

Agenda Order

<b>Tab 1</b>	<b>SB 936 by Davis;</b> Identical to H 00827 Statewide Study on Automation and Workforce Impact				
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<b>Tab 2</b>	<b>CS/SB 1264 by CM, Collins;</b> Compare to H 00753 Rural and Urban Business Enterprises				
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435260 A S L ATD, Collins Delete L.550 - 600. 04/14 09:47 AM

<b>Tab 3</b>	<b>CS/SB 1348 by TR, Trumbull;</b> Similar to CS/H 00961 Department of Highway Safety and Motor Vehicles				
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433154 A S ATD, Trumbull Before L.41: 04/14 09:13 AM

539458 A S ATD, Ingoglia Before L.41: 04/14 09:13 AM

388348 A S ATD, Collins Delete L.140 - 162: 04/14 09:13 AM

<b>Tab 4</b>	<b>CS/SB 1524 by GO, Grall;</b> Similar to CS/H 01011 Department of State				
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**COMMITTEE MEETING EXPANDED AGENDA****APPROPRIATIONS COMMITTEE ON TRANSPORTATION,  
TOURISM, AND ECONOMIC DEVELOPMENT****Senator DiCeglie, Chair**  
**Senator Polsky, Vice Chair****MEETING DATE:** Tuesday, April 15, 2025**TIME:** 8:30 a.m.—12:00 noon**PLACE:** *Toni Jennings Committee Room, 110 Senate Building***MEMBERS:** Senator DiCeglie, Chair; Senator Polsky, Vice Chair; Senators Arrington, Avila, Bernard, Collins, Grall, Ingoglia, Leek, Martin, McClain, Sharief, Smith, Truenow, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 936</b> 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 04/15/2025 FP	
2	<b>CS/SB 1264</b> Commerce and Tourism / Collins (Compare H 753, H 1125, 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; deleting the definition of the term "minority business enterprise"; establishing the Research, Innovation, Science, and Engineering (RISE) Investment Tax Credit Program within the Department of Commerce; requiring the department to authorize the Department of Revenue to issue tax credits to a qualifying private fund if certain requirements are met; requiring the department to issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue, etc.  CM 03/31/2025 Fav/CS ATD 04/15/2025 RC	

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Transportation, Tourism, and Economic Development  
Tuesday, April 15, 2025, 8:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/SB 1348</b> Transportation / Trumbull (Similar CS/H 961)	Department of Highway Safety and Motor Vehicles; Authorizing tax collectors to deliver by mail or make available at the tax collector's office certificates of title; authorizing the department and tax collectors, as agents of the department, to deliver certain documents, including duplicate registration certificates, in person or by mail; revising the year by which the Legislature intends that the transition of certain services to certain tax collectors be completed; authorizing the issuance of a Class E driver license to certain persons, if eligible, etc.  TR 04/01/2025 Fav/CS ATD 04/15/2025 AP	
4	<b>CS/SB 1524</b> Governmental Oversight and Accountability / Grall (Similar CS/H 1011, Compare S 1414)	Department of State; Repealing a provision relating to a fee for commissions issued by the Governor; prohibiting commissions from being issued by the Governor, attested to by the Secretary of State, or bearing the seal of the state until the oath of office is filed as required; revising duties of the State Library Council; requiring the Secretary of State to identify whether construction grant funds meet certain criteria and are used for certain purposes; revising the membership of the Florida Council on Arts and Culture, etc.  GO 04/01/2025 Fav/CS ATD 04/15/2025 RC	
Other Related Meeting Documents			

**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.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: SB 936

INTRODUCER: Senator Davis

SUBJECT: Statewide Study on Automation and Workforce Impact

DATE: April 14, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dike</u>	<u>McKay</u>	<u>CM</u>	<b>Favorable</b>
2.	<u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	<b>Pre-meeting</b>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**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 does not appear to have a fiscal impact to the department. **See Section V. Fiscal Impact Statement.**

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.<sup>1</sup> There is increasing evidence that automation of lower skill occupations has contributed to wage inequality.<sup>2</sup> 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 percent.”<sup>3</sup> Other researchers

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> *Id.* at 2241.

“found that for every robot added per 1,000 workers in the U.S., wages decline by 0.42 percent and the employment-to-population ratio goes down by 0.2 percentage points — to date, this means the loss of about 400,000 jobs.”<sup>4</sup>

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 percent of its total workforce displaced by automation by 2030 — or 761,000 South Florida jobs.”<sup>5</sup> Another study found that “43.4 percent of jobs across Florida had a high risk of automation in 2023.”<sup>6</sup> Further, a survey by the Florida Chamber Foundation shows that 77 percent of industry leaders “anticipate changes in core technologies, workforce generational shifts, or artificial intelligence will disrupt their business.”<sup>7</sup>

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.<sup>8</sup> Businesses can use AI to communicate with even more clients and customers than possible with just human efforts.<sup>9</sup> 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.<sup>10</sup>

### 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.

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<sup>4</sup> Brown, *supra* note 1.

<sup>5</sup> 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).

<sup>6</sup> Melanie Schmees and John Shannon, Issue Brief: Automation in Southwest Florida, available at <https://www.fgcu.edu/cob/eri/news/reports/issue-brief-automation-in-southwest-florida> (last visited Mar. 28, 2025).

<sup>7</sup> FLORIDA CHAMBER FOUND., *Florida Workforce 2030*, available at [https://www.flchamber.com/wp-content/uploads/2020/02/Florida-Workforce-2030-Report\\_FINAL\\_web.pdf](https://www.flchamber.com/wp-content/uploads/2020/02/Florida-Workforce-2030-Report_FINAL_web.pdf) (last visited Mar. 28, 2025).

<sup>8</sup> 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).

<sup>9</sup> *Id.*

<sup>10</sup> 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).

**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.

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:

The study will marginally increase the workload of the bureau; however, the costs of which can likely be absorbed by the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of the Florida law.

**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

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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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1264

INTRODUCER: Commerce and Tourism Committee and Senator Collins

SUBJECT: Rural and Urban Business Enterprises

DATE: April 14, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Nortelus</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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 percent 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 percent 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 significant fiscal impact on state revenues and expenditures and local government. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

## **II. Present Situation:**

### **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.<sup>1</sup> 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.<sup>2</sup>

### ***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.<sup>3</sup>

### ***Office of Supplier Diversity***

The Office of Supplier Diversity, now renamed as the Office of Supplier Development (Office),<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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

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<sup>1</sup> Section 288.703, F.S.

<sup>2</sup> Section 288.703(5), F.S.

<sup>3</sup> HB 5001 General Appropriations Act (2024), Line 2335, available at [https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=CRA\\_.pdf&DocumentType=Amendments&BillNumber=5001&Session=2024](https://www.flhouse.gov/Sections/Documents/loaddoc.aspx?FileName=CRA_.pdf&DocumentType=Amendments&BillNumber=5001&Session=2024) (last visited March 28, 2025).

<sup>4</sup> See Department of Management Services, *Office of Supplier Development*, available at [https://www.dms.myflorida.com/agency\\_administration/office\\_of\\_supplier\\_diversity\\_osd](https://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd) (last visited Mar. 28, 2025).

<sup>5</sup> 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.

<sup>6</sup> Section 287.09451(4), F.S.

previous fiscal year. In the event of budget reductions, base amounts may be adjusted as follows:<sup>7</sup>

- 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.<sup>8</sup>

### ***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.<sup>9</sup> 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.<sup>10</sup>

### ***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.

**Section 17** repeals s. 288.124, F.S., relating to VISIT Florida's convention grants program, and

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

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<sup>7</sup> Section 287.09451(4)(n), F.S.

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

<sup>9</sup> Section 287.0947(1), F.S.

<sup>10</sup> Section 287.0947(5), F.S.

**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.

**Section 79** amends s. 288.0001, F.S., relating to Economic Development Programs Evaluations, to remove the grants program from the evaluation schedule.

**Sections 31, 34, 36-42, 44, 47, 51, 69, 71, 72, 75-78, 80, 82, 97, 109, 136, 138-141** amend ss. 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, respectively, to make conforming and technical 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.<sup>11</sup> The Legislature found that “the problems of growth and development often transcend the boundaries of individual units of local general-purpose government”<sup>12</sup> 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.”<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>
  - Growth Management: Review and coordinate local government comprehensive plans to ensure consistency with regional and state objectives.<sup>16</sup>
- Economic Development
  - Assist local governments with activities designed to promote and facilitate economic development.<sup>17</sup>
- Transportation Planning
  - Coordinate regional transportation systems and land development policies.<sup>18</sup>
  - Serve as partners with Metropolitan Planning Organizations to improve regional mobility.<sup>19</sup>
- Emergency Preparedness and Disaster Resilience

<sup>11</sup> Sections 186.501-186.513, F.S.

<sup>12</sup> Section 186.502(a), F.S.

<sup>13</sup> Section 186.502(b), F.S.

<sup>14</sup> Section 186.512, F.S.

<sup>15</sup> Section 186.507, F.S.

<sup>16</sup> See chapter 163, F.S.

<sup>17</sup> Section 186.502(5), F.S.

<sup>18</sup> Section 339.155(4), F.S.

<sup>19</sup> Section 339.175(6), F.S.

- Develop and implement emergency response plans with the Florida Division of Emergency Management.<sup>20</sup>

### ***Effect of Proposed Changes***

**Sections 2-14** repeal ss. 186.501 through 186.515, F.S., respectively, 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 ss. 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., respectively, to make conforming and technical 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.<sup>21</sup> The department is also the state's chief agency for business recruitment and expansion.<sup>22</sup> 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.<sup>23</sup>

The head of the department is the Secretary of Commerce, who is appointed by the Governor and confirmed by the Senate.<sup>24</sup> The secretary may create offices within the Office of the Secretary and within the divisions to promote efficient and effective operation of the department.<sup>25</sup> 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.<sup>26</sup>

<sup>20</sup> Section 252.385(2), F.S.

<sup>21</sup> Section 20.60(4), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 20.60(4)(c), F.S.

<sup>24</sup> Section 20.60(2), F.S.

<sup>25</sup> Section 20.60(3)(b), F.S.

<sup>26</sup> Section 20.60(3), F.S.



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 Transparency<sup>27</sup>

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.<sup>28</sup>

### ***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.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup>

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.<sup>32</sup>

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<sup>27</sup> *Id.*

<sup>28</sup> Section 20.60(4)(e), F.S.

<sup>29</sup> Section 448.09(1), F.S.

<sup>30</sup> 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.

<sup>31</sup> Section 448.09(4), F.S.

<sup>32</sup> Section 448.095(2), F.S.

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.<sup>33</sup> 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.<sup>34</sup>

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:<sup>35</sup>

- 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.<sup>36</sup>

### ***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.<sup>37</sup>

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

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<sup>33</sup> Section 692.203, F.S.

<sup>34</sup> Section 692.203(3)(a), F.S.

<sup>35</sup> Section 692.204(1), F.S.

<sup>36</sup> Section 692.204(4), F.S.

<sup>37</sup> Section 288.0065, F.S.

**Section 35** amends s. 288.0065, F.S., to revise 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 officers<sup>38</sup> in Florida.<sup>39</sup> 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:<sup>40</sup>

- 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.
- 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.<sup>41</sup>

### ***Effect of Proposed Changes***

**Section 48** amends s. 445.08, F.S., to revise the eligibility requirements for the Law Enforcement Recruitment Bonus Payment Program for newly employed law enforcement officers by

<sup>38</sup> 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.

<sup>39</sup> Section 445.08(2), F.S.

<sup>40</sup> Section 445.08(4), F.S.

<sup>41</sup> Section 445.08(9), F.S.

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,<sup>42</sup> admissions,<sup>43</sup> transient rentals,<sup>44</sup> and a limited number of services, and a 4.5 percent sales and use tax on the rental of commercial real estate.<sup>45</sup> 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.<sup>46</sup>

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.<sup>47</sup> 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."<sup>48</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.

Certain data center property<sup>49</sup> is exempt from the sales and use tax.<sup>50</sup> 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.<sup>51</sup> However, the

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<sup>42</sup> Section 212.05(1)(a)1.a., F.S.

<sup>43</sup> Section 212.04(1)(b), F.S.

<sup>44</sup> Section 212.03(1)(a), F.S.

<sup>45</sup> Section 212.031, F.S.

<sup>46</sup> Section 212.07(2), F.S.

<sup>47</sup> Section 212.055, F.S.

<sup>48</sup> Section 212.054(2)(a), F.S.

<sup>49</sup> 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.

<sup>50</sup> Section 212.08(5)(r), F.S.

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

Department of Revenue is prohibited from issuing a temporary sales and use tax exemption for those properties after June 30, 2027.<sup>52</sup>

### ***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 1993<sup>53</sup> 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,<sup>54</sup> 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:<sup>55</sup>

- \$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.

### ***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.<sup>56</sup> By January 31 of each even-numbered year, the Division

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<sup>52</sup> Section 212.08(5)(r)1.c.(IV)(e), F.S.

<sup>53</sup> Chapter 93-409, Laws of Fla.

<sup>54</sup> Chapter 99-305, Laws of Fla.

<sup>55</sup> Section 215.559(1), F.S.

<sup>56</sup> Section 252.385(2)(a), F.S.

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.<sup>57</sup>

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.<sup>58</sup>

### ***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.<sup>59</sup> 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.<sup>60</sup> 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.<sup>61</sup>

“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.<sup>62</sup>

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.<sup>63</sup> 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.<sup>64</sup>

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<sup>57</sup> Section 252.385(2)(b), F.S.

<sup>58</sup> Section 252.385(3), F.S.

<sup>59</sup> Section 253.001, F.S.

<sup>60</sup> Section 253.02(1), F.S.

<sup>61</sup> Section 253.002(1), F.S.

<sup>62</sup> Section 253.034(2)(c), F.S.

<sup>63</sup> Section 253.025(21)(a), F.S.

<sup>64</sup> Section 253.025(21)(d), F.S.

*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 fund<sup>65</sup> 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.

*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

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<sup>65</sup> 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.

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 district<sup>66</sup> created to promote aerospace business development by facilitating business and infrastructure financing, spaceport operations, research and development, workforce development, and innovative education programs.<sup>67</sup> 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.<sup>68</sup> 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.<sup>69</sup>

Space Florida is not an agency for the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets<sup>70</sup> or for the procurement of personal property and services.<sup>71</sup>

### ***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.<sup>72</sup> Section 255.20, F.S., specifies the procurement process to be followed for local bids and contracts for public construction projects.

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<sup>66</sup> 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.

<sup>67</sup> Section 331.302, F.S.

<sup>68</sup> Section 331.3011, F.S.

<sup>69</sup> Section 331.305, F.S.

<sup>70</sup> *See* s. 216.011(1)(ww), F.S.

<sup>71</sup> *See* s. 287.012(1), F.S.

<sup>72</sup> Section 287.055(2)(a), F.S.

***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 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.

**III. 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.<sup>73</sup> An act may be as broad as the Legislature chooses, provided the matters included in the act have a natural or logical connection.<sup>74</sup> The requirement is violated if a law is written to accomplish separate and disassociated objects of legislative intent.<sup>75</sup> 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.<sup>76</sup>

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.

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<sup>73</sup> Santos v. State, 380 So.2d 1284 (Fla. 1980).

<sup>74</sup> Chenoweth v. Kemp, 396 So.2d 1122 (Fla. 1981).

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

<sup>76</sup> Franklin v. State, 887 So.2d 1063, 1072 (Fla. 2004).

#### IV. Fiscal Impact Statement:

##### A. Tax/Fee Issues:

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.<sup>77</sup> 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.

The Revenue Estimating Conference adopted the following proposed estimate on April 4, 2025.

	GR		Trust		Local/Other		Total	
	Cash	Recurring	Cash	Recurring	Cash	Recurring	Cash	Recurring
2025-26	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2026-27	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2027-28	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2028-29	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)
2029-30	(100.00)	(100.00)	0.0	0.0	0.0	0.0	(100.00)	(100.00)

##### 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.<sup>78</sup>

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

#### V. Technical Deficiencies:

None.

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

<sup>78</sup> *Id.*

**VI. 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.

**VII. 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, and 403.9421.

This bill creates section 288.9628 of the Florida Statutes.

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.

**VIII. 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 percent 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 percent of the tax credits authorized by the department.
- Requires 50 percent 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

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House

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The Appropriations Committee on Transportation, Tourism, and  
Economic Development (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 550 - 600.

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

And the title is amended as follows:

Delete lines 36 - 48

and insert:

specified date; amending s. 253.025, F.S.; providing

By the Committee on Commerce and Tourism; and 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, 287.0931,  
 6 288.12266, 288.124, 288.706, 288.7094, 288.7102,  
 7 288.71025, 288.7103, and 288.714, F.S., relating to  
 8 minority participation; a short title; legislative  
 9 findings and public purpose; definitions relating to  
 10 the Florida Regional Planning Council Act; regional  
 11 planning councils, creation, and membership; regional  
 12 planning councils, powers and duties; the Executive  
 13 Office of the Governor, powers and duties; strategic  
 14 regional policy plans; strategic regional policy plan  
 15 adoption, consistency with state comprehensive plan;  
 16 dispute resolution process; evaluation of strategic  
 17 regional policy plan, changes in plan; designation of  
 18 regional planning councils; reports; creation of  
 19 regional planning councils under ch. 163, F.S.;  
 20 minority business enterprises; the Targeted Marketing  
 21 Assistance Program; convention grants program; the  
 22 Florida Minority Business Loan Mobilization Program;  
 23 black business investment corporations; the Black  
 24 Business Loan Program; prohibited acts and penalties;  
 25 eligibility for a loan, loan guarantee, or investment;  
 26 and quarterly and annual reports, respectively;  
 27 amending s. 20.60, F.S.; revising the purpose of the  
 28 Department of Commerce; revising the responsibilities  
 29 of the Division of Economic Development within the

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30 department; assigning responsibility to the division  
 31 for the Office of Secure Florida within the  
 32 department; specifying the responsibilities of the  
 33 office; amending s. 212.08, F.S.; deleting a  
 34 prohibition that the Department of Revenue may not  
 35 issue temporary tax exemption certificates after a  
 36 specified date; amending s. 215.559, F.S.; requiring  
 37 the Division of Emergency Management to give funding  
 38 priority to projects for the Hurricane Loss Mitigation  
 39 Program in regional planning council regions as such  
 40 regions existed on a specified date; amending s.  
 41 252.385, F.S.; requiring that the statewide emergency  
 42 shelter plan identify the general location and square  
 43 footage of special needs shelters by regional planning  
 44 council regions, as such regions existed on a  
 45 specified date, during the next 5 years; requiring  
 46 that state funds be maximized and targeted to regional  
 47 planning council regions as such regions existed on a  
 48 specified date; amending s. 253.025, F.S.; providing  
 49 an exemption for Federal Government agencies regarding  
 50 land being reverted to the Board of Trustees of the  
 51 Internal Improvement Trust Fund if land conveyances  
 52 are at less than the appraised value; amending s.  
 53 287.012, F.S.; deleting the definition of the term  
 54 "minority business enterprise"; amending s. 287.042,  
 55 F.S.; conforming provisions to changes made by the  
 56 act; amending s. 287.09451, F.S.; revising legislative  
 57 findings; renaming the Office of Supplier Diversity as  
 58 the Office of Supplier Development; specifying that

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59 the purpose and duties of the office are to assist  
 60 rural or urban business enterprises, rather than  
 61 minority business enterprises; conforming a provision  
 62 to changes made by the act; making technical changes;  
 63 amending s. 287.0947, F.S.; renaming the Florida  
 64 Advisory Council on Small and Minority Business  
 65 Development as the Florida Advisory Council on Small,  
 66 Rural, and Urban Business Development; revising the  
 67 composition of the council's membership; revising the  
 68 council's powers and duties; conforming a cross-  
 69 reference; amending s. 288.001, F.S.; revising the  
 70 criteria for membership of the statewide advisory  
 71 board of the Florida Small Business Development Center  
 72 Network; amending s. 288.0065, F.S.; revising the list  
 73 of information that must be included in the  
 74 department's annual incentives report; amending s.  
 75 288.1167, F.S.; revising the sports franchise contract  
 76 provisions for food and beverage concession and  
 77 contract awards; amending s. 288.1229, F.S.; revising  
 78 the representational criteria for the board of  
 79 directors of the Florida Sports Foundation; amending  
 80 s. 288.7015, F.S.; revising the duties of the state's  
 81 rules ombudsman; amending s. 288.702, F.S.; renaming  
 82 the Florida Small and Minority Business Assistance Act  
 83 as the Florida Small Business Act; conforming a cross-  
 84 reference; amending s. 288.703, F.S.; defining,  
 85 deleting, and revising terms; amending s. 288.705,  
 86 F.S.; requiring the Small Business Development Center,  
 87 in coordination with Minority Business Development

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88 Centers, to compile and distribute certain information  
 89 to small businesses and businesses located in rural or  
 90 urban areas, rather than to minority businesses;  
 91 revising the list of information that must be included  
 92 by the Small Business Development Center in its annual  
 93 report to the Department of Commerce; amending s.  
 94 288.776, F.S.; deleting a membership requirement of  
 95 the board of directors of the Florida Export Finance  
 96 Corporation; creating s. 288.9628, F.S.; providing  
 97 legislative findings; establishing the Research,  
 98 Innovation, Science, and Engineering (RISE) Investment  
 99 Tax Credit Program within the Department of Commerce;  
 100 providing the purpose for the program; requiring the  
 101 department to coordinate with the Florida Opportunity  
 102 Fund and the State Board of Administration for a  
 103 specified purpose; defining terms; requiring an  
 104 applicant to apply to the department for authorization  
 105 to claim tax credits; requiring the department to  
 106 review and act upon such application within a  
 107 specified timeframe; requiring the applicant to  
 108 provide certain information required by the  
 109 department; specifying the information that must be  
 110 included in the application; requiring an applicant to  
 111 update its application if there has been a material  
 112 change; prohibiting tax credits from exceeding a  
 113 specified amount in a fiscal year; prohibiting the  
 114 department from issuing a tax credit to a qualifying  
 115 private fund until the private fund demonstrates it  
 116 has received its total capital commitment; prohibiting

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117 the department from authorizing more than a specified  
 118 amount of tax credits to a qualifying private fund in  
 119 a fiscal year; requiring a qualifying private fund to  
 120 provide documentation to show that the qualifying  
 121 investment meets the department's requirements to  
 122 issue a tax credit; providing that follow-on or add-on  
 123 capital commitments may only be considered after the  
 124 follow-on or add-on investment has been deployed;  
 125 requiring a qualifying private fund to make a  
 126 specified number of qualified investments in a  
 127 specified number of qualifying portfolio projects to  
 128 be eligible for a tax credit; specifying the  
 129 information that must be included in the submission by  
 130 a qualifying private fund; authorizing a qualifying  
 131 private fund to receive tax credits equivalent to a  
 132 certain percentage of a qualifying investment in a  
 133 qualifying portfolio company; requiring the department  
 134 to authorize the Department of Revenue to issue tax  
 135 credits to a qualifying private fund if certain  
 136 requirements are met; prohibiting the Department of  
 137 Revenue from issuing more than a specified fraction of  
 138 the tax credits authorized for a qualifying investment  
 139 in a qualifying portfolio company in a fiscal year;  
 140 authorizing credits received to be applied against the  
 141 qualifying private fund's corporate income tax  
 142 liability; authorizing a qualifying private fund to  
 143 transfer or sell any portion of its tax credit;  
 144 requiring such transfer or sale to take place within a  
 145 specified timeframe, after which the credit expires;

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146 prohibiting such transfer or sale if the department  
 147 authorizes the credit but the Department of Revenue  
 148 has not yet issued such credit; authorizing the  
 149 department to revoke or modify its previous decisions  
 150 if it is discovered that the qualifying private fund  
 151 submitted any false statement, representation, or  
 152 certification in its application or if information in  
 153 a previous application materially changes; requiring  
 154 the department to notify the Department of Revenue of  
 155 any such revocation or modification affecting  
 156 previously granted tax credits; requiring the  
 157 qualifying private fund to notify the Department of  
 158 Revenue of any change in its tax credit claimed;  
 159 requiring that a qualifying private fund annually  
 160 report to the department for each investment within a  
 161 specified timeframe in order to remain eligible to  
 162 receive tax credits; providing that failure to do so  
 163 will result in the qualifying private fund's tax  
 164 credit being revoked; requiring a qualifying private  
 165 fund to submit specified information to the department  
 166 in order to receive a tax credit; requiring the  
 167 department to revoke its approval of tax credits for  
 168 the qualifying investment if it fails to meet certain  
 169 requirements; requiring the department to issue a  
 170 notice of revocation and recapture to the qualifying  
 171 private fund and the Department of Revenue; requiring  
 172 such qualifying private fund to repay to the  
 173 department an amount equal to a certain percent of the  
 174 tax credits authorized by the department and claimed

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175 by a qualifying portfolio company for the qualifying  
 176 investment; requiring that such funds be deposited  
 177 into the General Revenue Fund; providing construction;  
 178 requiring the department to include specified  
 179 information in its annual incentives report beginning  
 180 on a specified date and annually thereafter; requiring  
 181 that a certain percentage of tax credits be made  
 182 available during a specified period of time for a  
 183 specified purpose; requiring that all remaining tax  
 184 credits be made available during a specified period of  
 185 time on a first-come, first-served basis, subject to  
 186 eligibility of the qualifying investment; authorizing  
 187 the department to adopt rules; amending s. 290.0056,  
 188 F.S.; conforming provisions to changes made by the  
 189 act; amending s. 290.0057, F.S.; revising enterprise  
 190 zone development plan requirements to include business  
 191 investment corporations in rural or urban areas;  
 192 amending s. 331.302, F.S.; providing that Space  
 193 Florida is not an agency for purposes of its ability  
 194 to bid and contract for certain professional and  
 195 construction services under certain circumstances, and  
 196 is therefore exempt from certain requirements;  
 197 providing that monies received by the person under  
 198 contract with Space Florida to provide certain goods  
 199 and services are not state or local government funds;  
 200 amending s. 331.351, F.S.; revising legislative intent  
 201 that rural or urban business enterprises, rather than  
 202 women, minorities, and socially and economically  
 203 disadvantaged business enterprises, be encouraged to

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204 participate fully in specified development; amending  
 205 s. 445.08, F.S.; revising the minimum eligibility  
 206 requirements for the Florida Law Enforcement  
 207 Recruitment Bonus Payment Program for newly employed  
 208 law enforcement officers; deleting an expiration date;  
 209 amending s. 447.203, F.S.; revising the definition of  
 210 the term "managerial employees"; authorizing local  
 211 governments to enter into agreements to create  
 212 regional planning entities; amending ss. 17.11,  
 213 68.082, 120.52, 120.525, 120.65, 163.3164, 163.3177,  
 214 163.3178, 163.3184, 163.3245, 163.568, 164.1031,  
 215 186.003, 186.006, 186.007, 186.008, 186.803, 187.201,  
 216 212.096, 218.32, 255.101, 255.102, 258.501, 260.0142,  
 217 287.042, 287.055, 287.057, 287.0943, 287.09431,  
 218 288.0001, 288.7031, 288.975, 290.004, 320.08058,  
 219 335.188, 339.155, 339.175, 339.285, 339.63, 339.64,  
 220 341.041, 343.54, 366.93, 369.303, 369.307, 373.309,  
 221 373.415, 376.3072, 377.703, 378.411, 380.031, 380.045,  
 222 380.05, 380.055, 380.06, 380.061, 380.07, 380.23,  
 223 380.507, 381.986, 403.031, 403.0752, 403.503,  
 224 403.50663, 403.507, 403.509, 403.5115, 403.5175,  
 225 403.518, 403.522, 403.526, 403.5271, 403.5272,  
 226 403.5363, 403.5365, 403.537, 403.704, 403.7225,  
 227 403.7226, 403.723, 403.9403, 403.941, 403.9422,  
 228 403.973, 408.033, 420.609, 473.3065, 501.171,  
 229 625.3255, 657.042, 658.67, and 1013.30, F.S.;  
 230 conforming provisions to changes made by the act;  
 231 revising and conforming cross-references; making  
 232 technical changes; reenacting s. 110.205(2)(w), F.S.,

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233 relating to career service exemptions, to incorporate  
 234 the amendment made to s. 447.203, F.S., in references  
 235 thereto; reenacting ss. 163.3162(2)(d) and 373.129(8),  
 236 F.S., relating to agricultural lands and practices and  
 237 maintenance of actions, respectively, to incorporate  
 238 the amendment made to s. 164.1031, F.S., in references  
 239 thereto; reenacting s. 339.2819(1) and (3), F.S.,  
 240 relating to the Transportation Regional Incentive  
 241 Program, to incorporate the amendment made to s.  
 242 339.155, F.S., in references thereto; reenacting s.  
 243 380.0552(5) and (6), F.S., relating to the Florida  
 244 Keys Area, to incorporate the amendments made to ss.  
 245 380.045 and 380.05, F.S., in references thereto;  
 246 reenacting s. 403.5064(1)(a), F.S., relating to  
 247 application schedules, to incorporate the amendment  
 248 made to s. 403.507, F.S., in a reference thereto;  
 249 reenacting ss. 403.5251(1)(a) and 403.5271(1)(d) and  
 250 (f), F.S., relating to application and schedules and  
 251 alternate corridors, respectively, to incorporate the  
 252 amendment made to s. 403.526, F.S., in references  
 253 thereto; reenacting s. 403.9421(5)(c), F.S., relating  
 254 to fees and disposition, to incorporate the amendment  
 255 made to s. 403.941, F.S., in a reference thereto;  
 256 providing an effective date.

257

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

259

260 Section 1. Section 24.113, Florida Statutes, is repealed.

261 Section 2. Section 186.501, Florida Statutes, is repealed.

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262 Section 3. Section 186.502, Florida Statutes, is repealed.

263 Section 4. Section 186.503, Florida Statutes, is repealed.

264 Section 5. Section 186.504, Florida Statutes, is repealed.

265 Section 6. Section 186.505, Florida Statutes, is repealed.

266 Section 7. Section 186.506, Florida Statutes, is repealed.

267 Section 8. Section 186.507, Florida Statutes, is repealed.

268 Section 9. Section 186.508, Florida Statutes, is repealed.

269 Section 10. Section 186.509, Florida Statutes, is repealed.

270 Section 11. Section 186.511, Florida Statutes, is repealed.

271 Section 12. Section 186.512, Florida Statutes, is repealed.

272 Section 13. Section 186.513, Florida Statutes, is repealed.

273 Section 14. Section 186.515, Florida Statutes, is repealed.

274 Section 15. Section 287.0931, Florida Statutes, is  
 275 repealed.

276 Section 16. Section 288.12266, Florida Statutes, is  
 277 repealed.

278 Section 17. Section 288.124, Florida Statutes, is repealed.

279 Section 18. Section 288.706, Florida Statutes, is repealed.

280 Section 19. Section 288.7094, Florida Statutes, is  
 281 repealed.

282 Section 20. Section 288.7102, Florida Statutes, is  
 283 repealed.

284 Section 21. Section 288.71025, Florida Statutes, is  
 285 repealed.

286 Section 22. Section 288.7103, Florida Statutes, is  
 287 repealed.

288 Section 23. Section 288.714, Florida Statutes, is repealed.

289 Section 24. Section 331.351, Florida Statutes, is repealed.

290 Section 25. Paragraphs (e) and (k) of subsection (4) and

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paragraph (a) of subsection (5) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Commerce; creation; powers and duties.—

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

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; business development in rural or urban areas; defense, space, and aerospace development; rural community development; and the development and promotion of professional and amateur sporting events.

(k) Assist, promote, and enhance economic opportunities for this state's minority-owned businesses and rural or ~~and~~ urban communities.

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Economic Development shall:

1. Analyze and evaluate business prospects identified by

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the Governor and the secretary.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures are ~~shall be~~ subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions 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

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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 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

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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; 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 26. Paragraph (r) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and

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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 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,

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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, 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.

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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 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.

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(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 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



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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 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 27. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

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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 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 28. 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

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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.

(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 29. 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

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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 30. Subsection (18) of section 287.012, Florida Statutes, is amended to read:

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

~~(18) "Minority business enterprise" has the same meaning as provided in s. 288.703.~~

Section 31. 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 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,

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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 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 rural or urban minority business enterprises as defined in s. 288.703.

2. Development of procedures for electronic posting. The department shall designate a centralized website on the Internet

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for the department and other agencies to electronically post solicitations, decisions or intended decisions, and other matters relating to procurement.

Section 32. 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 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 located in rural or urban areas in becoming suppliers of commodities, services, and construction to state government.

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(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 organizations; ~~minority~~ contractors' groups located in rural or urban areas; local, state, and federal ~~minority business~~ assistance offices urban businesses located in rural or urban areas; 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

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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 solicited in sufficient time to allow the rural or urban minority business enterprises to participate effectively.

4. Whether the contractor followed up initial solicitations of interest by contacting rural or urban minority business enterprises ~~or minority persons~~ to determine with certainty whether the rural or urban minority business enterprises ~~or~~

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~~minority persons~~ were interested.

5. 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.

6. Whether the contractor provided interested rural or urban minority business enterprises ~~or minority persons~~ with adequate information about the plans, specifications, and requirements of the contract or the availability of jobs.

7. 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.

8. 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~~.

(c) To adopt rules and do all things necessary or convenient to guide all state agencies toward making expenditures for commodities, contractual services, construction, and architectural and engineering services with certified rural or urban minority business enterprises in

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accordance with the rural or urban minority business enterprise procurement goals set forth in s. 287.042.

(d) To monitor the degree to which agencies procure services, commodities, and construction from rural or urban minority business enterprises in conjunction with the Department of Financial Services as specified in s. 17.11.

(e) To receive and disseminate information relative to procurement opportunities, availability of rural or urban minority business enterprises, and technical assistance.

(f) To advise agencies on methods and techniques for achieving procurement objectives.

(g) To provide a central rural or urban minority business enterprise certification process which includes independent verification of status as a rural or urban minority business enterprise.

(h) To develop procedures to investigate complaints against rural or urban minority business enterprises or contractors alleged to violate any provision related to this section or s. 287.0943, that may include visits to worksites or business premises, and to refer all information on businesses suspected of misrepresenting its rural or urban minority status to the Department of Management Services for investigation. When an investigation is completed and there is reason to believe that a violation has occurred, the 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.

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(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, rural 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 rural or urban 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 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

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enterprises, as defined in s. 288.703, and as specified in ss. 287.0943 and 287.09431, and shall recertify such rural or urban 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 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~~

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871 ~~Americans, 6 percent for Hispanic-Americans, and 11 percent for~~  
 872 ~~American women.~~

873 ~~b. For architectural and engineering contracts: 9 percent~~  
 874 ~~for Hispanic-Americans, 1 percent for Asian-Americans, and 15~~  
 875 ~~percent for American women.~~

876 ~~c. For commodities: 2 percent for black Americans, 4~~  
 877 ~~percent for Hispanic-Americans, 0.5 percent for Asian-Americans,~~  
 878 ~~0.5 percent for Native Americans, and 17 percent for American~~  
 879 ~~women.~~

880 ~~d. For contractual services: 6 percent for black Americans,~~  
 881 ~~7 percent for Hispanic-Americans, 1 percent for Asian-Americans,~~  
 882 ~~0.5 percent for Native Americans, and 36 percent for American~~  
 883 ~~women.~~

884 2. For the purposes of commodities contracts for the  
 885 purchase of equipment to be used in the construction and  
 886 maintenance of state transportation facilities involving the  
 887 Department of Transportation, the term ~~terms~~ "certified rural or  
 888 urban minority business enterprise" has the same meaning as and  
 889 ~~"minority person" have the same meanings as provided in s.~~  
 890 288.703. In order to ensure that the goals established under  
 891 this paragraph for contracting with certified rural or urban  
 892 minority business enterprises are met, the department, with the  
 893 assistance of the Office of Supplier Development Diversity,  
 894 shall make recommendations to the Legislature on revisions to  
 895 the goals, based on an updated statistical analysis, at least  
 896 once every 5 years. Such recommendations must ~~shall~~ be based on  
 897 statistical data indicating the availability of and disparity in  
 898 the use of rural or urban minority businesses contracting with  
 899 the state.

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900 3. In determining the base amounts for assessing compliance  
 901 with this paragraph, the Office of Supplier Development  
 902 ~~Diversity~~ may develop, by rule, guidelines for all agencies to  
 903 use in establishing such base amounts. These rules must include,  
 904 but are not limited to, guidelines for calculation of base  
 905 amounts, a deadline for the agencies to submit base amounts, a  
 906 deadline for approval of the base amounts by the Office of  
 907 Supplier Development Diversity, and procedures for adjusting the  
 908 base amounts as a result of budget reductions made pursuant to  
 909 s. 216.221.

910 4. To determine guidelines for the use of price  
 911 preferences, weighted preference formulas, or other preferences,  
 912 as appropriate to the particular industry or trade, to increase  
 913 the participation of rural or urban minority businesses in state  
 914 contracting. These guidelines must ~~shall~~ include consideration  
 915 of:

916 a. Size and complexity of the project.

917 b. The concentration of transactions with rural or urban  
 918 minority business enterprises for the commodity or contractual  
 919 services in question in prior agency contracting.

920 c. The specificity and definition of work allocated to  
 921 participating rural or urban minority business enterprises.

922 d. The capacity of participating rural or urban minority  
 923 business enterprises to complete the tasks identified in the  
 924 project.

925 e. The available pool of rural or urban minority business  
 926 enterprises as prime contractors, either alone or as partners in  
 927 an approved joint venture that serves as the prime contractor.

928 5. To determine guidelines for use of joint ventures to

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929 meet rural or urban ~~minority~~ business enterprises spending  
 930 goals. For purposes of this section, the term "joint venture"  
 931 means any association of two or more business concerns to carry  
 932 out a single business enterprise for profit, for which purpose  
 933 they combine their property, capital, efforts, skills, and  
 934 knowledge. The guidelines must ~~shall~~ allow transactions with  
 935 joint ventures to be eligible for credit against the rural or  
 936 urban ~~minority~~ business enterprise goals of an agency when the  
 937 contracting joint venture demonstrates that at least one partner  
 938 to the joint venture is a certified rural or urban ~~minority~~  
 939 business enterprise as defined in s. 288.703, and that such  
 940 partner is responsible for a clearly defined portion of the work  
 941 to be performed, and shares in the ownership, control,  
 942 management, responsibilities, risks, and profits of the joint  
 943 venture. Such demonstration must ~~shall~~ be by verifiable  
 944 documents and sworn statements and may be reviewed by the Office  
 945 of Supplier Development Diversity at or before the time a  
 946 contract bid, proposal, or reply is submitted. An agency may  
 947 count toward its rural or urban ~~minority~~ business enterprise  
 948 goals a portion of the total dollar amount of a contract equal  
 949 to the percentage of the ownership and control held by the  
 950 qualifying certified rural or urban ~~minority~~ business partners  
 951 in the contracting joint venture, so long as the joint venture  
 952 meets the guidelines adopted by the office.

953 (o)1. To establish a system to record and measure the use  
 954 of certified rural or urban ~~minority~~ business enterprises in  
 955 state contracting. This system must ~~shall~~ maintain information  
 956 and statistics on certified rural or urban ~~minority~~ business  
 957 enterprise participation, awards, dollar volume of expenditures

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958 and agency goals, and other appropriate types of information to  
 959 analyze progress in the access of certified rural or urban  
 960 ~~minority~~ business enterprises to state contracts and to monitor  
 961 agency compliance with this section. Such reporting must  
 962 include, but is not limited to, the identification of all  
 963 subcontracts in state contracting by dollar amount and by number  
 964 of subcontracts and the identification of the utilization of  
 965 certified rural or urban ~~minority~~ business enterprises as prime  
 966 contractors and subcontractors by dollar amounts of contracts  
 967 and subcontracts, number of contracts and subcontracts, ~~minority~~  
 968 ~~status~~, industry, and any conditions or circumstances that  
 969 significantly affected the performance of subcontractors.  
 970 Agencies shall report their compliance with the requirements of  
 971 this reporting system at least annually and at the request of  
 972 the office. All agencies shall cooperate with the office in  
 973 establishing this reporting system. Except in construction  
 974 contracting, all agencies shall review contracts costing in  
 975 excess of CATEGORY FOUR as defined in s. 287.017 to determine  
 976 whether if such contracts could be divided into smaller  
 977 contracts to be separately solicited and awarded, and shall,  
 978 when economical, offer such smaller contracts to encourage rural  
 979 or urban ~~minority~~ participation.

980 2. To report agency compliance with ~~the provisions of~~  
 981 subparagraph 1. for the preceding fiscal year to the Governor  
 982 ~~and Cabinet~~, the President of the Senate, and the Speaker of the  
 983 House of Representatives on or before February 1 of each year.

984 The report must contain, at a minimum, the following:

- 985 a. Total expenditures of each agency by industry.
- 986 b. The dollar amount and percentage of contracts awarded to



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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 Rural or Urban ~~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 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

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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 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

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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 or urban minority business staff.
- (6) Each state agency shall coordinate its rural or urban minority business enterprise procurement activities with the Office of Supplier Development ~~Diversity~~. At a minimum, each agency shall:
- (a) Adopt a rural or urban minority business enterprise utilization plan for review and approval by the Office of

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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 33. 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~~ 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

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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 be composed ~~consist~~ of 19 persons, each of whom is or has been actively engaged in small, rural, or 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. 288.703 ~~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, or urban ~~and minority~~ business assistance programs or community development programs.

(b) Eight members representing ~~composed of representatives of the~~ rural or 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 ~~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

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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 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, or urban ~~and minority~~ business development of concern to this state. A

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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, or urban ~~and minority~~ businesses in the state's economy; reviewing issues and emerging topics relating to small, rural, or 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, or 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 rural or urban ~~minority~~ business enterprises; and advising the Governor, the secretary, and the Legislature on matters relating to small, rural, or 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 those to improve business opportunities for small, rural, or urban ~~and minority~~ business enterprises.

Section 34. Paragraph (b) of subsection (4) of section 288.001, Florida Statutes, is amended, and paragraph (b) of

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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 Speaker of the House of Representatives.

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

4. Three members appointed from the private sector by the

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network's statewide director.

5. One member appointed by the host institution.

6. The Secretary of Commerce,   , or his or her designee.

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

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

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

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

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

Section 35. Subsection (8) of section 288.0065, Florida Statutes, is amended to read:

288.0065 Annual incentives report.—By December 30 of each year, the department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs administered by the department and its public-private partnerships. The annual incentives report must include:

(8) A description of the trends relating to business interest in, and usage of, the various incentives, and the number of ~~minority-owned or woman-owned~~ small businesses and businesses in rural or urban areas receiving incentives.

Section 36. Section 288.1167, Florida Statutes, is amended to read:

288.1167 Sports franchise contract provisions for food and

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beverage concession and contract awards to ~~minority~~ business enterprises in rural or urban areas.—Any applicant who receives funding pursuant to the provisions of s. 212.20 must demonstrate that:

(1) Funds and facilities with respect to food and beverage and related concessions shall be awarded to certified rural or urban small ~~minority~~ business enterprises ~~as defined in s. 288.703~~ on the same terms and conditions as the general food and beverage concessionaire and in accordance with the rural or urban ~~minority~~ business enterprise procurement goals set forth in s. 287.09451;

(2) At least 15 percent of a company contracted to manage a professional sports franchise facility or a spring training franchise facility is owned by certified rural or urban ~~minority~~ business enterprises ~~or by a minority person as that term is~~ these terms ~~are defined in s. 288.703; or~~

(3) At least 15 percent of all operational service contracts with a professional sports franchise facility or a spring training franchise facility are awarded to certified rural or urban ~~minority~~ business enterprises as that term is defined in s. 288.703 or to a ~~minority~~ person located in a rural or urban area ~~as those terms are defined in s. 288.703~~.

Section 37. Paragraph (b) of subsection (2) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization established; powers and duties.—

(2) The Florida Sports Foundation must:

(b) Be governed by a board of directors, which must be

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1277 ~~composed~~ ~~consist~~ of up to 15 members appointed by the Governor.  
 1278 In making appointments, the Governor ~~shall~~ ~~must~~ consider a  
 1279 potential member's background in community service and sports  
 1280 activism in, and financial support of, the sports industry,  
 1281 professional sports, or organized amateur athletics. Members  
 1282 must be residents of the state and highly knowledgeable about or  
 1283 active in professional or organized amateur sports.

1284 1. The board must contain representatives of all  
 1285 geographical regions of the state ~~and must represent ethnic and~~  
 1286 ~~gender diversity.~~

1287 2. The terms of office of the members shall be 4 years. No  
 1288 member may serve more than two consecutive terms. The Governor  
 1289 may remove any member for cause and shall fill all vacancies  
 1290 that occur.

1291 Section 38. Subsection (2) of section 288.7015, Florida  
 1292 Statutes, is amended to read:

1293 288.7015 Appointment of rules ombudsman; duties.—The  
 1294 Governor shall appoint a rules ombudsman, as defined in s.  
 1295 288.703, in the Executive Office of the Governor, for  
 1296 considering the impact of agency rules on the state's citizens  
 1297 and businesses. The duties of the rules ombudsman are to:

1298 (2) Review state agency rules that adversely or  
 1299 disproportionately impact businesses, particularly those  
 1300 relating to small and certified rural or urban business  
 1301 enterprise as that term is defined in s. 288.703 ~~minority~~  
 1302 ~~businesses.~~

1303 Section 39. Section 288.702, Florida Statutes, is amended  
 1304 to read:

1305 288.702 Short title.—This section and ss. 288.703-288.705

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1306 ~~ss. 288.703-288.706~~ may be cited as the "Florida Small ~~and~~  
 1307 ~~Minority Business Assistance Act."~~

1308 Section 40. Section 288.703, Florida Statutes, is amended  
 1309 to read:

1310 288.703 Definitions.—As used in ss. 288.702-288.705 ~~ss.~~  
 1311 ~~288.702-288.706~~, the term:

1312 (1) "Certified rural or urban business enterprise" means a  
 1313 business located in a defined geographic area within this state  
 1314 where one of the following conditions has been documented in the  
 1315 most recent census conducted by the Bureau of the Census of the  
 1316 United States Department of Commerce:

1317 a. Per capita income in the area is less than 80 percent of  
 1318 this state's per capita income.

1319 b. The unemployment rate in the area has been greater than  
 1320 the unemployment rate for this state by more than 1 percent over  
 1321 the previous 24 months from the time the comparison is made.

1322 ~~"Certified minority business enterprise" means a business~~  
 1323 ~~which has been certified by the certifying organization or~~  
 1324 ~~jurisdiction in accordance with s. 287.0943(1) and (2).~~

1325 (2) "Financial institution" means any bank, trust company,  
 1326 insurance company, savings and loan association, credit union,  
 1327 federal lending agency, or foundation.

1328 ~~(3) "Minority business enterprise" means any small business~~  
 1329 ~~concern as defined in subsection (6) which is organized to~~  
 1330 ~~engage in commercial transactions, which is domiciled in~~  
 1331 ~~Florida, and which is at least 51 percent owned by minority~~  
 1332 ~~persons who are members of an insular group that is of a~~  
 1333 ~~particular racial, ethnic, or gender makeup or national origin,~~  
 1334 ~~which has been subjected historically to disparate treatment due~~

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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.

~~(3)~~(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 presentation of proper documentation thereof as established by rule of the Department of Management Services.

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(e) An American woman.

~~(4)~~(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.

~~(5)~~(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 41. 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 year, the Small Business Development Center shall report to the department on the use of the statewide contracts register. The

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1393 report ~~must shall~~ include, but not be limited to, information  
 1394 relating to:

1395 (1) The total number of solicitations received from state  
 1396 agencies during the calendar year.

1397 (2) The number of solicitations received from each state  
 1398 agency during the calendar year.

1399 (3) The method of distributing solicitation information to  
 1400 businesses requesting such service.

1401 (4) The total number of businesses using the service.

1402 ~~(5) The percentage of businesses using the service which~~  
 1403 ~~are owned and controlled by minorities.~~

1404 (5)(6) The percentage of service-disabled veteran business  
 1405 enterprises using the service.

1406 Section 42. Subsection (1) of section 288.776, Florida  
 1407 Statutes, is amended to read:

1408 288.776 Board of directors; powers and duties.—

1409 (1)(a) The corporation shall have a board of directors  
 1410 consisting of 15 members representing all geographic areas of  
 1411 this the state. Minority and gender representation must be  
 1412 ~~considered when making appointments to the board.~~ The board  
 1413 membership must include:

1414 1. A representative of the following businesses, all of  
 1415 which must be registered to do business in this state: a foreign  
 1416 bank, a state bank, a federal bank, an insurance company  
 1417 involved in covering trade financing risks, and a small or  
 1418 medium-sized exporter.

1419 2. The following persons or their designee: the Secretary  
 1420 of Commerce, the Chief Financial Officer, the Secretary of  
 1421 State, and a senior official of the United States Department of

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1422 Commerce.

1423 (b) Appointees who are not state or Federal Government  
 1424 officials shall serve for a term of 3 years and shall be  
 1425 eligible for reappointment. Nonstate and nonfederal official  
 1426 vacancies on the board shall be filled by the board within 30  
 1427 days after the effective date of the vacancy.

1428 Section 43. Section 288.9628, Florida Statutes, is created  
 1429 to read:

1430 288.9628 Research, Innovation, Science, and Engineering  
 1431 (RISE) Investment Tax Credit Program.—

1432 (1) LEGISLATIVE FINDINGS.—The Legislature finds that  
 1433 strengthening the state's early-stage business ecosystem and  
 1434 supporting cutting-edge innovation are essential for fostering  
 1435 innovation and economic growth. The early-stage business  
 1436 ecosystem, fueled by the state's colleges, universities, and  
 1437 private industry growth, represents significant opportunity for  
 1438 the state to retain entrepreneurial talent and provides an  
 1439 overall benefit for jobseekers, job creators, families,  
 1440 communities, and the state's economy.

1441 (2) RISE PROGRAM CREATED.—There is established within the  
 1442 department the Research, Innovation, Science, and Engineering  
 1443 (RISE) Investment Tax Credit Program. The purpose of the program  
 1444 is to increase venture capital investment in this state. The  
 1445 department shall coordinate with the Florida Opportunity Fund  
 1446 and the State Board of Administration in reviewing and approving  
 1447 applications for tax credits under this section.

1448 (3) DEFINITIONS.—As used in this section, the term:

1449 (a) "Accredited investor" has the same meaning as in s.  
 1450 517.021.



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1451 (b) "Advisory affiliate" has the same meaning as in s.  
 1452 517.12(22).  
 1453 (c) "Affiliate" has the same meaning as in s. 517.021.  
 1454 (d) "Applicant" means an advisory affiliate, an exempt  
 1455 reporting adviser, or an investment adviser who submits or  
 1456 updates an application on behalf of a qualifying private fund.  
 1457 (e) "Associated person" has the same meaning as in s.  
 1458 517.021.  
 1459 (f) "Company" means any business in this state, or a  
 1460 business with more than 50 percent of its workforce in this  
 1461 state, with 500 or fewer employees, and which is engaged in a  
 1462 project.  
 1463 (g) "Department" means the Department of Commerce.  
 1464 (h) "Exempt reporting adviser" has the same meaning as in  
 1465 s. 517.12(22).  
 1466 (i) "Investment adviser" has the same meaning as in s.  
 1467 517.021.  
 1468 (j) "Investor" means any person or entity that has made a  
 1469 capital contribution to a qualifying private fund.  
 1470 (k) "Private fund adviser" has the same meaning as in s.  
 1471 517.12(22).  
 1472 (l) "Project" means research and development that leads to  
 1473 or is anticipated to lead to the creation of new or useful  
 1474 improvement of technologies, agricultural technologies, devices,  
 1475 processes, machines, manufacturing, or composition of matter. A  
 1476 project may result from the innovative activities of a company  
 1477 or research at a university or college in this state.  
 1478 (m) "Qualifying investment" has the same meaning as in 17  
 1479 C.F.R. s. 275.203(l)-1(c)(3) and, for purposes of this section,

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1480 includes investment in one or more companies or projects.  
 1481 (n) "Qualifying portfolio company" has the same meaning as  
 1482 in 17 C.F.R. s. 275.203(l)-1(c)(4) and, for purposes of this  
 1483 section, includes a company as defined in this subsection.  
 1484 (o) "Qualifying private fund" has the same meaning as in s.  
 1485 517.12(22) and includes an angel investor group as defined in s.  
 1486 517.021.  
 1487 (p) "Total capital commitment" means the total amount of  
 1488 cash funding the qualifying private fund intends to raise to  
 1489 make one or more qualifying investments in one or more  
 1490 qualifying portfolio companies.  
 1491 (4) APPLICATION.—  
 1492 (a) An applicant must apply to the department for  
 1493 authorization to claim RISE tax credits under this section. The  
 1494 department must review and approve or deny a complete  
 1495 application within 60 calendar days after the complete  
 1496 application has been submitted.  
 1497 (b) An applicant must demonstrate to the department's  
 1498 satisfaction within 12 months after the complete application has  
 1499 been submitted that the qualifying private fund has received at  
 1500 least the total capital commitment contained in its application.  
 1501 (c) The application must include, at a minimum:  
 1502 1. The names of any accredited investors, advisory  
 1503 affiliates, affiliates, associated persons, exempt reporting  
 1504 advisers, investment advisers, or private fund advisers  
 1505 associated with the qualifying private fund, if there are any at  
 1506 the time of application.  
 1507 2. The names of any investors in the qualifying private  
 1508 fund, if there are any at the time of application.

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1509 3. The estimated total number of qualifying investments in  
 1510 qualifying portfolio companies.

1511 4. The total capital commitment of the qualifying private  
 1512 fund.

1513 (d) If, at any time after an applicant has submitted a  
 1514 complete application, there has been a material change that  
 1515 affects the accuracy or completeness of the information  
 1516 contained in the application, the applicant must update its  
 1517 application.

1518 (5) TAX CREDITS; GENERALLY.—

1519 (a) The amount of tax credits available pursuant to this  
 1520 section in a fiscal year may not exceed \$100 million.

1521 (b) The department may not issue a tax credit to a  
 1522 qualifying private fund until the qualifying private fund  
 1523 demonstrates that it has received its total capital commitment.

1524 (c) The department may not authorize more than \$10 million  
 1525 in tax credits to a qualifying private fund in a fiscal year.

1526 (6) TAX CREDITS; SUBMISSION AND AUTHORIZATION.—

1527 (a) To receive tax credits, a qualifying private fund must  
 1528 provide documentation that demonstrates to the department's  
 1529 reasonable satisfaction that the qualifying investment meets the  
 1530 requirements of this section. For purposes of this section,  
 1531 follow-on or add-on commitments may only be considered by the  
 1532 department after the follow-on or add-on investment has been  
 1533 deployed.

1534 (b) A qualifying private fund must make at least one  
 1535 qualified investment in at least one qualifying portfolio  
 1536 project to be eligible to receive tax credits under this  
 1537 section.

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1538 (c) Each submission by a qualifying private fund to receive  
 1539 tax credits for a qualifying investment in a qualifying  
 1540 portfolio company must include, at a minimum, all of the  
 1541 following::

1542 1. The amount of cash deployed by the qualifying private  
 1543 fund to a qualifying investment in a qualifying portfolio  
 1544 company.

1545 2. The total number of employees employed by the qualifying  
 1546 portfolio company.

1547 3. The total number of Florida-based, full-time equivalent  
 1548 employees employed by the qualifying portfolio company.

1549 (7) TAX CREDITS; RECEIPT; REVOCATION.—

1550 (a) A qualifying private fund may receive tax credits  
 1551 equivalent to 25 percent of a qualifying investment in a  
 1552 qualifying portfolio company.

1553 (b) Upon a determination by the department that the  
 1554 qualifying investment meets the requirements of this section,  
 1555 the department shall authorize the Department of Revenue to  
 1556 issue tax credits to the qualifying private fund.

1557 (c) The Department of Revenue may not issue more than one-  
 1558 fifth of the tax credits authorized for a qualifying investment  
 1559 in a qualifying portfolio company in a fiscal year.

1560 (d) Credits received pursuant to this section may be  
 1561 applied against the qualifying private fund's corporate income  
 1562 tax liability. A qualifying private fund may elect to sell or  
 1563 transfer, in whole or in part, any tax credit issued under this  
 1564 section. An election to sell or transfer any tax credit received  
 1565 pursuant to this section must be made no later than 5 years  
 1566 after the date the credit is received by the qualifying private

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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.

(e) 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.

(8) COMPLIANCE.—

(a) 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.

(b) In order to receive a tax credit, a qualifying fund must submit to the department all of the following:

1. A certification that there have been no material changes to the information contained in the application or, if material changes have occurred since the submission of the application, a disclosure containing all material changes.

2. Documentation supporting the total number of full-time equivalent employees employed by the qualifying portfolio

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company.

3. Documentation supporting the total number of full-time equivalent employees employed in this state by the qualifying portfolio company.

4. 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.

(9) SANCTIONS.—

(a) If a qualifying investment fails to meet the requirements of paragraph (8) (a) or paragraph (8) (b), the department must revoke its approval of tax credits for the qualifying investment. The department shall issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue. The qualifying private fund must repay to the department an amount equal to 50 percent of the tax credits authorized by the department and claimed by a qualifying portfolio company for the qualifying investment. Recaptured funds must be deposited into the General Revenue Fund.

(b) If the department determines that the qualifying private fund submitted any false statement, representation, or certification in any application as provided in paragraph (7) (e), the department must revoke its approval of tax credits for the qualifying investment. The department shall issue a notice of revocation and recapture to the qualifying private fund and the Department of Revenue. The qualifying private fund must repay to the department an amount equal to 100 percent of the tax credits authorized by the department and claimed by a qualifying portfolio company for the qualifying investment.

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Recaptured funds must be deposited into the General Revenue Fund.

(10) CONSTRUCTION.—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.

(11) REPORTING.—Beginning December 30, 2026, the department shall 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 under s. 288.0065.

(12) PRIORITY OF TAX CREDITS.—Fifty percent of the tax credits provided in this section must be made available from July 1 to December 31 of each year to provide tax credits for qualifying investments in qualifying portfolio companies located in a rural community as defined in s. 288.0656. 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.

(13) RULEMAKING.—The department is authorized to adopt rules to implement this section.

Section 44. Subsection (10) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(10) Contingent upon approval by the governing body, the agency may invest in community investment corporations which conduct, or agree to conduct, loan guarantee programs assisting rural or urban ~~minority~~ business enterprises located in the 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 45. 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 46. 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 47. 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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encouraged to participate fully in all phases of economic and community development. Accordingly, to achieve such purpose, Space Florida shall, in accordance with applicable state and federal law, involve and utilize rural or urban women, minorities, and socially and economically disadvantaged business enterprises in all phases of the design, development, construction, maintenance, and operation of spaceports developed under this act.

Section 48. 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

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date on which the officer obtained certification. The required 2-year employment period may be satisfied by maintaining 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 49. 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.

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4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

6. They are included in the definition of administrative personnel contained in s. 1012.01(3).

7. They have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.

8. They have a significant and specific role executing statewide business and economic development projects in support of business recruitment, retention, and expansion.

However, in determining whether an individual is a managerial employee pursuant to paragraph (a) or paragraph (b), above, the commission may consider historic relationships of the employee to the public employer and to co-employees ~~employees~~.

Section 50. Local governments may enter into agreements to create regional planning entities pursuant to chapter 163, Florida Statutes.

Section 51. Subsection (2) of section 17.11, Florida Statutes, is amended to read:

17.11 To report disbursements made.—

(2) The Chief Financial Officer shall also cause to have reported from the Florida Accounting Information Resource Subsystem no less than quarterly the disbursements which agencies made to small businesses, as defined in the Florida Small ~~and Minority~~ Business ~~Assistance~~ Act, and to certified rural or urban minority business enterprises in the aggregate, ~~and to certified minority business enterprises broken down into~~

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1799 ~~categories of minority persons, as well as gender and~~  
 1800 ~~nationality subgroups.~~ This information must ~~shall~~ be made  
 1801 available to the agencies, the Office of Supplier Development  
 1802 ~~Diversity~~, the Governor, the President of the Senate, and the  
 1803 Speaker of the House of Representatives. Each agency shall be  
 1804 responsible for the accuracy of information entered into the  
 1805 Florida Accounting Information Resource Subsystem for use in  
 1806 this reporting.

1807 Section 52. Paragraph (f) of subsection (1) of section  
 1808 68.082, Florida Statutes, is amended to read:

1809 68.082 False claims against the state; definitions;  
 1810 liability.—

1811 (1) As used in this section, the term:

1812 (f) "State" means the government of the state or any  
 1813 department, division, bureau, commission, regional ~~planning~~  
 1814 agency, board, district, authority, agency, or other  
 1815 instrumentality of the state.

1816 Section 53. Paragraph (a) of subsection (1) of section  
 1817 120.52, Florida Statutes, is amended to read:

1818 120.52 Definitions.—As used in this act:

1819 (1) "Agency" means the following officers or governmental  
 1820 entities if acting pursuant to powers other than those derived  
 1821 from the constitution:

1822 (a) The Governor; each state officer and state department,  
 1823 and each departmental unit described in s. 20.04; the Board of  
 1824 Governors of the State University System; the Commission on  
 1825 Ethics; the Fish and Wildlife Conservation Commission; a  
 1826 regional water supply authority; ~~a regional planning agency;~~ a  
 1827 multicounty special district, but only if a majority of its

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1828 governing board is comprised of nonelected persons; educational  
 1829 units; and each entity described in chapters 163, 373, 380, and  
 1830 582 ~~and s. 186.504.~~

1831  
 1832 This definition does not include a municipality or legal entity  
 1833 created solely by a municipality; a legal entity or agency  
 1834 created in whole or in part pursuant to part II of chapter 361;  
 1835 a metropolitan planning organization created pursuant to s.  
 1836 339.175; a separate legal or administrative entity created  
 1837 pursuant to s. 339.175 of which a metropolitan planning  
 1838 organization is a member; an expressway authority pursuant to  
 1839 chapter 348 or any transportation authority or commission under  
 1840 chapter 343 or chapter 349; or a legal or administrative entity  
 1841 created by an interlocal agreement pursuant to s. 163.01(7),  
 1842 unless any party to such agreement is otherwise an agency as  
 1843 defined in this subsection.

1844 Section 54. Subsection (4) of section 120.525, Florida  
 1845 Statutes, is amended to read:

1846 120.525 Meetings, hearings, and workshops.—

1847 ~~(4) For purposes of establishing a quorum at meetings of~~  
 1848 ~~regional planning councils that cover three or more counties, a~~  
 1849 ~~voting member who appears via telephone, real-time~~  
 1850 ~~videoconferencing, or similar real-time electronic or video~~  
 1851 ~~communication that is broadcast publicly at the meeting location~~  
 1852 ~~may be counted toward the quorum requirement if at least one~~  
 1853 ~~third of the voting members of the regional planning council are~~  
 1854 ~~physically present at the meeting location. A member must~~  
 1855 ~~provide oral, written, or electronic notice of his or her intent~~  
 1856 ~~to appear via telephone, real-time videoconferencing, or similar~~

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1857 ~~real-time electronic or video communication to the regional~~  
 1858 ~~planning council at least 24 hours before the scheduled meeting.~~

1859 Section 55. Subsection (9) of section 120.65, Florida  
 1860 Statutes, is amended to read:

1861 120.65 Administrative law judges.—

1862 (9) The division shall be reimbursed for administrative law  
 1863 judge services and travel expenses by the following entities:  
 1864 water management districts, ~~regional planning councils~~, school  
 1865 districts, community colleges, the Division of Florida Colleges,  
 1866 state universities, the Board of Governors of the State  
 1867 University System, the State Board of Education, the Florida  
 1868 School for the Deaf and the Blind, and the Commission for  
 1869 Independent Education. These entities shall contract with the  
 1870 division to establish a contract rate for services and  
 1871 provisions for reimbursement of administrative law judge travel  
 1872 expenses and video teleconferencing expenses attributable to  
 1873 hearings conducted on behalf of these entities. The contract  
 1874 rate must be based on a total-cost-recovery methodology.

1875 Section 56. Subsections (43) and (47) of section 163.3164,  
 1876 Florida Statutes, are amended to read:

1877 163.3164 Community Planning Act; definitions.—As used in  
 1878 this act:

1879 ~~(43) "Regional planning agency" means the council created~~  
 1880 ~~pursuant to chapter 186.~~

1881 ~~(46)(47)~~ "Structure" has the same meaning as in s. 380.031  
 1882 ~~s. 380.031(19).~~

1883 Section 57. Paragraph (h) of subsection (6) of section  
 1884 163.3177, Florida Statutes, is amended to read:

1885 163.3177 Required and optional elements of comprehensive

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1886 plan; studies and surveys.—

1887 (6) In addition to the requirements of subsections (1)-(5),  
 1888 the comprehensive plan must ~~shall~~ include the following  
 1889 elements:

1890 (h)1. An intergovernmental coordination element showing  
 1891 relationships and stating principles and guidelines to be used  
 1892 in coordinating the adopted comprehensive plan with the plans of  
 1893 school boards, regional water supply authorities, and other  
 1894 units of local government providing services but not having  
 1895 regulatory authority over the use of land, with the  
 1896 comprehensive plans of adjacent municipalities, the county,  
 1897 adjacent counties, or the region, with the state comprehensive  
 1898 plan and with the applicable regional water supply plan approved  
 1899 pursuant to s. 373.709, as the case may require and as such  
 1900 adopted plans or plans in preparation may exist. This element of  
 1901 the local comprehensive plan must demonstrate consideration of  
 1902 the particular effects of the local plan, when adopted, upon the  
 1903 development of adjacent municipalities, the county, adjacent  
 1904 counties, or the region, or upon the state comprehensive plan,  
 1905 as the case may require.

1906 a. The intergovernmental coordination element must provide  
 1907 procedures for identifying and implementing joint planning  
 1908 areas, especially for the purpose of annexation, municipal  
 1909 incorporation, and joint infrastructure service areas.

1910 b. The intergovernmental coordination element must ~~shall~~  
 1911 provide for a dispute resolution process, ~~as established~~  
 1912 ~~pursuant to s. 186.509~~, for bringing intergovernmental disputes  
 1913 to closure in a timely manner.

1914 c. The intergovernmental coordination element must ~~shall~~



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provide for interlocal agreements as established pursuant to s. 333.03(1)(b).

2. The intergovernmental coordination element ~~must shall~~ also state principles and guidelines to be used in coordinating the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element must describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement.

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

a. Ensure that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in adjacent municipalities, the county, adjacent counties, the region, and the state. The area of concern for municipalities ~~must shall~~ include adjacent municipalities, the county, and counties adjacent to the municipality. The area of concern for counties

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~~must shall~~ include all municipalities within the county, adjacent counties, and adjacent municipalities.

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 58. 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.

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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 ~~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 59. 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

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Agriculture and Consumer Services; and

~~9.10-~~ In the case of municipal plans and plan amendments, 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

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also send a copy of their comments to the state land planning agency.

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;

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wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

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

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

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

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

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

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

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

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2089 Section 60. Subsection (2) of section 163.3245, Florida  
 2090 Statutes, is amended to read:  
 2091 163.3245 Sector plans.—  
 2092 (2) ~~The Upon the request of a~~ local government having  
 2093 jurisdiction, ~~the applicable regional planning council~~ shall  
 2094 conduct a scoping meeting with affected local governments and  
 2095 those agencies identified in s. 163.3184(1)(c) before  
 2096 preparation of the sector plan. The purpose of this meeting is  
 2097 to assist the state land planning agency and the local  
 2098 government in the identification of the relevant planning issues  
 2099 to be addressed and the data and resources available to assist  
 2100 in the preparation of the sector plan. ~~If a scoping meeting is~~  
 2101 ~~conducted, the regional planning council shall make written~~  
 2102 ~~recommendations to the state land planning agency and affected~~  
 2103 ~~local governments on the issues requested by the local~~  
 2104 ~~government.~~ The scoping meeting must ~~shall~~ be noticed and open  
 2105 to the public. If the entire planning area proposed for the  
 2106 sector plan is within the jurisdiction of two or more local  
 2107 governments, some or all of them may enter into a joint planning  
 2108 agreement pursuant to s. 163.3171 with respect to the geographic  
 2109 area to be subject to the sector plan, the planning issues that  
 2110 will be emphasized, procedures for intergovernmental  
 2111 coordination to address extrajurisdictional impacts, supporting  
 2112 application materials including data and analysis, procedures  
 2113 for public participation, or other issues.  
 2114 Section 61. Paragraph (i) of subsection (2) of section  
 2115 163.568, Florida Statutes, is amended to read:  
 2116 163.568 Purposes and powers.—  
 2117 (2) The authority is granted the authority to exercise all

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2118 powers necessary, appurtenant, convenient, or incidental to the  
 2119 carrying out of the aforesaid purposes, including, but not  
 2120 limited to, the following rights and powers:  
 2121 (i) To develop transportation plans, and to coordinate its  
 2122 planning and programs with those of appropriate municipal,  
 2123 county, and state agencies and other political subdivisions of  
 2124 the state. All transportation plans are subject to review and  
 2125 approval by the Department of Transportation ~~and by the regional~~  
 2126 ~~planning agency~~, if any, for consistency with programs or  
 2127 planning for the area and region.  
 2128 Section 62. Subsection (2) of section 164.1031, Florida  
 2129 Statutes, is amended to read:  
 2130 164.1031 Definitions.—For purposes of this act:  
 2131 (2) "Regional governmental entities" includes ~~regional~~  
 2132 ~~planning councils~~, metropolitan planning organizations, water  
 2133 supply authorities that include more than one county, local  
 2134 health councils, water management districts, and other regional  
 2135 entities that are authorized and created by general or special  
 2136 law that have duties or responsibilities extending beyond the  
 2137 jurisdiction of a single county.  
 2138 Section 63. Subsection (5) of section 186.003, Florida  
 2139 Statutes, is amended to read:  
 2140 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.—  
 2141 As used in ss. 186.001-186.031 and 186.801-186.901, the term:  
 2142 ~~(5) "Regional planning agency" means the regional planning~~  
 2143 ~~council created pursuant to ss. 186.501-186.515 to exercise~~  
 2144 ~~responsibilities under ss. 186.001-186.031 and 186.801-186.901~~  
 2145 ~~in a particular region of the state.~~  
 2146 Section 64. Subsection (7) of section 186.006, Florida

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Statutes, is amended to read:

186.006 Powers and responsibilities of Executive Office of 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 65. 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~~

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~~councils, the evaluation and appraisal reports prepared pursuant to s. 186.511.~~ Any necessary revisions of the state 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 66. 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 67. Section 186.803, Florida Statutes, is amended to read:

186.803 Use of geographic information by governmental entities.—When state agencies, water management districts,

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~~regional planning councils~~, local governments, and other governmental entities use maps, including geographic information 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 68. 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.

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3. Encourage the use of municipal services taxing units and other dependent special districts to provide needed 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

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procedures.

10. Throughout government, establish citizen management 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

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through attracting foreign investment and promoting international banking and trade.

5. Build on the state's attractiveness to make it a leader in the visual and performing arts and in all phases of film, television, and recording production.

6. Promote economic development for Florida residents through partnerships among education, business, industry, agriculture, and the arts.

7. Provide increased opportunities for training Florida's workforce to provide skilled employees for new and expanding business.

8. Promote economic self-sufficiency through training and educational programs which result in productive employment.

9. Promote cooperative employment arrangements between private employers and public sector employment efforts to provide productive, permanent employment opportunities for public assistance recipients through provisions of education opportunities, tax incentives, and employment training.

10. Provide for nondiscriminatory employment opportunities.

11. Provide quality child day care for public assistance families and others who need it in order to work.

12. Encourage the development of a business climate that provides opportunities for the growth and expansion of existing state industries, particularly those industries which are compatible with Florida's environment.

13. Promote coordination among Florida's ports to increase their utilization.

14. Encourage the full utilization by businesses of the economic development enhancement programs implemented by the

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Legislature for the purpose of extensively involving private businesses in the development and expansion of permanent job opportunities, especially for the economically disadvantaged, through the utilization of enterprise zones, community development corporations, and other programs designed to enhance economic and employment opportunities.

Section 69. Paragraph (g) of subsection (3) of section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; enterprise zone jobs credit against sales tax.—

(3) In order to claim this credit, an eligible business must file under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, a statement which includes:

(g) Whether the business is a small business as defined by s. 288.703 ~~s. 288.703(6)~~.

Section 70. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

(c) Each ~~regional planning council created under s. 186.504, each~~ local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous fiscal year in a format prescribed by the department.

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(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Commerce showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, ~~regional planning council~~, local government finance commission, and municipal power corporation that is required to submit an annual financial report. In preparing the verified report, the department may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the 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 71. Section 255.101, Florida Statutes, is amended to read:

255.101 Contracts for public construction works; utilization of rural or urban minority business enterprises.—

(1) All county officials, boards of county commissioners,



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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 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 72. 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

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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 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

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2437 bonding, if any, payment schedule, bid addenda, and other  
 2438 assistance provided by the contractor to enhance rural or urban  
 2439 ~~minority~~ business enterprise participation.

2440 (e) Whether the contractor selected portions of the work to  
 2441 be performed by rural or urban ~~minority~~ business enterprises in  
 2442 order to increase the likelihood of meeting the rural or urban  
 2443 ~~minority~~ business enterprise procurement goals, including, where  
 2444 appropriate, breaking down contracts into economically feasible  
 2445 units to facilitate rural or urban ~~minority~~ business enterprise  
 2446 participation under reasonable and economical conditions of  
 2447 performance.

2448 (f) Whether the contractor provided the Office of Supplier  
 2449 Development Diversity as well as interested rural or urban  
 2450 ~~minority~~ business enterprises or ~~minority~~ persons with adequate  
 2451 information about the plans, specifications, and requirements of  
 2452 the contract or the availability of jobs at a time no later than  
 2453 when such information was provided to other subcontractors.

2454 (g) Whether the contractor negotiated in good faith with  
 2455 interested rural or urban ~~minority~~ business enterprises or  
 2456 ~~minority~~ persons, not rejecting rural or urban ~~minority~~ business  
 2457 enterprises or ~~minority~~ persons as unqualified without sound  
 2458 reasons based on a thorough investigation of their capabilities  
 2459 or imposing implausible conditions of performance on the  
 2460 contract.

2461 (h) Whether the contractor diligently seeks to replace a  
 2462 rural or urban ~~minority~~ business enterprise subcontractor that  
 2463 is unable to perform successfully with another rural or urban  
 2464 ~~minority~~ business enterprise.

2465 (i) Whether the contractor effectively used the services of

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2466 available rural or urban ~~minority~~ community organizations; rural  
 2467 or urban ~~minority~~ contractors' groups; local, state, and federal  
 2468 rural or urban ~~minority~~ business assistance offices; and other  
 2469 organizations that provide assistance in the recruitment and  
 2470 placement of rural or urban ~~minority~~ business enterprises or  
 2471 ~~minority~~ persons.

2472 (3) If an agency considers any other criteria in  
 2473 determining whether a contractor has made a good faith effort,  
 2474 the agency ~~must~~ shall adopt such criteria in accordance with s.  
 2475 120.54, and, where required by that section, by rule, after May  
 2476 31, 1994. In adopting such criteria, the agency shall identify  
 2477 the specific factors in as objective a manner as possible to be  
 2478 used to assess a contractor's performance against said criteria.

2479 (4) Notwithstanding ~~the provisions of s. 287.09451 to the~~  
 2480 ~~contrary~~, agencies shall monitor good faith efforts of  
 2481 contractors in competitively awarded building and construction  
 2482 projects, in accordance with rules established pursuant to this  
 2483 section. It is the responsibility of the contractor to exercise  
 2484 good faith efforts in accordance with rules established pursuant  
 2485 to this section, and to provide documentation necessary to  
 2486 assess efforts to include rural or urban ~~minority~~ business  
 2487 participation.

2488 Section 73. Paragraph (a) of subsection (7) of section  
 2489 258.501, Florida Statutes, is amended to read:

2490 258.501 Myakka River; wild and scenic segment.—

2491 (7) MANAGEMENT COORDINATING COUNCIL.—

2492 (a) Upon designation, the department shall create a  
 2493 permanent council to provide interagency and intergovernmental  
 2494 coordination in the management of the river. The coordinating

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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 74. Subsections (1) and (3) of section 260.0142, 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.

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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.

(b) The 8 ~~9~~ remaining members include:

1. The Secretary of Environmental Protection or a designee.

2. The executive director of the Fish and Wildlife Conservation Commission or a designee.

3. The Secretary of Transportation or a designee.

4. The Director of the Florida Forest Service of the Department of Agriculture and Consumer Services or a designee.

5. The director of the Division of Historical Resources of the Department of State or a designee.

6. A representative of the water management districts. Membership on the council must rotate among the five districts. The districts shall determine the order of rotation.

7. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency and request designation of a representative from the agency to serve on the council.

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~~8. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection. Membership on the council must rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation.~~

~~8.9-~~ A representative of local governments to be appointed by the Secretary of Environmental Protection. Membership must alternate between a county representative and a municipal representative.

(3) The term of all appointees shall be for 2 years unless otherwise specified. The appointees of the Governor, the President of the Senate, and the Speaker of the House of Representatives may be reappointed for no more than four consecutive terms. The representatives of the water management districts, ~~regional planning councils~~, and local governments may be reappointed for no more than two consecutive terms. All other appointees shall serve until replaced.

Section 75. 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

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applicable to its particular requirements. When securing professional services, an agency must endeavor to meet the rural or urban minority business enterprise procurement goals under s. 287.09451.

Section 76. Subsections (8), (9), and (12) of section 287.057, Florida Statutes, are amended to read:

287.057 Procurement of commodities or contractual services.-

(8)(a) In order to strive to meet the rural or urban minority business enterprise procurement goals set forth in s. 287.09451, an agency may reserve any contract for competitive solicitation only among certified rural or urban minority business enterprises. Agencies shall review all their contracts each fiscal year and shall determine which contracts may be reserved for solicitation only among certified rural or urban minority business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the solicitation that there are capable, qualified certified rural or urban minority business enterprises available to submit a bid, proposal, or reply on a contract to provide for effective competition. The Office of Supplier Development Diversity shall consult with any agency in reaching such determination when deemed appropriate.

(b) Before a contract may be reserved for solicitation only among certified rural or urban minority business enterprises, the agency head must find that such a reservation is in the best interests of the state. All determinations ~~are shall be~~ subject to s. 287.09451(5). Once a decision has been made to reserve a 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 77. 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 Rural or Urban ~~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, the term "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

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minority business enterprises certified in accordance with the 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 rural or urban 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

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said information among the executors of the agreement and to 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 ~~shall~~ may 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.



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The office shall submit a report to the secretary of the 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

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and track subgroupings of gender and nationality status for each 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.

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2901 (10) Any transfer of ownership or permanent change in the  
 2902 management and daily operations of a certified rural or urban  
 2903 ~~minority~~ business enterprise which may affect certification must  
 2904 be reported to the original certifying jurisdiction or entity  
 2905 and to the office within 14 days of the transfer or change  
 2906 taking place. In the event of a transfer of ownership, the  
 2907 transferee seeking to do business with the state as a certified  
 2908 rural or urban ~~minority~~ business enterprise is responsible for  
 2909 such reporting. In the event of a permanent change in the  
 2910 management and daily operations, owners seeking to do business  
 2911 with the state as a certified rural or urban ~~minority~~ business  
 2912 enterprise are responsible for reporting such change to the  
 2913 office. ~~A Any person violating the provisions of this subsection~~  
 2914 ~~commits shall be guilty of a misdemeanor of the first degree,~~  
 2915 punishable as provided in s. 775.082 or s. 775.083.

2916 (11) To deter fraud in the program, the Auditor General may  
 2917 review the criteria by which a business became certified as a  
 2918 certified rural or urban ~~minority~~ business enterprise.

2919 (12) Any executor of the statewide and interlocal agreement  
 2920 may revoke the certification or recertification of a firm doing  
 2921 business as a certified rural or urban ~~minority~~ business  
 2922 enterprise if the rural or urban ~~minority~~ business enterprise  
 2923 does not meet the requirements of the jurisdiction or certifying  
 2924 entity that certified or recertified the firm as a certified  
 2925 rural or urban ~~minority~~ business enterprise, or the requirements  
 2926 of ~~subsection (2),~~ s. 288.703(2), and any rule of the office or  
 2927 the Department of Management Services or if the business  
 2928 acquired certification or recertification by means of falsely  
 2929 representing any entity as a rural or urban ~~minority~~ business

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2930 enterprise for purposes of qualifying for certification or  
 2931 recertification.

2932 (13) Unless permanently revoked, a certified rural or urban  
 2933 ~~minority~~ business enterprise for which certification or  
 2934 recertification has been revoked may not apply or reapply for  
 2935 certification or recertification for a minimum of 36 months  
 2936 after the date of the notice of revocation.

2937 (14)(a) Except for certification decisions issued by the  
 2938 Office of Supplier Development Diversity, an executor to the  
 2939 statewide and interlocal agreement shall, in accordance with its  
 2940 rules and procedures:

2941 1. Give reasonable notice to affected persons or parties of  
 2942 its decision to deny certification based on failure to meet  
 2943 eligibility requirements of the statewide and interlocal  
 2944 agreement of s. 287.09431, together with a summary of the  
 2945 grounds therefor.

2946 2. Give affected persons or parties an opportunity, at a  
 2947 convenient time and place, to present to the agency written or  
 2948 oral evidence in opposition to the action or of the executor's  
 2949 refusal to act.

2950 3. Give a written explanation of any subsequent decision of  
 2951 the executor overruling the objections.

2952 (b) An applicant that is denied rural or urban ~~minority~~  
 2953 business enterprise certification based on failure to meet  
 2954 eligibility requirements of the statewide and interlocal  
 2955 agreement pursuant to s. 287.09431 may not reapply for  
 2956 certification or recertification until at least 6 months after  
 2957 the date of the notice of the denial of certification or  
 2958 recertification.

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2959 (15) The office shall adopt rules in compliance with this  
 2960 part.

2961 Section 78. Section 287.09431, Florida Statutes, is amended  
 2962 to read:

2963 287.09431 Statewide and interlocal agreement on  
 2964 certification of business concerns for the status of rural or  
 2965 urban ~~minority~~ business enterprise.—The statewide and interlocal  
 2966 agreement on certification of business concerns for the status  
 2967 of rural or urban ~~minority~~ business enterprise is hereby enacted  
 2968 and entered into with all jurisdictions or organizations legally  
 2969 joining therein. If, within 2 years from the date that the  
 2970 certification core criteria are approved by the Department of  
 2971 Management Services, the agreement included herein is not  
 2972 executed by a majority of county and municipal governing bodies  
 2973 that administer a rural or urban ~~minority~~ business assistance  
 2974 program on the effective date of this act, then the Legislature  
 2975 shall review this agreement. It is the intent of the Legislature  
 2976 that if the agreement is not executed by a majority of the  
 2977 requisite governing bodies, then a statewide uniform  
 2978 certification process should be adopted, and that such ~~said~~  
 2979 agreement ~~should~~ be repealed and replaced by a mandatory state  
 2980 government certification process.

## ARTICLE I

## PURPOSE, FINDINGS, AND POLICY.—

2985 (1) The parties to this agreement, desiring by common  
 2986 action to establish a uniform certification process in order to  
 2987 reduce the multiplicity of applications by business concerns to

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2988 state and local governmental programs for rural or urban  
 2989 ~~minority~~ business assistance, declare that it is the policy of  
 2990 each of them, on the basis of cooperation with one another, to  
 2991 remedy social and economic disadvantage suffered by certain  
 2992 groups, resulting in their being historically underutilized in  
 2993 ownership and control of commercial enterprises. Thus, the  
 2994 parties seek to address this history by increasing the  
 2995 participation of the identified groups in opportunities afforded  
 2996 by government procurement.

2997 (2) The parties find that the State of Florida presently  
 2998 certifies firms for participation in the rural or urban ~~minority~~  
 2999 business assistance programs of the state. The parties find  
 3000 further that some counties, municipalities, school boards,  
 3001 special districts, and other divisions of local government  
 3002 require a separate, yet similar, and in most cases redundant  
 3003 certification in order for businesses to participate in the  
 3004 programs sponsored by each government entity.

3005 (3) The parties find further that this redundant  
 3006 certification has proven to be unduly burdensome to ~~the~~  
 3007 ~~minority-owned~~ firms located in rural or urban areas as defined  
 3008 in s. 288.703 which are intended to benefit from the underlying  
 3009 purchasing incentives.

3010 (4) The parties agree that:

3011 (a) They will facilitate integrity, stability, and  
 3012 cooperation in the statewide and interlocal certification  
 3013 process, and in other elements of programs established to assist  
 3014 ~~minority-owned~~ businesses located in rural or urban areas.

3015 (b) They shall cooperate with agencies, organizations, and  
 3016 associations interested in certification and other elements of

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3017 rural or urban ~~minority~~ business assistance.

3018 (c) It is the purpose of this agreement to provide for a  
 3019 uniform process whereby the status of a business concern may be  
 3020 determined in a singular review of the business information for  
 3021 these purposes, in order to eliminate any undue expense, delay,  
 3022 or confusion to the ~~minority-owned~~ businesses located in rural  
 3023 or urban areas in seeking to participate in the rural or urban  
 3024 ~~minority~~ business assistance programs of state and local  
 3025 jurisdictions.

## 3026 ARTICLE II

3027  
 3028  
 3029 DEFINITIONS.—As used in this agreement and contracts made  
 3030 pursuant to it, unless the context clearly requires otherwise:

3031 (1) "Awarding organization" means any political subdivision  
 3032 or organization authorized by law, ordinance, or agreement to  
 3033 enter into contracts and for which the governing body has  
 3034 entered into this agreement.

3035 (2) "Department" means the Department of Management  
 3036 Services.

3037 ~~(3) "Minority" means a person who is a lawful, permanent~~  
 3038 ~~resident of the state, having origins in one of the minority~~  
 3039 ~~groups as described and adopted by the Department of Management~~  
 3040 ~~Services, hereby incorporated by reference.~~

3041 (4) "Rural or urban ~~minority~~ business enterprise" means any  
 3042 small business concern as defined in subsection (5) ~~(6)~~ that  
 3043 meets all of the criteria described and adopted by the  
 3044 Department of Management Services, hereby incorporated by  
 3045 reference.

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3046 ~~(3)(5)~~ "Participating state or local organization" means  
 3047 any political subdivision of the state or organization  
 3048 designated by such that elects to participate in the  
 3049 certification process pursuant to this agreement, which has been  
 3050 approved according to s. 287.0943(3) and has legally entered  
 3051 into this agreement.

3052 ~~(5)(6)~~ "Small business concern" means an independently  
 3053 owned and operated business concern which is of a size and type  
 3054 as described and adopted by vote related to this agreement of  
 3055 the commission, hereby incorporated by reference.

## 3056 ARTICLE III

### 3057 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

3058  
 3059 (1) All awarding organizations shall accept a certification  
 3060 granted by any participating organization which has been  
 3061 approved according to s. 287.0943(3) and has entered into this  
 3062 agreement, as valid status of rural or urban ~~minority~~ business  
 3063 enterprise.

3064  
 3065 (2) A participating organization shall certify a business  
 3066 concern that meets the definition of a rural or urban ~~minority~~  
 3067 business enterprise in this agreement, in accordance with the  
 3068 duly adopted eligibility criteria.

3069 (3) All participating organizations shall issue notice of  
 3070 certification decisions granting or denying certification to all  
 3071 other participating organizations within 14 days of the  
 3072 decision. Such notice may be made through electronic media.

3073 (4) ~~A~~ ~~No~~ certification may not ~~will~~ be granted without an  
 3074 onsite visit to verify ownership and control of the prospective

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3075 rural or urban minority business enterprise, unless verification  
 3076 can be accomplished by other methods of adequate verification or  
 3077 assessment of ownership and control.

3078 (5) The certification of a rural or urban minority business  
 3079 enterprise pursuant to the terms of this agreement ~~may shall~~ not  
 3080 be suspended, revoked, or otherwise impaired except on any  
 3081 grounds which would be sufficient for revocation or suspension  
 3082 of a certification in the jurisdiction of the participating  
 3083 organization.

3084 (6) The certification determination of a party may be  
 3085 challenged by any other participating organization by the  
 3086 issuance of a timely written notice by the challenging  
 3087 organization to the certifying organization's determination  
 3088 within 10 days of receiving notice of the certification  
 3089 decision, stating the grounds for such challenge ~~therefor~~.

3090 (7) The sole accepted grounds for challenge are shall be  
 3091 the failure of the certifying organization to adhere to the  
 3092 adopted criteria or the certifying organization's rules or  
 3093 procedures, or the perpetuation of a misrepresentation or fraud  
 3094 by the firm.

3095 (8) The certifying organization shall reexamine its  
 3096 certification determination and submit written notice to the  
 3097 applicant and the challenging organization of its findings  
 3098 within 30 days after the receipt of the notice of challenge.

3099 (9) If the certification determination is affirmed, the  
 3100 challenging agency may subsequently submit timely written notice  
 3101 to the firm of its intent to revoke certification of the firm.

## ARTICLE IV

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3104 APPROVED AND ACCEPTED PROGRAMS.~~Nothing in~~ This agreement  
 3105 ~~may not shall~~ be construed to repeal or otherwise modify any  
 3106 ordinance, law, or regulation of a party relating to the  
 3107 existing rural or urban minority business assistance provisions  
 3108 and procedures by which rural or urban minority business  
 3109 enterprises participate therein.

## ARTICLE V

3114 TERM.—The term of the agreement is shall be 5 years, after  
 3115 which it may be reexecuted by the parties.

## ARTICLE VI

3119 AGREEMENT EVALUATION.—The designated state and local  
 3120 officials may meet ~~from time to time~~ as a group to evaluate  
 3121 progress under the agreement, to formulate recommendations for  
 3122 changes, or to propose a new agreement.

## ARTICLE VII

3126 OTHER ARRANGEMENTS.~~Nothing in~~ This agreement ~~may not shall~~  
 3127 be construed to prevent or inhibit other arrangements or  
 3128 practices of any party in order to comply with federal law.

## ARTICLE VIII

EFFECT AND WITHDRAWAL.—

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(1) This agreement ~~becomes shall become~~ effective when properly executed by a legal representative of the participating organization, when enacted into the law of the state and after an ordinance or other legislation is enacted into law by the governing body of each participating organization. Thereafter it ~~becomes shall become~~ effective as to any participating organization upon the enactment of this agreement by the governing body of that organization.

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

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

#### ARTICLE IX

##### FINANCIAL RESPONSIBILITY.—

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

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

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#### ARTICLE X

VENUE AND GOVERNING LAW.—The obligations of the parties to this agreement are performable only within the county where the participating organization is located, and statewide for the Office of Supplier Development Diversity, and venue for any legal action in connection with this agreement is shall lie, for any participating organization except the Office of Supplier Development Diversity, ~~exclusively~~ in the county where the participating organization is located. This agreement is shall ~~be~~ governed by and construed in accordance with the laws and court decisions of this ~~the~~ state.

#### ARTICLE XI

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

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3191 Section 79. Paragraph (b) of subsection (2) of section  
3192 288.0001, Florida Statutes, is amended to read:

3193 288.0001 Economic Development Programs Evaluation.—The  
3194 Office of Economic and Demographic Research and the Office of  
3195 Program Policy Analysis and Government Accountability (OPPAGA)  
3196 shall develop and present to the Governor, the President of the  
3197 Senate, the Speaker of the House of Representatives, and the  
3198 chairs of the legislative appropriations committees the Economic  
3199 Development Programs Evaluation.

3200 (2) The Office of Economic and Demographic Research and  
3201 OPPAGA shall provide a detailed analysis of economic development  
3202 programs as provided in the following schedule:

3203 (b) By January 1, 2015, and every 3 years thereafter, an  
3204 analysis of:

3205 1. The entertainment industry sales tax exemption program  
3206 established under s. 288.1258.

3207 2. VISIT Florida and its programs established or funded  
3208 under ss. 288.122-288.12265 ~~and 288.124~~.

3209 3. The Florida Sports Foundation and related programs,  
3210 including those established under ss. 288.1162, 288.11621,  
3211 288.1166, and 288.1167.

3212 Section 80. Section 288.7031, Florida Statutes, is amended  
3213 to read:

3214 288.7031 Application of certain definitions.—The  
3215 definitions of "small business," and "certified rural or urban  
3216 minority business enterprise," ~~and "certified minority business~~  
3217 ~~enterprise"~~ provided in s. 288.703 apply to the state and all  
3218 political subdivisions of the state.

3219 Section 81. Paragraph (f) of subsection (2), paragraph (c)

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3220 of subsection (4), and subsections (7) and (8), and (9) of  
3221 section 288.975, Florida Statutes, are amended to read:

3222 288.975 Military base reuse plans.—

3223 (2) As used in this section, the term:

3224 ~~(f) "Regional policy plan" means a strategic regional~~  
3225 ~~policy plan that has been adopted by rule by a regional planning~~  
3226 ~~council pursuant to s. 186.508.~~

3227 (4)

3228 (c) Military base reuse plans shall identify projected  
3229 impacts to significant regional resources and natural resources  
3230 ~~of regional significance as identified by applicable regional~~  
3231 ~~planning councils in their regional policy plans~~ and the actions  
3232 that shall be taken to mitigate such impacts.

3233 (7) A military base reuse plan must ~~shall~~ be consistent  
3234 with the comprehensive plan of the host local government and may  
3235 ~~shall~~ not conflict with the comprehensive plan of any affected  
3236 local governments. A military base reuse plan must ~~shall~~ be  
3237 consistent with the nonprocedural requirements of part II of  
3238 chapter 163 and rules adopted thereunder, ~~applicable regional~~  
3239 ~~policy plans~~, and the state comprehensive plan.

3240 (8) At the request of a host local government, the  
3241 department shall coordinate a presubmission workshop concerning  
3242 a military base reuse plan within the boundaries of the host  
3243 jurisdiction. Agencies that must ~~shall~~ participate in the  
3244 workshop ~~shall~~ include any affected local governments; the  
3245 Department of Environmental Protection; the department; the  
3246 Department of Transportation; the Department of Health; the  
3247 Department of Children and Families; the Department of Juvenile  
3248 Justice; the Department of Agriculture and Consumer Services;

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

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

(a) Send a copy of the proposed military base reuse plan for review to any affected local governments; the Department of Environmental Protection; 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~~, or

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

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extensions to the required submission date of the reuse plan.

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

290.004 Definitions relating to Florida Enterprise Zone Act.—As used in ss. 290.001-290.016:

(4) "Certified rural or urban ~~Minority~~ business enterprise" has the same meaning as provided in s. 288.703.

Section 83. Paragraph (b) of subsection (26) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(26) TAMPA BAY ESTUARY LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Tampa Bay Estuary Program created by s. 163.01.

1. A maximum of 5 percent of such fees may be used for marketing the plate.

~~2. Twenty percent of the proceeds from the annual use fee, not to exceed \$50,000, shall be provided to the Tampa Bay Regional Planning Council for activities of the Agency on Bay Management implementing the Council/Agency Action Plan for the restoration of the Tampa Bay estuary, as approved by the Tampa Bay Estuary Program Policy Board.~~

~~2.3-~~ The remaining proceeds must be used to implement the Comprehensive Conservation and Management Plan for Tampa Bay, pursuant to priorities approved by the Tampa Bay Estuary Program Policy Board.

Section 84. 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.—



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3307 (3) The control classification system shall be developed  
3308 consistent with the following:

3309 (b) The access control classification system shall be  
3310 developed in cooperation with counties, municipalities, the  
3311 state land planning agency, ~~regional planning councils,~~  
3312 metropolitan planning organizations, and other local  
3313 governmental entities.

3314 Section 85. Paragraph (b) of subsection (4) of section  
3315 339.155, Florida Statutes, is amended to read:

3316 339.155 Transportation planning.—

3317 (4) ADDITIONAL TRANSPORTATION PLANS.—

3318 ~~(b) Each regional planning council, as provided for in s.~~  
3319 ~~186.504, or any successor agency thereto, shall develop, as an~~  
3320 ~~element of its strategic regional policy plan, transportation~~  
3321 ~~goals and policies. The transportation goals and policies must~~  
3322 ~~be prioritized to comply with the prevailing principles provided~~  
3323 ~~in subsection (1) and s. 334.046(1). The transportation goals~~  
3324 ~~and policies shall be consistent, to the maximum extent~~  
3325 ~~feasible, with the goals and policies of the metropolitan~~  
3326 ~~planning organization and the Florida Transportation Plan. The~~  
3327 ~~transportation goals and policies of the regional planning~~  
3328 ~~council will be advisory only and shall be submitted to the~~  
3329 ~~department and any affected metropolitan planning organization~~  
3330 ~~for their consideration and comments. Metropolitan planning~~  
3331 ~~organization plans and other local transportation plans shall be~~  
3332 ~~developed consistent, to the maximum extent feasible, with the~~  
3333 ~~regional transportation goals and policies.~~

3334 Section 86. Paragraph (g) of subsection (6) of section  
3335 339.175, Florida Statutes, is amended to read:

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3336 339.175 Metropolitan planning organization.—

3337 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
3338 privileges, and authority of an M.P.O. are those specified in  
3339 this section or incorporated in an interlocal agreement  
3340 authorized under s. 163.01. Each M.P.O. shall perform all acts  
3341 required by federal or state laws or rules, now and subsequently  
3342 applicable, which are necessary to qualify for federal aid. It  
3343 is the intent of this section that each M.P.O. be involved in  
3344 the planning and programming of transportation facilities,  
3345 including, but not limited to, airports, intercity and high-  
3346 speed rail lines, seaports, and intermodal facilities, to the  
3347 extent permitted by state or federal law. An M.P.O. may not  
3348 perform project production or delivery for capital improvement  
3349 projects on the State Highway System.

3350 (g) Each M.P.O. shall have an executive or staff director  
3351 who reports directly to the M.P.O. governing board for all  
3352 matters regarding the administration and operation of the M.P.O.  
3353 and any additional personnel as deemed necessary. The executive  
3354 director and any additional personnel may be employed either by  
3355 an M.P.O. or by another governmental entity, such as a county  
3356 or, city, ~~or regional planning council~~, that has a staff  
3357 services agreement signed and in effect with the M.P.O. Each  
3358 M.P.O. may enter into contracts with local or state agencies,  
3359 private planning firms, private engineering firms, or other  
3360 public or private entities to accomplish its transportation  
3361 planning and programming duties and administrative functions.

3362 Section 87. Subsection (6) of section 339.285, Florida  
3363 Statutes, is amended to read:

3364 339.285 Enhanced Bridge Program for Sustainable

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Transportation.—

(6) Preference shall be given to bridge projects located on corridors that connect to the Strategic Intermodal System, created under s. 339.64, and that have been identified as regionally significant in accordance with s. 339.155(4)(b), (c), and (d) ~~s. 339.155(4)(e), (d), and (e).~~

Section 88. Subsections (3) and (4) of section 339.63, Florida Statutes, are amended to read:

339.63 System facilities designated; additions and deletions.—

(3) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, ~~regional planning councils~~, transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraphs (2)(b) and (c) based upon criteria adopted by the department.

(4) After the initial designation of the Strategic Intermodal System under subsection (1), the department shall, in coordination with the metropolitan planning organizations, local governments, ~~regional planning councils~~, transportation providers, and affected public agencies, add facilities to or delete facilities from the Strategic Intermodal System described in paragraph (2)(a) based upon criteria adopted by the department. However, an airport that is designated as a reliever airport to a Strategic Intermodal System airport which has at least 75,000 itinerant operations per year, has a runway length of at least 5,500 linear feet, is capable of handling aircraft

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weighing at least 60,000 pounds with a dual wheel configuration which is served by at least one precision instrument approach, and serves a cluster of aviation-dependent industries, shall be designated as part of the Strategic Intermodal System by the Secretary of Transportation upon the request of a reliever airport meeting this criteria.

Section 89. Subsection (1) and paragraph (a) of subsection (3) of section 339.64, Florida Statutes, are amended to read:

339.64 Strategic Intermodal System Plan.—

(1) The department shall develop, in cooperation with metropolitan planning organizations, ~~regional planning councils~~, local governments, and other transportation providers, a Strategic Intermodal System Plan. The plan shall be consistent with the Florida Transportation Plan developed pursuant to s. 339.155 and shall be updated at least once every 5 years, subsequent to updates of the Florida Transportation Plan.

(3)(a) During the development of updates to the Strategic Intermodal System Plan, the department shall provide metropolitan planning organizations, ~~regional planning councils~~, local governments, transportation providers, affected public agencies, and citizens with an opportunity to participate in and comment on the development of the update.

Section 90. Subsection (1) of section 341.041, Florida Statutes, is amended to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(1) Develop a statewide plan that provides for public transit and intercity bus service needs at least 5 years in

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advance. The plan shall be developed in a manner that will assure maximum use of existing facilities, and optimum integration and coordination of the various modes of transportation, including both governmentally owned and privately owned resources, in the most cost-effective manner possible. The plan shall also incorporate plans adopted by local ~~and regional~~ planning agencies which are consistent, to the maximum extent feasible, with ~~adopted strategic policy plans and~~ approved local government comprehensive plans for the region and units of local government covered by the plan and shall, insofar as practical, conform to federal planning requirements. The plan shall be consistent with the goals of the Florida Transportation Plan developed pursuant to s. 339.155.

Section 91. Paragraph (m) of subsection (3) of section 343.54, Florida Statutes, is amended to read:

343.54 Powers and duties.—

(3) The authority may exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the aforesaid purposes, including, but not limited to, the following rights and powers:

(m) To cooperate with other governmental entities and to contract with other governmental agencies, including the Department of Transportation, the Federal Government, ~~regional planning councils~~, counties, and municipalities.

Section 92. 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.—

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(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 93. 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 94. 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 ~~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~~

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of s. 369.305.

Section 95. 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.-6. ~~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 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

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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 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

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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 account of that entity.

Section 96. Subsections (1) and (2) of section 373.415, Florida Statutes, are amended to read:

373.415 Protection zones; duties of the St. Johns River Water Management District.—

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva

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River System, as designated in s. 369.303 ~~s. 369.303(10)~~. Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding ~~the provisions of~~ s. 120.60, the St. Johns River Water Management District may ~~shall~~ not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303 ~~s. 369.303(9)~~, until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local

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comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his or her property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued before ~~prior~~ to the development proposal being returned, if necessary, to the local government for additional review.

Section 97. Paragraph (a) of subsection (2) of section 376.3072, Florida Statutes, is amended to read:

376.3072 Florida Petroleum Liability and Restoration Insurance Program.—

(2)(a) An owner or operator of a petroleum storage system may become an insured in the restoration insurance program at a facility if:

1. A site at which an incident has occurred is eligible for restoration if the insured is a participant in the third-party liability insurance program or otherwise meets applicable financial responsibility requirements. After July 1, 1993, the insured must also provide the required excess insurance coverage or self-insurance for restoration to achieve the financial responsibility requirements of 40 C.F.R. s. 280.97, subpart H, not covered by paragraph (d).

2. A site which had a discharge reported before January 1, 1989, for which notice was given pursuant to s. 376.3071(10) and which is ineligible for the third-party liability insurance program solely due to that discharge is eligible for participation in the restoration program for an incident

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occurring on or after January 1, 1989, pursuant to subsection (3). Restoration funding for an eligible contaminated site will be provided without participation in the third-party liability insurance program until the site is restored as required by the department or until the department determines that the site does not require restoration.

3. Notwithstanding paragraph (b), a site where an application is filed with the department before January 1, 1995, where the owner is a small business under s. 288.703 ~~s. 288.703(6)~~, a Florida College System institution with less than 2,500 FTE, a religious institution as defined by s. 212.08(7)(m), a charitable institution as defined by s. 212.08(7)(p), or a county or municipality with a population of less than 50,000, is eligible for up to \$400,000 of eligible restoration costs, less a deductible of \$10,000 for small businesses, eligible Florida College System institutions, and religious or charitable institutions, and \$30,000 for eligible counties and municipalities, if:

a. Except as provided in sub-subparagraph e., the facility was in compliance with department rules at the time of the discharge.

b. The owner or operator has, upon discovery of a discharge, promptly reported the discharge to the department, and drained and removed the system from service, if necessary.

c. The owner or operator has not intentionally caused or concealed a discharge or disabled leak detection equipment.

d. The owner or operator proceeds to complete initial remedial action as specified in department rules.

e. The owner or operator, if required and if it has not

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already done so, applies for third-party liability coverage for the facility within 30 days after receipt of an eligibility order issued by the department pursuant to this subparagraph.

However, the department may consider in-kind services from eligible counties and municipalities in lieu of the \$30,000 deductible. The cost of conducting initial remedial action as defined by department rules is an eligible restoration cost pursuant to this subparagraph.

4.a. By January 1, 1997, facilities at sites with existing contamination must have methods of release detection to be eligible for restoration insurance coverage for new discharges subject to department rules for secondary containment. Annual storage system testing, in conjunction with inventory control, shall be considered to be a method of release detection until the later of December 22, 1998, or 10 years after the date of installation or the last upgrade. Other methods of release detection for storage tanks which meet such requirement are:

(I) Interstitial monitoring of tank and integral piping secondary containment systems;

(II) Automatic tank gauging systems; or

(III) A statistical inventory reconciliation system with a tank test every 3 years.

b. For pressurized integral piping systems, the owner or operator must use:

(I) An automatic in-line leak detector with flow restriction meeting the requirements of department rules used in conjunction with an annual tightness or pressure test; or

(II) An automatic in-line leak detector with electronic

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flow shut-off meeting the requirements of department rules.

c. For suction integral piping systems, the owner or operator must use:

(I) A single check valve installed directly below the suction pump if there are no other valves between the dispenser and the tank; or

(II) An annual tightness test or other approved test.

d. Owners of facilities with existing contamination that install internal release detection systems pursuant to subparagraph a. shall permanently close their external groundwater and vapor monitoring wells pursuant to department rules by December 31, 1998. Upon installation of the internal release detection system, such wells must be secured and taken out of service until permanent closure.

e. Facilities with vapor levels of contamination meeting the requirements of or below the concentrations specified in the performance standards for release detection methods specified in department rules may continue to use vapor monitoring wells for release detection.

f. The department may approve other methods of release detection for storage tanks and integral piping which have at least the same capability to detect a new release as the methods specified in this subparagraph.

Sites meeting the criteria of this subsection for which a site rehabilitation completion order was issued before June 1, 2008, do not qualify for the 2008 increase in site rehabilitation funding assistance and are bound by the pre-June 1, 2008, limits. Sites meeting the criteria of this subsection for which

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a site rehabilitation completion order was not issued before June 1, 2008, regardless of whether they have previously transitioned to nonstate-funded cleanup status, may continue state-funded cleanup pursuant to s. 376.3071(6) until a site rehabilitation completion order is issued or the increased site rehabilitation funding assistance limit is reached, whichever occurs first.

Section 98. Paragraph (k) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(k) The department shall coordinate energy-related programs of state government, including, but not limited to, the programs provided in this section. To this end, the department shall:

1. Provide assistance to other state agencies, counties, and municipalities, ~~and regional planning agencies~~ to further and promote their energy planning activities.

2. Require, in cooperation with the Department of Management Services, all state agencies to operate state-owned and state-leased buildings in accordance with energy conservation standards as adopted by the Department of Management Services. Every 3 months, the Department of Management Services shall furnish the department data on agencies' energy consumption and emissions of greenhouse gases in a format prescribed by the department.

3. Promote the development and use of renewable energy

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resources, energy efficiency technologies, and conservation measures.

4. Promote the recovery of energy from wastes, including, but not limited to, the use of waste heat, the use of agricultural products as a source of energy, and recycling of manufactured products. Such promotion shall be conducted in conjunction with, and after consultation with, the Department of Environmental Protection and the Florida Public Service Commission where electrical generation or natural gas is involved, and any other relevant federal, state, or local governmental agency having responsibility for resource recovery programs.

Section 99. Subsection (3) of section 378.411, Florida Statutes, is amended to read:

378.411 Certification to receive notices of intent to mine, to review, and to inspect for compliance.—

(3) In making his or her determination, the secretary shall consult with the Department of Commerce, ~~the appropriate regional planning council~~, and the appropriate water management district.

Section 100. Subsection (15) of section 380.031, Florida Statutes, is amended to read:

380.031 Definitions.—As used in this chapter:

~~(15) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under this chapter in a particular region of the state.~~

Section 101. Subsection (2) of section 380.045, Florida Statutes, is amended to read:

380.045 Resource planning and management committees;

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objectives; procedures.—

(2) The committee must include, but is not limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels is relevant to the compilation of the committee; and a water management district, if appropriate, ~~and regional planning council all or part of whose jurisdiction lies within the area under study.~~ After the appointment of the members, the Governor shall select a chair and vice chair. A staff member of the state land planning agency shall be appointed by the secretary of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chair or on the demand of three or more members of the committee. The committee will act on a simple majority of a quorum present and 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~~

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~~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.

(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

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3829 after the adoption of the rule designating an area of critical  
 3830 state concern, or within 120 days after the issuance of a  
 3831 recommended order on the compliance of the plan or plan  
 3832 amendment pursuant to s. 163.3184, or within 120 days after the  
 3833 effective date of an order rejecting a proposed land development  
 3834 regulation, the state land planning agency must ~~shall~~ submit to  
 3835 the commission recommended land development regulations and a  
 3836 local comprehensive plan or portions thereof applicable to that  
 3837 local government's portion of the area of critical state  
 3838 concern. Within 45 days following receipt of the recommendation  
 3839 from the agency, the commission shall either reject the  
 3840 recommendation as tendered or adopt the recommendation with or  
 3841 without modification, and by rule establish land development  
 3842 regulations and a local comprehensive plan applicable to that  
 3843 local government's portion of the area of critical state  
 3844 concern. However, such rule may ~~shall~~ not become effective  
 3845 before ~~prior to~~ legislative review of an area of critical state  
 3846 concern pursuant to paragraph (1)(c). In the rule, the  
 3847 commission shall specify the extent to which its land  
 3848 development regulations, plans, or plan amendments will  
 3849 supersede, or will be supplementary to, local land development  
 3850 regulations and plans. Notice of any proposed rule issued under  
 3851 this section shall be given to all local governments and  
 3852 regional ~~planning~~ agencies in the area of critical state  
 3853 concern, in addition to any other notice required under chapter  
 3854 120. The land development regulations and local comprehensive  
 3855 plan adopted by the commission under this section may include  
 3856 any type of regulation and plan that could have been adopted by  
 3857 the local government. Any land development regulations or local

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3858 comprehensive plan or plan amendments adopted by the commission  
 3859 under this section shall be administered by the local government  
 3860 as part of, or in the absence of, the local land development  
 3861 regulations and local comprehensive plan.

3862 (12) Upon the request of a substantially interested person  
 3863 pursuant to s. 120.54(7), a local government or regional  
 3864 ~~planning~~ agency within the designated area, or the state land  
 3865 planning agency, the commission may by rule remove, contract, or  
 3866 expand any designated boundary. Boundary expansions are subject  
 3867 to legislative review pursuant to paragraph (1)(c). No boundary  
 3868 may be modified without a specific finding by the commission  
 3869 that such changes are consistent with necessary resource  
 3870 protection. The total boundaries of an entire area of critical  
 3871 state concern may ~~shall~~ not be removed by the commission unless  
 3872 a minimum time of 1 year has elapsed from the adoption of  
 3873 regulations and a local comprehensive plan pursuant to  
 3874 subsection (1), subsection (6), subsection (8), or subsection  
 3875 (10). Before totally removing such boundaries, the commission  
 3876 shall make findings that the regulations and plans adopted  
 3877 pursuant to subsection (1), subsection (6), subsection (8), or  
 3878 subsection (10) are being effectively implemented by local  
 3879 governments within the area of critical state concern to protect  
 3880 the area and that adopted local government comprehensive plans  
 3881 within the area have been conformed to principles for guiding  
 3882 development for the area.

3883 Section 103. Subsection (3) of section 380.055, Florida  
 3884 Statutes, is amended to read:

3885 380.055 Big Cypress Area.—

3886 (3) DESIGNATION AS AREA OF CRITICAL STATE CONCERN.—The "Big

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3887 Cypress Area," as defined in this subsection, is hereby  
 3888 designated as an area of critical state concern. "Big Cypress  
 3889 Area" means the area generally depicted on the map entitled  
 3890 "Boundary Map, Big Cypress National Freshwater Reserve,  
 3891 Florida," numbered BC-91,001 and dated November 1971, which is  
 3892 on file and available for public inspection in the office of the  
 3893 National Park Service, Department of the Interior, Washington,  
 3894 D.C., and in the office of the Board of Trustees of the Internal  
 3895 Improvement Trust Fund, which is the area proposed as the  
 3896 Federal Big Cypress National Freshwater Reserve, Florida, and  
 3897 that area described as follows: Sections 1, 2, 11, 12 and 13 in  
 3898 Township 49 South, Range 31 East; and Township 49 South, Range  
 3899 32 East, less Sections 19, 30 and 31; and Township 49 South,  
 3900 Range 33 East; and Township 49 South, Range 34 East; and  
 3901 Sections 1 through 5 and 10 through 14 in Township 50 South,  
 3902 Range 32 East; and Sections 1 through 18 and 20 through 25 in  
 3903 Township 50 South, Range 33 East; and Township 50 South, Range  
 3904 34 East, less Section 31; and Sections 1 and 2 in Township 51  
 3905 South, Range 34 East; All in Collier County, Florida, which  
 3906 described area shall be known as the "Big Cypress National  
 3907 Preserve Addition, Florida," together with such contiguous land  
 3908 and water areas as are ecologically linked with the Everglades  
 3909 National Park, certain of the estuarine fisheries of South  
 3910 Florida, or the freshwater aquifer of South Florida, the  
 3911 definitive boundaries of which shall be set in the following  
 3912 manner: Within 120 days following the effective date of this  
 3913 act, the state land planning agency shall recommend definitive  
 3914 boundaries for the Big Cypress Area to the Administration  
 3915 Commission, after giving notice to all local governments and

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3916 regional ~~planning~~ agencies which include within their boundaries  
 3917 any part of the area proposed to be included in the Big Cypress  
 3918 Area and holding such hearings as the state land planning agency  
 3919 deems appropriate. Within 45 days following receipt of the  
 3920 recommended boundaries, the Administration Commission shall  
 3921 adopt, modify, or reject the recommendation and shall by rule  
 3922 establish the boundaries of the area defined as the Big Cypress  
 3923 Area.

3924 Section 104. Subsection (6) and paragraph (b) of subsection  
 3925 (12) of section 380.06, Florida Statutes, are amended to read:  
 3926 380.06 Developments of regional impact.—

3927 (6) REPORTS.—Notwithstanding any condition in a development  
 3928 order for an approved development of regional impact, the  
 3929 developer is not required to submit an annual or a biennial  
 3930 report on the development of regional impact to the local  
 3931 government, ~~the regional planning agency,~~ the state land  
 3932 planning agency, and all affected permit agencies unless  
 3933 required to do so by the local government that has jurisdiction  
 3934 over the development. The penalty for failure to file such a  
 3935 required report is as prescribed by the local government.

3936 (12) PROPOSED DEVELOPMENTS.—

3937 (b) This subsection does not apply to:

3938 1. Amendments to a development order governing an existing  
 3939 development of regional impact.

3940 2. An application for development approval filed with a  
 3941 concurrent plan amendment application pending as of May 14,  
 3942 2015, if the applicant elects to have the application reviewed  
 3943 pursuant to this section as it existed on that date. The  
 3944 election shall be in writing and filed with the affected local

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3945 government, ~~regional planning council~~, and the state land  
3946 planning agency before December 31, 2018.

3947 Section 105. Subsection (2) of section 380.061, Florida  
3948 Statutes, is amended to read:

3949 380.061 The Florida Quality Developments program.—

3950 (2) Following written notification to the state land  
3951 planning agency ~~and the appropriate regional planning agency~~, a  
3952 local government with an approved Florida Quality Development  
3953 within its jurisdiction must set a public hearing pursuant to  
3954 its local procedures and shall adopt a local development order  
3955 to replace and supersede the development order adopted by the  
3956 state land planning agency for the Florida Quality Development.  
3957 Thereafter, the Florida Quality Development shall follow the  
3958 procedures and requirements for developments of regional impact  
3959 as specified in this chapter.

3960 Section 106. Subsection (2) of section 380.07, Florida  
3961 Statutes, is amended to read:

3962 380.07 Florida Land and Water Adjudicatory Commission.—

3963 (2) Whenever any local government issues any development  
3964 order in any area of critical state concern, or in regard to the  
3965 abandonment of any approved development of regional impact,  
3966 copies of such orders as prescribed by rule by the state land  
3967 planning agency shall be transmitted to the state land planning  
3968 agency, ~~the regional planning agency~~, and the owner or developer  
3969 of the property affected by such order. The state land planning  
3970 agency shall adopt rules describing development order rendition  
3971 and effectiveness in designated areas of critical state concern.  
3972 Within 45 days after the order is rendered, the owner, the  
3973 developer, or the state land planning agency may appeal the

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3974 order to the Florida Land and Water Adjudicatory Commission by  
3975 filing a petition alleging that the development order is not  
3976 consistent with this part.

3977 Section 107. Paragraph (c) of subsection (3) of section  
3978 380.23, Florida Statutes, is amended to read:

3979 380.23 Federal consistency.—

3980 (3) Consistency review shall be limited to review of the  
3981 following activities, uses, and projects to ensure that such  
3982 activities, uses, and projects are conducted in accordance with  
3983 the state's coastal management program:

3984 (c) Federally licensed or permitted activities affecting  
3985 land or water uses when such activities are in or seaward of the  
3986 jurisdiction of local governments required to develop a coastal  
3987 zone protection element as provided in s. 380.24 and when such  
3988 activities involve:

3989 1. Permits and licenses required under the Rivers and  
3990 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

3991 2. Permits and licenses required under the Marine  
3992 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.  
3993 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3994 3. Permits and licenses required under the Federal Water  
3995 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as  
3996 amended, unless such permitting activities have been delegated  
3997 to the state pursuant to said act.

3998 4. Permits and licenses relating to the transportation of  
3999 hazardous substance materials or transportation and dumping  
4000 which are issued pursuant to the Hazardous Materials  
4001 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or  
4002 33 U.S.C. s. 1321, as amended.

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4003 5. Permits and licenses required under 15 U.S.C. ss. 717-  
 4004 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.  
 4005 1331-1356 for construction and operation of interstate gas  
 4006 pipelines and storage facilities.

4007 6. Permits and licenses required for the siting and  
 4008 construction of any new electrical power plants as defined in s.  
 4009 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and  
 4010 relicensing of hydroelectric power plants under the Federal  
 4011 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

4012 7. Permits and licenses required under the Mining Law of  
 4013 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands  
 4014 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral  
 4015 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as  
 4016 amended; the Federal Land Policy and Management Act, 43 U.S.C.  
 4017 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16  
 4018 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43  
 4019 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,  
 4020 pipelines, geological and geophysical activities, or rights-of-  
 4021 way on public lands and permits and licenses required under the  
 4022 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as  
 4023 amended.

4024 8. Permits and licenses for areas leased under the OCS  
 4025 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including  
 4026 leases and approvals of exploration, development, and production  
 4027 plans.

4028 9. Permits and licenses required under the Deepwater Port  
 4029 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

4030 10. Permits required for the taking of marine mammals under  
 4031 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.

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4032 s. 1374.

4033 Section 108. Subsection (3) of section 380.507, Florida  
 4034 Statutes, is amended to read:

4035 380.507 Powers of the trust.—The trust shall have all the  
 4036 powers necessary or convenient to carry out the purposes and  
 4037 provisions of this part, including:

4038 (3) To provide technical and financial assistance to local  
 4039 governments, state agencies, water management districts,  
 4040 ~~regional planning councils~~, and nonprofit agencies to carry out  
 4041 projects and activities and develop programs to achieve the  
 4042 purposes of this part.

4043 Section 109. Paragraph (b) of subsection (8) of section  
 4044 381.986, Florida Statutes, is amended to read:

4045 381.986 Medical use of marijuana.—

4046 (8) MEDICAL MARIJUANA TREATMENT CENTERS.—

4047 (b) An applicant for licensure as a medical marijuana  
 4048 treatment center shall apply to the department on a form  
 4049 prescribed by the department and adopted in rule. The department  
 4050 shall adopt rules pursuant to ss. 120.536(1) and 120.54  
 4051 establishing a procedure for the issuance and biennial renewal  
 4052 of licenses, including initial application and biennial renewal  
 4053 fees sufficient to cover the costs of implementing and  
 4054 administering this section, and establishing supplemental  
 4055 licensure fees for payment beginning May 1, 2018, sufficient to  
 4056 cover the costs of administering ss. 381.989 and 1004.4351. The  
 4057 department shall identify applicants with strong diversity plans  
 4058 reflecting this state's commitment to diversity and implement  
 4059 training programs and other educational programs to enable  
 4060 minority persons and certified rural or urban minority business

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enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana 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

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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 bond.

b. In lieu of the performance bond required under 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

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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 ~~minority~~ business enterprises and veteran business enterprises.

Section 110. Subsection (4) of section 403.031, Florida Statutes, is amended to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(4) "Electrical power plant" means, for purposes of this part of this chapter, any electrical generating facility that uses any process or fuel and that is owned or operated by an electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and

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includes any associated facility that directly supports the operation of the electrical power plant.

Section 111. Subsection (6) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(6) The secretary of the department may form ecosystem management advisory teams for consultation and participation in the preparation of an ecosystem management agreement. The secretary shall request the participation of at least the state and regional and local government entities having regulatory authority over the activities to be subject to the ecosystem management agreement. Such teams may also include representatives of other participating or advisory government agencies, which may include ~~regional planning councils~~, private landowners, public landowners and managers, public and private utilities, corporations, and environmental interests. Team members shall be selected in a manner that ensures adequate representation of the diverse interests and perspectives within the designated ecosystem. Participation by any department of state government is at the discretion of that agency.

Section 112. Subsection (27) of section 403.503, Florida Statutes, is amended to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

~~(27) "Regional planning council" means a regional planning council as defined in s. 186.503(4) in the jurisdiction of which the electrical power plant is proposed to be located.~~

Section 113. Subsection (1) of section 403.50663, Florida Statutes, is amended to read:

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4177 403.50663 Informational public meetings.—  
 4178 (1) A local government within whose jurisdiction the power  
 4179 plant is proposed to be sited may hold one informational public  
 4180 meeting in addition to the hearings specifically authorized by  
 4181 this act on any matter associated with the electrical power  
 4182 plant proceeding. Such informational public meetings shall be  
 4183 held by the local government ~~or by the regional planning council~~  
 4184 ~~if the local government does not hold such meeting~~ within 70  
 4185 days after the filing of the application. The purpose of an  
 4186 informational public meeting is for the local government ~~or~~  
 4187 ~~regional planning council~~ to further inform the public about the  
 4188 proposed electrical power plant or associated facilities, obtain  
 4189 comments from the public, and formulate its recommendation with  
 4190 respect to the proposed electrical power plant.  
 4191 Section 114. Paragraph (a) of subsection (2) of section  
 4192 403.507, Florida Statutes, is amended to read:  
 4193 403.507 Preliminary statements of issues, reports, project  
 4194 analyses, and studies.—  
 4195 (2)(a) No later than 100 days after the certification  
 4196 application has been determined complete, the following agencies  
 4197 shall prepare reports as provided below and shall submit them to  
 4198 the department and the applicant, unless a final order denying  
 4199 the determination of need has been issued under s. 403.519:  
 4200 1. The Department of Commerce shall prepare a report  
 4201 containing recommendations which address the impact upon the  
 4202 public of the proposed electrical power plant, based on the  
 4203 degree to which the electrical power plant is consistent with  
 4204 the applicable portions of the state comprehensive plan,  
 4205 emergency management, and other such matters within its

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4206 jurisdiction. The Department of Commerce may also comment on the  
 4207 consistency of the proposed electrical power plant with  
 4208 applicable ~~strategic regional policy plans or~~ local  
 4209 comprehensive plans and land development regulations.  
 4210 2. The water management district shall prepare a report as  
 4211 to matters within its jurisdiction, including but not limited  
 4212 to, the impact of the proposed electrical power plant on water  
 4213 resources, regional water supply planning, and district-owned  
 4214 lands and works.  
 4215 3. Each local government in whose jurisdiction the proposed  
 4216 electrical power plant is to be located shall prepare a report  
 4217 as to the consistency of the proposed electrical power plant  
 4218 with all applicable local ordinances, regulations, standards, or  
 4219 criteria that apply to the proposed electrical power plant,  
 4220 including any applicable local environmental regulations adopted  
 4221 pursuant to s. 403.182 or by other means.  
 4222 4. The Fish and Wildlife Conservation Commission shall  
 4223 prepare a report as to matters within its jurisdiction.  
 4224 5. The Department of Transportation shall address the  
 4225 impact of the proposed electrical power plant on matters within  
 4226 its jurisdiction.  
 4227 Section 115. Paragraphs (a) and (c) of subsection (4) of  
 4228 section 403.509, Florida Statutes, are amended to read:  
 4229 403.509 Final disposition of application.—  
 4230 (4)(a) Any transmission line corridor certified by the  
 4231 board, or secretary if applicable, shall meet the criteria of  
 4232 this section. When more than one transmission line corridor is  
 4233 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and  
 4234 meets the criteria of this section, the board, or secretary if

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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 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

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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.—

(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

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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 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,

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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 (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 shall prepare a report as to the impact on water resources and

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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 to the certification of the proposed transmission line or

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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 121. 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 ~~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. 403.5365 ~~s. 403.526(2)~~ and

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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 122. Subsection (1) of section 403.5272, Florida Statutes, is amended to read:

403.5272 Informational public meetings.—

(1) A local government whose jurisdiction is to be crossed by a proposed corridor may hold one informational public meeting in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. The informational public meeting ~~may be conducted by the local government or the regional planning council~~ and shall be held no later than 55 days after the application is filed. The purpose of an informational public meeting is for the local government ~~or regional planning council~~ to further inform the public about the transmission line proposed, obtain comments from the public, and formulate its recommendation with respect to the proposed transmission line.

Section 123. Subsection (4), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 403.5363, Florida Statutes, are amended to read:

403.5363 Public notices; requirements.—

(4) A local government ~~or regional planning council~~ that proposes to conduct an informational public meeting pursuant to s. 403.5272 must publish notice of the meeting in a newspaper of general circulation within the county or counties in which the proposed electrical transmission line will be located no later

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than 7 days ~~before~~ prior to the meeting. A newspaper of general circulation shall be the newspaper that has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

(5) (a) A good faith effort shall be made by the applicant to provide direct notice of the filing of an application 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 one-quarter mile of the proposed boundaries of a transmission line corridor that only includes a transmission line as defined by s. 403.522 ~~s. 403.522(22)~~.

(6) (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 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 124. Paragraph (d) of subsection (1) of section

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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 the date the applicant has provided written notification to the

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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 125. 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 Florida Electric Transmission Line Siting Act and is a condition

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precedent to the conduct of the certification hearing prescribed therein. An order entered pursuant to this section constitutes final agency action.

Section 126. 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 127. 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 successful arrangements with a county:

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(a) Perform local hazardous waste management assessments; and

(b) Provide any technical expertise needed by the counties in developing the assessments.

Section 128. 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 129. 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 volume of wastes generated in the state, reducing the toxicity

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of wastes generated in the state, and providing treatment and disposal facilities in the state.

(2) After each county designates areas for storage facilities, the department ~~each regional planning council~~ shall designate one or more sites at which a regional hazardous waste storage or treatment facility could be constructed.

Section 130. Subsection (22) of section 403.9403, Florida Statutes, is amended to read:

403.9403 Definitions.—As used in ss. 403.9401-403.9425, the term:

~~(22) "Regional planning council" means a regional planning council created pursuant to chapter 186 in the jurisdiction of which the project is proposed to be located.~~

Section 131. Paragraph (a) of subsection (2) of section 403.941, Florida Statutes, is amended to read:

403.941 Preliminary statements of issues, reports, and studies.—

(2)(a) The affected agencies shall prepare reports as provided in this paragraph and shall submit them to the department and the applicant within 60 days after the application is determined sufficient:

1. The department shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor as it relates to matters within its jurisdiction.

2. Each water management district in the jurisdiction of which a proposed natural gas transmission pipeline or corridor is to be located 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

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containing recommendations which address the impact upon the public of the proposed natural gas transmission pipeline or corridor, based on the degree to which the proposed natural gas transmission pipeline or corridor is consistent with the applicable portions of the state comprehensive plan and other matters within its jurisdiction. The Department of Commerce may also comment on the consistency of the proposed natural gas transmission pipeline 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 natural gas transmission pipeline or corridor on fish and wildlife resources and other matters within its jurisdiction.

5. Each local government in which the natural gas transmission pipeline or natural gas transmission pipeline corridor will be located shall prepare a report as to the impact of each proposed natural gas transmission pipeline or corridor on matters within its jurisdiction, including the consistency of the proposed natural gas transmission pipeline or corridor with all applicable local ordinances, regulations, standards, or criteria that apply to the proposed natural gas transmission pipeline 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. No 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

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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 132. 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 regulated by ss. 403.9401-403.9425. Such notice shall be

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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 133. 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 agencies as circumstances warrant.

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Section 134. 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 of the comprehensive plan provided in chapter 163, to assure

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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 that elects to address health issues in its strategic regional~~

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~~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 135. 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.

(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

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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 homeless persons.

Section 136. 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.—

(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.

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4815 288.703 ~~s. 288.703(4).~~

4816 3. Scholastic ability and performance.

4817 (6) There is hereby created the Certified Public Accountant  
4818 Education Minority Assistance Advisory Council to assist the  
4819 board in administering the Clay Ford Scholarship Program. The  
4820 council shall be diverse and representative of the gender,  
4821 ethnic, and racial categories set forth in s. 288.703 ~~s.-~~  
4822 ~~288.703(4).~~

4823 (a) The council shall consist of five licensed Florida-  
4824 certified public accountants selected by the board, of whom one  
4825 shall be a board member who serves as chair of the council, one  
4826 shall be a representative of the National Association of Black  
4827 Accountants, one shall be a representative of the Cuban American  
4828 CPA Association, and two shall be selected at large. At least  
4829 one member of the council must be a woman.

4830 (b) The board shall determine the terms for initial  
4831 appointments and appointments thereafter.

4832 (c) Any vacancy on the council shall be filled in the  
4833 manner provided for the selection of the initial member. Any  
4834 member appointed to fill a vacancy of an unexpired term shall be  
4835 appointed for the remainder of that term.

4836 (d) Three consecutive absences or absences constituting 50  
4837 percent or more of the council's meetings within any 12-month  
4838 period shall cause the council membership of the member in  
4839 question to become void, and the position shall be considered  
4840 vacant.

4841 (e) The members of the council shall serve without  
4842 compensation, and any necessary and actual expenses incurred by  
4843 a member while engaged in the business of the council shall be

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4844 borne by such member or by the organization or agency such  
4845 member represents. However, the council member who is a member  
4846 of the board shall be compensated in accordance with ss.  
4847 455.207(4) and 112.061.

4848 Section 137. Paragraph (f) of subsection (1) of section  
4849 501.171, Florida Statutes, is amended to read:

4850 501.171 Security of confidential personal information.—

4851 (1) DEFINITIONS.—As used in this section, the term:

4852 (f) "Governmental entity" means any department, division,  
4853 bureau, commission, ~~regional planning agency~~, board, district,  
4854 authority, agency, or other instrumentality of this state that  
4855 acquires, maintains, stores, or uses data in electronic form  
4856 containing personal information.

4857 Section 138. Section 625.3255, Florida Statutes, is amended  
4858 to read:

4859 625.3255 Capital participation instrument.—An insurer may  
4860 invest in any capital participation instrument or evidence of  
4861 indebtedness issued by the Department of Commerce pursuant to  
4862 the Florida Small ~~and Minority~~ Business Assistance Act.

4863 Section 139. Paragraph (b) of subsection (4) of section  
4864 657.042, Florida Statutes, is amended to read:

4865 657.042 Investment powers and limitations.—A credit union  
4866 may invest its funds subject to the following definitions,  
4867 restrictions, and limitations:

4868 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
4869 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
4870 the credit union may be invested in any of the following:

4871 (b) Any capital participation instrument or evidence of  
4872 indebtedness issued by the Department of Commerce pursuant to

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the Florida Small ~~and Minority~~ Business Assistance Act.

Section 140. Paragraph (f) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF 10 PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(f) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by the Department of Commerce pursuant to the Florida Small ~~and Minority~~ Business Assistance Act.

Section 141. 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

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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 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 142. For the purpose of incorporating the amendment made by this act to section 447.203, Florida Statutes, in references thereto, paragraph (w) of subsection (2) of section 110.205, Florida Statutes, is reenacted to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(w) Managerial employees, as defined in s. 447.203(4), confidential employees, as defined in s. 447.203(5), and

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supervisory employees who spend the majority of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

Section 143. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 163.3162, Florida Statutes, is reenacted to read:

163.3162 Agricultural lands and practices.—

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

(d) "Governmental entity" has the same meaning as provided in s. 164.1031. The term does not include a water management district, a water control district established under chapter 298, or a special district created by special act for water

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management purposes.

Section 144. For the purpose of incorporating the amendment made by this act to section 164.1031, Florida Statutes, in a reference thereto, subsection (8) of section 373.129, Florida Statutes, is reenacted to read:

373.129 Maintenance of actions.—The department, the governing board of any water management district, any local board, or a local government to which authority has been delegated pursuant to s. 373.103(8), is authorized to commence and maintain proper and necessary actions and proceedings in any court of competent jurisdiction for any of the following purposes:

(8) In conflicts arising where a water management district is a party to litigation against another governmental entity, as defined in s. 164.1031, a district has an affirmative duty to engage in alternative dispute resolution in good faith as required by chapter 164.

Section 145. 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

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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 146. For the purpose of incorporating the amendments made by this act to sections 380.045 and 380.05, Florida Statutes, in references 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.

(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.

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(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 147. 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 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 148. 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

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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 149. 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:

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

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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 150. 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 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

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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 151. This act shall take effect July 1, 2025.



**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.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1348

INTRODUCER: Transportation Committee and Senator Trumbull

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 14, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1348 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including tax collector duties and responsibilities, driver license issuance and revocation, and disabled parking permits. Specifically, the bill:

- Authorizes tax collectors to deliver certain documents by mail or make them available at the tax collector's office.
- Allows tax collectors to process applications for duplicate certificates of title.
- Revises the requirements governing the issuance of permanent disabled parking permits.
- Amends legislative intent language to provide that the transition of driver license issuance services from the DHSMV to tax collectors must be completed no later than June 30, 2027.
- Requires certain driver license applicants to retake examinations.
- Authorizes tax collectors to process specified transactions using the DHSMV's online license and registration portal and offer licensees certain charitable donation options.
- Requires the revocation of a restricted driving privilege in certain circumstances.

The bill will have an indeterminate negative fiscal impact on the government sector. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

## **II. Present Situation:**

### **Certificate of Original and Duplicate Title Issuance**

An application for a certificate of title must be filed with the DHSMV, and must be accompanied by the required fee of \$75.75 (or \$87.75 for a vehicle with an out-of-state title).<sup>1</sup> If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title must be accompanied by the certificate of title duly assigned, or assigned and reassigned.<sup>2</sup> If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of the application for a certificate of title must be accompanied by all such manufacturers' statements of origin.<sup>3</sup>

A duly authorized person must sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the motor vehicle or mobile home, as shown in the records of the DHSMV or as shown in the application, deliver the certificate to the applicant or to another person as directed by the applicant or person, agent, or attorney submitting the application.<sup>4</sup>

### **Lost or Destroyed Certificates**

If a certificate of title is lost or destroyed, application for a duplicate copy must be made to the DHSMV by the owner of the motor vehicle or mobile home or the holder of a lien on a form prescribed by DHSMV and accompanied by the fee prescribed in ch. 319, F.S. The application must be signed and sworn to by the applicant.<sup>5</sup> The DHSMV must issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of ch. 319, F.S.<sup>6</sup>

### **Mailing of Registration Certificates, License Plates, and Validation Stickers**

The DHSMV and tax collectors may, at the request of the applicant, use the United States Postal Service to deliver registration certificates and renewals, license plates, mobile home stickers, and validation stickers to applicants.<sup>7</sup>

### **Issuance of Disabled Parking Permits**

The DHSMV or its authorized agents must, upon application and receipt of the required fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant's birthday, to any person who has long-term mobility impairment. No person will be

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<sup>1</sup> Section 319.23(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Section 319.24(2), F.S.

<sup>5</sup> Section 319.29(4), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 320.031(1), F.S.

required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.<sup>8</sup>

In order for an applicant to be certified as having a long-term mobility impairment for a disabled parking permit, they must meet one of the following criteria:

- Is certified legally blind.
- Has an inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
- The need to permanently use a wheelchair.
- Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.
- Use of portable oxygen.
- Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
- Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.<sup>9</sup>

The certification of the disability listed above must be provided by a specified physician, with certain requirements related to the long-term mobility impairment. The certificate of disability must include the:

- Disability of the applicant;
- Certifying practitioner's name, address, and certification number;
- Eligibility criteria for the permit;
- Penalty for falsification by either the certifying practitioner or applicant;
- Duration of the condition that entitles the applicant for the permit;
- Justification for any additional placard;
- Statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility;" and
- Signatures of the applicant's physician or other certifying practitioner, applicant, and employee of the DHSMV's authorized agent which is processing the application.<sup>10</sup>

A disabled parking permit is a placard that is visible from the front and the rear of a vehicle and must be hung from the vehicle's rear-view mirror when the vehicle is parked in a designated accessible parking space.<sup>11</sup> Each side of the placard displays the international symbol of accessibility, and a decal indicating the expiration date of the placard. One side of the placard

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<sup>8</sup> Section 320.0848(1)(a), F.S.

<sup>9</sup> Section 320.0848(1)(b), F.S.

<sup>10</sup> Section 320.0848(1)(c), F.S.

<sup>11</sup> DHSMV, Application for Disabled Person Parking Permit, available at <https://www.flhsmv.gov/pdf/forms/83039.pdf> (last visited March 29, 2025).

must display the applicant's Florida driver license or identification card number, along with a warning that the applicant must have such identification at all times while using the permit.<sup>12</sup>

A law enforcement officer or parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver license or identification card and may charge the person in control of the vehicle with resisting an officer without violence if the person refuses.<sup>13</sup>

Any person who fraudulently obtains or unlawfully displays a disabled parking permit that belongs to another person while occupying a disabled parking space, or who uses an unauthorized replica of such permit, is guilty of a second degree misdemeanor.<sup>14</sup>

Any person who knowingly makes a false or misleading statement on an application to obtain a disabled parking permit commits a first degree misdemeanor.<sup>15</sup>

### **Transition of Driver License Issuance Services to Tax Collectors**

Section 322.02, F.S., provides a statement of legislative intent relating to the transition of driver license services from the DHSMV to the tax collectors.<sup>16</sup> Specifically, the statement provides that it is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors, who are constitutional officers under s. 1(d), Art. VIII of the State Constitution, be completed no later than June 30, 2015.<sup>17</sup> The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.<sup>18</sup>

The tax collector in and for his or her county may be designated the exclusive agent of the DHSMV to implement and administer the provisions of ch. 322, F.S., as provided by s. 322.135, F.S.<sup>19</sup>

On November 6, 2018, Florida voters approved Amendment 10 to the Florida Constitution, which provided for the election of tax collectors in all counties, including the counties of Volusia, Broward, and Miami-Dade, who had yet to elect tax collectors in their respective counties. A tax collector for Volusia County was elected in 2021 and began to assume the duties of issuing driver's licenses in its two offices, which was completed at the end of January 2022. Broward and Miami-Dade counties elected new tax collectors in November of 2024, and as of March of 2025, have begun the transition of those duties from the DHSMV. Until the transition is complete for Miami-Dade and Broward counties, the DHSMV will continue its driver license services in its eight offices in Miami-Dade County, and its five offices in Broward County.

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<sup>12</sup> An exemption may be obtained from this requirement by the certifying physician in cases where the severity of the disability prevents the person from physically visiting or being transported in order to be issued a driver license or identification card; s. 320.0848(2)(a), F.S.

<sup>13</sup> Section 316.1955, F.S.

<sup>14</sup> Section 320.0848(7), F.S.

<sup>15</sup> Section 320.0848(6), F.S.

<sup>16</sup> Section 322.02(1), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Section 322.02(5), F.S.

Miami-Dade County has assumed operation of one of the DHSMV's driver license offices as of March 2025.<sup>20</sup>

### **Driver License Examinations**

The DHSMV is required to conduct an examination of every applicant for a driver license, including an applicant who is licensed in another state or country, except under certain conditions.<sup>21</sup> A person who holds a learner's driver license is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle and need not pay the fee for a replacement license.<sup>22</sup>

#### *Class E Driver License*

A Class E driver license examination includes all of the following:

- A test of the applicant's eyesight given by the driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician.<sup>23</sup>
- A test of the applicant's hearing given by a driver license examiner or a licensed physician.<sup>24</sup>
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances.<sup>25</sup>
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.<sup>26</sup>

#### *Commercial Driver License*

The examination for a commercial driver license must include the following:

- A test of the applicant's eyesight given by a driver license examiner designated by the DHSMV or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver license examiner or a licensed physician.
- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special

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<sup>20</sup> DHSMV, *2025 Legislative Bill Analysis: SB 1348* (March 17, 2025) at p. 4 (on file with the Senate Transportation Committee).

<sup>21</sup> Section 322.12(2), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 322.12(3)(a), F.S.

<sup>24</sup> Section 322.12(3)(b), F.S.

<sup>25</sup> Section 322.12(3)(c), F.S.

<sup>26</sup> Section 322.12(3)(d), F.S.

skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate.

- An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.<sup>27</sup>

The portion of the examination which tests an applicant's safe driving ability must be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination, pursuant to s. 322.56, F.S. Such an examination must be administered at a location approved by the DHSMV.<sup>28</sup>

A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e) F.S., if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.<sup>29</sup>

If DHSMV has sufficient evidence that an applicant has cheated on an examination, the DHSMV, after providing a notice of rights under ch. 120, F.S., may suspend a person's driver license for one year. When an applicant returns to take the examination, they are charged \$20 for each subsequent examination. If the test is administered by a tax collector, the tax collector retains the \$20 fee, less the general revenue service fee. The tax collector may also charge a \$6.25 service fee.<sup>30</sup>

### **Driver License Agents - Voluntary Contributions**

The DHSMV must authorize by interagency agreement the tax collectors, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.<sup>31</sup> The services provided by tax collectors are limited to the issuance of driver licenses and identification cards as authorized by ch. 322, F.S.<sup>32</sup>

Currently, customers do not have the option of rounding up their transaction amount to the next dollar amount to charity, however, customers are allowed to make a voluntary contribution when renewing a driver license or motor vehicle registration to statutorily approved organizations.<sup>33</sup>

### **Temporary Disqualification of a Commercial Driver License**

A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid

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<sup>27</sup> Section 322.12(4), F.S.

<sup>28</sup> Section 322.12(4)(a), F.S.

<sup>29</sup> Section 322.12(4)(b), F.S.

<sup>30</sup> DHSMV, *supra* note 20, at 5.

<sup>31</sup> Section 322.135(1), F.S.

<sup>32</sup> Section 322.135(1)(a), F.S.

<sup>33</sup> Section 322.08(8), F.S.

for the length of his or her unexpired commercial driver license, at no cost.<sup>34</sup> Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period.<sup>35</sup> Eligible persons must pay the reinstatement fee provided in s. 322.21, F.S., before being issued a commercial driver license.<sup>36</sup> This section of law does not currently reference the term “if eligible,” rather it is implied that eligibility is a requirement.

### **Restricted Driving Privileges**

A person whose driving privilege has been revoked under s. 322.27(5) F.S.,<sup>37</sup> may, upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege.<sup>38</sup> Upon such petition and after investigation of the person’s qualification, fitness, and need to drive, the DHSMV must hold a hearing pursuant to ch. 120, F.S., to determine whether the driving privilege should be reinstated on a restricted basis solely for business or employment purposes.<sup>39</sup>

### **Return of Certain Suspended Driver Licenses**

An examination is not required for the return of a driver license suspended under the following conditions:

- Failure to comply with civil penalty or failure to appear.
- Failure of a person charged with specified offenses under chs. 316 and 320, F.S.
- Failure to comply with directives ordered by traffic court.
- Failure to pay child support in non-IV-D cases.<sup>40</sup>

A person applying for the return of a license suspended under the above conditions must present the DHSMV with certification from the court that he or she has complied with all obligations and penalties imposed pursuant to the conditions, and that they have complied with all the directives of the court, and pay a nonrefundable service fee of \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 shall be deposited into the Highway Safety Operating Trust Fund.<sup>41</sup> If reinstated by the clerk of the court or tax collector, \$37.50 must be retained and \$22.50 must be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. Drivers whose licenses are suspended or revoked are required to pay a \$45 fee or \$75 fee under s. 322.21(8), F.S., to reinstate a suspended or revoked license, however, if the \$45 or \$75 fee is paid, the DHSMV will not charge the \$60 fee referenced above.<sup>42</sup>

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<sup>34</sup> Section 322.251(4), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Section 322.27, F.S., provides that DHSMV shall revoke the license of any person designated a habitual offender, as set forth in s. [322.264](#), and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. [322.271](#). Any person whose license is revoked may, by petition to DHSMV, show cause why his or her license should not be revoked.

<sup>38</sup> Section 322.271(1)(b), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 322.29(2), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

### III. Effect of Proposed Changes:

**Section 1** amends s. 319.24, F.S., to allow tax collectors, as authorized agents of the DHSMV, to deliver original certificates of title and corrected certificates by mail or make such certificates available to applicants at tax collectors' offices.

**Section 2** amends s. 319.29, F.S., to provide that an application for a duplicate copy of a certificate of title may be fulfilled by the tax collector, acting as an authorized agent of the DHSMV. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

**Section 3** amends s. 320.031, F.S., to allow tax collectors the ability to deliver in person at the request of the applicant, registration certificates, renewals, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to the applicant.

**Section 4** amends s. 320.0848, F.S., to provide that the DHSMV must renew the disabled parking permit of a person certified as permanently disabled on the previous application for a subsequent four-year period without requiring the person to provide another certificate of disability or United States Department of Veteran Affairs Form Letter 27-333, or its equivalent.

The bill would effectively allow a person to continue to apply for a permanently disabled parking permit decal every four years but only have to provide certification of disability from a physician every eight years.

**Section 5** amends s. 322.02, F.S., to provide that the transition of all driver license issuance services from DHSMV to tax collectors, including the transition to the recently elected tax collectors in Broward and Miami-Dade counties, must be completed no later than June 30, 2027. The bill also repeals an existing provision that states that the transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the DHSMV.

The DHSMV has indicated that tax collector offices are largely turn-key operations, and the transition of driver license issuance services to the tax collectors should be completed by December 31, 2026. The Miami-Dade County Tax Collector has committed to transitioning at least three of its offices by June 30, 2026. The Broward County Tax Collector is continuing to assess the timeline to transition operations of the DHSMV's driver license offices. The DHSMV indicates that the budget to operate the 14 driver license offices in Miami-Dade and Broward counties is approximately \$27 million a year. The longer the transition takes, the longer the DHSMV will incur expenses associated with the operation of these driver license offices.<sup>43</sup>

**Section 6** amends s. 322.12, F.S., to explicitly state that a Class E driver license or a commercial driver license applicant who is found to have cheated during or otherwise circumvented any portion of the driver license examination must retake the examination.

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<sup>43</sup> DHSMV, *Supra* note 20 at 6.



**Section 7** amends s. 322.135, F.S., to allow tax collectors to process driver license transactions using the DHSMV's online license and registration portal. It also allows tax collectors to offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

According to the DHSMV, the department previously agreed it will build functionality into the myDMV Portal to allow a customer the option to order a credential online and pick it up at their local tax collector's office the same day, if the customer is willing to pay the additional \$6.25 tax collector service fee.<sup>44</sup>

**Section 8** amends s. 322.251 F.S., to stipulate that a person whose privilege to operate a commercial motor vehicle is temporarily disqualified, may upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial license, if eligible, at no cost.

**Section 9** amends s. 322.271, F.S., to provide that a person whose driving privilege has been revoked under s. 322.27(5) F.S., as a habitual traffic offender, may upon expiration of 12 months from the date of such revocation, petition the DHSMV for reinstatement of his or her driving privilege on a restricted basis for business or employment purposes. If the person subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the five-year period after his or her initial license revocation.

**Section 10** amends s. 322.66 F.S., to conform a cross-reference.

**Section 11** provides that 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.

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<sup>44</sup> *Id.*

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

To the extent the bill delays the transition of driver license issuance services in Broward and Miami-Dade counties from the DHSMV to the recently elected tax collectors in those counties the DHSMV could incur additional expenditures.

The DHSMV reports that the bill would have an indeterminate negative fiscal impact on the department associated with information technology programming and implementation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 319.24, 319.29, 320.031, 320.0848, 322.02, 322.12, 322.135, 322.251, 322.271, and 322.66.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

**CS by Transportation on April 1, 2025:**

- Removes the provision related to removing certain commercial motor vehicles from service and the requirement for driver reexamination and third-party testing.
- Provides that a permitholder must continue to apply for a permanently disabled parking permit every four years, but specifies that the permitholder only has to provide certification of disability from a physician every eight years.

- Provides that the transition of driver license issuance services from the DHSMV to the tax collectors must be completed by June 30, 2027.
- Retains the requirement that a driver license applicant who is found to have cheated during the examination must retake the examination but removes an associated fee.
- Removes a provision relating to driver license revocations based solely on convictions for certain nonmoving violations.
- Restores an existing statutory provision that waives a driver license service fee in specified circumstances.

B. Amendments:

None.



433154

LEGISLATIVE ACTION

Senate

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House

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The Appropriations Committee on Transportation, Tourism, and  
Economic Development (Trumbull) recommended the following:

**Senate Amendment (with title amendment)**

Before line 41

insert:

Section 1. Section 316.88, Florida Statutes, is created to  
read:

316.88 Sale of appointments prohibited.—Unless authorized  
in writing by the department or a tax collector acting as an  
authorized agent of the department, a person may not sell or  
offer to sell a service appointment with a department office or



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with the office of a tax collector acting as an authorized agent  
of the department, respectively, for any service authorized by  
chapter 319, chapter 320, chapter 322, or chapter 328. A person  
who violates this section commits a misdemeanor of the first  
degree, punishable as provided in s. 775.082 or s. 775.083.

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

And the title is amended as follows:

Delete line 3

and insert:

and Motor Vehicles; creating s. 316.88, F.S.;  
prohibiting a person from selling or offering to sell  
certain service appointments without the written  
authorization of the department or a tax collector;  
providing criminal penalties; amending s. 319.24,  
F.S.;



539458

LEGISLATIVE ACTION

Senate

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House

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The Appropriations Committee on Transportation, Tourism, and  
Economic Development (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Before line 41

insert:

Section 1. Subsection (4) of section 316.305, Florida  
Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.-

(4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a  
noncriminal traffic infraction, punishable as a moving ~~nonmoving~~  
violation as provided in chapter 318, and shall have 3 points



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assessed against his or her driver license as set forth in s.  
322.27(3)(d)8.

(b) A ~~Any~~ person who commits a second or subsequent  
violation of paragraph (3)(a) within 5 years after the date of a  
prior conviction for a violation of paragraph (3)(a) commits a  
noncriminal traffic infraction, punishable as a moving violation  
as provided in chapter 318, and shall have 4 points assessed  
against his or her driver license for the purposes of s. 322.27.

(c) In lieu of the penalty specified in s. 318.18 and the  
assessment of points, a person who violates paragraph (3)(a) may  
elect to participate in a distracted driving safety program  
approved by the department. Upon the person's completion of such  
program, the penalty specified in s. 318.18 and associated costs  
may be waived by the clerk of the court and the assessment of  
points must be waived.

Section 2. Subsection (4) of section 316.306, Florida  
Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a  
wireless communications device in a handheld manner.—

(4)(a) A ~~Any~~ person who violates this section commits a  
noncriminal traffic infraction, punishable as a moving  
violation~~7~~, as provided in chapter 318, and shall have 3 points  
assessed against his or her driver license as set forth in s.  
322.27(3)(d)8. ~~For a first offense under this section,~~ In lieu  
of the penalty specified in s. 318.18 and the assessment of  
points, a person who violates this section may elect to  
participate in a distracted ~~wireless communications device~~  
driving safety program approved by the Department of Highway  
Safety and Motor Vehicles. Upon the person's completion of such



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program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

(b) The clerk of the court may dismiss a case and assess court costs in accordance with s. 318.18(12)(a) for a nonmoving traffic infraction for a person who is cited for a first time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.

Section 3. Subsection (1) and paragraph (d) of subsection (6) of section 318.1451, Florida Statutes, are amended to read:

318.1451 Driver improvement schools.—

(1)(a) The department shall approve and regulate the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, and 322.291, including courses that use technology as a delivery method.

(b) The department shall create a 4-hour basic driver improvement course specifically related to distracted driving which must include, but need not be limited to, testimonials from people whose lives have been affected by death or injury caused by distracted driving and which driver improvement schools shall offer to persons electing to participate in a distracted driving safety program pursuant to s. 316.305(4)(c) or s. 316.306(4)(a).

(6) The department shall adopt rules establishing and maintaining policies and procedures to implement the requirements of this section. These policies and procedures may include, but shall not be limited to, the following:

(d) *Course content.*—The department shall set and modify





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course content requirements to keep current with laws and safety information. The department shall annually review changes made to major traffic laws of this state, including s. 316.126(1)(b), and shall require course content for courses referenced in this section to be modified in accordance with changes relevant to the courses. Course content includes all items used in the conduct of the course. All basic driver improvement courses must include at least 1 hour dedicated to distracted driving which must include, but need not be limited to, testimonials from people whose lives have been affected by death or injury caused by distracted driving.

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

And the title is amended as follows:

Delete line 3

and insert:

and Motor Vehicles; amending s. 316.305, F.S.;  
revising penalties for the use of a wireless  
communications device while operating a motor vehicle;  
authorizing certain persons to participate in a  
distracted driving safety program approved by the  
department; authorizing the waiver of certain  
penalties and associated costs, and requiring the  
waiver of the assessment of points, upon completion of  
such program; amending s. 316.306, F.S.; authorizing a  
person to participate in a distracted driving safety  
program, upon completion of which certain penalties  
and associated costs may, and the assessment of points  
must, be waived for certain offenses; amending s.



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98           318.1451, F.S.; requiring the department to create a  
99           specified driver improvement course related to  
100          distracted driving which driver improvement schools  
101          shall offer to certain persons; requiring that all  
102          basic driver improvement courses include certain  
103          content relating to distracted driving; amending s.  
104          319.24, F.S.;



388348

LEGISLATIVE ACTION

Senate

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House

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The Appropriations Committee on Transportation, Tourism, and  
Economic Development (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 140 - 162

and insert:

Section 4. Subsections (1) and (3), paragraphs (a) and (c)  
of subsection (4), and subsection (6) of section 320.084,  
Florida Statutes, are amended to read:

320.084 Free motor vehicle license plate to certain  
disabled veterans.—

(1) One free disabled veteran ~~“DV”~~ motor vehicle license



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number plate shall be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(3) The department shall, as it deems necessary, require each person to whom a motor vehicle license plate has been issued pursuant to subsection (1) to apply to the department for reissuance of his or her registration license plate. Upon receipt of the application and proof of the applicant's continued eligibility, the department shall issue a new permanent disabled veteran ~~"DV" numerical~~ motor vehicle license plate which shall be of the colors red, white, and blue similar to the colors of the United States flag. The operation of a motor vehicle displaying a disabled veteran ~~"DV"~~ license plate



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from a previous issue period or a noncurrent validation sticker after the date specified by the department shall subject the owner if he or she is present, otherwise the operator, to the penalty provided in s. 318.18(2). Such permanent license plate shall be removed upon sale of the vehicle, but may be transferred to another vehicle owned by such veteran in the manner prescribed by law. ~~The license number of each plate issued under this section shall be identified by the letter designation "DV."~~ Upon request of any such veteran, the department is authorized to issue a designation plate containing only the letters "DV," to be displayed on the front of the vehicle.

(4)(a) With the issuance of each new permanent disabled veteran ~~"DV" numerical~~ motor vehicle license plate, the department shall initially issue, without cost to the applicant, a validation sticker reflecting the owner's birth month and a serially numbered validation sticker reflecting the year of expiration. The initial sticker reflecting the year of expiration may not exceed 27 months.

(c) Registration under this section shall be renewed annually or biennially during the applicable renewal period on forms prescribed by the department, which shall include, in addition to any other information required by the department, a certified statement as to the continued eligibility of the applicant to receive the disabled veteran ~~special "DV"~~ license plate. Any applicant who falsely or fraudulently submits to the department the certified statement required by this paragraph is guilty of a noncriminal violation and is subject to a civil penalty of \$50.



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(6) (a) A disabled veteran who meets the requirements of subsection (1) may be issued, in lieu of the disabled veteran "DV" license plate, a military license plate for which he or she is eligible or a specialty license plate embossed with the initials "DV" in the top left-hand corner. A disabled veteran electing a military license plate or specialty license plate under this subsection must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

~~1. Does not provide the protections or rights afforded by ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

~~2.~~ is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 5. Paragraph (d) of subsection (1) and paragraph (e) of subsection (2) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)

(d) The department shall renew the disabled parking permit of a ~~any~~ person certified as permanently disabled on the previous application for a subsequent 4-year period without requiring the person to provide another certificate of disability or United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, as applicable. After such 4-



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year period, the department shall renew the disabled parking permit if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection. A veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a disabled veteran ~~"DV"~~ license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

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

And the title is amended as follows:

Delete lines 13 - 16

and insert:

mail; amending s. 320.084, F.S.; providing for disabled veteran motor vehicle license plates in lieu of "DV" motor vehicle license plates; amending s. 320.0848, F.S.; requiring the department to renew certain disabled parking permits for a specified



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127        period without requiring certain documentation;  
128        conforming a provision to changes made by the act;  
129        amending s. 322.02, F.S.; revising the



By the Committee on Transportation; and Senator Trumbull

596-03167-25

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1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 319.24, F.S.;  
 4 authorizing tax collectors to deliver by mail or make  
 5 available at the tax collector's office certificates  
 6 of title; amending s. 319.29, F.S.; providing that  
 7 certain applications may be fulfilled by the tax  
 8 collector acting as an authorized agent of the  
 9 department; amending s. 320.031, F.S.; authorizing the  
 10 department and tax collectors, as agents of the  
 11 department, to deliver certain documents, including  
 12 duplicate registration certificates, in person or by  
 13 mail; amending s. 320.0848, F.S.; requiring the  
 14 department to renew certain disabled parking permits  
 15 for a specified period without requiring certain  
 16 documentation; amending s. 322.02, F.S.; revising the  
 17 year by which the Legislature intends that the  
 18 transition of certain services to certain tax  
 19 collectors be completed; deleting a provision  
 20 authorizing such transition of services to appointed  
 21 charter county tax collectors on a limited basis;  
 22 providing that the tax collector is, rather than may  
 23 be, designated the exclusive agent of the department  
 24 for a specified purpose; amending s. 322.12, F.S.;  
 25 requiring certain driver license applicants to retake  
 26 certain examinations; amending s. 322.135, F.S.;  
 27 authorizing a tax collector to process certain  
 28 transactions using the department's online license and  
 29 registration portal; authorizing a tax collector to

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30 offer to a licensee or prospective licensee a certain  
 31 donation option; amending s. 322.251, F.S.;  
 32 authorizing the issuance of a Class E driver license  
 33 to certain persons, if eligible; amending s. 322.271,  
 34 F.S.; requiring the revocation of a restricted driving  
 35 privilege for a specified period in certain  
 36 circumstances; amending s. 322.66, F.S.; conforming a  
 37 cross-reference; providing an effective date.  
 38

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

40  
 41 Section 1. Subsection (2) of section 319.24, Florida  
 42 Statutes, is amended to read:

43 319.24 Issuance in duplicate; delivery; liens and  
 44 encumbrances.—

45 (2) A duly authorized person shall sign the original  
 46 certificate of title and each corrected certificate and, if  
 47 there are no liens or encumbrances on the motor vehicle or  
 48 mobile home, as shown in the records of the department or as  
 49 shown in the application, must ~~shall~~ deliver the certificate to  
 50 the applicant or to another person as directed by the applicant  
 51 or person, agent, or attorney submitting such application. Tax  
 52 collectors, as authorized agents of the department, may deliver  
 53 original certificates of title and corrected certificates by  
 54 mail or make such certificates available to applicants at tax  
 55 collectors' offices. The motor vehicle dealer license number  
 56 must be submitted to the department when a dealer applies for or  
 57 receives a duplicate title. The current odometer reading must be  
 58 submitted on an application for a duplicate title. If there are

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59 one or more liens or encumbrances on the motor vehicle or mobile  
 60 home, the certificate must ~~shall~~ be delivered by the department  
 61 to the first lienholder as shown by department records or to the  
 62 owner as indicated in the notice of lien filed by the first  
 63 lienholder pursuant to s. 319.27. If the notice of lien filed by  
 64 the first lienholder indicates that the certificate should be  
 65 delivered to the first lienholder, the department must ~~shall~~  
 66 deliver to the first lienholder, along with the certificate, a  
 67 form to be subsequently used by the lienholder as a  
 68 satisfaction. If the notice of lien filed by the first  
 69 lienholder directs the certificate of title to be delivered to  
 70 the owner, then, upon delivery of the certificate of title by  
 71 the department to the owner, the department must ~~shall~~ deliver  
 72 to the first lienholder confirmation of the receipt of the  
 73 notice of lien and the date the certificate of title was issued  
 74 to the owner at the owner's address shown on the notice of lien  
 75 and a form to be subsequently used by the lienholder as a  
 76 satisfaction. If the application for certificate shows the name  
 77 of a first lienholder different from the name of the first  
 78 lienholder as shown by the records of the department or if the  
 79 application does not show the name of a judgment lienholder as  
 80 shown by the records of the department, the certificate may  
 81 ~~shall~~ not be issued to any person until after all parties who  
 82 appear to hold a lien and the applicant for the certificate have  
 83 been notified of the conflict in writing by the department by  
 84 certified mail. If the parties do not amicably resolve the  
 85 conflict within 10 days from the date such notice was mailed,  
 86 ~~then~~ the department must ~~shall~~ serve notice in writing by  
 87 certified mail on all persons appearing to hold liens on that

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88 particular vehicle, including the applicant for the certificate,  
 89 to show cause within 15 days from the date the notice is mailed  
 90 why it should not issue and deliver the certificate to the  
 91 person indicated in the notice of lien filed by the lienholder  
 92 whose name appears in the application as the first lienholder  
 93 without showing any lien or liens as outstanding other than  
 94 those appearing in the application or those which may have been  
 95 filed subsequent to the filing of the application for the  
 96 certificate. If, within the 15-day period, any person other than  
 97 the lienholder shown in the application or a party filing a  
 98 subsequent lien, in answer to such notice to show cause, appears  
 99 in person or by a representative, or responds in writing, and  
 100 files a written statement under oath that his or her lien on  
 101 that particular vehicle is still outstanding, the department may  
 102 ~~shall~~ not issue the certificate to anyone until after such  
 103 conflict has been settled by the lien claimants involved or by a  
 104 court of competent jurisdiction. If the conflict is not settled  
 105 amicably within 10 days of the final date for filing an answer  
 106 to the notice to show cause, the complaining party must ~~shall~~  
 107 have 10 days to obtain a ruling, or a stay order, from a court  
 108 of competent jurisdiction; if no ruling or stay order is issued  
 109 and served on the department within the 10-day period, it must  
 110 ~~shall~~ issue the certificate showing no liens except those shown  
 111 in the application or thereafter filed to the original applicant  
 112 if there are no liens shown in the application and none are  
 113 thereafter filed, or to the person indicated in the notice of  
 114 lien filed by the lienholder whose name appears in the  
 115 application as the first lienholder if there are liens shown in  
 116 the application or thereafter filed. A duplicate certificate or

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corrected certificate ~~may shall~~ only show such lien or liens as were shown in the application and subsequently filed liens that may be outstanding.

Section 2. Present subsection (4) of section 319.29, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

319.29 Lost or destroyed certificates.—

(4) An application for a duplicate copy of a certificate of title may be fulfilled by the tax collector acting as an authorized agent of the department. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 3. Subsection (1) of section 320.031, Florida Statutes, is amended to read:

320.031 Mailing or delivery of registration certificates, license plates, and validation stickers.—

(1) The department and the tax collectors of the several counties of the state, as agents of the department, may at the request of the applicant deliver in person or use United States mail service to deliver registration certificates and renewals thereof, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to applicants.

Section 4. Paragraph (d) of subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

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(1)

(d) The department shall renew the disabled parking permit of a ~~any~~ person certified as permanently disabled on the previous application for a subsequent 4-year period without requiring the person to provide another certificate of disability or United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, as applicable. After such 4-year period, the department shall renew the disabled parking permit if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection. A veteran who has been previously evaluated and certified by the United States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

Section 5. Subsections (1) and (5) of section 322.02, Florida Statutes, are amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State

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Constitution be completed no later than June 30, ~~2027~~ 2015. The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by the department.

(5) The tax collector in and for his or her county ~~is~~ may be designated the exclusive agent of the department to implement and administer the provisions of this chapter as provided by s. 322.135.

Section 6. Subsections (3) and (4) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(3) (a) For an applicant for a Class E driver license, such examination must ~~shall~~ include all of the following:

~~1. (a)~~ A test of the applicant's eyesight given by the driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician.

~~2. (b)~~ A test of the applicant's hearing given by a driver license examiner or a licensed physician.

~~3. (c)~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. At least 25 questions within the bank of test questions must address bicycle and pedestrian safety.

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~~4. (d)~~ An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) An applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the examination must retake the examination.

~~(4) (a)~~ The examination for an applicant for a commercial driver license must ~~shall~~ include all of the following:

1. A test of the applicant's eyesight given by a driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician. ~~and~~

2. A test of the applicant's hearing given by a driver license examiner or a licensed physician.

3. ~~The examination shall also include~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state pertaining to the class of motor vehicle which he or she is applying to be licensed to operate, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; his or her knowledge of the effects of alcohol and controlled substances and the dangers of driving a motor vehicle after having consumed alcohol or controlled substances; and his or her knowledge of any special skills, requirements, or precautions necessary for the safe operation of the class of vehicle which he or she is applying to be licensed to operate.

~~4. In addition, the examination shall include~~ An actual demonstration of the applicant's ability to exercise ordinary

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and reasonable control in the safe operation of a motor vehicle or combination of vehicles of the type covered by the license classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.

~~(b)(a)~~ The portion of the examination required under subparagraph (a)4. which tests an applicant's safe driving ability shall be administered by the department or by an entity authorized by the department to administer such examination, pursuant to s. 322.56. Such examination shall be administered at a location approved by the department.

~~(c)(b)~~ A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e), if the person has not taken and passed the hazardous-materials test within 2 years preceding his or her application for a commercial driver license in this state.

(d) An applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the examination must retake the examination.

Section 7. Paragraph (a) of subsection (1) of section 322.135, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

322.135 Driver license agents.—

(1) The department shall, upon application, authorize by interagency agreement any or all of the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution in the several counties of the state, subject to the requirements of law, in accordance with rules of the

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department, to serve as its agent for the provision of specified driver license services.

(a) These services shall be limited to the issuance of driver licenses and identification cards as authorized by this chapter, transactions for which may be processed by the tax collector using the department's online license and registration portal.

(d) A tax collector may offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

Section 8. Subsection (4) of section 322.251, Florida Statutes, is amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, if eligible, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person must ~~shall~~ pay the reinstatement fee provided in s. 322.21 before being issued a commercial driver license.

Section 9. Paragraph (b) of subsection (1) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or

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291 suspension order.—

292 (1)

293 (b) A person whose driving privilege has been revoked under  
294 s. 322.27(5) may, upon expiration of 12 months from the date of  
295 such revocation, petition the department for reinstatement of  
296 his or her driving privilege. Upon such petition and after  
297 investigation of the person's qualification, fitness, and need  
298 to drive, the department shall hold a hearing pursuant to  
299 chapter 120 to determine whether the driving privilege shall be  
300 reinstated on a restricted basis solely for business or  
301 employment purposes. If such person is granted a limited driving  
302 privilege and subsequently violates the conditions of the  
303 restricted driving privilege, the restricted driving privilege  
304 must be revoked and the person is not eligible for any driving  
305 privilege for the remaining duration of the 5-year period after  
306 his or her initial license revocation.

307 Section 10. Section 322.66, Florida Statutes, is amended to  
308 read:

309 322.66 Vehicles permitted to be driven during driving  
310 skills tests.—A person who does not possess a valid driver  
311 license may drive a noncommercial or commercial motor vehicle  
312 during a driving skills test conducted in accordance with s.  
313 322.12(3) and (4)(b) ~~s. 322.12(3) and (4)(a)~~, if the person has  
314 passed the vision, hearing, road rules, and road signs tests  
315 ordinarily administered to applicants for a Class E license,  
316 and, if required, has passed the commercial driver license  
317 knowledge and appropriate endorsement tests.

318 Section 11. This act shall take effect July 1, 2026.

**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.)

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Prepared By: The Professional Staff of the Appropriations Committee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 1524

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Grall

SUBJECT: Department of State

DATE: April 14, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Nortelus</u>	<u>ATD</u>	<u>Pre-meeting</u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1524 amends chapters 257, 265, and 267, F.S., which govern the Department of State's (DOS) Division of Library and Information Services, Division of Arts and Culture, and Division of Historical Resources. The bill additionally eliminates the \$10 fee required for commissions issued by the Governor for elected officials and notaries.

The bill grants the Secretary of the DOS the ability to comment on recommended recipients for grants administered by the above three divisions. The bill also requires that the grants awarded are expended in compliance with local, state, and federal laws and regulations and are not used for programs that are harmful to minors. "Harmful to minors" is defined as any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001, F.S.

The bill eliminates the following councils or grants:

- The individual artist fellowship grant program.
- The General Program Support and Specific Cultural Program.
- The state touring grant program.
- The cultural endowment program.
- The Grove Advisory Council.
- The Florida International Archive and Repository for the preservation of those public records, as defined in s. 119.011, F.S, manuscripts, international judgments involving

disputes between domestic and foreign businesses, and all other public matters that the department or the Florida Council of International Development deems relevant to international issues.

- The Florida Museum of Black History Task Force, which issued its recommendations on June 28, 2024, and therefore fulfilled its statutory duty.

The bill reconfigures the membership of the Florida Council on Arts and Culture and its statutory duties.

The bill generally eliminates mandatory rulemaking regarding the award of grant funding for specified grants administered by the Division of Arts and Culture.

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

The bill takes effect upon becoming law.

## II. Present Situation:

Section 20.10, F.S., creates the Department of State (DOS) within the executive branch, headed by the Secretary of State (Secretary) who serves at the pleasure of the Governor. There are six divisions within the DOS:

- Division of Elections.
- Division of Historical Resources.
- Division of Corporations.
- Division of Library and Information Services.
- Division of Arts and Culture.
- Division of Administration.<sup>1</sup>

The Division of Historical Resources, Division of Arts and Culture, and Division of Library and Information Services administer grants pursuant to ch. 265, F.S., and promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity.<sup>2</sup>

The remainder of the present situation relative to each section of the bill is discussed in the Effect of Proposed Changes section of this bill analysis. Generally, there will be a heading or subheading, a discussion of the present situation, then a discussion of the effect of the proposed changes.

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<sup>1</sup> Section 20.10(2), F.S.

<sup>2</sup> Section 15.18, F.S.



### III. Effect of Proposed Change

#### Commissions for Elected Officers and Notaries

A "commission" is a written authority from a competent source, given to an officer as a warrant for the exercise of the powers and duties of the office to which the officer was commissioned. Public officers, particularly those who receive their office by appointment, are required to be commissioned by the proper authority, which is usually the Florida Governor.

**Sections 1-3** repeal ss. 113.01, 113.02, and 113.03, F.S., respectively, to eliminate the \$10 fee charged on each commission of an elected officer and notary by the governor.

**Section 4** amends s. 113.051, F.S., to prohibit a commission from being issued by the governor, attested to by the Secretary or bearing the state seal until the oath of office is filed.

**Sections 5 and 6** amend ss. 117.01 and 117.225, F.S., respectively, to eliminate references to the \$10 fee repealed by section 1 of the bill.

**Section 7** amends s. 117.295, F.S., to update cross-reference.

#### Public Libraries and State Archives

The Division of Library and Information Services (Division), among its many functions, assists public libraries throughout the state, coordinates with the Division of Blind Services of the Department of Education to provide library services to the blind and physically handicapped persons of Florida, maintains a library for state employees, helps state agencies with relevant research, controls the State Library, and receives materials and funds and coordinates its distribution for the benefit of Floridians.<sup>3</sup>

With regard to its functions and duties pertaining to funding, the Division:

- May give aid and assistance—financial, advisory, or otherwise—to all school, state institutional, academic, free, and public libraries and to all Florida communities that propose to establish libraries, as to the best means of establishing and administering libraries, selecting and cataloging books, and other facets of library management;<sup>4</sup>
- Must establish operating standards under which libraries will be eligible to receive state moneys;<sup>5</sup> and
- May accept, receive, administer, and expend any moneys, materials, or any other aid granted, appropriated, or made available by the United States or any of its agencies for the purpose of giving aid to libraries and providing educational library services in Florida.<sup>6</sup>

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<sup>3</sup> Section 257.04, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 257.15, F.S.

<sup>6</sup> Section 257.12, F.S.

### ***State Librarian and Library Council***

The Secretary appoints the State Librarian, who serves as the director of the Division. The State Librarian manages the Division's programs.<sup>7</sup> The nine members of the State Library Council, all appointed by the Secretary, advise and assist the Division on its programs and activities.<sup>8</sup>

**Sections 8 and 10**, amend ss. 257.031 and 257.031, F.S., respectively, relating to the education qualifications for the State Librarian and administrative heads of libraries that receive an operating grant,<sup>9</sup> require graduation from programs accredited by "a national library professional association," rather than a program accredited by the American Library Association.

Sections 8 and 10 amend the education qualifications for the State Librarian and administrative heads of libraries receiving an operating grant so that they only need to complete a program accredited by "a national library professional association," as opposed to the American Library Association. No accreditation program other than the American Library Association appears to exist.

**Section 9** amends s. 257.12, F.S., to require the State Library Council to develop recommendations for providing available federal funds to public libraries. The Secretary may then "review and identify the funding recommendation list to identify whether federal grant funds" are expended in compliance with laws and not used to support programs that are appropriate for all ages.

### ***The State and International Archives***

The Florida State Archives (Archives), established pursuant to s. 257.35, F.S., is responsible for the preservation of those public records,<sup>10</sup> manuscripts, and other archival material that have been determined by the Division (1) to have sufficient historical or other value to warrant their continued preservation; and (2) have been accepted by the Division for deposit. The Archive conducts, promotes, and encourages research in Florida history, government, and culture.<sup>11</sup> The Florida International Archive and Repository (Repository), by comparison, preserves materials, including public records, relevant to *international* issues. To the extent practical, the Repository assists state and local public entities and individuals engaged in international related activities—including research and business.<sup>12</sup>

**Section 13** repeals s. 257.34, F.S., which created the Repository, thereby eliminating the Repository.

It is unclear what will happen to the documents and information stored by the Florida International Archive and Repository eliminated in section 13, if and how the files will be

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<sup>7</sup> Section 257.031(1), F.S.

<sup>8</sup> Section 257.02, F.S.

<sup>9</sup> Discussed further *infra*.

<sup>10</sup> Defined in s. 119.011(12), F.S., as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

<sup>11</sup> Section 257.35, F.S.

<sup>12</sup> Section 257.34, F.S.

transported to a new storage institution before the International Repository closes, and whether the Florida State Archives or other agency will absorb the responsibilities and expectations of the International Repository.

### ***Division of Library and Information Services Grants***

Section 257.14, F.S., explicitly grants the Division authority to adopt administrative rules. The Division administers numerous grants with guidelines containing formation on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms, in rules.

### **State Aid to Libraries Grant Programs**

The State Aid to Libraries grant program encompasses three statutorily designated grants—operating, equalization, and multicounty library grants. An Operating Grant is an annual grant provided to single library administrative units in an amount equal to no more than 25% of all local funds expended by the relevant political subdivision for the operation and maintenance of the library during the second preceding fiscal year.<sup>13</sup> An Equalization Grant is available to counties that qualify for an operating grant and have limited tax resources.<sup>14</sup> The equalization formula, set forth in statute, was structured to provide an effective supplement to local funds for libraries serving counties with limited local tax resources, especially to those that choose to support their library at exceptionally high levels when compared to local resources and the investment of other counties.<sup>15</sup> A Multicounty Library Grant is available to the administrative unit of a multicounty library that serves a population of 50,000 or more and serves two or more counties, at least one of which qualifies for an equalization grant.<sup>16</sup>

Grants are prorated among eligible libraries if the appropriation by the Legislature does not fully fund the State Aid to Libraries Grant Program.<sup>17</sup>

### **Library Cooperative Grants**

Library cooperatives are any combination of academic, school, special, state institutional, and public libraries that form a nonprofit “for the purpose of sharing library resources.” The Library Cooperative Grant supports libraries participating in library cooperatives.<sup>18</sup> In order to receive a Library Cooperative Grant, cooperatives must obtain 10 percent matching cash funds, be a nonprofit organization consisting of more than one type of library, headed and administered by a full-time librarian, and in good standing with the DOS.<sup>19</sup>

### **Public Library Construction Grants**

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<sup>13</sup> Division of Library & Information Services, Florida Dep’t of State, *State Aid to Libraries Grant Guidelines*, 18-21, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15322> (last visited Nov. 14, 2024) [hereinafter *State Aid to Libraries Grant Guidelines*].

<sup>14</sup> *State Aid to Libraries Grant Guidelines*, at 4.

<sup>15</sup> *Id.* at 2; s. 257.18, F.S.

<sup>16</sup> Section 257.172, F.S.

<sup>17</sup> *State Aid to Libraries Grant Guidelines*, at 3.

<sup>18</sup> Section 257.41(1), F.S.

<sup>19</sup> Section 257.42, F.S.

Public Library Construction Grants give a maximum of \$500,00 matching funds to a county, municipality, special district, or special tax district for the remodeling or construction of a free, publicly-available library.<sup>20</sup> Applications are scored on a scale of a maximum of 100 points, with different points allocated based on the type of building, project narrative and library function in the community, building uses and needs, and community need.<sup>21</sup>

### Effects of Proposed Changes

**Sections 11, 12, and 14** amend ss. 257.191, 257.23, and 257.42, F.S., respectively, relating to the library construction grants, the applicants of such grants, and the library cooperative grants, respectively, to allow the Secretary to identify whether the grants awarded or expended pursuant to those programs comply with law or are appropriate for all ages.

### **Memorials, Museums, and Arts and Culture**

The Division of Arts and Culture (Division) is Florida's designated state arts agency and oversees programs relating to memorials, museums, and arts and culture. To encourage access to cultural opportunities, the Division provides funding, programs, and resources, including grants for programs and projects in arts in education, local arts agencies, state service organizations, museums, theater, dance, folk arts, literature, media arts, multidisciplinary, music, sponsor or presenter, and visual arts.<sup>22</sup>

The Secretary currently serves as the "chief cultural officer of the state;" **section 16**, however, amends s. 265.284, F.S., to change the title to the "chief arts and culture officer."

### ***Florida Council on Arts and Culture***

The Florida Council on Arts and Culture (FCOAC) is a 15-member panel consisting of:

- Seven members appointed by the Governor for 4-year terms;
- Four members appointed by the President of the Senate for 2-year terms; and
- Four members appointed by the Speaker of the House of Representatives for 2-year terms.

Appointments must "recognize the need for geographical representation," and should be individuals with:

a substantial history of community service in the performing or visual arts, which includes, but is not limited to, theater, dance, folk arts, music, architecture, photography, literature, and media arts, or in the areas of science, history, or children's museums. In addition, it is desirable that members have successfully served on boards of cultural institutions such as museums and performing arts centers or are recognized as patrons of the arts.<sup>[23]</sup>

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<sup>20</sup> See ss. 288.0656 and 288.06561, F.S.

<sup>22</sup> Florida Department of State, Division of Arts and Culture, *Mission*, <https://DoS.fl.gov/cultural/about-us/mission/> (last visited Mar. 30, 2025).

<sup>23</sup> Section 265.285(1)(a), F.S.

**Section 17** amends s. 265.285, F.S., to provide that members of the FCOAC cannot receive any financial compensation as an employee or officer of an entity that receives grant funding (unless the entity is a state college or university).

The section also adds a general requirement that the appointed FCOAC representatives demonstrate an interest in and knowledge of the arts, culture, museums, folklore, and cultural heritage conditions. Additionally, five of the Governor's appointments must now qualify as follows:

- A licensed architect with expertise in cultural facilities;
- A member of the Seminole Tribe of Florida;
- A professional public folklorist;
- A university-affiliated public folklorist; and
- A practicing or former professional artist.<sup>24</sup>

**Sections 17 and 19** amend ss. 265.285 and 265.2865, F.S., respectively, to modify the duties of the FCOAC.

Section 17 changes the FCOAC's duty to "encourage arts and cultural development within communities" rather than "assist in the freedom of artistic expression that is essential for the well-being of the arts."

Section 17 also eliminates the FCOAC's involvement in the nomination for the Poet Laureate, an honorary position within the DOS; and duty to promote poetry throughout the state.<sup>25</sup> This is replaced with a duty to promote and assist Division programs, "such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program." The Major John Leory Haynes Florida Veteran's History Program is a Florida Folklife Program within the Division created to "collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history."<sup>26</sup> The Division's folklorists seek out and identify those veterans willing to share their stories via interview or written submission.<sup>27</sup> The "Arts and Culture recognition award program and the apprenticeship program," also added to the bill, do not currently exist in statute and are not created in the bill.

Currently, the FCOAC accepts nominations for persons to be recommended to the Secretary to be named as a members of the Florida Artists Hall of Fame. The Florida Artist Hall of Fame recognizes and honors "those persons, living or dead, who have made significant contributions to the arts in this state, either as performing artists, or practicing artists in individual disciplines."<sup>28</sup> Currently, the Secretary names up to four members to the Florida Artists Hall of Fame annually from a list of nominations considered and recommended by the FCOAC.<sup>29</sup> Section 19 amends

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<sup>24</sup> The Governor can meet these specific appointment responsibilities within the existing number of appointments he or she has and still have remaining seats to appoint.

<sup>25</sup> See ss. 265.285 and 265.2863, F.S.

<sup>26</sup> Section 265.8021(2), F.S.

<sup>27</sup> Section 265.8021(3), F.S.

<sup>28</sup> Section 265.2865(1), F.S.

<sup>29</sup> Section 265.2865(3) and (4), F.S.

s. 265.2865, F.S., to decrease the number of annual nominations from four to three, and to make their nominations permissive rather than required. Consequently, the Secretary “may” (as opposed to shall) annually request an appropriation to carry out the section. This permits the DOS to effectively discontinue the activity if DOS does not accept any further applications.

### ***Florida Folklife Council***

The Florida Folklife Council advises and assists the Division and the State Folklorist to encourage statewide public interest in folk arts and folklore; promote Florida folk artists, performers, festivals, folklife projects, and folk resources; recommend projects; and develop proposals for grant applications to support the Florida folklife program.<sup>30</sup> Currently, the Secretary appoints the seven members of the Florida Folklife Council.

**Section 22** amends s. 265.803, F.S., to make the Florida Folklife Council a sub-council within the FCOAC. As a consequence, the seven members of the council will come from the membership of the FCOAC. Appointed members currently provide a “geographical, ethnic, and professional representation.” This section changes “ethnic” to “cultural and traditional.”

### ***Citizen Support Organizations***

Section 265.703, F.S., permits the Division to establish citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, and museum programs. Citizen support organizations, in this instance, are nonprofit corporations organized under the provisions of ch. 617, F.S., approved by the Division in writing, operated for the direct or indirect benefit of the Division, and organized to perform specific tasks in the best interests of the state.

**Section 21** amends s. 265.703, F.S., to permit citizen support organizations to support international and intergovernmental programs as well as the currently permitted support for cultural, historical, and museum programs.

### ***Grants, generally***

The Florida Arts and Culture Act (Act) is set forth in ss. 265.281-265.709, F.S., to provide state support for, and to gain national and international recognition of, the efforts, works, and performances of Florida artists, art agencies, museums, and nonprofit organizations.<sup>31</sup> The Division must administer and oversee all programs authorized by the Act and may adopt rules to do so.<sup>32</sup> This includes:

- Arts and culture grants to support science museums, youth and children’s museums, historical museums, local arts agencies, Florida artists, state service organizations, and organizations that have cultural program activities;<sup>33</sup>
- An endowment to provide matching funds to local sponsoring organizations that engage in programs directly related to cultural activities;<sup>34</sup> and

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<sup>30</sup> Section 265.803, F.S.

<sup>31</sup> Section 265.282, F.S.

<sup>32</sup> Section 265.284(3)(j), F.S.

<sup>33</sup> Section 265.286, F.S.

<sup>34</sup> Sections 265.601-265.606, F.S.

- Grants to counties, municipalities, and qualifying nonprofit corporations for the acquisition, renovation, or construction of cultural facilities.<sup>35</sup>

Generally, eligibility for grants administered by the Division requires the applicant:<sup>36</sup>

- Be in good standing with the Division and the DOS at the time of the application;
- Be a public entity or a Florida non-profit, tax exempt corporation that is registered and in active status with Florida's Division of Corporations;
- Have at least one year of experience in arts and cultural programming; and
- Be registered as a vendor with the Department of Financial Services to whom they provide their most recent Federal 990 form.

Section 265.284, F.S., explicitly requires the DOS to adopt rules. Each program must be governed by guidelines, adopted as rules, which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, applicable grant administration procedures, and application forms.

**Sections 18 and 19**, for grants administered by the Division of Arts and Culture, eliminates review panels that evaluate grant applications or the grants themselves and empowers the Secretary to review and make comments on the recommended list of grants determined by review panels and the FCOAC.

Members of review panels are appointed by the Secretary and seven of the members of the FCOAC are appointed by the Governor.

Similar review panels and bodies, however, continue to exist for the grants administered by the DOS's other divisions—the Division of Library and Information Services and Division of Historical Resources.

### ***Arts and Culture Grants***

Section 265.286, F.S., is the art and cultural grants statute and directs the Division of Arts and Culture to adopt rules establishing eligibility requirements, procedures, and panel review processes, including criteria for reviewing grant applications.<sup>37</sup> The arts and cultural grants statute, in part, speaks to four grant programs: the General Program Support, the Specific Cultural Program, the state touring program, and individual artist fellowship program grants.

### **General Program Support and Specific Culture Program Grants**

Section 265.286, F.S., creates:<sup>38</sup>

- The General Program Support Grant program, which provides funding to directly support arts and cultural programming, including museums and local arts organizations, in statutorily

<sup>35</sup> Section 265.701(1), F.S.

<sup>36</sup> Division of Arts & Culture, Florida Dep't of State, *General Program Support Grant Guidelines*, 5, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15677> (last visited Nov. 13, 2024) [hereinafter *General Program Support Grant Guidelines*].

<sup>37</sup> Section 265.286(6), F.S.

<sup>38</sup> Section 265.286(3) and (5), F.S.; *see* rule 1T-1.036(2), F.A.C.

authorized disciplines that “include, but are not limited to, music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums, and other such allied, major art forms;”<sup>39</sup> and

- The Specific Cultural Program Grant, which provides up to \$25,000 to fund a specific cultural project, program, exhibition, or series that furthers the state’s cultural objectives, has four permissible proposal types established in rule:
  - Arts in Education projects that promote arts and culture in education;
  - Discipline-Based cultural or artistic projects that further the state’s cultural objectives through a pre-approved list of disciplines;
  - Underserved Cultural Community Development projects that assist with the development of underserved cultural organizations; or
  - Artist Projects that provide public benefit through the creation or presentation of new artistic work.<sup>40</sup>

The review process for both the General Program Support and Specific Cultural Program grants involves four steps of review, beginning with Division staff who determine eligibility before passing eligible applications to review panels.<sup>41</sup>

After the staff’s eligibility determination, review panels provide the first substantive review of applications; the panels are made up of an unspecified number of volunteer professionals appointed by the Secretary of State for one-year terms. Panels “consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed.” Statute directs the Division to adopt rules establishing scoring criteria for the review panels. The panels must provide a forum for public comments before voting on an application. The panel then forwards its recommendations to the FCOAC.

The FCOAC has the power to amend and recalculate the review panels’ recommendations and must provide a forum for public comments before voting on any application. The FCOAC reviews the review panel’s recommendations before merging the recommendations and ranking them in a list provided to the Secretary.<sup>42</sup> The Secretary reviews and approves (but cannot change) the ranked lists from the FCOAC and includes those lists in the DOS’s legislative budget request submitted to the Legislature.<sup>43</sup>

### State Touring Program Grants

State Touring Program Grants are “used to provide performances, activities, and exhibitions by Florida artists to communities,”<sup>44</sup> with a “selection procedure that ensures the maximum

<sup>39</sup> Sections 265.286(5)(b) and 265.283(1), F.S.

<sup>40</sup> Division of Arts & Culture, Florida Dep’t of State, *Specific Cultural Project Grant Guidelines*, 6, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15678> (last visited Mar. 31, 2024) [hereinafter *Specific Cultural Project Grant Guidelines*].

<sup>41</sup> *General Program Support Grant Guidelines*, 23-26; *Specific Cultural Project Grant Guidelines*, 30-33.

<sup>42</sup> Section 265.286, F.S.; *General Program Support Grant Guidelines* at 25; *Specific Cultural Project Grant Guidelines* at 32.

<sup>43</sup> Section 265.286(3), F.S.

<sup>44</sup> Section 265.283(16), F.S.



opportunity for Florida artists and cultural groups.”<sup>45</sup> The program<sup>46</sup> creates an Artist Roster of approved artists chosen by the Secretary, as recommended by the FCOAC and a multidisciplinary panel which selects artists based on criteria set forth in the guidelines required by s. 265.286, F.S., and incorporated in Rule 1T-1.037(2). The program further provides Presenter Fee Support to any not-for-profit organization or unit of city, county, or state government in Florida, including school boards, to host an artist on the Artist Roster.<sup>47</sup> The State Touring Presenter Guidelines,<sup>48</sup> incorporated by the relevant administrative rule,<sup>49</sup> provide for how much financial support an applicant may qualify, but not criteria or scoring on how applicants are ranked.

The reviewing process for the State Touring Roster Guidelines is essentially identical to that for General Program Support and Specific Cultural Program grants; the primary difference being that panel members are explicitly described in rule as a “multidisciplinary panel.”<sup>50</sup>

### Individual Artist Fellowship Program

The Division is statutorily charged with administering an individual artist fellowship program with a “selection procedure that identifies individual artists of exceptional talent and demonstrated ability.” The selection procedure, adopted in rule, “identifies individual artists of exceptional talent and demonstrated ability.”<sup>51</sup> Applicants are scored by a review panel based on artistic excellence, tradition and authenticity, and community impact and engagement.<sup>52</sup> The Division distributes grant funding as provided by rule, which provides that the Individual Artist Fellowship Program “fosters the development of individual artists.”<sup>53</sup> Funding is limited to Florida residents practicing in pre-determined disciplines. Fellowships are in the amount of \$2,500 or \$5,000, in order of score, until funds are depleted.<sup>54</sup> Grant recipients are required to submit a grant report that details expenditures and activities during the grant period.<sup>55</sup>

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<sup>45</sup> Section 265.286(5)(c), F.S.

<sup>46</sup> Rule 1T-1.037(1), F.A.C.

<sup>47</sup> Division of Arts and Culture, Florida Dep’t of State, *State Touring Artist Roster Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01033> (last visited Nov. 14, 2024) [hereinafter *State Touring Artist Roster Guidelines*].

<sup>48</sup> Division of Arts and Culture, Florida Dep’t of State, *State Touring Presenter Guidelines*, <https://www.flrules.org/Gateway/reference.asp?No=Ref-01034> (last visited Nov. 14, 2024) [hereinafter *State Touring Presenter Guidelines*].

<sup>49</sup> Rule 1T-1.037(3), F.A.C.

<sup>50</sup> *State Touring Artist Roster Guidelines*; *State Touring Presenter Guidelines*.

<sup>51</sup> Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

<sup>52</sup> Rule 1T-1.038(4), F.A.C.

<sup>53</sup> Section 265.286(5)(d), F.S.; Rule 1T-1.038(1), F.A.C.

<sup>54</sup> Rule 1T-1.038(2), (3), and (6), F.A.C.

<sup>55</sup> Rule 1T-1.038(8), F.A.C.

## Effects of Proposed Changes

### *Consolidation of Art and Culture Grants*

**Section 18** amends s. 265.286, F.S., relating to art and cultural grants, to consolidate the General Program Support, Specific Cultural Program, individual fellowship, and touring grant programs into one larger program. This consolidation also eliminates each grant's described purposes, award eligibility, and criteria for award.

**Section 15** also deletes a definition of "state touring program grants." This provides the Division broader discretion in administering grants supplementing financial support for artistic and cultural activities that are appropriate for all age groups. Programs receiving funds cannot be harmful to minors. The changes additionally require the FCOAC to consider whether applications are for programs that are harmful to minors when advising the secretary about grant awards.

**Section 15 and 18** delete the Division's required administration of the underserved arts community assistance program grant, defined as a grant used by qualified organizations under the Rural Economic Development Initiative, pursuant to ss. 288.0656 and 288.06561, for the purpose of economic and organizational development for underserved cultural organizations. It is unclear, however, if this grant is currently being administered.

**Section 18** allows the Secretary to re-distribute grant monies returned to applicants on his or her list. Previously, the applicants had to be "approved," but this requirement is eliminated in the bill. The bill additionally provides provisions that prohibit an applicant seeking a recommendation from a reviewer from having have a substantial interest in any of its requested recommendations.

### *Review Panels for Art and Culture Grants*

Review panels currently serve in almost all grant application review processes as the first body that provides a substantive review of the applications. They utilize grading rubrics and scoring requirements set forth by statute or rule. **Sections 15, 17, and 18** delete references to and the definition of "panels" for Arts and Culture Grants. Section 18, specifically, amends s. 265.286, F.S., to delete the use of qualified review panels in the process of determining the award of Art and Culture Grants and instead provides for "reviewers" the Secretary may appoint. While these reviewers appear to serve a similar purpose as the previously required review panels, the bill eliminates:

- Required qualifications and standards for panel members or reviewers, such as the requirement for panelist to come from relevant disciplines;
- Statutory language mandating the Division to create rules providing rubrics and scoring the panel or reviewers must us; and
- One year term limits.

The bill still requires the Division to administer awards to "activities and programs that meet the professional standards or standards of authenticity of significant merit."

### ***2025-2026 General Appropriations Funding List***

Effective upon the bill becoming law, **section 18** requires the Secretary to request, and the council to submit, an updated list of activities and programs that comply with the updated grant requirements as provided in the bill. After reviewing and making comments to the grant awardee recommendations, the secretary must submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

### ***Rural Communities***

As further discussed *infra*, many of the grant programs eliminated (or combined into one grant) by **sections 15 and 18** are ones that specifically target, or provide special consideration and allowances for, rural communities.

### ***Cultural Facilities Grants***<sup>56</sup>

The Cultural Facilities Grants program coordinates support and funding of renovation, new construction, or acquisition of “cultural facilities.”<sup>57</sup> Eligible applicants must use or plan to use the facility to conduct arts and cultural programming and have unrestricted use of the land and buildings associated with the project, appropriate matching funds, and the support of local officials.

**Section 20** amends s. 265.701, F.S., to discontinue the use of grant funds to acquire a cultural facility. The entities may still use the funds to renovate or construct a facility. Additionally, the section removes the requirement that unfunded grant applications that are approved and recommended by the Secretary be retained on the projects list for a year. The changes additionally require the Secretary to consider whether the program applying for grant money is appropriate for all ages and complies with federal, state, and local laws. It appears this empowers the Secretary to change the list recommended by the FCOAC.

Effective upon the bill becoming law, the Secretary shall request, and the council shall submit, an updated list of activities and programs that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. The FCOAC and Secretary may provide another list for programs and activities that support America250 and celebrate the 50th anniversary of the signing of the Declaration of Independence. This subsection expires on July 1, 2026.

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<sup>56</sup> Numerous states have similar grant or funding programs or mechanisms, including but not limited to Massachusetts (MASS. GEN. LAWS ch. 23G, § 42), Ohio (OHIO REV. CODE ANN. §§ 154.23, 123.201, and 3381.07 (West 2025)), Vermont (VT. STAT. ANN. tit. 24, § 5604), Washington (WASH. REV. CODE § 23.63A.750), Nevada (NEV. REV. STAT. § 268.450), New Jersey (N.J. STAT. ANN. § 34:1B-389 (West 2025)), and New Hampshire (N.H. REV. STAT. ANN. § 19-A:13).

<sup>57</sup> Note that cultural facilities are not defined in statute, regulation, or materials referenced and incorporated into regulation.

## Historical Resources

The Division of Historical Resources (Division), led by a director who serves at the pleasure of the Secretary, is charged with encouraging the identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.<sup>58</sup> This includes cooperating with federal and state agencies, local governments, and private entities to accomplish its duties.

The Division, in relevant part:

- Accepts and administers funding received by public and private sources and advances these funds and other grants on a quarterly basis;
- Enters into agreements for awarding grants or other contracts with any person, firm, performing arts company, educational institution, arts organization, corporation, or governmental agency as may be necessary or advisable;
- Consults with and advises individuals, groups, or public entities with the acquisition, acceptance, display, and care of fine art;
- Sponsors performances and exhibits;
- Promotes and encourages the study and appreciation of arts and culture; and
- Advertises arts and cultural programs available throughout the state.<sup>59</sup>

The Florida Historical Resources Act<sup>60</sup> was established to preserve archaeological sites and objects of antiquity for the public benefit.<sup>61</sup> The Act recognizes Florida's historic properties as an important legacy to be valued and conserved for present and future generations. Accordingly, it is Florida's policy to lead, assist, administer, and encourage public entities and private citizens to preserve the state's historic environment and resources.<sup>62</sup>

The Division director is advised by the Florida Historical Commission, which, in addition to several other advising roles, is specifically charged with advising and providing recommendations on awards of special category historic preservation grant-in-aid administered by the Division.<sup>63</sup> Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State; two are appointed by the President of the Senate; and two are appointed by the Speaker of the House of Representatives.<sup>64</sup>

Sections 267.031, 267.0617, and 267.21, F.S., allows the Division to adopt rules pursuant to the Administrative Procedures Act. Each program must be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures if applicable, and application forms.

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<sup>58</sup> Florida Department of State, Division of Historical Resources, *About*, <https://dos.fl.gov/historical/about/> (last visited Mar. 25, 2025). *See also*, s. 267.031, F.S.

<sup>59</sup> Section 265.284, F.S.

<sup>60</sup> Sections 267.011-267.1736, F.S.

<sup>61</sup> Section 267.14, F.S.

<sup>62</sup> Section 267.061(2)(a), F.S.

<sup>63</sup> Section 267.0612(6)(c), F.S.

<sup>64</sup> Section 267.0612(1)(a)1., F.S.

### ***The Grove Advisory Council***

The Call/Collins House, commonly known as “The Grove,” is a museum located in Tallahassee used to educate the public on the lives and accomplishments of The Grove’s first owner and builders of the estate, Richard Keith Call, Florida’s last Territorial Governor; as well as LeRoy Collins, Florida’s 33rd Governor, who, with his wife, Mary Call Darby Collins (a descendant of Call’s), were the last private owners of The Grove. The Grove is now listed on the National Register of Historic Places.<sup>65</sup>

The Grove Advisory Council advises the Division on the operation, maintenance, preservation, and protection of the Grove’s house, grounds, cemeteries, and all other structures thereon; the furniture and furnishing located therein; any changes in the architecture, structure, furnishings, and landscaping; and the design and development of interpretive programs and exhibits in connection therewith.<sup>66</sup> Five members of the council are appointed by the Secretary; the remainder of the council membership is made up of the Secretary of Management Services, or his or her designee; the director of the Division; and a direct descendent of Mary Call Darby Collins. The members appointed by the Secretary consist of individuals with curatorial and museum expertise, professional architectural historic preservation expertise, and professional landscaping experience. Council members serve without compensation but receive per diem for travel expenses, and the council receives clerical support from the Division.<sup>67</sup>

**Section 25** repeals s. 267.075, F.S., to eliminate the Grove Advisory Council.

### ***Florida Museum of Black History Task Force***

In 2023, the Legislature created the Florida Museum of Black History Task Force to advise the Division on the planning, construction, operation, and administration of the yet established Florida Museum of Black History. The Florida Museum of Black History is a yet to be established museum that is supposed to be a self-sustaining museum that functions on the revenues of the museum and meeting rooms, banquet facilities, and performing arts theater therein.<sup>68</sup> After its tenth meeting on June 28, 2024, the Task Force issued its final report, thereby completing the purpose of the Task Force.<sup>69</sup>

**Section 25** repeals s. 267.0722, F.S., to eliminate the Florida Museum of Black History Task Force.

### ***The Historic Preservation Grant Program***

The Division administers the Historic Preservation Grant Program pursuant to s. 267.0617, F.S., which authorizes grants of moneys appropriated by the Legislature and other contributions for

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<sup>65</sup> Section 267.075(1), F.S.; Dep’t of State, *Richard Kieth Call*, <https://DoS.fl.gov/florida-facts/florida-history/florida-governors/richard-keith-call/#:~:text=Call%20led%20the%20Florida%20militia,and%20the%20national%20business%20depression> (last visited Mar. 19, 2025).

<sup>66</sup> Section 267.075(2), F.S.

<sup>67</sup> Section 267.075(3), F.S.

<sup>68</sup> Section 267.0722, F.S.

<sup>69</sup> *Id.*; Division of Historical Resource, Dep’t of State, *The Florida Museum of Black History Task Force*, <https://DoS.fl.gov/historical/museums/blackhistorytaskforce/> (last visited Mar. 18, 2025).

the purpose of historic preservation.<sup>70</sup> The Division adopts rules setting forth the criteria applied by the Florida Historical Commission and grant review panels in reviewing and recommending grant application.<sup>71</sup> Grant review panels are appointed by the Secretary and chaired by a member or designee of the Florida Historical Commission. Grant money is appropriated from the Historical Resources Operating Trust Fund.<sup>72</sup>

There are two relevant types of Historic Preservation Programs:

- Small Matching Grants, which provide matching funding to assist local, regional, and state-wide efforts to preserve significant historic and archaeological resources and promote knowledge and appreciation of the history of Florida.<sup>73</sup>
- Special Category Grants, which provide funding to assist major local, regional, and state-wide efforts to preserve significant historic and archaeological resources, to assist major archaeological excavations or research projects, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida.<sup>74</sup>

**Section 23** amends s. 267.0612, F.S., to consolidate the grant review processes for the special category historic preservation grants-in-aid under the Historic Preservation Grant Program provisions of s. 267.617, F.S. This does not represent a change in law.

**Section 24** amends s. 267.0617, F.S., relating to the Historic Preservation Grant Program, to remove reference to the Historical Resources Operating Trust Fund, which is the current fund for all money received and paid by the Historic Preservation Grant Program. This section additionally allows the Secretary to review and provide comments on the recommended list of grants-in-aid recipients. Funds awarded must be expended in compliance with law and regulation and cannot be used for activities or programs that are appropriate for all ages.

### ***Abandoned African-American Cemeteries Program***

The Division administers the Historic Cemeteries Program, directed by the State Historic Preservation Officer, and addresses historic and abandoned cemeteries throughout the state—including coordinating with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.<sup>75</sup> Subject to legislative appropriations, the Historic Cemeteries Program provides grants to research institutions, colleges and universities, non-profits, and local governments to assist efforts to protect, preserve, repair, and restore abandoned African-American cemeteries in the State of Florida.<sup>76</sup> Members of the Historic Cemeteries Program Advisory Council serve as the application review panel for the Abandoned African-American Cemeteries Grant program. The Historic Cemeteries Program Advisory Council consists of nine members, all appointed by the Secretary.<sup>77</sup>

<sup>70</sup> Section 267.0617, F.S.

<sup>71</sup> Section 267.0617(5), F.S.

<sup>72</sup> Section 267.0617(3), F.S.

<sup>73</sup> Section 267.0617(2), F.S.; Rule 1A-39.001(3)(a), F.A.C.

<sup>74</sup> Section 267.0617(3), F.S.; Rule 1A-39.001(3)(b), F.A.C.

<sup>75</sup> Section 267.21(1), F.S.

<sup>76</sup> Section 267.21, F.S.; Rule 1A-39.001(3)(C), F.A.C.

<sup>77</sup> Section 267.22, F.S.

**Sections 27 and 28** amend ss. 267.21 and 267.22, F.S., respectively, which in relevant part address the abandoned African-American cemeteries grant program and corresponding task force.

As to the abandoned African-American cemeteries grant program, section 27 allows the Secretary to review recommended grant recipients and provide comments on whether the grant awardee program is harmful to minors and complies with federal, state, and local laws; and section 28 makes a conforming change.

Section 27 requires the council to review each application and submit a list to the Secretary of recommended awardees. The recommended list, with any comments made by the Secretary, is submitted as a part of the DOS legislative funding request.

Section 28 amends s. 267.22, F.S., relating to the Historic Cemeteries Program Advisory Council, to codify the review requirements currently promulgated by the DOS in their guidelines. Section 28 also reorganizes the Historic Cemeteries Program Advisory Council (Advisory Council) as a sub-council within the Florida Historical Commission, who may become members of the Advisory Council; and provides that the Advisory Council only needs five members (as opposed to the current nine required) who would now be appointed by the Florida Historical Commission (as opposed to the Secretary). Terms are shortened from four to two years. Current members of the Advisory Council may serve out the rest of their turn.

#### **Effective Date**

**Section 29** provides that the bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

##### **B. Public Records/Open Meetings Issues:**

None identified.

##### **C. Trust Funds Restrictions:**

None identified.

##### **D. State Tax or Fee Increases:**

None identified.

## 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 requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.<sup>78</sup> The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.<sup>79</sup> The subject matter to consider when determining whether a bill embraces a single subject is the bill title’s subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.<sup>80</sup>

The bill relates to fees paid for commissions issued by the Governor, in addition to the DOS grants administered by, and officers and bodies existing in, the Division of Library and Information Services, Division of Arts and Culture, and Divisions of Historical Resources. While the Secretary is required to attest to these commissions and is appointed by the Governor, this may not be sufficient to establish a natural or logical connection to the rest of the bill to meet the single subject requirement in the State Constitution.

### **Agency Action and Rulemaking**

Constitutional law holds state and agency action to an arbitrary and capricious standard.<sup>81</sup> Arbitrary and capricious means “founded on prejudice or preference rather than on reason or fact.”<sup>82</sup> Agency action passes the arbitrary and capricious standard “only if it rests on a consideration of the relevant factors,” but is unlawful if it “entirely failed to consider an important aspect of the problem.”<sup>83</sup> A rule is arbitrary if it is not supported by logic or the necessary facts; a rule is capricious if it is adopted without thought or reason or is irrational.<sup>84</sup>

Overall, the bill decreases the DOS’ required rulemaking and eliminates or reduces current statutory criteria for the DOS’ award of state funds. These changes may allow the DOS to award grants in an arbitrary fashion, should the DOS make such awards without a clear standard outlined in rule or statutory guidelines.

Accordingly, while the present bill eliminates required rule making, this may constitutionally be problematic because it may lead to arbitrary and capricious decisions.

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<sup>78</sup> *Santos v. State*, 380 So.2d 1284 (Fla. 1980).

<sup>79</sup> *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).

<sup>80</sup> *See Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

<sup>81</sup> FLA. CONST., Art. IX, s. 9; U.S. CONST. amend. XIV, s. 1.

<sup>82</sup> ARBITRARY, Black’s Law Dictionary (11th ed. 2019).

<sup>83</sup> *Bidi Vapor LLC v. U.S. Food & Drug Admin.*, 47 F.4th 1191, 1202 (11th Cir. 2022)

<sup>84</sup> Section 120.52(8), F.S.



Review panels currently serve in almost all grant application review processes as the first body providing substantive review. They utilize grading rubrics and scoring requirements set forth by statute or the DOS in statutorily required rules. The bill not only substitutes these review panels but also eliminates the statutory requirement to adopt rules to establish a scoring system formula for such determinations. This may also result in grant applicants not knowing the criteria considered in the review of their applications, which could raise constitutional due process concerns.

In particular, section 18, amending s. 265.286, F.S., lists criteria that the Division may consider in awarding grants, namely including allowable and nonallowable costs, program quality, artistic quality, potential public exposure and benefit, professional excellence, fiscal stability, state or regional impact, but the permitted criteria is relatively broad and subject to personal interpretation.<sup>85</sup> However, these permitted criteria may not provide enough guidance to be implemented without rule, and are ultimately permissible rather than required criteria. This may result in arbitrary and capricious grant awards by the DOS.

### **Excess Delegation of Authority to Determine or Override Appropriations**

The Legislature is the sole branch of government with the inherent power to create laws.<sup>86</sup> The State Constitution vests the “power of the purse” in the Legislature by granting it exclusive and plenary power to raise and appropriate state funds. The power to appropriate funds, therefore, rests with the Legislature alone.<sup>87</sup>

On lines 224-231, the Secretary is granted authority to “review the funding recommendation list to identify whether federal grant funds awarded under this section (to libraries) are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors.”

Lines 272-276, 306-309, 332-335, 482-485, 648-651, 789-792, and 931-934 grant similar authority to the Secretary for the various grants funded by state funds and administered by the DOS. The placement of this language is consistently in provisions regarding the recommended lists prior to submission to the Legislature.

The Legislature may not delegate to the secretary the power to effectively veto or withhold the grants. However, the use of the terms “awarded” and “expended” may suggest that the Secretary can change the grants the Legislature already “approved” for funding. If this language does apply to the list of grantees selected as a part of the

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<sup>85</sup> The bill provides that “The division may adopt rules establishing [e]ligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act.”

<sup>86</sup> FLA. CONST. art., III, s. 1. *See also* FLA. CONST. art. II, s. 3.

<sup>87</sup> FLA. CONST. art. VII, s. 1(c, d); *Graham v. Haridopolos*, 75 So. 3d 315, 318 (Fla. 1st DCA 2011), approved, 108 So. 3d 597 (Fla. 2013); *Chiles v. Child. A, B, C, D, E, & F*, 589 So. 2d 260, 267 (Fla. 1991) (explicitly providing that the Legislature and not the executive branch is entrusted with appropriating state funds).

Legislature’s decision on appropriations, these provisions empowering the Secretary may be violative of the Legislature’s power to appropriate (subject only to gubernatorial veto).

In addition, if the provisions are applied to deny a legislative appropriation, the grant applicant must be given some level of due process to appeal the Secretary’s decision. This is particularly important when the Legislature has taken action to fund a particular applicant, notwithstanding whether a state or local law applies. No such process is established or discussed in the bill.

Lines 585-598 and 667-680, relating to arts and cultural grants, require the FCOAC to submit an updated list to the legislature for FY 2025-26 that comply with the requirements of this act. This may be problematic to the extent that the Legislature bases its funding decisions on the originally submitted list and the Secretary attempts to fund the grants based on a newly submitted list that was not contemplated by the Legislature during the appropriations process. Under ch. 216, F.S., the Secretary had the opportunity to submit such a list in the agency legislative budget request. Moreover, the DOS continues to have the authority to amend its legislative budget request. Thus, this language, in practical terms, merely grants the FCOAC the additional opportunity to submit a specific list.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None identified.

### **B. Private Sector Impact:**

It is difficult to identify how the private sector may be impacted. Many administrative rules that will no longer be required provide ways for grant applicants to demonstrate return on investment. It is unclear how, without such rules, the DOS will continue to monitor the return on investment.

### **C. Government Sector Impact:**

The fiscal impact of a majority of the bill on state and local governments is indeterminate at this time. Fees collected by the DOS for commissions under 113.01, F.S., for Fiscal Year 2024-2025 were \$22,765 and were deposited into the General Revenue Fund.<sup>88</sup>

## **VI. Technical Deficiencies:**

At lines 226-227, the bill allows the Secretary to “review *and identify* the funding recommendations on the list *to identify*...”<sup>89</sup> This appears to be a drafting error. Moreover, it is unclear to whom the identifications are sent to, how they are sent, and the results of such identifications.

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<sup>88</sup> Email from Katherine Woodby, Legislative Analyst, Dep’t of State, to Mackensee White, Attorney, the Florida Senate (Apr. 2, 2025) (on file with the Senate Committee on Governmental Oversight and Accountability).

<sup>89</sup> (Emphasis added.)

At lines 379-384, the language appears to require each appointed member to be a public representative with demonstrated interest in all five areas of arts, culture, museums, folklore, and cultural heritage traditions. The Legislature may want to change the ‘and’ to an ‘or’ so qualifications for the FCOAC members are public representatives with demonstrated interests in any of the areas of interest.

Section 17 (lines 431-437) amends the FCOAC’s duties to include promotion of the Arts and Culture Recognition award and apprenticeship programs. These programs do not exist in statute. The Legislature may wish to codify the Arts and Culture Recognition award and apprenticeship programs and provide the DOS the statutory authority to administer these programs. This would provide a statutory basis for the FCOAC’s promotion of the programs.

Throughout the various grant program implementing statutes, the bill permits, rather than mandates, the DOS to adopt administrative rules to implement the application and review process. With this change, and assuming the DOS repeals any rules that are merely permissive, it is unclear how reviewers’ recommendations and Council recommendations will be made and applied consistently across the applicants.

## **VII. Related Issues:**

### **Effect on Rural Communities**

Most of the specific statutory language requiring, referencing, or mandating rules that provide special considerations or focuses on rural communities for the purpose of grants administered by the Division of Arts and Culture are eliminated in the bill.

The Rural Economic Development Initiative (REDI) recognizes that rural communities and regions continue to face extraordinary challenges in their efforts to significantly improve their economies, specifically in terms of personal income, job creation, average wages, and strong tax bases. Among other things, REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida’s economically distressed rural communities.

Section 22 amends s. 265.283, F.S., to delete the definitions for the state touring grant and underserved arts community assistance program grants. This presumably ends the state touring program and underserved arts community assistance program grants.

Both the General Program Support and Specific Cultural Program grants give areas involved in the REDI either a complete waiver of matching fund requirements (General Program Support grant), or a decrease in the percentage of the matching required (Specific Cultural Program grants).<sup>90</sup> These two grants are eliminated by the bill.

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<sup>90</sup> *General Program Support Grant Guidelines* at 17; *Specific Cultural Grant Guidelines* at 7.

The state touring program grants and underserved community<sup>91</sup> grants mainly support rural communities. For touring grants in particular, underpopulated counties can request twice as much fee support as other counties, and underpopulated counties are given priority.

## **VIII. Statutes Affected:**

This bill repeals the following sections of the Florida Statutes: 113.01, 113.02, 113.03, 257.34, and 267.0722.

This bill substantially amends the following sections of the Florida Statutes: 113.051, 117.01, 117.225, 117.295, 257.031, 257.12, 257.17, 257.191, 257.23, 257.42, 265.283, 265.284, 265.285, 265.286, 265.2865, 265.701, 265.703, 265.803, 267.0612, 267.0617, 267.075, 267.21, and 267.22.

## **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 Governmental Oversight and Accountability on April 1, 2025:**

- Amends language giving the Secretary of DOS the authority to alter lists of recommended grant awardees given to the Legislature to instead provide comments on the list;
- Uses and defines “harmful to minors” to replace “appropriate for all ages” language; and
- Adds sections amending or repealing ss. 113.01, 113.02, 113.03, 113.051, 177.01, 177.225, and 177.295, F.S., to eliminate a \$10 fee on commissions issued by the Governor.

### **B. Amendments:**

None.

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

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<sup>91</sup> Underpopulated counties refer to counties with a population of 75,000 or less in the 2010 Census. Currently, 31 Florida counties qualify as an underpopulated county. These counties are Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Monroe, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Walton, and Washington.

By the Committee on Governmental Oversight and Accountability;  
and Senator Grall

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1 A bill to be entitled  
2 An act relating to the Department of State; repealing  
3 s. 113.01, F.S., relating to a fee for commissions  
4 issued by the Governor; repealing s. 113.02, F.S.,  
5 relating to fees to be paid before commissions are  
6 issued; repealing s. 113.03, F.S., relating to  
7 disposition of proceeds; amending s. 113.051, F.S.;  
8 prohibiting commissions from being issued by the  
9 Governor, attested to by the Secretary of State, or  
10 bearing the seal of the state until the oath of office  
11 is filed as required; amending ss. 117.01 and 117.225,  
12 F.S.; conforming provisions to changes made by the  
13 act; amending s. 117.295, F.S.; conforming a cross-  
14 reference; amending s. 257.031, F.S.; revising the  
15 entity that accredits a specified library school  
16 program; amending s. 257.12, F.S.; revising duties of  
17 the State Library Council; authorizing the Secretary  
18 of State to review and identify certain funding  
19 recommendations made by the council; defining the term  
20 "harmful to minors"; amending s. 257.17, F.S.;  
21 conforming provisions to changes made by the act;  
22 amending s. 257.191, F.S.; requiring the Secretary of  
23 State to identify whether construction grant funds  
24 meet certain criteria and are used for certain  
25 purposes; defining the term "harmful to minors";  
26 requiring the secretary to submit a recommended list  
27 to the Legislature for funding consideration; amending  
28 s. 257.23, F.S.; requiring the secretary to identify  
29 whether construction grant funds meet certain criteria

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30 and are used for certain purposes; defining the term  
31 "harmful to minors"; repealing s. 257.34, F.S.,  
32 relating to the Florida International Archive and  
33 Repository; amending s. 257.42, F.S.; requiring the  
34 secretary to identify whether library cooperative  
35 grant funds meet certain criteria and are used for  
36 certain purposes; defining the term "harmful to  
37 minors"; amending s. 265.283, F.S.; deleting the  
38 definitions of the terms "panel," "state touring  
39 program grants," and "underserved arts community  
40 assistance program grants"; amending s. 265.284, F.S.;  
41 providing that the secretary is the chief arts and  
42 culture officer of the state; amending s. 265.285,  
43 F.S.; revising the membership of the Florida Council  
44 on Arts and Culture; prohibiting council members from  
45 receiving financial compensation under specified  
46 circumstances; providing an exception; revising duties  
47 of the council; defining the term "harmful to minors";  
48 amending s. 265.286, F.S.; defining the term "harmful  
49 to minors"; requiring the Division of Arts and Culture  
50 to accept applications for arts and cultural grants  
51 for specified purposes; specifying eligibility  
52 criteria; deleting review panel member appointments  
53 and criteria; authorizing the secretary to review a  
54 specified list and provide comments to the  
55 Legislature; requiring that specified grant funds meet  
56 certain criteria and are used for certain purposes;  
57 requiring the secretary to submit a recommended list  
58 to the Legislature for funding consideration;

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59 providing activities and programs for which the  
 60 division may award grants; revising items for which  
 61 the division may adopt rules; prohibiting applicants  
 62 for grant funding from having substantial interests  
 63 for certain recommendations; requiring the secretary  
 64 to submit a recommended list to the Legislature for  
 65 funding consideration; authorizing the council and  
 66 secretary to provide a separate list for certain  
 67 activities and programs; providing applicability;  
 68 providing expiration dates for certain purposes;  
 69 amending s. 265.2865, F.S.; authorizing, rather than  
 70 requiring, the council to accept and recommend  
 71 nominations for certain purposes annually; reducing  
 72 the number of members the secretary may name to the  
 73 Florida Artists Hall of Fame in any nomination year;  
 74 authorizing, rather than requiring, the secretary to  
 75 annually request an appropriation for certain  
 76 purposes; amending s. 265.701, F.S.; deleting an  
 77 authorization for certain grant funds to be used to  
 78 acquire cultural facilities; authorizing the secretary  
 79 to review a specified list and provide comments to the  
 80 Legislature; requiring that grant funds meet certain  
 81 criteria and are used for certain purposes; defining  
 82 the term "harmful to minors"; requiring the secretary  
 83 to submit a recommended list to the Legislature for  
 84 funding considerations; authorizing the council and  
 85 secretary to provide a separate list for certain  
 86 activities and programs; providing applicability;  
 87 providing expiration dates for a certain purpose;

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88 amending s. 265.703, F.S.; revising the programs for  
 89 which citizen support organizations may provide  
 90 support; amending s. 265.803, F.S.; revising  
 91 programmatic set-up and functions of the Florida  
 92 Folklife Council; amending s. 267.0612, F.S.;  
 93 requiring the secretary to review special category  
 94 historic preservation grants-in-aid recommendations of  
 95 the Florida Historical Commission; amending s.  
 96 267.0617, F.S.; deleting a provision that requires  
 97 certain funds to be credited to the Historical  
 98 Resources Operating Trust Fund; authorizing the  
 99 secretary to review specified lists and provide  
 100 comments to the Legislature; requiring that grant  
 101 funds meet certain criteria and are used for certain  
 102 purposes; requiring the secretary to submit  
 103 recommended lists to the Legislature for funding  
 104 consideration; defining the term "harmful to minors";  
 105 repealing s. 267.0722, F.S., relating to the Florida  
 106 Museum of Black History; amending s. 267.075, F.S.;  
 107 deleting provisions relating to The Grove Advisory  
 108 Council; amending s. 267.21, F.S.; revising mechanisms  
 109 by which state funds to assist abandoned African-  
 110 American cemeteries may be awarded; authorizing the  
 111 secretary to review a specified list and provide  
 112 comments to the Legislature; requiring that grant  
 113 funds meet certain criteria and are used for certain  
 114 purposes; requiring the secretary to submit a  
 115 recommended list to the Legislature for funding  
 116 consideration; defining the term "harmful to minors";

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117 amending s. 267.22, F.S.; revising programmatic duties  
 118 and composition of the Historic Cemeteries Program  
 119 Advisory Council; requiring the council to evaluate  
 120 proposals for awards of grants relating to abandoned  
 121 African-American cemeteries; providing an effective  
 122 date.

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

126 Section 1. Section 113.01, Florida Statutes, is repealed.  
 127 Section 2. Section 113.02, Florida Statutes, is repealed.  
 128 Section 3. Section 113.03, Florida Statutes, is repealed.  
 129 Section 4. Section 113.051, Florida Statutes, is amended to  
 130 read:

131 113.051 Grants and commissions.—All grants and commissions  
 132 shall be in the name and under the authority of the State of  
 133 Florida, sealed with the great seal of the state, signed by the  
 134 Governor, and countersigned by the Secretary of State. A  
 135 commission may not be issued by the Governor or attested to by  
 136 the Secretary of State and may not bear the seal of the state  
 137 until the oath of office is filed as required by s. 113.06.

138 Section 5. Subsection (2) of section 117.01, Florida  
 139 Statutes, is amended to read:

140 117.01 Appointment, application, suspension, revocation,  
 141 application fee, bond, and oath.—

142 (2) The application for appointment must ~~shall~~ be signed  
 143 and sworn to by the applicant and must ~~shall~~ be accompanied by a  
 144 fee of \$25, ~~together with the \$10 commission fee required by s.~~  
 145 ~~113.01,~~ and a surcharge of \$4, which \$4 is appropriated to the

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146 Executive Office of the Governor to be used to educate and  
 147 assist notaries public. The Executive Office of the Governor may  
 148 contract with private vendors to provide the services set forth  
 149 in this section. However, ~~a no~~ ~~commission fee is not~~ ~~shall be~~  
 150 required for the issuance of a commission as a notary public to  
 151 a veteran who served during a period of wartime service, as  
 152 defined in s. 1.01(14), and who has been rated by the United  
 153 States Government or the United States Department of Veterans  
 154 Affairs or its predecessor to have a disability rating of 50  
 155 percent or more; such a disability is subject to verification by  
 156 the Secretary of State, who has authority to adopt reasonable  
 157 procedures to implement this act. The oath of office and notary  
 158 bond required by this section must ~~shall~~ also accompany the  
 159 application and must ~~shall~~ be in a form prescribed by the  
 160 Department of State which must ~~shall~~ require, but is ~~is not~~ ~~be~~  
 161 limited to, the following information: full name, residence  
 162 address and telephone number, business address and telephone  
 163 number, date of birth, race, sex, social security number,  
 164 citizenship status, driver license number or the number of other  
 165 official state-issued identification, affidavit of good  
 166 character from someone unrelated to the applicant who has known  
 167 the applicant for 1 year or more, a list of all professional  
 168 licenses and commissions issued by the state during the previous  
 169 10 years and a statement as to whether ~~or not~~ the applicant has  
 170 had such license or commission revoked or suspended, and a  
 171 statement as to whether ~~or not~~ the applicant has been convicted  
 172 of a felony, and, if there has been a conviction, a statement of  
 173 the nature of the felony and restoration of civil rights. The  
 174 applicant may not use a fictitious or assumed name other than a

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nickname on an application for commission. The application must  
~~shall~~ be maintained by the Department of State for the full term  
 of a notary commission. A notary public shall notify, in  
 writing, the Department of State of any change in his or her  
 business address, home telephone number, business telephone  
 number, home address, or criminal record within 60 days after  
 such change. The Governor may require any other information he  
 or she deems necessary for determining whether an applicant is  
 eligible for a notary public commission. Each applicant must  
 swear or affirm on the application that the information on the  
 application is true and correct.

Section 6. Subsection (3) of section 117.225, Florida  
 Statutes, is amended to read:

117.225 Registration; qualifications.—A notary public, a  
 civil-law notary appointed under chapter 118, or a commissioner  
 of deeds appointed under part IV of chapter 721 may complete  
 registration as an online notary public with the Department of  
 State by:

~~(3) Paying a notary public registration fee as required by  
 s. 113.01.~~

Section 7. Paragraph (b) of subsection (2) of section  
 117.295, Florida Statutes, is amended to read:

117.295 Standards for electronic and online notarization;  
 rulemaking authority.—

(2) The Department of State shall:

(b) Publish on its website a list containing each online  
 notary public, the online notary public's RON service providers  
 from January 1, 2022, and thereafter, the effective dates during  
 which the online notary public used each RON service provider,

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as identified pursuant to ss. 117.225(4) and 117.265(5)(b) ~~ss.~~  
~~117.225(5) and 117.265(5)(b)~~, any secure repositories to which  
 the online notary public may have delegated his or her duties  
 pursuant to s. 117.245(4) from January 1, 2022, and thereafter,  
 and the effective dates of that delegation.

Section 8. Subsection (1) of section 257.031, Florida  
 Statutes, is amended to read:

257.031 State Librarian; appointment and duties.—

(1) The State Librarian shall be appointed by the Secretary  
 of State, shall have completed a library school program  
 accredited by a national library professional ~~the American~~  
~~Library~~ association, and shall serve as the director of the  
 Division of Library and Information Services of the Department  
 of State. The Secretary of State may, in making the appointment  
 of State Librarian, consult the members of the State Library  
 Council.

Section 9. Subsection (4) is added to section 257.12,  
 Florida Statutes, to read:

257.12 Division of Library and Information Services  
 authorized to accept and expend federal funds.—

(4) The State Library Council, as provided in s. 257.02,  
shall develop recommendations for providing available federal  
funds to public libraries. The secretary may review and identify  
the funding recommendation list to identify whether federal  
grant funds awarded under this section are expended in  
compliance with all federal, state, and local laws and  
regulations and are used only for activities and programs that  
are not harmful to minors. For purposes of this subsection, the  
term "harmful to minors" means any reproduction, imitation,



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233 characterization, description, exhibition, presentation, or  
 234 representation, in any manner or form, depicting sexual conduct  
 235 or sexual excitement as those terms are defined in s. 847.001.

236 Section 10. Paragraph (a) of subsection (2) of section  
 237 257.17, Florida Statutes, is amended to read:

238 257.17 Operating grants.—A political subdivision that has  
 239 been designated by a county or municipality as the single  
 240 library administrative unit is eligible to receive from the  
 241 state an annual operating grant of not more than 25 percent of  
 242 all local funds expended by that political subdivision during  
 243 the second preceding fiscal year for the operation and  
 244 maintenance of a library, under the following conditions:

245 (2) The library established or maintained by such political  
 246 subdivision shall:

247 (a) Be operated under a single administrative head who is  
 248 an employee of the single library administrative unit and who  
 249 has completed a library education program accredited by a  
 250 national library professional ~~the American Library~~ association.  
 251 The single administrative head shall have at least 2 years of  
 252 full-time paid professional experience, after completing the  
 253 library education program, in a public library that is open to  
 254 the public for a minimum of 40 hours per week.

255 Section 11. Section 257.191, Florida Statutes, is amended  
 256 to read:

257 257.191 Construction grants.—

258 (1) The Division of Library and Information Services may  
 259 accept and administer library construction moneys appropriated  
 260 to it and shall allocate such appropriation to municipal,  
 261 county, and regional libraries in the form of library

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262 construction grants on a matching basis. The local matching  
 263 portion shall be no less than the grant amount, on a dollar-for-  
 264 dollar basis, up to the maximum grant amount, unless the  
 265 matching requirement is waived by s. 288.06561. Initiation of a  
 266 library construction project 12 months or less prior to the  
 267 grant award under this section shall not affect the eligibility  
 268 of an applicant to receive a library construction grant. The  
 269 division shall adopt rules for the administration of library  
 270 construction grants. For the purposes of this section, s. 257.21  
 271 does not apply.

272 (2) (a) The secretary shall identify whether the library  
 273 construction grants awarded under this section are expended in  
 274 compliance with all federal, state, and local laws and  
 275 regulations and are used only for activities and programs that  
 276 are not harmful to minors. For purposes of this paragraph, the  
 277 term "harmful to minors" means any reproduction, imitation,  
 278 characterization, description, exhibition, presentation, or  
 279 representation, in any manner or form, depicting sexual conduct  
 280 or sexual excitement as those terms are defined in s. 847.001.

281 (b) The secretary shall submit a recommended list to the  
 282 Legislature for funding consideration.

283 Section 12. Section 257.23, Florida Statutes, is amended to  
 284 read:

285 257.23 Application for grant.—

286 (1) The board of county commissioners of any county, the  
 287 chief executive officer of a municipality, or the governing body  
 288 of a special district or a special tax district desiring to  
 289 receive a grant under the provisions of ss. 257.14-257.25 shall  
 290 apply therefor to the Division of Library and Information

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Services on or before October 1 of each year on a form to be provided by the division. The application shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.

(2) The secretary shall identify whether grants awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 13. Section 257.34, Florida Statutes, is repealed.

Section 14. Section 257.42, Florida Statutes, is amended to read:

257.42 Library cooperative grants.—

(1) The administrative unit of a library cooperative is

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eligible to receive an annual grant from the state for the purpose of sharing library resources based upon an annual plan of service and expenditure and an annually updated 5-year, long-range plan of cooperative library resource sharing. Those plans, which must include a component describing how the cooperative will share technology and the use of technology, must be submitted to the division for evaluation and possible recommendation for funding in the division's legislative budget request. Grant funds may not be used to supplant local funds or other funds. A library cooperative must provide from local sources matching cash funds equal to 10 percent of the grant award.

(2) The secretary shall identify whether state grant funds awarded under this section are expended in compliance with all federal, state, and local laws and regulations and are used only for activities and programs that are not harmful to minors. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 15. Subsections (12), (16) and (17) of section 265.283, Florida Statutes, are amended to read:

265.283 Definitions.—The following definitions shall apply to ss. 265.281-265.703:

~~(12) "Panel" means a grant review panel.~~

~~(16) "State touring program grants" means grants used to provide performances, activities, and exhibitions by Florida artists to communities.~~

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349 ~~(17) "Underserved arts community assistance program grants"~~  
 350 ~~means grants used by qualified organizations under the Rural~~  
 351 ~~Economic Development Initiative, pursuant to ss. 288.0656 and~~  
 352 ~~288.06561, for the purpose of economic and organizational~~  
 353 ~~development for underserved cultural organizations.~~

354 Section 16. Subsection (1) of section 265.284, Florida  
 355 Statutes, is amended to read:

356 265.284 Chief arts and culture ~~cultural~~ officer; director  
 357 of division; powers and duties.—

358 (1) The secretary ~~of State~~ is the chief arts and culture  
 359 cultural officer of the state.

360 Section 17. Paragraphs (a) and (c) of subsection (1) and  
 361 paragraphs (c), (e), (f), and (g) of subsection (2) of section  
 362 265.285, Florida Statutes, are amended to read:

363 265.285 Florida Council on Arts and Culture; membership,  
 364 duties.—

365 (1)(a) The Florida Council on Arts and Culture is created  
 366 within the department as an advisory body, as defined in s.  
 367 20.03(7). The council shall be composed of, consisting of 15  
 368 members. Seven members shall be appointed by the Governor in  
 369 consultation with the Secretary of State, four members shall be  
 370 appointed by the President of the Senate, and four members shall  
 371 be appointed by the Speaker of the House of Representatives. Of  
 372 the seven members appointed by the Governor, one member must be  
 373 a licensed architect who has expertise in cultural facilities;  
 374 one member must be an enrolled member of the Seminole Tribe of  
 375 Florida; one member must be a professional public folklorist;  
 376 one member must be a university affiliated folklorist; one  
 377 member must be a practicing or former professional artist; and

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378 one member must be a retired chief executive officer of a  
 379 Florida-based accredited museum. The remaining member appointed  
 380 by the Governor and the four members appointed by the President  
 381 of the Senate and the Speaker of the House of Representatives,  
 382 respectively, must be representatives of the public with  
 383 demonstrated interest in and knowledge of the arts, culture,  
 384 museums, folklore, and cultural heritage traditions. The  
 385 appointments that are, to be made in consultation with the  
 386 Secretary of State, shall recognize the need for geographical  
 387 representation. Council members appointed by the Governor shall  
 388 be appointed for 4-year terms beginning on January 1 of the year  
 389 of appointment. Council members appointed by the President of  
 390 the Senate and the Speaker of the House of Representatives shall  
 391 be appointed for 2-year terms beginning on January 1 of the year  
 392 of appointment. A member of the council who serves two 4-year  
 393 terms or two 2-year terms is not eligible for reappointment for  
 394 1 year following the expiration of the member's second term. A  
 395 member whose term has expired shall continue to serve on the  
 396 council until such time as a replacement is appointed. Any  
 397 vacancy on the council shall be filled for the remainder of the  
 398 unexpired term in the same manner as for the original  
 399 appointment. Members should have a substantial history of  
 400 community service in the performing or visual arts, which  
 401 includes, but is not limited to, theater, dance, folk and  
 402 traditional arts, music, architecture, photography, literature,  
 403 and media arts, or in the areas of science, history, or  
 404 children's museums. In addition, it is desirable that members  
 405 have successfully served on boards of cultural institutions such  
 406 as museums and performing arts centers or are recognized as

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patrons of the arts. A member may not receive financial compensation as an employee or officer of an entity that has received grant funds or an applicant for division grant funding recommendations. This prohibition does not apply to an employee or officer of a state college or university.

(c) Members of the council ~~and panels~~ may not receive any compensation for their services but shall be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061.

(2) The council shall:

(c) Encourage the participation in and appreciation of arts, ~~and~~ culture, and folklife to meet the needs and aspirations of persons in all parts of the state.

(e) Encourage arts and culture development within communities and assist freedom of artistic expression that is essential for the well-being of the arts.

(f) Advise the secretary in matters concerning the awarding of grants for arts and culture as authorized in this act and make funding recommendations for activities and programs that are not harmful to minors. For purposes of this paragraph, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

(g) Promote and assist with division programs, such as the Major John Leroy Haynes Florida Veterans' History Program, the Arts and Culture recognition award program, and the apprenticeship program ~~the reading, writing, and appreciation of poetry throughout the state and accept nominations and recommend~~

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~~nominees for appointment as the State Poet Laureate under s. 265.2863.~~

Section 18. Section 265.286, Florida Statutes, is amended to read:

265.286 Arts Art and cultural grants.—

(1) For purposes of this section, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

(2) The division shall accept applications for arts and cultural grants for activities and programs identified in subsection (8) and based on the rules adopted under this section.

(3) To be eligible for a grant, an applicant must:

(a) Be a nonprofit, tax-exempt Florida corporation or a local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.

(b) Conduct activities and programs that are not harmful to minors.

(c) Strictly conform with all applicable local, state, and federal laws and regulations.

~~(4)(1)~~ The secretary may appoint reviewers review panels consisting of members from various art and cultural disciplines and programs to assist the council in the grant application review process. Appointed reviewers shall review Each panel member shall be appointed to a 1-year term. Each panel shall

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~~consist of practicing artists or other professionals actively involved in the specific discipline or program for which the panel has been appointed. Each panel shall review and score grant applications and recommend to the council the applicants to which grants may should be awarded. The panels shall submit lists of eligible applicants by score. The division shall adopt rules establishing a formula for such scoring.~~

~~(5)(2)~~ The council ~~and each panel~~ shall provide a forum for public comment before voting on any grant application.

~~(6)(3)~~ After the council reviews the recommended lists of eligible applicants submitted by each review panel, it shall develop a list of recommended arts and culture grants ~~two lists, one of which must consist of eligible applicants for general program support funding and one of which must consist of eligible applicants for specific cultural project funding~~, and submit the list lists to the secretary. The secretary may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The secretary shall submit the recommended list to the Legislature annually for funding consideration ~~shall review the council's recommendations and, beginning July 1, 2010, include the lists of approved applicants in the department's legislative budget request submitted to the Legislature.~~

~~(7)(4)~~ Arts and cultural Project grants shall be funded from the secretary's submitted approved list by score until all appropriated funds are depleted. If ~~specific project grant funds~~

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are returned to the division, it ~~must shall~~ award such funds to the next grant applicant on the secretary's list of ~~approved~~ applicants. General program support grants ~~shall be awarded to applicants on the secretary's list in amounts determined by rule.~~

~~(8)(5)~~ The division shall administer awarded grants fund:

(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents ~~Grants for general program support for science museums, youth and children's museums, historical museums, local arts agencies, state service organizations, and organizations that have cultural program activities in any of the art and cultural disciplines defined in s. 265.283.~~

(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence ~~Grants for specific cultural projects for arts in education, museums, Culture Builds Florida, or nonprofit public or private organizations having cultural project activity in any of the art and cultural disciplines.~~

(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin ~~Grants for a touring program that has a selection procedure that ensures the maximum opportunity for Florida artists and cultural groups.~~

(d) To activities and programs that are not harmful to minors ~~An individual artist fellowship program. The division shall establish a selection procedure that identifies individual artists of exceptional talent and demonstrated ability and~~

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~~distribute grant appropriations as provided by rule.~~

(e) To other programs consistent with the purpose of this act.

~~(9)(6)~~ The division ~~may shall~~ adopt rules establishing:

(a) Eligibility criteria for the award of grants, which may include, but need not be limited to, application requirements, allowable and nonallowable costs, program quality, artistic quality, creativity, potential public exposure and benefit, the ability to properly administer grant funds, professional excellence, fiscal stability, state or regional impact and economic development, matching requirements, and other requirements to further the purposes of this act.

(b) Particular grant programs, categories of grants, and procedures necessary for the prudent administration of the grant programs.

(c) The ~~panel~~ review process, including, but not limited to, criteria for reviewing grant applications to identify whether there is ensure compliance with applicable federal and state law, including those related to discrimination and conflicts of interest and whether the activities and programs are harmful to minors. The division may not award any new grant that will, in whole or in part, inure to the personal benefit of any council ~~or review panel~~ member during the member's term of office or reviewer if the council ~~or panel~~ member or reviewer participated in the vote of the council or reviewer ~~panel~~ recommending the award. This paragraph does not prohibit the division from awarding a grant to an entity with which a council ~~or panel~~ member or reviewer is associated.

~~(7) The division shall award grants:~~

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~~(a) To supplement the financial support of artistic and cultural activities and programs that, without the assistance, may otherwise be unavailable to Florida residents.~~

~~(b) To activities and programs that have substantial artistic and cultural significance and emphasize creativity and professional excellence.~~

~~(c) To activities and programs that meet the professional standards or standards of authenticity of significant merit, regardless of origin.~~

~~(d) For other reasons consistent with this act.~~

~~(8) Eligible grantees must:~~

~~(a) Be a nonprofit, tax exempt Florida corporation; or~~

~~(b) A local or state governmental entity, school district, community college, college, university, agency of state government, or artist engaged in or concerned with arts and cultural activities.~~

~~(10)(9)~~ In order to equitably distribute limited state funding, applicants may apply for and be awarded only one grant per annual grant cycle, except for cultural facilities, ~~a cultural endowment, or touring program grants and individual artist fellowships.~~

~~(11)(10)~~ Of the total amount of grant funds available from all sources for grants, except cultural facilities ~~and cultural endowments~~, 70 percent shall be awarded on at least a dollar-to-dollar matching basis. Up to 50 percent of the grantee's match may consist of in-kind funds. Up to 30 percent of all grant funds may be awarded on a nonmatching basis, ~~including individual fellowships.~~

(12) An applicant seeking a recommendation from a reviewer

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for grant funding may not have a substantial interest as set forth in s. 120.569 in any of its requested recommendations.

(13)(11) The division may ~~shall~~ adopt rules to administer and implement this section.

(14) Effective upon this act becoming a law, the secretary shall request, and the council shall submit, an updated list of activities and programs that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit a recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 1, 2026.

(15) The council and the secretary may provide a separate list for activities and programs that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the Legislature passes the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 4, 2026.

Section 19. Subsections (3), (4), and (7) of section 265.2865, Florida Statutes, are amended to read:

265.2865 Florida Artists Hall of Fame.—

(3) The Florida Council on Arts and Culture may ~~shall~~ accept nominations annually for persons to be recommended as members of the Florida Artists Hall of Fame. The council may ~~shall~~ recommend to the Secretary of State persons to be named as members of the Florida Artists Hall of Fame. The council's recommended council shall recommend as members to ~~of~~ the Florida Artists Hall of Fame must be persons who were born in Florida or adopted Florida as their home state and base of operation and

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who have made a significant contribution to the enhancement of the arts in this state.

(4) The Secretary of State shall name no more than three ~~four~~ members to the Florida Artists Hall of Fame in any one nomination year.

(7) The Secretary of State may ~~shall~~ annually request an appropriation sufficient to carry out the purposes of this section.

Section 20. Subsections (1), (2), and (3) of section 265.701, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

265.701 Cultural facilities; grants for ~~acquisition,~~ renovation, or construction; funding; approval; allocation.—

(1) The Division of Arts and Culture may accept and administer moneys appropriated to it for providing grants to counties, municipalities, and qualifying nonprofit corporations for the ~~acquisition,~~ renovation, or construction of cultural facilities.

(2) A county, municipality, or qualified corporation may apply for a grant of state funds for the ~~acquisition,~~ renovation, or construction of a cultural facility. For the purposes of this section, a "qualified corporation" is a corporation which is designated a not-for-profit corporation pursuant to s. 501(c)(3) or (4) of the Internal Revenue Code of 1954, and which is described in, and allowed to receive contributions pursuant to the provisions of, s. 170 of the Internal Revenue Code of 1954, and which is a corporation not for profit incorporated pursuant to chapter 617. The state grant must be matched by a contribution from the county, municipality,

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or nonprofit corporation in an amount to be determined by the Department of State.

(3) The Florida Council on Arts and Culture shall review each application for a grant to ~~acquire~~, renovate, or construct a cultural facility which is submitted pursuant to subsection (2) and shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the council for the award of grants, arranged in order of priority. The secretary may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The secretary shall submit the recommended list to the Legislature for funding consideration. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001. The division may allocate grants only for projects that are approved or for which funds are appropriated by the Legislature. ~~Projects approved and recommended by the Secretary of State which are not funded by the Legislature shall be retained on the project list for the following grant cycle only. All projects that are retained shall be required to submit such information as may be required by the department as of the established deadline date of the latest grant cycle in order to adequately reflect the most current status of the project.~~

(6) Effective upon this act becoming a law, the secretary

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shall request, and the council shall submit, an updated list of projects that comply with the requirements of this section. After reviewing and making comments, the secretary shall submit the recommended list to the Legislature for funding consideration in the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 1, 2026.

(7) The council and the secretary may provide a separate list for activities and programs that support America250 and celebrate the 250th anniversary of the signing of the Declaration of Independence on July 4, 1776. This subsection applies only if the date this act becomes law occurs before the Legislature passes the General Appropriations Act for fiscal year 2025-2026. This subsection expires July 4, 2026.

Section 21. Subsection (1) of section 265.703, Florida Statutes, is amended to read:

265.703 Citizen support organizations; use of state administrative services and property; audit.—

(1) CITIZEN SUPPORT ORGANIZATIONS.—The division may support the establishment of citizen support organizations to provide assistance, funding, and promotional support for the cultural, arts, historical, ~~and~~ museum, and international and intergovernmental programs of the division. For the purposes of this section, a "citizen support organization" means an organization which is:

(a) A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and



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bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the division, ~~or~~ individual program units, or international and intergovernmental programs of the division.

(c) Determined by the division to be consistent with the goals of the division and in the best interests of the state.

(d) Approved in writing by the division to operate for the direct or indirect benefit of the division. Such approval shall be given in a letter of agreement from the division.

Section 22. Paragraph (a) of subsection (1) of section 265.803, Florida Statutes, is amended to read:

265.803 Florida Folklife Council.—

(1)(a) The Florida Folklife Council is created as a sub-council within part of the Florida Council on Arts and Culture created by s. 265.285 Department of State, to be composed of ~~consist~~ of seven members appointed by the Secretary of State from the membership of the Florida Council on Arts and Culture. The Secretary of State shall appoint each member for a 4-year term and shall appoint a successor for each member within 90 days after the expiration of the member's term. The Secretary of State shall fill any vacancy for the remainder of the unexpired term within 90 days after the vacancy occurs. Members shall be appointed to provide geographical, cultural, traditional ~~ethnic~~, and professional representation on the council.

Section 23. Paragraph (c) of subsection (6) of section 267.0612, Florida Statutes, is amended to read:

267.0612 Florida Historical Commission; creation;

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membership; powers and duties.—In order to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties, there is created within the Department of State the "Florida Historical Commission." The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(6) It shall be the responsibility of the commission to provide assistance, advice, and recommendations to the division in:

(c) Evaluating proposals for awards of special category historic preservation grants-in-aid administered by the division. Pursuant thereto, the commission shall review and evaluate proposals for special category grants and shall make recommendations, including a priority ranking, reflecting such evaluation. In making such evaluation and recommendations, the commission shall, at a minimum, consider the purpose, economic and other public benefit, location, compatibility with statewide historic preservation priorities, and cost of each proposal for special category grant assistance. Special category historic preservation grants-in-aid recommendations of the commission shall be reviewed by the Secretary of State as provided in s. 267.0617.

Section 24. Subsections (2) and (3) of section 267.0617, Florida Statutes, are amended to read:

267.0617 Historic Preservation Grant Program.—

(2) The division is authorized to conduct and carry out a

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program of historic preservation grants-in-aid, including matching grants, to any department or agency of the state; any unit of county, municipal, or other local government; any corporation, partnership, or other organization, whether public or private or whether or not for profit; or any individual for projects having as their purpose the identification, acquisition, protection, preservation, rehabilitation, restoration, or construction of historic sites and properties, or Florida history, or the planning of such activities. Funds appropriated from general revenue for the historic preservation grants-in-aid program shall not be provided for a project owned by private individuals or owned by for-profit corporations. ~~All moneys received from any source as appropriations, deposits, or contributions to this program shall be paid and credited to the Historical Resources Operating Trust Fund.~~

(3) All grants of state funds to assist in the preservation of historic properties ~~shall be made from the Historical Resources Operating Trust Fund and~~ may be awarded only pursuant to applications for such assistance made to the Division of Historical Resources. The Florida Historical Commission shall review each application for a special category historic preservation grant-in-aid. ~~Special category historic preservation grants-in-aid are those reviewed and recommended by the Secretary of State for submission for legislative funding consideration.~~ Grant review panels appointed by the Secretary of State and chaired by a member of the Florida Historical Commission or a designee appointed by the commission's presiding officer shall review each application for other historic preservation grants-in-aid. Each ~~The~~ reviewing body shall submit

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annually to the Secretary of State ~~for approval~~ lists of all historic preservation grant-in-aid applications that are recommended by the reviewing body for the award of grants, arranged in order of priority. The Secretary of State may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The Secretary shall submit the recommended lists to the Legislature for funding consideration. For purposes of this subsection, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 25. Section 267.0722, Florida Statutes, is repealed.

Section 26. Section 267.075, Florida Statutes, is amended to read:

267.075 The Grove; management; stewardship Advisory Council; creation; membership; purposes.—

(1) The Call/Collins House, commonly known as "The Grove," located in Tallahassee, Leon County, shall be utilized as a house museum of history for the educational benefit of the citizens of this state. The utilization of The Grove as a museum of history shall emphasize the lives and accomplishments of The Grove's first owner, Richard Keith Call, Florida's last Territorial Governor, and LeRoy Collins, Florida's 33rd Governor, who, with his wife, Mary Call Darby Collins, were the

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last owners of The Grove. The faithful restoration and maintenance of The Grove undertaken by LeRoy Collins and Mary Call Darby Collins during the nearly six decades of Collins family ownership and stewardship which has preserved the original plan of construction and design of The Grove shall be continued as provided for in this section.

~~(2) There is created within the Department of State The Grove Advisory Council for the purpose of advising the Division of Historical Resources on the operation, maintenance, preservation, and protection of the Call/Collins House, commonly known as "The Grove," its grounds, cemetery, and all structures thereon; the furniture and furnishings located therein; any changes in the architecture, structure, furnishings, or landscaping deemed necessary or desirable by the council; and the design and development of interpretive programs and exhibits in connection therewith.~~

~~(3) (a) The Grove Advisory Council shall be composed of eight members, as follows:~~

~~1. Five members shall be private citizens appointed by the Secretary of State.~~

~~2. One member shall be the Secretary of Management Services or his or her designee.~~

~~3. One member shall be the director of the Division of Historical Resources of the Department of State.~~

~~4. At least one member shall be a direct descendant of Mary Call Darby Collins appointed by the Secretary of State with the advice of the oldest living generation of lineal descendants of Mary Call Darby Collins.~~

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~~Of the citizen members, at least one member shall have professional curatorial and museum expertise, one member shall have professional architectural expertise in the preservation of historic buildings, and one member shall have professional landscape expertise. The five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State shall be appointed for staggered 4-year terms. The Secretary of State shall fill the remainder of unexpired terms for the five citizen members of the council and the member of the council who is a direct descendant of Mary Call Darby Collins.~~

~~(b) The council shall annually elect a chair from among the five citizen members of the council appointed by the Secretary of State and the member of the council who is a direct descendant of Mary Call Darby Collins appointed by the Secretary of State. The chair shall serve for a term of 1 year. Meetings of the council shall be held at the call of the chair, at the request of a majority of its membership, at the request of the Secretary of State, or at such times as may be prescribed by rules of the council. The council shall meet at least twice annually. A majority of the council shall constitute a quorum for the transaction of business.~~

~~(c) The council shall obtain clerical, expert, technical, or other services from the Division of Historical Resources. The Department of Management Services shall provide reasonable assistance to the Department of State in carrying out the purposes of this section.~~

~~(d) Members of the council shall serve without compensation~~

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871 ~~or honorarium but shall be entitled to receive reimbursement for~~  
 872 ~~per diem and travel expenses as provided in s. 112.061. All~~  
 873 ~~expenses of the council shall be paid from appropriations to be~~  
 874 ~~made by the Legislature to the Department of State. All vouchers~~  
 875 ~~shall be approved by the Division of Historical Resources before~~  
 876 ~~being submitted to the Chief Financial Officer for payment.~~

877 (2)(4) (a) The Division of Historical Resources, ~~with the~~  
 878 ~~advice and assistance of the council,~~ shall maintain the  
 879 structure, style, character, and landscaping of The Grove, its  
 880 grounds, its private family cemetery, and all structures thereon  
 881 consistent with the character, plan, and design of The Grove at  
 882 the time the state takes physical possession of The Grove and  
 883 its surrounding property from Mary Call Darby Collins. It shall  
 884 preserve and protect the antique furnishings and other articles  
 885 of furniture, fixtures, and decorative objects and articles used  
 886 or displayed in the premises.

887 (b) The Division of Historical Resources shall catalog and  
 888 maintain a descriptive, photographic inventory of the  
 889 furnishings, fixtures, and decorative objects and articles used  
 890 or displayed in the premises.

891 (c) The Division of Historical Resources may receive, on  
 892 behalf of the state, contributions, bequests, and gifts of  
 893 money, furniture, works of art, memorabilia, or other property  
 894 consistent with the use of The Grove as described in this  
 895 section. Title to all property which is received in this manner  
 896 shall vest in the state and shall be held in trust by the  
 897 Division of Historical Resources solely to further the purposes  
 898 of this section. No furniture, furnishings, fixtures, or  
 899 decorative objects acquired from the Collins family or any of

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900 its members shall be used for any purpose except as a permanent  
 901 part of The Grove's furniture, furnishings, fixtures, or  
 902 decorative objects, and any such item not so utilized shall  
 903 forthwith revert to the Collins family member or members from  
 904 whom it was acquired. ~~No gifts, contributions, or bequests shall~~  
 905 ~~be accepted for The Grove without the advice and recommendation~~  
 906 ~~of the council.~~

907 Section 27. Subsection (2) of section 267.21, Florida  
 908 Statutes, is amended to read:

909 267.21 Historic Cemeteries Program.—

910 (2) (a) The Historic Cemeteries Program shall, subject to  
 911 legislative appropriation, provide grants to the following  
 912 entities:

913 1. ~~(a)~~ Research institutions, colleges and universities, and  
 914 qualified nonprofit organizations, for the purpose of conducting  
 915 genealogical and historical research necessary to identify and  
 916 contact the relatives and descendants of persons buried in  
 917 abandoned African-American cemeteries.

918 2. ~~(b)~~ Local governments and qualified nonprofit  
 919 organizations, for the purposes of repairing, restoring, and  
 920 maintaining abandoned African-American cemeteries.

921 (b) All grants of state funds to assist abandoned African-  
 922 American cemeteries may be awarded only pursuant to applications  
 923 for such assistance made to the division. The Florida Historic  
 924 Cemeteries Program Advisory Council shall review each  
 925 application for an abandoned African-American cemeteries grant  
 926 made under this section. The council shall submit annually to  
 927 the Secretary of State a list of all abandoned African-American  
 928 cemeteries applications that it recommends for the award of

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grants, arranged in order of priority. The Secretary of State may review and provide comments to the Legislature concerning the recommended applicants. Funds awarded under this section must be expended in compliance with all federal, state, and local laws and regulations and used only for activities and programs that are not harmful to minors. The Secretary of State shall submit a recommended list to the Legislature for funding consideration. For purposes of this paragraph, the term "harmful to minors" means any reproduction, imitation, characterization, description, exhibition, presentation, or representation, in any manner or form, depicting sexual conduct or sexual excitement as those terms are defined in s. 847.001.

Section 28. Subsections (1) and (2) of section 267.22, Florida Statutes, are amended to read:

267.22 Historic Cemeteries Program Advisory Council.—

(1) The Historic Cemeteries Program Advisory Council, an advisory council as defined in s. 20.03(7), is created as a sub-council within the Florida Historical Commission created by s. 267.0612 ~~division~~ and shall be composed ~~consist~~ of at least five but no more than nine members appointed by the Florida Historical Commission ~~Secretary of State~~ after considering the recommendations of the director of the division. The council must be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state and may include members of the Florida Historical Commission. Members in place on July 1, 2025, may serve for the remainder of their respective terms. New appointments to the council may not be made until the retirement, resignation, removal, or expiration of the terms of

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~~the initial members results in fewer than five members remaining. Members shall serve 4-year terms; however, for the purpose of providing staggered terms, four of the appointees initially shall be appointed to 2-year terms and the remaining five shall be appointed to 4-year terms.~~ All new subsequent appointments shall be for 2-year ~~4-year~~ terms. ~~Annually~~ As soon as practicable after July 1, 2023, the council shall meet to elect a chair from its membership. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations to the division and the Florida Historical Commission regarding the duties and responsibilities of the Historic Cemeteries Program created under s. 267.21. The council must also evaluate proposals for awards of abandoned African-American cemeteries grants, as authorized by s. 267.21(2). Pursuant thereto, the council must review and evaluate proposals for abandoned African-American cemeteries grants and make recommendations to the Secretary of State, including providing a priority ranking, reflecting the evaluation. In making its evaluation and recommendations, the council shall, at a minimum, consider the purpose, public benefit, location, and cost of each proposal for grant assistance. Abandoned African-American cemeteries grants recommendations of the council shall be reviewed by the Secretary of State in accordance with s. 267.21(2).

Section 29. This act shall take effect upon becoming a law.