the Division of Administrative Hearings the names and addresses of any additional agencies or persons entitled to notice and copies of the application and amendments, if any, within 7 days after receiving the application for certification and the application fees.

Section 162. For the purpose of incorporating the amendment made by this act to section 403.526, Florida Statutes, in references thereto, paragraphs (d) and (f) of subsection (1) of section 403.5271, Florida Statutes, are reenacted to read:

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403.5271 Alternate corridors.—

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(d) Within 21 days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected agencies necessary for the preparation of a supplementary report on the proposed alternate corridor.

(f) The agencies listed in s. 403.526(2) and any newly affected agencies shall file supplementary reports with the applicant and the department which address the proposed alternate corridors no later than 24 days after the data submitted pursuant to paragraph (d) or paragraph (e) is determined to be complete.

Section 163. For the purpose of incorporating the amendment made by this act to section 403.941, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 403.9421, Florida Statutes, is reenacted to read:

403.9421 Fees; disposition.—The department shall charge the applicant the following fees, as appropriate, which shall be paid into the Florida Permit Fee Trust Fund:

(5) In administering fee revenues received under this section, the department shall allocate the funds as follows:

(c) The balance of fees remaining shall be used by the department to reimburse affected agencies included in s. 403.941(2)(a) for costs incurred in application and

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postcertification review, respectively.

1. For application processing costs, upon presentation by an affected agency of a proper itemized accounting within 90 days after the date of the board's order approving certification or the date on which a pending application is otherwise disposed of, the department shall reimburse the agencies for authorized costs from the fee balances remaining. Such reimbursement shall be authorized for studies and the preparation of any reports required of the agencies by ss. 403.9401-403.9425, for agency travel and per diem to attend any hearing held, and for participation in the proceedings. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis. If any sums are remaining, the department shall retain them for use in the same manner as is otherwise authorized by this section; however, if the certification application is withdrawn, the remaining sums shall be refunded to the applicant within 120 days after withdrawal.

2. For postcertification costs, an invoice may be submitted on an annual basis, commencing from the date of certification, for expenses incurred by affected agencies conducting postcertification review work pursuant to the conditions of certification. In the event the amount available for allocation is insufficient to provide for complete reimbursement to the agencies, reimbursement shall be on a prorated basis.

Section 164. This act shall take effect July 1, 2025.



2025 AGENCY LEGISLATIVE BILL ANALYSIS

Department of Commerce

<u>BILL INFORMATION</u>	
BILL NUMBER:	SB 1264
BILL TITLE:	Rural and Urban Business Enterprises
BILL SPONSOR:	Collins
EFFECTIVE DATE:	7/1/2025

<u>COMMITTEES OF REFERENCE</u>
1) Senate Commerce and Tourism
2) Senate Finance and Tax
3) Senate Appropriations Committee on Transportation, Tourism, and Economic Development
4) Senate Rules
5)

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

<u>CURRENT COMMITTEE</u>
Senate Commerce and Tourism

<u>SIMILAR BILLS</u>	
BILL NUMBER:	HB 1125
SPONSOR:	Owen

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	
SPONSOR:	

Is this bill part of an agency package?
Yes

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	3/13/25
LEAD AGENCY ANALYST:	Stephen Marante
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill revises provisions relating to the Florida Department of Commerce (FloridaCommerce).

Specifically, the bill:

- Creates the Office of Secure Florida within the Department, consolidating the enforcement of E-Verify and the prohibition of illegal foreign land purchases into a single office;
- Revises provisions related to the Law Enforcement Recruitment Bonus Program;
- Creates the Florida Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department;
- Revises provisions related to rural economic development including the creation of a rural site readiness toolkit consisting of grant programs aimed at economic development in rural communities;
- Creates an exemption for military installations from the provisions specified in Section 253.025(21)(d), Florida Statutes;
- Repeals a provision that would sunset the tax exemption on data centers;
- Creates an exemption for certain projects related to Space Florida from Consultants' Competitive Negotiation Act (CCNA) requirements;
- Amends the definition of "Managerial Employees" in Section 447.203, Florida Statutes to include those involved in business development for the State of Florida.
- Addresses Constitutionality of Race-Based Finance and Contracting Statutes;
- Repeals statutory references to Regional Planning Councils.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Office of Secure Florida

Commerce plays a pivotal role in implementing programs outlined below:

E-Verify: Pursuant to Sections 448.09 and 448.095, Florida Statutes, FloridaCommerce is responsible for the enforcement of E-Verify, an Internet-based system that allows employers to verify the employment eligibility of their employees.

- Employers must verify new employees' eligibility within 3 business days of starting work, per 8 C.F.R. s. 274a.
- Public agencies must use E-Verify for this purpose.
- Private employers with 25 or more employees must use E-Verify starting July 1, 2023.
- Employers using E-Verify must certify compliance annually when contributing to state unemployment systems.

"Secure Florida": Pursuant to Section 692.203, Florida Statutes, FloridaCommerce enforces the prohibition of the purchase of real property by foreign principals from countries of concern on or near critical infrastructure in the state.

- FloridaCommerce created the SecureFlorida Portal on its website allows foreign principals to register properties.
- The law requires foreign principals to register property interests owned before July 1, 2023, by December 30, 2023.
- A foreign principal that fails to timely file a registration with the department is subject to a civil penalty of \$1,000 for each day the registration is late.

FloridaCommerce received 0 FTE to implement the enforcement requirements laid out through these programs.

Law Enforcement Recruitment Bonus Program

Following the 2022 legislative session, Governor DeSantis signed House Bill 3, which includes the creation of the Florida Law Enforcement Recruitment Bonus Payment Program. The program aims to aid in the recruitment of law enforcement officers within the state and attract out-of-state officers to Florida. The program administers one-time bonus payments of \$5,000 after taxes to each eligible newly employed officer within the state.

As of March 2025, approximately 7,400 bonuses have been awarded to new law enforcement officers through the Law Enforcement Recruitment Bonus program.

To be eligible for the bonus, law enforcement officers are required to maintain continuous employment for a two-year period with no more than a 15-day break in service. When law enforcement officers have a break in service of more than 15 days, they are required to reimburse the bonus payment to FloridaCommerce.

FloridaCommerce has received requests from several officers who had breaks in service that exceeded 15 days for a reprieve from paying back their bonus. Currently, the breaks in service range from 18 to 101 days for those impacted officers. Each officer that has made the request has returned to full-time employment as a law enforcement officer.

The program is set to sunset on July 1, 2025.

Venture Capital and the Florida Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program

Venture capital (VC) is a form of private equity and a type of financing for startup companies and small businesses with long-term growth potential.

While there are existing programs aimed at increasing VC in the state, such as the Florida Opportunity Fund, there are currently no tax credit programs incentivizing VC investments in small businesses in the state. Florida is the 3rd largest state in the nation, but is far behind New York, Massachusetts, and California in venture capital investments. According to the National Venture Capital Association (NVCA) 2024 Yearbook, California receives more venture capital dollars in just 14 days than Florida does in an entire year.

Florida Opportunity Fund: Pursuant to Section 288.9624, Florida Statutes, the Florida Opportunity Fund was established in 2008 to increase the availability of venture capital in Florida. The fund actively invests in Florida-focused venture capital funds, infrastructure projects, and emerging Florida-focused companies targeting industries of strategic importance to the state, including energy, healthcare, manufacturing, and technology. The fund has four main programs:

- The Florida Venture Capital Program: provides direct investments to increase capital available to small businesses with an emphasis placed on investment opportunities within the State of Florida's targeted industries.
- The Fund of Funds Program: created to realize significant long-term capital appreciation by identifying and investing in a diversified, high-quality portfolio of venture capital funds that target (in whole or in part) investment opportunities within Florida.
- The Clean Energy Investment Program (CEIP): created to promote energy efficient or renewable energy (EE/RE) products and technologies in Florida by providing funding to businesses to increase the use of EE/RE technologies, equipment, and materials in the State.
- Equity Capital Program: The American Rescue Plan Act of 2021 (ARPA) reauthorized and amended the Small Business Jobs Act of 2010, and as part of subsequent agreements with the State, the Equity Capital Program (ECP) was funded with approximately \$30 million in late FY 2023. The ECP provides direct investments to increase capital available to small businesses, with an emphasis on Economically Disadvantaged Businesses (SEDI) and Very Small Businesses (VSB) within the State of Florida's targeted industries.

Rural Economic Development

The Rural Economic Development Initiative (REDI) was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.

Section 288.0656, Florida Statutes defines rural counties for purposes of REDI eligibility as counties with a population below 75,000 and those below 125,000 and adjacent to a county with a population of less than 75,000. Population parameters were last adjusted in 2009. Florida has grown tremendously in recent years, and as a result, Flagler County no longer meets the statutory definition of a rural county.

Military Installations – Reverter Clause

The Board of Trustees of the Internal Improvement Trust Fund (Board) is responsible for acquisition of state lands, overseen by the Department of Environmental Protection (DEP) Division of State-Owned Land. FloridaCommerce submits to the board annually a list of non-conservation lands that are recommended to be purchased to protect against military encroachment.

The "reverter clause" refers to Section 253.025(21)(d), Florida Statutes, which specifies that land sold or transferred by the Board will revert to the Board if the land is not used for its intended purposes as a military installation buffer or if the military installation closes.

Naval Support Academy (NSA) Panama City: A condo development was planned to be built next to NSA Panama City, but the height of the condos would have exceeded the base's site line into classified activities and jeopardize base functions. At the recommendation of base leadership, the State of Florida purchased the land to prevent against encroachment. The State of Florida attempted to transfer the land to the US Navy, but the Navy would not accept the land transfer due to concerns that the "Reverter Clause" in Florida statute may be triggered in the future. In December 2023, the Governor and Cabinet waived the reverter clause requirement in this instance, facilitating progress towards transferring ownership to the Navy.

Data Center Tax Exemption

The Information Technology industry, including Data Center operations, will see tremendous growth through the next decade and is one of Florida's targeted industries.

Section 212.08(5)(r), Florida Statutes defines a data center and determines data center property as exempt from the tax imposed by Chapter 212, except for the tax imposed by s. 212.031. It additionally outlines eligibility requirements to qualify for the tax exemption.

After June 30, 2027, the department may not issue a temporary tax exemption certificate for data centers. The Data Center Property tax exemption is a tool that provides an opportunity for the state to maintain its hold as a hotspot for tech businesses. The sunseting of the exemption on June 30, 2027, will have uncompetitive repercussions given the long-time frame of data center projects for construction and operation.

Business Development Employees

FloridaCommerce's business development team is responsible for managing business recruitment, retention, and expansion projects. Business recruitment, retention, and expansion is a unique responsibility within state government. These positions are important to FloridaCommerce's economic development mission. This responsibility of business development employees requires a specialized skillset including confidentiality, negotiating, complex research and analysis, and flexibility due to prospect, partner, and travel needs. Non-supervisory business development employees are classified as career service in accordance with current statutes.

The current career service classification for business development employees does not accurately reflect the level of talent required for these positions, nor does it reflect the unique responsibilities and scheduling requirements of the role. These employees often have a demanding schedule and serve at the intersection of FloridaCommerce's programs as they work with businesses seeking to relocate to, or expand within, Florida. During this process, they must share information and recommend support that crosses programmatic divisions. In addition, business development team members have and will continue to be recruited to other positions, creating a need to retain top talent in these roles.

Space Florida Procurement

Currently, Florida Statutes state that Space Florida is not an agency as defined in ss. 216.011 and 287.012.

The Consultants' Competitive Negotiation Act (CCNA) governs the procurement of professional services for public projects, outlining procedures for public announcements, qualifications, competitive selection, and contract negotiations. The act also prohibits contingent fees and provides for the administration of projects by the Department of Management Services (DMS). While private-sector companies are generally not subject to the CCNA, projects in which Space Florida is the "owner" of the building—despite being entirely funded by a private entity—are widely interpreted as not being exempt from its requirements.

This legal ambiguity often catches companies off guard, as they are not using taxpayer dollars yet are still subject to public procurement rules. As a result, projects face unnecessary delays and added costs, creating an unforeseen barrier to investment and impeding Florida's mission to become the global and interplanetary hub for sustainable aerospace commerce. Private companies investing their own capital typically prefer to work with trusted designers and contractors rather than vendors selected through a public procurement process with whom they have no prior relationship. Additionally, the CCNA process imposes an average delay of three months on private-sector projects, further discouraging investment and slowing progress.

Certainly, the statute never intended to regulate the procurement of a private company – but the language is having unintended consequences as private companies cannot risk violating the law as written. Clarifying this exemption is essential to removing these barriers and maintaining Florida's leadership in the aerospace industry.

Addressing Constitutionality of Race-Based Finance and Contracting Statutes

Several provisions of Florida Statutes provide economic incentives exclusive to minority business enterprises.

A Minority Business Enterprise is defined in statute as a for-profit enterprise, regardless of size, which is owned, controlled, and managed by a minority group or members. "Ownership" by minority individuals means the business is at least 51% owned by such individuals or, in the case of a publicly owned business, at least 51% of the stock is

owned by one or more such individuals. Further, those minority group members must control the governance of the business and manage its daily business operations.

Another example is the Black Business Loan Program (BBLP) which provides loans, loan guarantees, or investments through Loan Administrators to black business enterprises that cannot otherwise obtain capital through conventional lending institutions - s. 288.7102, F.S.

Black Business Investment Corporations (BBICs) are corporations that provides loans, loan guarantees, or investments to black business enterprises under the program. FloridaCommerce annually certifies BBICs to receive funds and make loans. There are currently two Black business Investment Corporations/loan administrators for the Black Business Loan Program: the Miami Bayside Foundation and the Florida A&M University Federal Credit Union.

The BBLP is underutilized and has historically reverted funds. For example, in FY 2023 – 2024, only two BBICs participated in the program: The West Palm Beach BBIC was allocated -\$741,666.00, but \$731,166.00 of those funds went unused; The Miami Bayside Foundation (BBIC) was allocated \$1,483,332.00, however \$758,661.93 went unused.

Students for Fair Admissions v. Harvard, 600 U.S. 181 (2023), is a landmark decision of the United States Supreme Court ruling that race-based admissions practices violate the Equal Protection Clause of the Fourteenth Amendment. With its companion case, *Students for Fair Admissions v. University of North Carolina*, the Supreme Court effectively overruled *Grutter v. Bollinger* (2003) and *Regents of the University of California v. Bakke* (1978), which validated some affirmative action in college admissions provided that race had a limited role in decisions.

If these statutes were challenged, they would likely face the same scrutiny as did the cases regarding Harvard and the University of North Carolina.

Regional Planning Councils

Florida's regional planning councils were commissioned under Chapter 186, Florida Statutes, to provide comprehensive planning and intergovernmental coordination.

There are ten Regional Planning Councils across the state: Emerald Coast, Apalachee, Northeast, North Central, East Central, Tampa Bay, Central, Treasure Coast, Southwest, South.

Current responsibilities of Regional Planning Councils include:

1. Comprehensive Regional Planning
 - Strategic Regional Policy Plans (SRPPs): Develop long-term plans addressing transportation, housing, emergency response, economic development, and environmental protection (Section 186.507, F.S.).
 - Growth Management: Review and coordinate local government comprehensive plans to ensure consistency with regional and state objectives (Chapter 163, F.S.).
2. Economic Development Support
 - Assist local governments with activities designed to promote and facilitate economic development (Section 186.505(12), F.S.).
3. Transportation Planning
 - Coordinate regional transportation systems and land development policies (Section 339.175, F.S.).
 - Serve as partners with Metropolitan Planning Organizations (MPOs) to improve regional mobility.
4. Emergency Preparedness and Disaster Resilience
 - Develop and implement emergency response plans in coordination with the Florida Division of Emergency Management (Chapter 252, F.S.).
 - Hurricane and disaster mitigation planning for the region's infrastructure and economy
5. Environmental Planning and Resource Management
 - Water Quality & Conservation: Conduct environmental studies and advocate for sustainable land-use policies.
 - Climate Resilience Planning: Provide technical support for climate adaptation and coastal resiliency programs.
6. Regional Clearinghouse Responsibilities
 - Review federal and state projects to determine regional significance (State Executive Order 83-150).

- The Intergovernmental Coordination and Review (ICR) process is a federally mandated program to make state officials aware of federal projects, programs and documents of statewide significance that may affect them.
 - State Executive Order 83-150 designated Florida's Regional Planning Councils as "regional clearinghouses." This designation calls for the Councils to review such projects to determine their significance.
 - Ensure that local governments are aware of potential impacts of large-scale developments and infrastructure projects.
7. Intergovernmental Coordination
- Resolve conflicts between local governments through mediation and cooperative agreements (Section 186.509, F.S.).
8. Technical Assistance to Local Governments
- Advise local officials on planning, zoning, and land-use policies.
 - Conduct impact assessments for proposed developments.

2. EFFECT OF THE BILL:

Office of Secure Florida

The bill establishes the Office of Secure Florida within the FloridaCommerce Division of Economic Development to more proactively coordinate and enhance for Floridians and Florida businesses' efforts to understand the laws, comply with the laws, conduct business without a cloud of uncertainty, and when necessary, enforce efforts specified in Sections 448.09, Section 448.095 and Section 692.203, Florida Statutes.

This will create more job opportunities for Floridians and other lawful citizens of the United States. In turn, this will lead to a reduction in crime and deter illegal employment in the state of Florida. Additionally, this provision safeguards the financial value of property and assets in Florida from the influence of foreign entities of concern

Law Enforcement Recruitment Bonus

The bill creates much-needed flexibility for law enforcement officers that are switching agencies. The bill maintains the program's eligibility requirement for continuous full-time employment with a Florida criminal justice agency for at least 2 years from the date on which the officer obtained certification but extends the period for a permissible break in service from 15 days to 180 days.

The bill clarifies that a break in service does not count towards the required 2 years of continuous service.

The bill also requires law enforcement officers to provide documentation to FloridaCommerce justifying the break in service and allows FloridaCommerce to establish acceptable circumstances for the break in service through rulemaking.

The bill repeals Subsection 9 of Section 445.08, Florida Statutes, removing the sunset provision of the Law Enforcement Recruitment Program in 2025.

Venture Capital and the Florida Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program

The bill will create jobs and economic investment in Florida through the creation of a tax credit program that would allow qualified venture capital funds to receive tax credits in exchange for making qualified investments in new companies. Tax credits would be administered through FloridaCommerce in consultation with the Florida Opportunity Fund and State Board of Administration.

There would be no upfront costs associated with administering this program. The program's subsidy is generated through the market sale of credits to investors. The RISE tax credit program has projected minimum guaranteed returns of \$4 of private sector investment for every \$1 in tax credits issued.

The bill creates a process by which an applicant can apply to the Department of Commerce for authorization to claim tax credits.

The bill sets parameters for tax credits that may be issued in one year:

- The amount of tax credits available in any fiscal year shall not exceed \$100,000,000.
- The Department of Commerce may not authorize more than \$10,000,000 in tax credits to one qualifying private fund in one state fiscal year.

The bill establishes a process by which tax credits are to be issued and by which qualified private funds can claim their tax credit. Qualifying private funds may receive tax credits equivalent to 25% of a qualifying investment. The bill establishes limits to the distribution of tax credits over a five-year period by limiting the issuance of tax credits to no more than one-fifth of the tax credits authorized for a qualifying investment in a qualifying portfolio in one state fiscal year.

The bill establishes permissible methods in which tax credits can be utilized by qualifying private funds, including the sale or transfer of a tax credit.

The bill establishes requirements for eligibility to the program, reporting requirements for the Department of Commerce, and authority for the Department of Commerce to create rules to implement the bill.

Rural Economic Development

The bill revises Section 288.0656, Florida Statutes by increasing the population thresholds of a rural community by 10,000. This amended definition allows counties with a population of 85,000, as well as counties with a population of less than 135,000 that are contiguous to a county that has a population of less than 85,000 or below to qualify as a rural community.

The bill increases investment and job creation in rural communities and reduces the cost and other burdens for rural communities to induce that investment by establishing a rural site readiness toolkit within FloridaCommerce. The toolkit consists of grant programs aimed at economic development in rural communities, including consulting services, site preparedness, marketing, and training grant opportunities. The grant programs in the toolkit are to have a specific focus on assisting with site-readiness.

Military Installations – Reverter Clause

The bill exempts military installations from the provisions specified in Section 253.025(21)(d), Florida Statutes. This adds clarity and surety that any land transferred to US military installations by the State of Florida for purposes of preventing against civilian encroachment on installations cannot be reverted to the State of Florida. This allows military bases to gain ownership over the surrounding land and continues to strengthen military communities across the state.

Data Center Tax Exemption

The bill repeals the provision that sunsets the data center tax exemption after June 30, 2027.

The permanent extension of the sales tax exemption for Data Centers will incentivize artificial intelligence growth that will create jobs and strategically place Florida at the forefront of research and technology. The data center industry has made it unequivocally clear that extending the tax exemption is essential for any future investment in Florida, especially for hyperscale data center investments, and they have warned that failure to address it well before the sunset date could jeopardize initial and repeat investment in the state. Because data center investments are multi-year efforts, with companies rarely building out a facility in a single phase and often expanding with second, third, or even more facilities, it is critical that this barrier to investment is addressed now rather than later to ensure Florida remains a competitive destination for this high-value infrastructure. This will positively impact the State of Florida's ability to secure large data center projects for construction and operation within the state, boosting economic opportunities for Floridians.

Business Development Employees

The bill amends the definition of Managerial Employees in Section 447.203(4)(a), F.S. to include those involved in business development for the State of Florida. In effect, this re-classifies non-supervisory business development employees from Career Service Employees to SES Employees.

Space Florida Procurement

The bill creates an exemption for privately funded projects related to Space Florida from Consultants' Competitive Negotiation Act (CCNA) requirements. The bill ensures only publicly funded projects are subject to the CCNA. The bill does not impact CCNA requirements for public, taxpayer-funded projects.

By making certain only publicly funded projects are subject to this statute, we are streamlining processes for private sector-driven infrastructure and development, enhancing flexibility in selection providers based on tailored needs. This approach keeps the standards for public, taxpayer-funded projects intact while promoting efficiency and economic growth in private financed initiatives. Ensnaring private-sector companies in the CCNA is most certainly not the legislature's purpose for the CCNA, and clarifying this exemption is essential to removing these barriers and maintaining Florida's leadership in the aerospace industry.

Addressing Constitutionality of Race-Based Finance and Contracting Statutes

Repeals or amends provision of Florida Statutes which provide preferential treatment for economic development tools to Floridians based on race. Maximizes the potential of all businesses and ensures equal opportunities for all Floridians, regardless of background, by repealing provisions related to certified minority enterprises in Chapter 288, Florida Statutes.

The bill amends ss. 17.11, 255.101, 255.102, 287.042, 287.0931, 287.09451, 287.0947, 288.001, 288.0065, 287.055, 287.057, 287.0943, 288.1167, 288.12266, 288.1229, 288.124, 288.7015, 288.702, 288.703, 288.7031, 288.705, 288.776, 288.975, 290.004, 290.0056, 290.0057, 320.63, 331.351, 445.004, 445.007, Florida Statutes, by clarifying that those statutes are applicable to Floridians in rural and urban areas of the state.

The bill repeals Part IV of Chapter 288 Florida Statutes.

Repeal Regional Planning Councils

This streamlines and improves government efficiencies, reduces redundant layers of bureaucracy, de-centralizes decision-making, and empowers local governments by repealing regional planning councils (RPC's) and makes conforming changes to Florida Statutes. Local counties and communities are not prohibited from forming an RPC if they elect to do so on their own.

The bill amends ss. 68.082, 120.52, 120.525, 120.65, 163.3164, 63.3177, 163.3184, 163.3245, 163.568, 164.1031, 186.003, 186.006, 186.007, 186.008, 186.803, 187.201, 218.32, 258.501, 260.0142, 288.975, 335.188, 339.155, 339.175, 339.63, 339.64, 341.041, 343.54, 377.703, 378.411, 380.031, 380.045, 380.05, 380.055, 380.06, 380.061, 380.07, 380.507, 403.0752, 403.503, 403.50663, 403.507, 403.518, 403.522, 403.526, 403.5272, 403.5363, 403.5365, 403.537, 403.704, 403.7225, 403.7226, F.S.

The bill repeals s. 186.501-515, Florida Statutes.

Section 53 of the bill allows a county or municipality to enter into an agreement to form regional planning entity pursuant to Chapter 163, Florida Statutes.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

If yes, explain:	Yes, the bill authorizes the Department to adopt rules to implement revisions to the Law Enforcement Recruitment Bonus Program, the creation of the rural economic development toolkit, and the RISE venture capital tax credit program.
What is the expected impact to the agency's core mission?	N/A
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

List any known proponents and opponents:	Proponents of the bill include: • Florida's workers, employers, homeowners, and realtor groups, and students • Rural communities • Economic development councils • Local and state chambers of Commerce • Military partners • Aerospace companies
Provide a summary of the proponents' and opponents' positions:	<u>Secure Florida</u> Workers throughout the state support this bill because it will create more job opportunities for Floridians and other lawful citizens of the United States. Businesses, homeowners, and realtor groups support this bill because it provides resources for them to better understand Florida's laws governing foreign ownership of property and allows them to more effectively come into compliance with those laws.

	<u>Venture Capital and the Florida Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program</u> For business, Florida RISE provides a direct boost to the state's startup ecosystem by increasing access to venture capital for early-stage companies, particularly in technology, manufacturing, and research & development. This influx of investment helps businesses scale, innovate, and create high-paying jobs. Additionally, a stronger startup environment attracts more talent, partnerships, and opportunities, making Florida a more attractive place for businesses to launch and expand. For university students, especially those studying in high-tech fields, RISE fosters a thriving innovation economy, creating more opportunities for internships, research collaborations, and high-paying jobs in Florida. Instead of seeking opportunities elsewhere, students born and raised in Florida graduating with tech-focused degrees can find promising career paths within the state, working for startups backed by strong venture funding. This not only retains top talent but also encourages student entrepreneurship, as those looking to launch their own ventures will benefit from increased access to funding and support networks. Other stakeholders including investors, incubators, and accelerators benefit from a more vibrant business landscape, while local communities see economic growth through job creation and increased consumer spending. <u>Rural Economic Development</u> Rural communities support this bill because the bill increases investment and job creation in rural communities and reduces the cost and other burdens for rural communities to induce that investment by establishing a rural site readiness toolkit within FloridaCommerce. <u>Data Center Tax Exemption</u> Local and state chambers of commerce support this bill because the permanent extension of the sales tax exemption for data centers will incentivize artificial intelligence growth that will create jobs and strategically place Florida at the forefront of research and technology. <u>Military Partners</u> Federal Military Partners and members of Florida's Installation Community support this bill because it adds needed clarity to statutes that ultimately prevent against base encroachment. <u>Space Florida – CCNA Requirements</u> Aerospace companies support the clarification this bill will provide them when procuring services as it will allow them to more quickly and efficiently move forward on advanced aerospace projects without fear of violating the law.
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5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

If yes, provide a description:	Yes – the bill requires the Department of Commerce to include reporting data regarding the RISE program in its annual incentives report required under Section 288.0065, Florida Statutes.
Date Due:	N/A
Bill Section Number(s):	Section 6

6. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSION, ETC. REQUIRED BY THIS BILL?

Board:	N/A
Board Purpose:	N/A
Who Appointments:	N/A
Appointee Term:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. WHAT IS THE FISCAL IMPACT TO LOCAL GOVERNMENT?

Revenues:	<u>Rural Economic Development:</u> The bill increases investment and job creation in rural communities and reduces the cost and other burdens for rural communities to induce that investment. <u>Data Centers:</u> Extending the existing tax exemption for data centers will generate substantial economic benefits for local governments and the state, without disrupting any current tax collections. The properties in question (for data center development) are currently vacant land, contributing no revenue to the tax base. However, by incentivizing data center development, these sites have the potential to transform into hubs of economic activity. Importantly, as businesses leverage these facilities to scale their operations, additional economic growth will ripple through the community, benefiting a wide range of industries.
Expenditures:	N/A
Does the legislation increase local taxes or fees?	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. WHAT IS THE FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	<u>Office of Secure Florida</u> The establishment of the Office of Secure Florida will have a direct impact and positive impact on state revenues by creating a more predictable and business-friendly environment. By proactively coordinating efforts to help Floridians and businesses understand and comply with state laws, this office will reduce regulatory uncertainty, allowing businesses to operate more freely in Florida's economy. Clear guidance and enforcement mechanisms will also encourage compliance, minimizing costly legal disputes and administrative burdens that can stifle economic growth. Additionally, by streamlining processes and ensuring businesses operate within the law, the state can foster greater economic activity, attract new investment, and ultimately expand its tax base – driving increased revenues that support public services and infrastructure. <u>RISE Tax Credit Program</u>
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	Florida RISE will boost state revenues by attracting venture capital to high-tech startups, making Florida a leading hub for innovation. For every \$1 in tax credits, the program generates \$4 in private investment, with a 4-8x economic impact. Tax credits are issued only after private capital is secured and distributed over five years, ensuring low risk and long-term economic growth. By fostering entrepreneurship, creating high-paying jobs, and retaining top talent to the state, RISE strengthens Florida's economy while delivering a net positive return to the state budget. <u>Data Centers:</u> Extending the existing tax exemption for data centers will generate substantial economic benefits for local governments and the state, without disrupting any current tax collections. The properties in question (for data center development) are currently vacant land, contributing no revenue to the tax base. However, by incentivizing data center development, these sites have the potential to transform into hubs of economic activity. Importantly, as businesses leverage these facilities to scale their operations, additional economic growth will ripple through the community, benefiting a wide range of industries. By extending this exemption, the state is not forgoing revenue but is unlocking a new stream of fiscal and economic gains that would otherwise not exist.
Expenditures:	<u>Office of Secure Florida</u> The bill and the Department's Legislative Budget Request include additional staff for the Office. <u>RISE Tax Credit Program</u> The bill allocates \$100 million in tax credits, capped at \$10 million per qualified venture capital firm in any fiscal year. Since tax credits are issued in one-fifth increments over five years, and matched with significant new capital and revenue production, the RISE tax credit is projected to be revenue positive to the state. <u>Regional Planning Councils</u> Repealing the Florida Regional Planning Councils Act will directly reduce state expenditures by eliminating oversight and coordination of entities that are not actually state-controlled. Since these councils operate independently and can continue to operate under local agreements, state resources currently used to coordinate with these councils at the state-level will be streamlined.
Does the legislation contain a State Government appropriation?	Office of Secure Florida: requesting full time employees in the Department's Legislative Budget Request.
If yes, was this appropriated last year?	N/A

3. WHAT IS THE FISCAL IMPACT TO THE PRIVATE SECTOR?

Revenues:	<u>Office of Secure Florida</u> The bill benefits the private sector, as the Department will be able to proactively coordinate and enhance for Floridians and Florida businesses' efforts to understand and comply with E-Verify and Foreign Ownership of Property laws. This allows employers to conduct business without a cloud of uncertainty that they are following the law. This bill improves business operations by reducing the likelihood that employers are unaware of and not in compliance with the law.
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	<u>RISE Venture Tax Credit</u> This bill will make Florida the premier hub for innovative startup business, fostering job creation and a dynamic ecosystem conducive to new technology and entrepreneurship. An early-stage business ecosystem represents significant advantages for Florida's businesses to retain entrepreneurial talent and provides a benefit for job seekers, job creators, families, and the state's overall economy. The 4-8x economic multiplier effect for venture capital investments in small business startups will have far-reaching, ripple effects throughout Florida's business climate, particularly in high-tech sectors. <u>Data Center Tax Exemption</u> For businesses, the extension of the tax exemption means access to a stable, pro-investment environment where they can plan long-term growth without unexpected tax burdens, disrupting expansion. The economic benefits extend far beyond the data centers themselves, including the creation of high paying jobs. Additionally, the companies relying on these data centers to scale their operations will find Florida an even more compelling place to do business. This lays the foundation for a high-value industry to deliver sustained economic returns for years to come. <u>Space Florida Procurement</u> Exempting privately financed projects for Space Florida from the CCNA is a critical step toward improving business operations by eliminating unnecessary uncertainty and inefficiency in the vendor procurement process. The current statutory ambiguity creates needless delays and confusion, hindering the ability of aerospace companies to move swiftly and competitively in securing vendors for high-value aerospace projects. This will ensure that these companies can proceed with the speed and agility necessary to attract investment, drive innovation, and solidify Florida's leadership in the Space industry.
Expenditures:	<u>Data Center Tax Exemption:</u> For businesses, the extension of the tax exemption will offset future expenditures for the construction and development of hyperscale data centers in the state of Florida. <u>Space Florida Procurement</u> The clarification the bill provides eliminates unnecessary uncertainty and inefficiency in the vendor procurement process for aerospace companies working with Space Florida.
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Does the bill increase taxes, fees, or fines?	No.
Does the bill decrease taxes, fees or fines?	<u>RISE Tax Credits</u> The RISE tax credit offers tax credits for qualified investments made by qualified venture capital groups. <u>Data Centers</u> The bill repeals the sunset provision of the Data Center tax exemption.
What is the impact of the increase or decrease?	<u>RISE Tax Credits</u> The RISE tax credit program has projected minimum guaranteed return of \$4 of private sector investment for every \$1 in tax credits issued. Because this cost is spread over five years and matched with significant new capital and revenue production, the RISE tax credit will be revenue positive to the state.

	Further, increased venture capital investment in the state is expected to boost economic development due to the qualified investments made by venture capital groups in the state. <u>Data Centers</u> This will be a significant job creator and entice significant investment, both directly through the data centers and indirectly through the customers they serve. Extending the existing tax exemption for data centers will generate substantial economic benefits for local governments and the state, without disrupting any current tax collections. The properties in question (for data center development) are currently vacant land, contributing no revenue to the tax base. However, by incentivizing data center development, these sites have the potential to transform into hubs of economic activity. Importantly, as businesses leverage these facilities to scale their operations, additional economic growth will ripple through the community, benefiting a wide range of industries. By extending this exemption, the state is not forgoing revenue but is unlocking a new stream of fiscal and economic gains that would otherwise not exist.
Bill Section Number:	RISE Tax Credits – Section 26 Date Center Tax Exemption – Section 7

TECHNOLOGY IMPACT

Does the legislation impact the agency's technology systems (i.e., IT support, licensing software, data storage, etc.)?	N/A
If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A

FEDERAL IMPACT

Does the legislation have a federal impact (i.e. federal compliance, federal funding, federal agency involvement, etc.)?	The bill provides needed clarity to federal military partners when executing future land transfers for purposes of preventing against civilian encroachment on military installations by exempting military installations and departments from the "reverter clause" specified in Section 253.025(21)(d), Florida Statutes.
If yes, describe the anticipated impact including any fiscal impact.	The bill will improve the execution of agreements entered with the Department of Defense regarding military encroachment issues on military installations. This will prevent military installation closures and promote and protect the local economies in military communities.

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments and recommended action:	N/A
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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB ¹²⁶⁴
~~1642~~

Bill Number or Topic

747702

Amendment Barcode (if applicable)

3/31/25

Meeting Date

Commerce & Tourism

Committee

Name Secretary J. Alex Kelly

Phone (850) 717-8265

Address 107 E MADISON STREET

Street

Email Alex. Kelly@commerce.
FL.GOV

Tallahassee

FL

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Commerce

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/31/25

Meeting Date

Commerce + Tourism

Committee

1264

Bill Number or Topic

747702

Amendment Barcode (if applicable)

Name Quince Messersmith

Phone 850-508-7774

Address 18 Gulf Breeze Drive

Email qmessersmith@mywakulla.com

Street

Crawfordville

City

FL

State

32327

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

3/31/2025
Meeting Date

Commerce & Tourism
Committee

1264

Bill Number or Topic

747702

Amendment Barcode (if applicable)

Name

Darryl Register

Phone

904-226-4780

Address

20 E. MacLenny Ave
Street

Email

dregister@bakerchamberfl.com

MacLenny
City

FL
State

32063
Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3-31-25

Meeting Date

Commerce

Committee

1264

Bill Number or Topic

742702

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd 102B

Email

cdoolin@doolinandassoc.com

Street

Tallahassee, Fla.

State

3230

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Small County Coalition

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to

Senate professional staff conducting the meeting

3-31-25

Meeting Date

Commerce & Tourism

Committee

Carlecia

Name

Car-lee-Sha Collins

Phone

(850) 228-6271

Address

301 E Pine St

Street

Orlando.

City

FL

State

32801

Zip

Email

Carlecia.Collins@gray-robinson.com

1264-Rural & Urban

Bill Number or Topic

Business Enterprises

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

meta

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/31/25

Meeting Date

1264

Bill Number or Topic

Commerce + Tourism

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Lindsay Pierce

Phone

334-268-8282

Address

1136 College

Email

lpierce@spaceflorida.gov

Street

TLH

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Space Florida

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

ARK Innovation Center

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

March 31, 2025

1264 (proposed changes to Space FL only)

Meeting Date

Commerce & Tourism

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Cissy Proctor**

Phone **850-294-1099**

Address **1400 Village Square Blvd, Suite 3-168**

Email **cproctor@lsnpartners.com**

Street

Tallahassee

FL

32312

City

State

Zip

Reset Form

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Leonardo Helicopters

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

3/31/2025

Meeting Date

1264

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name

Colton Madill

Phone

850-766-7983

Address

136 S. Bronough St.

Street

Email

cmadill@flchamber.com

City

Tallahassee, FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

Florida Chamber of Commerce

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/31/25

Meeting Date

SB1264

Bill Number or Topic

Commerce and Tourism

Committee

Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone 407 954 0605

Address 308 N. Monroe
Street

Email cleonad@1000f.org

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

1000 Friends of
Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1264

3/31/2026

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

COMMERCE & TOURISM

Committee

Bill AS AMENDED

Amendment Barcode (if applicable)

Name

SLATER BAILESS

Phone

222 - 8900

Address

204 S. MONROE ST

Street

Email

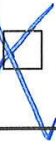
TLH

City

State

Zip

Speaking:



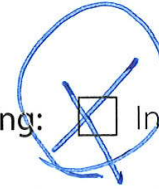
☒ For

☐ Against

☐ Information

OR

Waive Speaking:



☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.



☒ I am a registered lobbyist,
representing:

ADVANTAGE

CAPITAL PARTNERS

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

March 31, 2015

Meeting Date

Commerce & Tourism

Committee

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1264

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Darryl Register**

Phone **904-226-4780**

Address **20 E. Macclenny Ave**

Email **dregister@bakerchamberfl.com**

Street

Macclenny

FL

32063

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

March 31, 2025

Meeting Date

Commerce and Tourism

Committee

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 1264

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tom Lewis**

Phone **850-868-0115**

Address **3559 Timberlane School Road**

Email **tom.lewis@terracon.com**

Street

Tallahassee

FL

32312

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1264

3/31/25

Meeting Date

Bill Number or Topic

Commerce & Tourism

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Kurvin Qualls

Phone

850-791-5468

Address

3950 Qualls Trl

Email

Kurvin@bellSouth.com

Street

Jay

City

FLA

State

32565

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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3-31-2025

Meeting Date

Senate Commerce & Tourism

Committee

SB 1264 - Reg Planning

Bill Number or Topic

Amendment Barcode (if applicable)

Name April Sutton

Phone 850-865-3326

Address 195 Cristobal Rd
Street

Email cmbrsutton@cityofmaryesther.com

Mary Esther
City

FL
State

32569
Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

03/31/2025

Meeting Date

Commerce and Trourism

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1264

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Mayor Sean Lynch** Phone **904 2665031**

Address **10 US 90 W.** Email **mayor@baldwinfl.com**

Street

Baldwin

City

Florida

State

32234

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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March 31, 2025
Meeting Date

Commerce & Tourism
Committee

1264
Bill Number or Topic

Amendment Barcode (if applicable)

Name Quince Messersmith Phone 850-933-8371

Address 18 Gulf Breeze Drive Email qmessersmith@gmail.com
Street

Crawfordville FL 32024
City State Zip

Reset Form

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

OB 1264. Regional Councils

சென்றவாழ்க்கை

3-31-25
Meeting Date

Commerce + Tourism
Committee

Name Rick Davis

Phone c 850.779-6016

Address 5303 NE State Rd 6
Street

Email district5@madisoncounty.com

Email

Lee FL 32059

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1264

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Commerce/Tolson

Committee

Amendment Barcode (if applicable)

Name

Rana Brown

Phone

850 224 3427

Address

104 W Jefferson

Email

Rana@RUBOOKPA.com

Street

T2H FL

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Regional
Councils Assoc

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/31/25

Meeting Date

Commerce and Tourism

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1264

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ron Book Phone 850.224.3427

Address 104 W. Jefferson St. Email Ron@RLBookPA.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Regional Councils
Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

Commerce & Tourism

APPEARANCE RECORD

1264

Meeting Date

3-31-25

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Road - 102B

Email

cdoolin@doolinandassoc.com

Street

Turkey

Fla

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

Small County Coalition

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 5, 2025

I respectfully request that **Senate Bill #1264**, relating to Rural and Urban Business Enterprises, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Jay Collins", is written over a horizontal line.

Senator Jay Collins
Florida Senate, District 14

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1322

INTRODUCER: Commerce and Tourism Committee and Senator Simon

SUBJECT: Tax Credits for Investment in Rural Communities

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1322 creates s. 288.062, F.S., the Florida Rural Jobs Act. The bill allows investors to earn state premium tax credits equal to their investment in certified rural funds. In turn, the rural funds will invest in small businesses in rural areas, unless the requirement is waived by the Department of Commerce (department) when the investment is rural in nature, employs individuals from rural areas, or provides substantial benefits to rural area residents, and will significantly advance the economic growth of the state. The bill caps investment at a level that will result in no more than \$7.143 million in tax credits to be taken in any one year, excluding any credits carried forward.

The department will administer the program by certifying rural funds, granting tax credits to investors, and if necessary, revoking the fund's tax credits and authority.

The bill provides ongoing requirements for the rural funds to meet while participating in the program, allows rural funds to reinvest their rural investments, prohibits tax credits from being refunded or sold on the open market, and outlines steps for a rural fund to withdraw from the program or to be transferred to affiliates of a taxpayer.

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill. The bill will likely impact general revenue.

The bill takes effect July 1, 2025.

II. Present Situation:

Economic Development Incentives Targeted to Florida's Rural Communities

Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) was established by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.¹ Today, the REDI operates as a statewide initiative led by the department to better serve Florida's rural communities by providing a more focused and coordinated effort among state and regional agencies to improve the fiscal, economic, and community viability of these areas.²

Regional Rural Development Grants Program

The Regional Rural Development Grants Program was established to provide funding, through matching grants, to build the professional capacity of regionally based economic development organizations located in rural communities. An organization may receive up to \$50,000 a year or \$250,000 for any three regional economic development organizations that serve an entire rural area of opportunity³ (RAO).⁴ The department is authorized to spend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund to carry out this program.⁵

Rural Infrastructure Fund

The Rural Infrastructure Fund is a grant program created to facilitate the planning, preparing, and financing of infrastructure projects in rural communities.⁶ The program provides access to federal and state infrastructure funding programs, including, but not limited to, those offered by the U.S. Departments of Agriculture and Commerce and including those offered by Rural Economic Development Initiative agencies.⁷ The program funds total infrastructure project grants, infrastructure feasibility grants, and preclearance review grants. A total of \$20 million in funding is available for Fiscal Year 2024-2025. Funding in the amount of \$15 million is available for eligible rural communities statewide and \$5 million is available to certain Panhandle counties.⁸

¹ Section 288.0656(1)(a), F.S.

² Section 288.0656(3), F.S.

³ A rural area of opportunity is a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster. Section 288.0656, F.S.

⁴ Section 288.018(1)(c), F.S.

⁵ Section 288.018(4), F.S.

⁶ See s. 288.0655, F.S.

⁷ Section 288.0655(2)(b), F.S.

⁸ Department of Commerce, *Rural Infrastructure Fund*, available at <https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited March 28, 2025).

Federal Rural Business Investment Company and Small Business Investment Programs^{9,10}

Rural Business Investment Companies (RBIC) and Small Business Investment Companies (SBIC) are privately owned and managed investment funds that are licensed and regulated by the U.S. Department of Agriculture and Rural Development¹¹ and Small Business Administration (SBA)¹² respectively, that make capital investments in small businesses located in rural communities or other qualifying businesses.

An RBIC or SBIC program offers incentives for private capital to invest in small businesses, startups, low-income areas, or regions otherwise under economic distress. These programs often include special criteria for a certain quantity of the credit to focus on rural or underdeveloped areas.

Economic Development Incentives that use Tax Credits***Rural Job Tax Credit Program¹³***

The Florida Rural Job Tax Credit Program offers a tax credit incentive for eligible businesses located within a designated qualified rural area to create new jobs. The tax credit ranges from \$1,000 to \$1,500 per qualified employee and can be taken against either the businesses' corporate income tax or sales and use tax. A business is limited to no more than \$500,000 of tax credits per year.¹⁴ The department administers this program and may approve up to \$5 million in tax credits per year.¹⁵

Florida New Markets Development Program

In 2009, the Legislature passed the New Markets Development Program Act (NMDP),¹⁶ similar to the program created in this bill, to use tax credits to spur economic development. The NMDP, which was modeled after the federal New Markets Tax Credit Program, allowed taxpayers to earn credits against specified taxes by making qualified investments in qualified community development entities that, in turn, invested in businesses in low-income communities to create and retain jobs in such communities.

Taxpayers that made qualified investments in qualified community development entities were eligible to receive tax credits against the corporate income tax under s. 220.11, F.S., or the insurance premium tax under s. 624.509, F.S. The taxpayer could not claim the credit in the first two years after the investment. The credit was worth 7% of the qualified investment in year three

⁹ 7 U.S.C. s. 2009cc *et seq.*; 7 C.F.R. s. 4290 *et seq.* (2009).

¹⁰ 15 U.S.C. s. 681-688.

¹¹ U.S. Department of Agriculture and Rural Development, *Rural Business Investment Program*, available at <https://www.rd.usda.gov/programs-services/rural-business-investment-program> (last visited March 28, 2025).

¹² U.S. Small Business Administration, *Become an SBIC*, available at <https://www.sba.gov/partners/sbics/apply-be-sbic> (last visited March 28, 2025).

¹³ Sections 212.098, and 220.1895, F.S.

¹⁴ Section 212.098(6)(d), F.S.

¹⁵ Department of Commerce, *Rural Job Tax Credit Program*, available at <https://floridajobs.org/business-growth-and-partnerships/for-businesses-and-entrepreneurs/business-resource/rural-and-urban-job-tax-credit-programs> (last visited March 28, 2025).

¹⁶ Chapter 2009-50, Laws of Fla.

after the investment, and from the fourth year through the seventh year the credit was worth 8%. As in the federal program, over seven years the credits totaled 39% of the total qualified investment in the qualified community development entity. A taxpayer with qualified investments approved for both federal and state program were about to receive 78% of the purchase price of the investment in tax credits over seven years. Any unused portion of the tax credit carried forward for up to five future tax years.

The return on investment for the NMDP was -0.98, indicating that the state lost all of its investment and incurred additional costs.¹⁷

The NMDP was repealed in 2023.¹⁸

Examples of Similar Rural Jobs Acts in Other States

Utah passed a substantially similar bill, the Utah Rural Jobs Act, which authorizes up to \$42 million in tax credits, and caps the total contributions one entity may make under the program at \$24.36 million. Additionally, Utah assesses a \$50,000 annual fee that is split between all the certified growth fund entities.¹⁹

In 2017, Georgia created the Georgia Agribusiness and Rural Jobs Act, which is designed to spur \$100 million in capital investments in rural businesses in the state. Investors may redeem up to \$15 million in tax credits annually for four years (for a total of \$60 million tax credits) against their corporate income tax and premium tax liabilities.²⁰

III. Effect of Proposed Changes:

The bill creates s. 288.062, F.S., the “Florida Rural Jobs Act.” The bill uses tax credits against the state premium tax to incentivize investors to give funds to certified rural fund entities that, in turn, will make capital or equity investments, or loans with a maturity date of at least one year in eligible businesses located in rural areas. The bill caps the amount of investments at a level that will result in no more than \$7.143 million in tax credits claimed in total each year.

An eligible business is one that has fewer than 250 employees and has its principal business operations in Florida. The department will administer the program and monitor jobs created and retained as a result of the eligible investment and the annual salary of each position.

An eligible investment is any capital or equity investment in an eligible business, or any loan to an eligible business with a stated maturity of at least 1 year from the date of issuance, provided that the eligible business has its principal business operations located in a rural community in Florida, unless this requirement is waived by the department.

¹⁷ Office of Economic and Demographic Research, *Economic Evaluation for Select State Economic Development Incentive Programs*, 58 (February 2023), available at <https://edr.state.fl.us/Content/returnoninvestment/ROISELECTPROGRAMS2023final.pdf> (last visited March 28, 2025).

¹⁸ Chapter 2023-173, Laws of Fla.

¹⁹ Utah Code Annotated s. 63N-4-301, et seq. (2017).

²⁰ Ga. Code Annotated s. 33-1-25, et seq. (2017).

A rural community is defined as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer, if the county is contiguous to a county with a population of 75,000 or fewer;
- Any municipality in a county that meets the above criteria;
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer, with an employment base focused on traditional agriculture or resource-based industries, located in a county not defined as rural, and which has at least three or more economic distress factors; or
- A designated rural area of opportunity.²¹

Tax Credit Application, Approval, and Allocation

On or before November 1, 2025, the department must accept applications for approval as a rural fund. The application must include all of the following:

- Total investment authority sought by the applicant;
- Evidence that the applicant or an affiliate of the applicant is licensed as a rural business investment or small business investment company, as defined in federal law;²²
- Evidence that the applicant or its affiliates have invested at least \$100 million in nonpublic companies located in counties within the U.S. with a population of fewer than 75,000 as of the U.S. Decennial Census of 2010.
- An estimate of the total number of new annual jobs that will be created and jobs retained in the state as a result of the applicant's eligible investments;
- A business plan that includes a 10-year revenue impact estimate of the proposed eligible investments, including the investment's effect on state and local tax revenues, and state expenditures. This business plan must be prepared by an independent third-party economic forecasting firm that uses a dynamic economic forecasting model;

The department must grant or deny an application within 30 days of its receipt. The department must deny an application if:

- The application is incomplete;
- The applicant does not qualify as a rural fund;
- The business plan does not demonstrate that the positive revenue impact on this state over a 10-year period will be greater than cumulative amount of tax credits that would be issued to the applicant's investors;
- The department has already approved the investment authority permitted.

If the department denies an application on certain grounds, the applicant has 15 days to cure the defect. The department must review the additional filing and issue an ultimate decision within 15 days of the application's initial submission. Additionally, the department may not approve or

²¹ A rural area of opportunity is a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster. A rural area of opportunity may also be a community or communities that present a unique economic development opportunity of regional impact. Section 288.0656(2), F.S.

²² See 7 U.S.C. s. 2009cc *et seq.* and 15 U.S.C. s. 681 *et seq.*

deny an application that is submitted after another for which additional information was needed until it approves or denies the “first” or “initial” application with additional information.

Upon approval of an application, the department must certify the applicant as a rural fund and the amount of the applicant’s investment authority.

The department may not reduce the rural fund’s investment authority from that requested on its application unless such an allocation would cause the department to exceed the tax credit limitation of \$7.143 million in tax credits to be taken in any one year. If the department approves applications received on the same day that seek investment authorities that would collectively exceed the permitted annual tax credits, the department must approve both applicants, but proportionately reduce each applicant’s investment authority and investor contributions to comply with the tax credit limit.

Within 90 days of certification, a rural fund must collect all of its committed investor contributions and any additional cash investments. The fund must provide proof to the department that it collected all required contributions and investments within 95 days of certification. A fund’s certification will be subject to revocation if it fails to perform these duties.

The department must provide tax credit certificates to investors upon notice from a certified fund that it collected the investor’s contribution.

Tax Credit Established

An investor in a fund is vested with an earned credit against its state tax liability equal to the value of its contribution to the fund. The investor may not sell, transfer, or allocate the credit to any entity other than an affiliate of the fund.

An investor may claim 7.4 percent of its credit each taxable year from the year that the fund collects the investor contributions and any additional investments (defined in the bill as the “credit allowance date”) through the sixth anniversary of such date. Any amount of the credit that the investor is unable to claim in a taxable year may carry forward the credit allowance for up to 10 subsequent taxable years. In order to claim a credit, the investor must submit a copy of the tax credit certificate with its tax return for each taxable year it claims the credit.

A credit may not be sold or refunded on the open market, but may be transferred to affiliates of a taxpayer. Credits earned by or allocated to a partnership, limited liability company, or S corporation may be allocated to the partners, members, or shareholders of such entity. A rural fund must notify the department of the names of all taxpayers eligible to use credits upon the allocation, change in allocation, or transfer. Those allocations and transfers may not be considered a sale.

Revocation of Tax Credit Certificates and Exit From the Program

The department must revoke a tax credit certificate if:

- The fund does not invest 60 percent of its investment authority in eligible investments in Florida within 3 years after the credit allowance date.

- The rural fund does not invest 100 percent of its investment authority in eligible investments within 3 years after the allowance date, with at least 70 percent of such eligible investments made in rural areas;
- The rural fund fails to maintain investments equal to 100 percent of its investment authority until the sixth anniversary of its credit allowance date, with at least 70 percent of such eligible investments made in rural areas (with a permitted 12 months between receipt of capital and reinvestment of that capital);
- The rural fund makes a distribution or payment that results in the fund having less than 100 percent of its investment authority invested in state eligible investments, or available for eligible investments and held in cash or other securities; or
- The rural fund invests in an eligible business that directly, or indirectly through an affiliate, owns, has the right to acquire an ownership interest in, makes a loan to, or makes an investment in the fund, an affiliate of the fund, or an investor of the fund.

The department, upon request, may waive the requirement that the eligible business have its principal business operations located in a rural community if the department determines that the investment is rural in nature, employs individuals from rural areas, or otherwise provides substantial benefit to residents of rural areas and is likely to significantly advance the economic growth of the state.

The department must give a rural fund notice of a pending revocation and the fund has 180 days to cure any violation. If the department revokes tax credits after a rural fund has collected its investor contribution obligations, then the revoked rural fund's investment authority and collected investor contributions may not count toward the program's limit on investment authority and investor contributions.

On or after the seventh anniversary of the credit allowance date, a rural fund may apply to the department to exit the program. The department must approve the request within 15 days if no tax credit certificates issued to the fund's investors have been revoked, and the fund's certification has not been revoked or is not currently subject to revocation.

The department may not revoke a tax credit certificate after a fund exits the program.

Rural Fund's Reporting Obligations

Each fund must submit an annual report on or before the 15th business day after the second and third anniversaries of the credit allowance date. The report must include:

- The name and location of each eligible business that receives an eligible investment or evidence that an eligible business qualified as such at the time the fund made the investment;
- A bank statement evidencing each of the fund's investments;
- The number of jobs created and retained as a result of the eligible investment and the average salary of each position; and
- Any other information required by the department.

On or before March 1 of the subsequent calendar year after the third anniversary of the credit allowance date, and annually until its exit from the program, the rural fund must submit to the department a report that identifies each eligible investment made by the rural fund and include:

- The number of jobs created and retained as a result of the eligible investment and the annual salary of each position; and
- Any other information required by the department.

Miscellaneous

A fund may request the department issue a written opinion advising whether a potential investment business qualifies as an eligible business; if the department does not respond within 15 days of the request, the business is deemed eligible.

The department is prohibited from accepting new applications after December 1, 2034.

The bill defines a rural community as:

- A county with a population of 75,000 or fewer;
- A county with a population of 125,000 or fewer, if the county is contiguous to a county with a population of 75,000 or fewer;
- Any municipality in a county that meets the above criteria; or
- An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer, with an employment base focused on traditional agriculture or resource-based industries, located in a county not defined as rural, and which has at least three or more economic distress factors; or
- A designated rural area of opportunity as defined in s. 288.0656(2), F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill. The bill will likely impact general revenue.

B. Private Sector Impact:

Businesses in rural areas may be able to access funding that would not otherwise be available to them through traditional financing institutions.

A certified rural fund will likely see a positive financial impact as the result of its activity under the program. Similarly, rural fund investors will see a positive impact on their tax liabilities as a result of their use of tax credits under the program.

C. Government Sector Impact:

The department may incur administrative costs to implement and operate the program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 288.062 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Commerce and Tourism on March 31, 2025:**

The CS:

- Revises the definition of "eligible investment" to provide that the eligible business has its principal business operations located in a rural community, unless the requirement is waived by the department under certain circumstances.
- Adds a definition for "rural community."
- Prohibits tax credits from being refunded or sold on the open market and specifies under what circumstances credits may be transferred to affiliates of a taxpayer.
- Authorizes the department to revoke the tax credit certificates if at least 70 percent of eligible investments are not made in a rural area after a specified time.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



840450

LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	.
03/31/2025	.	.
	.	.
	.	.

The Committee on Commerce and Tourism (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 288.062, Florida Statutes, is created to read:

288.062 Florida Rural Jobs Act.—

(1) This section may be cited as the "Florida Rural Jobs Act."

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

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(a) "Affiliate" means an entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another entity. For the purposes of this paragraph, an entity is controlled by another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity.

(b) "Credit allowance date" means the date on which the department provides a tax credit certificate under paragraph (8)(b).

(c) "Department" means the Department of Commerce.

(d) "Eligible business" means a business that, at the time a rural fund initially invests in the business:

1. Has fewer than 250 employees; and
2. Has its principal business operations located in this state.

(e) "Eligible investment" means any capital or equity investment in an eligible business, or any loan to an eligible business with a stated maturity of at least 1 year from the date of issuance, provided that the eligible business has its principal business operations located in a rural community in this state, unless this requirement is waived by the department pursuant to subsection (11).

(f) "Investment authority" means the amount certified by the department under paragraph (7)(b).

(g) "Investor contribution" means a cash investment in a rural fund. The cash investment must be used to purchase an equity interest in the rural fund or purchase at par value or

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premium a debt instrument that has a maturity date at least 7 years after the credit allowance date and a repayment schedule that is no greater than level principal amortization over 7 years.

(h) "Jobs retained" means the number of full-time employment positions that existed before the initial eligible investment in an eligible business and for which the eligible business's chief executive officer or similar officer certifies that the employment positions would have been eliminated but for the initial eligible investment.

(i) "Principal business operations" means the location or locations at which at least 60 percent of a business's employees work or at which the employees who are paid at least 60 percent of the business's payroll are located. A business that agrees to relocate or hire new employees using the proceeds of an eligible investment to establish its principal business operations in this state is deemed to have its principal business operations in the new location, provided the business satisfies this definition within 180 days after receiving the eligible investment.

(j) "Rural community" means:

1. A county with a population of 75,000 or less;
2. A county with a population of 125,000 or less, if the county is contiguous to a county with a population of 75,000 or less;
3. Any municipality in a county that meets the above criteria;
4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or less and

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with an employment base focused on traditional agriculture or resource-based industries, which community or city is located in a county not defined as rural and has at least three or more economic distress factors; or

5. A designated rural area of opportunity as defined in s. 288.0656(2).

(k) "Rural fund" means an entity certified by the department under paragraph (7)(a).

(l) "State tax" means a tax identified in s. 624.509 or s. 624.5091.

(3) On or before November 1, 2025, the department shall accept applications for approval as a rural fund on a form adopted by the department. The application must include all of the following:

(a) The total investment authority sought by the applicant.

(b) Evidence that the applicant or an affiliate of the applicant is licensed as a rural business investment company as defined in 7 U.S.C. s. 2009cc or as a small business investment company under 15 U.S.C. s. 681. The applicant or the affiliate must include a certificate executed by an executive officer of the applicant attesting that such license remains in effect and has not been revoked.

(c) Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least \$100 million in nonpublic companies located in counties within the United States with a population of less than 75,000 as of the United States Decennial Census of 2010.

(d) An estimate of the total number of new annual jobs that will be created and total jobs retained over the life of the

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program in this state because of the applicant's proposed eligible investments.

(e) A business plan that includes a revenue impact assessment projecting state and local tax revenues to be generated, as well as state expenditures to be reduced, by the applicant's proposed eligible investments, prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years after the date the application is submitted to the department.

(4)(a) Within 30 days after receipt of a completed application, the department shall approve or deny the application.

(b) The department shall deem applications received on the same day as having been received simultaneously. If requests for investment authority exceed the remaining tax credit limitation under paragraph (c), the department must proportionally reduce the investment authority and the investor contributions for each approved application that day to avoid exceeding the limit.

(c) The department shall approve investment authority up to an amount that would allow no more than \$7.143 million in tax credits to be taken in any 1 year, excluding any credits carried forward pursuant to paragraph (10)(a).

(5) The department must deny an application if:

(a) The application is incomplete;

(b) The applicant does not satisfy the criteria set forth in subsection (3);

(c) The revenue impact assessment submitted under paragraph (3)(e) does not demonstrate that the applicant's business plan

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will result in a positive revenue impact on this state over a 10-year period which exceeds the cumulative amount of tax credits that would be issued to the applicant's investors; or

(d) The department has already approved the maximum amount of investment authority and investor contributions allowed under subsection (4).

(6) If the department denies an application, the applicant, within 15 days after the denial, may provide additional information to the department to cure any defects in the application as identified by the department. The department shall review and reconsider such applications within 15 days after receipt and before approving any pending applications submitted after the original submission date of the reconsidered application.

(7) The department may not reduce the requested investment authority or deny a rural fund application for reasons other than those described in subsection (4) or subsection (5). After approving an application, the department shall certify:

(a) The applicant as a rural fund.

(b) The amount of the applicant's investment authority.

(8)(a) Within 90 days after receiving the certification issued under subsection (7), the rural fund shall collect all investor contributions and collect additional investments of cash which, when added to the investor contributions, at least equal the rural fund's investment authority. Within 95 days after receiving the certification issued under subsection (7), the rural fund shall send to the department documentation that the rural fund has collected the amounts described in this subsection. At least 10 percent of the rural fund's investment

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authority must consist of equity investments contributed by affiliates of the rural fund. The rural fund shall report to the department the date on which the investor contributions and additional investments of cash were collected.

(b) Upon receipt of the documentation required by paragraph (a), the department shall provide to each taxpayer who has made an investor contribution in the amount of the investor contribution a tax credit certificate.

(9) If the rural fund fails to comply with paragraph (8)(a), the department must revoke the rural fund's certification, and the corresponding investment authority and investor contributions will not count toward the limits on the program size set forth in subsection (4). The department shall first award revoked investment authority pro rata to each rural fund that was awarded less than the investment authority for which it applied, and a rural fund may allocate the associated investor contribution authority to any taxpayer with state tax liability in its discretion. Any remaining investment authority may be awarded by the department to new applicants.

(10)(a) Any entity that makes an investor contribution is vested with an earned credit against state tax liability equal to that investor's investor contribution. The credit may be used over 7 years such that 7.14 percent of the credit is applied in each of the taxable years that include the year of the credit allowance date through the sixth anniversary of the credit allowance date. Any amount of the credit which the entity is unable to claim in a taxable year may be carried forward for use in an entity's 10 subsequent taxable years.

(b) A credit earned pursuant to paragraph (a) may not be

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refunded or sold on the open market. Credits earned pursuant to paragraph (a) may be transferred to affiliates of a taxpayer. Credits earned by or allocated to a partnership, limited liability company, or S corporation may be allocated to the partners, members, or shareholders of such entity for their use in accordance with the provisions of any agreement among such partners, members, or shareholders. A rural fund shall notify the department of the names of all taxpayers eligible to use credits upon any allocation, change in allocation, or transfer. Such allocations and transfers may not be considered a sale for the purposes of this section.

(c) The amount of the credit claimed by a taxpayer may not exceed the amount of such taxpayer's state tax liability for the tax year for which the credit is claimed.

(d) A taxpayer claiming a credit under this section must submit a copy of the tax credit certificate with the taxpayer's return for each taxable year for which the credit is claimed.

(11) The department must revoke the tax credit certificates issued under paragraph (8)(b) if any of the following occurs with respect to a rural fund before the rural fund exits the program in accordance with subsection (15):

(a) The rural fund does not invest 60 percent of its investment authority in eligible investments in this state within 2 years after the credit allowance date.

(b) The rural fund does not invest 100 percent of its investment authority in eligible investments in this state within 3 years after the credit allowance date, with at least 70 percent of such eligible investments made in a rural area.

(c) The rural fund, after initially satisfying paragraph

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214 (b), fails to maintain eligible investments equal to 100 percent
215 of its investment authority until the sixth anniversary of the
216 credit allowance date, with at least 70 percent of such eligible
217 investments made in a rural area. For purposes of this
218 paragraph, an investment is maintained even if it is sold or
219 repaid, so long as the rural fund reinvests an amount equal to
220 the capital returned or recovered from the original investment,
221 exclusive of any profits realized, in other eligible investments
222 in this state within 12 months after the receipt of such
223 capital. Amounts received periodically by a rural fund must be
224 treated as continuously invested in eligible investments if the
225 amounts are reinvested in one or more eligible investments by
226 the end of the following calendar year; however, there is no
227 requirement to reinvest capital after the sixth anniversary for
228 purposes of eligibility under this paragraph.

229 (d) The rural fund, before exiting the program in
230 accordance with subsection (15) or 30 days after the seventh
231 anniversary of the credit allowance date, makes a distribution
232 or payment that results in the rural fund having less than 100
233 percent of its investment authority invested in eligible
234 investments in this state or available for investment in
235 eligible investments and held in cash and other marketable
236 securities.

237 (e) The rural fund invests in an eligible business that
238 directly, or indirectly through an affiliate, owns, has the
239 right to acquire an ownership interest in, makes a loan to, or
240 makes an investment in the rural fund of an affiliate of the
241 rural fund or an investor in the rural fund.
242

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243 The department may, upon a request made pursuant to subsection
244 (12), waive the requirements relating to an eligible business or
245 rural area and permit the investment to count toward the
246 satisfaction of paragraphs (a), (b), and (c), if the department
247 determines that the investment is rural in nature, employs
248 individuals from rural areas, or otherwise provides substantial
249 benefit to residents of rural areas and is likely to
250 significantly advance the economic growth of the state.

251 (12) Before making an eligible investment, a rural fund may
252 request a written opinion from the department as to whether the
253 business in which it proposes to invest satisfies the definition
254 of an eligible business. The department, no later than 15
255 business days after the date of receipt of the request, shall
256 provide the rural fund with a determination letter providing its
257 opinion. If the department fails to issue a determination letter
258 within that timeframe, the business in which the rural fund
259 proposes to invest must be considered an eligible business.

260 (13) Before revoking a tax credit certificate under
261 subsection (11), the department shall notify the rural fund of
262 the reasons for the pending revocation. The rural fund shall
263 have 180 days after the date the notice was received to correct
264 any violation outlined in the notice to the satisfaction of the
265 department and avoid revocation of the tax credit certificate.

266 (14) If the department revokes any tax credit certificates
267 under subsection (11), the associated investment authority and
268 investor contributions may not be counted toward the limit on
269 total investment authority and investor contributions described
270 in subsection (4). The department shall award any remaining
271 investment authority to restore any reduction under paragraph

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272 (4) (b).
273 (15) On or after the seventh anniversary of the credit
274 allowance date, a rural fund may apply to the department to exit
275 the program and no longer be subject to regulation. The
276 department shall approve or deny the application within 15 days
277 after receipt. In evaluating the application, the fact that no
278 tax credit certificates have been revoked and that the rural
279 fund has not received a notice of revocation that has not been
280 cured pursuant to subsection (13) is sufficient evidence that
281 the rural fund is eligible for exit. The department may not
282 unreasonably deny an application submitted under this
283 subsection. If the application is denied, the notice of denial
284 must include the reasons for the determination.

285 (16) The department may not revoke a tax credit certificate
286 after a rural fund exits the program.

287 (17) (a) Each rural fund shall submit to the department a
288 report on or before the 15th business day after the second and
289 third anniversaries of the credit allowance date which provides
290 documentation that the rural fund has invested the amounts
291 required in paragraphs (11) (a) and (b). Such report must also
292 include all of the following:

293 1. The name and location of each eligible business
294 receiving an eligible investment, including either the written
295 determination under subsection (12) or evidence that the
296 business qualified as an eligible business at the time the
297 investment was made, if not previously reported.

298 2. A bank statement evidencing each eligible investment, if
299 not previously reported.

300 3. The number of jobs created and the number of jobs

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301 retained as a result of each eligible investment, and the
302 average salary of each position.

303 4. Any other information required by the department.

304 (b) On or before March 1 of the subsequent calendar year
305 after the final report required in paragraph (a), and annually
306 until its exit from the program in accordance with subsection
307 (15), the rural fund shall submit to the department a report
308 that identifies each eligible investment made by the rural fund,
309 which must include:

310 1. The number of jobs created and the number of jobs
311 retained as a result of the eligible investment, and the annual
312 salary of each position.

313 2. Any other information required by the department.

314 (18) The department may not accept any new applications
315 after December 1, 2034.

316 Section 2. This act shall take effect July 1, 2025.

317
318 ===== T I T L E A M E N D M E N T =====

319 And the title is amended as follows:

320 Delete everything before the enacting clause
321 and insert:

322 A bill to be entitled

323 An act relating to tax credits for investment in rural
324 communities; creating s. 288.062, F.S.; providing a
325 short title; defining terms; requiring the Department
326 of Commerce to accept applications for approval as
327 rural funds in a specified manner; requiring that
328 certain information be submitted in an application;
329 requiring the department to approve or deny

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330 applications within a specified timeframe; prohibiting
331 the department from approving more than a certain
332 amount of investment authority; requiring the
333 department to deny applications under certain
334 circumstances; authorizing an applicant whose
335 application was denied to provide additional
336 information within a certain timeframe to cure defects
337 in the application; requiring the department to review
338 and reconsider such applications within a certain
339 timeframe; prohibiting the department from reducing
340 the investment authority of an application or denying
341 an application unless certain conditions are met;
342 requiring the department to certify approved
343 applications; providing requirements for certified
344 rural funds; requiring the department to provide a tax
345 credit certificate to certain taxpayers; requiring the
346 department to revoke a rural fund's certification
347 under specified conditions; requiring the department
348 to distribute revoked investment authority among
349 certain rural funds; authorizing rural funds to
350 allocate associated investor contribution authority to
351 certain taxpayers; granting a credit against state tax
352 liability for specified investors; providing
353 restrictions on the credit; requiring taxpayers
354 claiming a credit to submit a copy of the tax credit
355 certificate with their tax return; requiring the
356 department to revoke a tax credit certificate under
357 certain circumstances; authorizing the department to
358 waive certain requirements relating to an eligible



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359 business or rural area under certain circumstances;
360 authorizing rural funds to request certain
361 determinations from the department; specifying a
362 timeframe within which rural funds may correct
363 violations to avoid revocation of a tax credit
364 certificate; authorizing the department to distribute
365 reverted investment authority among certain rural
366 funds; authorizing rural funds to submit an exit
367 application; providing a timeframe and procedures for
368 the department to use in handling exit applications;
369 prohibiting the department from revoking a rural
370 fund's tax credit certificate after it exits the
371 program; requiring rural funds to submit an annual
372 report to the department beginning on a date certain;
373 requiring that the annual report include certain
374 information; prohibiting applications from being
375 accepted after a date certain; providing an effective
376 date.

By Senator Simon

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1 A bill to be entitled
 2 An act relating to tax credits for investment in rural
 3 communities; creating s. 288.062, F.S.; providing a
 4 short title; providing definitions; requiring the
 5 Department of Commerce to accept applications for
 6 approval as rural funds in a specified manner;
 7 requiring that certain information be submitted in an
 8 application; requiring the department to approve or
 9 deny applications within a specified timeframe;
 10 prohibiting the department from approving more than a
 11 certain amount of investment authority; requiring the
 12 department to deny applications under certain
 13 circumstances; authorizing an applicant whose
 14 application was denied to provide additional
 15 information within a certain timeframe to cure defects
 16 in the application; requiring the department to review
 17 and reconsider such applications within a certain
 18 timeframe; prohibiting the department from reducing
 19 the investment authority of an application or denying
 20 an application unless certain conditions are met;
 21 requiring the department to certify approved
 22 applications; providing requirements for certified
 23 rural funds; requiring the department to provide a tax
 24 credit certificate to certain taxpayers; requiring the
 25 department to revoke a rural fund's certification
 26 under specified conditions; requiring the department
 27 to distribute revoked investment authority among
 28 certain rural funds; authorizing rural funds to
 29 allocate associated investor contribution authority to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 certain taxpayers; granting a credit against state tax
 31 liability for specified investors; providing
 32 restrictions on the credit; requiring that taxpayers
 33 claiming a credit submit a copy of the tax credit
 34 certificate with their tax return; requiring the
 35 department to revoke a tax credit certificate under
 36 certain circumstances; authorizing rural funds to
 37 request certain determinations from the department;
 38 specifying a timeframe within which rural funds may
 39 correct violations to avoid revocation of a tax credit
 40 certificate; authorizing the department to distribute
 41 reverted investment authority among certain rural
 42 funds; authorizing rural funds to submit an exit
 43 application; providing a timeframe and procedures for
 44 the department to use in handling exit applications;
 45 prohibiting the department from revoking a rural
 46 fund's tax credit certificate after it exits the
 47 program; requiring rural funds to submit an annual
 48 report to the department beginning on a date certain;
 49 requiring that the annual report include certain
 50 information; prohibiting applications from being
 51 accepted after a date certain; providing an effective
 52 date.
 53
 54 Be It Enacted by the Legislature of the State of Florida:
 55
 56 Section 1. Section 288.062, Florida Statutes, is created to
 57 read:
 58 288.062 Florida Rural Jobs Act.—

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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(1) This section may be cited as the "Florida Rural Jobs Act."

(2) As used in this section the term:

(a) "Affiliate" means an entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another entity. For the purposes of this paragraph, an entity is controlled by another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity.

(b) "Credit allowance date" means the date on which the department provides a tax credit certificate under paragraph (8) (b).

(c) "Department" means the Department of Commerce.

(d) "Eligible business" means a business that, at the time a rural fund initially invests in the business:

1. Has fewer than 250 employees; and

2. Has its principal business operations in this state.

(e) "Eligible investment" means any capital or equity investment in an eligible business or any loan to an eligible business with a stated maturity at least 1 year after the date of issuance.

(f) "Investment authority" means the amount certified by the department under subsection (7).

(g) "Investor contribution" means a cash investment in a rural fund. The cash investment shall purchase an equity interest in the rural fund or purchase at par value or premium a debt instrument that has a maturity date at least 7 years after

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the credit allowance date and a repayment schedule that is no greater than level principal amortization over 7 years.

(h) "Jobs retained" means the number of full-time high-wage employment positions that existed before the initial eligible investment in an eligible business and for which the eligible business' chief executive officer or similar officer certifies that the employment positions would have been eliminated but for the initial eligible investment.

(i) "Principal business operation" means the location or locations at which at least 60 percent of a business's employees work or at which the employees who are paid at least 60 percent of the business's payroll are located. A business that agrees to relocate or hire new employees using the proceeds of an eligible investment to establish its principal business operation in this state is deemed to have its principal business operations in the new location, provided the business satisfies this definition within 180 days after receiving the eligible investment.

(j) "Rural fund" means an entity certified by the department under subsection (7).

(k) "State tax" means a tax identified in chapter 220, s. 624.509, or s. 624.5091.

(3) On or before November 1, 2025, the department shall accept applications for approval as a rural fund on a form adopted by the department. The application must include all of the following:

(a) The total investment authority sought by the applicant.

(b) Evidence that the applicant or an affiliate of the applicant is licensed as a rural business investment company defined in 7 U.S.C. s. 2009cc or as a small business investment

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company under 15 U.S.C. s. 681. The applicant or the affiliate must include a certificate executed by an executive officer of the applicant attesting that such license remains in effect and has not been revoked.

(c) Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least \$100 million in nonpublic companies located in counties within the United States with a population of fewer than 75,000 as of the United States Decennial Census of 2010.

(d) An estimate of the total number of new annual jobs that will be created and jobs that will be retained over the life of the program in this state because of the applicant's proposed eligible investments.

(e) A business plan that includes a revenue impact assessment projecting state and local tax revenues to be generated, as well as state expenditures to be reduced, by the applicant's proposed eligible investments, prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years after the date the application is submitted to the department.

(4)(a) Within 30 days after receipt of a completed application, the department shall approve or deny the application.

(b) The department shall deem applications that are received on the same day as having been received simultaneously. If requests for investment authority exceed the remaining tax credit limitation under paragraph (c), the department must proportionally reduce the investment authority and the investor

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contributions for each approved application that day to avoid exceeding the limit.

(c) The department shall approve investment authority up to an amount that would allow no more than \$7.143 million in tax credits to be taken in any 1 year, excluding any credits carried forward pursuant to paragraph (10)(a).

(5) The department shall deny an application if:

(a) The application is incomplete.

(b) The applicant does not satisfy the criteria set forth in subsection (3).

(c) The revenue impact assessment submitted under paragraph (3)(e) does not demonstrate that the applicant's business plan will result in a positive revenue impact on this state over a 10-year period which exceeds the cumulative amount of tax credits that would be issued to the applicant's investors.

(d) The department has already approved the maximum amount of investment authority and investor contributions allowed under subsection (4).

(6) If the department denies an application, the applicant, within 15 days after the denial, may provide additional information to the department to cure any defects in the application as identified by the department. The department shall review and reconsider such applications within 15 days after receipt and before approving any pending applications submitted after the original submission date of the reconsidered application.

(7) The department may not reduce the requested investment authority or deny a rural fund application for reasons other than those described in subsection (4) or subsection (5). After

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175 approving an application, the department shall certify:

176 (a) The applicant as a rural fund.

177 (b) The amount of the applicant's investment authority.

178 (8)(a) Within 90 days after receiving the certification
 179 issued under subsection (7), the rural fund shall collect all
 180 investor contributions and collect additional investments of
 181 cash which, when added to the investor contributions, at least
 182 equal the rural fund's investment authority. Within 95 days
 183 after receiving the certification issued under subsection (7),
 184 the rural fund shall send to the department documentation that
 185 the rural fund has collected the amounts described in this
 186 subsection. At least 10 percent of the rural fund's investment
 187 authority must consist of equity investments contributed by
 188 affiliates of the rural fund. The rural fund shall report to the
 189 department the date on which the investor contributions and
 190 additional investments of cash were collected.

191 (b) Upon receipt of the documentation required by paragraph
 192 (a), the department shall provide to each taxpayer who has made
 193 an investor contribution in the amount of the investor
 194 contribution a tax credit certificate.

195 (9) If the rural fund fails to comply with subsection (8),
 196 the department must revoke the rural fund's certification and
 197 the corresponding investment authority and investor
 198 contributions will not count toward the limits on the program
 199 size set forth in subsection (4). The department shall first
 200 award revoked investment authority pro rata to each rural fund
 201 that was awarded less than the investment authority for which it
 202 applied, and a rural fund may allocate the associated investor
 203 contribution authority to any taxpayer with state tax liability

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204 in its discretion. Any remaining investment authority may be
 205 awarded by the department to new applicants.

206 (10)(a) Any taxpayer that makes an investor contribution is
 207 vested with an earned credit against state tax liability equal
 208 to that investor's investor contribution. The credit may be used
 209 over 7 years such that 7.14 percent of the credit is applied in
 210 each of the taxable years that includes the year of the credit
 211 allowance date through the fourth anniversary of the credit
 212 allowance date, unless a specific request is made to carry
 213 forward the credit allowance for a period not to exceed 10
 214 years.

215 (b) The credit is nonrefundable and may not be sold,
 216 transferred, or allocated to any other entity other than an
 217 affiliate that was an affiliate at the time of the submission of
 218 the investor's affidavit included in the rural fund's
 219 application.

220 (c) The amount of the credit claimed by a taxpayer may not
 221 exceed the amount of such taxpayer's state tax liability for the
 222 tax year for which the credit is claimed.

223 (d) A taxpayer claiming a credit under this section shall
 224 submit a copy of the tax credit certificate with the taxpayer's
 225 return for each taxable year for which the credit is claimed.

226 (11) The department must revoke the tax credit certificates
 227 issued under paragraph (8)(b) if any of the following occurs
 228 with respect to a rural fund before the rural fund exits the
 229 program in accordance with paragraph (15):

230 (a) The rural fund does not invest 60 percent of its
 231 investment authority in eligible investments in this state
 232 within 2 years after the credit allowance date.

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233 (b) The rural fund does not invest 100 percent of its
 234 investment authority in eligible investments in this state
 235 within 3 years after the credit allowance date.

236 (c) The rural fund, after initially satisfying paragraph
 237 (b), fails to maintain eligible investments equal to 100 percent
 238 of its investment authority until the sixth anniversary of the
 239 credit allowance date. For purposes of this paragraph, an
 240 investment is maintained even if it is sold or repaid, so long
 241 as the rural fund reinvests an amount equal to the capital
 242 returned or recovered from the original investment, exclusive of
 243 any profits realized, in other eligible investments in this
 244 state within 12 months after the receipt of such capital.
 245 Amounts received periodically by a rural fund shall be treated
 246 as continuously invested in eligible investments if the amounts
 247 are reinvested in one or more eligible investments by the end of
 248 the following calendar year; however, there is no requirement to
 249 reinvest capital after the sixth anniversary for purposes of
 250 eligibility under this paragraph.

251 (d) The rural fund, before exiting the program in
 252 accordance with paragraph (15) or 30 days after the seventh
 253 anniversary of the credit allowance date, makes a distribution
 254 or payment that results in the rural fund having less than 100
 255 percent of its investment authority invested in eligible
 256 investments in this state or available for investment in
 257 eligible investments and held in cash and other marketable
 258 securities.

259 (e) The rural fund invests in an eligible business that
 260 directly, or indirectly through an affiliate, owns, has the
 261 right to acquire an ownership interest in, makes a loan to, or

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262 makes an investment in the rural fund of an affiliate of the
 263 rural fund or an investor in the rural fund.

264

265 The department in its sole discretion may, upon request, and if
 266 the department believes that the investment aligns with the
 267 purposes of this section, allow paragraphs (a), (b), and (c) to
 268 be satisfied by investments in businesses that are not eligible
 269 businesses or located in nonrural areas.

270 (12) Before making an eligible investment, a rural fund may
 271 request a written opinion from the department as to whether the
 272 business in which it proposes to invest satisfies the definition
 273 of an eligible business. The department, no later than 15
 274 business days after the date of receipt of the request, shall
 275 provide the rural fund with a determination letter providing its
 276 opinion. If the department fails to issue a determination letter
 277 within that timeframe, the business in which the rural fund
 278 proposes to invest shall be considered an eligible business.

279 (13) Before revoking a tax credit certificate under
 280 subsection (11), the department shall notify the rural fund of
 281 the reasons for the pending revocation. The rural fund shall
 282 have 180 days after the date the notice was received to correct
 283 any violation outlined in the notice to the satisfaction of the
 284 department and avoid revocation of the tax credit certificate.

285 (14) If the department revokes any tax credit certificates
 286 under subsection (11), the associated investment authority and
 287 investor contributions may not count toward the limit on total
 288 investment authority and investor contributions described in
 289 subsection (4). The department shall award any remaining
 290 investment authority to restore any reduction under paragraph

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(4) (b).

(15) On or after the seventh anniversary of the credit allowance date, a rural fund may apply to the department to exit the program and no longer be subject to regulation. The department shall approve or deny the application within 15 days after receipt. In evaluating the application, the fact that no tax credit certificates have been revoked and that the rural fund has not received a notice of revocation that has not been cured pursuant to subsection (13) is sufficient evidence that the rural fund is eligible for exit. The department may not unreasonably deny an application submitted under this subsection. If the application is denied, the notice of denial shall include the reasons for the determination.

(16) The department may not revoke a tax credit certificate after a rural fund exits the program.

(17) (a) Each rural fund shall submit to the department a report on or before the 15th business day after the second and third anniversaries of the credit allowance date which provides documentation that the rural fund has invested the amounts required in paragraphs (11) (a) and (b). Such report shall also include all of the following:

1. The name and location of each eligible business receiving an eligible investment, including either the written determination under subsection (12) or evidence that the business qualified as an eligible business at the time the investment was made, if not previously reported.

2. A bank statement evidencing each eligible investment, if not previously reported.

3. The number of jobs created and retained as a result of

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each eligible investment, and the average salary of each position.

4. Any other information required by the department.

(b) On or before March 1 of the subsequent calendar year after the final report required in paragraph (a), and annually until its exit from the program in accordance with paragraph (15), the rural fund shall submit to the department a report that identifies each eligible investment made by the rural fund and shall include:

1. The number of jobs created and retained as a result of the eligible investment and the annual salary of each position.

2. Any other information required by the department.

(18) The department may not accept any new applications after December 1, 2034.

Section 2. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/31/25

Meeting Date

Commerce

Committee

1322

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Melissa Ramba

Phone

850-570-0269

Address

108 S. Monroe

Street

Email

Melissa@Flapartners.com

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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3/31/25

Meeting Date

SB 1322

Bill Number or Topic

S Commerce + Tourism

Committee

Amendment Barcode (if applicable)

Name Cameron Fink

Phone 850 933 4665

Address 516 N Adams St

Street

Email cfink@aif.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Associated Industries of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

03/31/2025

Meeting Date

S Commerce & Tourism

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1322

Bill Number or Topic

Amendment Barcode (if applicable)

Name Slater Bayliss

Phone 850-222-8900

Address 204 South Monroe Street

Email slater@tapfla.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Advantage Capital Partners

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 7th, 2025

I respectfully request that **Senate Bill #1322**, relating to Tax Credits for Investment in Rural Communities, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.

A handwritten signature in blue ink, appearing to read "Corey Simon", is written over a horizontal line.

Senator Corey Simon
Florida Senate, District 3

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 1672

INTRODUCER: Senator Truenow

SUBJECT: Labor Pool Act

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Favorable
2.			FP	
3.			RC	

I. Summary:

SB 1672 repeals Florida’s Labor Pool Act.

The bill takes effect July 1, 2025.

II. Present Situation:

Labor Pool Act

Part II of ch. 448, F.S., also known as the Labor Pool Act (Act),¹ provides for the health, safety, and well-being of day laborers throughout the state and outlines uniform standards of conduct and practice for labor pools. The Act defines “labor pool” as a business entity that operates a labor hall² by one or more of the following methods:³

- Contracting with third-party users to supply day laborers on a temporary basis;
- Hiring, employing, recruiting, or contracting with workers to fulfill contracts for temporary labor; or
- Fulfilling any contracts for day labor in accordance with the Labor Pool Act, even if the entity also conducts other business.

¹ Ch. 95-332, Laws of Fla.

² Section 448.22(3), F.S., defines a “labor hall” as a central location maintained by a labor pool where day laborers assemble and are dispatched to work for a third-party user.

³ Section 448.22(1), F.S. The act also specifically excludes certain businesses from its provisions: businesses registered as farm labor contractors; employee leasing companies; temporary help services that solely provide white collar employees, secretarial employees, clerical employees, or skilled laborers; labor union hiring halls; or labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use. See s. 448.23, F.S.

Exceptions

The Labor Pool Act does not apply to the following types of businesses:⁴

- Business entities duly registered as farm labor contractors pursuant to part III of ch. 450, F.S.;
- Employee leasing companies,⁵ as defined in s. 468.520, F.S.;
- Temporary help services engaged in supplying solely white collar employees, secretarial employees, clerical employees, or skilled laborers;
- Labor union hiring halls; or
- Labor bureau or employment offices operated by a business entity for the sole purpose of employing an individual for its own use.

Prohibitions

The Act prohibits labor pools from:⁶

- Charging a day laborer:⁷
 - For safety equipment, clothing, accessories, or any other items required by the nature of the work;
 - More than a reasonable amount to transport a worker to or from the designated worksite; or
 - For directly or indirectly cashing a worker's check.
- Requesting or requiring that any day laborer sign any document waiving statutory protections.
- Charging more than the actual cost of providing lunch, if the labor pool provides lunch at the worksite.⁸
- Restricting a day laborer's right to accept a permanent position with a third-party user to whom the laborer is referred for temporary work, or to restrict the right of a third-party user to offer employment to an employee of the labor pool.⁹

Requirements

The Act requires labor pools to:

- If operating a labor hall, provide the following facilities for a worker waiting at the hall for a job assignment:¹⁰
 - Restroom facilities;
 - Drinking water; and
 - Sufficient seating.
- Select one of the following methods to pay a day laborer for work performed:¹¹
 - Cash;

⁴ Section 448.23, F.S.

⁵ "Employee Leasing Company" means a sole proprietorship, partnership, corporation, or other form of business entity engaged in employee leasing.

⁶ Section 448.24(1), F.S.

⁷ "Day labor" means temporary labor or employment that is occasional or irregular for which the worker is employed for not longer than the time period required to complete the temporary assignment for which the individual worker was hired, although an individual may be eligible for additional temporary assignments when available. See s. 448.22(2), F.S.

⁸ Section 448.24(4), F.S.

⁹ Section 448.24(6), F.S.

¹⁰ Section 448.24(5), F.S.

¹¹ Section 448.24(2), F.S.

- Commonly accepted negotiable instruments that are payable in cash, on demand at a financial institution, and without discount;
- Payroll debit card; or
- Electronic fund transfer.
- Notify a day laborer of the payment method that the labor pool intends to use and the day laborer's options to elect a different payment method.¹²
- If selecting to pay a day laborer by payroll debit card:¹³
 - Offer the day laborer the option to elect payment by electronic fund transfer; and
 - Provide the day laborer with a list, including the address, of a nearby business that does not charge a fee to withdraw the debit card's contents.
- Compensate day laborers at or above the minimum wage.¹⁴
- Comply with the Workers' Compensation Law in ch. 440, F.S.¹⁵
- Insure any motor vehicle owned or operated by the labor pool and used for worker transportation.¹⁶
- Furnish each worker with a written itemized statement showing in detail each wage deduction.
- Give each worker an annual earnings statement summary.¹⁷

Remedies

Under the Act, any worker affected by a violation of the provisions relating to labor pool duties and obligations may file a lawsuit against the labor pool. In any such lawsuit, the worker is required to give the labor pool a reasonable opportunity to cure the alleged violation within 60 days. Workers are authorized to recover actual and consequential damages, or \$1,000, whichever is greater, for each violation, and costs. The legal remedy:

- Must be filed within 1 year after the date the notice of an alleged violation is served; and
- Is exclusive and prohibits the worker from pursuing any other available legal remedy.¹⁸

The Fair Labor Standards Act and Minimum Wage

The federal Fair Labor Standards Act (FLSA), enacted in 1938, provides covered workers with minimum wage, overtime pay, and child labor protections.¹⁹ In 1938, the FLSA established a minimum wage of \$.25 an hour. The current federal minimum wage rate is \$7.25 an hour, which went into effect July 24, 2009. The FLSA applies to employment within any state in the U.S., the District of Columbia, or any territory or possession of the U.S.²⁰

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 448.25, F.S.

¹⁹ 29 U.S.C. § 201-219 and 29 C.F.R. ch. V.

²⁰ Congressional Research Service, CRS Report R42713, *The Fair Labor Standards Act (FLSA): An Overview*, available at <https://crsreports.congress.gov/product/pdf/R/R42713>, (last visited Mar. 28, 2025). (The main FLSA provisions and accompanying Department of Labor (DOL) regulations constitute what is commonly known as federal wage and hour laws and federal child labor law.).

The FLSA covers most private and public sector employees. However, certain employers and employees are exempt from coverage, including individuals with disabilities, youth workers, tipped workers, and executive, administrative, and professional workers. The FLSA covers businesses if the business has annual sales of at least \$500,000.²¹ It also covers certain individual employees if such employee is engaged in interstate commerce.

The FLSA provides that if states enact worker protections, including minimum wage rates, that are more protective of employees than what is provided by the FLSA, the state law applies.²² Consequently, no state law may weaken the worker protections in the FLSA. However, state laws that impose greater worker protections will supersede those in the FLSA.²³

Thirty states plus Washington DC, Guam, Puerto Rico, and the Virgin Islands provide a minimum wage greater than the federal minimum wage. Thirteen states provide a minimum wage that is equal to the federal minimum wage. Five states have not adopted a minimum wage and two states have a minimum wage that is below the federal minimum wage.²⁴ For those seven states, the federal minimum wage applies, but only to those workers covered by the FLSA.

On November 3, 2020, citizens voted to amend the Florida Constitution to gradually increase the state minimum wage each year, starting at \$10.00 per hour and rising until it reaches \$15.00 per hour on September 30, 2026.²⁵ Currently, the Florida minimum wage is \$13.00 per hour.²⁶ Pursuant to the amendment, on September 30, 2027, and each following year on that date, Florida's Department of Commerce must increase the minimum wage using a specified inflation calculation.²⁷

The US Department of Labor, Wage and Hour Division provides the following information regarding the application of the minimum wage, overtime pay and recordkeeping requirements of the FLSA to low-wage employees earning wages by the day, commonly known as day laborers:

- **Minimum Wage:** FLSA covered employers must pay day laborers at least the applicable minimum wage for all hours worked regardless of whether the worker is paid by the hour, the day, or at a piece rate. The minimum wage for covered nonexempt employees is \$7.25 an hour effective July 24, 2009. (Certain State rates may be higher.)
- **Hours Worked:** Employers must pay day laborers for all work performed whether or not the employer approves the work in advance. In general, "hours worked" includes all time an

²¹ The size of an enterprise is measured by its "annual sales or business done." Annual sales or business done includes all business activities that can be measured in dollars. Thus, retailers are covered by the FLSA if their annual sales are at least \$500,000. Owners of rental properties are covered if they collect at least \$500,000 annually in rent. 29 C.F.R. §§779.258-779.259.

²² 29 U.S.C. §218.

²³ Congressional Research Service, CRS Report R42713, The Fair Labor Standards Act (FLSA): An Overview, Updated March 8, 2023, available at <https://crsreports.congress.gov/product/pdf/R/R42713>, (last visited Mar. 28, 2025).

²⁴ U.S. Department of Labor, *Consolidated Minimum Wage Table*, available at <https://www.dol.gov/agencies/whd/mw-consolidated> (last visited Mar. 28, 2025).

²⁵ See Fla. Const. art. X, § 24.

²⁶ U.S. DEPT. OF LABOR, *State Minimum Wage Laws*, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Mar. 28, 2025).

²⁷ Fla. Const. art. X, § 24.

employee must be on duty, or at the place of work. Normally, time spent in training, traveling from site to site during the day and doing repair work must be paid.

- **Overtime:** Normally, employers must pay time and one-half of the worker's regular rate of pay after 40 hours of work in a 7-day workweek.
- **Recordkeeping:** Records must be kept by employers of all wages paid and of all hours worked, regardless of where the work is performed. Workers should keep a record of their employer's name, address, phone number, the hours they worked, and any payments received.²⁸

III. Effect of Proposed Changes:

The bill repeals Florida's Labor Pool Act, which governs the day labor industry in Florida.

The bill makes conforming changes in ss. 443.101 and 448.111, F.S.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁸ United States Department of Labor Wage and Hour Division, *Digital Reference Guide to the Fair Labor Standards Act*, available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/Digital_Reference_Guide_FLSA.pdf (last visited Mar. 28, 2025).

B. Private Sector Impact:

There may be a reduction in litigation expenses for labor pools due to the removal of the prohibitions and remedies for violations under the Labor Pool Act.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 443.101, 448.111.

This bill repeals the following sections of the Florida Statutes: 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, 448.26.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Truenow

13-01806-25

20251672__

A bill to be entitled

An act relating to the Labor Pool Act; repealing ss. 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, F.S., relating to short title; legislative intent; definitions; exclusions; duties and rights; remedies, damages, and costs; and application, respectively; amending ss. 443.101 and 448.111, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Sections 448.20, 448.21, 448.22, 448.23, 448.24, 448.25, and 448.26, Florida Statutes, are repealed.

Section 2. Subsection (10) of section 443.101, Florida Statutes, is amended to read:

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

(10) Subject to the requirements of this subsection, if the claim is made based on the loss of employment as a leased employee for an employee leasing company or as a temporary employee for a temporary help firm.

(a) As used in this subsection, the term:

1. "Temporary help firm" means a firm that hires its own employees and assigns them to clients to support or supplement the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects, ~~and includes a labor pool as defined in s. 448.22.~~ The term also includes a firm created by

13-01806-25

20251672__

an entity licensed under s. 125.012(6), which hires employees assigned by a union for the purpose of supplementing or supporting the workforce of the temporary help firm's clients. The term does not include employee leasing companies regulated under part XI of chapter 468.

2. "Temporary employee" means an employee assigned to work for the clients of a temporary help firm. ~~The term also includes a day laborer performing day labor, as defined in s. 448.22, who is employed by a labor pool as defined in s. 448.22.~~

3. "Leased employee" means an employee assigned to work for the clients of an employee leasing company regulated under part XI of chapter 468.

(b) A temporary or leased employee is deemed to have voluntarily quit employment and is disqualified for benefits under subparagraph (1)(a)1. if, upon conclusion of his or her latest assignment, the temporary or leased employee, without good cause, failed to contact the temporary help or employee-leasing firm for reassignment, if the employer advised the temporary or leased employee at the time of hire and that the leased employee is notified also at the time of separation that he or she must report for reassignment upon conclusion of each assignment, regardless of the duration of the assignment, and that reemployment assistance benefits may be denied for failure to report. ~~For purposes of this section, the time of hire for a day laborer is upon his or her acceptance of the first assignment following completion of an employment application with the labor pool. The labor pool as defined in s. 448.22(1) must provide notice to the temporary employee upon conclusion of the latest assignment that work is available the next business~~

13-01806-25 20251672__
 59 ~~day and that the temporary employee must report for reassignment~~
 60 ~~the next business day. The notice must be given by means of a~~
 61 ~~notice printed on the paycheck, written notice included in the~~
 62 ~~pay envelope, or other written notification at the conclusion of~~
 63 ~~the current assignment.~~

64 Section 3. Subsection (2) of section 448.111, Florida
 65 Statutes, is amended to read:

66 448.111 Evidentiary standards for actions of a business
 67 during an emergency.—

68 (2) Notwithstanding any other law, the following actions of
 69 a business, if taken during a public health emergency declared
 70 by the State Health Officer under s. 381.00315 or a state of
 71 emergency declared by the Governor under s. 252.36, may not be
 72 used as evidence in a civil cause of action brought under s.
 73 440.10, s. 440.192, s. 440.38, s. 440.381, s. 448.103, s.
 74 448.110, ~~s. 448.25~~, chapter 532, or s. 717.115, or in a civil
 75 cause of action, as provided for under general law, to recover
 76 lost wages, salary, employment benefits, or other compensation,
 77 because an individual has not been properly classified as an
 78 employee:

79 (a) Providing financial assistance to previously engaged
 80 individuals who are unable to work because of health and safety
 81 concerns.

82 (b) Directly providing benefits that are related to the
 83 health and safety of engaged individuals, including medical or
 84 cleaning supplies, personal protective equipment, health checks,
 85 or medical testing.

86 (c) Providing training or information related to the health
 87 and safety of engaged individuals or the public.

13-01806-25 20251672__
 88 (d) Taking any action, including action required or
 89 suggested by any federal, state, or local law, ordinance, order,
 90 or directive which is intended to protect public health and
 91 safety.

92 Section 4. This act shall take effect July 1, 2025.

The Florida Senate

APPEARANCE RECORD

03/31/25

Meeting Date

Commerce & Tourism

Committee

1672

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kelly Mallette

Phone (850) 224-3427

Address 104 W Jefferson St

Email Kelly@RUBOOKPA.com

Street

Tallahassee

State

FL

32301

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

PALLETTER Personnel Services

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Transportation

SENATOR KEITH TRUENOW

13th District

March 11, 2025

Senator Thomas Leek
310 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Chair Leek,

I would like to request SB 1672 Labor Pool Act be placed on the next Commerce & Tourism Committee meeting agenda.

The Florida's Labor Pool Act may be duplicative and unnecessary—day labor centers are already subject to extensive federal, state and local regulations that ensure worker safety, fair wages, and employer accountability. SB 1672 repeals this law while keeping protection in place.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Todd McKay, Staff Director
Renita Hayes, Administrative Assistant

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 304 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 940

INTRODUCER: Regulated Industries Committee and Senator McClain

SUBJECT: Third-party Reservation Platforms

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Fav/CS
2.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 940 prohibits a third-party reservation platform (platform) from listing, advertising, promoting, or selling reservations for a public food service establishment through a platform's website, mobile application, or other Internet service without the platform having a contractual relationship or agreement with the food service establishment, or its contractual designee, to offer or arrange for reservations for on-premises service at such public food service establishment.

The bill defines the term "third-party reservation platform" to mean any website, mobile application, or other Internet service that:

- Offers or arranges for reservations for on-premises service for a customer at a food service establishment;
- Is owned and operated by a person other than the owner of the public food service establishment; and
- Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

The bill excludes from the definition of "third-party reservation platform" the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food

service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is authorized by the bill to impose a civil penalty on a platform of up to \$1,000 for each violation of the prohibition, or of a division rule implementing the prohibition. Under the bill, violations may accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation.

The effective date of the bill is July 1, 2025.

II. Present Situation:

Division of Hotels and Restaurants

The division is charged with enforcing the laws relating to the inspection and regulation of public food service establishments for the purpose of protecting the public health, safety, and welfare.¹

Public Food Service Establishments

A “public food service establishment” is defined as:

...any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.²

There are several exclusions from the definition of public food service establishment, including:

- Any place maintained and operated by a public or private school, college, or university for the use of students and faculty or temporarily to serve events such as fairs, carnivals, and athletic contests;
- Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization for the use of members and associates or temporarily to serve events such as fairs, carnivals, or athletic contests;
- Any eating place located on an airplane, train, bus, or watercraft which is a common carrier;
- Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families;
- Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12, F.S.;
- Any vending machine that dispenses any food or beverage other than potentially hazardous food;
- Any place of business serving only ice, beverages, popcorn, and prepackaged items;

¹ Section 509.032, F.S.

² Section 509.013(5)(a), F.S.

- Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters; and
- Any research and development test kitchen limited to use by employees and not open to the general public.³

The regulation of public food service establishments is preempted to the state.⁴

Third-Party Reservation Platforms

A third-party reservation platform is a service offered via the Internet or a mobile application through which a public food service establishment, e.g., a restaurant, or other establishment that accepts reservations, may allow patrons to schedule reservations. The reselling of reservations by third parties has historically been an issue within the restaurant industry. Recently, third-party websites and bots⁵ have worsened the problem and have led to situations in which reservations do not sell or patrons do not appear at the appointed time for a reservation, which results in lost sales for the public lodging establishment and the loss of income for service workers. Reservations through third-party platforms have been known to use fake names, which can cause confusion for the businesses.⁶

Third-party reservation platforms are not currently regulated by the State of Florida.

In 2024, the New York State Assembly passed a bill to prohibit third-party restaurant reservation services from arranging unauthorized restaurant reservations with food service establishments. The law, which became effective February 17, 2025, prohibits third-party reservation services from listing or selling reservations on a website or mobile application without a written agreement with the restaurant to include its reservations with the service. The law provides civil penalties of up to \$1,000 per violation per day.⁷

III. Effect of Proposed Changes:

The bill creates s. 509.105, F.S., to prohibit platforms from listing, advertising, promoting, or selling reservations for a public food service establishment through a platform's website, mobile application, or other Internet service without the platform having a contractual relationship or agreement with the food service establishment, or its contractual designee, to offer or arrange for reservations for on-premises service at such public food service establishment.

³ Section 509.013(5)(b), F.S.

⁴ Section 509.032(7), F.S.

⁵ Merriam Webster Dictionary, defining the term “bot” to mean “a computer program that performs automatic repetitive tasks,” <https://www.merriam-webster.com/dictionary/bot> (last visited Mar. 28, 2025).

⁶ Gothamist, *New York law aims to kill 'black market' for restaurant reservations*, <https://gothamist.com/news/new-york-law-aims-to-kill-black-market-for-restaurant-reservations> (last visited Mar. 28, 2025); and New York Post, *Third-party apps offering hard-to-get NYC restaurant reservations fuming over Hochul crackdown*, <https://nypost.com/2025/02/25/business/third-party-apps-offering-hard-to-get-nyc-restaurant-reservations-fuming-over-hochul-crackdown/> (last visited Mar. 28, 2025).

⁷ NY Assembly Bill A10215A (2024); available at: https://nyassembly.gov/leg/?default_fld=%0D%0A&leg_video=&bn=A10215a&term=2023&Summary=Y&Actions=Y&Committee%26nbspVotes=Y&Floor%26nbspVotes=Y&Memo=Y&Text=Y&LFIN=Y&Chamber%26nbspVideo%2FTranscript=Y (last visited Mar. 28, 2025).

The bill defines the term “third-party reservation platform” to mean any website, mobile application, or other Internet service that:

- Offers or arranges for reservations for on-premises service for a customer at a food service establishment;
- Is owned and operated by a person other than the owner of the public food service establishment; and
- Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

The bill excludes from the definition of “third-party reservation platform” the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer’s contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

The bill authorizes the division to impose a civil penalty on a platform of up to \$1,000 for each violation of the prohibition in s. 509.104, F.S., or of a division rule implementing that section. Under the bill, violations may accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation.

The effective date of the bill is July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DBPR anticipates an indeterminate increase in fines collected for non-compliance with the requirements of the bill. The division may need additional compliance and legal staff to address non-compliance. However, the department anticipates a minimal, indeterminate increase in expenditure. If the division pursues administrative complaints against third-party reservation platforms, the division may require additional staff to investigate and gather the necessary evidence because the cases cannot be resolved via inspection.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 509.105 of the Florida Statutes:

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Regulated Industries on March 19, 2025:**

The committee substitute:

- Changes the title to an act relating to "third-party reservation platforms" from an act relating to "third-party restaurant reservation platforms";
- Provides that the act may be cited to as the "Restaurant Reservation Anti-Piracy Act";
- Removes from the bill the definition for the term "food service establishment" and uses the term "public food service establishment" which is a term that is defined under current law in ch. 509, F.S.;

⁸ Department of Business and Professional Regulation, *2025 Agency Legislative Bill Analysis for HB 543* (Feb. 13, 2025) (on file with the Senate Regulated Industries Committee).

- Changes the term “third-party restaurant reservation platform” to “third-party reservation platform”;
- Expands the definition for “third-party reservation platform” to include those platforms that do not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service; and
- Excludes from the definition of “third-party reservation platform” the contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer’s contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

B. Amendments:

None.

By the Committee on Regulated Industries; and Senator McClain

580-02617-25

2025940c1

A bill to be entitled

An act relating to third-party reservation platforms; providing a short title; creating s. 509.105, F.S.; defining the term "third-party reservation platform"; specifying that a third-party reservation platform does not include certain contractual designees; prohibiting a third-party reservation platform from listing, advertising, promoting, selling, or otherwise enabling a reservation at a public food service establishment; authorizing the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose a civil penalty not to exceed a specified amount for a violation of the act or of a division rule; providing a schedule and requirements for the accrual of such violations; providing an effective date.

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

Section 1. This act may be cited to as the "Restaurant Reservation Anti-Piracy Act."

Section 2. Section 509.105, Florida Statutes, is created to read:

509.105 Third-party reservation platforms prohibited.—

(1) As used in this section, the term "third-party reservation platform" means a website, mobile application, or other Internet service that satisfies all of the following:

(a) Offers or arranges for a reservation at a public food service establishment for on-premises service.

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580-02617-25

2025940c1

(b) Is owned and operated by a person other than the owner of the public food service establishment.

(c) Does not have a contractual relationship or agreement with the public food service establishment, or its contractual designee, to offer or arrange for a reservation at the public food service establishment for on-premises service.

(2) A third-party reservation platform does not include a contractual designee of an individual customer which arranges for a personal and nontransferable reservation at a food service establishment at the request of the customer and at no cost to the customer, provided that the designee shares the individual customer's contact information with the food service establishment, allows the food service establishment to confirm the reservation with the individual customer, and honors requests from the food service establishment to opt out of future reservations created by the designee.

(3) A third-party reservation platform may not list, advertise, promote, facilitate, sell, or otherwise enable a reservation at a public food service establishment.

(4) The division may impose a civil penalty on a third-party reservation platform in an amount not to exceed \$1,000 for each violation of this section or of a division rule. Violations under this subsection shall accrue on a daily basis for each day and each reservation for each food service establishment in which there has been a violation of this section or rules of the division.

Section 3. This act shall take effect July 1, 2025.

Page 2 of 2

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THE FLORIDA SENATE
APPEARANCE RECORD

3/3/2025
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 940
Bill Number (if applicable)

Topic Third party Reservation Platforms

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title VP Government Relations & General Counsel

Address 230 S. Adams Street
Street

Phone 850-224-2250

Tallahassee FL 32301
City State Zip

Email spadgett@frla.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Restaurant & Lodging Assoc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

940

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

3/31
Commerce & Tourism

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name

Ron Prefe

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Street

TLH

FL

32301

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Booking Holdings

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 19, 2025

I respectfully request that **Senate Bill #940**, relating to Third Party Reservations, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Stan McClain", written over a horizontal line.

Senator Stan McClain
Florida Senate, District 9

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 1820

INTRODUCER: Transportation Committee and Senator Leek

SUBJECT: Motor Vehicle Manufacturers and Franchised Motor Vehicle Dealers

DATE: March 28, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	Fav/CS
2. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
3. _____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1820 amends provisions of the Florida Motor Vehicle Dealership Act (Act), which governs the licensure of and contractual relationship between motor vehicle dealers, manufacturers, distributors, and importers.

The bill prohibits an applicant or licensee (manufacturer, distributor, importer) or common entity from implementing or enforcing sales or service measuring criteria without first making available and readily accessible a written description to each franchised dealer which states how the performance measurement criteria was designed, calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the manufacturer, distributor, importer, or a common entity has acted in a manner that violates the motor vehicle franchise law, or participated in an investigation, proceeding, or hearing.

The bill revises provisions relating to the discontinuation, cancellation, nonrenewal, modification or replacement of a motor vehicle franchise agreement to provide that such action is considered unfair under certain conditions.

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in the state.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Automobile Dealership Act

The Act,¹ governs the licensure of, and contractual relationship (franchise agreements²) between, motor vehicle manufacturers,³ distributors,⁴ and importers,⁵ and provides substantial protections for motor vehicle dealers.⁶ The Division of Motorist Services within the Department of Highway Safety and Motor Vehicles (DHSMV) administers and enforces the Act, which generally specifies:

- Motor vehicle manufacturers, distributors, and importers must be licensed under the Act to engage in business in Florida and the conditions and situations under which the DHSMV may deny, suspend, or revoke such licenses;
- The requirements for manufacturers, distributors, or importers wishing to discontinue, cancel, modify, or otherwise replace a franchise agreement with a dealer, and the conditions under which the DHSMV may deny such a request;
- The procedures manufacturers, distributors, or importers must follow to add a franchised dealership in an area already served by a franchised dealer, the protest process, and the DHSMV's role in such circumstances;

¹ Ch. 70-424, Laws of Fla., codified in ch. 320, F.S.

² “Franchise agreement” means a contract, franchise, new motor vehicle franchise, sales and service agreement, or dealer agreement or any other terminology used to describe the contractual relationship between a manufacturer, factory branch, distributor, or importer, and a motor vehicle dealer, pursuant to which the motor vehicle dealer is authorized to transact business pertaining to motor vehicles of a particular line-make. “Line-make vehicles,” means motor vehicles which are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer of same (such as Ford, General Motors, or Honda). However, motor vehicles sold or leased under multiple brand names or marks constitute a single line-make when they are included in a single franchise agreement, and every motor vehicle dealer in this state authorized to sell or lease any such vehicles has been offered the right to sell or lease all of the multiple brand names or marks covered by the single franchise agreement. *See ss. 320.60(1), (10), and (14), F.S.*

³ Section 320.60(9), F.S. defines a “Motor vehicle manufacturer” to mean any person, whether a resident or non-resident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. This term includes a central or principal sales corporation or other entity through which, by contractual agreement or otherwise, it distributes its products.

⁴ Section 320.60(9), F.S. defines a “Distributor” to mean a person, resident or nonresident, who, in whole or in part, sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives.

⁵ Section 320.60(7), F.S. defines “Importer” to mean a person who imports vehicles from a foreign country into the United States or into this state for the purpose of sale or lease.

⁶ “Motor vehicle dealer” means any person, firm, company, corporation, or entity who holds a license under s. 32.27, F.S., as a “franchised motor vehicle dealer” and, for commission, money, or other things of value, repairs or services motor vehicles pursuant to a franchise agreement; sells, exchanges, buys, leases or rents, or offers, or attempts to negotiate a sale or exchange of any interest in, motor vehicles; or is engaged wholly or in part in the business of selling motor vehicles, whether or not such motor vehicles are owned by such person, firm, company, or corporation. Further, any person who repairs or services three or more motor vehicles; buys, sells, or deals in three or more motor vehicles in any 12-month period; or offers or displays for sale three or more motor vehicles is presumed to be a motor vehicle dealer, with exceptions. *See s. 320.60(13), F.S.*

- The damages assessable against a manufacturer, distributor, or importer who violates the Act; and
- The DHSMV's authority to adopt rules to implement these sections of law.⁷

Common Entity

When the Act refers to a "common entity" it is referring to a person or business that is directly or indirectly controlled by, or has more than 30 percent equity interest in, a manufacturer, importer, distributor, or licensee, or an affiliate thereof.⁸

Measuring Sales or Service Performance

The Act prohibits manufacturers, distributors, or importers measuring the sales or service performance of any of their franchised motor vehicle dealers in Florida which have a material or adverse effect on any motor vehicle dealer that are unfair, unreasonable, arbitrary, or inequitable, or do not include all relevant and material local and regional criteria, data, and facts.⁹

Discontinuing, Canceling, Nonrenewing, Modifying, or Replacing Franchise Agreements

The Act authorizes motor vehicle dealers who receive a notice of intent to discontinue, cancel, not renew, modify, or replace a franchise agreement from a manufacturer to, within the 90-day notice period, file a petition or complaint for a determination of whether such action is unfair or prohibited. Such actions are considered unfair if they are not:¹⁰

- Clearly permitted by the franchise agreement;
- Undertaken in good faith;
- Undertaken for good cause;
- Based on a material and substantial breach of the franchise agreement; or
- Applied uniformly.

The Act provides new motor vehicle dealers with at least 180 days to correct an alleged failure before a manufacturer is authorized to send the notice of discontinuation, cancellation, or nonrenewal.¹¹

A modification or replacement is unfair if it is not:¹²

- Clearly permitted by the franchise agreement;
- Undertaken in good faith; or
- Undertaken for good cause.

The manufacturer, distributor, or importer has the burden of proof that such action is fair and not prohibited.¹³

⁷ Section 320.011, F.S. *See also* ss. 320.60-320.70, F.S.

⁸ Section 320.60(2)(a), F.S.

⁹ Section 320.64(42)(a), F.S.

¹⁰ Section 320.641(3), F.S.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Complaints and Conduct of Inquiry

The Act requires the DHSMV to conduct an inquiry of a manufacturer relating to any written complaint alleging a violation of any provision of ss. 320.61-320.70, of the Act, made by the following entities:¹⁴

- A motor vehicle dealer with a current franchise agreement with the manufacturer, or
- A motor vehicle dealer association with at least one member with a current franchise agreement issued by the manufacturer.

Motor Vehicle Dealer Association Standing

On May 3, 2022, the First District Court of Appeal affirmed a decision by the DHSMV that the Florida Automobile Dealers Association (FADA) lacked standing to challenge a manufacturer, distributor, or importer based alleged violation of the Act.¹⁵ Specifically, the court held that, even though the FADA's members are motor vehicle dealers, the FADA lacked standing because:

- It is not itself a motor vehicle dealer or other statutorily-authorized person or entity that may bring such a challenge; and
- The FADA was not directly and negatively impacted by the manufacturers, distributors, or importers actions or conduct.¹⁶

III. Effect of Proposed Changes:

The bill amends s. 320.64, F.S., relating to the denial, suspension or revocation of a license issued to a motor vehicle manufacturer, distributor, or importer. Specifically, the bill adds “common entity” to the prohibition of a manufacturer, distributor, or importer from measuring the sales or service performance of their franchised motor vehicle dealers.

The bill prohibits a manufacturer, distributor, importer, or common entity from implementing or enforcing sales or service measuring criteria without first making it available and readily accessible, before implementation and enforcement, a written description to each franchised dealer in Florida which describes how the performance measurement criteria was designed, calculated, established, and uniformly applied.

The bill prohibits manufacturers, distributors, importers, or a common entity from engaging in any action, or implementing any policy, standard, rule, practice, or program, taken as retaliation against a motor vehicle dealer because the dealer invoked any statutory right created by the motor vehicle franchise law, asserted that the applicant, licensee or a common entity has acted in a manner that violates the motor vehicle franchise law, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing that may directly affect the manufacturer, distributor, importer, or common entity.

¹⁴ Section 320.67, F.S.

¹⁵ *Fla. Auto. Dealers Ass'n v. Hyundai Motor Am. Corp.*, 337 So. 3d 893, 894 (Fla. 1st DCA 2022), *reh'g denied* (May 3, 2022).

¹⁶ *Id.*

The bill amends s. 320.641, F.S., relating to the discontinuation, cancellation, or nonrenewal of a motor vehicle franchise agreement to clarify that such action is unfair if it is not based on a material and substantial breach of the franchise agreement by the motor vehicle dealer.

The bill also revises the burden of proof requirement to specify that the manufacturer, distributor, or importer has the burden of proof that the discontinuation, cancellation, nonrenewal, modification, or replacement is fair and not prohibited.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on franchised motor vehicle dealers in Florida.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.64 and 320.641 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation March 25, 2025:

The committee substitute:

- Removes changes to certain definitions and their applicability.
- Revises the requirements governing when the discontinuation, cancellation, or a nonrenewal of a dealer franchise agreement is considered unfair.
- Restores the provision authorizing a motor vehicle dealer association to initiate a complaint against a manufacturer, distributor, or importer.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Leek

596-02860-25

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A bill to be entitled

An act relating to motor vehicle manufacturers and franchised motor vehicle dealers; amending s. 320.64, F.S.; prohibiting an applicant or a licensee, or a common entity thereof, from establishing, implementing, or enforcing certain criteria for measuring the sales or service performance of its franchised motor vehicle dealers unless certain conditions are met; prohibiting an applicant or a licensee, or a common entity thereof, from engaging in an action that is taken as retaliation against a motor vehicle dealer under certain circumstances; amending s. 320.641, F.S.; revising the circumstances in which a discontinuation, cancellation, nonrenewal, modification, or replacement of a franchise agreement is deemed unfair; providing an effective date.

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

Section 1. Subsection (42) of section 320.64, Florida Statutes, is amended, and subsection (43) is added to that section, to read:

320.64 Denial, suspension, or revocation of license; grounds.—A license of a licensee under s. 320.61 may be denied, suspended, or revoked within the entire state or at any specific location or locations within the state at which the applicant or licensee engages or proposes to engage in business, upon proof that the section was violated with sufficient frequency to establish a pattern of wrongdoing, and a licensee or applicant

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shall be liable for claims and remedies provided in ss. 320.695 and 320.697 for any violation of any of the following provisions. A licensee is prohibited from committing the following acts:

(42)(a) The applicant or licensee, or a common entity thereof, has established, implemented, or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state which have a material or adverse effect on any motor vehicle dealer and which:

1. Are unfair, unreasonable, arbitrary, or inequitable; or
2. Do not include all relevant and material local and regional criteria, data, and facts. Relevant and material criteria, data, or facts include, but are not limited to, those of motor vehicle dealerships of comparable size in comparable markets. If such performance measurement criteria are based, in whole or in part, on a survey, such survey must be based on a statistically significant and valid random sample.

(b) ~~The An~~ applicant or, licensee, or a common entity thereof, has implemented or enforced criteria for measuring the sales or service performance of any of its franchised motor vehicle dealers in this state without first making available and readily accessible, before such implementation or enforcement, a written description to each such franchised, or an affiliate thereof, which enforces against any motor vehicle dealer any such performance measurement criteria shall, upon the request of the motor vehicle dealer, describe in writing to the motor vehicle dealer in this state which describes, in detail, how the performance measurement criteria were designed, calculated,

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established, and uniformly applied.

(43) The applicant or licensee, or a common entity thereof, has engaged in an action, or implemented a policy, standard, rule, practice, or program, taken as retaliation against a motor vehicle dealer because the dealer invoked a statutory right created by ss. 320.60-320.70, asserted that the applicant, licensee, or common entity has acted in a manner that violates a provision of ss. 320.60-320.70, or has testified, assisted, or participated in any manner in an investigation, a proceeding, or a hearing that may directly affect the applicant, licensee, or common entity.

A motor vehicle dealer who can demonstrate that a violation of, or failure to comply with, any of the preceding provisions by an applicant or licensee will or may adversely and pecuniarily affect the complaining dealer, shall be entitled to pursue all of the remedies, procedures, and rights of recovery available under ss. 320.695 and 320.697.

Section 2. Subsection (3) of section 320.641, Florida Statutes, is amended to read:

320.641 Discontinuations, cancellations, nonrenewals, modifications, and replacement of franchise agreements.—

(3) Any motor vehicle dealer who receives a notice of intent to discontinue, cancel, not renew, modify, or replace may, within the 90-day notice period, file a petition or complaint for a determination of whether such action is an unfair or prohibited discontinuation, cancellation, nonrenewal, modification, or replacement. Agreements and certificates of appointment must ~~shall~~ continue in effect until final

596-02860-25

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determination of the issues raised in such petition or complaint by the motor vehicle dealer. A discontinuation, cancellation, or nonrenewal of a franchise agreement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; is not undertaken for good cause; or is not based on a material and substantial ~~an alleged~~ breach of the franchise agreement by the motor vehicle dealer ~~which is not in fact a material and substantial breach~~; or, if the grounds relied upon for termination, cancellation, or nonrenewal have not been applied in a uniform and consistent manner by the licensee. If the notice of discontinuation, cancellation, or nonrenewal relates to an alleged failure of the new motor vehicle dealer's sales or service performance obligations under the franchise agreement, the new motor vehicle dealer must first be provided with at least 180 days to correct the alleged failure before a licensee may send the notice of discontinuation, cancellation, or nonrenewal. A modification or replacement is unfair if it is not clearly permitted by the franchise agreement; is not undertaken in good faith; or is not undertaken for good cause. The applicant or licensee has ~~shall have~~ the burden of proof that such discontinuation, cancellation, nonrenewal, modification, or replacement ~~action~~ is fair and not prohibited.

Section 3. This act shall take effect July 1, 2025.

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/31/2025

Meeting Date

COMMERCE

Committee

1820

Bill Number or Topic

Amendment Barcode (if applicable)

Name

DAVID RAMBA

Phone

850 727 7087

Address

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TALLAHASSEE

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32301

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

FLORIDA AUTOMOBILE DEALERS ASSOCIATION

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 324

INTRODUCER: Commerce and Tourism Committee, Senators Smith and Arrington

SUBJECT: Construction Disruption Assistance

DATE: March 31, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 324 establishes the Construction Impact Relief Revolving Loan Program (program) within the Department of Commerce (department). Under the program, the department must provide low-interest loans of up to \$100,000 for operational costs of eligible small businesses during construction disruptions.

The department must develop a public awareness and marketing campaign to promote the program and encourage customer support for small businesses adversely impacted by construction activities.

Applicants must provide certain documentation in order to obtain financial assistance from the department. Applicants must also consult with the Florida Small Business Development Center Network to confirm the applicant's eligibility for the program. The bill prohibits an applicant from participating in the program if they are eligible for other loan programs.

The department must establish a hotline to provide information about the program to small business owners.

The department must submit an annual report by November 1 to the Governor and the Legislature summarizing the program's performance, including the total number of small businesses and residents served, total funds disbursed, and program outcomes.

The bill requires the department to adopt rules by October 1, 2025, to implement the program.

The bill may have an indeterminate negative fiscal impact on the department. *See Section V: Fiscal Impact Statement.*

The bill takes effect July 1, 2025.

II. Present Situation:

Infrastructure Projects

Numerous agencies are the primary funders of infrastructure projects, including, but not limited to, the following:

- Department of Commerce (department) Construction Projects
 - **Florida Job Growth Fund** - an economic development program designed to promote public infrastructure and workforce training across the state. The fund is prohibited from being used for the exclusive benefit of any single company, corporation, or business entity. Proposals are reviewed by the department and chosen by the Governor to meet the demand for workforce or infrastructure needs.¹
 - **Rural Infrastructure Fund** - facilitates the planning, preparation, and financing of infrastructure projects in rural communities, including, but not limited to, roads and facilities related to stormwater systems.²
- Department of Environmental Protection
 - **Clean Water State Revolving Fund** – provides loans to construct water pollution control facilities.³
- Department of Transportation
 - **State Transportation Trust Fund** - provides funding for certain transportation systems and projects throughout the state.⁴

The Florida Small Business Development Center Network

Established in 2008, the Florida Small Business Development Center Network (SBDC) is the principal business assistance organization for small businesses in the state. The purpose of the network is to serve emerging and established for-profit, privately held businesses that maintain a place of business in the state.⁵ The network is funded in part by the U.S. Small Business Administration, Department of Defense, State of Florida through appropriations, and other private and public partners with the University of West Florida serving as the network's designated lead host institution.⁶

¹ Section 288.101, F.S.

² Section 288.0655, F.S.

³ See s. 403.1835, F.S.

⁴ Section 206.46(1), F.S.

⁵ Ch. 2008-149, Laws of Fla., codified as s. 288.001, F.S.

⁶ America's SBDC Florida, *About Funding*, available at <https://floridasbdc.org/about/> (last visited March 31, 2025).

III. Effect of Proposed Changes:

The bill creates ss. 288.9991-288.9997, F.S., known as the “Construction Disruption Assistance Act.”

The bill creates s. 288.9995, F.S., to establish the Construction Impact Relief Revolving Loan Program (program). Under the program, the department must provide low-interest loans of up to \$100,000, with interest not to exceed the federal funds rate at the time the loan is issued, for operational costs of eligible small businesses during construction disruptions.

The department must also develop a public awareness and marketing campaign, in partnership with local chambers of commerce and other business organizations, to promote the program and encourage customer support for small businesses adversely impacted by construction activities. Marketing campaign efforts must include, but are not limited to:

- Digital advertising campaigns; and
- Signage and outreach.

Applications must be submitted to the department and include documentation of a demonstrable loss, as well as a plan for utilizing the funds. Proof of demonstrable loss must include, but is not limited to, the following:

- Documentation of reduction in revenue from the start date of construction activities to the week before an application is submitted to the department. Such proof may be made by comparing the applicant’s average weekly or monthly revenue of the year before the construction activities began and the applicant’s current weekly or monthly revenue.
- Photo or video evidence of the obstruction, which may include, but is not limited to, restricting parking or primary entry access or blocking visibility of the applicant from all directions of traffic along the road and sidewalks during each phase of construction.

The applicant must consult with the SBDC to confirm eligibility for the program. The applicant is prohibited from participating in the program if they are eligible for another loan program.

The bill creates s. 288.9996, F.S., requiring the department to establish a hotline to provide information about the program to small business owners.

The bill creates s. 288.9997, F.S., requiring the department to submit a report annually by November 1 to the Governor and Legislature summarizing the performance of the program, including the total number of small businesses and residents served, total funds disbursed, and program outcomes.

The bill defines the following terms:

- Construction zone – the immediate area where construction activities directly restrict physical or visual access to a small business, including partial or complete obstruction of entryways, parking, or signage visibility.
- Demonstrable loss – a verifiable reduction in revenue, property damage, or increased operational costs directly attributed to state or local government construction activities.

- Eligible small business – a business with 50 or fewer employees whose primary access points are obstructed by state or local government construction activities directly adjacent to or in front of the business, as determined by the department.

The bill requires the department to adopt rules by October 1, 2025, to implement the act.

The bill takes effect July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Eligible small businesses that can show a demonstrable loss of revenue due to construction impacting their establishment may be able to receive financial assistance from the department.

C. Government Sector Impact:

The bill may have a significant fiscal impact on the department. The department estimates that an additional 4-5 full-time employees would be needed to administer the program.

The department estimates the bill could cost the department over \$25 million for legal costs such as litigation and defense of rule implementation, in-house counsel review of applications, ongoing legal advice, and litigation costs for defending department decisions.⁷

The bill also requires the department to establish a hotline to provide information about the program to small business owners, which “would impose a significant financial and operational burden on the department.”⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill may create a conflict of interest for the department, which is a primary funder of certain infrastructure projects. The bill requires the department to distribute grant funding or loans to businesses impacted by those same infrastructure projects.

VIII. Statutes Affected:

This bill creates sections 288.9991, 288.9992, 288.9993, 288.9994, 288.9995, 288.9996, and 288.9997 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on March 31, 2025.

The CS:

- Changes the name of the Construction Impact Relief Program to the Construction Impact Revolving Loan Program (program) and removes the requirement that the Department of Commerce (department) establish the program through the Florida Growth Fund.
- Removes the option for the department to provide grants to eligible small businesses within construction zones.
- Clarifies that the department may provide certain loans with interest not to exceed the federal funds rate at the time the loan is issued for eligible small business operational costs.
- Removes the requirement that the department, in concert with local governments, include local event sponsorships and promotions in the marketing campaign to promote the program.

⁷ Department of Commerce analysis for SB 324. On file with Senate Commerce and Tourism Committee.

⁸ *Id.*

- Requires eligible small business applicants to provide certain documentation to obtain financial assistance from the department, and to consult with the Florida Small Business Development Center Network.
- Provides that an applicant is not eligible to participate in the program if the applicant is eligible for other loan programs.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



615984

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
	.	
	.	

The Committee on Commerce and Tourism (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 68 - 104

and insert:

(5) "Program" means the Construction Impact Relief Revolving Loan Program established in s. 288.9995.

Section 5. Section 288.9994, Florida Statutes, is created to read:

288.9994 Rulemaking authority.—By October 1, 2025, the department shall adopt rules to implement this part, including,

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615984

but not limited to, developing guidelines for the award of loans under the program and creating application forms for the program.

Section 6. Section 288.9995, Florida Statutes, is created to read:

288.9995 Construction Impact Relief Revolving Loan Program.—

(1) The Construction Impact Relief Revolving Loan Program is created within the department. The program may be funded by the Legislature. Under the program, the department shall:

(a) Provide financial assistance to eligible small businesses within construction zones, including low-interest loans of up to \$100,000, with interest not to exceed the federal funds rate at the time the loan is issued, for the operational costs of eligible small businesses during construction disruptions.

(b) Develop a public awareness and marketing campaign to promote the program in partnership with local chambers of commerce and other business organizations and to encourage customer support for small businesses adversely impacted by state and local government construction activities. Such marketing campaign efforts must include, but are not limited to, all of the following:

1. Digital advertising campaigns.

2. Signage and outreach.

(2) An applicant seeking to obtain financial assistance under paragraph (1)(a) must submit an application to the department. The application must require documentation of demonstrable loss and a plan for the use of funds. Proof of

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demonstrable loss must include, but is not limited to, all of the following:

(a) Documentation of reduction in revenue from the start date of the state or local government construction activities to the week before an application is submitted to the department. Such proof may be made by comparing the applicant's average weekly or monthly revenue of the year before the state or local government construction activities began and the applicant's current weekly or monthly revenue.

(b) Photo or video evidence of the obstruction to the applicant due to the construction zone. Such obstruction may include, but is not limited to, any of the following:

1. Restricting parking or primary entry access to the eligible small business.

2. Blocking visibility of the applicant from all directions of traffic flow along the road and adjoining sidewalks in which the applicant is located, during each phase of construction.

(3) An applicant must consult with the Florida Small Business Development Center Network created in s. 288.001 to confirm the applicant's eligibility for the program. If an applicant is eligible for any other loan program, he or she is not eligible to participate in the program.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 10 - 19

and insert:

the Construction Impact Relief Revolving Loan Program within the Department of Commerce; authorizing the

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615984

Legislature to fund the program; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities; providing requirements for the campaign; requiring applicants to submit specified information with their applications; requiring an applicant to consult with the Florida Small Business Development Center Network to confirm the applicant's eligibility for the program; prohibiting an applicant from participating in the program under certain circumstances; creating s.

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577-02136D-25

By Senator Smith

17-00704A-25

2025324

A bill to be entitled

An act relating to construction disruption assistance; creating part XIII of ch. 288, F.S., to be entitled the "Construction Disruption Assistance Act"; creating s. 288.9991, F.S.; providing a short title; creating s. 288.9992, F.S.; providing legislative findings and purpose; creating s. 288.9993, F.S.; defining terms; creating s. 288.9994, F.S.; establishing rulemaking authority; creating s. 288.9995, F.S.; establishing the Construction Impact Relief Program within the Department of Commerce pursuant to the Florida Job Growth Grant Fund; requiring the department to provide specified financial assistance to eligible small businesses within construction zones; requiring the department to develop a public awareness and marketing campaign to promote the program in partnership with specified entities; providing requirements for the campaign; requiring applicants to submit specified information with their applications; creating s. 288.9996, F.S.; directing the department to establish a hotline to provide information about the program; creating s. 288.9997, F.S.; requiring the department to submit an annual report by a specified date to the Governor and the Legislature; providing an effective date.

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

Section 1. Part XIII of chapter 288, Florida Statutes,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

17-00704A-25

2025324

consisting of ss. 288.9991-288.9997, Florida Statutes, is created and entitled the "Construction Disruption Assistance Act."

Section 2. Section 288.9991, Florida Statutes, is created to read:

288.9991 Short title.—This part shall be known and may be cited as the "Construction Disruption Assistance Act."

Section 3. Section 288.9992, Florida Statutes, is created to read:

288.9992 Legislative findings; purpose.—The Legislature finds and declares that:

(1) Prolonged state and local government construction projects that directly block access to small businesses cause significant financial and operational hardships that negatively impact local economies and threaten the livelihoods of business owners and employees.

(2) It is the purpose of this act to establish a program to provide financial relief, promotional support, and loss coverage to small businesses adversely impacted by state and local government construction projects, ensuring their resilience and viability during essential infrastructure improvements.

Section 4. Section 288.9993, Florida Statutes, is created to read:

288.9993 Definitions.—As used in this part, the term:

(1) "Construction zone" means the immediate area where construction activities directly restrict physical or visual access to a small business, including partial or complete obstruction of entryways, parking, or signage visibility.

(2) "Demonstrable loss" means a verifiable reduction in

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revenue, property damage, or increased operational costs directly attributed to state or local government construction activities.

(3) "Department" means the Department of Commerce.

(4) "Eligible small business" means a business with 50 or fewer employees whose primary access points are obstructed by state or local government construction activities directly adjacent to or in front of the business, as determined by the department.

(5) "Program" means the Construction Impact Relief Program established in s. 288.9995.

Section 5. Section 288.9994, Florida Statutes, is created to read:

288.9994 Rulemaking authority.—By October 1, 2025, the department shall adopt rules to implement this part, including, but not limited to, the development of guidelines for the award of grants and loans under the Florida Job Growth Grant Fund established under s. 288.101.

Section 6. Section 288.9995, Florida Statutes, is created to read:

288.9995 Construction Impact Relief Program.—

(1) The Construction Impact Relief Program is created within the department pursuant to the Florida Job Growth Grant Fund established under s. 288.101. Under the program, the department shall:

(a) Provide financial assistance to eligible small businesses within construction zones, including:

1. Grants of up to \$25,000 per construction phase for demonstrable loss.

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2. Low-interest loans of up to \$100,000, not to exceed 3 percent per year, for the operational costs of eligible small businesses during construction disruptions.

(b) Develop a public awareness and marketing campaign to promote the program in partnership with local chambers of commerce and other business organizations and to encourage customer support for small businesses adversely impacted by state and local government construction activities. Such marketing campaign efforts must include, but are not limited to, all of the following:

1. Digital advertising campaigns.

2. Local event sponsorships and promotions.

3. Signage and outreach.

(2) An applicant seeking to obtain financial assistance under paragraph (1)(a) must submit an application to the department. The application must require documentation of demonstrable loss and a plan for the use of funds.

Section 7. Section 288.9996, Florida Statutes, is created to read:

288.9996 Program hotline.—The department is directed to establish a hotline to provide information about the program to small business owners.

Section 8. Section 288.9997, Florida Statutes, is created to read:

288.9997 Annual reporting requirement.—The department shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which summarizes the performance of the program, including the total number of small businesses and

17-00704A-25

2025324

117 residents served, the total funds disbursed, and the program
118 outcomes.

119 Section 9. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: February 5, 2025

I respectfully request that **Senate Bill #324**, relating to Construction Disruption Assistance, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, reading "Carlos G. Smith".

Senator Carlos Guillermo Smith
Florida Senate, District 17

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 936

INTRODUCER: Senator Davis

SUBJECT: Statewide Study on Automation and Workforce Impact

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dike	McKay	CM	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 936 requires the Bureau of Workforce Statistics and Economic Research (bureau) at the Department of Commerce (department) to perform a statewide study on the effects of automation, robotics, and AI on the state’s workforce. The study must analyze specified information and impacts and must be conducted every three years so the bureau can update its policy recommendations.

The bill is effective July 1, 2025.

II. Present Situation:

Automation, Robotics, and AI in the Workforce

Since the Industrial Revolution, the issue of machines replacing humans in the workplace has become increasingly concerning to the workforce.¹ There is increasing evidence that automation of lower skill occupations has contributed to wage inequality.² Although the use of robotics is lower in the U.S. than other countries, the estimates of one study on automation in the workforce “imply that each additional robot per thousand workers reduces the local employment-to-population ratio by 0.39 percentage points and wages by about 0.77%.”³ Other researchers “found that for every robot added per 1,000 workers in the U.S., wages decline by 0.42% and the

¹ Sara Brown, MIT, *A New Study Measures the Actual Impact of Robots on Jobs. It’s Significant.*, available at <https://mitsloan.mit.edu/ideas-made-to-matter/a-new-study-measures-actual-impact-robots-jobs-its-significant> (last visited Mar. 28, 2025).

² Daron Acemoglu and Pascual Restrepo, *Robots and Jobs: Evidence from US Labor Markets*, 128:6 J. POL. ECON. 2188, 2189, available at <https://www.journals.uchicago.edu/toc/jpe/2020/128/6> (last visited Mar. 28, 2025).

³ *Id.* at 2241.

employment-to-population ratio goes down by 0.2 percentage points — to date, this means the loss of about 400,000 jobs.”⁴

Regarding Florida specifically, rapid advances in technology may threaten the availability of jobs. One study “estimates that the Miami metropolitan statistical area (MSA), which includes Miami-Dade, Broward, and Palm Beach counties, will likely see about 23% of its total workforce displaced by automation by 2030 — or 761,000 South Florida jobs.”⁵ Another study found that “43.4% of jobs across Florida had a high risk of automation in 2023.”⁶ Further, a survey by the Florida Chamber Foundation shows that 77% of industry leaders “anticipate changes in core technologies, workforce generational shifts, or artificial intelligence will disrupt their business.”⁷

Meanwhile, proponents of AI argue that it can make businesses work more efficiently by automating routine operations and letting workers focus on more important tasks.⁸ Businesses can use AI to communicate with even more clients and customers than possible with just human efforts.⁹ Moreover, some research on laborers who work alongside automation shows that those workers have higher wages than those workers that do not have the same computer literacy skills.¹⁰

III. Effect of Proposed Changes:

Definitions

The bill defines the term “artificial intelligence” to mean a machine-based learning system that can, for a given set of human-defined objectives make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

- Perceive real and virtual environments.
- Abstract perceptions into models through analysis in an automated manner.
- Model inferences to formulate options for information or action.

Statewide Study on Automation

Under the bill, the bureau must study the economic impact of automation, AI, and robotics on employment in the state, focusing on job losses and gains due to AI and automation.

⁴ Brown, *supra* note 1.

⁵ Rob Wile, MIAMI HERALD, *Nearly 1 million South Florida workers face automation. Here’s who will survive.*, available at <https://www.miamiherald.com/news/business/article232600937.html> (last visited Mar. 28, 2025).

⁶ Melanie Schmees and John Shannon, Issue Brief: Automation in Southwest Florida, available at <https://www.fgcu.edu/cob/reri/news/reports/issue-brief-automation-in-southwest-florida> (last visited Mar. 28, 2025).

⁷ FLORIDA CHAMBER FOUND., *Florida Workforce 2030*, available at https://www.flchamber.com/wp-content/uploads/2020/02/Florida-Workforce-2030-Report_FINAL_web.pdf (last visited Mar. 28, 2025).

⁸ Tyler Weitzman, FORBES, *Understanding The Benefits And Risks Of Using AI In Business*, available at <https://www.forbes.com/councils/forbesbusinesscouncil/2023/03/01/understanding-the-benefits-and-risks-of-using-ai-in-business/> (last visited Mar. 28, 2025).

⁹ *Id.*

¹⁰ Ashley Nunes, HARV. BUS. REV., *Automation Doesn’t Just Create or Destroy Jobs—It Transforms Them*, available at <https://hbr.org/2021/11/automation-doesnt-just-create-or-destroy-jobs-it-transforms-them> (last visited Mar. 28, 2025).

By December 1, 2025, and every three years after that, the bureau must submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bureau must conduct the study every three years to update its policy recommendations.

The study must analyze:

- Industries most affected and projected job displacement over the next ten years due to the use of AI.
- Geographic regions within this state most vulnerable to job loss or displacement.
- Demographics of workers that are most at risk.
- Impact on wages and job quality in key job sectors.
- Economic benefits, including productivity growth and job creation.
- Workforce training programs addressing job loss or displacement.
- Policy recommendations for workforce resilience, including education and retraining investments.
- The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

When executing this study, the bureau may consult with:

- Business and industry representatives.
- Academic institutions with labor economics expertise.
- Local economic councils and chambers of commerce.
- Any groups the bureau deems necessary to complete the study.

Effective Date

The bill sets out an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. The study will marginally increase the workload of the bureau.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates a new, unnumbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Davis

5-01344A-25

2025936__

A bill to be entitled

An act relating to a statewide study on automation and workforce impact; defining the term "artificial intelligence"; requiring the Bureau of Workforce Statistics and Economic Research of the Department of Commerce to study the economic impact of automation, artificial intelligence, and robotics on employment in the state; specifying contents of the study; authorizing the bureau to consult with specified entities to complete the study; requiring the bureau to submit to the Governor and Legislature a report by a specified date; requiring the bureau to conduct the study at specified intervals of time; providing an effective date.

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

Section 1. Statewide Study on Automation and Workforce Impact.—

(1) As used in this section, the term "artificial intelligence" or "AI" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. An artificial intelligence system uses machine and human-based inputs to:

(a) Perceive real and virtual environments.

(b) Abstract perceptions into models through analysis in an automated manner.

(c) Model inferences to formulate options for information

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or action.

(2) The Bureau of Workforce Statistics and Economic Research of the Department of Commerce shall study the economic impact of automation, AI, and robotics on employment in the state, with a specific focus on job losses and gains due to AI and automation.

(3) The study shall analyze:

(a) Industries most affected and projected job displacement over the next 10 years, particularly due to use of AI.

(b) Geographic regions within this state most vulnerable to job loss or displacement.

(c) Demographics of workers that are most at risk.

(d) Impact on wages and job quality in key job sectors.

(e) Economic benefits, including productivity growth and job creation.

(f) Workforce training programs addressing job loss or displacement.

(g) Policy recommendations for workforce resilience, including education and retraining investments.

(h) The rate and scale of job loss or displacement caused specifically by AI compared to other forms of automation.

(4) The bureau may consult with:

(a) Business and industry representatives.

(b) Academic institutions with labor economics expertise.

(c) Local economic councils and chambers of commerce.

(d) Any groups the bureau deems necessary to complete the study.

(5) The bureau must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a

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59 report of its findings and recommendations by December 1, 2025,
60 and every 3 years thereafter pursuant to subsection (6).

61 (6) The bureau must conduct the study every 3 years to
62 assess automation's impact on the workforce and to update its
63 policy recommendations.

64 Section 2. This act shall take effect July 1, 2025.



The Florida Senate

Committee Agenda Request

To: Senator Thomas Leek, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: March 6, 2025

I respectfully request that **Senate Bill # 936**, relating to a Statewide Study on Automation and Workforce Impact, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read "Tracie Davis", is written over a horizontal line.

Senator Tracie Davis
Florida Senate, District 5