

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Detert, Chair
Senator Dockery, Vice Chair

MEETING DATE: Wednesday, March 16, 2011
TIME: 1:30 —4:00 p.m.
PLACE: James E. "Jim" King, Jr., Committee Room, 401 Senate Office Building

MEMBERS: Senator Detert, Chair; Senator Dockery, Vice Chair; Senators Flores, Gaetz, Lynn, Montford, and Ring

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 178 Banking and Insurance / Oelrich (Similar CS/H 99)	Commercial Insurance Rates; Exempts certain liability and property insurance lines from specific rate standards and filing requirements. Revises certain reporting and recordkeeping requirements for such exempt insurers and certain rating organizations regarding rate changes. Deletes a provision that permits the Office of Insurance Regulation of the Financial Services Commission to require such insurers to provide certain information regarding rates at the insurer's expense, etc.	BI 02/07/2011 Fav/CS CM 03/16/2011 BC
2	SB 296 Wise (Identical H 901)	Household Moving Services; Provides for the biennial renewal of mover and moving broker registrations. Authorizes a mover to exclude liability for household goods packed by the shipper under certain circumstances. Authorizes a mover to refuse to transport or ship household goods under certain circumstances. Prohibits a mover or moving broker from conducting business without being registered with the Department of Agriculture and Consumer Services, etc.	CM 03/16/2011 CA BC
3	SB 768 Ring (Similar H 399, Compare H 1153, S 1718)	Seaports; Increases the amount of funds the Department of Transportation is required to make available for the Florida Seaport Transportation and Economic Development Program. Requires the Florida Seaport Transportation and Economic Development Council and the Assistant Secretary of Intermodal Systems Development of the Department of Transportation to identify certain state funds for the purpose of funding the program, etc.	CM 03/16/2011 TR BC

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4	SB 798 Altman (Identical H 187)	Issuance of Licenses/Certifications/Registrations; Cites this act as the "Florida's One-Stop Business Connect Act." Requires the Governor to establish the One-Stop Business Workgroup. Requires that the workgroup submit a plan for establishing a business licensing portal to the Governor and Legislature by a specified date. Provides requirements for the plan to implement a technology solution that provides businesses and individuals with easy access to state and local requirements for business licenses, certifications, and registrations, etc.	CM 03/16/2011 GO BC
5	SB 926 Storms (Similar CS/H 405)	Liability/Employers of Developmentally Disabled ; Provides that an employer, under certain circumstances, is not liable for the acts or omissions of an employee who is a person with a developmental disability. Provides that a not-for-profit supported employment service provider that provides or has provided supported employment services to an employee with a developmental disability is not liable for the actions or conduct of the employee occurring within the scope of the employee's employment. Defines the term "person with a developmental disability."	CM 03/16/2011 CF JU
6	SB 1152 Simmons (Identical CS/H 253)	Limited Liability Companies; Provides that a charging order against a member's limited liability company interest is the sole and exclusive remedy available to enforce a judgment creditor's unsatisfied judgment against a member or member's assignee. Provides an exception for enforcing a judgment creditor's unsatisfied judgment against a judgment debtor or assignee of the judgment debtor of a single-member limited liability company under certain circumstances. Provides legislative intent. Provides for retroactive application.	CM 03/16/2011 JU BI

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1346 Commerce and Tourism	Obsolete References and Programs; Removes an obsolete reference to the Department of Commerce and the Department of Labor and Employment Security. Updates a reference to the Department of Commerce to refer instead to the Office of Tourism, Trade, and Economic Development. Repeals provisions relating to agreements of the Department of Labor and Employment Security with county tax collectors. Repeals provisions relating to assistance for displaced local exchange telecommunications company workers, etc.	CM 03/16/2011 CF GO
8	Discussion of Commerce-Related Agency Reorganization		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 178

INTRODUCER: Banking and Insurance Committee and Senator Oelrich

SUBJECT: Commercial insurance rates

DATE: March 15, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burgess</u>	<u>Burgess</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>McCarthy</u>	<u>Cooper</u>	<u>CM</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The CS amends the insurance “Rating Law,” to expand the number of specified types of commercial lines insurance that are exempt from the rate filing and review requirements of s. 627.062(2), F.S.¹ An insurer or rating organization that implements a rate change under this exemption must notify the Office of Insurance Regulation (OIR) of any changes to rates for these exempted types of insurance within 30 days after the effective date of the change. The CS removes the current requirement that for insurers, the 30 day notice must include the total premium written on the product during the immediately preceding year. The CS requires that actuarial data with regard to the rates must be maintained by the insurer or rating organization for 2 years. The CS removes the current specific requirement that: an insurer must keep underwriting files, premiums, losses, and expense statistics; a rating organization must keep loss and exposure statistics applicable to loss costs.

¹ The bill adds the following types of insurance to be exempt: general liability insurance, nonresidential property insurance, nonresidential multiperil insurance, and excess property insurance. The bill also specifies that the current statutory exemption for directors and officers, employment practices and management liability coverage is also to include fiduciary liability coverage.

The CS expands the commercial motor vehicle insurance coverage that is exempt from specified rate filing and review requirements. Currently, commercial motor vehicle insurance covering a fleet of 20 or more vehicles is exempt from: s. 627.0651(1), F.S., requiring certain rate filing information; s. 627.0651(2), F.S., requiring the OIR to review the rate filing; s. 627.0651(9), F.S., allowing the OIR to require information necessary to evaluate the filing; and s. 627.0645, F.S., requiring annual rate filings. The CS expands this exemption to apply to all commercial motor vehicle insurance, regardless of the size of the fleet being covered. An insurer or rating organization that implements a rate change under this exemption must notify the OIR of any changes to rates for these exempted types of insurance within 30 days after the effective date of the change. The CS removes the current requirement that for insurers, the 30 day notice must include the total premium written on the product during the immediately preceding year. The CS requires that actuarial data with regard to the rates must be maintained by the insurer or rating organization for 2 years. The CS removes the current specific requirement that: an insurer must keep underwriting files, premiums, losses, and expense statistics; a rating organization must keep loss and exposure statistics applicable to loss costs.

Proponents of the CS state that the types of insurance specified for exemption are those for which a competitive market exists and the insured will likely be a sophisticated purchaser. Although the CS exempts the specified lines from the filing and review requirements, these types of insurance coverages continue to be subject to the requirement that rates shall not be excessive, inadequate, or unfairly discriminatory.

This CS substantially amends, creates, or repeals the following sections of the Florida Statutes: 627.062 and 627.0651.

II. Present Situation:

Kinds of Insurance

The Florida Insurance Code specifies that insurance shall be classified into the following “kinds of insurance”:

- Life.
- Health.
- Property.
- Casualty.
- Surety.
- Marine.
- Title.

Certain insurance coverage may come within the definition of more than one kind of insurance, and the inclusion within the definition of one kind does not necessarily exclude coverage from being considered within the definition of another kind. In addition, kinds of insurance are classified into different “lines of insurance.”² Each kind of insurance is defined in a separate

² Sections 624.601 through 624.6012, F.S.

section.³ “Property insurance” is defined as insurance on real or personal property against loss from any hazard.⁴ “Casualty insurance”⁵ is defined as including:

Vehicle insurance -- covers damage to land vehicles, aircraft, or riding animal;
 Liability insurance -- covers legal liability;
 Workers’ compensation;
 Burglary and theft;
 Personal property floater -- insurance on personal effects;
 Glass;
 Boiler and machinery -- insurance against liability and loss to property resulting from accidents or explosions of boilers, pipes, etc.;
 Leakage and fire extinguishing equipment;
 Credit insurance;
 Credit property insurance -- coverage on personal property used as collateral;
 Malpractice;
 Animal;
 Elevator -- coverage for damage to property resulting from the maintenance or use of elevators;
 Entertainments -- coverage indemnifying the producer of motion pictures, television productions, sporting events, etc., for postponements or cancellations due to the death or illness of the principals;
 Failure to record documents;
 Failure to file personal property instruments;
 Debt cancellation; and
 Miscellaneous.

“Surety insurance” is defined to include contract bonds, indemnity bonds, contract performance guarantee bonds, performance bonds for judicial proceedings, fidelity insurance, and residual value insurance.

OIR Line of Business (LOB) Mapping

In addition to the statutory definitions, OIR has established a line of business mapping matrix which defines and describes all types and lines of property and casualty insurance products. The matrix categorizes each coverage by LOB code, LOB description, type of insurance (TOI), TOI description, sub-TOI category, and sub-TOI description.

Ratemaking Regulation for Property, Casualty, and Surety Insurance

The rating requirements for property, casualty, and surety insurance are located in Part I of ch. 627, F.S.,⁶ which is entitled the “Rating Law,” and applies to all property, casualty, and surety insurance. Section 627.062(1), F.S., specifies that the rates for all classes to which Part I applies “shall not be excessive, inadequate, or unfairly discriminatory.”

Section 627.062(2)(a), F.S., describes the filing process and time frames that must be followed by all insurers subject to its provisions. Generally, insurers may choose to submit their rate to the

³ Sections 624.602 through 624.608, F.S.

⁴ Section 624.604, F.S.

⁵ Section 624.605, F.S.

⁶ Sections 627.011, F.S., through 627.381, F.S.

OIR pursuant to either the “file and use” method or the “use and file” method. Under “file and use,” the insurer submits to the OIR their proposed rate at least 90 days before the rate’s effective date and shall not implement the rate until it is approved. Under “use and file,” the insurer may implement the rate before filing for approval, but must then submit the filing within 30 days of the rate’s effective date. If a portion of the rate is subsequently found to be excessive, the insurer must refund to policyholders the portion of the rate that is excessive.

For those insurers that file under 627.062(2)(a), F.S., the OIR applies the following factors in determining whether a rate is excessive, inadequate, or unfairly discriminatory:

- Past and prospective loss experience in Florida and in other jurisdictions;
- Past and prospective expenses;
- Degree of competition to insure the risk;
- Investment income reasonably expected by the insurer;
- Reasonableness of the judgment reflected in the filing;
- Dividends, saving, or unabsorbed premium deposits returned to Florida insureds;
- Adequacy of loss reserves;
- Cost of reinsurance;
- Trend factors, including those for actual losses per insured unit;
- Catastrophe and conflagration hazards, when applicable;
- Projected hurricane losses, if applicable;
- A reasonable margin for underwriting profit and contingencies;
- Cost of medical services, when applicable; and
- Other relevant factors impacting frequency and severity of claims or expenses.⁷

Section 627.062(f), F.S., provides that during its review process, the OIR can require an insurer to submit at the insurer’s expense all information that the OIR deems necessary to evaluate the condition of the insurer and the reasonableness of the filing.

Types of Insurance Exempt from Filing and Review Requirements

The following types of insurance are exempt from the filing and review requirements of s. 627.062(2)(a) and (f), F.S:

- Excess or umbrella;
- Surety and fidelity;
- Boiler and machinery and leakage and fire-extinguishing equipment;
- Errors and omissions;
- Directors and officers, employment practices and management liability;
- Intellectual property and patent infringement liability;
- Advertising injury and Internet liability;
- Property risks rated under a highly protected risks rating plan; and
- Any other commercial lines categories of insurance or commercial lines risks that the OIR determines should not be subject to the filing and review requirements of paragraph (2)(a) or paragraph (2)(f) because of the existence of a competitive market for such insurance, similarity of such insurance to other categories or kinds of insurance not subject to filing and review

⁷ Section 627.062(2)(b), F.S.

requirements of paragraph (2)(a) or paragraph (2)(f), or to improve the general operational efficiency of the OIR.⁸

These types of insurance coverages continue to be subject to s. 627.062(1), F.S., which requires that rates shall not be excessive, inadequate, or unfairly discriminatory.

An insurer or rating organization which is exempt under this provision must notify the OIR of any changes for the types of insurance subject to this provision, no later than 30 days after the effective date of the change in rates. The notice to the OIR must include:

- The name of the insurer or rating organization;
- The type of insurance;
- The total premium written during the immediately preceding year for that type of insurance (for notice filed by an insurer);
- Loss costs during the immediately preceding year for that type of insurance (for notice filed by a rating organization); and
- The average statewide percentage change in rates or loss costs.

Underwriting files, premiums, losses, and expense statistics must be maintained by the insurer and are subject to inspection by the OIR. Loss and exposure statistics must be maintained by the rating organization and are subject to inspection by the OIR. The OIR may require the insurer to provide, at the insurer's expense, all information necessary to evaluate the condition of the company and the reasonableness of the rates.

Motor Vehicle Insurance Ratesetting

Section 627.062(2)(k)3., F.S., exempts motor vehicle insurance and workers' compensation and employer's liability insurance from the requirements of s. 627.062(2), F.S.

Motor vehicle insurance is subject to the ratesetting standards established in s. 627.06501, F.S., through s. 627.06535, F.S. Section 627.0651, F.S., establishes the rate filing requirements for motor vehicle insurers and establishes the standards for determining whether a rate is excessive, inadequate, or unfairly discriminatory. Those standards are almost identical to those in s. 627.062, F.S., with the notable addition of the cost of motor repairs as a factor, and the omission of projected hurricane losses.

Section 627.0651(14), F.S., provides that commercial motor vehicle insurance covering a fleet of 20 or more self-propelled vehicles is exempt from the following specified rate filing and review requirements:

- Section 627.0651(1), F.S., which establishes the procedures required for automobile insurers to file rates, rating schedules and rating manuals;
- Section 627.0651(2), F.S., which specifies the factors the OIR must apply to determine whether an automobile insurer's rates are excessive, inadequate, or unfairly discriminatory;
- Section 627.0651(9), F.S., which allows the OIR to require information necessary to evaluate the filing; and

⁸ Section 627.062(3)(d), F.S.

- Section 627.0645, F.S., which requires annual rate filings.

Notwithstanding the exemption from the specified rate filing and review requirements, commercial motor vehicle insurance covering a fleet of 20 or more self-propelled vehicles may not be excessive, inadequate, or unfairly discriminatory.

An insurer or rating organization which is exempt under this provision must notify the OIR of any changes for the types of insurance subject to this provision, no later than 30 days after the effective date of the change in rates. The notice to the OIR must include:

- The name of the insurer or rating organization;
- The type of insurance;
- The total premium written during the immediately preceding year for that type of insurance (for notice filed by an insurer);
- Loss costs during the immediately preceding year for that type of insurance (for notice filed by a rating organization); and
- The average statewide percentage change in rates or loss costs.

Underwriting files, premiums, losses, and expense statistics must be maintained by the insurer and are subject to inspection by the OIR. Loss and exposure statistics must be maintained by the rating organization and are subject to inspection by the OIR. The OIR may require the insurer to provide, at the insurer's expense, all information necessary to evaluate the condition of the company and the reasonableness of the rates.

III. Effect of Proposed Changes:

Section 1. Amends s. 627.062, F.S., relating to the categories or kinds of insurance that are not subject to the filing and review requirements of s. 627.062(a) and (f), F.S. The CS expands and clarifies the list of categories that are not subject to the filing and review requirements, as follows:

- Current law identifies directors and officers, employment practices, and management liability as exempt from filing and review requirements. The CS specifies this exemption to also include fiduciary liability. The LOB Mapping defines fiduciary liability coverage as “protection against the theft or misuse of funds for an entity involved in the management, investment and distribution of funds.”
- The CS adds general liability to the list of exempted coverages. Liability insurance is defined in s. 624.605(1)(b), F.S.
- The CS adds nonresidential property to the list of exempted coverages.
- The CS adds nonresidential multiperil to the list of exempted coverages. Nonresidential multiperil is specifically identified in the LOB Mapping as a sub-category of commercial multi-peril.
- The CS adds excess property to the list of exempted coverages.

The CS removes the current requirement that for insurers, the 30 day notice must include the total premium written on the product during the immediately preceding year. The CS removes

the current specific requirement that: an insurer must keep underwriting files, premiums, losses, and expense statistics; a rating organization must keep loss and exposure statistics applicable to loss costs. Instead, the CS requires that an insurer or a rating organization must keep “actuarial data” for 2 years after the effective date of the rate change.

The CS also removes the current provision that the OIR may require the insurer to provide, at the insurer’s expense, all information necessary to evaluate the condition of the company and the reasonableness of the rates.

Section 2. Amends s. 627.0651, F.S., relating to the rate filing and review requirements for motor vehicle insurance. Current law provides an exemption from specified rate filing and review requirements for commercial motor vehicle insurance covering a fleet of 20 or more self-propelled vehicles. The CS expands that exemption to all commercial motor vehicle insurance, regardless of the size of the fleet being insured.

The CS removes the current requirement that for insurers, the 30 day notice must include the total premium written on the product during the immediately preceding year. The CS removes the current specific requirement that: an insurer must keep underwriting files, premiums, losses, and expense statistics; a rating organization must keep loss and exposure statistics applicable to loss costs. Instead, the CS requires that an insurer or a rating organization must keep “actuarial data” for 2 years after the effective date of the rate change.

The CS also removes the current provision that the OIR may require the insurer to provide, at the insurer’s expense, all information necessary to evaluate the condition of the company and the reasonableness of the rates.

Section 3. Provides an effective date of July 1, 2011.

Other Potential Implications:

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The CS will allow insurers that sell the types of coverage that are being exempted from certain provisions of ss. 627.062(2), F.S., and 627.0651, F.S., to make pricing changes on a more expedited basis and avoid some of the expense incurred in a full rate review process.

C. Government Sector Impact:

The CS relieves the specified types of insurance from filing and review requirements; however, those products must still meet the requirement that rates shall not be excessive, inadequate or unfairly discriminatory. The OIR will no longer be required to review rate filings for the types of insurance that are being exempted from that requirement. The OIR reports that many of the rate filings that will no longer be required under the CS are currently being filed as part of a larger comprehensive filing (e.g., product review, form review) that will continue to require OIR review.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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 Banking and Insurance on February 7, 2011:**

The CS reverted to current law on the exemption for errors and omissions by deleting a reference to professional liability. The CS also reverted to current law on the exemption for management liability by removing the original bill's reference to "other."

B. Amendments:

None



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 68 - 167

and insert:

m. Burglary and theft.

n. ~~i.~~ Any other commercial lines categories or kinds of insurance or types of commercial lines risks that the office determines should not be subject to paragraph (2) (a) or paragraph (2) (f) because of the existence of a competitive market for such insurance, similarity of such insurance to other



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11 categories or kinds of insurance not subject to paragraph (2) (a)
12 or paragraph (2) (f), or to improve the general operational
13 efficiency of the office.

14 2. Insurers or rating organizations shall establish and use
15 rates, rating schedules, or rating manuals to allow the insurer
16 a reasonable rate of return on insurance and risks described in
17 subparagraph 1. which are written in this state.

18 3. An insurer must notify the office of any changes to
19 rates for insurance and risks described in subparagraph 1. no
20 later than 30 days after the effective date of the change. The
21 notice must include the name of the insurer, the type or kind of
22 insurance subject to rate change, ~~total premium written during~~
23 ~~the immediately preceding year by the insurer for the type or~~
24 ~~kind of insurance subject to the rate change,~~ and the average
25 statewide percentage change in rates. Actuarial data
26 ~~Underwriting files, premiums, losses, and expense statistics~~
27 with regard to rates for insurance and risks described in
28 subparagraph 1. written by an insurer shall be maintained by the
29 insurer for 2 years after the effective date of changes to rates
30 and are subject to examination by the office. The office may
31 require the insurer to pay the costs associated with an
32 examination. Upon examination, the office shall, in accordance
33 with generally accepted and reasonable actuarial techniques,
34 consider the rate factors in paragraphs (2) (b), (c), and (d) and
35 the standards in paragraph (2) (e) to determine if the rate is
36 excessive, inadequate, or unfairly discriminatory.

37 4. A rating organization must notify the office of any
38 changes to loss cost for insurance and risks described in
39 subparagraph 1. no later than 30 days after the effective date



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40 of the change. The notice must include the name of the rating
41 organization, the type or kind of insurance subject to a loss
42 cost change, loss costs during the immediately preceding year
43 for the type or kind of insurance subject to the loss cost
44 change, and the average statewide percentage change in loss
45 cost. Actuarial data ~~Loss and exposure statistics~~ with regard to
46 changes to loss cost for risks applicable to loss costs for a
47 ~~rating organization~~ not subject to paragraph (2) (a) or paragraph
48 (2) (f) shall be maintained by the rating organization for 2
49 years after the effective date of the change and are subject to
50 examination by the office. The office may require the rating
51 organization to pay the costs associated with an examination.
52 Upon examination, the office shall, in accordance with generally
53 accepted and reasonable actuarial techniques, consider the rate
54 factors in paragraphs (2) (b)-(d) and the standards in paragraph
55 (2) (e) to determine if the rate is excessive, inadequate, or
56 unfairly discriminatory.

57 ~~5. In reviewing a rate, the office may require the insurer~~
58 ~~to provide at the insurer's expense all information necessary to~~
59 ~~evaluate the condition of the company and the reasonableness of~~
60 ~~the rate according to the applicable criteria described in this~~
61 ~~section.~~

62 Section 2. Subsection (14) of section 627.0651, Florida
63 Statutes, is amended to read:

64 627.0651 Making and use of rates for motor vehicle
65 insurance.—

66 (14) (a) Commercial motor vehicle insurance ~~covering a fleet~~
67 ~~of 20 or more self-propelled vehicles~~ is not subject to
68 subsection (1), subsection (2), or subsection (9) or s.



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69 627.0645.

70 (b) The rates for insurance described in this subsection
71 may not be excessive, inadequate, or unfairly discriminatory.

72 (c) Insurers shall establish and use rates, rating
73 schedules, or rating manuals to allow the insurer a reasonable
74 rate of return on commercial motor vehicle insurance written in
75 this state ~~covering a fleet of 20 or more self-propelled~~
76 ~~vehicles.~~

77 (d) An insurer must notify the office of any changes to
78 rates for type of insurance described in this subsection no
79 later than 30 days after the effective date of the change. The
80 notice shall include the name of the insurer, the type or kind
81 of insurance subject to rate change, ~~total premium written~~
82 ~~during the immediately preceding year by the insurer for the~~
83 ~~type or kind of insurance subject to the rate change,~~ and the
84 average statewide percentage change in rates. Actuarial data
85 with regard to rates for risks ~~Underwriting files, premiums,~~
86 ~~losses, and expense statistics for the type of insurance~~
87 described in this subsection shall be maintained by the insurer
88 for 2 years after the effective date of changes to rates and are
89 subject to examination by the office. The office may require an
90 insurer to pay the costs associated with an examination. Upon
91 examination, the office shall, in accordance with generally
92 accepted and reasonable actuarial techniques, consider the
93 factors in paragraphs (2) (a)-(1) and apply subsections (3)-(8)
94 to determine if the rate is excessive, inadequate, or unfairly
95 discriminatory.

96 (e) A rating organization must notify the office of any
97 changes to loss cost for the type of insurance described in this



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98 subsection no later than 30 days after the effective date of the
99 change. The notice shall include the name of the rating
100 organization, the type or kind of insurance subject to a loss
101 cost change, loss costs during the immediately preceding year
102 for the type or kind of insurance subject to the loss cost
103 change, and the average statewide percentage change in loss
104 cost. Actuarial data ~~Loss and exposure statistics~~ with regard to
105 changes to loss cost for risks applicable to loss costs for a
106 ~~rating organization~~ not subject to subsection (1), subsection
107 (2), or subsection (9) shall be maintained by the rating
108 organization for 2 years after the effective date of the change
109 and are subject to examination by the office. The office may
110 require the rating organization to pay the costs associated with
111 an examination. Upon examination,
112

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

114 And the title is amended as follows:

115 Delete lines 8 - 17

116 and insert:

117 regarding rate changes; requiring such entities to pay
118 certain examination costs; deleting a provision that
119 permits the Office of Insurance Regulation of the
120 Financial Services Commission to require such insurers
121 to provide certain information regarding rates at the
122 insurer's expense; requiring such entities to pay
123 certain examination costs; amending s. 627.0651, F.S.;
124 exempting certain commercial motor vehicle insurance
125 from specific rate standards and filing requirements;
126 revising certain reporting and recordkeeping



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127 requirements for such exempt insurers and certain
128 rating organizations regarding rate changes; requiring
129 such entities to pay certain examination costs;
130 deleting



544540

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete line 65

and insert:

j. Nonresidential property, except for collateral protection insurance, as defined in s. 624.6085.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 296

INTRODUCER: Senator Wise

SUBJECT: Household moving services

DATE: March 15, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McCarthy	Cooper	CM	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill preempts local government ordinances regulating movers of household goods or moving brokers that were enacted after January 1, 2011. Therefore, local government ordinances enacted prior to January 1, 2011, may remain in effect, provided that such ordinances levy “reasonable” registration fees that do not exceed the cost of administering the ordinances. However, these existing ordinances only apply to a mover or moving broker if the mover or moving broker’s principal place of business is located in the jurisdiction having such an ordinance. The bill further clarifies that the preemption does not apply to a local government’s authority to levy local business taxes.

In addition, the bill:

- Excludes movers from liability in certain circumstances;
- Allows movers to refuse to transport a shipper’s packed goods under certain circumstances;
- Requires movers to register biennially, rather than annually, with the Department of Agriculture and Consumer Services; and
- Clarifies the definition of storage.

This bill substantially amends the following sections of the Florida Statutes: 507.01, 507.03, 507.04, 507.06, 507.07, and 507.13.

II. Present Situation:

Federal law expressly permits states to regulate the intrastate transportation of household goods.¹ Chapter 507, F.S., under which household moving services are regulated, “applies to the operations of any mover or moving broker engaged in the intrastate transportation or shipment of household goods originating in this state and terminating in this state.”²

Movers and Moving Brokers Registration

Section 507.01(9), F.S., defines “mover” to mean a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move. The term does not include a postal, courier, envelope, or package service that does not advertise itself as a mover or moving service.³ “Moving broker” is classified as a person who, for compensation, arranges for another person to load, transport, ship, or unload household goods as part of a household move or who, for compensation, refers a shipper to a mover by telephone, postal or electronic mail, Internet website, or other means.⁴

Section 507.03, F.S., requires that any “mover” or “moving broker” wishing to do business in Florida must register annually with the Department of Agriculture and Consumer Services (DACS). To obtain a registration certificate, the mover or moving broker must file an application, pay a \$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.⁵

Failure to comply with these intrastate registration requirements may subject a mover or moving broker to a “cease and desist order and fines of up to \$5,000.”⁶

Insurance Coverage and Liability Limitations

Section 507.04, F.S., requires that movers and moving brokers maintain liability and motor vehicle insurance. A mover operating more than two vehicles is required to maintain liability insurance coverage in the amount of at least \$10,000 per shipment, and the mover’s liability must not be less than 60 cents per pound per article.⁷ Movers operating two or fewer vehicles may maintain a performance bond or certificate of deposit in the amount of \$25,000, in lieu of maintaining liability insurance.⁸ All movers must maintain motor vehicle insurance coverage and the amount of coverage required is determined by the weight of the commercial motor vehicle.⁹

Contractual provisions that limit a movers liability for a shipper’s goods are required to be disclosed by the mover in writing to the seller along with the valuation rate “at the time that the

¹ See 49 U.S.C. 14501(c)(2)(B).

² Section 507.02(2), F.S.

³ Section 507.01(9), F.S.

⁴ Section 507.01(10), F.S.

⁵ Section 507.03(1), F.S.

⁶ Florida Department of Agriculture and Consumer Services, *Intrastate Moving Information For Businesses*, <http://www.800helpfla.com/moving.html> (last visited on February 2, 2011). See also, ss. 507.09 and 507.10, F.S.

⁷ Section 507.04(1)(a) and (4), F.S.

⁸ Section 507.04(1)(b), F.S.

⁹ Section 507.04(2)(a)-(c), F.S.

estimate and contract for services are executed” and prior to providing any moving services.¹⁰ Movers that offer valuation coverage must also inform the shipper “of the opportunity to purchase” such coverage in the disclosure.¹¹ However, any contract for moving services that seeks to limit a mover’s liability beyond the minimum valuation rate of “60 cents per pound per article” is void under s. 507.04(4), F.S.

Violations and Penalties

Current law regulates movers and moving brokers by specifying certain contract, delivery, and storage requirements.¹² Furthermore, s. 507.07, F.S., prohibits certain acts by movers and moving brokers and makes it a violation for movers and moving brokers to:

- Conduct or engage in the business of moving without first being registered annually with the department;
- Knowingly make a false statement, representation, or certification of a document required to be submitted or retained;
- Misrepresent or deceptively represent: the contract for services or inventory of goods; the timeframe for delivery or storage of goods; the price, size, nature, extent, qualities, or characteristics of services offered; or a shipper’s rights, privileges, or benefits;
- Fail to honor and comply with provisions of the contract for services;
- Withhold delivery of household goods against the wishes of the shipper and after the shipper has paid according to the estimate provided in the service contract;
- Include a contract provision purporting to waive or limit a shipper’s right or benefit as provided in this chapter;
- Seek or solicit a waiver or acceptance from a shipper of a provision limiting a shipper’s right or benefit;
- Solicit services without clearly disclosing the mover’s fixed business address;
- Commit any other act of fraud, misrepresentation, or failure to disclose a material fact;
- Refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed; or
- Knowingly make a false statement in response to any request or investigation by DACS, the Department of Legal Affairs, or the state attorney.¹³

Movers that commit any of the above-listed prohibited acts may be subject to administrative, civil, or criminal penalties.¹⁴ Violations under ch. 507, F.S., may also be deemed an unfair or deceptive act or practice or unfair method of competition in violation of the Florida Deceptive and Unfair Trade Practices Act, subjecting a violator to a civil penalty of up to \$10,000 per violation.¹⁵

¹⁰ Section 507.04(4), F.S.

¹¹ *Id.*

¹² See ss. 507.05 and 507.06, F.S.

¹³ Section 507.07, F.S.

¹⁴ See ss. 507.09, 507.10, and 507.11, F.S.

¹⁵ Section 507.08, F.S.

Local Ordinances and Regulations

Currently, ch. 507, F.S., allows municipalities and counties to adopt local ordinances or regulations relating to the moving of household goods in addition to state regulations required by the statute.¹⁶ Broward, Miami-Dade, Palm Beach, Hillsborough, and Pinellas counties currently have ordinances regulating household moving.¹⁷ Movers or moving brokers whose principal place of business is located in a county or municipality that has such ordinances requiring local licensing or registration are required to obtain local registration in addition to registering with the state.¹⁸ Florida law also allows for local taxes, fees, and bonding related to movers and moving brokers.¹⁹

Chapter 205, F.S., authorizes a local government to levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction, called a local business tax.²⁰ The local business tax “does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection,” which are “in addition to, but not in lieu of,” the local business tax.²¹

According to the Federal Motor Carrier Safety Administration (FMCSA), Florida, California, New York, and New Jersey are “hot spots” for moving fraud.²² The FMCSA has partnered with state attorneys general, local law enforcement agencies, and industry and consumer groups to oversee and prevent fraud in the moving industry.²³

III. Effect of Proposed Changes:

SB 296 amends the requirements for household moving services and preempts certain local ordinances and regulations. The following paragraphs outline the sections of the bill.

Section 1 amends s. 507.01, F.S., to narrow the definition of the term “storage” to mean the “temporary” warehousing of a shipper’s goods while under the care, custody, and control of a mover. This section clarifies the definition of storage, limiting it to the warehousing of a shippers goods on a temporary basis. Many movers store a shipper’s goods for a short period of time in order to combine loads from different shippers to reduce costs.

Section 2 amends s. 507.03, F.S., to change the registration renewal requirement by providing for a biennial requirement instead of an annual requirement. This section also grants the DACS the authority to extend the registration expiration date up to 12 months in order to establish staggered expiration dates of movers to prevent the department from receiving an influx of

¹⁶ Section 507.13(1), F.S.

¹⁷ Information received from the Department of Agriculture and Consumer Services on February 4, 2011. Information is on file with the Commerce and Tourism Committee.

¹⁸ Section 507.03(4), F.S.

¹⁹ See s. 507.13(1), F.S.

²⁰ Local business taxes were formerly known as “local occupational license taxes.” See ch. 2006-152, L.O.F.

²¹ See s. 205.022(5), F.S.

²² See Federal Motor Carrier Safety Administration, *Background: The Regulation of Household Goods Movers*, <http://www.protectyourmove.gov/about/background/background.htm> (last visited February 10, 2011).

²³ *Id.*

registration renewals and to allow for more efficient processing of renewals. The registration fee will continue to be calculated at the rate of \$300 per year.

Additionally, this section removes the requirement that movers and brokers obtain a local license or register locally, and deletes the provision requiring movers and moving brokers to pay for local license or registration fees in addition to the state registration fee.²⁴ However, movers and brokers are still required to pay the state registration fee required under s. 507.03, F.S.

Section 3 amends s. 507.04, F.S., to allow a mover to exclude liability for items packed by the shipper, if the shipper declines in writing to allow the mover to inspect the box or crate containing the items, and the mover declares his or her exclusion from such liability.

Section 4 amends s. 507.06, F.S., to allow a mover to refuse to transport or ship any of a shipper's household goods, as long as the shipper is notified of, and acknowledges in writing, the mover's refusal. This section also changes the catch line to include "transportation or shipment" to correspond with the new language proposed in this section of the bill.

Section 5 amends s. 507.07, F.S., to make technical changes to the language in order to comport with the language amending s. 507.03, F.S., in section 2 of the bill, which would require movers to register biennially, instead of annually, with DACS.

Section 6 amends s. 507.13, F.S., to preempt local governments from enacting ordinances regulating movers of household goods or moving brokers. However, ordinances enacted before January 1, 2011, or amendments to those ordinances, may remain in effect, provided such ordinances levy "reasonable" registration fees that do not exceed the cost of administering the ordinances. Additionally, these existing ordinances apply only to a mover or moving broker if the mover or moving broker's principal place of business is located within the jurisdiction having such an ordinance.

This section also clarifies that the preemption does not apply to a local government's authority to levy a local business tax, pursuant to ch. 205, F.S.

Section 7 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Subsection (b) of Article 18, Section VII of the Florida Constitution, prohibits the Legislature from "enacting, amending, or repealing any general law if the anticipated effect" is to reduce county or municipal aggregate revenue generating authority as it existed on February 1, 1989. The exception to this prohibition is if the Legislature passes such a law by 2/3 of the membership of each chamber.

²⁴ Note: Section 6 of the bill addresses local registration requirements of movers and moving brokers.

Subsection (d) provides an exemption from this prohibition. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times 10 cents (which is \$1.89 million for FY 2010/11), are exempt.²⁵

The Revenue Estimating Conference met on February 22, 2011, and determined that the effect on General Revenue cash for 2011-12 is insignificant, with a \$100,000 effect on State Trust funds and an indeterminate local impact.

This bill limits a local government’s authority to levy registration fees and the amount of such registration fees for movers of household goods. To the extent this bill may be construed as a reduction of a county or municipalities revenue generating authority, it is subject to the restriction in subsection (b). However, it may be exempted from the restriction due to its insignificant fiscal impact.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Retroactive Application

Section 6 of the bill provides that it will operate retroactively to January 1, 2011. This will affect local ordinances or regulations adopted between January 1, 2011, and July 1, 2011, the bill’s effective date. Even when the Legislature clearly intends for a statute to apply retroactively, a court will reject such an application if the statute impairs a vested right, creates a new obligation, or imposes a new penalty.²⁶ However, statutes which do not alter contractual or vested rights, but relate only to procedure can be applied retroactively.²⁷

Florida courts have recognized that a statute may be retroactively applied if:

- There is clear evidence that the Legislature intended to apply the statute retroactively; and
- Retroactive application is constitutionally permissible.²⁸

²⁵ See: Demographic Estimating Conference – Florida Demographic Forecast <http://edr.state.fl.us/Content/conferences/population/index.cfm>.

²⁶ *Menendez v. Progressive Express Ins. Co.*, 35 So.3d 873 (Fla. 2010).

²⁷ *Id.*

²⁸ *Metropolitan Dade County v. Chase Fed. Housing Corp.*, 737 So. 2d 494 (Fla. 1999); *Promontory Enterprises, Inc v. Southern Engineering & Contracting, Inc.*, 864 So. 2d 479 (Fla. 5th DCA. 2004).

In determining whether a retroactive application is constitutional, courts have generally held that due process considerations prevent the retroactive abolition of vested rights.²⁹ This is not an absolute rule, however, because the courts have identified factors that may be considered in determining whether to allow retroactivity. In one case, the Supreme Court weighed three factors in considering the validity of retroactivity:

- The strength of the public interest served by the statute;
- The extent to which the right affected is abrogated; and
- The nature of the right affected.³⁰

Since this bill is aimed at local governments and not private citizens, it is unlikely that it will create due process concerns.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Preemption of local government ordinances could lead to a loss of revenue from registration fees for local governments. Local governments that currently regulate household movers prior to January 1, 2011, may experience a loss in revenue because they will only be permitted to collect “reasonable” registration fees necessary to cover the administrative costs of ordinances.

B. Private Sector Impact:

To date there are 808 intrastate movers and 6 moving brokers in the State of Florida.³¹ This bill may reduce business costs on household movers and moving brokers by requiring reasonable local registration fees limited to the amount of administering the ordinance or regulation.

This bill reduces the administrative burden on intrastate movers by requiring registration biennially.³² A biennial registration renewal requirement at the current rate of \$300 per year would require movers and moving brokers to pay \$600 every other year instead of \$300 per year.

Section 3 of this bill allows a mover to declare exclusion from liability for items packed by a shipper, in which the shipper has declined in writing to allow the mover to inspect the shipped items. Under this provision, a shipper may not be able to hold a mover or moving broker liable if the shipper has not permitted the mover to inspect the shipped goods. Therefore, the shipper will be unable to collect reimbursement for damage done to shipped goods.

²⁹ *State Dept. of Transportation v. Knowles*, 402 So. 2d 1155 (Fla. 1981).

³⁰ *Id.*

³¹ *Supra* note 17.

³² Department of Agriculture and Consumer Services, *Senate Bill 296 Fiscal Impact* (January 21, 2011) on file with the Commerce and Tourism Committee.

C. Government Sector Impact:

According to DACS, the preemption on local government ordinances as framed in the bill will not expand the duties or responsibilities of the department.³³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None

B. Amendments:

None.

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

³³ Information received from the Department of Agriculture and Consumer Services on February 7, 2011. Information is on file with the Commerce and Tourism Committee.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 768

INTRODUCER: Senator Ring

SUBJECT: Seaports

DATE: March 15, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pugh	Cooper	CM	Pre-meeting
2.	_____	_____	TR	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Florida has 14 public deepwater seaports that are considered significant economic drivers for the regions in which they are located and for the state. The individual seaports receive a combination of public funding and private revenues to finance their operations and capital improvements.

Construction to widen and modernize the Panama Canal is nearing completion, and seaports on the entire U.S. coastline are considering their options on how to best position themselves to participate in what is expected to be an economic boon in maritime transit of oil, foodstuffs, consumer goods, and other cargo. States such as California, Maryland, South Carolina, Alabama, and Texas are exploring options to finance major port improvements that will attract increased international shipping activity, and to handle the larger tankers and cargo ships that will be traveling through the Panama Canal.

SB 768 includes several financing and permitting provisions to assist seaport infrastructure improvement projects that will make Florida’s 14 seaports more globally competitive. The bill:

- Creates within the Florida Seaport Transportation and Economic Development (FSTED) Council a “Seaport Infrastructure Bank” that can provide financing for projects at the 14 seaports meeting specific criteria;
- Raises from \$8 million to \$20 million the minimum amount of state transportation funds allocated for FSTED projects, on July 1, 2012; the minimum threshold is raised to \$50 million, beginning July 1, 2013;
- Allows the Florida Ports Financing Commission to refinance and extend two existing bond issues and use the additional principle to finance capital improvement projects;

- Exempts from state stormwater permits all piers, docks and similar structures at any of the 14 ports that are not part of a stormwater system and meet other criteria, if the port has a Stormwater Pollution Prevention Plan pursuant to federal law;
- Requires the state Department of Environmental Protection (DEP) to issue a notice of intent for a port conceptual permit or a final permit within 30 days after receiving the application;
- Specifies that DEP's notice of intent to issue a port conceptual permit creates a "rebuttable presumption" that the project or projects covered in the conceptual permit meet water-quality standards and sovereign-submerged land authorization requirements; and
- Requires DEP to issue any requested construction permits from a port (that has been issued a conceptual permit) within 30 days of the request.

SB 768 substantially amends ss. 311.07, 311.09, 320.20, 373.406, and 373.4133, F.S., and creates s. 311.23, F.S.

II. Present Situation:

Background on Florida's seaports

Florida has 14 public seaports:¹ Port of Fernandina, Port of Fort Pierce, Jacksonville (JaxPort), Port of Key West, Port of Miami, Port of Palm Beach, Port Panama City, Port of Pensacola, Port Canaveral, Port Everglades, Port Manatee, Port St. Joe, Port of St. Petersburg, and Port of Tampa.

These seaports are considered significant economic drivers. Recent economic analyses and planning documents² prepared for the Florida Ports Council indicated that:

- In 2009, the maritime cargo activities at Florida seaports were responsible for generating more than 550,000 direct and indirect jobs and \$66 billion in total economic value.
- In 2009, the maritime cargo activities at Florida seaports contributed \$1.7 billion in state and local tax revenues.
- In 2009, the value of international trade moving through the 14 seaports was \$56.9 billion, down more than one-third from 2008. Still, the \$56.9 billion figure represented 55 percent of Florida's total international trade value of \$103 billion in 2009.
- Imports and exports continue to be fairly even. Of the \$56.9 billion in total value, imports were valued at \$27.6 billion and exports at \$29.2 billion.
- Based on 2009 figures, the average annual wage of Florida seaport-related jobs is \$54,400, more than double the average annual state wage for all other non-advanced degree workers (\$26,933) and over \$15,000 more than the average annual state wage for all occupations (\$38,470).
- The ROI for seaport projects is an estimated \$6.90 to \$1.

¹ Listed in s. 403.021(9)(b), F.S. Interactive locator map is available at: http://flaports.org/Sub_Content2.aspx?id=3. Last visited Feb. 28, 2011.

² Information for this section as gleaned from a 2010 Economic Action Plan for Florida Ports, available at http://flaports.org/Assets/33201131346PM_2010_Economic_Action_Plan_for_Florida._A_Blueprint_to_Leverage_Florida_s_Strategic_State_Seaport_Partnership_January_2010.pdf and from a 2011 economic analysis, available at http://flaports.org/Assets/312011100301AM_Martin_Associates_Analysis_of_Seaport_Priority_Projects_February_2011.pdf and other information provided by the Florida Ports Council. Last visited March 2, 2011.

Florida's public seaports handled more than 121 million tons of cargo in FY 2006-2007, the most recent information available.³ Of that, 19 million tons were exports, 50.3 million tons were imports, and 51.9 million tons were domestic shipments. In recent years, Asian nations have become key trading partners; in 2009, for example, 38 percent of water-borne imports from Asia entered the U.S. through Florida, 36 percent through Los Angeles-Long Beach, 13 percent through Savannah, and 4 percent through New York-New Jersey.⁴ Central and South America continue to be Florida's most important export partners, with Western Europe a distant second.⁵

The cruise business also is a significant segment of Florida's seaport activity; in 2009, an estimated 12.7 million passengers embarked and disembarked from the nine ports with cruise operations. This equates to more than 54 percent of all U.S. cruise ship bookings.⁶

Seaport Funding

Florida seaports are eligible, per s. 311.07, F.S., for a minimum of \$8 million a year⁷ in grants from the State Transportation Trust Fund for projects to improve the "movement and intermodal transportation" of cargo and passengers. The projects are recommended annually by the Florida Seaport Transportation and Economic Development (FSTED) Council and approved by the Florida Department of Transportation. Most years, the Legislature appropriates more than \$8 million to the seaports; for FY 2009-2010, for example, FDOT was directed to spend \$21.9 million on seaport grants and \$25.6 million in FY 10-11.⁸

The ports also benefit from an additional \$25 million in debt service paid with motor vehicle license fees⁹ from the State Transportation Trust Fund for 1996 and 1999 bond issues, per ch. 315, F.S., which financed \$375.4 million in major port projects. These bond issues will be paid off in 2026 and 2029, respectively.

Under the structure established by the Legislature in ch. 315, F.S., the Florida Ports Financing Commission was created via interlocal agreement of local governments where the 14 ports are located. It issued the 1996 and 1999 port facility improvement bonds, but none since a 2000 law change to s. 320.20, F.S., required that the state Division of Bond Finance, at the request of FDOT, issue any future port facility bonds.¹⁰

The 2000 legislation also specified that these two bond issues could be refinanced, but not for a longer term than the original 30 years.

³ Available at <http://www.dot.state.fl.us/planning/trends/tc-report/Seaport032509.pdf>. Last visited March 1, 2010.

⁴ Florida Trade and Logistics Study, page 17. Available at:

https://www.communicationsmgr.com/projects/1378/docs/FloridaTradeandLogisticsStudy_December2010.pdf. Last visited March 6, 2011.

⁵ Chart available at <http://flaports.org/UserFiles/File/Statistics/Table%204.jpg>. Last visited March 1, 2010.

⁶ Information provided by the Florida Ports Council and on file with the Senate Commerce and Tourism Committee.

⁷ Since FY 2005-2006, FDOT by agreement with FSTED has earmarked at least \$15 million for FSTED projects.

⁸ In 2007, the Legislature appropriated an additional \$50 million for port projects as a line-item.

⁹ Section 320.20(3) and (4), F.S.

¹⁰ A March 22, 2000, audit by the Florida Auditor General reported several instances where "FSTED Program Management may not have, in several material respects, complied with the significant provisions of laws, administrative rules, and other guidelines governing the FSTED Program." A summary of the report (#13612) is on file with the Senate Commerce and Tourism Committee.

Pursuant to s. 311.07, F.S., the state grant funds cannot exceed 50 percent of the total cost of an FSTED project. In order to be approved, a project must be consistent with the seaport's comprehensive master plan and the applicable local government's comprehensive plan, and comply with water-quality standards and requirements specified in ch. 403, F.S.

Eligible projects per the statute include:

- Dredging or otherwise deepening channels, harbors, and turning basins;
- Construction or rehabilitation of wharves, docks, piers, and related structures;
- Transportation facilities, such as roads or rail lines, located within a port; and
- Acquisition of land for port purposes.

The FSTED port projects also are part of FDOT's 5-Year Work Program, which is submitted to the Legislature annually for approval. There is a process by which FDOT can amend the work program to shift funding from one seaport project to another, pursuant to s. 311.09(10), F.S.

Port planning and regulatory requirements

Section 163.3178, F.S., requires each applicable county and municipal comprehensive plan to include a chapter (or "element") on coastal zone management, and if applicable, the comprehensive master plan for the public seaport located within its geographic jurisdiction. These seaport master plans generally comprise a 25-year planning horizon for expansion, dredging, and other improvements at the particular ports.¹¹

Dredging and other port projects that have the potential to impact water quality, sovereign submerged lands, sea grass and wildlife habitats, and upland disposal sites typically require permits from the U.S Army Corps of Engineers (corps), or the Florida Department of Environmental Protection (DEP) and the water management districts under regulations in chs. 161, 253, 373, and 403, F.S.

These agencies and the seaports try to work together early in the project planning process to identify environmental impacts and possible mitigation solutions. To that end, s. 311.105, F.S., created the Florida Seaport Environmental Management Committee to serve as a forum for seaport-related environmental permitting issues. The committee is comprised of five seaport directors as voting members and representatives of DEP, the state Department of Community Affairs, the corps, and the Florida Inland Navigation District as non-voting, ex officio members.

Section 311.105, F.S., also specifies the documentation required for applications submitted by seaports for joint coastal permits, which have a duration of 5 years, and for 15-year conceptual joint coastal permits. These permits are designed to address in a comprehensive manner the variety of environmental impacts large-scale port projects might create.¹²

In 2010, the Legislature created s. 373.4133, F.S., which specifies the process by which any of the 14 seaports may seek a port conceptual plan from DEP. The port conceptual plan is intended to serve as a multi-year blueprint for seaport infrastructure projects; it anticipates the regulatory

¹¹ The individual seaport master plans are available online at the ports' websites.

¹² See s. 403.061(37) and (38), F.S.

approvals that will be needed and streamlines their review and approval processes. Both seaports and private entities with controlling interests in property near the seaports may use the conceptual plan process.

A port conceptual permit constitutes the state's conceptual certification of a port's compliance with federal Clean Water Act regulations and the state's conceptual determination that the project is consistent with Florida's coastal zone management program. The conceptual permits may be issued for a period of up to 20 years and provide for one additional extension of 10 years.

Panama Canal Project¹³

Built by the United States and opened in 1914, the Panama Canal is a 48-mile-long ship canal in the narrow Central American isthmus that joins the Atlantic and Pacific oceans. On December 31, 1999, ownership and control of the canal transferred from the United States to Panama. Today, the Panama Canal Authority (ACP) manages the canal.

The ACP has undertaken a \$5.2 billion modernization and expansion of the canal, which includes a third lock to move the new larger ships through the isthmus. Private investors and bank loans will finance some of the cost, and ACP is hoping that increased toll revenues from increased usage will generate enough money to pay for the rest of the project, which is expected to be completed by 2014.

For decades the Panama Canal has been a significant shipping lane for international maritime trade. Annual traffic has risen from about 1,000 ships in the canal's early days to 14,702 vessels in 2008. While the canal was built to handle the largest ships of its era, modern tankers and container vessels are bigger. As a result, these larger ships either take a different route or their owners do not use them in the Western Hemisphere, or, more commonly, goods are dropped off at seaports on the U.S. west and east coasts – depending on the final destination of the goods – and then hauled by truck or rail across the continent, where they may be loaded onto outbound ships. Some cargo stays in the United States, and some is further transported on land to points north or south.

Supporters of the Panama Canal expansion contend the improved shipping will significantly reduce shipping costs, and even transit time.

The economic implications of the expansion have led several states, such as California, Maryland, South Carolina, and Texas, to reevaluate their long-term port planning and financing strategies, in order to take advantage of the anticipated greater volume of cargo.

Here is a summary of some other states' recent and large funding actions:

- Alabama has invested more than \$500 million in upgrades at the Port of Mobile, much of it financed with a \$300 million state general revenue bond issue in 2008.¹⁴

¹³ Numerous sources are available for information about the Panama Canal expansion project, but two basic sources are the Autoridad Panama de Canal (Panama Canal Authority) website, at <http://www.pancanal.com/eng/acp/index.html> and http://en.wikipedia.org/wiki/Panama_Canal_expansion_project.

- Georgia has invested approximately \$1 billion since 2005, most of it spent for improvements at the ports in Savannah and Brunswick.¹⁵ The expenditures have been funded in large part by a \$700 million state general revenue bond issue.
- California has three programs to fund its 11 public seaports. For example, the Maritime Infrastructure Bank, which lacks its own funding to make loans, acts as a conduit for bonding financing using private partners, and has issued at least \$200 million in bonds.¹⁶

The aforementioned states and several others also provide a number of state tax incentives to seaport and trade-related businesses, many of these credits against their state income tax liabilities. The credits are, variously, based on port-related jobs created, tonnage moved, and capital investment in infrastructure.¹⁷

FSTED's Project List¹⁸

The FSTED council has prepared a list of priority projects at nine of the 14 seaports, with a cost of \$853 million. The FTSED council estimates the state's share of that would be \$337.3 million. The projects are:

- \$272 million to dredge Miami Harbor to a depth of 50 to 52 feet and to acquire new gantry cranes that can be used to load and unload the "super containers" docked at the Port of Miami;
- \$162 million for Port Everglades for expanding and improving several cruise ship terminals and to create at least four new cargo berths and mitigate that project's adverse environmental impacts;
- \$110 million each for JaxPort (developing a spoil site and improving navigation hindrances where the St. Johns River meets intra-coastal currents) and Port Canaveral (two new piers and new Mega-Cruise Ship terminal.);
- \$86 million for the Port of Tampa to relocate and improve petroleum off-loading capabilities, and to develop the Port Redwing site to handle more bulk cargo.
- \$50 million for Port Manatee to extend a berth and make other improvements to handle container traffic and to expand cold-storage facilities.
- \$34 million to rebuild a large slip at the Port of Palm Beach dedicated to ships moving sugar, molasses, fuel, and other commodities.
- \$20.2 million for the Port of Fernandina for a new berth and an off-port warehousing and container depot, and;

¹⁴See

http://flaports.org/Assets/33201131346PM_2010_Economic_Action_Plan_for_Florida_A_Blueprint_to_Leverage_Florida_s_Strategic_State_Seaport_Partnership_January_2010.pdf, page 8. Last visited March 6, 2011.

¹⁵ Ibid.

¹⁶ "Report on State Financial Assistance for Capital Improvements at Public Ports in the United States." Prepared for the Ports Association of Louisiana. Page 72-73. Available at: <http://portsoflouisiana.org/wp-content/uploads/full-document-final-copy-4.pdf>. Last visited Feb. 27, 2011.

¹⁷ Information on various state incentives is available from the reports mentioned in FN 4 and FN 16.

¹⁸ Information for this section is found in the "Florida Seaports: Charting Our Future. An Economic Analysis," prepared for the Florida Ports Council and published in February 2011. See: http://flaports.org/Assets/312011100301AM_Martin_Associates_Analysis_of_Seaport_Priority_Projects_February_2011.pdf

- \$8.5 million for Port Panama City for a new off-port warehouse and reconfiguring and expanding the current container yard.

An economic impact analysis¹⁹ of the projects indicates that when all are completed and being utilized, 32,500 jobs will have been created; \$2.17 billion in personal income and nearly \$2.3 billion in direct business revenues will have been created; and nearly \$161 million in state and local tax revenues will be generated. The analysis calculates a \$7.47 to \$1 return on the state's investment.

III. Effect of Proposed Changes:

Section 1 amends s. 311.07, F.S., to earmark additional state funds for seaport infrastructure projects in the near future:

- Beginning July 1, 2012, FDOT must make available to the FSTED program a minimum of \$20 million, instead of the current minimum of \$8 million, from the State Transportation Trust Fund; and
- Beginning July 1, 2012, the FSTED Council and FDOT's assistant secretary for Intermodal Systems Development must identify a minimum of \$50 million a year in state funds for the FSTED program. There is no mention that these funds must come from state transportation dollars.

Section 2 amends s. 311.09, F.S., to require FDOT, beginning July 1, 2012, to include in its annual legislative budget request not less than \$20 million for FSTED projects, rather than the current statutory requirement of not less than \$8 million. Additionally, beginning July 1, 2012, the FSTED Council and FDOT's assistant secretary for Intermodal Systems Development must identify a minimum of \$50 million a year in state funds for the FSTED program.

Section 3 creates s. 311.23, F.S., establishing the Florida Seaport Infrastructure Bank, or PIB. The PIB's purpose is to provide loans and credit enhancements²⁰ to the state's 14 deepwater ports and to private entities operating at these ports for constructing or improving transportation-related projects or facilities intended to improve the movement and intermodal transportation of cargo and passengers.

Funds appropriated by the Legislature for the purposes of providing the 50-50 match for port projects, as outlined in s. 311.07, F.S., or to pay debt service or refinance existing state port bonds pursuant to s. 320.20, F.S., may be used for the PIB loan program. As mentioned above, the FY 10-11 appropriation for the 50-50 grants was \$25.6 million, and the debt service appropriation was \$25 million as set in statute.

The PIB may lend funds for capital costs, or provide credit enhancements, for seaport projects that meet the following criteria:

¹⁹ Ibid. Pages 7-11.

²⁰ Credit enhancement, in the context of SB 768, can be defined as methods by which the PIB could reduce the risk of another financial institution extending credit or bonded revenues to the port or port business that is the borrower. For example, the PIB could provide collateral, a letter of credit, a surety bond, or a reserve account for the port to be able to obtain outside financing.

- Are approved pursuant to s. 311.09, F.S., which means they have been approved by the FSTED council and are part of its 5-Year Seaport Mission Plan, and at least the first year's projects are in FDOT's tentative 5-year Work Program;
- Are on the State Intermodal System;²¹ and
- Provide connections to highways, airports, railways, and other transportation terminals, pursuant to s. 341.053, F.S., FDOT's intermodal transportation development program.

These loans are for a maximum term of 5 years.

Additionally, the PIB may make emergency loans to repair damages at any of the 14 public seaports in areas where an official state declaration of emergency has been filed, pursuant to ch. 252, F.S. These emergency loans:

- Must be repaid within 24 months, although the FSTED chair may grant up to a 36-month repayment schedule upon a written finding that specifies the reasons for a longer repayment;
- Require an applicant to file a loan application with FSTED that includes documentation of damage claims filed with the Federal Emergency Management Agency (FEMA) or an insurance carrier and documentation of the applicant's overall financial condition; and
- Must be repaid upon the port or port business' receipt of FEMA funds or proceeds from an insurance payout, but before the term of the PIB emergency loan expires.

For both types of loan programs, the FSTED council may consider the following criteria for each project seeking PIB assistance:

- The project's credit-worthiness;
- The likelihood that assistance would enable the project to proceed at an earlier date than would otherwise be possible;
- The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
- The amount of the proposed assistance as a percentage of the overall project costs, with an emphasis on local and private participation; and
- If applicable, the extent to which damage from a disaster that results in a declaration of emergency has impacted a deepwater seaport's ability to maintain its previous level of service and remain accessible to the public, or has had a major impact on the port's cash flow or revenue-generation ability.

The interest rate for all PIB loans will be set by the FSTED council and may be at or below market rates. The borrowers must provide documentation to the FSTED council of a dedicated revenue stream to repay the loan. Finally, these loans may be subordinated to senior debt held by the port that has an investment-grade rating of at least "BBB."

²¹ Florida's State Intermodal System (SIS) is a transportation system comprised of facilities and services of statewide and interregional significance that integrates multiple modes to move people and goods throughout the state. The Legislature in 2003 directed FDOT to develop a SIS, keyed on identifying high-priority transportation facilities, and then creating a network of highway, air, rail, water, and space facilities. More information is available at <http://www.dot.state.fl.us/planning/sis/strategicplan/2010sisplan.pdf>.

The FSTED council may adopt rules to implement the PIB program.

The PIB is modeled after FDOT's State Infrastructure Bank (SIB), created in 2000 in s. 339.55, F.S., to provide loans and other financial assistance to public and private entities carrying out or proposing to carry out eligible highway and transit projects. It is a revolving loan fund that also has authority, pursuant to s. 215.617, F.S., to leverage its state funding to issue bonds. FDOT's SIB actually has two accounts: a federally funded account is limited to projects which meet all federal transportation requirements, and a state-funded account that focuses on projects on the State Highway System, provides for increased mobility on the state's transportation system, or provides intermodal connectivity.

As of 2010,²² 32 projects have received nearly \$366 million from the federal SIB account; 17 of those have been completed and the loans repaid. Thirty-seven projects have been funded from the state SIB account, receiving nearly \$767.3 million in loans. Seven of those projects have been completed and the loans repaid.

Section 4 amends s. 320.20, F.S., to strike limitations on the Florida Ports Financing Commission refinancing the existing Series 1996 and Series 1999 bond issues beyond the existing pay-off date, and from pledging the source of debt service for these bond issues – motor vehicle registration fees – for new bonded indebtedness to be issued by the Florida Ports Financing Commission.

Under this new provision, the Florida Ports Financing Commission could, as it did prior to 2000, issue port facility bonds, rather than the state Division of Bond Finance issue port facility bonds at the request of FDOT.

For any revenue bonds or other indebtedness issued after July 1, 2011, the new provisions direct the Florida Ports Financing Commission to ensure that the greatest amount of revenue from these new issues is available for eligible port projects. Representatives of the Florida Ports Council have said that refinancing the 1996 and 1999 bond issues and extending them for an additional 10 years could yield up to \$100 million in new revenues.²³

Section 5 amends s. 373.406, F.S., to add as a general exemption to ch. 373, F.S., stormwater permitting requirements overwater piers, docks, and similar structures located in any of the 14 public seaports that have a Stormwater Pollution Prevention Plan pursuant to the National Pollutant Discharge Elimination System Program. Many of the 14 ports do have an adopted plan.

This provision is intended to clarify port permitting provisions adopted in 2010.

Section 6 amends s. 373.4133, F.S., to clarify and expedite several permitting provisions in the conceptual permitting process for seaports. This section:

²² Charts available at http://www.dot.state.fl.us/financialplanning/finance/sib/SIB_Project_List.pdf. Last visited March 3, 2011.

²³ Conversations with Nancy Leikauf and Michael Rubin on Feb. 28, 2011.

- Requires DEP, notwithstanding any other provision of law, to issue a notice of intent within 30 days after receipt of an application for a port conceptual permit.
- Specifies that the DEP notice of intent to issue a port conceptual permit creates a rebuttable presumption²⁴ that development of the port or private facilities consistent with the approved port master plan complies with all applicable standards for the issuance of a port conceptual permit, an environmental resource permit (typically needed for dredging projects), and a sovereign submerged lands authorization (typically needed for dredging and for construction of near-shore facilities), pursuant to chs. 161, 253, 373, and 403, F.S. In such cases, the rebuttable presumption may be overcome only by clear and convincing evidence that the project does not comply with the required environmental standards.
- Requires DEP, upon issuing a port conceptual permit, and if necessary, an environmental resource permit or sovereign submerged lands authorization, to notify the U.S. Army Corps of Engineers that the project is in compliance with all state water quality and regulatory requirements, and shall issue any requested port construction permit within 30 days after receipt of the request.

Section 7 provides an effective date of July 1, 2011.

Other Potential Implications:

Increased funding for seaports from the State Transportation Trust Fund could result in less funding for other categories of transportation projects.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate, but likely positive.

²⁴ “Rebuttable presumption” generally means a presumption of fact which can be overturned by persuasive and fact-based evidence to the contrary.

C. Government Sector Impact:

SB 768 has the effect of reallocating existing and future funds within the State Transportation Trust Fund so that a larger amount is earmarked for port project financing and debt service than is currently appropriated.

DEP may incur some additional costs associated with Sections 5 and 6 of the bill, related to expedited review of applications for port conceptual permits.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.



214120

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Delete lines 46 - 101.

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

And the title is amended as follows:

Delete lines 2 - 18

and insert:

An act relating to seaports; creating s. 311.23, F.S.;
establishing the



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Commerce and Tourism (Ring) recommended the following:

Senate Amendment (with title amendment)

Between lines 407 and 408
insert:

Section 7. Subsection (3) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(3) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for maintenance dredging ~~conducted under this section~~ by the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami,



537904

13 Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City,
14 Pensacola, Key West, and Fernandina or by inland navigation
15 districts, if the dredging is no more than is necessary to meet
16 the original design specifications or configurations and
17 previously undisturbed natural areas are not significantly
18 impacted, and if the work conducted does not violate the
19 protections for manatees under s. 379.2431(2)(d). In addition:

20 (a) A mixing zone for turbidity is granted within a 150-
21 meter radius from the point of dredging while dredging is
22 ongoing, except that the mixing zone may not extend into areas
23 supporting wetland communities, submerged aquatic vegetation, or
24 hardbottom communities.

25 (b) The discharge of the return water from the site used
26 for the disposal of dredged material shall be allowed only if
27 such discharge does not result in a violation of water quality
28 standards in the receiving waters. The return-water discharge
29 into receiving waters shall be granted a mixing zone for
30 turbidity within a 150-meter radius from the point of discharge
31 into the receiving waters during and immediately after the
32 dredging, except that the mixing zone may not extend into areas
33 supporting wetland communities, submerged aquatic vegetation, or
34 hardbottom communities. Ditches, pipes, and similar types of
35 linear conveyances are not considered receiving waters for the
36 purposes of this paragraph.

37 (c) The state may not exact a charge for material that this
38 subsection allows a public port or an inland navigation district
39 to remove. In addition, consent to use any sovereignty submerged
40 lands pursuant to this section is hereby granted.

41 (d) The use of flocculants at the site used for disposal of



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42 the dredged material is allowed if the use, including supporting
43 documentation, is coordinated in advance with the department and
44 the department has determined that the use is not harmful to
45 water resources.

46 (e) The spoil material from the maintenance dredging may be
47 deposited on an unpermitted, self-contained, upland spoil site
48 that will prevent the escape of the spoil material into the
49 waters of the state.

50 (f)~~(e)~~ This subsection does not prohibit maintenance
51 dredging of areas where the loss of original design function and
52 constructed configuration has been caused by a storm event,
53 provided that the dredging is performed as soon as practical
54 after the storm event. Maintenance dredging that commences
55 within 3 years after the storm event shall be presumed to
56 satisfy this provision. If more than 3 years are needed to
57 commence the maintenance dredging after the storm event, a
58 request for a specific time extension to perform the maintenance
59 dredging shall be submitted to the department, prior to the end
60 of the 3-year period, accompanied by a statement, including
61 supporting documentation, demonstrating that contractors are not
62 available or that additional time is needed to obtain
63 authorization for the maintenance dredging from the United
64 States Army Corps of Engineers.

65
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete line 42

69 and insert:

70 certain compliance; amending s. 403.813, F.S.;



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71 exempting specified seaports and inland navigation
72 districts from requirements to conduct maintenance
73 dredging under certain circumstances; providing that
74 ditches, pipes, and similar linear conveyances are not
75 receiving waters; authorizing public ports and inland
76 navigation districts to use sovereignty submerged
77 lands in connection with maintenance dredging;
78 authorizing spoil material to be disposed on a self-
79 contained, upland spoil site that will prevent the
80 escape of spoil material into the waters of the state;
81 providing an effective date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 798

INTRODUCER: Senator Altman

SUBJECT: Florida's One-Stop Business Connect Act

DATE: March 15, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McCarthy	Cooper	CM	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the “Florida’s One-Stop Business Connect Act,” to create a workgroup to develop a plan to establish an online connection that is easily accessible through the state’s official portal, “MyFlorida.com,” to provide an efficient and effective online, self-service method for individuals to access state requirements for starting and operating a business, by July 1, 2014.

This bill requires the Governor to establish a One-Stop Business Connect Workgroup composed of at least an agency head, or designee, from the Agency for Health Care Administration, Department of Business and Professional Regulation, Department of Children and Family Services, Department of Health, Department of State, and Department of Revenue. The Secretary of the Department of Business and Professional Regulation is the chair of the workgroup and staff from participating agencies will provide support for the workgroup. The workgroup may consult other state agencies and may use the services of other consultants.

The workgroup must:

- Compile an inventory of all business licenses, certifications, and registrations, required by each participating agency.
- Compile relevant rules and laws associated with each participating agency.
- Analyze each participating agency’s licensing, certifying, or registering process and identify any duplicative, inefficient, or ineffective processes.
- Recommend standardization and automation of licensing, certification, and registration processes if appropriate.

- Submit a plan by December 15, 2011, to the Governor and Legislature to identify the business requirements; costs associated with implementation of the online connection; clear systemwide objectives, a governance structure, accountability measures, the potential to include stakeholder suggestions, and any issues that need to be addressed before the technology may be implemented.

This bill creates an undesignated section of the Florida Statutes.

II. Present Situation:¹

Master Business Index

An individual wanting to start a business in Florida may have to interact with multiple state agencies to obtain needed registrations, licenses, and tax certificates, which may be frustrating and time-consuming. For example, a contractor starting a construction company may need to obtain a professional license from the Department of Business and Professional Regulation, apply for tax certificates with the Department of Revenue, and register their corporation with the Department of State. In addition, many of the agencies require the same basic identification information for individuals, but because each agency keeps its information in a certain format and tracks businesses in different ways, the information may be inconsistent across state agencies.

The 1997 Legislature recognized how inefficient and ineffective it was for individuals, wanting to start a business, to apply for licenses and register with multiple agencies, while providing much of the same information to each agency. In response, the Legislature enacted the Florida Business Coordination act to require development of a master business index to streamline the business start-up process.² This act directed the Department of State to develop the master business index, which was to consolidate all business entity records maintained by state agencies and assign a single identifying number to each business to enable agencies to share and easily retrieve business registration and license information.³

The Legislature modified the act in 1999, to require participating agencies to use, contribute, and share information through the master business index.⁴ However, the act does not require state agencies to participate. In addition, the act requires the master business index to serve as a central index of business entities and list all licenses and registrations held by a business with any participating agency.⁵ The Legislature also required the department to create a uniform business report for collecting and updating data for the master business index.⁶

In 1999, the department created a single business identifier to meet the requirements of the act. However, because no other agency volunteered to participate in this effort, the business identifier

¹ The Present Situation is adapted from the Office of Program Policy Analysis & Government Accountability Report No. 10-22, published February 2010, and available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1022rpt.pdf>.

² Chapter 97-15, L.O.F.

³ *Id.*

⁴ *See* s. 606.04(1)(b), F.S.

⁵ Section 606.04(1)(a), F.S.

⁶ Section 606.06, F.S.

is used only by the Department of State and it cannot yet be used to access business registration or license information from other agencies. Also, in 2000, the department implemented a Uniform Business Report to list registration and licensure information for each business. However, because no other agency has participated, only the Department of State's data are included in the Uniform Business Report.

In 2009, the department renewed its efforts to implement the act by initiating a pilot project with the Department of Business and Professional Regulation (DBPR). The two agencies agreed to share information related to licensed construction businesses. The pilot project has concluded and no further work is anticipated with respect to it.

Agency Consolidation

Over the last decade, the state has considered several proposals to consolidate and streamline state agency business-related functions.

In 1999, the Senate Committee on Governmental Oversight and Productivity reviewed the reorganization of the Florida Cabinet structure to assess the status and jurisdiction of four departments that were headed by individual cabinet officers.⁷ The review proposed dismantling the Department of State and redistributing its programs to other agencies, including merging the Division of Corporations functions into the Department of Business and Professional Regulation.

In 2003, the Legislature considered a proposal to abolish both the Department of State and the Department of Community Affairs to create the Department of State and Community Affairs.⁸ The intent of this change was, in part, to promote a positive business climate by maintaining efficient and effective business registration activities and to promote the economical and efficient management of public records.

Additionally in 2003, the Governor's Office of Policy and Budget examined the feasibility of merging the Division of Corporations and the Department of Revenue's General Tax Administration program. The study concluded that the entities had similar processes, and integration or merger would increase awareness of tax obligations by corporations.

In 2008, the Senate Committee on Commerce's Sunset Review of the Division of Corporations examined previous efforts to merge the division with other entities and recommended continuing to evaluate the efficacy of transferring some or all of the division's responsibilities to the Department of Revenue and re-evaluating the feasibility, value, and associated costs of implementing a Master Business Index.⁹

⁷ These agencies included the Department of Banking and Finance, the Department of Education, the Department of Insurance, and the Department of State. See *Interim Project Report 2000-52*, available at http://www.flsenate.gov/data/Publications/2000/Senate/reports/interim_reports/pdf/00-52go.pdf.

⁸ House Bill 1687 – Governmental Reorganization.

⁹ Agency Sunset Review of the Division of Corporations of the Department of State, Florida Senate Committee on Commerce, Issue Brief 2009-308, October 2008, available at http://www.flsenate.gov/data/Publications/2009/Senate/reports/interim_reports/pdf/2009-308cm.pdf.

State Online One-Stop Business Portals

Several states have developed web portals that make it easier for individuals wanting to start a business to obtain needed start-up licenses, permits, and registrations.¹⁰ These one-stop portals allow applicants to enter business-related information one time, which is then shared with all participating agencies and automatically used to complete these agencies' existing application processes. After completing the online registration process, applicants receive the information and documents necessary to begin operating their business.

Michigan has recently recognized the importance of having an online resource for individuals wanting to start a business. Beginning in 2007, Michigan's governor sought to improve the state's business climate by reducing the time it takes businesses to begin operating and to simplify their transactions with state agencies. Michigan's enterprise-wide technology agency led the system design and implementation effort for the online business portal, which became operational in March 2009 at an estimated cost of between \$5 million and \$10 million. The online portal helps applicants determine what business registrations, permits, and licenses they will need; file the needed information online; and obtain tax statements and pay taxes. The web portal also enables businesses to contact a call center for additional information and assistance.

III. Effect of Proposed Changes:

Section 1 creates an undesignated section of law to create the "Florida's One-Stop Business Connect Act." This act proposes to create a workgroup to develop a plan to establish an online business portal, using "MyFlorida.com," to provide an efficient and effective online, self-service method for individuals to access state requirements for starting and operating a business.

The bill contains the following findings:

- Individuals who start and operate businesses in Florida must interact with multiple state agencies to obtain licenses, registrations, and tax certificates, which can be time-consuming and frustrating for individuals starting or owning a business.
- Individuals starting or owning a business must provide similar information to multiple agencies.
- Start-up processes with state agencies are cumbersome and place avoidable burdens on individuals seeking to start a business or on those existing business owners.
- The process for starting a business should be streamlined and the state's effort to do so should be phased, deliberative, and collaborative.

The bill provides that it is the intent of the Legislature to establish an online business connection by July 1, 2013. In order to do so, this bill requires the Governor to establish a One-Stop Business Connect Workgroup composed of at least an agency head, or designee, from the Agency for Health Care Administration, Department of Business and Professional Regulation, Department of Children and Family Services, Department of Health, Department of State, and

¹⁰ Examples of state online business portals are available at: <https://onestop.delaware.gov/osbrlpublic/Home.jsp> (Delaware); <https://hbe.ehawaii.gov/BizEx/home.eb;jsessionid=46BFDDCD043078368B98D245411D14EF.liona> (Hawaii); <http://www.michigan.gov/business> (Michigan); <http://licenseinfo.oregon.gov/> (Oregon); <https://www.scbos.sc.gov/> (South Carolina); <https://secure.utah.gov/osbr-user/user/welcome.html> (Utah); and <http://www.dol.wa.gov/forms/700028.html> (Washington).

Department of Revenue. The Secretary of the Department of Business and Professional Regulation is the chair of the workgroup and staff from participating agencies will provide support for the workgroup. The workgroup may consult other state agencies and may use the services of other consultants.

The workgroup must:

- Compile an inventory of all business licenses, certifications, and registrations, required by each participating agency.
- Compile relevant rules and laws associated with each participating agency.
- Analyze each participating agency's licensing, certifying, or registering process and identify any duplicative, inefficient, or ineffective processes.
- Recommend standardization and automation of licensing, certification, and registration processes, if appropriate.
- Submit a plan by December 15, 2011, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, to identify the business requirements; costs associated with implementation of the online connection; clear systemwide objectives, a governance structure, accountability measures, the potential to include stakeholder suggestions, and any issues that need to be addressed before the technology may be implemented.

Section 2 provides that the bill becomes effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If an online business portal is eventually established, it would provide efficiencies to individuals in the private sector, who either want to start a business or own a business.

C. Government Sector Impact:

Any agency participating in the One-Stop Business Connect Workgroup or any agency consulted by the workgroup may incur expenses related to planning for the implementation of the online business portal.

Should the online business portal be established, any agency that offers its licensing, registration, or certification requirements and forms on the portal may realize efficiencies related to fewer errors on applications and electronic information sharing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

IX. None.



546494

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete lines 55 - 63
and insert:

Connect Workgroup composed of, at a minimum, the department secretary or the department or agency head, or his or her designee, of the following state agencies and departments:

1. The Agency for Health Care Administration.
2. The Department of Business and Professional Regulation.
3. The Department of Children and Family Services.
4. The Department of Financial Services.
5. The Department of Health.



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6. The Department of State.

7. The Department of Revenue.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 926

INTRODUCER: Senator Storms

SUBJECT: Liability/Employers of Developmentally Disabled

DATE: March 14, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Cooper	CM	Pre-meeting
2.			CF	
3.			JU	
4.				
5.				
6.				

I. Summary:

SB 926 creates a new section of the Florida Statutes to allow an employer who employs an individual who has a developmental disability to escape liability for negligent or intentional acts or omissions by that individual.

The employer may not be held liable when:

- The employee receives or has received supported employment services through a public or private non-profit provider; and
- The employer does not have actual prior notice of the employee’s actions that created the unsafe conditions in the workplace.

The bill also allows a not-for-profit supported employment service provider that has provided employment services to an employee with a developmental disability to escape liability for the actions or conduct of the employee that occur within the scope of the employee’s employment.

SB 926 creates s. 768.0895, F.S.

II. Present Situation:

Florida Statutory Definition of “Developmental Disability”:

Section 393.063, F.S., defines “developmental disability” as “a disorder or syndrome that is attributable to retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.”

The Agency for Persons with Disabilities (APD) has been specifically tasked with serving the needs of Floridians with developmental disabilities.¹ The agency works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. The agency also provides assistance in identifying the needs of people with developmental disabilities for supports and services.

Supported Employment Services:

Supported employment services are services offered to help an individual gain or maintain a job. Generally services involve job coaching, intensive job training, and follow-up services. The federal Department of Education State Supported Employment Services Program defines “supported employment services” as on-going support services provided by the designated state unit to achieve job stabilization.²

APD defines “supported employment” to mean employment located or provided in an integrated work setting, with earnings paid on a commensurate wage basis, and for which continued support is needed for job maintenance.³

The Division of Vocational Rehabilitation (DVR) administers an employment program assisting individuals with disabilities, including those with the most severe disabilities, to pursue meaningful careers appropriate for their abilities and capabilities. DVR specifically defines “supported employment services” as “ongoing support services and other appropriate services needed to support and maintain a person who has a most significant disability in supported employment.”⁴ The service provided is based upon the needs of the eligible individual as specified in the person’s individualized plan for employment. Generally, supported employment services are provided in such a way as to assist eligible individuals in entering or maintaining integrated, competitive employment.⁵

Both DVR and APD provide supported employment services or connect individuals with private organizations that supply such services. There are several entities in Florida dedicated to such services. However, these entities do not share information about their customers with the employers that employ their customers as supported employment. This is due to various reasons, including confidentiality concerns, or contract agreements between the employer and the organization.

¹ Section 20.197, F.S.

² 34 C.F.R. s. 363.6(c)(2)(iii). “What is the State Supported Employment Services Program? Under the State Supported Employment Services Program, the Secretary [of Education] provides grants to assist States in developing and implementing collaborative programs with appropriate entities to provide programs of supported employment services for individuals with the most severe disabilities who require supported employment services to enter or retain competitive employment. (Authority: 29 U.S.C. 795j).” 34 C.F.R. s. 363.1. See also, Supported Employment State Grants, at <http://www.ed.gov/programs/rsasupemp/index.html> (last visited 3/11/2011).

³ Section 393.063(37), F.S.

⁴ For DVR: “Supported employment” means competitive work in integrated working settings for persons who have most significant disabilities and for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or is intermittent as a result of such a disability. Persons who have most significant disabilities requiring supported employment need intensive supported employment services or extended services in order to perform such work. Section 413.20(26), F.S.

⁵ Section 413.20(27), F.S.

Employer Liability:

Under common law principles, an employer is liable for acts of its employee that cause injury to another person if the wrongful act was done while the employee was acting within the apparent scope of employment, serving the interests of his employer. An employee is not acting within the scope of his employment, and thereby the employer is not liable, if the employee is acting to accomplish his own purposes, and not to serve the interests of the employer.⁶ “The test for determining if the conduct complained of occurred within the scope of employment is whether the employee (1) was performing the kind of conduct he was employed to perform, (2) the conduct occurred within the time and space limits of the employment, and (3) the conduct was activated at least in part by a purpose to serve the employer.”⁷

An employer may be held liable for an intentional act of an employee when that act is committed within the real or apparent scope of the employer’s business.⁸ An employer may be held liable for a negligent act of an employee committed within the scope of his employment even if the employer is without fault.⁹ An employer is liable for an employee’s acts, intentional or negligent, if the employer had control over the employee at the time of the acts. “Absent control, there is no vicarious liability for the act of another, even for an employee. Florida courts do not use the label “employer” to impose strict liability under a theory of respondeat superior¹⁰ but instead look to the employer’s control or right of control over the employee at the time of the negligent act.”¹¹ Employer fault is not an element of vicarious liability claims.¹²

Employers may also be liable for the negligent hiring of an employee. Negligent hiring is defined as “an employer’s lack of care in selecting an employee who the employer knew or should have known was unfit for the position, thereby creating an unreasonable risk that another person would be harmed.”¹³ An action for negligent hiring is based on the direct negligence of the employer. However, in order to be liable for an employee’s act based upon a theory of negligent hiring, the plaintiff must show that the employee committed a wrongful act that caused the injury. “The reason that negligent hiring is not a form of vicarious liability is that unlike vicarious liability, which requires that the negligent act of the employee be committed within the course and scope of the employment, negligent hiring may encompass liability for negligent acts that are outside the scope of the employment.”¹⁴

⁶ Gowan v. Bay County, 744 So.2d 1136, 1138 (1st DCA, 1999).

⁷ Id.

⁸ Garcy v. Broward Process Servers, Inc., 583 So.2d 714, 716 (4th DCA, 1991). The term “intentional” means done with the aim of carrying out the act. Black’s Law Dictionary (9th ed. 2009), intentional.

⁹ “This is based on the long-recognized public policy that victims injured by the negligence of employees acting within the scope of their employment should be compensated even though it means placing vicarious liability on an innocent employer.” Makris v. Williams, 426 So.2d 1186, 1189 (4th DCA, 1983). The term “negligent” is characterized by a person’s failure to exercise the degree of care that someone of ordinary prudence would have exercised in the same circumstance. Black’s Law Dictionary (9th ed. 2009), negligent. A negligent act is one that creates an unreasonable risk of harm to another. Black’s Law Dictionary (9th ed. 2009), act.

¹⁰ “Respondeat superior” means the doctrine holding an employer or principal liable for the employee’s or agent’s wrongful acts committed within the scope of the employment or agency. Black’s Law Dictionary (9th ed. 2009), respondeat superior.

¹¹ Vasquez v. United Enterprises of Southwest Florida, Inc., 811 So.2d 759, 761 (3rd DCA, 2002).

¹² Makris v. Williams, 426 So.2d 1186, 1189 (4th DCA, 1983).

¹³ Black’s Law Dictionary (9th ed. 2009), negligent hiring.

¹⁴ Anderson Trucking Service, Inc. v. Gibson, 884 So.2d 1046, 1052 (5th DCA, 2004).

In Williams v. Feather Sound, Inc., 386 So.2d 1238, 1239 - 1240 (2nd DCA, 1980), the 2nd District Court of Appeal in Florida, in a case regarding negligent hiring, discussed the responsibility of the employer to be aware of an employee's propensity to commit an act at issue:

Many of these cases involve situations in which the employer was aware of the employee's propensity for violence prior to the time that he committed the tortious assault. The more difficult question, which this case presents, is what, if any, responsibility does the employer have to try to learn pertinent facts concerning his employee's character. Some courts hold the employer chargeable with the knowledge that he could have obtained upon reasonable investigation, while others seem to hold that an employer is only responsible for his actual prior knowledge of the employee's propensity for violence. The latter view appears to put a premium upon failing to make any inquiry whatsoever.

Section 768.096, F.S., signed into law in 1999, creates an employer presumption against negligent hiring, "if, before hiring the employee, the employer conducted a background investigation of the prospective employee and the investigation did not reveal any information that reasonably demonstrated the unsuitability of the prospective employee for the particular work to be performed or for the employment in general."¹⁵

There does not appear to be any existing provision in Florida law that would limit the liability of an employer if the employer has hired an individual with disabilities.

An omission is a failure to do something, especially a neglect of duty.¹⁶ There do not seem to be any Florida cases which discuss employer liability for the negligent or intentional omissions of employees. Generally, there must be a duty to disclose or to act for an individual to be liable for an omission.

III. Effect of Proposed Changes:

Section 1 creates s. 768.0895, F.S., to allow an employer who employs an individual who has a developmental disability to escape liability for negligent or intentional acts or omissions by that individual.

The employer may not be held liable when:

- The employee receives or has received supported employment services through a public or private non-profit provider; and
- The employer does not have actual prior notice of the employee's actions that created the unsafe conditions in the workplace.

¹⁵ Section 768.096, F.S., defines what a background investigation must include, like contacting references, interviewing the employee, and obtaining a criminal background check from the Florida Department of Law Enforcement. However, the election by an employer not to conduct the investigation is not a presumption that the employer failed to use reasonable care in hiring an employee.

¹⁶ Black's Law Dictionary (9th ed. 2009), omission.

The bill also allows a not-for-profit supported employment service provider that has provided employment services to an employee with a developmental disability to escape liability for the actions or conduct of the employee that occur within the scope of the employee's employment.

The bill defines the phrase "person with a developmental disability" to have the same meaning as provided in s. 393.063, F.S. This phrase does not appear in this section, but "developmental disability" is a defined term.

Section 2 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Employers' liability in hiring individuals with disabilities through supported employment service providers will be reduced. This may help employers feel more comfortable hiring individuals with disabilities.

In turn, more individuals using supported employment services may find employment opportunities available to them. An individual's liability for negligent or intentional acts or omissions will not change.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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



332482

LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 27 - 40
and insert:
employment services through a supported employment service provider; and

(b) The employer does not have actual notice of the actions of the employee which created unsafe conditions in the workplace.

(2) A supported employment service provider that provides or has provided supported employment services to a person with a developmental disability is not liable for the actions or



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13 conduct of the person which occur within the scope of the
14 person's employment.

15 (3) As used in this section, the term:

16 (a) "Developmental disability" has the same meaning as
17 provided in s. 393.063.

18 (b) "Supported employment service provider" means a not-
19 for-profit public or private organization or agency that
20 provides services for persons in supported employment, as
21 defined in s. 393.063.

22 Section 2. This act shall take effect July 1, 2011, and
23 shall apply to causes of action occurring on or after that date.

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete lines 8 - 14

28 and insert:

29 that a supported employment service provider that
30 provides or has provided supported employment services
31 to a person with a developmental disability is not
32 liable for the actions or conduct of the person
33 occurring within the scope of the person's employment;
34 defining the terms "developmental disability" and
35 "supported employment service provider"; providing an

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1152

INTRODUCER: Senator Simmons

SUBJECT: Limited Liability Companies

DATE: March 14, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Cooper	CM	Pre-meeting
2.			JU	
3.			BI	
4.				
5.				
6.				

I. Summary:

In response to a Florida Supreme Court holding about remedies available to a judgment creditor of a single-member limited liability company, SB 1152 amends s. 608.433, F.S. The bill clarifies that the general application of the decision in Olmstead v. Federal Trade Commission¹ to single-member limited liability companies does not apply to multiple-member limited liability companies.

The bill provides, with one exception, that a charging order is the “sole and exclusive remedy” by which a judgment creditor of a member or member’s assignee may satisfy a judgment from a judgment debtor’s interest in a limited liability company or rights to distributions from a limited liability company. The exception arises in situations where a limited liability company has only one member. The bill provides that the court may order the sale of a member’s interest in a single-member limited liability company if the judgment creditor shows that distributions under a charging order will not satisfy the judgment in a reasonable time.

The bill provides that the amendments made to s. 608.433, F.S., are clarifying and apply retroactively.

This bill substantially amends s. 608.433, F.S.

¹ Olmstead v. Federal Trade Commission, 44 So. 3d 76 (Fla. 2010),

II. Present Situation:

Limited Liability Companies

Sections 608.401-608.705, F.S., comprise the “Florida Limited Liability Company Act.” A limited liability company, or LLC, is a statutorily recognized, “hybrid business entity that offers all of its members limited liability as if they were shareholders of a corporation but treats the entity and its members as a partnership for tax purposes. In other words, a limited liability company is a form of legal entity that has the attributes of both a corporation and a partnership but is not formally characterized as either one.”²

Members and managers of an LLC are separate from the company itself. Generally, the members and managers of an LLC are not liable, solely by reason of being a member or serving as a manager or managing member, under a judgment, decree, or order of a court, or in any other manner, for a debt, obligation, or liability of the limited liability company. However, this may be expanded or restricted by the provisions of the LLC’s articles of organization or operating agreement.³ Florida law permits single-member LLCs.

Generally, except as otherwise provided in the LLC’s articles of organization or operating agreement, no person may be admitted as a member unless a majority-in-interest of the current members consent.⁴ A member may assign his or her interest in the LLC, either the whole or a part, but the same general rule for becoming a member applies to the assignee as well.⁵ An assignee has no right to participate in the management of the business except as provided in the articles of organization or operating agreement and upon approval of all the members of the LLC, excluding the assigning member. An assignee’s interest generally only allows him or her to share in the profits and losses and receive distributions from the LLC.⁶

An assignee may become a member of the LLC only if all the members of the LLC, excluding the assigning member, consent, unless the articles of organization or operating agreement provide otherwise.⁷

According to the Division of Corporations of the Department of State, there are 548,893 active LLCs in Florida.⁸ The number of LLC filings has generally increased over the last 10 years. There were 25,566 new business entity filings related to LLCs in 2001, while 138,287 such documents were filed in 2010.

² AMJUR LIMLIACO §1

³ Section 608.4227, F.S. See also s. 608.4228, F.S., which states that a member or manager shall not be personally liable for monetary damages to the LLC.

⁴ Section 608.4232, F.S.

⁵ Section 608.432, F.S.

⁶ The provisions related to assignments are the same as provisions related to partnerships, whereby if a partner transfers his or her interest, the remaining partners are not required to accept the new partner as an equal for management and voting purposes.

⁷ Section 608.433, F.S.

⁸ Division of Corporations, Department of State, “Yearly Filings,” available at http://www.sunbiz.org/corp_stat.html (last visited 3/12/2011). The filing numbers reflect the number of new documents filed beginning January 1 and ending December 31 of each year.

Judgments and Limited Liability Companies

A judgment is an order of the court creating an obligation, such as a debt. Chapter 56, F.S., provides mechanisms for execution of judgments. Section 56.061, F.S., provides that various categories of real and personal property, including stock in corporations, are subject to levy and sale under execution of a court's order or judgment. A member's own interest in an LLC is considered personal property, and is "reasonably understood to fall within the scope of 'corporate stock.'"⁹

Section 608.433(4), F.S., provides for a judgment creditor to apply to a court to charge the LLC membership interest of a member with payment of an unsatisfied amount of judgment owed to the creditor, with interest (otherwise known as a "charging order").¹⁰ "To the extent so charged, the judgment creditor has only the rights of an assignee of such interest."¹¹ However, the statute also provides that it "does not deprive any member of the benefit of any exemption laws applicable to the member's interest."

A charging order does not give the judgment creditor governance rights with respect to the LLC, because an assignee has no right to participate in the management of the business, unless the articles of organization or operating agreement states otherwise. A judgment creditor, then, would only be able to share in the profits and receive distributions from the LLC.

The theory behind the charging order is that a judgment creditor can be paid from the profits or distributions from the LLC without the disruption of the business caused by inserting another member into the group or the damage caused to other members if the business, or portions of it, was sold to pay the judgment creditor.¹² As a federal bankruptcy court has explained, "a charging order protects the autonomy of the original members, and their ability to manage their own enterprise."¹³

The charging order is not unique to the LLC business structure. Florida's Revised Uniform Partnership Act of 1995, ss. 620.81001 -620.9902, F.S., and Florida's Revised Uniform Limited Partnership Act of 2005, ss. 620.1101-620.2205, F.S., similarly provide charging order remedies in partnership and limited partnership law.

A limitation of the charging order remedy is that a creditor cannot recover unless the voting members of the LLC distribute profits. If the LLC does not make a distribution, the judgment creditor is not paid. Particular issues arise when a member of an LLC enters into bankruptcy, is subject to an adjudication of insolvency or appointment of a receiver, or makes an assignment of interest for the benefit of creditors.¹⁴ Section 608.4327, F.S., states that a person ceases to be a

⁹ Olmstead v. Federal Trade Commission, 44 So.3d 76, 80 (Fla. 2010).

¹⁰ A "judgment creditor" is a person having a legal right to enforce execution of a judgment for a specific sum of money. Black's Law Dictionary, "judgment creditor" (9th Ed. 2010).

¹¹ Section 608.433(4), F.S.

¹² *See, generally, City of Arkansas City v. Anderson*, 752 P.2d 673, 681-684 (Kansas 1988)(discussing the charging order at common law and under the Uniform Partnership Act).

¹³ In Re: First Protection, Inc., 440 B.R. 821, 830 (9th Cir. BAP (Ariz.) 2010)(citations omitted).

¹⁴ At common law, the purpose of the charging order was to protect non-debtor partners from being forced into partnership with a judgment partner's creditor.

member of a LLC when these situations arise. This is because the economic interests of a creditor or receiver for an insolvent member would not be aligned with the best interest of the LLC.¹⁵ In the case of single-member LLC, there is tension between the interests of the creditors and employees of the LLC and the interests of the judgment creditor of the single-member.

Olmstead v. Federal Trade Commission

In Olmstead v. Federal Trade Commission, 44 So. 3d 76 (Fla. 2010), the Florida Supreme Court held that Florida's statutory charging order provision is not the exclusive means for a judgment creditor to execute a judgment against the owner of a single-member LLC. The Court held that "a court can order that judgment debtor surrender all right, title, and interest in the member's single-member limited liability company to satisfy an outstanding judgment."¹⁶

While the court's holding does not specifically apply to limited liability companies with more than one member, the court's reasoning would likely apply to all limited liability companies.

The Decision in Olmstead

In Olmstead, a federal court asked the Florida Supreme Court whether, under Florida law, a court may order a judgment debtor to surrender all "right, title, and interest" in the debtor's single-member LLC to satisfy an outstanding judgment. In the case, the Federal Trade Commission (FTC) alleged Olmstead was operating an "advance-fee credit card scam" and sued for unfair and deception trade practices.¹⁷ The FTC prevailed and obtained an order directing Olmstead to surrender all right, title, and interest in his LLC. Olmstead, the judgment debtor and sole member of an LLC, argued that a charging order under s. 608.433(4), F.S., was the sole and exclusive remedy available against his ownership interest in the LLC. He argued that no other remedy was applicable. The FTC argued that other remedies were available under Florida law – and that finding that the statutory charging order was the sole remedy for a single-member LLC would produce absurd results.¹⁸

The court held that a charging order under s. 608.433(4), F.S., was not the exclusive remedy. The court noted that s. 56.061, F.S., provides that stock in corporations is subject to sale and execution to satisfy a judgment and that because an LLC is a "type of corporate entity," an ownership interest in an LLC is reasonably understood to be corporate stock and subject to execution under the statute.¹⁹ The court rejected arguments that s. 608.433(4), F.S., displaced s. 56.061, F.S. It noted that Florida's partnership and limited partnership statutes contain similar charging order provisions but those provisions provide that the charging order is the exclusive remedy and that specific language relating to an exclusive remedy is not present in the LLC statute.²⁰ Accordingly, the court said:

Specifically, we conclude that there is no reasonable basis for inferring that the provision authorizing the use of charging orders under section 608.433(4) establishes the sole

¹⁵ Davis, Gardner, and Mary Kendrick, Single-Member LLC Will Not Shield Debtor's Assets from Judgment Creditor, 29-Oct Am. Bankr. Inst. J. 52 (2010).

¹⁶ Olmstead, 44 So.3d at 83.

¹⁷ See Olmstead, 44 So.3d at 78.

¹⁸ See Olmstead, 44 So.3d at 77-78.

¹⁹ Olmstead, 44 So.3d at 80.

²⁰ See Olmstead, 44 So.3d at 81-82.

remedy for a judgment creditor against a judgment debtor's interest in a single-member LLC... Section 608.433(4) does not displace the creditor's remedy available under section 56.061 with respect to a debtor's ownership interest in a single-member LLC.²¹

Olmstead followed a similar holding from a Colorado court in 2003 – In re Albright, 291 B.R. 538 (Bkrcty.D.Colo. 2003). In Albright, “the sole-member of a Colorado LLC filed bankruptcy, and the court held that the Chapter 7 trustee became a “substituted member” and could cause the LLC to sell its real property and distribute the proceeds to the estate.”²² The court stated that the Colorado LLC laws exist to

...protect other members of an LLC from having involuntarily to share governance responsibilities with someone they did not choose, or from having to accept a creditor of another member as a co-manager. A charging order protects the autonomy of the original members, and their ability to manage their own enterprise. In a single-member entity, there are no non-debtor members to protect. The charging order limitation serves no purpose in a single member limited liability company, because there are no other parties' interests affected.²³

However, the Colorado bankruptcy court specifically stated in a footnote that the holding would have been different if there had been other members in the LLC.²⁴ Colorado's statute on charging orders is similar to the law in Florida.

Criticism of *Olmstead*

In dissent, Justice Lewis argued that the majority opinion was rewriting the LLC Act to create a remedy not contemplated by the Legislature. He said that a reading of all of ch. 608, F.S., and not merely the provisions cited by the majority, makes clear that the LLC Act displaces ch. 56, F.S.²⁵ Justice Lewis warned:

This is extremely important and has far-reaching impact because the principles used to ignore the LLC statutory language under the current factual circumstances apply with equal force to multimember LLC entities and, in essence, today's decision crushes a very important element for all LLCs in Florida. If the remedies available under the LLC Act do not apply here because the phrase “exclusive remedy” is not present, the same theories apply to multimember LLCs and render the assets of all LLCs vulnerable.²⁶

The provisions of the LLC Act apply uniformly to all Florida LLCs, regardless of whether the LLC is a single-member LLC or a multiple-member LLC.

²¹ Olmstead, 44 So.3d at 83.

²² Miller, Elizabeth, Are the Courts Developing a Unique Theory of Limited Liability Companies or Simply Borrowing from Other Forms?, 42 Suffolk U. L. Rev. 617, 641-644 (2009).

²³ In Re Albright, 291 B.R. at 541.

²⁴ In Re Albright, 291 B.R. at 540.

²⁵ Olmstead, 44 So.3d at 83-84 (Lewis dissenting).

²⁶ Olmstead, 44 So.3d at 84 (Lewis dissenting).

Commenters have explained the concern of some business law practitioners:

As a result of the dissenting opinion, many practitioners are concerned that a multiple-member Florida LLC arrangement may not provide charging order protection, although that is not what the majority held. As discussed below, there is a good chance that there will be legislative clarification of this court-created “uncertainty by implication.” In the interim, advisors should alert their clients to the exposure and consider bifurcating Florida LLC membership interests into voting and nonvoting interests, converting Florida LLCs to limited partnerships or limited liability limited partnerships, moving Florida LLCs to jurisdictions that have a more stable charging order protection law, or implementing other divestment of management control strategies.²⁷

III. Effect of Proposed Changes:

In response to a Florida Supreme Court holding about remedies available to a judgment creditor of a single-member limited liability company, SB 1152 amends s. 608.433, F.S. The bill clarifies that the general application of the Olmstead decision to single-member LLCs does not apply to multiple-member LLCs.

Section 1 amends s. 608.433, F.S.

The bill defines a “charging order” as a lien on a judgment debtor’s LLC interest or assignee rights. A judgment creditor has only the rights of an assignee of an LLC interest to receive any distributions that the judgment debtor would otherwise have been entitled to, limited to the extent of the judgment including interest.

The bill provides, with one exception, that a charging order is the “sole and exclusive remedy” by which a judgment creditor of a member or member’s assignee may satisfy a judgment from a judgment debtor’s interest in an LLC or rights to distributions from an LLC.

The exception arises in situations where an LLC has only one member. The bill provides that the court may order the sale of a member’s interest in a single-member LLC if the judgment creditor shows that distributions under a charging order will not satisfy the judgment in a reasonable time.

Upon such a showing, the court may order the sale of the interest in the LLC pursuant to a foreclosure sale. The bill provides that the judgment creditor may make such a showing within a reasonable time after entry of the judgment and may do so at the time the judgment creditor applies for entry of the charging order. If the court orders a foreclosure sale, the purchaser at the sale obtains the member’s entire interest in the LLC, the purchaser becomes the member of the LLC, and the person whose interest is sold ceases to be a member of the LLC.

Section 2 states that the amendments made to s. 608.433, F.S., are clarifying and apply retroactively.

²⁷ Gassman, Alan S., and Christopher J. Denicolo, David L. Koche, and Thomas O. Wells, After Olmstead: Will a Multiple-member LLC Continue to Have Charging Order Protection?, 84-DEC Fla. B.J. 8 (2010).

Section 3 provides that the act takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

This bill provides that it is intended to be clarifying and remedial in nature and shall apply retroactively (see Section 2). Retroactive application of legislation can implicate the due process provisions of the constitution.²⁸ As a general matter, statutes which do not alter vested rights but relate only to remedies or procedure can be applied retroactively.²⁹

The Florida Supreme Court has ruled that statutes enacted soon after a controversy over the meaning of legislation may be considered a legislative interpretation of the original law and not substantive change:

When, as occurred here, an amendment to a statute is enacted soon after controversies as to the interpretation of the original act arise, a court may consider that amendment as a legislative interpretation of the original law and not as a substantive change thereof. This Court has recognized the propriety of considering subsequent legislation in arriving at the proper interpretation of the prior statute.³⁰

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁸ See State Department of Transportation v. Knowles, 402 So.2d 1155 (Fla. 1981).

²⁹ See Metropolitan Dade County v. Chase Federal Housing Corporation, 737 So.2d. 494 (Fla. 1999). See also City of Orlando v. Desjardins, 493 So.2d 1027, 1028 (Fla. 1986)(citations omitted) (“If a statute is found to be remedial in nature, it can and should be retroactively applied in order to serve its intended purposes.”).

³⁰ Lowry v. Parole and Probation Commission, 473 So.2d 1248, 1250 (Fla. 1985)(internal citations omitted).

B. Private Sector Impact:

The bill would benefit businesses by providing certainty and predictability to those establishing and maintaining multiple-member LLCs in Florida. Without such a change, businesses may move or create their LLCs to other states where certainty exists. It is not known how many, if any, businesses would relocate or not locate in Florida because of the Olmstead decision and without this bill becoming law. Also, it is not known how many Florida LLCs, if any, would incur additional costs and change to a different business partnership structure.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1346

INTRODUCER: Commerce and Tourism Committee

SUBJECT: Obsolete References and Programs

DATE: March 14, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hrdlicka	Cooper	CM	Pre-meeting
2.	_____	_____	CF	_____
3.	_____	_____	GO	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1346 is the result of a review of obsolete references in Florida Statutes to the former Departments of Labor and Employment Security, and Commerce.

There are 35 references to the former Department of Labor and Employment Security, or one of its former programs, and there are 10 references to the Florida Department of Commerce still remaining in Florida Statutes. Additionally, other statutes have been identified that relate to programs related to or within a department that were obsolete prior to department abolishment.

This bill amends the following sections of the Florida Statutes: 14.2015, 20.18, 45.031, 69.041, 112.044, 212.20, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1229, 288.1169, 331.369, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, 440.49, 450.161, 464.203, 489.1455, 489.5335, 553.62, 597.006, 944.012, and 944.708.

This bill repeals the following sections of the Florida Statutes: 288.038, 288.1162, 288.1168, 446.60, 255.551-255.563, and 469.003(2)(b).

II. Present Situation:

Senate Interim Report 2011-107, Identification, Review, and Recommendations Relating to Obsolete Statutory References to the former Florida Departments of Labor and Employment Security, and Commerce:¹

¹ Identification, Review, and Recommendations Relating to Obsolete Statutory References to the Former Florida Departments of Labor and Employment Security, and Commerce. The Florida Senate Committee on Commerce. Interim

- Reviewed the abolishment of the programs and divisions of the former departments;
- Identified current Florida Statutes that referenced these past programs, divisions, or departments;
- Reviewed the obsolete statutory references identified, researched the underlying legislative history of each reference, and worked with appropriate state agencies and other Senate committees to develop recommendations to resolve the obsolete references; and
- Recommended that the references be either retained in statute, deleted or repealed from the statute or provision, or updated to reference the appropriate agency or current practice.

Department of Labor and Employment Security

The Department of Labor and Employment Security (DLES) was created in 1978 when it was removed from the Florida Department of Commerce.² It consisted of one administrative support division, six program divisions, and administratively housed several independent entities.³

The process for the abolishment of DLES began in the 1999 Legislative Session,⁴ and subdivisions and programs of the department were transferred or repealed through several legislative bills until the department was formally abolished by the Legislature in 2002.

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former DLES and whether they were transferred or repealed (including the chapter law numbers).

Florida Department of Commerce

The Florida Department of Commerce (FDC) was created in 1969.⁵ It consisted of three divisions and administratively housed or staffed a number of independent entities. It was “the state agency with the primary responsibility for promoting and developing the general business, trade, and tourism components of the state economy.”⁶

FDC was abolished in 1996 in a reorganization of Florida’s economic development structure.⁷ The department’s functions were either repealed or transferred to various other agencies. In general, the reorganization transferred economic development functions to Enterprise Florida, Inc. (EFI); tourism development and marketing functions to the Florida Commission on Tourism, Inc.; and all other functions that were considered to be “governmental in nature and [could not] effectively be transferred to public private partnerships” to the Office of Tourism, Trade, and Economic Development (OTTED).⁸

Report 2011-107 (October 2010). Available at <http://www.flsenate.gov/Committees/InterimReports/2011/2011-107cm.pdf> (last visited 2/15/2011).

² Chapter 78-201, L.O.F.

³ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 230, dated April 19, 1999.

⁴ Chapter 99-240, L.O.F.

⁵ Section 17, ch. 69-106, L.O.F.

⁶ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

⁷ Chapter 96-320, L.O.F.

⁸ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 958, dated March 18, 1996.

Senate Interim Report 2011-107 sets forth a detailed chart of the divisions and programs of the former FDC and whether they were transferred or repealed (including the chapter law numbers).

III. Effect of Proposed Changes:

Senate Interim Report 2011-107 sets forth recommendations that some references are still necessary in statute, while others should be repealed or amended to reference the current agency or program.⁹ These recommendations are implemented in this bill in the following manner:

Delete the Reference

Statutes where a reference to DLES or FDC is deleted are:

- s. 14.2015(8), F.S. (Section 1);
- s. 45.031(7)(a), F.S. (Section 3);
- s. 69.041(4)(a), F.S. (Section 4);
- s. 112.044(2)(d), F.S. (Section 5);
- s. 252.87(7), F.S. (Section 8);
- s. 252.937(2), F.S. (Section 9);
- s. 287.09451(4), F.S. (Section 11);
- s. 288.035(1), F.S. (Section 14);
- s. 288.1229(7), F.S. (Section 18);
- s. 409.2576(1) and (3)(b), F.S. (Section 23);
- s. 440.49(9)(b), F.S. (Section 27);
- s. 553.62, F.S. (Section 33); and
- s. 597.006(1), F.S. (Section 34).

Repeal the Statute or Provision

Statutes where a statute or provision is repealed are:

- s. 288.031, F.S. (Section 15);
- s. 288.1162, F.S. (Section 16);
- s. 288.1168, F.S. (Section 17);
- s. 446.60, F.S. (Section 28);
- s. 255.551, F.S. (Section 37);
- s. 255.552, F.S. (Section 37);
- s. 255.553, F.S. (Section 37);
- s. 255.5535, F.S. (Section 37);
- s. 255.555, F.S. (Section 37);
- s. 255.556, F.S. (Section 37);
- s. 255.557, F.S. (Section 37);
- s. 255.5576, F.S. (Section 37);
- s. 255.558, F.S. (Section 37);
- s. 255.559, F.S. (Section 37);
- s. 255.56, F.S. (Section 37);
- s. 255.561, F.S. (Section 37);

⁹ A detailed analysis is on file with the Senate Commerce and Tourism Committee.

- s. 255.562, F.S. (Section 37);
- s. 255.563, F.S. (Section 37); and
- s. 469.003(2)(b), F.S. (Section 38).

Update to the Appropriate Agency or Current Practice

Statutes where a reference to DLES or FDC is updated to the current agency or practice are:

- s. 20.10(4)(b), F.S. (Section 2);
- s. 112.044(5), F.S. (Section 5);
- s. 252.85(1), F.S. (Section 7);
- s. 287.09431, F.S. (Section 10);
- s. 287.0947(1), F.S. (Section 12);
- s. 288.021(1), F.S. (Section 13);
- s. 288.1169, F.S. (Section 19);
- s. 331.369(2), (4), and (5), F.S. (Section 20);
- s. 377.711(5)(h), F.S. (Section 21);
- s. 377.712(3), F.S. (Section 22);
- s. 409.2576(8), F.S. (Section 23);
- s. 414.24, F.S. (Section 24);
- s. 414.40(2)(d), F.S. (Section 25);
- s. 440.385(5), F.S. (Section 26);
- s. 450.161, F.S. (Section 29);
- s. 464.203(1)(d), F.S. (Section 30);
- s. 489.1455(1)(b), F.S. (Section 31);
- s. 489.5335(1)(b), F.S. (Section 32); and
- s. 944.012(5), F.S. (Section 35).

Section 6 amends 212.20, F.S., to conform cross-references to changes made by the bill.

Section 25 amends s. 414.40(1) and (2), F.S., to update this statute to reflect the transfer of the authority to investigate public assistance fraud from the Department of Law Enforcement to the Department of Financial Services.¹⁰

Section 36 amends s. 944.708, F.S., to remove a reference to the Agency for Workforce Innovation. Chapter 2010-117, L.O.F., amended this section to replace a reference to DLES to the agency.¹¹ However, because the Agency for Workforce Innovation does not implement any of the provisions of ss. 944.701-944.707, F.S., the rulemaking authority for the agency is unnecessary.

Section 39 provides an effective date of July 1, 2011.

¹⁰ Chapter 2010-144, L.O.F.

¹¹ Section 41, ch. 2010-117, L.O.F.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. The changes made by the bill are simply statutory cleanup. Based upon the research collected for Interim Report 2011-107, the agencies contacted indicated that the provisions which are repealed in the bill were either programs which had expired or provisions which were not currently implemented or necessary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

There may be other obsolete references in the Florida Statutes that could be included in the bill.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete lines 176 - 282.

Delete lines 763 - 766

and insert:

Section 16. Subsections (1), (2), and (4) of section 288.1168, Florida Statutes, are amended to read:

288.1168 Professional golf hall of fame facility.-

(1) The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall serve as the state agency for screening applicants for state funding pursuant to s. 212.20 and for certifying one applicant as the professional golf hall of



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13 fame facility in the state.

14 (2) Prior to certifying the professional golf hall of fame
15 facility, the Office of Tourism, Trade, and Economic Development
16 ~~Department of Commerce~~ must determine that:

17 (a) The professional golf hall of fame facility is the only
18 professional golf hall of fame in the United States recognized
19 by the PGA Tour, Inc.

20 (b) The applicant is a unit of local government as defined
21 in s. 218.369 or a private sector group that has contracted to
22 construct or operate the professional golf hall of fame facility
23 on land owned by a unit of local government.

24 (c) The municipality in which the professional golf hall of
25 fame facility is located, or the county if the facility is
26 located in an unincorporated area, has certified by resolution
27 after a public hearing that the application serves a public
28 purpose.

29 (d) There are existing projections that the professional
30 golf hall of fame facility will attract a paid attendance of
31 more than 300,000 annually.

32 (e) There is an independent analysis or study, using
33 methodology approved by the office ~~department~~, which
34 demonstrates that the amount of the revenues generated by the
35 taxes imposed under chapter 212 with respect to the use and
36 operation of the professional golf hall of fame facility will
37 equal or exceed \$2 million annually.

38 (f) The applicant has submitted an agreement to provide \$2
39 million annually in national and international media promotion
40 of the professional golf hall of fame facility, Florida, and
41 Florida tourism, through the PGA Tour, Inc., or its affiliates,



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42 at the then-current commercial rate, during the period of time
43 that the facility receives funds pursuant to s. 212.20. The
44 Office of Tourism, Trade, and Economic Development and the PGA
45 Tour, Inc., or its affiliates, must agree annually on a
46 reasonable percentage of advertising specifically allocated for
47 generic Florida advertising. The Office of Tourism, Trade, and
48 Economic Development shall have final approval of all generic
49 advertising. Failure on the part of the PGA Tour, Inc., or its
50 affiliates to annually provide the advertising as provided in
51 this paragraph or subsection (6) shall result in the termination
52 of funding as provided in s. 212.20.

53 (g) Documentation exists that demonstrates that the
54 applicant has provided, is capable of providing, or has
55 financial or other commitments to provide more than one-half of
56 the costs incurred or related to the improvement and development
57 of the facility.

58 (h) The application is signed by an official senior
59 executive of the applicant and is notarized according to Florida
60 law providing for penalties for falsification.

61 (4) Upon determining that an applicant is or is not
62 certifiable, the director of the Office of Tourism, Trade, and
63 Economic Development ~~Secretary of Commerce~~ shall notify the
64 applicant of his or her status by means of an official letter.
65 If certifiable, the director ~~secretary~~ shall notify the
66 executive director of the Department of Revenue and the
67 applicant of such certification by means of an official letter
68 granting certification. From the date of such certification, the
69 applicant shall have 5 years to open the professional golf hall
70 of fame facility to the public and notify the Office of Tourism,



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71 Trade, and Economic Development of such opening. The Department
72 of Revenue shall not begin distributing funds until 30 days
73 following notice by the Office of Tourism, Trade, and Economic
74 Development that the professional golf hall of fame facility is
75 open to the public.

76

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

78 And the title is amended as follows:

79 Delete lines 13 - 15

80 and insert:

81 of Labor and Employment Security; amending s. 252.85,

82 F.S.; updating a

83 Delete lines 33 - 36

84 and insert:

85 Security with county tax collectors; amending s.

86 288.1168, F.S.; updating obsolete references to the

87 Department of Commerce; amending



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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Between lines 1385 and 1386
insert:

Section 39. Paragraph (e) of subsection (1) of section
469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(e) An authorized employee of the United States, this
state, or any municipality, county, or other political
subdivision who has completed all training required by NESHAP
and OSHA or by ASHARA for the activities described in this



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13 paragraph, while engaged in ~~asbestos-related activities set~~
14 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
15 the demolition of a building owned by that governmental unit,
16 where such activities are within the scope of that employment
17 and the employee does not hold out for hire or otherwise engage
18 in asbestos abatement, contracting, or consulting.

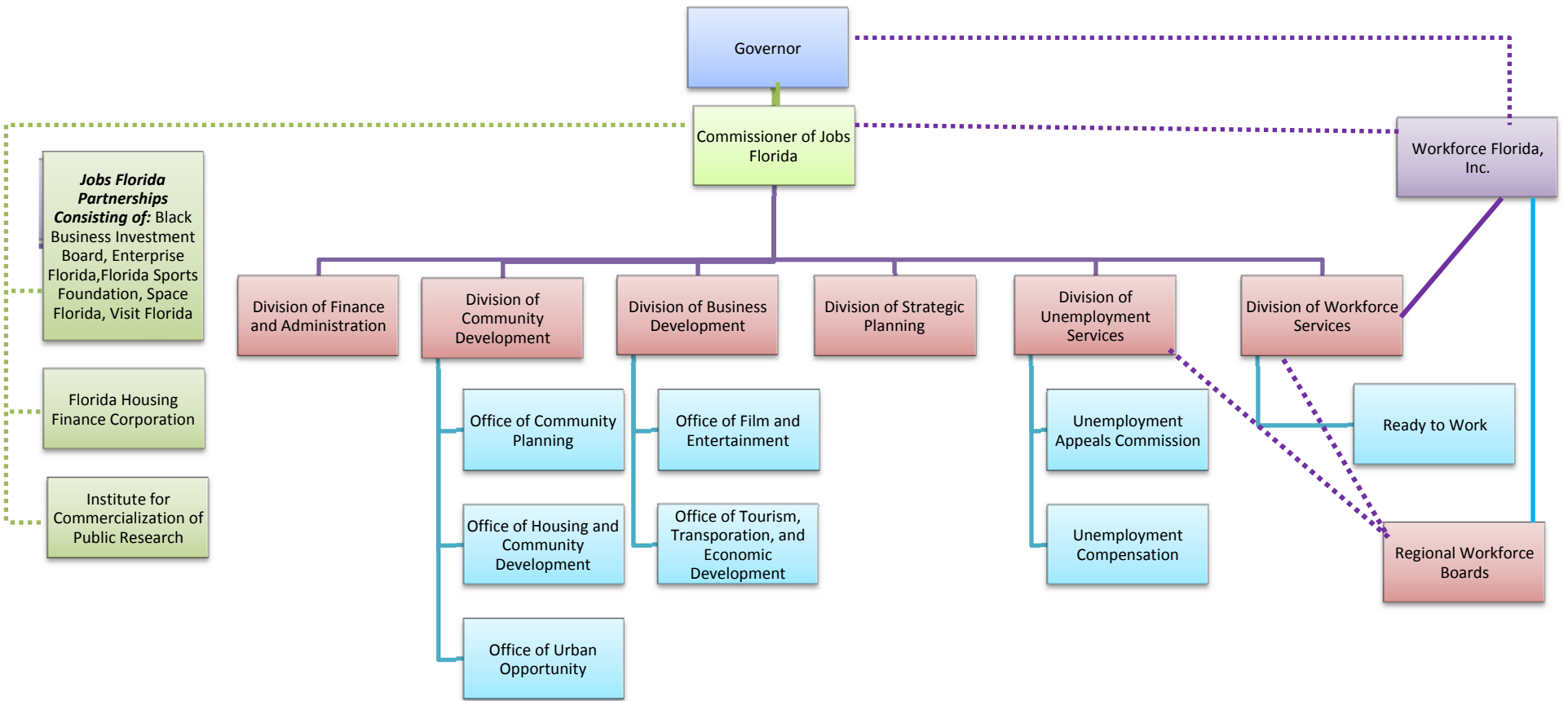
19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Between lines 80 and 81

23 insert:

24 amending s. 469.002, F.S.: correcting a cross-
25 reference to changes made by the act;



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

SECTION BY SECTION ANALYSIS

An act relating to governmental reorganization

TRANSFERS

- Section 1: Transfers from the Agency for Workforce Innovation: the Office of Early Learning Services to the Department of Education; the Offices of Unemployment Compensation and Workforce Services to Jobs Florida; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 2: Transfers from the Department of Community Affairs: the Florida Housing Finance Corporation, the Division of Housing and Community Development, and the Division of Community Planning to Jobs Florida; the Division of Emergency Management to the Executive Office of the Governor and renaming it as the “Office of Emergency Management”; the Florida Building Commission to the Department of Business and Professional Regulation; the responsibilities under the Florida Communities Trust and the responsibilities under the Stan Mayfield Working Waterfronts program to the Department of Environmental Protection; the responsibilities under the special district information program to the Department of Financial Services; and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 3: Transfers functions and trust funds of the Office of Tourism, Trade, and Economic Development in the Executive Office of the Governor to Jobs Florida, and trust funds as appropriate. Provides for transfer to Jobs Florida anything not specifically delineated for transfer within the section. Provides for the continuation of existing contracts or interagency agreements in existence on or before July 1, 2011, for the remainder of the term of the contract.
- Section 4: Provides direction for the transfers outlined above. Provides for a transition period from July 1, 2011, through October 1, 2011. Provides for the Agency for Workforce Innovation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development to develop and implement transition plans. Directs any state agency identified by one of the three affected agencies to cooperate fully in the plan. Directs the Governor to designate staff members from the Office of Planning and Budgeting to serve as primary representative for each agency during the transition and make reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Authorizes the Governor to transfer funds and positions between agencies upon approval from the Legislative Budget Commission to implement the act. Directs the Governor, upon recommendation of one of the affected agencies, to submit amendments or supplemental information to or to seek waivers from appropriate Federal agencies or departments as necessary.
- Section 5: Directs the Division of Statutory Revision to prepare conforming legislation.

STATUTORY AMENDMENTS & CREATIONS

- Section 6: Creates s. 14.2016, F.S., which establishes the Office of Emergency Management within the Executive Office of the Governor.
- Section 7: Amends s. 20.15, F.S., which establishes the Division of Early Learning within the Department of Education and provides for the division to administer the school readiness system and the Voluntary Prekindergarten Education Program.
- Section 8: Creates s. 20.60, F.S., which establishes Jobs Florida as a new department of state government. This section provides for the commissioner of Jobs Florida to be appointed by the Governor and confirmed by the Senate; establishes divisions of Jobs Florida and specifies their responsibilities; specifies the responsibilities of the Commissioner of Jobs Florida; limits the amount of the commissioner's public remuneration; and specifies powers and responsibilities of the Chief Inspector General in the Executive Office of the Governor with respect to Jobs Florida.
- Section 9: Requires the commissioner of Jobs Florida to submit a report to the Legislature relating to the effectiveness of the state's public-private partnerships and recommend any changes to improve the effectiveness of the public-private partnerships or any other state effort to promote economic development.
- Section 10: Updates an obsolete reference in s. 112.044, F.S., to the former Department of Labor and Employment Security.
- Sections 11-14: Amend ss. 163.3164, 163.3177, 163.3180, and 163.3184, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.
- Section 15: Amends s. 163.3191, F.S., related to the evaluation and appraisal report (EAR) process:
- Creates an exemption from the EAR process for local governments that have not experienced significant growth;
 - Makes the issues in the EAR process optional for the local government to include;
 - Does not require local governments to adopt the EAR reports and Jobs Florida does not review them – they are simply supporting data for any EAR amendments;
 - Jobs Florida no longer has to report on the EAR process.
- Section 16: Amends s. 163.3245, F.S., to remove the pilot program status of the optional sector planning process:
- Authorizes a local government or more than one local government to adopt a sector plan for long-term conservation and development, without advance approval by Jobs Florida. Removes the limit on the number of such plans.
 - Increases the minimum acreage requirement from 5,000 to 15,000.

- Elaborates on the planning standards for a long-term master plan for the entire planning area. Requires the master plan to have a planning period longer than the maximum 20-year period used today in most comprehensive plans.
- Retains the current Jobs Florida plan amendment review process for master plans.
- Retains the general 1,000-acre threshold for a detailed specific area plan (“DSAP”) for development to implement a portion of the master plan, but provides the DSAP shall be adopted by local development order, not plan amendment.
- Requires that a DSAP must be consistent with the long-term master plan but eliminates the requirement for it to have “a full range of land uses.”
- Grants Jobs Florida new powers to seek judicial review of a DSAP which is not consistent with the adopted long-term master plan.
- Elaborates on the planning standards for the DSAP and allows it to have a planning period longer than the maximum 20-year period used in most plans.
- Provides that the master plan and the DSAP do not have to show “need”.
- Requires Jobs Florida to consult with the Department of Environmental Protection, the Fish and Wildlife Conservation Commission, and water management districts concerning the design of conservation areas.
- Requires metropolitan planning organization (MPO) to make its transportation plans consistent with an adopted master plan, to the maximum extent feasible.
- Requires a water management district to incorporate a master plan’s water resources and water supply projects into its regional water supply plan.
- Adds to an adopted DSAP the down-zoning protection required by law for DRIs.
- Authorizes a local government and developer to enter into a development agreement for lands with a master plan or DSAP, under certain conditions.
- Allows previously adopted large-area plans which meet the planning requirements of s. 163.3245, F.S., to be governed by the revised statute.
- Protects the right to continue agricultural or silvicultural uses, and to establish new such uses, in areas governed by a master plan or DSAP.

Section 17: Amends s. 163.3246, F.S., to conform to changes made by the act.

Section 18: Amends 163.32465, F.S., to expand the alternative state review pilot program to the entire state. The program decreases the amount of time it takes to review comprehensive plan amendments by limiting state review in the process.

Section 19: Creates s. 288.048, F.S., to transfer the incumbent worker training program, currently administered by Workforce Florida, Inc., in s. 445.003, F.S., within Jobs Florida. The bill provides for the administration of the program by Jobs Florida in conjunction with Workforce Florida, Inc.

Section 20: Amends s. 288.061, F.S., to modify the review and approval process for applications by businesses seeking state economic incentives. Specifically:

- The Jobs Florida commissioner will coordinate with Enterprise Florida, Inc., (EFI) at the beginning of the process the review of each application.

- The application review is broadened from simply determining whether the application is complete to an evaluation of what types of state and local permits might be required and whether the permits can be waived, and what type and amount of state incentives might be available for the applicant.
- With the Jobs Florida commissioner involved at the very beginning of the application review process, the current 34-day schedule from EFI review to commissioner’s approval is collapsed to 24 days. The proposed schedule would be:
 - Within 10 business days after receiving the application, the commissioner and EFI will inform the business applicant that the application is complete, as well as a discussion of the permitting issues, types of incentive available and amount of incentives available.
 - Within 14 business days after the initial review and communication with the applicant, the Jobs Florida commissioner will issue a letter either approving or denying the applicant.
- The commissioner may enter into one agreement or final order with an applicant for all of the incentives offered.
- The release of incentive funds still is guided by the statutory requirements for each incentive program.

Section 21: Makes a number of changes to s. 288.095, F.S., including:

- Replaces references to the Office of Tourism, Trade, and Economic Development with Jobs Florida.
- Transforms the Economic Development Trust Fund into an “incentives pot,” by moving in the appropriations for quick response training, incumbent worker training, the “road fund,” the quick action closing fund, brownfield redevelopment bonus refunds, high-impact sector performance grants, and the Innovation Incentive grants, to join the current qualified target industry business and the qualified defense contractor and spaceflight business refund programs.
- Removes a listing of what the annual incentives report required of Enterprise Florida, Inc., should include.

Sections 22-23: Amend ss. 380.06, and 380.115, F.S., to conform to changes made by the act.

Section 24: Amends s. 409.942, F.S., to conform to changes made by the act, including requiring the Department of Education to establish an electronic transfer benefit program for the use and management of child care.

Section 25: Amends s. 411.0102, F.S., to conform to changes made by the act, and includes a provision of s. 19, ch. 2010-210, L.O.F., requiring each early learning coalition board to develop a plan for the use of child care purchasing pool funds.

Section 26: Amends s. 1002.73, F.S., to incorporate the operational and administrative responsibilities of the Agency for Workforce Innovation for the Voluntary Prekindergarten Program. This also includes requiring the Department of Education to adopt procedures for the distribution of funds to early learning coalitions.

Sections 48, 51, 53-56, 60, 61, 70, 100, 101, 153, 155, 158, 166, 167, 168, 172, 173, 174, 195-197, 204, 257, 259, 260, 273, 288, 289, 298, 299:

Amend ss. 450.161, 464.203, 469.002, 469.003, 489.1455, 489.5335, 553.62, 597.006, 944.012, 45.031, 69.041, 252.85, 252.87, 252.937, 287.09431, 287.09451, 287.0947, 288.021, 288.035, 288.1162, 288.1168, 288.1169, 288.1229, 331.369, 377.711, 377.712, 409.2576, 414.24, 414.40, 440.385, and 440.49, , F.S., to update obsolete references to the former Department of Labor and Employment Security or the former Department of Commerce.

Sections 27-49, 50, 52, 57-59, 61-69, 71-99, 101-165, 169-256, 258, 261-272, 274-287, 290-297, 300-326:

Amend ss. 443.211, 433.221, 445.002, 445.003, 445.004, 445.007, 445.009, 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051, 445.056, 446.41, 446.50, 446.52, 450.191, 450.31, 468.529, 526.143, 526.144, 551.104, 597.006, 624.5105, 627.0628, 768.13, 943.03, 943.03101, 943.0311, 943.0312, 943.0313, 944.708, 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79, 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285, 1003.493, 1008.39, 1008.41, 1011.76, 1012.2251, 14.20195, 15.182, 16.615, 39.001, 69.041, 112.3135, 119.071, 120.80, 125.0104, 125.01045, 159.803, 159.8081, 159.8083, 163.03, 163.3178, 163.360, 166.0446, 175.021, 186.505, 212.08, 212.096, 212.097, 212.098, 212.20, 213.053, 215.5586, 216.136, 216.292, 216.231, 218.64, 220.03, 220.183, 220.191, 222.15, 250.06, 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36, 252.365, 252.37, 252.371, 252.373, 252.38, 252.385, 252.40, 252.41, 252.42, 252.43, 252.44, 252.46, 252.55, 252.60, 252.61, 252.82, 252.83, 252.85, 252.86, 252.87, 252.88, 252.936, 252.937, 252.943, 252.946, 255.099, 259.035, 260.0142, 282.34, 282.709, 288.012, 288.017, 288.018, 288.019, 28.021, 288.035, 288.047, 288.0656, 288.063, 288.065, 288.0655, 288.06561, 288.0657, 288.0659, 288.075, 288.1045, 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1083, 288.1088, 288.1089, 288.1095, 288.11621, 288.1169, 288.1171, 288.122, 288.1223, 288.1224, 288.1226, 288.1227, 288.1229, 288.124, 288.1251, 288.1252, 288.1253, 288.1254, 288.386, 288.7011, 288.705, 288.706, 288.707, 288.7091, 288.7094, 288.7102, 288.714, 288.816, 288.809, 288.826, 288.9015, 288.90151, 288.905, 288.9415, 288.95155, 288.955, 288.9625, 288.975, 288.980, 288.984, 288.9913, 288.9914, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, 290.004, 290.0055, 290.0056, 290.0065, 290.0066, 290.00710, 290.0072, 290.00725, 290.0073, 290.0074, 290.0077, 290.014, 311.09, 311.11, 311.115, 311.115, 311.22, 331.3051, 339.135, 380.285, 381.0086, 381.7354, 383.14, 402.281, 402.45, 402.56, 403.7032, 709.017, 409.1451, 380.06, 380.115, 409.944, 409.946, 411.01, 411.0101, 411.01013, 411.01014, 411.01015, 411.0102, 411.0103, 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.295, 414.411, 420.631, 420.635, 429.907, 440.12, 440.15, 440.381, 443.012, 443.036, 443.041, 443.051, 443.071, 443.091, 443.101, 443.111, 443.1113, 443.1115, 443.1116, 443.1215, 443.1216, 443.1217, 443.131, 443.1312, 443.1313, 443.1315, 443.1316, 443.1317, 443.141, 443.151, 443.163, 443.171, 443.1715, 443.181, and 443.191, F.S., to conform to changes made by the act, conform cross-references, and delete obsolete provisions.

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

- Sections 46-47: Amend ss. 448.109, 448.110, F.S., to conform to provisions made by the act, including designating the Department of Revenue as the “state Agency for Workforce Innovation” to implement s. 24, Art. X of the State Constitution for purposes of calculating the minimum wage.
- Section 169: Amends s. 288.012, F.S., to conform to provisions made by the act, and includes changing the term “foreign” to “international.”
- Section 191: Amends s. 288.1088, F.S. to:
- Specifies “joint review” of quick action closing fund applications by the Jobs Florida commissioner and Enterprise Florida, Inc.
 - Reduces from 22 days to 7 days the time-frame when the Jobs Florida commissioner will recommend to the Governor a business project for quick action closing funding.
 - Require certain actions by the Governor when recommending projects for approval to the President of the Senate and the Speaker of the House of Representatives:
 - Requires the Governor to provide in writing a description, in addition to the already required evaluation, of projects recommended; and
 - Requires the Governor to consult with the President and Speaker no sooner than 3 days after providing the written project descriptions and evaluations.
- Section 194: Amends s. 288.11621, F.S. to update provisions relating to development of a one-time Spring Training strategic plan, to require an update every 5 years, beginning in 2015. Also, clarifies that the updated plan should explore “alternatives” for financing spring training facilities.
- Section 169: Amends s. 288.826, F.S., to conform to provisions made by the act, and includes changing the term “foreign” to “international.”
- Section 275: Amends s. 409.946, F.S., to:
- Reduces the Inner City Review Panel from 7 to 6 members. This is recommended for 2 reasons:
 - There is no need for OTTED to appoint the board and serve on it;
 - DCA is removed from the board; and
 - Taking OTTED’s place is a “local economic development agency.”
- Section 327-329: Amend ss. 161.54, 163.3221, and 380.031, F.S., to conform to changes made by the act – changes references to the Department of Community Affairs as the “state land planning agency” to Jobs Florida.

STATUTORY TRANSFERS

Section 330: Transfers, renumbers, and amends s. 20.505, F.S., as 20.605, F.S., to conform to changes made by the act.

Section 331: Transfers, renumbers, and amends s. 1004.99, F.S., as 445.06, F.S., to transfer administration of the Florida Ready to Work Certification Program to Jobs Florida.

STATUTORY REPEALS

Section 332: Repeals s. 14.2015, F.S., which relates to the creation of the Office of Tourism, Trade, and Economic Development.

Section 333: Repeals s. 20.18, F.S., which relates to the creation of the Department of Community Affairs.

Section 334: Repeals s. 20.50, F.S., which relates to the creation of the Agency for Workforce Innovation.

Section 335: Repeals obsolete ss. 255.551, 255.552, 255.553, 255.5535, 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562, and 255.563, F.S., which relate to the abatement of asbestos in state buildings.

Section 336: Repeals obsolete s. 287.115, F.S., which relates to a requirement for the Chief Financial Officer to submit a report on contractual service contracts disallowed.

Section 337: Repeals obsolete s. 288.038, F.S., which relates to agreements appointing county tax collectors as agents of the Department of Labor and Employment Security for licenses and other similar registrations

Section 338: Repeals s. 288.9618, F.S., which relates to an economic development program for microenterprises.

Section 339: Repeals s. 288.982, F.S., which relates to a public records exemption for certain records relating to the United States Department of Defense Base Realignment and Closure 2005 process.

Section 340: Repeals s. 411.0105, F.S., which designates the Agency for Workforce Innovation as the lead agency to administer specified federal laws related to early learning and school readiness.

Section 341: Repeals obsolete s. 446.60, F.S., which relates to assistance for displaced local exchange telecommunications company workers.

Section 342: Repeals s. 1002.75, F.S., which relates to responsibilities of the Agency for Workforce Innovation in the Voluntary Prekindergarten Program.

EFFECTIVE DATE

Section 343: Provides an effective date of July 1, 2011.

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

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30 Florida; authorizing the Governor to transfer funds
31 and positions between agencies upon approval from the
32 Legislative Budget Commission to implement the act;
33 providing a directive to the Division of Statutory
34 Revision to prepare conforming legislation; creating
35 s. 14.2016, F.S.; establishing the Office of Emergency
36 Management within the Executive Office of the
37 Governor; providing for the director of the office to
38 serve at the pleasure of the Governor; amending s.
39 20.15, F.S.; establishing the Division of Early
40 Learning within the Department of Education; providing
41 for the division to administer the school readiness
42 system and the Voluntary Prekindergarten Education
43 Program; providing for the division to be headed by
44 the Deputy Director for Early Learning; amending s.
45 20.60, F.S.; creating Jobs Florida as a new department
46 of state government; providing for the commissioner of
47 Jobs Florida to be appointed by the Governor and
48 confirmed by the Senate; establishing divisions of
49 Jobs Florida and specifying their responsibilities;
50 providing for Jobs Florida to serve as the designated
51 agency for the purposes of federal workforce
52 development grants; authorizing Jobs Florida to
53 contract for training for employees of administrative
54 entities and case managers of contracted providers;
55 specifying that the Unemployment Appeals Commission is
56 not subject to control, supervision, or direction from
57 Jobs Florida; specifying the responsibilities of the
58 Commissioner of Jobs Florida; limiting the amount of

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59 the commissioner's public remuneration; authorizing
60 the commissioner to receive privately funded
61 performance bonuses from certain entities; specifying
62 powers and responsibilities of the Chief Inspector
63 General in the Executive Office of the Governor with
64 respect to Jobs Florida; providing for Jobs Florida to
65 have an official seal; providing for Jobs Florida to
66 administer the role of state government with respect
67 to laws relating to housing; authorizing Jobs Florida
68 to adopt rules; requiring the commissioner of Jobs
69 Florida to submit a report to the Legislature relating
70 to the effectiveness of the state's public-private
71 partnerships; amending s. 112.044, F.S., requiring an
72 employer, employment agency, and labor organization to
73 post notices required by the United States Department
74 of Labor and the United States Equal Employment
75 Opportunity Commission; amending s. 163.3164, F.S.;
76 redefining the term "optional sector plans" as "sector
77 plans"; amending ss. 163.3177, and 163.3180, F.S.;
78 deleting the word "optional" from the phrase "optional
79 sector plans" to conform to changes made by the act;
80 amending s. 163.3184, F.S.; creating exceptions to
81 requirements for comprehensive plan amendments to be
82 reviewed by the state land planning agency; requiring
83 the state land planning agency to submit a copy of a
84 comprehensive plan or plan amendment that relates to
85 or includes a public schools facilities element to the
86 Department of Education; amending s. 163.3191, F.S.;
87 creating exceptions to requirements for a local

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88 government to prepare an evaluation and appraisal
89 report to assess progress in implementing the local
90 government's comprehensive plan; deleting requirements
91 for a local government to include in an evaluation and
92 appraisal report certain statements to update a
93 comprehensive plan; deleting a requirement for a local
94 government to provide a proposed evaluation and
95 appraisal report to certain entities and interested
96 citizens; deleting provisions relating to a
97 requirement for a local government to adopt an
98 evaluation and appraisal report; providing for the
99 report to be submitted as data and analysis in support
100 of amendments based on evaluation and appraisal
101 report; deleting provisions relating to the delegation
102 of the review of evaluation and appraisal reports;
103 authorizing the state land planning agency to
104 establish a phased schedule for adoption of amendments
105 based on an evaluation and appraisal report; deleting
106 a requirement for the state land planning agency to
107 review the evaluation and appraisal report process and
108 submit a report to the Governor and the Legislature
109 regarding its findings; amending s. 163.3245, F.S.;
110 renaming optional sector plans as sector plans;
111 increasing the minimum size of geographic areas that
112 qualify for the use of sector plans; revising
113 terminology relating to such plans; deleting obsolete
114 provisions; renaming long-term conceptual buildout
115 overlays as long-term master plans; revising the
116 content required to be included in long-term master

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117 plans and detailed specified area plans; requiring
118 identification of water development projects and
119 transportation facilities to serve future development
120 needs; exempting certain developments from the
121 requirement to develop a detailed specific area plan;
122 providing that detailed specific area plans shall be
123 adopted by local development orders; requiring that
124 detailed specific area plans include a buildout date
125 and precluding certain changes in the development
126 until after that date; authorizing certain development
127 agreements between the developer and the local
128 government; providing for continuation of certain
129 existing land uses; amending s. 163.3246, F.S.;
130 deleting the word "optional" from the phrase "optional
131 sector plans" to conform to changes made by the act;
132 amending s. 163.32465, F.S.; making the alternative
133 state review of comprehensive plan amendments
134 applicable statewide; creating s. 288.048, F.S.;
135 creating the incumbent worker training program within
136 Jobs Florida; providing for the program to provide
137 preapproved, direct, training-related costs; providing
138 for the administration of the program by Jobs Florida
139 in conjunction with Workforce Florida, Inc.; amending
140 s. 288.061, F.S.; providing for Jobs Florida to review
141 applications for state economic development
142 incentives; authorizing the commissioner of Jobs
143 Florida to enter into an agreement with an applicant
144 relating to all incentives offered by the state;
145 amending s. 288.095, F.S.; providing for the Economic

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146 Development Incentives account to be used for certain
147 economic development incentives programs; providing
148 for Jobs Florida to approve applications for
149 certification or requests for participation in certain
150 economic development programs; amending s. 380.06,
151 F.S.; revising an exemption for certain developments
152 from requirements relating to developments of regional
153 impact; amending s. 380.115, F.S.; deleting the word
154 "optional" from the phrase "optional sector plans" to
155 conform to changes made by the act; amending s.
156 409.942, F.S.; requiring the Department of Education
157 to establish an electronic transfer benefit program
158 for the use and management of child care; amending s.
159 411.0102, F.S.; requiring each early learning
160 coalition board to develop a plan for the use of child
161 care purchasing pool funds; amending s. 1002.73, F.S.;
162 requiring the Department of Education to administer
163 the operational requirements of the Voluntary
164 Prekindergarten Education Program; requiring the
165 Department of Education to adopt procedures governing
166 the administration of the Voluntary Prekindergarten
167 Education Program by the early learning coalitions and
168 school districts; requiring the Department of
169 Education to adopt procedures for the distribution of
170 funds to early learning coalitions; amending ss.
171 14.20195, 15.182, 16.615, 39.001, 45.031 69.041,
172 112.3135, 119.071, 120.80, 125.01045, 159.803,
173 159.8081, 159.8083, 163.03, 163.3178, 163.360,
174 166.0446, 175.021, 186.505, 212.08, 212.096, 212.097,

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175 212.098, 213.053, 215.5586, 216.136, 216.292, 216.231,
176 218.64, 220.03, 220.183, 220.191, 222.15, 250.06,
177 252.32, 252.34, 252.35, 252.355, 252.3568, 252.36,
178 252.365, 252.37, 252.371, 252.373, 252.38, 252.385,
179 252.40, 252.41, 252.42, 252.43, 252.44, 252.46,
180 252.55, 252.60, 252.61, 252.82, 252.83, 252.85,
181 252.86, 252.87, 252.88, 252.936, 252.937, 252.943,
182 252.946, 255.099, 259.035, 260.0142, 282.34, 282.709,
183 287.09431, 287.09451, 287.0947, 288.012, 288.017,
184 288.018, 288.019, 288.021, 288.035, 288.047, 288.0656,
185 288.063, 288.065, 288.0655 288.0656, 288.06561,
186 288.0657, 288.0659, 288.075, 288.1045, 288.106,
187 288.107, 288.108, 288.1081, 288.1082, 288.1083,
188 288.1088, 288.1089, 288.1095, 288.1162, 288.11621,
189 288.1168, 288.1169, 288.1171, 288.122, 288.1223,
190 288.1224, 288.1226, 288.1227, 288.1229, 288.124,
191 288.1251, 288.1252, 288.1253, 288.1254, 288.386,
192 288.7011, 288.705, 288.706, 288.707, 288.7091,
193 288.7094, 288.7102, 288.714, 288.816, 288.809,
194 288.826, 288.9015, 288.90151, 288.905, 288.9415,
195 288.95155, 288.955, 288.9625, 288.975, 288.980,
196 288.984, 288.9913, 288.9914, 288.9916, 288.9917,
197 288.9918, 299.9919, 288.9920, 288.9921, 290.004,
198 290.0055, 290.0056, 290.0065, 290.0066, 290.00710,
199 290.0072, 290.00725, 290.0073, 290.0074, 290.0077,
200 290.014, 311.09, 311.11, 311.115, 311.22, 331.3051,
201 331.369, 339.135, 377.711, 377.712, 380.285, 381.0086,
202 381.7354, 383.14, 402.281, 402.45, 402.56, 403.7032,
203 409.017, 409.1451, 409.2576, 409.944, 409.946, 411.01,

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204 411.0101, 411.01013, 411.01014, 411.01015, 411.0103,
205 411.0104, 411.0106, 411.011, 411.226, 411.227, 414.24,
206 414.40, 414.295, 414.411, 420.631, 420.635, 429.907,
207 440.12, 440.15, 440.381, 440.385, 440.49, 443.012,
208 443.036, 443.041, 443.051, 443.071, 443.091, 443.101,
209 443.111, 443.1113, 443.1115, 443.1116, 443.1215,
210 443.1216, 443.1217, 443.131, 443.1312, 443.1313,
211 443.1315, 443.1316, 443.1317, 443.141, 443.151,
212 443.163, 443.171, 443.1715, 443.181, 443.191, 443.211,
213 443.221, 445.002, 445.003, 445.004, 445.007, 445.009,
214 445.016, 445.024, 445.0325, 445.038, 445.045, 445.048,
215 445.049, 445.051, 445.056, 446.41, 446.50, 446.52,
216 448.109, 448.110, 450.161, 450.191, 450.31, 464.203,
217 468.529, 469.002, 469.003, 489.1455, 489.5335,
218 526.143, 526.144, 551.104, 553.62, 597.006, 624.5105,
219 627.0628, 768.13, 943.03, 943.03101, 943.0311,
220 943.0312, 943.0313, 944.012, 944.708, 944.801, 945.10,
221 985.601, 1002.375, 1002.53, 1002.55, 1002.61, 1002.63,
222 1002.67, 1002.69, 1002.71, 1002.72, 1002.77, 1002.79,
223 1003.491, 1003.492, 1003.493, 1003.575, 1003.4285,
224 1003.493, 1008.39, 1008.41, 1011.76, and 1012.2251,
225 F.S.; conforming provisions to changes made by the
226 act; conforming cross-references; deleting obsolete
227 provisions; transferring, renumbering, and amending
228 ss. 20.505 and 1004.99, F.S.; conforming provisions to
229 changes made by the act; repealing s. 14.2015, F.S.,
230 which relates to the creation of the Office of
231 Tourism, Trade, and Economic Development; repealing s.
232 20.18, F.S., which relates to the creation of the

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233 Department of Community Affairs; repealing s. 20.50,
234 F.S., which relates to the creation of the Agency for
235 Workforce Innovation; repealing ss. 255.551, 255.552,
236 255.553, 255.5535, 255.555, 255.556, 255.557,
237 255.5576, 255.558, 255.559, 255.56, 255.561, 255.562,
238 and 255.563, F.S., which relates to the abatement of
239 asbestos in state buildings; repealing s. 287.115,
240 F.S., which relates to a requirement for the Chief
241 Financial Officer to submit a report on contractual
242 service contracts disallowed; repealing s. 288.038,
243 F.S., which relates to agreements appointing county
244 tax collectors as an
245 agent of the Department of Labor and Employment
246 Security for licenses and other similar registrations;
247 repealing s. 288.9618, F.S., which relates to an
248 economic development program for microenterprises;
249 repealing s. 288.982, F.S., which relates to a public
250 records exemption for certain records relating to the
251 United States Department of Defense Base Realignment
252 and Closure 2005 process; repealing s. 411.0105, F.S.,
253 which designates the Agency for Workforce Innovation
254 as the lead agency to administer specified federal
255 laws; repealing s. 446.60, F.S., which relates to
256 assistance for displaced local exchange
257 telecommunications company workers; repealing s.
258 1002.75, F.S., which relates to responsibilities of
259 the Agency for Workforce Innovation; providing an
260 effective date.
261

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

263
264 Section 1. Type two transfers from the Agency for Workforce
265 Innovation.—

266 (1) All powers, duties, functions, records, offices,
267 personnel, property, pending issues, and existing contracts,
268 administrative authority, administrative rules, and unexpended
269 balances of appropriations, allocations, and other funds
270 relating to the following programs in the Agency for Workforce
271 Innovation are transferred by a type two transfer, as defined in
272 s. 20.06(2), Florida Statutes, as follows:

273 (a) The Office of Early Learning Services is transferred to
274 the Department of Education.

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

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

279 (2) The following trust funds are transferred:

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

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

285 1. The Administrative Trust Fund.

286 2. The Employment Security Administration Trust Fund.

287 3. The Special Employment Security Administration Trust
288 Fund.

289 4. The Unemployment Compensation Benefit Trust Fund.

290 5. The Unemployment Compensation Clearing Trust Fund.

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291 6. The Revolving Trust Fund.

292 7. The Welfare Transition Trust Fund.

293 8. The Displaced Homemaker Trust Fund.

294 (3) Any binding contract or interagency agreement existing
295 on or before July 1, 2011, between the Agency for Workforce
296 Innovation, or an entity or agent of the agency, and any other
297 agency, entity, or person shall continue as a binding contract
298 or agreement for the remainder of the term of such contract or
299 agreement with the successor department, agency, or entity
300 responsible for the program, activity, or functions relative to
301 the contract or agreement.

302 (4) All powers, duties, functions, records, offices,
303 personnel, property, pending issues, and existing contracts,
304 administrative authority, administrative rules, and unexpended
305 balances of appropriations, allocations, and other funds
306 relating to the Agency for Workforce Innovation, and not
307 specifically delineated for transfer within this section are
308 transferred by a type two transfer to Jobs Florida.

309 Section 2. Type two transfers from the Department of
310 Community Affairs.—

311 (1) All powers, duties, functions, records, offices,
312 personnel, property, pending issues, and existing contracts,
313 administrative authority, administrative rules, and unexpended
314 balances of appropriations, allocations, and other funds
315 relating to the following programs in the Department of
316 Community Affairs are transferred by a type two transfer, as
317 defined in s. 20.06(2), Florida Statutes, as follows:

318 (a) The Florida Housing Finance Corporation is transferred
319 to Jobs Florida.

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

322 (c) The Division of Community Planning is transferred to
323 Jobs Florida.

324 (d) The Division of Emergency Management is transferred to
325 the Executive Office of the Governor, and is renamed the Office
326 of Emergency Management.

327 (e) The Florida Building Commission is transferred to the
328 Department of Business and Professional Regulation.

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

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

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

338 (2) The following trust funds are transferred:

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

341 1. The Administrative Trust Fund.

342 2. The State Housing Trust Fund.

343 3. The Community Services Block Grant Trust Fund.

344 4. The Local Government Housing Trust Fund.

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

347 6. The Federal Grants Trust Fund.

348 7. The Grants and Donations Trust Fund.

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- 349 8. The Energy Consumption Trust Fund.
- 350 9. The Low-Income Home Energy Assistance Trust Fund.
- 351 (b) From the Department of Community Affairs to the
352 Executive Office of the Governor:
- 353 1. The Emergency Management Preparedness and Assistance
354 Trust Fund.
- 355 2. The Federal Emergency Management Programs Support Trust
356 Fund.
- 357 3. The U.S. Contributions Trust Fund.
- 358 (c) From the Department of Community Affairs to the
359 Department of Business and Professional Regulation, the
360 Operating Trust Fund of the Florida Building Commission.
- 361 (d) From the Department of Community Affairs to the
362 Department of Environmental Protection:
- 363 1. The Florida Forever Program Trust Fund.
- 364 2. The Florida Communities Trust Fund.
- 365 (3) Any binding contract or interagency agreement existing
366 on or before July 1, 2011, between the Department of Community
367 Affairs or Division of Emergency Management, or an entity or
368 agent of the department or division, and any other agency,
369 entity, or person shall continue as a binding contract or
370 agreement for the remainder of the term of such contract or
371 agreement with the successor department, agency, or entity
372 responsible for the program, activity, or functions relative to
373 the contract or agreement.
- 374 (4) All powers, duties, functions, records, offices,
375 personnel, property, pending issues, and existing contracts,
376 administrative authority, administrative rules, and unexpended
377 balances of appropriations, allocations, and other funds

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378 relating to the Department of Community Affairs, and not
379 specifically delineated for transfer within this section are
380 transferred by a type two transfer to Jobs Florida.

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

383 (1) All powers, duties, functions, records, offices,
384 personnel, property, pending issues, and existing contracts,
385 administrative authority, administrative rules, and unexpended
386 balances of appropriations, allocations, and other funds
387 relating to the Office of Tourism, Trade and Economic
388 Development in the Executive Office of the Governor are
389 transferred by a type two transfer, as defined in s. 20.06(2),
390 Florida Statutes, to Jobs Florida.

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

- 393 1. The Grants and Donations Trust Fund.
394 2. The Economic Development Trust Fund.
395 3. The Economic Development Transportation Trust Fund.
396 4. The Tourism Promotional Trust Fund.
397 5. The Professional Sports Development Trust Fund.
398 6. The Florida International Trade and Promotion Trust
399 Fund.

400 (3) Any binding contract or interagency agreement existing
401 on or before July 1, 2011, between the Office of Tourism, Trade
402 and Economic Development in the Executive Office of the
403 Governor, or an entity or agent of the office, and any other
404 agency, entity, or person shall continue as a binding contract
405 or agreement for the remainder of the term of such contract or
406 agreement with the successor department, agency, or entity

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407 responsible for the program, activity, or functions relative to
408 the contract or agreement.

409 (4) All powers, duties, functions, records, offices,
410 personnel, property, pending issues, and existing contracts,
411 administrative authority, administrative rules, and unexpended
412 balances of appropriations, allocations, and other funds
413 relating to the Office of Tourism, Trade and Economic
414 Development in the Executive Office of the Governor, and not
415 specifically delineated for transfer within this section are
416 transferred by a type two transfer to Jobs Florida.

417 Section 4. (1) It is the intent of the Legislature that the
418 changes made by this act be accomplished with minimal disruption
419 of services provided to the public and with minimal disruption
420 to employees of any organization. To that end, the Legislature
421 directs all applicable units of state government to contribute
422 to the successful implementation of this act, and the
423 Legislature believes that a transition period between the
424 effective date of this act and October 1, 2011, is appropriate
425 and warranted.

426 (2) The Agency for Workforce Innovation, the Department of
427 Community Affairs, and the Office of Tourism, Trade and Economic
428 Development in the Executive Office of the Governor shall each
429 coordinate the development and implementation of a transition
430 plan that supports the implementation of this act. Any state
431 agency identified by either the Agency for Workforce Innovation,
432 the Department of Community Affairs, or the Office of Tourism,
433 Trade and Economic Development in the Executive Office of the
434 Governor shall cooperate fully in developing and implementing
435 the plan and shall dedicate the financial and staff resources

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436 that are necessary to implement the plan. The Agency for
437 Workforce Innovation, the Department of Community Affairs, and
438 the Office of Tourism, Trade and Economic Development in the
439 Executive Office of the Governor shall each designate a staff
440 member to serve as the primary representative on matters related
441 to implementing this act and the transition plans required under
442 this section.

443 (3) The Governor shall designate a staff member of the
444 Office of Planning and Budgeting to serve as the Governor's
445 primary representative on matters related to implementing this
446 act for the Agency for Workforce Innovation, the Department of
447 Community Affairs, and the Office of Tourism, Trade and Economic
448 Development and the transition plans required under this
449 section. Each representative shall report to the Governor, the
450 President of the Senate, and the Speaker of the House of
451 Representatives on the progress of implementing this act and the
452 transition plans, including, but not limited to, any adverse
453 impact or negative consequences on programs and services, of
454 meeting any deadline imposed by this act, any difficulties
455 experienced by the Agency for Workforce Innovation, the
456 Department of Community Affairs, or the Office of Tourism, Trade
457 and Economic Development in securing the full participation and
458 cooperation of applicable state agencies. Each representative
459 shall also coordinate the submission of any budget amendments,
460 in accordance with chapter 216, Florida Statutes, that may be
461 necessary to implement this act.

462 (4) Notwithstanding ss. 216.292 and 216.351, Florida
463 Statutes, upon approval by the Legislative Budget Commission,
464 the Executive Office of the Governor may transfer funds and

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465 positions between agencies to implement this act.

466 (5) Upon the recommendation and guidance of the primary
467 representative of the Agency for Workforce Innovation, the
468 Department of Community Affairs, or the Office of Tourism, Trade
469 and Economic Development, the Governor shall submit in a timely
470 manner to the applicable Federal departments or agencies any
471 necessary amendments or supplemental information concerning
472 plans that the state is required to submit to the Federal
473 Government in connection with any federal or state program. The
474 Governor shall seek any waivers from the requirements of Federal
475 law or rules which may be necessary to administer the provisions
476 of this act.

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

486 Section 5. The Legislature recognizes that there is a need
487 to conform the Florida Statutes to the policy decisions
488 reflected in this act and that there is a need to resolve
489 apparent conflicts between any other legislation that has been
490 or may be enacted during the 2011 Regular Session of the
491 Legislature and the transfer of duties made by this act.
492 Therefore, in the interim between this act becoming law and the
493 2012 Regular Session of the Legislature or an earlier special

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494 session addressing this issue, the Division of Statutory
495 Revision shall prepare draft legislation to conform the Florida
496 Statutes and any legislation enacted during 2011 to the
497 provisions of this act.

498 Section 6. Section 14.2016, Florida Statutes, is created to
499 read:

500 14.2016 Office of Emergency Management.—The Office of
501 Emergency Management is established within the Executive Office
502 of the Governor. The office shall be a separate budget entity,
503 as provided in the General Appropriations Act. The office shall
504 be responsible for all professional, technical, and
505 administrative support functions necessary to carry out its
506 responsibilities under part I of chapter 252. The director of
507 the office shall be appointed by and serve at the pleasure of
508 the Governor, and shall be the head of the office for all
509 purposes. Under the direction of the Governor, the office shall
510 administer programs to apply rapidly all available aid to
511 communities stricken by an emergency as defined in s. 252.34
512 and, for this purpose, shall provide liaison with federal
513 agencies and other public and private agencies.

514 Section 7. Section 6. Paragraph (h) is added to subsection
515 (3) and subsection (9) is added to section 20.15, Florida
516 Statutes, to read:

517 20.15 Department of Education.—There is created a
518 Department of Education.

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

521 (h) The Division of Early Learning, which shall administer
522 the school readiness system in accordance with s. 411.01 and the

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523 operational requirements of the Voluntary Prekindergarten
524 Education Program in accordance with part V of chapter 1002. The
525 Division shall be directed by the Deputy Director for Early
526 Learning, who shall be appointed by and serve at the pleasure of
527 the commissioner.

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

533 Section 8. Section 20.60, Florida Statutes, is created to
534 read:

535 20.60 Jobs Florida; creation; powers and duties.-

536 (1) There is created a department that, notwithstanding the
537 provisions of s. 20.04(1), shall be called Jobs Florida.

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

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

544 (a) The Division of Business Development.

545 (b) The Division of Strategic Planning.

546 (c) The Division of Community Development.

547 (d) The Division of Unemployment Services.

548 (e) The Division of Workforce Services.

549 (f) The Division of Finance and Administration.

550 (4) The purpose of Jobs Florida is to assist the Governor
551 in working with the Legislature, state agencies, business

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552 leaders, and economic development professionals to formulate and
553 implement coherent and consistent policies and strategies
554 designed to promote economic opportunities for all Floridians.

555 To accomplish such purposes, Jobs Florida shall:

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

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

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

568 (d) Manage the activities of public-private partnerships
569 and state agencies in order to avoid duplication and promote
570 coordinated and consistent implementation of programs in areas
571 including, but not limited to, tourism; international trade and
572 investment; business recruitment, creation, retention, and
573 expansion; minority and small business development; rural
574 community development; commercialization of products, services,
575 or ideas developed in public universities or other public
576 institutions; and the development and promotion of professional
577 and amateur sporting events.

578 (5) The divisions within Jobs Florida have specific
579 responsibilities to achieve the duties, responsibilities, and
580 goals of Jobs Florida. Specifically:

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- 581 (a) The Division of Business Development shall:
582 1. Administer the tax refund and tax credit programs
583 created in law, including, but limited to, the Quick Response
584 Training and Incumbent Worker Training incentives, the Quick
585 Action Closing Fund incentive, the Qualified Target Industry Tax
586 Refund incentive, the High-Impact Industry Grant incentive, the
587 Qualified Defense Contractor and Spaceflight Business tax refund
588 incentive, the Innovation Incentive Program, the Economic
589 Development Transportation Fund, the Capital Investment Tax
590 Credit incentive, the Community Contribution Tax Credit
591 incentive, and the Local Government Distressed Area Matching
592 Grant program;
593 2. Administer the Rural Community Development Revolving
594 Loan Fund, the Rural Infrastructure Fund, the Rural Economic
595 Development Strategy Grants, and other incentive or business
596 development programs targeting rural Florida;
597 3. Administer the military grant and related programs under
598 part XI of chapter 288;
599 4. Administer grants and programs related to minority
600 business and small business, under part IV of chapter 288; and
601 5. Assist Enterprise Florida, Inc., Space Florida, and the
602 Florida Commission on Tourism, in preparing an annual report to
603 the Legislature on the state of the business climate in Florida
604 and on the state of economic development in Florida which
605 includes the identification of problems and the recommendation
606 of solutions. This report shall be submitted to the President of
607 the Senate, the Speaker of the House of Representatives, the
608 Senate Minority Leader, and the House Minority Leader by January
609 1 of each year, and shall be in addition to the Governor's

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610 message to the Legislature required by the State Constitution
611 and any other economic reports required by law, including the
612 annual incentives report prepared by Enterprise Florida, Inc.

613
614 Notwithstanding any other provision of law, Jobs Florida may
615 expend interest earned from the investment of program funds
616 deposited in the Grants and Donations Trust Fund to contract for
617 the administration of those programs, or portions of the
618 programs, enumerated in this paragraph or assigned to Jobs
619 Florida by law, by the appropriations process, or by the
620 Governor. Such expenditures shall be subject to review under
621 chapter 216.

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

- 623 1. The Community Services Block Grant Program.
624 2. The Community Block Grant Program in chapter 290.
625 3. The Low-Income Energy Assistance Program in chapter 409.
626 4. The Weatherization Assistance Program in chapter 409.
627 5. The Neighborhood Stabilization Program.
628 6. The local comprehensive planning process and the
629 development of regional impact process.

630 7. The Front Porch Florida Initiative through the Office of
631 Urban Opportunity, which is created within the division. The
632 purpose of the office is to administer the Front Porch Florida
633 initiative, a comprehensive, community-based urban core
634 redevelopment program that enables urban core residents to craft
635 solutions to the unique challenges of each designated community.

636 7. Any other related programs.

637 (c) The Division of Strategic Planning shall administer the
638 following activities:

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639 1. Statewide strategic planning, with the assistance of the
640 governing boards of Enterprise Florida, Inc., Space Florida,
641 Visit Florida, Workforce Florida, Inc., and the Florida
642 Entertainment Advisory Council; and

643 2. Developing measurement protocols for the state incentive
644 programs and for the contracted entities which will be used to
645 determine their performance and competitive value to the state.
646 Performance measures, benchmarks, and sanctions must be
647 developed in consultation with the legislative appropriations
648 committees and the appropriate substantive committees, and are
649 subject to the review and approval process provided in s.
650 216.177. The approved performance measures, standards, and
651 sanctions shall be included and made a part of the strategic
652 plan for contracts entered into for delivery of programs
653 authorized by this section.

654 (d) The Division of Workforce Services shall:

655 1. Prepare and submit as a separate budget entity a unified
656 budget request for workforce in accordance with chapter 216 for,
657 and in conjunction with, Workforce Florida, Inc., and its board.

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

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

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

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

682 (e) The Division of Unemployment Services shall implement
683 the state's unemployment compensation program. Jobs Florida
684 shall ensure that the state appropriately administers the
685 unemployment compensation program pursuant to state and federal
686 law.

687 (6) Jobs Florida shall serve as the designated agency for
688 purposes of each federal workforce development grant assigned to
689 it for administration. Jobs Florida shall carry out the duties
690 assigned to it by the Governor, under the terms and conditions
691 of each grant. Jobs Florida shall have the level of authority
692 and autonomy necessary to be the designated recipient of each
693 federal grant assigned to it, and shall disburse such grants
694 pursuant to the plans and policies of Workforce Florida, Inc.
695 The commissioner may, upon delegation from the Governor and
696 pursuant to agreement with Workforce Florida, Inc., sign

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697 contracts, grants, and other instruments as necessary to execute
698 functions assigned to Jobs Florida. Notwithstanding other
699 provision of law, Jobs Florida shall administer other programs
700 funded by federal or state appropriations, as determined by the
701 Legislature in the General Appropriations Act or by law.

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

707 (8) The Unemployment Appeals Commission, authorized by s.
708 443.012, is not subject to control, supervision, or direction by
709 Jobs Florida in the performance of its powers and duties but
710 shall receive any and all support and assistance from Jobs
711 Florida that is required for the performance of its duties.

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

713 1. Manage all activities and responsibilities of the
714 department.

715 2. Serve as the Governor's chief negotiator for business
716 recruitment and business expansion.

717 3. Serve as the manager for the state with respect to
718 contracts with Enterprise Florida, Inc., the Florida Commission
719 on Tourism, Space Florida, the Institute for the
720 Commercialization of Public Research, and all applicable direct-
721 support organizations. To accomplish the provisions of this
722 section and applicable provisions of chapter 288, and
723 notwithstanding the provisions of part I of chapter 287, the
724 commissioner shall enter into specific contracts with Enterprise
725 Florida, Inc., the Florida Commission on Tourism, Space Florida,

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726 the Institute for the Commercialization of Public Research, and
727 other appropriate direct-support organizations. Such contracts
728 may be for multiyear terms and shall include specific
729 performance measures for each year.

730 4. Serve as the state protocol officer. In consultation
731 with the Governor and other governmental officials, the
732 commissioner shall develop, maintain, publish, and distribute
733 the state protocol manual.

734 (b) Notwithstanding any other law, resolution, or rule to
735 the contrary, the commissioner may not receive more in public
736 remuneration annually than \$130,000, pursuant to the General
737 Appropriations Act, and for the purposes of the Florida
738 Retirement System, only the commissioner's public remuneration
739 may be considered.

740 (10) The Chief Inspector General in the Executive Office of
741 the Governor:

742 (a) Shall advise public-private partnerships in their
743 development, utilization, and improvement of internal control
744 measures necessary to ensure fiscal accountability.

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

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

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

754 (e) Shall monitor public-private partnerships for

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755 compliance with the terms and conditions of contracts with the
756 department and report noncompliance to the Governor.

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

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

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

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

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

774 Section 9. By January 1, 2012, the commissioner of Jobs
775 Florida shall submit to the President of the Senate and the
776 Speaker of the House of Representatives an assessment of the
777 effectiveness of the state's public-private partnerships related
778 to economic development, to include Enterprise Florida, Inc.,
779 the Florida Commission on Tourism, the Florida Sports
780 Foundation, Space Florida, and the Institute for the
781 Commercialization of Public Research. The Commissioner shall
782 also submit any recommendations to improve the effectiveness of
783 these public-private partnerships, or any other measures to

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784 improve the effectiveness of state efforts to promote economic
785 development in this state.

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

788 112.044 Public employers, employment agencies, labor
789 organizations; discrimination based on age prohibited;
790 exceptions; remedy.—

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

792 ~~(d) "Department" means the Department of Labor and~~
793 ~~Employment Security.~~

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

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

803 163.3164 Local Government Comprehensive Planning and Land
804 Development Regulation Act; definitions.—As used in this act:

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

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

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813 ~~certain designated geographic areas identified in the local~~
814 ~~comprehensive plan~~ as a means of fostering innovative planning
815 and development strategies in s. 163.3177(11)(a) and (b),
816 furthering the purposes of this part and part I of chapter 380,
817 reducing overlapping data and analysis requirements, protecting
818 regionally significant resources and facilities, and addressing
819 extrajurisdictional impacts. The term includes an optional
820 sector plan that was adopted pursuant to the Optional Sector
821 Plan program.

822 Section 12. Paragraph (d) of subsection (15) of section
823 163.3177, Florida Statutes, is amended to read:

824 163.3177 Required and optional elements of comprehensive
825 plan; studies and surveys.—

826 (15)

827 (d) This subsection does not apply to a ~~an optional~~ sector
828 plan adopted pursuant to s. 163.3245, a rural land stewardship
829 area designated pursuant to subsection (11), or any
830 comprehensive plan amendment that includes an inland port
831 terminal or affiliated port development.

832 Section 13. Paragraph (a) of subsection (12) of section
833 163.3180, Florida Statutes, is amended to read:

834 163.3180 Concurrency.—

835 (12)(a) A development of regional impact may satisfy the
836 transportation concurrency requirements of the local
837 comprehensive plan, the local government's concurrency
838 management system, and s. 380.06 by payment of a proportionate-
839 share contribution for local and regionally significant traffic
840 impacts, if:

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

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

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

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

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

859

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

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

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

884 163.3184 Process for adoption of comprehensive plan or plan
885 amendment.—

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

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

903 (4) INTERGOVERNMENTAL REVIEW.—The governmental agencies
904 specified in paragraph (3)(a) shall provide comments to the
905 state land planning agency within 30 days after receipt by the
906 state land planning agency of the complete proposed plan
907 amendment. If the plan or plan amendment includes or relates to
908 the public school facilities element pursuant to s.
909 163.3177(12), the state land planning agency shall submit a copy
910 to the Department of Education ~~Office of Educational Facilities~~
911 ~~of the Commissioner of Education~~ for review and comment. The
912 appropriate regional planning council shall also provide its
913 written comments to the state land planning agency within 30
914 days after receipt by the state land planning agency of the
915 complete proposed plan amendment and shall specify any
916 objections, recommendations for modifications, and comments of
917 any other regional agencies to which the regional planning
918 council may have referred the proposed plan amendment. Written
919 comments submitted by the public within 30 days after notice of
920 transmittal by the local government of the proposed plan
921 amendment will be considered as if submitted by governmental
922 agencies. All written agency and public comments must be made
923 part of the file maintained under subsection (2).

924 (11) ADMINISTRATION COMMISSION.—

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

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929 and except as provided in s. 163.3189(2) or s. 163.3191(9) ~~s.~~
930 ~~163.3191(11)~~.

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

933 163.3191 Evaluation and appraisal of comprehensive plan.—

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

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

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

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

955 ~~Furthermore,~~

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

957 (a) Adopted comprehensive plans be reviewed through such

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

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

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

982 (3)~~(2)~~ The report shall present an evaluation and
983 assessment of the comprehensive plan and the local government is
984 encouraged to include ~~shall contain~~ appropriate statements to
985 update the comprehensive plan, including, but not limited to,
986 words, maps, illustrations, or other media, related to:

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

990 (b) The extent of vacant and developable land.

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

998 (d) The location of existing development in relation to the
999 location of development as anticipated in the original plan, or
1000 in the plan as amended by the most recent evaluation and
1001 appraisal report update amendments, such as within areas
1002 designated for urban growth.

1003 (e) An identification of the major issues for the
1004 jurisdiction and, where pertinent, the potential social,
1005 economic, and environmental impacts.

1006 (f) Relevant changes to the state comprehensive plan, the
1007 requirements of this part, the minimum criteria contained in
1008 chapter 9J-5, Florida Administrative Code, and the appropriate
1009 strategic regional policy plan since the adoption of the
1010 original plan or the most recent evaluation and appraisal report
1011 update amendments.

1012 (g) An assessment of whether the plan objectives within
1013 each element, as they relate to major issues, have been
1014 achieved. The report shall include, as appropriate, an
1015 identification as to whether unforeseen or unanticipated changes

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1016 in circumstances have resulted in problems or opportunities with
1017 respect to major issues identified in each element and the
1018 social, economic, and environmental impacts of the issue.

1019 (h) A brief assessment of successes and shortcomings
1020 related to each element of the plan.

1021 (i) The identification of any actions or corrective
1022 measures, including whether plan amendments are anticipated to
1023 address the major issues identified and analyzed in the report.
1024 Such identification shall include, as appropriate, new
1025 population projections, new revised planning timeframes, a
1026 revised future conditions map or map series, an updated capital
1027 improvements element, and any new and revised goals, objectives,
1028 and policies for major issues identified within each element.
1029 This paragraph shall not require the submittal of the plan
1030 amendments with the evaluation and appraisal report.

1031 (j) A summary of the public participation program and
1032 activities undertaken by the local government in preparing the
1033 report.

1034 (k) The coordination of the comprehensive plan with
1035 existing public schools and those identified in the applicable
1036 educational facilities plan adopted pursuant to s. 1013.35. The
1037 assessment shall address, where relevant, the success or failure
1038 of the coordination of the future land use map and associated
1039 planned residential development with public schools and their
1040 capacities, as well as the joint decisionmaking processes
1041 engaged in by the local government and the school board in
1042 regard to establishing appropriate population projections and
1043 the planning and siting of public school facilities. For those
1044 counties or municipalities that do not have a public schools

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1045 interlocal agreement or public school facilities element, the
1046 assessment shall determine whether the local government
1047 continues to meet the criteria of s. 163.3177(12). If the county
1048 or municipality determines that it no longer meets the criteria,
1049 it must adopt appropriate school concurrency goals, objectives,
1050 and policies in its plan amendments pursuant to the requirements
1051 of the public school facilities element, and enter into the
1052 existing interlocal agreement required by ss. 163.3177(6)(h)2.
1053 and 163.31777 in order to fully participate in the school
1054 concurrency system.

1055 (l) The extent to which the local government has been
1056 successful in identifying alternative water supply projects and
1057 traditional water supply projects, including conservation and
1058 reuse, necessary to meet the water needs identified in s.
1059 373.709(2)(a) within the local government's jurisdiction. The
1060 report must evaluate the degree to which the local government
1061 has implemented the work plan for building public, private, and
1062 regional water supply facilities, including development of
1063 alternative water supplies, identified in the element as
1064 necessary to serve existing and new development.

1065 (m) If any of the jurisdiction of the local government is
1066 located within the coastal high-hazard area, an evaluation of
1067 whether any past reduction in land use density impairs the
1068 property rights of current residents when redevelopment occurs,
1069 including, but not limited to, redevelopment following a natural
1070 disaster. The property rights of current residents shall be
1071 balanced with public safety considerations. The local government
1072 must identify strategies to address redevelopment feasibility
1073 and the property rights of affected residents. These strategies

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1074 may include the authorization of redevelopment up to the actual
1075 built density in existence on the property prior to the natural
1076 disaster or redevelopment.

1077 (n) An assessment of whether the criteria adopted pursuant
1078 to s. 163.3177(6)(a) were successful in achieving compatibility
1079 with military installations.

1080 (o) The extent to which a concurrency exception area
1081 designated pursuant to s. 163.3180(5), a concurrency management
1082 area designated pursuant to s. 163.3180(7), or a multimodal
1083 transportation district designated pursuant to s. 163.3180(15)
1084 has achieved the purpose for which it was created and otherwise
1085 complies with the provisions of s. 163.3180.

1086 (p) An assessment of the extent to which changes are needed
1087 to develop a common methodology for measuring impacts on
1088 transportation facilities for the purpose of implementing its
1089 concurrency management system in coordination with the
1090 municipalities and counties, as appropriate pursuant to s.
1091 163.3180(10).

1092 (4)~~(3)~~ Voluntary scoping meetings may be conducted by each
1093 local government or several local governments within the same
1094 county that agree to meet together. Joint meetings among all
1095 local governments in a county are encouraged. ~~All scoping~~
1096 ~~meetings shall be completed at least 1 year prior to the~~
1097 ~~established adoption date of the report.~~ The purpose of the
1098 meetings shall be to distribute data and resources available to
1099 assist in the preparation of the report, to provide input on
1100 major issues in each community that should be addressed in the
1101 report, and to advise on the extent of the effort for the
1102 components of subsection (3)~~(2)~~. If scoping meetings are held,

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1103 the local government is encouraged to ~~shall~~ invite each state
1104 and regional reviewing agency, as well as adjacent and other
1105 affected local governments. A preliminary list of new data and
1106 major issues that have emerged since the adoption of the
1107 original plan, or the most recent evaluation and appraisal
1108 report-based update amendments, should be developed by state and
1109 regional entities and involved local governments for
1110 distribution at the scoping meeting. For purposes of this
1111 subsection, a "scoping meeting" is a meeting conducted to
1112 determine the scope of review of the evaluation and appraisal
1113 report by parties to which the report relates.

1114 (5)~~(4)~~ The local planning agency shall prepare the
1115 evaluation and appraisal report ~~and shall make recommendations~~
1116 ~~to the governing body regarding adoption of the proposed report.~~
1117 The local planning agency shall prepare the report in conformity
1118 with its public participation procedures adopted as required by
1119 s. 163.3181. To further public participation in the evaluation
1120 and appraisal process ~~During the preparation of the proposed~~
1121 ~~report and prior to making any recommendation to the governing~~
1122 ~~body,~~ the local planning agency shall hold at least one public
1123 hearing, with public notice, on the proposed report. At a
1124 minimum, the format and content of the proposed report shall
1125 include a table of contents; numbered pages; element headings;
1126 section headings within elements; a list of included tables,
1127 maps, and figures; a title and sources for all included tables;
1128 a preparation date; and the name of the preparer. Where
1129 applicable, maps shall include major natural and artificial
1130 geographic features; city, county, and state lines; and a legend
1131 indicating a north arrow, map scale, and the date.

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1132 ~~(5) Ninety days prior to the scheduled adoption date, the~~
1133 ~~local government may provide a proposed evaluation and appraisal~~
1134 ~~report to the state land planning agency and distribute copies~~
1135 ~~to state and regional commenting agencies as prescribed by rule,~~
1136 ~~adjacent jurisdictions, and interested citizens for review. All~~
1137 ~~review comments, including comments by the state land planning~~
1138 ~~agency, shall be transmitted to the local government and state~~
1139 ~~land planning agency within 30 days after receipt of the~~
1140 ~~proposed report.~~

1141 ~~(6) The governing body, after considering the review~~
1142 ~~comments and recommended changes, if any, shall adopt the~~
1143 ~~evaluation and appraisal report by resolution or ordinance at a~~
1144 ~~public hearing with public notice. The governing body shall~~
1145 ~~adopt the report in conformity with its public participation~~
1146 ~~procedures adopted as required by s. 163.3181. The local~~
1147 ~~government shall submit to the state land planning agency three~~
1148 ~~copies of the report, a transmittal letter indicating the dates~~
1149 ~~of public hearings, and a copy of the adoption resolution or~~
1150 ~~ordinance. The local government shall provide a copy of the~~
1151 ~~report to the reviewing agencies which provided comments for the~~
1152 ~~proposed report, or to all the reviewing agencies if a proposed~~
1153 ~~report was not provided pursuant to subsection (5), including~~
1154 ~~the adjacent local governments. Within 60 days after receipt,~~
1155 ~~the state land planning agency shall review the adopted report~~
1156 ~~and make a preliminary sufficiency determination that shall be~~
1157 ~~forwarded by the agency to the local government for its~~
1158 ~~consideration. The state land planning agency shall issue a~~
1159 ~~final sufficiency determination within 90 days after receipt of~~
1160 ~~the adopted evaluation and appraisal report.~~

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1161 (6)~~(7)~~ The intent of the evaluation and appraisal process
1162 is the preparation of a plan update that clearly and concisely
1163 achieves the purpose of this section. The evaluation and
1164 appraisal report shall be submitted as data and analysis in
1165 support of the evaluation and appraisal report based amendments.
1166 ~~Toward this end, the sufficiency review of the state land~~
1167 ~~planning agency shall concentrate on whether the evaluation and~~
1168 ~~appraisal report sufficiently fulfills the components of~~
1169 ~~subsection (2). If the state land planning agency determines~~
1170 ~~that the report is insufficient, the governing body shall adopt~~
1171 ~~a revision of the report and submit the revised report for~~
1172 ~~review pursuant to subsection (6).~~

1173 ~~(8) The state land planning agency may delegate the review~~
1174 ~~of evaluation and appraisal reports, including all state land~~
1175 ~~planning agency duties under subsections (4) (7), to the~~
1176 ~~appropriate regional planning council. When the review has been~~
1177 ~~delegated to a regional planning council, any local government~~
1178 ~~in the region may elect to have its report reviewed by the~~
1179 ~~regional planning council rather than the state land planning~~
1180 ~~agency. The state land planning agency shall by agreement~~
1181 ~~provide for uniform and adequate review of reports and shall~~
1182 ~~retain oversight for any delegation of review to a regional~~
1183 ~~planning council.~~

1184 (7)~~(9)~~ The state land planning agency may establish a
1185 phased schedule for adoption of evaluation and appraisal report
1186 based amendments ~~reports~~. The schedule shall provide each local
1187 government at least 7 years from plan adoption or last
1188 established adoption date for evaluation and appraisal report
1189 based amendments ~~a report~~ and shall allot approximately one-

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1190 seventh of the reports to any 1 year. In order to allow the
1191 municipalities to use data and analyses gathered by the
1192 counties, the state land planning agency shall schedule
1193 municipal evaluation and appraisal report based amendment ~~report~~
1194 adoption dates between 1 year and 18 months later than the
1195 evaluation and appraisal report based amendment ~~report~~ adoption
1196 date for the county in which those municipalities are located. ~~A~~
1197 ~~local government may adopt its report no earlier than 90 days~~
1198 ~~prior to the established adoption date. Small municipalities~~
1199 ~~which were scheduled by chapter 9J 33, Florida Administrative~~
1200 ~~Code, to adopt their evaluation and appraisal report after~~
1201 ~~February 2, 1999, shall be rescheduled to adopt their report~~
1202 ~~together with the other municipalities in their county as~~
1203 ~~provided in this subsection.~~

1204 (8)~~(10)~~ The governing body shall amend its comprehensive
1205 plan based on the recommendations in the report and shall update
1206 the comprehensive plan based on the components of subsection
1207 (3)~~(2)~~, pursuant to the provisions of ss. 163.3184, 163.3187,
1208 and 163.3189. Amendments to update a comprehensive plan based on
1209 the evaluation and appraisal report shall be adopted during a
1210 single amendment cycle within the time period established by the
1211 state land planning agency's schedule authorized in subsection
1212 (7) ~~18 months after the report is determined to be sufficient by~~
1213 ~~the state land planning agency, except the state land planning~~
1214 ~~agency may grant an extension for adoption of a portion of such~~
1215 ~~amendments. The state land planning agency may grant a 6-month~~
1216 ~~extension for the adoption of such amendments if the request is~~
1217 ~~justified by good and sufficient cause as determined by the~~
1218 ~~agency. An additional extension may also be granted if the~~

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1219 request will result in greater coordination between
1220 transportation and land use, for the purposes of improving
1221 Florida's transportation system, as determined by the agency in
1222 coordination with the Metropolitan Planning Organization
1223 program. Except for local governments exempted from preparing
1224 evaluation and appraisal reports pursuant to subsection (1),
1225 beginning July 1, 2006, failure to timely adopt and transmit
1226 update amendments to the comprehensive plan based on the
1227 evaluation and appraisal report shall result in a local
1228 government being prohibited from adopting amendments to the
1229 comprehensive plan until the evaluation and appraisal report
1230 update amendments have been adopted and transmitted to the state
1231 land planning agency. The prohibition on plan amendments shall
1232 commence when the update amendments to the comprehensive plan
1233 are past due. The comprehensive plan as amended shall be in
1234 compliance as defined in s. 163.3184(1)(b). Within 6 months
1235 after the effective date of the update amendments to the
1236 comprehensive plan, the local government shall provide to the
1237 state land planning agency and to all agencies designated by
1238 rule a complete copy of the updated comprehensive plan.

1239 (9)~~(11)~~ The Administration Commission may impose the
1240 sanctions provided by s. 163.3184(11) against any local
1241 government that fails to adopt and submit a report, or that
1242 fails to implement its report through timely and sufficient
1243 amendments to its local plan, except for reasons of excusable
1244 delay or valid planning reasons agreed to by the state land
1245 planning agency or found present by the Administration
1246 Commission. Sanctions for untimely or insufficient plan
1247 amendments shall be prospective only and shall begin after a

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1248 final order has been issued by the Administration Commission and
1249 a reasonable period of time has been allowed for the local
1250 government to comply with an adverse determination by the
1251 Administration Commission through adoption of plan amendments
1252 that are in compliance. The state land planning agency may
1253 initiate, and an affected person may intervene in, such a
1254 proceeding by filing a petition with the Division of
1255 Administrative Hearings, which shall appoint an administrative
1256 law judge and conduct a hearing pursuant to ss. 120.569 and
1257 120.57(1) and shall submit a recommended order to the
1258 Administration Commission. The affected local government shall
1259 be a party to any such proceeding. The commission may implement
1260 this subsection by rule.

1261 (10)~~(12)~~ The state land planning agency may ~~shall~~ not adopt
1262 rules to implement this section, other than procedural rules.

1263 ~~(13) The state land planning agency shall regularly review~~
1264 ~~the evaluation and appraisal report process and submit a report~~
1265 ~~to the Governor, the Administration Commission, the Speaker of~~
1266 ~~the House of Representatives, the President of the Senate, and~~
1267 ~~the respective community affairs committees of the Senate and~~
1268 ~~the House of Representatives. The first report shall be~~
1269 ~~submitted by December 31, 2004, and subsequent reports shall be~~
1270 ~~submitted every 5 years thereafter. At least 9 months before the~~
1271 ~~due date of each report, the Secretary of Community Affairs~~
1272 ~~shall appoint a technical committee of at least 15 members to~~
1273 ~~assist in the preparation of the report. The membership of the~~
1274 ~~technical committee shall consist of representatives of local~~
1275 ~~governments, regional planning councils, the private sector, and~~
1276 ~~environmental organizations. The report shall assess the~~

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1277 ~~effectiveness of the evaluation and appraisal report process.~~

1278 ~~(11)(14)~~ The requirement of subsection ~~(8)(10)~~ prohibiting
1279 a local government from adopting amendments to the local
1280 comprehensive plan until the evaluation and appraisal report
1281 update amendments have been adopted and transmitted to the state
1282 land planning agency does not apply to a plan amendment proposed
1283 for adoption by the appropriate local government as defined in
1284 s. 163.3178(2)(k) in order to integrate a port comprehensive
1285 master plan with the coastal management element of the local
1286 comprehensive plan as required by s. 163.3178(2)(k) if the port
1287 comprehensive master plan or the proposed plan amendment does
1288 not cause or contribute to the failure of the local government
1289 to comply with the requirements of the this section ~~evaluation~~
1290 ~~and appraisal report.~~

1291 Section 16. Section 163.3245, Florida Statutes, is amended
1292 to read:

1293 163.3245 ~~Optional~~ Sector plans.—

1294 (1) In recognition of the benefits of ~~conceptual~~ long-range
1295 planning for ~~the buildout of an area, and detailed planning for~~
1296 ~~specific areas, as a demonstration project, the requirements of~~
1297 ~~s. 380.06 may be addressed as identified by this section for up~~
1298 ~~to five~~ local governments or combinations of local governments
1299 may which adopt into their ~~the~~ comprehensive plans ~~a plan an~~
1300 ~~optional~~ sector plan in accordance with this section. This
1301 section is intended to promote and encourage long-term planning
1302 for conservation, development, and agriculture on a landscape
1303 scale; to further the intent of s. 163.3177(11), which supports
1304 innovative and flexible planning and development strategies, and
1305 the purposes of this part, and part I of chapter 380, to

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1306 facilitate protection of regionally significant water courses
 1307 and wildlife corridors; and to avoid duplication of effort in
 1308 terms of the level of data and analysis required for a
 1309 development of regional impact, while ensuring the adequate
 1310 mitigation of impacts to applicable regional resources and
 1311 facilities, including those within the jurisdiction of other
 1312 local governments, as would otherwise be provided. ~~Optional~~
 1313 Sector plans are intended for substantial geographic areas that
 1314 include ~~including~~ at least 15,000 ~~5,000~~ acres of one or more
 1315 local governmental jurisdictions and are to emphasize urban form
 1316 and protection of regionally significant resources and public
 1317 facilities. ~~The state land planning agency may approve optional~~
 1318 ~~sector plans of less than 5,000 acres based on local~~
 1319 ~~circumstances if it is determined that the plan would further~~
 1320 ~~the purposes of this part and part I of chapter 380. Preparation~~
 1321 ~~of an optional sector plan is authorized by agreement between~~
 1322 ~~the state land planning agency and the applicable local~~
 1323 ~~governments under s. 163.3171(4). An optional sector plan may be~~
 1324 ~~adopted through one or more comprehensive plan amendments under~~
 1325 ~~s. 163.3184. However, an optional~~ A sector plan may not be
 1326 adopted ~~authorized~~ in an area of critical state concern.

1327 (2) Upon the request of a local government having
 1328 jurisdiction, ~~The state land planning agency may enter into an~~
 1329 ~~agreement to authorize preparation of an optional sector plan~~
 1330 ~~upon the request of one or more local governments based on~~
 1331 ~~consideration of problems and opportunities presented by~~
 1332 ~~existing development trends; the effectiveness of current~~
 1333 ~~comprehensive plan provisions; the potential to further the~~
 1334 ~~state comprehensive plan, applicable strategic regional policy~~

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1335 ~~plans, this part, and part I of chapter 380; and those factors~~
1336 ~~identified by s. 163.3177(10)(i).~~ the applicable regional
1337 planning council shall conduct a scoping meeting with affected
1338 local governments and those agencies identified in s.
1339 163.3184(4) before preparation of the sector plan ~~execution of~~
1340 ~~the agreement authorized by this section.~~ The purpose of this
1341 meeting is to assist the state land planning agency and the
1342 local government in the identification of the relevant planning
1343 issues to be addressed and the data and resources available to
1344 assist in the preparation of the sector plan. If a scoping
1345 meeting is conducted, ~~subsequent plan amendments,~~ the regional
1346 planning council shall make written recommendations to the state
1347 land planning agency and affected local governments, on the
1348 issues requested by the local government. The scoping meeting
1349 shall be noticed and open to the public. If the entire planning
1350 area proposed for the sector plan is within the jurisdiction of
1351 two or more local governments, some or all of them may enter
1352 into a joint planning agreement pursuant to s. 163.3171 with
1353 respect to including whether a sustainable sector plan would be
1354 ~~appropriate.~~ The agreement must define the geographic area to be
1355 subject to the sector plan, the planning issues that will be
1356 emphasized, procedures ~~requirements~~ for intergovernmental
1357 coordination to address extrajurisdictional impacts, supporting
1358 application materials including data and analysis, and
1359 procedures for public participation, or other issues. ~~An~~
1360 ~~agreement may address previously adopted sector plans that are~~
1361 ~~consistent with the standards in this section.~~ ~~Before executing~~
1362 ~~an agreement under this subsection, the local government shall~~
1363 ~~hold a duly noticed public workshop to review and explain to the~~

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1364 ~~public the optional sector planning process and the terms and~~
1365 ~~conditions of the proposed agreement. The local government shall~~
1366 ~~hold a duly noticed public hearing to execute the agreement. All~~
1367 ~~meetings between the department and the local government must be~~
1368 ~~open to the public.~~

1369 (3) ~~Optional Sector planning encompasses two levels:~~
1370 ~~adoption pursuant to under s. 163.3184 of a conceptual long-term~~
1371 ~~master plan for the entire planning area as part of the~~
1372 ~~comprehensive plan; and adoption by local development order of~~
1373 ~~two or more buildout overlay to the comprehensive plan, having~~
1374 ~~no immediate effect on the issuance of development orders or the~~
1375 ~~applicability of s. 380.06, and adoption under s. 163.3184 of~~
1376 ~~detailed specific area plans that implement the conceptual long-~~
1377 ~~term master plan buildout overlay and authorize issuance of~~
1378 ~~development orders, and within which s. 380.06 is waived. Until~~
1379 ~~such time as a detailed specific area plan is adopted, the~~
1380 ~~underlying future land use designations apply.~~

1381 (a) In addition to the other requirements of this chapter,
1382 a long-term master plan pursuant to this section ~~conceptual~~
1383 ~~long-term buildout overlay~~ must include maps, illustrations, and
1384 text supported by data and analysis to address the following:

- 1385 1. A ~~long range conceptual~~ framework map that:
1386 a. At a minimum, generally depicts ~~identifies anticipated~~
1387 ~~areas of urban, agricultural, rural, and conservation land use;~~
1388 and
1389 b. Identifies allowed uses in various parts of the planning
1390 area, specifies maximum and minimum densities and intensities of
1391 use, and provides the conceptual framework for the development
1392 pattern in developed areas with graphic illustrations based on a

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1393 hierarchy of places and functional place-making components.

1394 2. A general identification of the water supplies needed
1395 and available sources of water, including water resource
1396 development and water supply development projects, and water
1397 conservation measures needed to meet the projected demand of the
1398 future land uses in the long-term master plan.

1399 3. A general identification of the transportation
1400 facilities to serve the future land uses in the long-term master
1401 plan, including guidelines to be used to establish each modal
1402 component intended to optimize mobility.

1403 ~~4.2.~~ A general identification of other regionally
1404 significant public facilities consistent with chapter 9J-2,
1405 Florida Administrative Code, irrespective of local governmental
1406 jurisdiction necessary to support buildout of the anticipated
1407 future land uses, which may include central utilities provided
1408 on-site within the planning area, and policies setting forth the
1409 procedures to be used to mitigate the impacts of future land
1410 uses on public facilities.

1411 ~~5.3.~~ A general identification of regionally significant
1412 natural resources within the planning area and policies setting
1413 forth the procedures for protection or conservation of specific
1414 resources consistent with the overall conservation and
1415 development strategy for the planning area consistent with
1416 chapter 9J-2, Florida Administrative Code.

1417 ~~6.4.~~ General principles and guidelines addressing that
1418 ~~address~~ the urban form and the interrelationships of anticipated
1419 future land uses, the protection and, as appropriate,
1420 restoration and management of lands identified for permanent
1421 preservation, and a discussion, at the applicant's option, of

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1422 ~~the extent, if any, to which the plan will address restoring key~~
1423 ~~ecosystems,~~ achieving a more clean, healthy environment,
1424 limiting urban sprawl, providing a range of housing types,
1425 protecting wildlife and natural areas, advancing the efficient
1426 use of land and other resources, and creating quality
1427 communities of a design that promotes travel by multiple
1428 transportation modes, and enhancing the prospects for the
1429 creation of jobs.

1430 ~~7.5-~~ Identification of general procedures and policies to
1431 facilitate ~~ensure~~ intergovernmental coordination to address
1432 extrajurisdictional impacts from the future land uses ~~long-range~~
1433 ~~conceptual framework map.~~

1434
1435 A long-term master plan adopted pursuant to this section must be
1436 based upon a planning period longer than the generally
1437 applicable planning period of the local comprehensive plan, must
1438 specify the projected population within the planning area during
1439 the chosen planning period, and may include a phasing or staging
1440 schedule that allocates a portion of the local government's
1441 future growth to the planning area through the planning period.

1442 A long-term master plan adopted pursuant to this section is not
1443 required to demonstrate need based upon projected population
1444 growth or on any other basis.

1445 (b) In addition to the other requirements of this chapter,
1446 ~~including those in paragraph (a),~~ the detailed specific area
1447 plans shall be consistent with the long-term master plan and
1448 must include conditions and commitments that provide for:

1449 1. Development or conservation of an area of adequate size
1450 ~~to accommodate a level of development which achieves a~~

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1451 ~~functional relationship between a full range of land uses within~~
1452 ~~the area and to encompass~~ at least 1,000 acres consistent with
1453 the long-term master plan. The local government ~~state land~~
1454 ~~planning agency~~ may approve detailed specific area plans of less
1455 than 1,000 acres based on local circumstances if it is
1456 determined that the detailed specific area plan furthers the
1457 purposes of this part and part I of chapter 380.

1458 2. Detailed identification and analysis of the maximum and
1459 minimum densities and intensities of use, and the distribution,
1460 extent, and location of future land uses.

1461 3. Detailed identification of water resource development
1462 and water supply development projects and related
1463 infrastructure, and water conservation measures to address water
1464 needs of development in the detailed specific area plan.

1465 4. Detailed identification of the transportation facilities
1466 to serve the future land uses in the detailed specific area
1467 plan.

1468 5. Detailed identification of other regionally significant
1469 public facilities, including public facilities outside the
1470 jurisdiction of the host local government, ~~anticipated~~ impacts
1471 of future land uses on those facilities, and required
1472 improvements consistent with the long-term master plan ~~chapter~~
1473 ~~9J-2, Florida Administrative Code.~~

1474 ~~6.4.~~ Public facilities necessary to serve development in
1475 the detailed specific area plan for the short term, including
1476 developer contributions in a ~~financially feasible~~ 5-year capital
1477 improvement schedule of the affected local government.

1478 ~~7.5.~~ Detailed analysis and identification of specific
1479 measures to assure the protection or conservation of lands

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1480 identified in the long-term master plan to be permanently
1481 preserved and, as appropriate, restored or managed, of
1482 ~~regionally significant natural resources~~ and other important
1483 resources both within and outside the host jurisdiction,
1484 ~~including those regionally significant resources identified in~~
1485 ~~chapter 9J-2, Florida Administrative Code.~~

1486 8.6. Detailed principles and guidelines addressing that
1487 ~~address~~ the urban form and the interrelationships of ~~anticipated~~
1488 future land uses; ~~and a discussion, at the applicant's option,~~
1489 ~~of the extent, if any, to which the plan will address restoring~~
1490 ~~key ecosystems,~~ achieving a more clean, healthy environment; ~~and~~
1491 limiting urban sprawl; providing a range of housing types;
1492 protecting wildlife and natural areas; ~~and~~ advancing the efficient
1493 use of land and other resources; ~~and~~ creating quality
1494 communities of a design that promotes travel by multiple
1495 transportation modes; and enhancing the prospects for the
1496 creation of jobs.

1497 9.7. Identification of specific procedures to facilitate
1498 ~~ensure~~ intergovernmental coordination to address
1499 extrajurisdictional impacts from ~~of~~ the detailed specific area
1500 plan.

1501
1502 A detailed specific area plan adopted by local development order
1503 pursuant to this section may be based upon a planning period
1504 longer than the generally applicable planning period of the
1505 local comprehensive plan and must specify the projected
1506 population within the specific planning area during the chosen
1507 planning period. A detailed specific area plan adopted pursuant
1508 to this section is not required to demonstrate need based upon

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1509 projected population growth or on any other basis.

1510 (c) In its review of a long-term master plan, the state
1511 land planning agency shall consult with the Department of
1512 Agriculture and Consumer Services, the Department of
1513 Environmental Protection, the Florida Fish and Wildlife
1514 Conservation Commission, and the applicable water management
1515 district regarding the design of areas for protection and
1516 conservation of regionally significant natural resources and for
1517 the protection and, as appropriate, restoration and management
1518 of lands identified for permanent preservation.

1519 (d) The state land planning agency may initiate a civil
1520 action pursuant to s. 163.3215 with respect to a detailed
1521 specific area plan that is not consistent with a long-term
1522 master plan adopted pursuant to this section. For purposes of
1523 such a proceeding, the state land planning agency shall be
1524 deemed an aggrieved and adversely affected party. Regardless of
1525 whether the local government has adopted an ordinance that
1526 establishes a local process which meets the requirements of s.
1527 163.3215(4), judicial review of a detailed specific area plan
1528 initiated by the state land planning agency shall be de novo
1529 pursuant to s. 163.3215(3) and not by petition for writ of
1530 certiorari pursuant to s. 163.3215(4). Any other aggrieved or
1531 adversely affected party is subject to s. 163.3215 in all
1532 respects when initiating a consistency challenge to a detailed
1533 specific area plan.

1534 (e) This subsection ~~does~~ may not be ~~construed~~ to prevent
1535 preparation and approval of the ~~optional~~ sector plan and
1536 detailed specific area plan concurrently or in the same
1537 submission.

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1538 (4) Upon the long-term master plan becoming legally
1539 effective:

1540 (a) Any long-range transportation plan developed by a
1541 metropolitan planning organization pursuant to s. 339.175(7)
1542 shall be consistent, to the maximum extent feasible, with the
1543 long-term master plan, including but not limited to the
1544 projected population, the approved uses and densities and
1545 intensities of use and their distribution within the planning
1546 area; and the transportation facilities identified in adopted
1547 plans pursuant to subparagraphs (3)(a)3. And (3)(b)4.

1548 (b) The water needs, sources and water resource development
1549 and water supply development projects identified in adopted
1550 plans pursuant to sub-subparagraphs (3)(a)2. and (3)(b)3. shall
1551 be incorporated into the applicable district and regional water
1552 supply plans adopted in accordance with ss. 373.036 and 373.709.
1553 Accordingly, and notwithstanding the permit durations stated in
1554 s. 373.236, an applicant may request and the applicable district
1555 may issue consumptive use permits for durations commensurate
1556 with the long-term master plan. The permitting criteria in s.
1557 373.223 shall be applied based upon the projected population,
1558 the approved densities and intensities of use and their
1559 distribution in the long-term master plan. ~~The host local~~
1560 ~~government shall submit a monitoring report to the state land~~
1561 ~~planning agency and applicable regional planning council on an~~
1562 ~~annual basis after adoption of a detailed specific area plan.~~
1563 ~~The annual monitoring report must provide summarized information~~
1564 ~~on development orders issued, development that has occurred,~~
1565 ~~public facility improvements made, and public facility~~
1566 ~~improvements anticipated over the upcoming 5 years.~~

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1567 (5) When a ~~plan amendment adopting~~ a detailed specific area
1568 plan has become effective for a portion of the planning area
1569 governed by a long-term master plan adopted pursuant to this
1570 section under ss. 163.3184 and 163.3189(2), the provisions of s.
1571 380.06 do not apply to development within the geographic area of
1572 the detailed specific area plan. However, any development-of-
1573 regional-impact development order that is vested from the
1574 detailed specific area plan may be enforced pursuant to ~~under~~ s.
1575 380.11.

1576 (a) The local government adopting the detailed specific
1577 area plan is primarily responsible for monitoring and enforcing
1578 the detailed specific area plan. Local governments shall not
1579 issue any permits or approvals or provide any extensions of
1580 services to development which ~~that~~ are not consistent with the
1581 detailed ~~sector~~ area plan.

1582 (b) If the state land planning agency has reason to believe
1583 that a violation of any detailed specific area plan, ~~or of any~~
1584 ~~agreement entered into under this section~~, has occurred or is
1585 about to occur, it may institute an administrative or judicial
1586 proceeding to prevent, abate, or control the conditions or
1587 activity creating the violation, using the procedures in s.
1588 380.11.

1589 (c) In instituting an administrative or judicial proceeding
1590 involving a ~~an optional~~ sector plan or detailed specific area
1591 plan, including a proceeding pursuant to paragraph (b), the
1592 complaining party shall comply with the requirements of s.
1593 163.3215(4), (5), (6), and (7), except as provided in paragraph
1594 (3)(d).

1595 (d) The detailed specific area plan must establish a

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1596 buildout date until which the approved development is not
1597 subject to downzoning, unit density reduction, or intensity
1598 reduction, unless the local government can demonstrate that
1599 implementation of the plan is not continuing in good faith based
1600 on standards established by plan policy, or that substantial
1601 changes in the conditions underlying the approval of the
1602 detailed specific area plan have occurred, or that the detailed
1603 specific area plan was based on substantially inaccurate
1604 information provided by the applicant, or that the change is
1605 clearly established to be essential to the public health,
1606 safety, or welfare.

1607 (6) Concurrent with or subsequent to review and adoption of
1608 a long-term master plan pursuant to subsection (3)(a), an
1609 applicant may apply for master development approval pursuant to
1610 s. 380.06(21) for the entire planning area in order to establish
1611 a buildout date until which the approved uses and densities and
1612 intensities of use of the master plan are not subject to
1613 downzoning, unit density reduction, or intensity reduction,
1614 unless the local government can demonstrate that implementation
1615 of the master plan is not continuing in good faith based on
1616 standards established by plan policy, or that substantial
1617 changes in the conditions underlying the approval of the master
1618 plan have occurred, or that the master plan was based on
1619 substantially inaccurate information provided by the applicant,
1620 or that change is clearly established to be essential to the
1621 public health, safety, or welfare. Review of the application for
1622 master development approval shall be at a level of detail
1623 appropriate for the long-term and conceptual nature of the long-
1624 term master plan and, to the maximum extent possible, shall only

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1625 consider information provided in the application for a long-term
1626 master plan. Notwithstanding any provision of s. 380.06 to the
1627 contrary, an increment of development in such an approved master
1628 development plan shall be approved by a detailed specific area
1629 plan pursuant to subsection (3)(b) and is exempt from review
1630 pursuant to s 380.06. ~~Beginning December 1, 1999, and each year~~
1631 ~~thereafter, the department shall provide a status report to the~~
1632 ~~Legislative Committee on Intergovernmental Relations regarding~~
1633 ~~each optional sector plan authorized under this section.~~

1634 (7) A developer within an area subject to a long-term
1635 master plan that meets the requirements of paragraph (3)(a) and
1636 subsection (6) or a detailed specific area plan that meets the
1637 requirements of paragraph (3)(b) may enter into a development
1638 agreement with a local government pursuant to ss. 163.3220-
1639 163.3243. The duration of such a development agreement may be
1640 through the planning period of the long-term master plan or the
1641 detailed specific area plan, as the case may be, notwithstanding
1642 the limit on the duration of a development agreement pursuant to
1643 s. 163.3229.

1644 (8) Any owner of property within the planning area of a
1645 proposed long-term master plan may withdraw his consent to the
1646 master plan at any time prior to local government adoption, and
1647 the local government shall exclude such parcels from the adopted
1648 master plan. Thereafter, the long-term master plan, any detailed
1649 specific area plan, and the exemption from development-of-
1650 regional-impact review under this section do not apply to the
1651 subject parcels. After adoption of a long-term master plan, an
1652 owner may withdraw his or her property from the master plan only
1653 with the approval of the local government by plan amendment.

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1654 (9) The adoption of a long-term master plan or a detailed
1655 specific area plan pursuant to this section shall not limit the
1656 right to continue existing agricultural or silvicultural uses or
1657 other natural resource-based operations or to establish similar
1658 new uses that are consistent with the plans approved pursuant to
1659 this section.

1660 (10) Notwithstanding any provision to the contrary of s.
1661 380.06; chapter 163, part II; or any planning agreement or plan
1662 policy, a landowner or developer who has received approval of a
1663 master development of regional impact development order pursuant
1664 to s. 380.06(21) may apply to implement this order by filing one
1665 or more applications to approve a detailed specific area plan
1666 pursuant to paragraph (3)(b).

1667 (11) Notwithstanding the provisions of this section, a
1668 detailed specific area plan to implement a conceptual long-term
1669 buildout overlay, adopted by a local government and found in
1670 compliance before July 1, 2011, shall be governed by the
1671 provisions of this section.

1672 (12) This section may not be construed to abrogate the
1673 rights of any person under this chapter.

1674 Section 17. Subsection (9) of section 163.3246, Florida
1675 Statutes, is amended to read:

1676 163.3246 Local government comprehensive planning
1677 certification program.—

1678 (9)(a) Upon certification all comprehensive plan amendments
1679 associated with the area certified must be adopted and reviewed
1680 in the manner described in ss. 163.3184(1), (2), (7), (14),
1681 (15), and (16) and 163.3187, such that state and regional agency
1682 review is eliminated. The department may not issue any

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1683 objections, recommendations, and comments report on proposed
1684 plan amendments or a notice of intent on adopted plan
1685 amendments; however, affected persons, as defined by s.
1686 163.3184(1)(a), may file a petition for administrative review
1687 pursuant to the requirements of s. 163.3187(3)(a) to challenge
1688 the compliance of an adopted plan amendment.

1689 (b) Plan amendments that change the boundaries of the
1690 certification area; propose a rural land stewardship area
1691 pursuant to s. 163.3177(11)(d); propose a ~~an optional~~ sector
1692 plan pursuant to s. 163.3245; propose a school facilities
1693 element; update a comprehensive plan based on an evaluation and
1694 appraisal report; impact lands outside the certification
1695 boundary; implement new statutory requirements that mandate
1696 ~~require~~ specific comprehensive plan amendments; or increase
1697 hurricane evacuation times or the need for shelter capacity on
1698 lands within the coastal high-hazard area shall be reviewed
1699 pursuant to ss. 163.3184 and 163.3187.

1700 Section 18. Section 163.32465, Florida Statutes, is amended
1701 to read:

1702 163.32465 State review of local comprehensive plans ~~in~~
1703 ~~urban areas.~~

1704 (1) LEGISLATIVE FINDINGS.—

1705 (a) The Legislature finds that local governments in this
1706 state have a wide diversity of resources, conditions, abilities,
1707 and needs. The Legislature also finds that comprehensive
1708 planning has been implemented throughout the state and that it
1709 is appropriate for local governments to have the primary role in
1710 planning for their growth. ~~the needs and resources of urban~~
1711 ~~areas are different from those of rural areas and that different~~

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1712 ~~planning and growth management approaches, strategies, and~~
1713 ~~techniques are required in urban areas. The state role in~~
1714 ~~overseeing growth management should reflect this diversity and~~
1715 ~~should vary based on local government conditions, capabilities,~~
1716 ~~needs, and extent of development. Thus, the Legislature~~
1717 ~~recognizes and finds that reduced state oversight of local~~
1718 ~~comprehensive planning is justified for some local governments~~
1719 ~~in urban areas.~~

1720 (b) The Legislature finds and declares that this state's
1721 local governments ~~urban areas~~ require a reduced level of state
1722 oversight because of their high degree of urbanization and the
1723 ~~planning capabilities and resources of many of their local~~
1724 ~~governments. An alternative state review process that is~~
1725 ~~adequate to protect issues of regional or statewide importance~~
1726 ~~should be created for appropriate local governments in these~~
1727 ~~areas. Further, the Legislature finds that development,~~
1728 ~~including urban infill and redevelopment, should be encouraged~~
1729 ~~in these urban areas. The Legislature finds that an alternative~~
1730 Accordingly, the process provided by this section for amending
1731 local comprehensive plans is ~~in these areas~~ should be
1732 established with the ~~an~~ objective of streamlining the process
1733 and recognizing local responsibility and accountability.

1734 ~~(c) The Legislature finds a pilot program will be~~
1735 ~~beneficial in evaluating an alternative, expedited plan~~
1736 ~~amendment adoption and review process. Pilot local governments~~
1737 ~~shall represent highly developed counties and the municipalities~~
1738 ~~within these counties and highly populated municipalities.~~

1739 (2) APPLICABILITY ~~ALTERNATIVE STATE REVIEW PROCESS PILOT~~
1740 ~~PROGRAM. Pinellas and Broward Counties, and the municipalities~~

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1741 ~~within these counties, and Jacksonville, Miami, Tampa, and~~
1742 ~~Hialeah shall follow an alternative state review process~~
1743 ~~provided in this section. The process for amending a~~
1744 ~~comprehensive plan described in this section is applicable~~
1745 ~~statewide. Municipalities within the pilot counties may elect,~~
1746 ~~by super majority vote of the governing body, not to participate~~
1747 ~~in the pilot program. In addition to the pilot program~~
1748 ~~jurisdictions, any local government may use the alternative~~
1749 ~~state review process to designate an urban service area as~~
1750 ~~defined in s. 163.3164(29) in its comprehensive plan.~~

1751 (3) PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS
1752 ~~UNDER THE PILOT PROGRAM.—~~

1753 (a) Plan amendments adopted by the local governments ~~pilot~~
1754 ~~program jurisdictions shall follow the alternate, are subject to~~
1755 ~~the expedited process in subsections (4) and (5), except as set~~
1756 ~~forth in paragraphs (b)-(e) of this subsection.~~

1757 (b) Amendments that qualify as small-scale development
1758 amendments may continue to be adopted ~~by the pilot program~~
1759 ~~jurisdictions~~ pursuant to s. 163.3187(1)(c) and (3).

1760 (c) Plan amendments that propose a rural land stewardship
1761 area pursuant to s. 163.3177(11)(d); propose an optional sector
1762 plan; update a comprehensive plan based on an evaluation and
1763 appraisal report; implement new statutory requirements; or new
1764 plans for newly incorporated municipalities are subject to state
1765 review as set forth in s. 163.3184.

1766 (d) Local governments ~~Pilot program jurisdictions shall~~
1767 ~~be~~ subject to the frequency and timing requirements for plan
1768 amendments set forth in ss. 163.3187 and 163.3191, except where
1769 otherwise stated in this section.

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1770 (e) The mediation and expedited hearing provisions in s.
1771 163.3189(3) apply to all plan amendments adopted pursuant to
1772 this section ~~by the pilot program jurisdictions.~~

1773 (4) INITIAL HEARING ON COMPREHENSIVE PLAN AMENDMENT ~~FOR~~
1774 ~~PILOT PROGRAM.~~-

1775 (a) The local government shall hold its first public
1776 hearing on a comprehensive plan amendment on a weekday at least
1777 7 days after the day the first advertisement is published
1778 pursuant to the requirements of chapter 125 or chapter 166. Upon
1779 an affirmative vote of not less than a majority of the members
1780 of the governing body present at the hearing, the local
1781 government shall immediately transmit the amendment or
1782 amendments and appropriate supporting data and analyses to the
1783 state land planning agency; the appropriate regional planning
1784 council and water management district; the Department of
1785 Environmental Protection; the Department of State; the
1786 Department of Transportation; in the case of municipal plans, to
1787 the appropriate county; the Fish and Wildlife Conservation
1788 Commission; the Department of Agriculture and Consumer Services;
1789 and in the case of amendments that include or impact the public
1790 school facilities element, the Office of Educational Facilities
1791 of the Commissioner of Education. The local governing body shall
1792 also transmit a copy of the amendments and supporting data and
1793 analyses to any other local government or governmental agency
1794 that has filed a written request with the governing body.

1795 (b) The agencies and local governments specified in
1796 paragraph (a) may provide comments regarding the amendment or
1797 amendments to the local government. The regional planning
1798 council review and comment shall be limited to effects on

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1799 regional resources or facilities identified in the strategic
1800 regional policy plan and extrajurisdictional impacts that would
1801 be inconsistent with the comprehensive plan of the affected
1802 local government. A regional planning council shall not review
1803 and comment on a proposed comprehensive plan amendment prepared
1804 by such council unless the plan amendment has been changed by
1805 the local government subsequent to the preparation of the plan
1806 amendment by the regional planning council. County comments on
1807 municipal comprehensive plan amendments shall be primarily in
1808 the context of the relationship and effect of the proposed plan
1809 amendments on the county plan. Municipal comments on county plan
1810 amendments shall be primarily in the context of the relationship
1811 and effect of the amendments on the municipal plan. State agency
1812 comments may include technical guidance on issues of agency
1813 jurisdiction as it relates to the requirements of this part.
1814 Such comments shall clearly identify issues that, if not
1815 resolved, may result in an agency challenge to the plan
1816 amendment. ~~For the purposes of this pilot program,~~ Agencies are
1817 encouraged to focus potential challenges on issues of regional
1818 or statewide importance. Agencies and local governments must
1819 transmit their comments to the affected local government such
1820 that they are received by the local government not later than
1821 thirty days from the date on which the agency or government
1822 received the amendment or amendments.

1823 (5) ADOPTION OF COMPREHENSIVE PLAN AMENDMENT ~~FOR PILOT~~
1824 ~~AREAS.~~—

1825 (a) The local government shall hold its second public
1826 hearing, which shall be a hearing on whether to adopt one or
1827 more comprehensive plan amendments, on a weekday at least 5 days

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1828 after the day the second advertisement is published pursuant to
1829 the requirements of chapter 125 or chapter 166. Adoption of
1830 comprehensive plan amendments must be by ordinance and requires
1831 an affirmative vote of a majority of the members of the
1832 governing body present at the second hearing.

1833 (b) All comprehensive plan amendments adopted by the
1834 governing body along with the supporting data and analysis shall
1835 be transmitted within 10 days of the second public hearing to
1836 the state land planning agency and any other agency or local
1837 government that provided timely comments under paragraph (4)(b).

1838 (6) ADMINISTRATIVE CHALLENGES TO PLAN AMENDMENTS ~~FOR PILOT~~
1839 ~~PROGRAM.~~—

1840 (a) Any "affected person" as defined in s. 163.3184(1)(a)
1841 may file a petition with the Division of Administrative Hearings
1842 pursuant to ss. 120.569 and 120.57, with a copy served on the
1843 affected local government, to request a formal hearing to
1844 challenge whether the amendments are "in compliance" as defined
1845 in s. 163.3184(1)(b). This petition must be filed with the
1846 Division within 30 days after the local government adopts the
1847 amendment. The state land planning agency may intervene in a
1848 proceeding instituted by an affected person.

1849 (b) The state land planning agency may file a petition with
1850 the Division of Administrative Hearings pursuant to ss. 120.569
1851 and 120.57, with a copy served on the affected local government,
1852 to request a formal hearing. This petition must be filed with
1853 the Division within 30 days after the state land planning agency
1854 notifies the local government that the plan amendment package is
1855 complete. For purposes of this section, an adopted amendment
1856 package shall be deemed complete if it contains a full, executed

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1857 copy of the adoption ordinance or ordinances; in the case of a
1858 text amendment, a full copy of the amended language in
1859 legislative format with new words inserted in the text
1860 underlined, and words to be deleted lined through with hyphens;
1861 in the case of a future land use map amendment, a copy of the
1862 future land use map clearly depicting the parcel, its existing
1863 future land use designation, and its adopted designation; and a
1864 copy of any data and analyses the local government deems
1865 appropriate. The state land planning agency shall notify the
1866 local government of any deficiencies within 5 working days of
1867 receipt of an amendment package.

1868 (c) The state land planning agency's challenge shall be
1869 limited to those issues raised in the comments provided by the
1870 reviewing agencies pursuant to paragraph (4)(b). The state land
1871 planning agency may challenge a plan amendment that has
1872 substantially changed from the version on which the agencies
1873 provided comments. ~~For the purposes of this pilot program,~~ The
1874 Legislature strongly encourages the state land planning agency
1875 to focus any challenge on issues of regional or statewide
1876 importance.

1877 (d) An administrative law judge shall hold a hearing in the
1878 affected local jurisdiction. The local government's
1879 determination that the amendment is "in compliance" is presumed
1880 to be correct and shall be sustained unless it is shown by a
1881 preponderance of the evidence that the amendment is not "in
1882 compliance."

1883 (e) If the administrative law judge recommends that the
1884 amendment be found not in compliance, the judge shall submit the
1885 recommended order to the Administration Commission for final

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1886 agency action. The Administration Commission shall enter a final
1887 order within 45 days after its receipt of the recommended order.

1888 (f) If the administrative law judge recommends that the
1889 amendment be found in compliance, the judge shall submit the
1890 recommended order to the state land planning agency.

1891 1. If the state land planning agency determines that the
1892 plan amendment should be found not in compliance, the agency
1893 shall refer, within 30 days of receipt of the recommended order,
1894 the recommended order and its determination to the
1895 Administration Commission for final agency action. If the
1896 commission determines that the amendment is not in compliance,
1897 it may sanction the local government as set forth in s.
1898 163.3184(11).

1899 2. If the state land planning agency determines that the
1900 plan amendment should be found in compliance, the agency shall
1901 enter its final order not later than 30 days from receipt of the
1902 recommended order.

1903 (g) An amendment adopted under the expedited provisions of
1904 this section shall not become effective until 31 days after
1905 adoption. If timely challenged, an amendment shall not become
1906 effective until the state land planning agency or the
1907 Administration Commission enters a final order determining the
1908 adopted amendment to be in compliance.

1909 (h) Parties to a proceeding under this section may enter
1910 into compliance agreements using the process in s. 163.3184(16).
1911 Any remedial amendment adopted pursuant to a settlement
1912 agreement shall be provided to the agencies and governments
1913 listed in paragraph (4)(a).

1914 ~~(7) APPLICABILITY OF PILOT PROGRAM IN CERTAIN LOCAL~~

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1915 ~~GOVERNMENTS. Local governments and specific areas that have been~~
1916 ~~designated for alternate review process pursuant to ss. 163.3246~~
1917 ~~and 163.3184(17) and (18) are not subject to this section.~~

1918 ~~(8) RULEMAKING AUTHORITY FOR PILOT PROGRAM. Agencies shall~~
1919 ~~not promulgate rules to implement this pilot program.~~

1920 ~~(9) REPORT. The Office of Program Policy Analysis and~~
1921 ~~Government Accountability shall submit to the Governor, the~~
1922 ~~President of the Senate, and the Speaker of the House of~~
1923 ~~Representatives by December 1, 2008, a report and~~
1924 ~~recommendations for implementing a statewide program that~~
1925 ~~addresses the legislative findings in subsection (1) in areas~~
1926 ~~that meet urban criteria. The Office of Program Policy Analysis~~
1927 ~~and Government Accountability in consultation with the state~~
1928 ~~land planning agency shall develop the report and~~
1929 ~~recommendations with input from other state and regional~~
1930 ~~agencies, local governments, and interest groups. Additionally,~~
1931 ~~the office shall review local and state actions and~~
1932 ~~correspondence relating to the pilot program to identify issues~~
1933 ~~of process and substance in recommending changes to the pilot~~
1934 ~~program. At a minimum, the report and recommendations shall~~
1935 ~~include the following:~~

1936 ~~(a) Identification of local governments beyond those~~
1937 ~~participating in the pilot program that should be subject to the~~
1938 ~~alternative expedited state review process. The report may~~
1939 ~~recommend that pilot program local governments may no longer be~~
1940 ~~appropriate for such alternative review process.~~

1941 ~~(b) Changes to the alternative expedited state review~~
1942 ~~process for local comprehensive plan amendments identified in~~
1943 ~~the pilot program.~~

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1944 ~~(c) Criteria for determining issues of regional or~~
1945 ~~statewide importance that are to be protected in the alternative~~
1946 ~~state review process.~~

1947 ~~(d) In preparing the report and recommendations, the Office~~
1948 ~~of Program Policy Analysis and Government Accountability shall~~
1949 ~~consult with the state land planning agency, the Department of~~
1950 ~~Transportation, the Department of Environmental Protection, and~~
1951 ~~the regional planning agencies in identifying highly developed~~
1952 ~~local governments to participate in the alternative expedited~~
1953 ~~state review process. The Office of Program Policy Analysis and~~
1954 ~~Governmental Accountability shall also solicit citizen input in~~
1955 ~~the potentially affected areas and consult with the affected~~
1956 ~~local governments and stakeholder groups.~~

1957 Section 19. Section 288.048, Florida Statutes, is created
1958 to read:

1959 288.048 Incumbent worker training for economic
1960 development.—

1961 (1) The Incumbent Worker Training Program is created within
1962 Jobs Florida for the purpose of providing grant funding for
1963 continuing education and training of incumbent employees at
1964 existing Florida businesses. The program will provide
1965 reimbursement grants to businesses that pay for preapproved,
1966 direct, training-related costs.

1967 (2) The Incumbent Worker Training Program is administered
1968 by Jobs Florida in conjunction with Workforce Florida, Inc. Jobs
1969 Florida, at its discretion, may contract with a private business
1970 organization to serve as the grant administrator.

1971 (3) To be eligible for the program's grant funding, a
1972 business must have been in operation in this state for at least

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1973 1 year before applying for grant funding; have at least one
1974 full-time employee; demonstrate financial viability; and be
1975 current on all state tax obligations. Priority for funding shall
1976 be given to businesses having 25 or fewer employees, businesses
1977 in rural areas, businesses in distressed inner-city areas,
1978 businesses in a qualified targeted industry, businesses whose
1979 grant proposals represent a significant upgrade in employee
1980 skills, or businesses whose grant proposals represent a
1981 significant layoff avoidance strategy.

1982 (4) All costs reimbursed by the program must be preapproved
1983 by Jobs Florida or the grant administrator. The program will not
1984 reimburse businesses for trainee wages, the purchase of capital
1985 equipment, or the purchase of any item or service that may be
1986 used outside the training project. A business approved for a
1987 grant may be reimbursed for preapproved, direct, training-
1988 related costs including tuition, fees, books and training
1989 materials, and overhead or indirect costs not to exceed 5
1990 percent of the grant amount.

1991 (5) A business that is selected to receive grant funding
1992 must provide a matching contribution to the training project,
1993 including, but not limited to, wages paid to trainees or the
1994 purchase of capital equipment used in the training project; must
1995 sign an agreement with Jobs Florida or the grant administrator
1996 to complete the training project as proposed in the application;
1997 must keep accurate records of the project's implementation
1998 process; and must submit monthly or quarterly reimbursement
1999 requests with required documentation.

2000 (6) All Incumbent Worker Training Program grant projects
2001 shall be performance-based with specific measurable performance

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2002 outcomes, including completion of the training project and job
2003 retention. Jobs Florida or the grant administrator shall
2004 withhold the final payment to the grantee until a final grant
2005 report is submitted and all performance criteria specified in
2006 the grant contract have been achieved.

2007 (7) Jobs Florida may establish guidelines, in conjunction
2008 with Workforce Florida, Inc., necessary to implement the
2009 Incumbent Worker Training Program.

2010 (8) No more than 10 percent of the Incumbent Worker
2011 Training Program's total appropriation may be used for overhead
2012 or indirect purposes. Federal funds available for the program
2013 are limited as set forth in s. 443.003(3).

2014 Section 20. Section 288.061, Florida Statutes, is amended
2015 to read:

2016 288.061 Economic development incentive application
2017 process.—

2018 (1) Within 10 business days after receiving a submitted economic development
2019 incentive application, the commissioner of Jobs Florida and designated
2020 staff of Enterprise Florida, Inc., shall review the application
2021 and inform the applicant business whether or not its application
2022 is complete, whether and what type of state and local permits
2023 may be necessary for the applicant's project, whether it is
2024 possible to waive such permits, and what state incentives and
2025 amounts of such incentives may be available to the applicant.

2026 ~~Within 10 business days after the application is deemed~~
2027 ~~complete, Enterprise Florida, Inc., shall evaluate the~~
2028 ~~application and recommend approval or disapproval of the~~
2029 ~~application to the director of the Office of Tourism, Trade, and~~
2030 ~~Economic Development. In recommending an applicant business for~~

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2031 ~~approval, Enterprise Florida, Inc., shall include in its~~
2032 ~~evaluation a recommended grant award amount and a review of the~~
2033 ~~applicant's ability to meet specific program criteria.~~

2034 (2) Within 14 business ~~10 calendar~~ days after the initial
2035 review and communication with the applicant, the commissioner
2036 shall ~~the Office of Tourism, Trade, and Economic Development~~
2037 ~~receives the evaluation and recommendation from Enterprise~~
2038 ~~Florida, Inc., the Office shall notify Enterprise Florida, Inc.,~~
2039 ~~whether or not the application is reviewable. Within 22 calendar~~
2040 ~~days after the Office receives the recommendation from~~
2041 ~~Enterprise Florida, Inc., the director of the Office shall~~
2042 ~~review the application and issue a letter of certification to~~
2043 ~~the applicant that approves or disapproves an applicant business~~
2044 ~~and includes a justification of that decision, unless the~~
2045 ~~business requests an extension of that time.~~

2046 (a) The commissioner's final order or agreement with the
2047 applicant shall specify the total amount of the award, the
2048 performance conditions that must be met to obtain the award, and
2049 the schedule for payment. The commissioner may enter into one
2050 agreement or issue one final order covering all of the state
2051 incentives that are being provided to the applicant.

2052 (b) The release of funds for the incentive or incentives
2053 awarded to the applicant depends upon the statutory requirements
2054 of the particular incentive program.

2055 Section 21. Section 288.095, Florida Statutes, is amended
2056 to read:

2057 288.095 Economic Development Trust Fund; incentives
2058 account; uses.—

2059 (1) The Economic Development Trust Fund is created within

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2060 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2061 ~~Development~~. Moneys deposited into the fund must be used only to
2062 support the authorized activities and operations of Jobs Florida
2063 ~~the Office~~.

2064 (2) There is created, within the Economic Development Trust
2065 Fund, the Economic Development Incentives Account. The Economic
2066 Development Incentives Account consists of moneys appropriated
2067 to the account for purposes of the economic development tax
2068 incentives programs authorized under ss. 288.047, 288.048,
2069 288.063, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
2070 288.1089, ss. 288.1045 and 288.106, and local financial support
2071 provided under ss. 288.1045 and 288.106. Moneys in the Economic
2072 Development Incentives Account shall be subject to the
2073 provisions of s. 216.301(1)(a).

2074 (3)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
2075 ~~Economic Development~~ may approve applications for certification
2076 or requests for participation pursuant to ss. 288.047, 288.048,
2077 288.063, 288.1045(3), 288.016, 288.107, 288.108, 288.1088, and
2078 288.1089 ss. 288.1045(3) and 288.106. However, the total state
2079 share of incentive program tax refund payments scheduled in all
2080 active certifications or approved requests for fiscal year 2001-
2081 2002 may not exceed \$30 million. The total for each subsequent
2082 fiscal year may not exceed \$35 million. Federal funds set aside
2083 for the incumbent worker training program under s. 288.048 may
2084 not be used for any other purpose.

2085 (b) The total amount of tax refund or other program claims
2086 approved for payment by Jobs Florida ~~the Office of Tourism,~~
2087 ~~Trade, and Economic Development~~ based on actual project
2088 performance may not exceed the amount appropriated to the

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2089 Economic Development Incentives Account for such purposes for
2090 the fiscal year. Claims for tax refunds or other payments under
2091 ss. 288.047, 288.048, 288.063, 288.1045, 288.106, 288.107,
2092 288.108, 288.1088, and 288.1089, ss. ~~288.1045 and 288.106~~ shall
2093 be paid in the order the claims are approved by Jobs Florida ~~the~~
2094 ~~Office of Tourism, Trade, and Economic Development~~. In the event
2095 the Legislature does not appropriate an amount sufficient to
2096 satisfy the tax refunds or other payments under ss. 288.047,
2097 288.048, 288.063, 288.1045, 288.106, 288.107, 288.108, 288.1088,
2098 and 288.1089, ss. ~~288.1045 and 288.106~~ in a fiscal year, Jobs
2099 Florida ~~the Office of Tourism, Trade, and Economic Development~~
2100 shall pay the tax refunds or other payments from the
2101 appropriation for the following fiscal year. By March 1 of each
2102 year, Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
2103 ~~Development~~ shall notify the legislative appropriations
2104 committees of the Senate and House of Representatives of any
2105 anticipated shortfall in the amount of funds needed to satisfy
2106 claims for tax refunds from the appropriation for the current
2107 fiscal year.

2108 (c) By December 31 of each year, Jobs Florida ~~Enterprise~~
2109 ~~Florida, Inc.~~, shall submit a complete and detailed annual
2110 report to the Governor, the President of the Senate, and the
2111 Speaker of the House of Representatives on the state's economic
2112 development incentive programs, and the director of the Office
2113 ~~of Tourism, Trade, and Economic Development of all applications~~
2114 ~~received, recommendations made to the Office of Tourism, Trade,~~
2115 ~~and Economic Development, final decisions issued, tax refund~~
2116 ~~agreements executed, and tax refunds paid or other payments made~~
2117 ~~under all programs funded out of the Economic Development~~

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2118 ~~Incentives Account, including analyses of benefits and costs,~~
2119 ~~types of projects supported, and employment and investment~~
2120 ~~created. Enterprise Florida, Inc., shall also include a separate~~
2121 ~~analysis of the impact of such tax refunds on state enterprise~~
2122 ~~zones designated pursuant to s. 290.0065, rural communities,~~
2123 ~~brownfield areas, and distressed urban communities. The report~~
2124 ~~must also discuss the efforts made by the Office of Tourism,~~
2125 ~~Trade, and Economic Development to amend tax refund agreements~~
2126 ~~to require tax refund claims to be submitted by January 31 for~~
2127 ~~the net new full time equivalent jobs in this state as of~~
2128 ~~December 31 of the preceding calendar year. The report must also~~
2129 ~~list the name and tax refund amount for each business that has~~
2130 ~~received a tax refund under s. 288.1045 or s. 288.106 during the~~
2131 ~~preceding fiscal year. The Office of Tourism, Trade, and~~
2132 ~~Economic Development shall assist Enterprise Florida, Inc., in~~
2133 ~~the collection of data related to business performance and~~
2134 ~~incentive payments.~~

2135 (d) Moneys in the Economic Development Incentives Account
2136 may be used only to pay tax refunds and make other payments
2137 authorized for the incentive programs identified in paragraph
2138 (a) under s. 288.1045, s. 288.106, or s. 288.107.

2139 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
2140 ~~Development~~ may adopt rules necessary to carry out the
2141 provisions of this subsection, including rules providing for the
2142 use of moneys in the Economic Development Incentives Account and
2143 for the administration of the Economic Development Incentives
2144 Account.

2145 Section 22. Paragraph (s) of subsection (24) of section
2146 380.06, Florida Statutes, is amended to read:

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2147 380.06 Developments of regional impact.-

2148 (24) STATUTORY EXEMPTIONS.-

2149 (s) Any development in a detailed specific area plan which
2150 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
2151 ~~the comprehensive plan~~ is exempt from this section.

2152

2153 If a use is exempt from review as a development of regional
2154 impact under paragraphs (a)-(s), but will be part of a larger
2155 project that is subject to review as a development of regional
2156 impact, the impact of the exempt use must be included in the
2157 review of the larger project, unless such exempt use involves a
2158 development of regional impact that includes a landowner,
2159 tenant, or user that has entered into a funding agreement with
2160 the Office of Tourism, Trade, and Economic Development under the
2161 Innovation Incentive Program and the agreement contemplates a
2162 state award of at least \$50 million.

2163 Section 23. Subsection (3) of section 380.115, Florida
2164 Statutes, is amended to read:

2165 380.115 Vested rights and duties; effect of size reduction,
2166 changes in guidelines and standards.-

2167 (3) A landowner that has filed an application for a
2168 development-of-regional-impact review prior to the adoption of a a
2169 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
2170 have the application reviewed pursuant to s. 380.06,
2171 comprehensive plan provisions in force prior to adoption of the
2172 sector plan, and any requested comprehensive plan amendments
2173 that accompany the application.

2174 Section 24. Subsection (4) of section 409.942, Florida
2175 Statutes, is amended, and subsection (5) is added to that

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2176 section, to read:

2177 409.942 Electronic benefit transfer program.—

2178 (4) Workforce Florida, Inc., through Jobs Florida ~~the~~
2179 ~~Agency for Workforce Innovation~~, shall establish an electronic
2180 benefit transfer program for the use and management of
2181 education, training, ~~child care~~, transportation, and other
2182 program benefits under its direction. The workforce electronic
2183 benefit transfer program shall fulfill all federal and state
2184 requirements for Individual Training Accounts, Retention
2185 Incentive Training Accounts, Individual Development Accounts,
2186 and Individual Services Accounts. The workforce electronic
2187 benefit transfer program shall be designed to enable an
2188 individual who receives an electronic benefit transfer card
2189 under subsection (1) to use that card for purposes of benefits
2190 provided under the workforce development system as well. The
2191 Department of Children and Family Services shall assist
2192 Workforce Florida, Inc., in developing an electronic benefit
2193 transfer program for the workforce development system that is
2194 fully compatible with the department's electronic benefit
2195 transfer program. Jobs Florida ~~The agency~~ shall reimburse the
2196 department for all costs incurred in providing such assistance
2197 and shall pay all costs for the development of the workforce
2198 electronic benefit transfer program.

2199 (5) The Department of Education shall establish an
2200 electronic benefit transfer program for the use and management
2201 of child care. The child care electronic benefit transfer
2202 program shall fulfill all federal and state requirements. The
2203 child care electronic benefit transfer program shall be designed
2204 to enable an individual who receives an electronic benefit

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2205 transfer card under subsection (1) to use that card for purposes
2206 of benefits provided under the child care development system as
2207 well. The Department of Children and Family Services shall
2208 assist the Department of Education in developing an electronic
2209 benefit transfer program for the child care development system
2210 that is fully compatible with the department's electronic
2211 benefit transfer program. Jobs Florida shall reimburse the
2212 department for all costs incurred in providing such assistance
2213 and shall pay all costs for the development of the child care
2214 electronic benefit transfer program.

2215 Section 25. Section 411.0102, Florida Statutes, is amended
2216 to read:

2217 411.0102 Child Care Executive Partnership Act; findings and
2218 intent; grant; limitation; rules.—

2219 (1) This section may be cited as the "Child Care Executive
2220 Partnership Act."

2221 (2)(a) The Legislature finds that when private employers
2222 provide onsite child care or provide other child care benefits,
2223 they benefit by improved recruitment and higher retention rates
2224 for employees, lower absenteeism, and improved employee morale.
2225 The Legislature also finds that there are many ways in which
2226 private employers can provide child care assistance to
2227 employees: information and referral, vouchering, employer
2228 contribution to child care programs, and onsite care. Private
2229 employers can offer child care as part of a menu of employee
2230 benefits. The Legislature recognizes that flexible compensation
2231 programs providing a child care option are beneficial to the
2232 private employer through increased productivity, to the private
2233 employee in knowing that his or her children are being cared for

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2234 in a safe and nurturing environment, and to the state in more
2235 dollars being available for purchasing power and investment.

2236 (b) It is the intent of the Legislature to promote
2237 public/private partnerships to ensure that the children of the
2238 state be provided safe and enriching child care at any time, but
2239 especially while parents work to remain self-sufficient. It is
2240 the intent of the Legislature that private employers be
2241 encouraged to participate in the future of this state by
2242 providing employee child care benefits. Further, it is the
2243 intent of the Legislature to encourage private employers to
2244 explore innovative ways to assist employees to obtain quality
2245 child care.

2246 (c) The Legislature further recognizes that many parents
2247 need assistance in paying the full costs of quality child care.
2248 The public and private sectors, by working in partnership, can
2249 promote and improve access to quality child care and early
2250 education for children of working families who need it.
2251 Therefore, a more formal mechanism is necessary to stimulate the
2252 establishment of public-private partnerships. It is the intent
2253 of the Legislature to expand the availability of scholarship
2254 options for working families by providing incentives for
2255 employers to contribute to meeting the needs of their employees'
2256 families through matching public dollars available for child
2257 care.

2258 (3) There is created a body politic and corporate known as
2259 the Child Care Executive Partnership which shall establish and
2260 govern the Child Care Executive Partnership Program. The purpose
2261 of the Child Care Executive Partnership Program is to utilize
2262 state and federal funds as incentives for matching local funds

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2263 derived from local governments, employers, charitable
2264 foundations, and other sources so that Florida communities may
2265 create local flexible partnerships with employers. The Child
2266 Care Executive Partnership Program funds shall be used at the
2267 discretion of local communities to meet the needs of working
2268 parents. A child care purchasing pool shall be developed with
2269 the state, federal, and local funds to provide subsidies to low-
2270 income working parents whose family income does not exceed the
2271 allowable income for any federally subsidized child care program
2272 with a dollar-for-dollar match from employers, local government,
2273 and other matching contributions. The funds used from the child
2274 care purchasing pool must be used to supplement or extend the
2275 use of existing public or private funds.

2276 (4) The Child Care Executive Partnership, staffed by the
2277 Department of Education ~~Agency for Workforce Innovation~~, shall
2278 consist of a representative of the Executive Office of the
2279 Governor, a representative of Jobs Florida, and nine members of
2280 the corporate or child care community, appointed by the
2281 Governor.

2282 (a) Members shall serve for a period of 4 years, except
2283 that the representative of the Executive Office of the Governor
2284 shall serve at the pleasure of the Governor, and the
2285 representative of Jobs Florida shall serve at the pleasure of
2286 the commissioner of Jobs Florida.

2287 (b) The Child Care Executive Partnership shall be chaired
2288 by a member chosen by a majority vote and shall meet at least
2289 quarterly and at other times upon the call of the chair. The
2290 Child Care Executive Partnership may use any method of
2291 telecommunications to conduct meetings, including establishing a

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2292 quorum through telecommunications, only if the public is given
2293 proper notice of a telecommunications meeting and reasonable
2294 access to observe and, when appropriate, participate.

2295 (c) Members shall serve without compensation, but may be
2296 reimbursed for per diem and travel expenses in accordance with
2297 s. 112.061.

2298 (d) The Child Care Executive Partnership shall have all the
2299 powers and authority, not explicitly prohibited by statute,
2300 necessary to carry out and effectuate the purposes of this
2301 section, as well as the functions, duties, and responsibilities
2302 of the partnership, including, but not limited to, the
2303 following:

2304 1. Assisting in the formulation and coordination of the
2305 state's child care policy.

2306 2. Adopting an official seal.

2307 3. Soliciting, accepting, receiving, investing, and
2308 expending funds from public or private sources.

2309 4. Contracting with public or private entities as
2310 necessary.

2311 5. Approving an annual budget.

2312 6. Carrying forward any unexpended state appropriations
2313 into succeeding fiscal years.

2314 7. Providing a report to the Governor, the Speaker of the
2315 House of Representatives, and the President of the Senate, on or
2316 before December 1 of each year.

2317 (5)(a) The Legislature shall annually determine the amount
2318 of state or federal low-income child care moneys which shall be
2319 used to create Child Care Executive Partnership Program child
2320 care purchasing pools in counties chosen by the Child Care

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2321 Executive Partnership, provided that at least two of the
2322 counties have populations of no more than 300,000. The
2323 Legislature shall annually review the effectiveness of the child
2324 care purchasing pool program and reevaluate the percentage of
2325 additional state or federal funds, if any, that can be used for
2326 the program's expansion.

2327 (b) To ensure a seamless service delivery and ease of
2328 access for families, an early learning coalition or the
2329 Department of Education ~~Agency for Workforce Innovation~~ shall
2330 administer the child care purchasing pool funds.

2331 (c) The Department of Education ~~Agency for Workforce~~
2332 ~~Innovation~~, in conjunction with the Child Care Executive
2333 Partnership, shall develop procedures for disbursement of funds
2334 through the child care purchasing pools. In order to be
2335 considered for funding, an early learning coalition or the
2336 Department of Education ~~Agency for Workforce Innovation~~ must
2337 commit to:

2338 1. Matching the state purchasing pool funds on a dollar-
2339 for-dollar basis; and

2340 2. Expending only those public funds which are matched by
2341 employers, local government, and other matching contributors who
2342 contribute to the purchasing pool. Parents shall also pay a fee,
2343 which may not be less than the amount identified in the early
2344 learning coalition's school readiness program sliding fee scale.

2345 (d) Each early learning coalition shall establish a
2346 community child care task force for each child care purchasing
2347 pool. The task force must be composed of employers, parents,
2348 private child care providers, and one representative from the
2349 local children's services council, if one exists in the area of

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2350 the purchasing pool. The early learning coalition is expected to
2351 recruit the task force members from existing child care
2352 councils, commissions, or task forces already operating in the
2353 area of a purchasing pool. A majority of the task force shall
2354 consist of employers.

2355 (e) Each early learning coalition board shall develop a
2356 plan for the use of child care purchasing pool funds. The plan
2357 must show how many children will be served by the purchasing
2358 pool, how many will be new to receiving child care services, and
2359 how the early learning coalition intends to attract new
2360 employers and their employees to the program.

2361 (6) The Department of Education ~~Agency for Workforce~~
2362 ~~Innovation~~ shall adopt any rules necessary for the
2363 implementation and administration of this section.

2364 Section 26. Section 1002.73, Florida Statutes, is amended
2365 to read:

2366 1002.73 Department of Education; powers and duties;
2367 accountability requirements; operational requirements.—

2368 (1) The department shall administer the accountability
2369 requirements and operational requirements of the Voluntary
2370 Prekindergarten Education Program at the state level.

2371 (2) The department shall adopt procedures for its:

2372 (a) Approval of prekindergarten director credentials under
2373 ss. 1002.55 and 1002.57.

2374 (b) Approval of emergent literacy training courses under
2375 ss. 1002.55 and 1002.59.

2376 (c) Administration of the statewide kindergarten screening
2377 and calculation of kindergarten readiness rates under s.
2378 1002.69.

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2379 (d) Approval of specialized instructional services
2380 providers under s. 1002.66.

2381 (e) Granting of a private prekindergarten provider's or
2382 public school's request for a good cause exemption under s.
2383 1002.69(7).

2384 (3) The department shall adopt procedures governing the
2385 administration of the Voluntary Prekindergarten Education
2386 Program by the early learning coalitions and school districts
2387 for:

2388 (a) Enrolling children in and determining the eligibility
2389 of children for the Voluntary Prekindergarten Education Program
2390 under s. 1002.53.

2391 (b) Providing parents with profiles of private
2392 prekindergarten providers and public schools under s. 1002.53.

2393 (c) Registering private prekindergarten providers and
2394 public schools to deliver the program under ss. 1002.55,
2395 1002.61, and 1002.63.

2396 (d) Determining the eligibility of private prekindergarten
2397 providers to deliver the program under ss. 1002.55 and 1002.61.

2398 (e) Verifying the compliance of private prekindergarten
2399 providers and public schools and removing providers or schools
2400 from eligibility to deliver the program due to noncompliance or
2401 misconduct as provided in s. 1002.67.

2402 (f) Paying private prekindergarten providers and public
2403 schools under s. 1002.71.

2404 (g) Documenting and certifying student enrollment and
2405 student attendance under s. 1002.71.

2406 (h) Reconciling advance payments in accordance with the
2407 uniform attendance policy under s. 1002.71.

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2408 (i) Reenrolling students dismissed by a private
2409 prekindergarten provider or public school for noncompliance with
2410 the provider's or school district's attendance policy under s.
2411 1002.71.

2412 (4) The department shall adopt procedures governing the
2413 administration of the Voluntary Prekindergarten Education
2414 Program by the early learning coalitions and school districts
2415 for:

2416 (a) Approving improvement plans of private prekindergarten
2417 providers and public schools under s. 1002.67.

2418 (b) Placing private prekindergarten providers and public
2419 schools on probation and requiring corrective actions under s.
2420 1002.67.

2421 (c) Removing a private prekindergarten provider or public
2422 school from eligibility to deliver the program due to the
2423 provider's or school's remaining on probation beyond the time
2424 permitted under s. 1002.67.

2425 (d) Enrolling children in and determining the eligibility
2426 of children for the Voluntary Prekindergarten Education Program
2427 under s. 1002.66.

2428 (e) Paying specialized instructional services providers
2429 under s. 1002.66.

2430 (5) The department shall also adopt procedures for the
2431 distribution of funds to early learning coalitions under s.
2432 1002.71.

2433 (6)~~(3)~~ Except as provided by law, the department may not
2434 impose requirements on a private prekindergarten provider or
2435 public school that does not deliver the Voluntary
2436 Prekindergarten Education Program or receive state funds under

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2437 this part.

2438 Section 27. Section 443.211, Florida Statutes, is amended
2439 to read:

2440 443.211 Employment Security Administration Trust Fund;
2441 appropriation; reimbursement.—

2442 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
2443 created in the State Treasury the "Employment Security
2444 Administration Trust Fund." All moneys deposited into this fund
2445 remain continuously available to Jobs Florida ~~the Agency for~~
2446 ~~Workforce Innovation~~ for expenditure in accordance with this
2447 chapter and do not revert at any time and may not be transferred
2448 to any other fund. All moneys in this fund which are received
2449 from the Federal Government or any federal agency or which are
2450 appropriated by this state under ss. 443.171 and 443.181, except
2451 money received under s. 443.191(5)(c), must be expended solely
2452 for the purposes and in the amounts found necessary by the
2453 authorized cooperating federal agencies for the proper and
2454 efficient administration of this chapter. The fund consists of:
2455 all moneys appropriated by this state; all moneys received from
2456 the United States or any federal agency; all moneys received
2457 from any other source for the administration of this chapter;
2458 any funds collected for enhanced, specialized, or value-added
2459 labor market information services; any moneys received from any
2460 agency of the United States or any other state as compensation
2461 for services or facilities supplied to that agency; any amounts
2462 received from any surety bond or insurance policy or from other
2463 sources for losses sustained by the Employment Security
2464 Administration Trust Fund or by reason of damage to equipment or
2465 supplies purchased from moneys in the fund; and any proceeds

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2466 from the sale or disposition of such equipment or supplies. All
2467 money requisitioned and deposited in this fund under s.
2468 443.191(5)(c) remains part of the Unemployment Compensation
2469 Trust Fund and must be used only in accordance with s.
2470 443.191(5). All moneys in this fund must be deposited,
2471 administered, and disbursed in the same manner and under the
2472 same conditions and requirements as provided by law for other
2473 trust funds in the State Treasury. These moneys must be secured
2474 by the depositary in which they are held to the same extent and
2475 in the same manner as required by the general depositary law of
2476 the state, and collateral pledged must be maintained in a
2477 separate custody account. All payments from the Employment
2478 Security Administration Trust Fund must be approved by Jobs
2479 Florida ~~the Agency for Workforce Innovation~~ or by an authorized
2480 agent and must be made by the Chief Financial Officer. Any
2481 balances in this fund do not revert at any time and must remain
2482 continuously available to Jobs Florida ~~the Agency for Workforce~~
2483 ~~Innovation~~ for expenditure consistent with this chapter.

2484 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
2485 There is created in the State Treasury the "Special Employment
2486 Security Administration Trust Fund," into which shall be
2487 deposited or transferred all interest on contributions and
2488 reimbursements, penalties, and fines or fees collected under
2489 this chapter. Interest on contributions and reimbursements,
2490 penalties, and fines or fees deposited during any calendar
2491 quarter in the clearing account in the Unemployment Compensation
2492 Trust Fund shall, as soon as practicable after the close of that
2493 calendar quarter and upon certification of Jobs Florida ~~the~~
2494 ~~Agency for Workforce Innovation~~, be transferred to the Special

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2495 Employment Security Administration Trust Fund. The amount
2496 certified by Jobs Florida ~~the Agency for Workforce Innovation~~ as
2497 required under this chapter to pay refunds of interest on
2498 contributions and reimbursements, penalties, and fines or fees
2499 collected and erroneously deposited into the clearing account in
2500 the Unemployment Compensation Trust Fund shall, however, be
2501 withheld from this transfer. The interest and penalties
2502 certified for transfer are deemed as being erroneously deposited
2503 in the clearing account, and their transfer to the Special
2504 Employment Security Administration Trust Fund is deemed to be a
2505 refund of the erroneous deposits. All moneys in this fund shall
2506 be deposited, administered, and disbursed in the same manner and
2507 under the same requirements as provided by law for other trust
2508 funds in the State Treasury. These moneys may not be expended or
2509 be available for expenditure in any manner that would permit
2510 their substitution for, or permit a corresponding reduction in,
2511 federal funds that would, in the absence of these moneys, be
2512 available to finance expenditures for the administration of this
2513 chapter. This section does not prevent these moneys from being
2514 used as a revolving fund to cover lawful expenditures for which
2515 federal funds are requested but not yet received, subject to the
2516 charging of the expenditures against the funds when received.
2517 The moneys in this fund, with the approval of the Executive
2518 Office of the Governor, shall be used by Jobs Florida ~~the Agency~~
2519 ~~for Workforce Innovation~~ for paying administrative costs that
2520 are not chargeable against funds obtained from federal sources.
2521 All moneys in the Special Employment Security Administration
2522 Trust Fund shall be continuously available to Jobs Florida ~~the~~
2523 ~~Agency for Workforce Innovation~~ for expenditure in accordance

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2524 with this chapter and do not revert at any time. All payments
2525 from the Special Employment Security Administration Trust Fund
2526 must be approved by Jobs Florida ~~the Agency for Workforce~~
2527 ~~Innovation~~ or by an authorized agent and shall be made by the
2528 Chief Financial Officer. The moneys in this fund are available
2529 to replace, as contemplated by subsection (3), expenditures from
2530 the Employment Security Administration Trust Fund which the
2531 United States Secretary of Labor, or other authorized federal
2532 agency or authority, finds are lost or improperly expended
2533 because of any action or contingency. The Chief Financial
2534 Officer is liable on her or his official bond for the faithful
2535 performance of her or his duties in connection with the Special
2536 Employment Security Administration Trust Fund.

2537 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
2538 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
2539 any unencumbered balances in the Employment Security
2540 Administration Trust Fund, any moneys granted to this state
2541 under the Wagner-Peyser Act, or any moneys made available by
2542 this state or its political subdivisions and matched by the
2543 moneys granted to this state under the Wagner-Peyser Act, are
2544 after reasonable notice and opportunity for hearing, found by
2545 the United States Secretary of Labor, because of any action or
2546 contingency, to be lost or expended for purposes other than, or
2547 in amounts in excess of, those allowed by the United States
2548 Secretary of Labor for the administration of this chapter, these
2549 moneys shall be replaced by moneys appropriated for that purpose
2550 from the General Revenue Fund to the Employment Security
2551 Administration Trust Fund for expenditure as provided in
2552 subsection (1). Upon receipt of notice of such a finding by the

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2553 United States Secretary of Labor, Jobs Florida ~~the Agency for~~
2554 ~~Workforce Innovation~~ shall promptly report the amount required
2555 for replacement to the Governor. The Governor shall, at the
2556 earliest opportunity, submit to the Legislature a request for
2557 the appropriation of the replacement funds.

2558 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
2559 duties under s. 443.181, Jobs Florida ~~the Agency for Workforce~~
2560 ~~Innovation~~ is responsible for the deposit, requisition,
2561 expenditure, approval of payment, reimbursement, and reporting
2562 in regard to the trust funds established by this section.

2563 Section 28. Section 443.221, Florida Statutes, is amended
2564 to read:

2565 443.221 Reciprocal arrangements.—

2566 (1)(a) Jobs Florida ~~The Agency for Workforce Innovation~~ or
2567 its tax collection service provider may enter into reciprocal
2568 arrangements with other states or with the Federal Government,
2569 or both, for considering services performed by an individual for
2570 a single employing unit for which services are performed by the
2571 individual in more than one state as services performed entirely
2572 within any one of the states:

2573 1. In which any part of the individual's service is
2574 performed;

2575 2. In which the individual has her or his residence; or

2576 3. In which the employing unit maintains a place of
2577 business.

2578 (b) For services to be considered as performed within a
2579 state under a reciprocal agreement, the employing unit must have
2580 an election in effect for those services, which is approved by
2581 the agency charged with the administration of such state's

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2582 unemployment compensation law, under which all the services
2583 performed by the individual for the employing unit are deemed to
2584 be performed entirely within that state.

2585 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
2586 participate in any arrangements for the payment of compensation
2587 on the basis of combining an individual's wages and employment
2588 covered under this chapter with her or his wages and employment
2589 covered under the unemployment compensation laws of other
2590 states, which are approved by the United States Secretary of
2591 Labor, in consultation with the state unemployment compensation
2592 agencies, as reasonably calculated to assure the prompt and full
2593 payment of compensation in those situations and which include
2594 provisions for:

2595 1. Applying the base period of a single state law to a
2596 claim involving the combining of an individual's wages and
2597 employment covered under two or more state unemployment
2598 compensation laws; and

2599 2. Avoiding the duplicate use of wages and employment
2600 because of the combination.

2601 (d) Contributions or reimbursements due under this chapter
2602 with respect to wages for insured work are, for the purposes of
2603 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
2604 to the fund as of the date payment was made as contributions or
2605 reimbursements therefor under another state or federal
2606 unemployment compensation law, but an arrangement may not be
2607 entered into unless it contains provisions for reimbursement to
2608 the fund of the contributions or reimbursements and the actual
2609 earnings thereon as Jobs Florida ~~the Agency for Workforce~~
2610 ~~Innovation~~ or its tax collection service provider finds are fair

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2611 and reasonable as to all affected interests.

2612 (2) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
2613 tax collection service provider may make to other state or
2614 federal agencies and receive from these other state or federal
2615 agencies reimbursements from or to the fund, in accordance with
2616 arrangements entered into under subsection (1).

2617 (3) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
2618 tax collection service provider may enter into reciprocal
2619 arrangements with other states or the Federal Government, or
2620 both, for exchanging services, determining and enforcing payment
2621 obligations, and making available facilities and information.
2622 Jobs Florida ~~The Agency for Workforce Innovation~~ or its tax
2623 collection service provider may conduct investigations, secure
2624 and transmit information, make available services and
2625 facilities, and exercise other powers provided under this
2626 chapter to facilitate the administration of any unemployment
2627 compensation or public employment service law and, in a similar
2628 manner, accept and use information, services, and facilities
2629 made available to this state by the agency charged with the
2630 administration of any other unemployment compensation or public
2631 employment service law.

2632 (4) To the extent permissible under federal law, Jobs
2633 Florida ~~the Agency for Workforce Innovation~~ may enter into or
2634 cooperate in arrangements whereby facilities and services
2635 provided under this chapter and facilities and services provided
2636 under the unemployment compensation law of any foreign
2637 government may be used for the taking of claims and the payment
2638 of benefits under the employment security law of the state or
2639 under a similar law of that government.

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2640 Section 29. Section 445.002, Florida Statutes, is amended
2641 to read:

2642 445.002 Definitions.—As used in this chapter, the term:

2643 ~~(1) "Agency" means the Agency for Workforce Innovation.~~

2644 (1)~~(2)~~ "Services and one-time payments" or "services," when
2645 used in reference to individuals who are not receiving temporary
2646 cash assistance, means nonrecurrent, short-term benefits
2647 designed to deal with a specific crisis situation or episode of
2648 need and other services; work subsidies; supportive services
2649 such as child care and transportation; services such as
2650 counseling, case management, peer support, and child care
2651 information and referral; transitional services, job retention,
2652 job advancement, and other employment-related services;
2653 nonmedical treatment for substance abuse or mental health
2654 problems; teen pregnancy prevention; two-parent family support,
2655 including noncustodial parent employment; court-ordered
2656 supervised visitation, and responsible fatherhood services; and
2657 any other services that are reasonably calculated to further the
2658 purposes of the welfare transition program. Such terms do not
2659 include assistance as defined in federal regulations at 45
2660 C.F.R. s. 260.31(a).

2661 (2)~~(3)~~ "Welfare transition services" means those workforce
2662 services provided to current or former recipients of temporary
2663 cash assistance under chapter 414.

2664 Section 30. Subsection (3) of section 445.003, Florida
2665 Statutes, is amended to read:

2666 445.003 Implementation of the federal Workforce Investment
2667 Act of 1998.—

2668 (3) FUNDING.—

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2669 445.003 *Implementation of the federal Workforce Investment*
2670 *Act of 1998.*—

2671 (a) Title I, Workforce Investment Act of 1998 funds;
2672 Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended
2673 based on the 5-year plan of Workforce Florida, Inc. The plan
2674 shall outline and direct the method used to administer and
2675 coordinate various funds and programs that are operated by
2676 various agencies. The following provisions shall also apply to
2677 these funds:

2678 1. At least 50 percent of the Title I funds for Adults and
2679 Dislocated Workers that are passed through to regional workforce
2680 boards shall be allocated to Individual Training Accounts unless
2681 a regional workforce board obtains a waiver from Workforce
2682 Florida, Inc. Tuition and fees qualify as an Individual Training
2683 Account expenditure, as do other programs developed by regional
2684 workforce boards in compliance with policies of Workforce
2685 Florida, Inc.

2686 2. Fifteen percent of Title I funding shall be retained at
2687 the state level and shall be dedicated to state administration
2688 and used to design, develop, induce, and fund innovative
2689 Individual Training Account pilots, demonstrations, and
2690 programs. Of such funds retained at the state level, \$2 million
2691 shall be reserved for the Incumbent Worker Training Program,
2692 created under s. 288.048 ~~subparagraph 3~~. Eligible state
2693 administration costs include the costs of: funding for the board
2694 and staff of Workforce Florida, Inc.; operating fiscal,
2695 compliance, and management accountability systems through
2696 Workforce Florida, Inc.; conducting evaluation and research on
2697 workforce development activities; and providing technical and

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2698 capacity building assistance to regions at the direction of
2699 Workforce Florida, Inc. Notwithstanding s. 445.004, such
2700 administrative costs shall not exceed 25 percent of these funds.
2701 An amount not to exceed 75 percent of these funds shall be
2702 allocated to Individual Training Accounts and other workforce
2703 development strategies for other training designed and tailored
2704 by Workforce Florida, Inc., including, but not limited to,
2705 programs for incumbent workers, displaced homemakers,
2706 nontraditional employment, and enterprise zones. Workforce
2707 Florida, Inc., shall design, adopt, and fund Individual Training
2708 Accounts for distressed urban and rural communities.

2709 ~~3. The Incumbent Worker Training Program is created for the~~
2710 ~~purpose of providing grant funding for continuing education and~~
2711 ~~training of incumbent employees at existing Florida businesses.~~
2712 ~~The program will provide reimbursement grants to businesses that~~
2713 ~~pay for preapproved, direct, training related costs.~~

2714 ~~a. The Incumbent Worker Training Program will be~~
2715 ~~administered by Workforce Florida, Inc. Workforce Florida, Inc.,~~
2716 ~~at its discretion, may contract with a private business~~
2717 ~~organization to serve as grant administrator.~~

2718 ~~b. To be eligible for the program's grant funding, a~~
2719 ~~business must have been in operation in Florida for a minimum of~~
2720 ~~1 year prior to the application for grant funding; have at least~~
2721 ~~one full-time employee; demonstrate financial viability; and be~~
2722 ~~current on all state tax obligations. Priority for funding shall~~
2723 ~~be given to businesses with 25 employees or fewer, businesses in~~
2724 ~~rural areas, businesses in distressed inner-city areas,~~
2725 ~~businesses in a qualified targeted industry, businesses whose~~
2726 ~~grant proposals represent a significant upgrade in employee~~

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2727 ~~skills, or businesses whose grant proposals represent a~~
2728 ~~significant layoff avoidance strategy.~~

2729 ~~e. All costs reimbursed by the program must be preapproved~~
2730 ~~by Workforce Florida, Inc., or the grant administrator. The~~
2731 ~~program will not reimburse businesses for trainee wages, the~~
2732 ~~purchase of capital equipment, or the purchase of any item or~~
2733 ~~service that may possibly be used outside the training project.~~
2734 ~~A business approved for a grant may be reimbursed for~~
2735 ~~preapproved, direct, training related costs including tuition;~~
2736 ~~fees; books and training materials; and overhead or indirect~~
2737 ~~costs not to exceed 5 percent of the grant amount.~~

2738 ~~d. A business that is selected to receive grant funding~~
2739 ~~must provide a matching contribution to the training project,~~
2740 ~~including, but not limited to, wages paid to trainees or the~~
2741 ~~purchase of capital equipment used in the training project; must~~
2742 ~~sign an agreement with Workforce Florida, Inc., or the grant~~
2743 ~~administrator to complete the training project as proposed in~~
2744 ~~the application; must keep accurate records of the project's~~
2745 ~~implementation process; and must submit monthly or quarterly~~
2746 ~~reimbursement requests with required documentation.~~

2747 ~~e. All Incumbent Worker Training Program grant projects~~
2748 ~~shall be performance based with specific measurable performance~~
2749 ~~outcomes, including completion of the training project and job~~
2750 ~~retention. Workforce Florida, Inc., or the grant administrator~~
2751 ~~shall withhold the final payment to the grantee until a final~~
2752 ~~grant report is submitted and all performance criteria specified~~
2753 ~~in the grant contract have been achieved.~~

2754 ~~f. Workforce Florida, Inc., may establish guidelines~~
2755 ~~necessary to implement the Incumbent Worker Training Program.~~

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2756 ~~g. No more than 10 percent of the Incumbent Worker Training~~
2757 ~~Program's total appropriation may be used for overhead or~~
2758 ~~indirect purposes.~~

2759 3.4. At least 50 percent of Rapid Response funding shall be
2760 dedicated to Intensive Services Accounts and Individual Training
2761 Accounts for dislocated workers and incumbent workers who are at
2762 risk of dislocation. Workforce Florida, Inc., shall also
2763 maintain an Emergency Preparedness Fund from Rapid Response
2764 funds which will immediately issue Intensive Service Accounts
2765 and Individual Training Accounts as well as other federally
2766 authorized assistance to eligible victims of natural or other
2767 disasters. At the direction of the Governor, for events that
2768 qualify under federal law, these Rapid Response funds shall be
2769 released to regional workforce boards for immediate use. Funding
2770 shall also be dedicated to maintain a unit at the state level to
2771 respond to Rapid Response emergencies around the state, to work
2772 with state emergency management officials, and to work with
2773 regional workforce boards. All Rapid Response funds must be
2774 expended based on a plan developed by Workforce Florida, Inc.,
2775 and approved by the Governor.

2776 (b) The administrative entity for Title I, Workforce
2777 Investment Act of 1998 funds, and Rapid Response activities,
2778 shall be Jobs Florida ~~the Agency for Workforce Innovation~~, which
2779 shall provide direction to regional workforce boards regarding
2780 Title I programs and Rapid Response activities pursuant to the
2781 direction of Workforce Florida, Inc.

2782 Section 31. Subsection (1), paragraph (a) of subsection
2783 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection
2784 (5) of section 445.004, Florida Statutes, are amended to read:

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2785 445.004 Workforce Florida, Inc.; creation; purpose;
2786 membership; duties and powers.—

2787 (1) There is created a not-for-profit corporation, to be
2788 known as "Workforce Florida, Inc.," which shall be registered,
2789 incorporated, organized, and operated in compliance with chapter
2790 617, and which shall not be a unit or entity of state government
2791 and shall be exempt from chapters 120 and 287. Workforce
2792 Florida, Inc., shall apply the procurement and expenditure
2793 procedures required by federal law for the expenditure of
2794 federal funds. Workforce Florida, Inc., shall be
2795 administratively housed within Jobs Florida ~~the Agency for~~
2796 ~~Workforce Innovation~~; however, Workforce Florida, Inc., shall
2797 not be subject to control, supervision, or direction by Jobs
2798 Florida ~~the Agency for Workforce Innovation~~ in any manner. The
2799 Legislature determines, however, that public policy dictates
2800 that Workforce Florida, Inc., operate in the most open and
2801 accessible manner consistent with its public purpose. To this
2802 end, the Legislature specifically declares that Workforce
2803 Florida, Inc., its board, councils, and any advisory committees
2804 or similar groups created by Workforce Florida, Inc., are
2805 subject to the provisions of chapter 119 relating to public
2806 records, and those provisions of chapter 286 relating to public
2807 meetings.

2808 (3)(a) Workforce Florida, Inc., shall be governed by a
2809 board of directors, the number of directors to be determined by
2810 the Governor, whose membership and appointment must be
2811 consistent with Pub. L. No. 105-220, Title I, s. 111(b), and
2812 contain one member representing the licensed nonpublic
2813 postsecondary educational institutions authorized as individual

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2814 training account providers, one member from the staffing service
2815 industry, at least one member who is a current or former
2816 recipient of welfare transition services as defined in s.
2817 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in s.
2818 445.009(1), and five representatives of organized labor who
2819 shall be appointed by the Governor. Members described in Pub. L.
2820 No. 105-220, Title I, s. 111(b)(1)(C)(vi) shall be nonvoting
2821 members. The importance of minority, gender, and geographic
2822 representation shall be considered when making appointments to
2823 the board.

2824 (5) Workforce Florida, Inc., shall have all the powers and
2825 authority, not explicitly prohibited by statute, necessary or
2826 convenient to carry out and effectuate the purposes as
2827 determined by statute, Pub. L. No. 105-220, and the Governor, as
2828 well as its functions, duties, and responsibilities, including,
2829 but not limited to, the following:

2830 (b) Providing oversight and policy direction to ensure that
2831 the following programs are administered by Jobs Florida ~~the~~
2832 ~~Agency for Workforce Innovation~~ in compliance with approved
2833 plans and under contract with Workforce Florida, Inc.:

2834 1. Programs authorized under Title I of the Workforce
2835 Investment Act of 1998, Pub. L. No. 105-220, with the exception
2836 of programs funded directly by the United States Department of
2837 Labor under Title I, s. 167.

2838 2. Programs authorized under the Wagner-Peyser Act of 1933,
2839 as amended, 29 U.S.C. ss. 49 et seq.

2840 3. Activities authorized under Title II of the Trade Act of
2841 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
2842 Adjustment Assistance Program.

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2843 4. Activities authorized under 38 U.S.C., chapter 41,
2844 including job counseling, training, and placement for veterans.

2845 5. Employment and training activities carried out under
2846 funds awarded to this state by the United States Department of
2847 Housing and Urban Development.

2848 6. Welfare transition services funded by the Temporary
2849 Assistance for Needy Families Program, created under the
2850 Personal Responsibility and Work Opportunity Reconciliation Act
2851 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,
2852 of the Social Security Act, as amended.

2853 7. Displaced homemaker programs, provided under s. 446.50.

2854 8. The Florida Bonding Program, provided under Pub. L. No.
2855 97-300, s. 164(a)(1).

2856 9. The Food Assistance Employment and Training Program,
2857 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
2858 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
2859 and the Hunger Prevention Act, Pub. L. No. 100-435.

2860 10. The Quick-Response Training Program, provided under ss.
2861 288.046-288.047. Matching funds and in-kind contributions that
2862 are provided by clients of the Quick-Response Training Program
2863 shall count toward the requirements of s. 288.90151(5)(d),
2864 pertaining to the return on investment from activities of
2865 Enterprise Florida, Inc.

2866 11. The Work Opportunity Tax Credit, provided under the Tax
2867 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
2868 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

2869 12. Offender placement services, provided under ss.
2870 944.707-944.708.

2871 (c) Jobs Florida ~~the agency~~ may adopt rules necessary to

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2872 administer the provisions of this chapter which relate to
2873 implementing and administering the programs listed in paragraph
2874 (b) as well as rules related to eligible training providers and
2875 auditing and monitoring subrecipients of the workforce system
2876 grant funds.

2877 (d) Contracting with public and private entities as
2878 necessary to further the directives of this section. All
2879 contracts executed by Workforce Florida, Inc., must include
2880 specific performance expectations and deliverables. All
2881 Workforce Florida, Inc., contracts, including those solicited,
2882 managed, or paid by Jobs Florida ~~the Agency for Workforce~~
2883 ~~Innovation~~ pursuant to s. 20.60(5)(d) ~~20.50(2)~~ are exempt from
2884 s. 112.061, but shall be governed by subsection (1).

2885 (e) Notifying the Governor, the President of the Senate,
2886 and the Speaker of the House of Representatives of noncompliance
2887 by Jobs Florida ~~the Agency for Workforce Innovation~~ or other
2888 agencies or obstruction of the board's efforts by such agencies.
2889 Upon such notification, the Executive Office of the Governor
2890 shall assist agencies to bring them into compliance with board
2891 objectives.

2892 (g) Establish a dispute resolution process for all
2893 memoranda of understanding or other contracts or agreements
2894 entered into between Jobs Florida ~~the agency~~ and regional
2895 workforce boards.

2896 Section 32. Subsection (1) of section 445.007, Florida
2897 Statutes, is amended to read:

2898 445.007 Regional workforce boards.—

2899 (1) One regional workforce board shall be appointed in each
2900 designated service delivery area and shall serve as the local

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2901 workforce investment board pursuant to Pub. L. No. 105-220. The
2902 membership of the board shall be consistent with Pub. L. No.
2903 105-220, Title I, s. 117(b), and contain one representative from
2904 a nonpublic postsecondary educational institution that is an
2905 authorized individual training account provider within the
2906 region and confers certificates and diplomas, one representative
2907 from a nonpublic postsecondary educational institution that is
2908 an authorized individual training account provider within the
2909 region and confers degrees, and three representatives of
2910 organized labor. The board shall include one nonvoting
2911 representative from a military installation if a military
2912 installation is located within the region and the appropriate
2913 military command or organization authorizes such representation.
2914 It is the intent of the Legislature that membership of a
2915 regional workforce board include persons who are current or
2916 former recipients of welfare transition assistance as defined in
2917 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
2918 s. 445.009(1) or that such persons be included as ex officio
2919 members of the board or of committees organized by the board.
2920 The importance of minority and gender representation shall be
2921 considered when making appointments to the board. The board, its
2922 committees, subcommittees, and subdivisions, and other units of
2923 the workforce system, including units that may consist in whole
2924 or in part of local governmental units, may use any method of
2925 telecommunications to conduct meetings, including establishing a
2926 quorum through telecommunications, provided that the public is
2927 given proper notice of the telecommunications meeting and
2928 reasonable access to observe and, when appropriate, participate.
2929 Regional workforce boards are subject to chapters 119 and 286

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2930 and s. 24, Art. I of the State Constitution. If the regional
2931 workforce board enters into a contract with an organization or
2932 individual represented on the board of directors, the contract
2933 must be approved by a two-thirds vote of the entire board, and
2934 the board member who could benefit financially from the
2935 transaction must abstain from voting on the contract. A board
2936 member must disclose any such conflict in a manner that is
2937 consistent with the procedures outlined in s. 112.3143.

2938 Section 33. Subsections (3) and (9) of section 445.009,
2939 Florida Statutes, are amended to read:

2940 445.009 One-stop delivery system.—

2941 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
2942 shall enter into a memorandum of understanding with Jobs Florida
2943 ~~the Agency for Workforce Innovation~~ for the delivery of
2944 employment services authorized by the federal Wagner-Peyser Act.
2945 This memorandum of understanding must be performance based.

2946 (a) Unless otherwise required by federal law, at least 90
2947 percent of the Wagner-Peyser funding must go into direct
2948 customer service costs.

2949 (b) Employment services must be provided through the one-
2950 stop delivery system, under the guidance of one-stop delivery
2951 system operators. One-stop delivery system operators shall have
2952 overall authority for directing the staff of the workforce
2953 system. Personnel matters shall remain under the ultimate
2954 authority of Jobs Florida ~~the Agency for Workforce Innovation~~.
2955 However, the one-stop delivery system operator shall submit to
2956 Jobs Florida ~~the agency~~ information concerning the job
2957 performance of ~~agency~~ employees of Jobs Florida who deliver
2958 employment services. Jobs Florida ~~The agency~~ shall consider any

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2959 such information submitted by the one-stop delivery system
2960 operator in conducting performance appraisals of the employees.

2961 (c) Jobs Florida ~~The agency~~ shall retain fiscal
2962 responsibility and accountability for the administration of
2963 funds allocated to the state under the Wagner-Peyser Act. An
2964 ~~agency~~ employee of Jobs Florida who is providing services
2965 authorized under the Wagner-Peyser Act shall be paid using
2966 Wagner-Peyser Act funds.

2967 (9)(a) Workforce Florida, Inc., working with Jobs Florida
2968 ~~the Agency for Workforce Innovation~~, shall coordinate among the
2969 agencies a plan for a One-Stop Electronic Network made up of
2970 one-stop delivery system centers and other partner agencies that
2971 are operated by authorized public or private for-profit or not-
2972 for-profit agents. The plan shall identify resources within
2973 existing revenues to establish and support this electronic
2974 network for service delivery that includes Government Services
2975 Direct. If necessary, the plan shall identify additional funding
2976 needed to achieve the provisions of this subsection.

2977 (b) The network shall assure that a uniform method is used
2978 to determine eligibility for and management of services provided
2979 by agencies that conduct workforce development activities. The
2980 Department of Management Services shall develop strategies to
2981 allow access to the databases and information management systems
2982 of the following systems in order to link information in those
2983 databases with the one-stop delivery system:

2984 1. The Unemployment Compensation Program under chapter 443
2985 ~~of the Agency for Workforce Innovation~~.

2986 2. The public employment service described in s. 443.181.

2987 3. The FLORIDA System and the components related to

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2988 temporary cash assistance, food assistance, and Medicaid
2989 eligibility.

2990 4. The Student Financial Assistance System of the
2991 Department of Education.

2992 5. Enrollment in the public postsecondary education system.

2993 6. Other information systems determined appropriate by
2994 Workforce Florida, Inc.

2995 Section 34. Subsection (5) of section 445.016, Florida
2996 Statutes, is amended to read:

2997 445.016 Untried Worker Placement and Employment Incentive
2998 Act.—

2999 (5) Incentives must be paid according to the incentive
3000 schedule developed by Workforce Florida, Inc., Jobs Florida ~~the~~
3001 ~~Agency for Workforce Development~~, and the Department of Children
3002 and Family Services which costs the state less per placement
3003 than the state's 12-month expenditure on a welfare recipient.

3004 Section 35. Subsection (1) of section 445.024, Florida
3005 Statutes, is amended to read:

3006 445.024 Work requirements.—

3007 (1) WORK ACTIVITIES.—Jobs Florida ~~The Agency for Workforce~~
3008 ~~Innovation~~ may develop activities under each of the following
3009 categories of work activities. The following categories of work
3010 activities, based on federal law and regulations, may be used
3011 individually or in combination to satisfy the work requirements
3012 for a participant in the temporary cash assistance program:

3013 (a) Unsubsidized employment.

3014 (b) Subsidized private sector employment.

3015 (c) Subsidized public sector employment.

3016 (d) On-the-job training.

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- 3017 (e) Community service programs.
- 3018 (f) Work experience.
- 3019 (g) Job search and job readiness assistance.
- 3020 (h) Vocational educational training.
- 3021 (i) Job skills training directly related to employment.
- 3022 (j) Education directly related to employment.
- 3023 (k) Satisfactory attendance at a secondary school or in a
- 3024 course of study leading to a graduate equivalency diploma.
- 3025 (l) Providing child care services.

3026 Section 36. Subsection (1) of section 445.0325, Florida
3027 Statutes, is amended to read:

3028 445.0325 Welfare Transition Trust Fund.—

3029 (1) The Welfare Transition Trust Fund is created in the
3030 State Treasury, to be administered by Jobs Florida ~~the Agency~~
3031 ~~for Workforce Innovation~~. Funds shall be credited to the trust
3032 fund to be used for the purposes of the welfare transition
3033 program set forth in ss. 445.017-445.032.

3034 Section 37. Section 445.038, Florida Statutes, is amended
3035 to read:

3036 445.038 Digital media; job training.—Workforce Florida,
3037 Inc., through Jobs Florida ~~the Agency for Workforce Innovation~~,
3038 may use funds dedicated for Incumbent Worker Training for the
3039 digital media industry. Training may be provided by public or
3040 private training providers for broadband digital media jobs
3041 listed on the targeted occupations list developed by the
3042 Workforce Estimating Conference or Workforce Florida, Inc.
3043 Programs that operate outside the normal semester time periods
3044 and coordinate the use of industry and public resources should
3045 be given priority status for funding.

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3046 Section 38. Subsection (2), paragraph (b) of subsection
3047 (4), and subsection (6) of section 445.045, Florida Statutes,
3048 are amended to read:

3049 445.045 Development of an Internet-based system for
3050 information technology industry promotion and workforce
3051 recruitment.—

3052 (2) Workforce Florida, Inc., shall coordinate with the
3053 Agency for Enterprise Information Technology and Jobs Florida
3054 ~~the Agency for Workforce Innovation~~ to ensure links, where
3055 feasible and appropriate, to existing job information websites
3056 maintained by the state and state agencies and to ensure that
3057 information technology positions offered by the state and state
3058 agencies are posted on the information technology website.

3059 (4)

3060 (b) Workforce Florida, Inc., may enter into an agreement
3061 with the Agency for Enterprise Information Technology, Jobs
3062 Florida ~~the Agency for Workforce Innovation~~, or any other public
3063 agency with the requisite information technology expertise for
3064 the provision of design, operating, or other technological
3065 services necessary to develop and maintain the website.

3066 (6) In fulfilling its responsibilities under this section,
3067 Workforce Florida, Inc., may enlist the assistance of and act
3068 through Jobs Florida ~~the Agency for Workforce Innovation~~. Jobs
3069 Florida ~~The agency~~ is authorized and directed to provide the
3070 services that Workforce Florida, Inc., and Jobs Florida ~~the~~
3071 ~~agency~~ consider necessary to implement this section.

3072 Section 39. Subsection (1), paragraph (b) of subsection
3073 (4), and subsection (5) of section 445.048, Florida Statutes,
3074 are amended to read:

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3075 445.048 Passport to Economic Progress program.—
3076 (1) AUTHORIZATION.—Notwithstanding any law to the contrary,
3077 Workforce Florida, Inc., in conjunction with the Department of
3078 Children and Family Services and Jobs Florida ~~the Agency for~~
3079 ~~Workforce Innovation~~, shall implement a Passport to Economic
3080 Progress program consistent with the provisions of this section.
3081 Workforce Florida, Inc., may designate regional workforce boards
3082 to participate in the program. Expenses for the program may come
3083 from appropriated revenues or from funds otherwise available to
3084 a regional workforce board which may be legally used for such
3085 purposes. Workforce Florida, Inc., must consult with the
3086 applicable regional workforce boards and the applicable local
3087 offices of the Department of Children and Family Services which
3088 serve the program areas and must encourage community input into
3089 the implementation process.

3090 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—
3091 (b) Workforce Florida, Inc., in cooperation with the
3092 Department of Children and Family Services and Jobs Florida ~~the~~
3093 ~~Agency for Workforce Innovation~~, shall offer performance-based
3094 incentive bonuses as a component of the Passport to Economic
3095 Progress program. The bonuses do not represent a program
3096 entitlement and shall be contingent on achieving specific
3097 benchmarks prescribed in the self-sufficiency plan. If the funds
3098 appropriated for this purpose are insufficient to provide this
3099 financial incentive, the board of directors of Workforce
3100 Florida, Inc., may reduce or suspend the bonuses in order not to
3101 exceed the appropriation or may direct the regional boards to
3102 use resources otherwise given to the regional workforce to pay
3103 such bonuses if such payments comply with applicable state and

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3104 federal laws.

3105 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
3106 Inc., in conjunction with the Department of Children and Family
3107 Services, Jobs Florida ~~the Agency for Workforce Innovation~~, and
3108 the regional workforce boards, shall conduct a comprehensive
3109 evaluation of the effectiveness of the program operated under
3110 this section. Evaluations and recommendations for the program
3111 shall be submitted by Workforce Florida, Inc., as part of its
3112 annual report to the Legislature.

3113 Section 40. Subsection (2) of section 445.49, Florida
3114 Statutes, is amended to read:

3115 445.049 Digital Divide Council.—

3116 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
3117 created in the Department of Education. The council shall
3118 consist of:

3119 (a) A representative from the information technology
3120 industry in this state appointed by the Governor.

3121 (b) The commissioner of Jobs Florida, or his or her
3122 designee ~~The director of the Office of Tourism, Trade, and~~
3123 ~~Economic Development in the Executive Office of the Governor.~~

3124 (c) The president of Workforce Florida, Inc.

3125 ~~(d) The director of the Agency for Workforce Innovation.~~

3126 (d)~~(e)~~ The chair of itflorida.com, Inc.

3127 (e)~~(f)~~ The Commissioner of Education.

3128 (f)~~(g)~~ A representative of the information technology
3129 industry in this state appointed by the Speaker of the House of
3130 Representatives.

3131 (g)~~(h)~~ A representative of the information technology
3132 industry in this state appointed by the President of the Senate.

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3133 (h)~~(i)~~ Two members of the House of Representatives, who
3134 shall be ex officio, nonvoting members of the council, appointed
3135 by the Speaker of the House of Representatives, one of whom
3136 shall be a member of the Republican Caucus and the other of whom
3137 shall be a member of the Democratic Caucus.

3138 (i)~~(j)~~ Two members of the Senate, who shall be ex officio,
3139 nonvoting members of the council, appointed by the President of
3140 the Senate, one of whom shall be a member of the Republican
3141 Caucus and the other of whom shall be a member of the Democratic
3142 Caucus.

3143 Section 41. Subsection (13) of section 445.051, Florida
3144 Statutes, is amended to read:

3145 445.051 Individual development accounts.—

3146 (13) Pursuant to policy direction by Workforce Florida,
3147 Inc., Jobs Florida ~~the Agency for Workforce Innovation~~ shall
3148 adopt such rules as are necessary to implement this act.

3149 Section 42. Section 445.056, Florida Statutes, is amended
3150 to read:

3151 445.056 Citizen Soldier Matching Grant Program.—Jobs
3152 Florida ~~The Agency for Workforce Innovation~~ shall implement the
3153 ~~establish a matching grant program~~ established by the former
3154 Agency for Workforce Innovation to award matching grants to
3155 private sector employers in this state that provide wages to
3156 employees serving in the United States Armed Forces Reserves or
3157 the Florida National Guard while those employees are on federal
3158 active duty. A grant may not be provided for federal active duty
3159 served before January 1, 2005. Each grant shall be awarded to
3160 reimburse the employer for not more than one-half of the monthly
3161 wages paid to an employee who is a resident of this state for

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3162 the actual period of federal active duty. The monthly grant per
3163 employee may not exceed one-half of the difference between the
3164 amount of monthly wages paid by the employer to the employee at
3165 the level paid before the date the employee was called to
3166 federal active duty and the amount of the employee's active duty
3167 base pay, housing and variable allowances, and subsistence
3168 allowance. Jobs Florida shall implement the plan administered by
3169 the former Agency for Workforce Innovation ~~The agency shall~~
3170 ~~develop a plan by no later than October 1, 2005, subject to the~~
3171 ~~notice, review, and objection procedures of s. 216.177, to~~
3172 ~~administer the application and payment procedures for the~~
3173 ~~matching grant program. The Agency for Workforce Innovation~~
3174 ~~shall not award any matching grants prior to the approval of the~~
3175 ~~plan.~~

3176 Section 43. Section 446.41, Florida Statutes, is amended to
3177 read:

3178 446.41 Legislative intent with respect to rural workforce
3179 training and development; establishment of Rural Workforce
3180 Services Program.—In order that the state may achieve its full
3181 economic and social potential, consideration must be given to
3182 rural workforce training and development to enable its rural
3183 citizens as well as urban citizens to develop their maximum
3184 capacities and participate productively in our society. It is,
3185 therefore, the policy of the state to make available those
3186 services needed to assist individuals and communities in rural
3187 areas to improve their quality of life. It is with a great sense
3188 of urgency that a Rural Workforce Services Program is
3189 established within Jobs Florida ~~the Agency for Workforce~~
3190 ~~Innovation~~, under the direction of Workforce Florida, Inc., to

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3191 provide equal access to all manpower training programs available
3192 to rural as well as urban areas.

3193 Section 44. Section 446.50, Florida Statutes, is amended to
3194 read:

3195 446.50 Displaced homemakers; multiservice programs; report
3196 to the Legislature; Displaced Homemaker Trust Fund created.—

3197 (1) INTENT.—It is the intent of the Legislature to require Jobs Florida ~~the~~
3198 ~~Agency for Workforce Innovation~~ to enter into contracts with,
3199 and make grants to, public and nonprofit private entities for
3200 purposes of establishing multipurpose service programs to
3201 provide necessary training, counseling, and services for
3202 displaced homemakers so that they may enjoy the independence and
3203 economic security vital to a productive life.

3204 (2) DEFINITIONS.—For the purposes of this section the term—
3205 ~~(a)~~ "Displaced homemaker" means an individual who:

3206 (a)1. Is 35 years of age or older;

3207 (b)2. Has worked in the home, providing unpaid household
3208 services for family members;

3209 (c)3. Is not adequately employed, as defined by rule of the
3210 agency;

3211 (d)4. Has had, or would have, difficulty in securing
3212 adequate employment; and

3213 (e)5. Has been dependent on the income of another family
3214 member but is no longer supported by such income, or has been
3215 dependent on federal assistance.

3216 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

3217 (3) ~~AGENCY~~ POWERS AND DUTIES OF JOBS FLORIDA.—

3218 (a) Jobs Florida ~~The agency~~, under plans established by
3219 Workforce Florida, Inc., shall establish, or contract for the

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3220 establishment of, programs for displaced homemakers which shall
3221 include:

3222 1. Job counseling, by professionals and peers, specifically
3223 designed for a person entering the job market after a number of
3224 years as a homemaker.

3225 2. Job training and placement services, including:

3226 a. Training programs for available jobs in the public and
3227 private sectors, taking into account the skills and job
3228 experiences of a homemaker and developed by working with public
3229 and private employers.

3230 b. Assistance in locating available employment for
3231 displaced homemakers, some of whom could be employed in existing
3232 job training and placement programs.

3233 c. Utilization of the services of the state employment
3234 service in locating employment opportunities.

3235 3. Financial management services providing information and
3236 assistance with respect to insurance, including, but not limited
3237 to, life, health, home, and automobile insurance, and taxes,
3238 estate and probate problems, mortgages, loans, and other related
3239 financial matters.

3240 4. Educational services, including high school equivalency
3241 degree and such other courses as Jobs Florida ~~the agency~~
3242 determines would be of interest and benefit to displaced
3243 homemakers.

3244 5. Outreach and information services with respect to
3245 federal and state employment, education, health, and
3246 unemployment assistance programs which Jobs Florida ~~the agency~~
3247 determines would be of interest and benefit to displaced
3248 homemakers.

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3249 (b)1. Jobs Florida ~~The agency~~ shall enter into contracts
3250 with, and make grants to, public and nonprofit private entities
3251 for purposes of establishing multipurpose service programs for
3252 displaced homemakers under this section. Such grants and
3253 contracts shall be awarded pursuant to chapter 287 and based on
3254 criteria established in the state plan developed pursuant to
3255 this section. Jobs Florida ~~The agency~~ shall designate catchment
3256 areas which together shall comprise the entire state, and, to
3257 the extent possible from revenues in the Displaced Homemaker
3258 Trust Fund, Jobs Florida ~~the agency~~ shall contract with, and
3259 make grants to, entities which will serve entire catchment areas
3260 so that displaced homemaker service programs are available
3261 statewide. These catchment areas shall be coterminous with the
3262 state's workforce development regions. Jobs Florida ~~The agency~~
3263 may give priority to existing displaced homemaker programs when
3264 evaluating bid responses to the ~~agency's~~ request for proposals.

3265 2. In order to receive funds under this section, and unless
3266 specifically prohibited by law from doing so, an entity that
3267 provides displaced homemaker service programs must receive at
3268 least 25 percent of its funding from one or more local,
3269 municipal, or county sources or nonprofit private sources. In-
3270 kind contributions may be evaluated by Jobs Florida ~~the agency~~
3271 and counted as part of the required local funding.

3272 3. Jobs Florida ~~The agency~~ shall require an entity that
3273 receives funds under this section to maintain appropriate data
3274 to be compiled in an annual report to Jobs Florida ~~the agency~~.
3275 Such data shall include, but shall not be limited to, the number
3276 of clients served, the units of services provided, designated
3277 client-specific information including intake and outcome

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3278 information specific to each client, costs associated with
3279 specific services and program administration, total program
3280 revenues by source and other appropriate financial data, and
3281 client followup information at specified intervals after the
3282 placement of a displaced homemaker in a job.

3283 (c) Jobs Florida ~~The agency~~ shall consult and cooperate
3284 with the Commissioner of Education, the United States
3285 Commissioner of the Social Security Administration, and such
3286 other persons in the executive branch of the state government as
3287 Jobs Florida ~~the agency~~ considers appropriate to facilitate the
3288 coordination of multipurpose service programs established under
3289 this section with existing programs of a similar nature.

3290 (d) Supervisory, technical, and administrative positions
3291 relating to programs established under this section shall, to
3292 the maximum extent practicable, be filled by displaced
3293 homemakers.

3294 (e) Jobs Florida ~~The agency~~ shall adopt rules establishing
3295 minimum standards necessary for entities that provide displaced
3296 homemaker service programs to receive funds ~~from the agency~~ and
3297 any other rules necessary to administer this section.

3298 (4) STATE PLAN.—

3299 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
3300 develop a 3-year state plan for the displaced homemaker program
3301 which shall be updated annually. The plan must address, at a
3302 minimum, the need for programs specifically designed to serve
3303 displaced homemakers, any necessary service components for such
3304 programs in addition to those enumerated in this section, goals
3305 of the displaced homemaker program with an analysis of the
3306 extent to which those goals are being met, and recommendations

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3307 for ways to address any unmet program goals. Any request for
3308 funds for program expansion must be based on the state plan.

3309 (b) Each annual update must address any changes in the
3310 components of the 3-year state plan and a report which must
3311 include, but need not be limited to, the following:

3312 1. The scope of the incidence of displaced homemakers;

3313 2. A compilation and report, by program, of data submitted
3314 to Jobs Florida ~~the agency~~ pursuant to subparagraph 3. by funded
3315 displaced homemaker service programs;

3316 3. An identification and description of the programs in the
3317 state that receive funding from Jobs Florida ~~the agency~~,
3318 including funding information; and

3319 4. An assessment of the effectiveness of each displaced
3320 homemaker service program based on outcome criteria established
3321 by rule of Jobs Florida ~~the agency~~.

3322 (c) The 3-year state plan must be submitted to the
3323 President of the Senate, the Speaker of the House of
3324 Representatives, and the Governor on or before January 1, 2001,
3325 and annual updates of the plan must be submitted by January 1 of
3326 each subsequent year.

3327 (5) DISPLACED HOMEMAKER TRUST FUND.—

3328 (a) There is established within the State Treasury a
3329 Displaced Homemaker Trust Fund to be used by Jobs Florida ~~the~~
3330 ~~agency~~ for its administration of the displaced homemaker program
3331 and to fund displaced homemaker service programs according to
3332 criteria established under this section.

3333 (b) The trust fund shall receive funds generated from an
3334 additional fee on marriage license applications and dissolution
3335 of marriage filings as specified in ss. 741.01(3) and 28.101,

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3336 respectively, and may receive funds from any other public or
3337 private source.

3338 (c) Funds that are not expended by Jobs Florida ~~the agency~~
3339 at the end of the budget cycle or through a supplemental budget
3340 approved by Jobs Florida ~~the agency~~ shall revert to the trust
3341 fund.

3342 Section 45. Section 446.52, Florida Statutes, is amended to
3343 read:

3344 446.52 Confidentiality of information.—Information about
3345 displaced homemakers who receive services under ss. 446.50 and
3346 446.51 which is received through files, reports, inspections, or
3347 otherwise, by Jobs Florida ~~the division~~ or by its authorized
3348 employees ~~of the division~~, by persons who volunteer services, or
3349 by persons who provide services to displaced homemakers under
3350 ss. 446.50 and 446.51 through contracts with the division is
3351 confidential and exempt from the provisions of s. 119.07(1).
3352 Such information may not be disclosed publicly in such a manner
3353 as to identify a displaced homemaker, unless such person or the
3354 person's legal guardian provides written consent.

3355 Section 46. Paragraph (a) of subsection (3) of section
3356 448.109, Florida Statutes, is amended to read:

3357 448.109 Notification of the state minimum wage.—

3358 (3)(a) Each year the Department of Revenue ~~Agency for Workforce~~
3359 ~~Innovation~~ shall, on or before December 1, create and make
3360 available to employers a poster in English and in Spanish which
3361 reads substantially as follows:

3362
3363 NOTICE TO EMPLOYEES
3364

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3365 The Florida minimum wage is \$...(amount)... per hour,
3366 with a minimum wage of at least \$...(amount)... per
3367 hour for tipped employees, in addition to tips, for
3368 January 1, ...(year)..., through December 31,
3369 ...(year)....

3370
3371 The rate of the minimum wage is recalculated yearly on
3372 September 30, based on the Consumer Price Index. Every
3373 year on January 1 the new Florida minimum wage takes
3374 effect.

3375
3376 An employer may not retaliate against an employee for
3377 exercising his or her right to receive the minimum
3378 wage. Rights protected by the State Constitution
3379 include the right to:

3380 1. File a complaint about an employer's alleged
3381 noncompliance with lawful minimum wage requirements.

3382 2. Inform any person about an employer's alleged
3383 noncompliance with lawful minimum wage requirements.

3384 3. Inform any person of his or her potential
3385 rights under Section 24, Article X of the State
3386 Constitution and to assist him or her in asserting
3387 such rights.

3388
3389 An employee who has not received the lawful minimum
3390 wage after notifying his or her employer and giving
3391 the employer 15 days to resolve any claims for unpaid
3392 wages may bring a civil action in a court of law
3393 against an employer to recover back wages plus damages

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3394 and attorney's fees.

3395

3396 An employer found liable for intentionally violating
3397 minimum wage requirements is subject to a fine of
3398 \$1,000 per violation, payable to the state.

3399

3400 The Attorney General or other official designated by
3401 the Legislature may bring a civil action to enforce
3402 the minimum wage.

3403

3404 For details see Section 24, Article X of the State
3405 Constitution.

3406

3407 Section 47. Subsections (2), (4), and (11) of section
3408 448.110, Florida Statutes, are amended to read:

3409 448.110 State minimum wage; annual wage adjustment;
3410 enforcement.—

3411 (2) The purpose of this section is to provide measures
3412 appropriate for the implementation of s. 24, Art. X of the State
3413 Constitution, in accordance with authority granted to the
3414 Legislature pursuant to s. 24(f), Art. X of the State
3415 Constitution. To implement s. 24, Art. X of the State
3416 Constitution, the Department of Revenue is designated as the
3417 state Agency for Workforce Innovation.

3418 (4)(a) Beginning September 30, 2005, and annually on
3419 September 30 thereafter, the Department of Revenue ~~Agency for~~
3420 ~~Workforce Innovation~~ shall calculate an adjusted state minimum
3421 wage rate by increasing the state minimum wage by the rate of
3422 inflation for the 12 months prior to September 1. In calculating

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3423 the adjusted state minimum wage, the department ~~agency~~ shall use
3424 the Consumer Price Index for Urban Wage Earners and Clerical
3425 Workers, not seasonally adjusted, for the South Region or a
3426 successor index as calculated by the United States Department of
3427 Labor. Each adjusted state minimum wage rate shall take effect
3428 on the following January 1, with the initial adjusted minimum
3429 wage rate to take effect on January 1, 2006.

3430 (b) The ~~Agency for Workforce Innovation and the~~ Department
3431 of Revenue shall annually publish the amount of the adjusted
3432 state minimum wage and the effective date. Publication shall
3433 occur by posting the adjusted state minimum wage rate and the
3434 effective date on the Internet home pages of ~~the agency and the~~
3435 department by October 15 of each year. In addition, to the
3436 extent funded in the General Appropriations Act, the department
3437 ~~agency~~ shall provide written notice of the adjusted rate and the
3438 effective date of the adjusted state minimum wage to all
3439 employers registered in the most current unemployment
3440 compensation database. Such notice shall be mailed by November
3441 15 of each year using the addresses included in the database.
3442 Employers are responsible for maintaining current address
3443 information in the unemployment compensation database. The
3444 department ~~is agency shall~~ not be responsible for failure to
3445 provide notice due to incorrect or incomplete address
3446 information in the database. ~~The agency shall provide the~~
3447 ~~Department of Revenue with the adjusted state minimum wage rate~~
3448 ~~information and effective date in a timely manner.~~

3449 (11) Except for calculating the adjusted state minimum wage
3450 and publishing the initial state minimum wage and any annual
3451 adjustments thereto, the authority of the Department of Revenue

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3452 ~~Agency for Workforce Innovation~~ in implementing s. 24, Art. X of
3453 the State Constitution, pursuant to this section, shall be
3454 limited to that authority expressly granted by the Legislature.

3455 Section 48. Section 450.161, Florida Statutes, is amended
3456 to read:

3457 450.161 Chapter not to affect career education of children;
3458 other exceptions.—Nothing in this chapter shall prevent minors
3459 of any age from receiving career education furnished by the
3460 United States, this state, or any county or other political
3461 subdivision of this state and duly approved by the Department of
3462 Education or other duly constituted authority, nor any
3463 apprentice indentured under a plan approved by the Department of
3464 Education ~~Division of Jobs and Benefits~~, or prevent the
3465 employment of any minor 14 years of age or older when such
3466 employment is authorized as an integral part of, or supplement
3467 to, such a course in career education and is authorized by
3468 regulations of the district school board of the district in
3469 which such minor is employed, provided the employment is in
3470 compliance with the provisions of ss. 450.021(4) and 450.061.
3471 Exemptions for the employment of student learners 16 to 18 years
3472 of age are provided in s. 450.061. Such an exemption shall apply
3473 when:

3474 (1) The student learner is enrolled in a youth vocational
3475 training program under a recognized state or local educational
3476 authority.

3477 (2) Such student learner is employed under a written
3478 agreement which provides:

3479 (a) That the work of the student learner in the occupation
3480 declared particularly hazardous shall be incidental to the

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3481 training.

3482 (b) That such work shall be intermittent and for short
3483 periods of time and under the direct and close supervision of a
3484 qualified and experienced person.

3485 (c) That safety instructions shall be given by the school
3486 and correlated by the employer with on-the-job training.

3487 (d) That a schedule of organized and progressive work
3488 processes to be performed on the job shall have been prepared.

3489

3490 Each such written agreement shall contain the name of the
3491 student learner and shall be signed by the employer, the school
3492 coordinator and principal, and the parent or legal guardian.
3493 Copies of each agreement shall be kept on file by both the
3494 school and the employer. This exemption for the employment of
3495 student learners may be revoked in any individual situation when
3496 it is found that reasonable precautions have not been observed
3497 for the safety of minors employed thereunder. A high school
3498 graduate may be employed in an occupation in which he or she has
3499 completed training as a student learner, as provided in this
3500 section, even though he or she is not yet 18 years of age.

3501 Section 49. Paragraph (j) of subsection (1) of section
3502 450.191, Florida Statutes, is amended to read:

3503 450.191 Executive Office of the Governor; powers and
3504 duties.—

3505 (1) The Executive Office of the Governor is authorized and directed to:

3506 (j) Cooperate with Jobs Florida ~~the Agency for Workforce~~
3507 ~~Innovation~~ in the recruitment and referral of migrant laborers
3508 and other persons for the planting, cultivation, and harvesting
3509 of agricultural crops in Florida.

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3510 Section 50. Paragraph (e) of subsection (2) of section
3511 450.31, Florida Statutes, is amended to read:

3512 450.31 Issuance, revocation, and suspension of, and refusal
3513 to issue or renew, certificate of registration.—

3514 (2) The department may revoke, suspend, or refuse to issue
3515 or renew any certificate of registration when it is shown that
3516 the farm labor contractor has:

3517 (e) Failed to pay unemployment compensation taxes as
3518 determined by Jobs Florida ~~the Agency for Workforce Innovation~~;
3519 or

3520 Section 51. Paragraph (d) of subsection (1) of section
3521 464.203, Florida Statutes, is amended to read:

3522 464.203 Certified nursing assistants; certification
3523 requirement.—

3524 (1) The board shall issue a certificate to practice as a certified nursing
3525 assistant to any person who demonstrates a minimum competency to
3526 read and write and successfully passes the required background
3527 screening pursuant to s. 400.215 and meets one of the following
3528 requirements:

3529 (d) Has completed the curriculum developed by the
3530 Department of Education ~~under the Enterprise Florida Jobs and~~
3531 ~~Education Partnership Grant~~ and achieved a minimum score,
3532 established by rule of the board, on the nursing assistant
3533 competency examination, which consists of a written portion and
3534 skills-demonstration portion, approved by the board and
3535 administered at a site and by personnel approved by the
3536 department.

3537 Section 52. Subsection (3) of section 468.529, Florida
3538 Statutes, is amended to read:

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3539 468.529 Licensee's insurance; employment tax; benefit
3540 plans.—

3541 (3) A licensed employee leasing company shall within 30 days after initiation or
3542 termination notify its workers' compensation insurance carrier, the
3543 Division of Workers' Compensation of the Department of Financial
3544 Services, and the state agency providing unemployment tax
3545 collection services under contract with Jobs Florida ~~the Agency~~
3546 ~~for Workforce Innovation~~ through an interagency agreement
3547 pursuant to s. 443.1316 of both the initiation or the
3548 termination of the company's relationship with any client
3549 company.

3550 Section 53. Paragraph (e) of subsection (1) of section
3551 469.002, Florida Statutes, is amended to read:

3552 469.002 Exemptions.—

3553 (1) This chapter does not apply to:

3554 (e) An authorized employee of the United States, this
3555 state, or any municipality, county, or other political
3556 subdivision who has completed all training required by NESHAP
3557 and OSHA or by ASHARA for the activities described in this
3558 paragraph, while engaged in ~~asbestos-related activities set~~
3559 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
3560 the demolition of a building owned by that governmental unit,
3561 where such activities are within the scope of that employment
3562 and the employee does not hold out for hire or otherwise engage
3563 in asbestos abatement, contracting, or consulting.

3564 Section 54. Subsection (2) of section 469.003, Florida
3565 Statutes, is amended to read:

3566 469.003 License required.—

3567 (2)~~(a)~~ A ~~No~~ person may not prepare asbestos abatement

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3568 specifications unless trained and licensed as an asbestos
3569 consultant as required by this chapter.

3570 ~~(b) Any person engaged in the business of asbestos surveys~~
3571 ~~prior to October 1, 1987, who has been certified by the~~
3572 ~~Department of Labor and Employment Security as a certified~~
3573 ~~asbestos surveyor, and who has complied with the training~~
3574 ~~requirements of s. 469.013(1)(b), may provide survey services as~~
3575 ~~described in s. 255.553(1), (2), and (3). The Department of~~
3576 ~~Labor and Employment Security may, by rule, establish~~
3577 ~~violations, disciplinary procedures, and penalties for certified~~
3578 ~~asbestos surveyors.~~

3579 Section 55. Paragraph (b) of subsection (1) of section
3580 489.1455, Florida Statutes, is amended to read:

3581 489.1455 Journeyman; reciprocity; standards.—

3582 (1) An individual who holds a valid, active journeyman
3583 license in the plumbing/pipe fitting, mechanical, or HVAC trades
3584 issued by any county or municipality in this state may work as a
3585 journeyman in the trade in which he or she is licensed in any
3586 county or municipality of this state without taking an
3587 additional examination or paying an additional license fee, if
3588 he or she:

3589 (b) Has completed an apprenticeship program registered with
3590 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
3591 ~~of Labor and Employment Security~~ and demonstrates 4 years'
3592 verifiable practical experience in the trade for which he or she
3593 is licensed, or demonstrates 6 years' verifiable practical
3594 experience in the trade for which he or she is licensed;

3595 Section 56. Paragraph (b) of subsection (1) of section
3596 489.5335, Florida Statutes, is amended to read:

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3597 489.5335 Journeyman; reciprocity; standards.—

3598 (1) An individual who holds a valid, active journeyman
3599 license in the electrical trade issued by any county or
3600 municipality in this state may work as a journeyman in any other
3601 county or municipality of this state without taking an
3602 additional examination or paying an additional license fee, if
3603 he or she:

3604 (b) Has completed an apprenticeship program registered with
3605 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
3606 ~~of Labor and Employment Security~~ and demonstrates 4 years'
3607 verifiable practical experience in the electrical trade, or
3608 demonstrates 6 years' verifiable practical experience in the
3609 electrical trade;

3610 Section 57. Subsections (1) and (2), paragraph (b) of
3611 subsection (3), and paragraph (b) of subsection (4) of section
3612 526.143, Florida Statutes, are amended to read:

3613 526.143 Alternate generated power capacity for motor fuel
3614 dispensing facilities.—

3615 (1) ~~By June 1, 2007,~~ Each motor fuel terminal facility, as
3616 defined in s. 526.303(16), and each wholesaler, as defined in s.
3617 526.303(17), which sells motor fuel in this state must be
3618 capable of operating its distribution loading racks using an
3619 alternate generated power source for a minimum of 72 hours.
3620 Pending a postdisaster examination of the equipment by the
3621 operator to determine any extenuating damage that would render
3622 it unsafe to use, the facility must have such alternate
3623 generated power source available for operation within no later
3624 ~~than~~ 36 hours after a major disaster as defined in s. 252.34.
3625 Installation of appropriate wiring, including a transfer switch,

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3626 shall be performed by a certified electrical contractor. Each
3627 business that is subject to this subsection must keep a copy of
3628 the documentation of such installation on site or at its
3629 corporate headquarters. In addition, each business must keep a
3630 written statement attesting to the periodic testing and ensured
3631 operational capacity of the equipment. The required documents
3632 must be made available, upon request, to the Office ~~Division~~ of
3633 Emergency Management and the director of the county emergency
3634 management agency.

3635 (2) Each newly constructed or substantially renovated motor
3636 fuel retail outlet, as defined in s. 526.303(14), for which a
3637 certificate of occupancy is issued on or after July 1, 2006,
3638 shall be prewired with an appropriate transfer switch, and
3639 capable of operating all fuel pumps, dispensing equipment,
3640 lifesafety systems, and payment-acceptance equipment using an
3641 alternate generated power source. As used in this subsection,
3642 the term "substantially renovated" means a renovation that
3643 results in an increase of greater than 50 percent in the
3644 assessed value of the motor fuel retail outlet. Local building
3645 inspectors shall include this equipment and operations check in
3646 the normal inspection process before issuing a certificate of
3647 occupancy. Each retail outlet that is subject to this subsection
3648 must keep a copy of the certificate of occupancy on site or at
3649 its corporate headquarters. In addition, each retail outlet must
3650 keep a written statement attesting to the periodic testing of
3651 and ensured operational capability of the equipment. The
3652 required documents must be made available, upon request, to the
3653 Office ~~Division~~ of Emergency Management and the director of the
3654 county emergency management agency.

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3655 (3)
3656 (b) Installation of appropriate wiring and transfer
3657 switches must be performed by a certified electrical contractor.
3658 Each retail outlet that is subject to this subsection must keep
3659 a copy of the documentation of such installation on site or at
3660 its corporate headquarters. In addition, each retail outlet must
3661 keep a written statement attesting to the periodic testing of
3662 and ensured operational capacity of the equipment. The required
3663 documents must be made available, upon request, to the Office
3664 ~~Division~~ of Emergency Management and the director of the county
3665 emergency management agency.

3666 (4)
3667 (b) Subsections (2) and (3) do not apply to:
3668 1. An automobile dealer;
3669 2. A person who operates a fleet of motor vehicles;
3670 3. A person who sells motor fuel exclusively to a fleet of
3671 motor vehicles; or
3672 4. A motor fuel retail outlet that has a written agreement
3673 with a public hospital, in a form approved by the Office
3674 ~~Division~~ of Emergency Management, wherein the public hospital
3675 agrees to provide the motor fuel retail outlet with an
3676 alternative means of power generation onsite so that the
3677 outlet's fuel pumps may be operated in the event of a power
3678 outage.

3679 Section 58. Paragraph (a) of subsection (1) and paragraph
3680 (b) of subsection (4) of section 526.144, Florida Statutes, are
3681 amended to read:

3682 526.144 Florida Disaster Motor Fuel Supplier Program.—
3683 (1)(a) There is created the Florida Disaster Motor Fuel Supplier Program

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3684 within the Office of Emergency Management ~~Department of~~
3685 ~~Community Affairs~~.

3686 (4)

3687 (b) Notwithstanding any other law or other ordinance and
3688 for the purpose of ensuring an appropriate emergency management
3689 response following major disasters in this state, the regulation
3690 of all other retail establishments participating in such
3691 response is shall be as follows:

3692 1. Regulation of retail establishments that meet the
3693 standards created by the Office ~~Division~~ of Emergency Management
3694 in the report required in s. 8, chapter 2006-71, Laws of
3695 Florida, by July 1, 2007, is preempted to the state and until
3696 such standards are adopted, the regulation of these retail
3697 establishments is preempted to the state;

3698 2. The office ~~division~~ shall provide written certification
3699 of such preemption to retail establishments that qualify and
3700 ~~shall~~ provide such information to local governments upon
3701 request; and

3702 3. Regulation of retail establishments that do not meet the
3703 operational standards is subject to local government laws or
3704 ordinances.

3705 Section 59. Paragraph (i) of subsection (4) of section
3706 551.104, Florida Statutes, is amended to read:

3707 551.104 License to conduct slot machine gaming.—

3708 (4) As a condition of licensure and to maintain continued authority for the conduct of
3709 slot machine gaming, the slot machine licensee shall:

3710 (i) Create and file with the division a written policy for:

3711 1. Creating opportunities to purchase from vendors in this
3712 state, including minority vendors.

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3713 2. Creating opportunities for employment of residents of
3714 this state, including minority residents.

3715 3. Ensuring opportunities for construction services from
3716 minority contractors.

3717 4. Ensuring that opportunities for employment are offered
3718 on an equal, nondiscriminatory basis.

3719 5. Training for employees on responsible gaming and working
3720 with a compulsive or addictive gambling prevention program to
3721 further its purposes as provided for in s. 551.118.

3722 6. The implementation of a drug-testing program that
3723 includes, but is not limited to, requiring each employee to sign
3724 an agreement that he or she understands that the slot machine
3725 facility is a drug-free workplace.

3726
3727 The slot machine licensee shall use the Internet-based job-
3728 listing system of Jobs Florida ~~the Agency for Workforce~~
3729 ~~Innovation~~ in advertising employment opportunities. Beginning in
3730 June 2007, each slot machine licensee shall provide an annual
3731 report to the division containing information indicating
3732 compliance with this paragraph in regard to minority persons.

3733 Section 60. Section 553.62, Florida Statutes, is amended to
3734 read:

3735 553.62 State standard.—The Occupational Safety and Health
3736 Administration's excavation safety standards, 29 C.F.R. s.
3737 1926.650 Subpart P, are hereby incorporated as the state
3738 standard. ~~The Department of Labor and Employment Security may,~~
3739 ~~by rule, adopt updated or revised versions of those standards,~~
3740 ~~provided that the updated or revised versions are consistent~~
3741 ~~with the intent expressed in this act and s. 553.72, and are not~~

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3742 otherwise inconsistent with state law. Any rule adopted as
3743 provided in this section shall be complied with upon its
3744 effective date.

3745 Section 61. Subsection (1) of section 597.006, Florida
3746 Statutes, is amended to read:

3747 597.006 Aquaculture Interagency Coordinating Council.—

3748 (1) CREATION.—The Legislature finds and declares that there is a need for
3749 interagency coordination with regard to aquaculture by the following agencies:
3750 the Department of Agriculture and Consumer Services; Jobs
3751 Florida; ~~the Office of Tourism, Trade, and Economic Development;~~
3752 ~~the Department of Community Affairs;~~ the Department of
3753 Environmental Protection; ~~the Department of Labor and Employment~~
3754 ~~Security;~~ the Fish and Wildlife Conservation Commission; the
3755 statewide consortium of universities under the Florida Institute
3756 of Oceanography; Florida Agricultural and Mechanical University;
3757 the Institute of Food and Agricultural Sciences at the
3758 University of Florida; and the Florida Sea Grant Program. It is
3759 therefore the intent of the Legislature to hereby create an
3760 Aquaculture Interagency Coordinating Council to act as an
3761 advisory body as defined in s. 20.03(9).

3762 Section 62. Paragraph (d) of subsection (2) of section
3763 624.5105, Florida Statutes, is amended to read:

3764 624.5105 Community contribution tax credit; authorization;
3765 limitations; eligibility and application requirements;
3766 administration; definitions; expiration.—

3767 (2) ELIGIBILITY REQUIREMENTS.—

3768 (d) The project shall be located in an area designated as
3769 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
3770 ~~20.18(6)~~. Any project designed to construct or rehabilitate

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3771 housing for low-income or very-low-income households as defined
3772 in s. 420.9071(19) and (28) is exempt from the area requirement
3773 of this paragraph.

3774 Section 63. Paragraph (b) of subsection (2) of section
3775 627.0628, Florida Statutes, is amended to read:

3776 627.0628 Florida Commission on Hurricane Loss Projection
3777 Methodology; public records exemption; public meetings
3778 exemption.—

3779 (2) COMMISSION CREATED.—

3780 (b) The commission shall consist of the following 11
3781 members:

3782 1. The insurance consumer advocate.

3783 2. The senior employee of the State Board of Administration
3784 responsible for operations of the Florida Hurricane Catastrophe
3785 Fund.

3786 3. The Executive Director of the Citizens Property
3787 Insurance Corporation.

3788 4. The Director of the Office ~~Division~~ of Emergency
3789 Management ~~of the Department of Community Affairs~~.

3790 5. The actuary member of the Florida Hurricane Catastrophe
3791 Fund Advisory Council.

3792 6. An employee of the office who is an actuary responsible
3793 for property insurance rate filings and who is appointed by the
3794 director of the office.

3795 7. Five members appointed by the Chief Financial Officer,
3796 as follows:

3797 a. An actuary who is employed full time by a property and
3798 casualty insurer which was responsible for at least 1 percent of
3799 the aggregate statewide direct written premium for homeowner's

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3800 insurance in the calendar year preceding the member's
3801 appointment to the commission.

3802 b. An expert in insurance finance who is a full-time member
3803 of the faculty of the State University System and who has a
3804 background in actuarial science.

3805 c. An expert in statistics who is a full-time member of the
3806 faculty of the State University System and who has a background
3807 in insurance.

3808 d. An expert in computer system design who is a full-time
3809 member of the faculty of the State University System.

3810 e. An expert in meteorology who is a full-time member of
3811 the faculty of the State University System and who specializes
3812 in hurricanes.

3813 Section 64. Paragraph (d) of subsection (2) of section
3814 768.13, Florida Statutes, is amended to read:

3815 768.13 Good Samaritan Act; immunity from civil liability.—

3816 (2)

3817 (d) Any person whose acts or omissions are not otherwise covered
3818 by this section and who participates in emergency response
3819 activities under the direction of or in connection with a
3820 community emergency response team, local emergency management
3821 agencies, the Office Division of Emergency Management ~~of the~~
3822 ~~Department of Community Affairs~~, or the Federal Emergency
3823 Management Agency is not liable for any civil damages as a
3824 result of care, treatment, or services provided gratuitously in
3825 such capacity and resulting from any act or failure to act in
3826 such capacity in providing or arranging further care, treatment,
3827 or services, if such person acts as a reasonably prudent person
3828 would have acted under the same or similar circumstances.

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3829 Section 65. Subsection (14) of section 943.03, Florida
3830 Statutes, is amended to read:

3831 943.03 Department of Law Enforcement.—

3832 (14) The department, with respect to counter-terrorism
3833 efforts, responses to acts of terrorism within or affecting this
3834 state, and other matters related to the domestic security of
3835 Florida as it relates to terrorism, shall coordinate and direct
3836 the law enforcement, initial emergency, and other initial
3837 responses. The department shall work closely with the Office
3838 ~~Division~~ of Emergency Management, other federal, state, and
3839 local law enforcement agencies, fire and rescue agencies, first-
3840 responder agencies, and others involved in preparation against
3841 acts of terrorism in or affecting this state and in the response
3842 to such acts. The executive director of the department, or
3843 another member of the department designated by the director,
3844 shall serve as Chief of Domestic Security for the purpose of
3845 directing and coordinating such efforts. The department and
3846 Chief of Domestic Security shall use the regional domestic
3847 security task forces as established in this chapter to assist in
3848 such efforts.

3849 Section 66. Section 943.03101, Florida Statutes, is amended
3850 to read:

3851 943.03101 Counter-terrorism coordination.—The Legislature
3852 finds that with respect to counter-terrorism efforts and initial
3853 responses to acts of terrorism within or affecting this state,
3854 specialized efforts of emergency management which ~~that~~ are
3855 unique to such situations are required and that these efforts
3856 intrinsically involve very close coordination of federal, state,
3857 and local law enforcement agencies with the efforts of all

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3858 others involved in emergency-response efforts. In order to best
3859 provide this specialized effort ~~with respect to counter-~~
3860 ~~terrorism efforts and responses~~, the Legislature has determined
3861 that such efforts should be coordinated by and through the
3862 Department of Law Enforcement, working closely with the Office
3863 ~~Division~~ of Emergency Management and others involved in
3864 preparation against acts of terrorism in or affecting this
3865 state, and in the initial response to such acts, in accordance
3866 with the state comprehensive emergency management plan prepared
3867 pursuant to s. 252.35(2)(a).

3868 Section 67. Subsection (7) of section 943.0311, Florida
3869 Statutes, is amended to read:

3870 943.0311 Chief of Domestic Security; duties of the
3871 department with respect to domestic security.—

3872 (7) As used in this section, the term “state agency” includes the Agency for
3873 Health Care Administration, Jobs Florida, ~~the Agency for~~
3874 ~~Workforce Innovation~~, the Department of Agriculture and Consumer
3875 Services, the Department of Business and Professional
3876 Regulation, the Department of Children and Family Services, the
3877 Department of Citrus, the Department of Community Affairs, the
3878 Department of Corrections, the Department of Education, the
3879 Department of Elderly Affairs, the Department of Environmental
3880 Protection, the Department of Financial Services, the Department
3881 of Health, the Department of Highway Safety and Motor Vehicles,
3882 the Department of Juvenile Justice, the Department of Law
3883 Enforcement, the Department of Legal Affairs, the Department of
3884 Management Services, the Department of Military Affairs, the
3885 Department of Revenue, the Department of State, the Department
3886 of the Lottery, the Department of Transportation, the Department

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3887 of Veterans' Affairs, the Fish and Wildlife Conservation
3888 Commission, the Parole Commission, the State Board of
3889 Administration, and the Executive Office of the Governor.

3890 Section 68. Paragraph (d) of subsection (1) and subsection
3891 (3) of section 943.0312, Florida Statutes, are amended to read:

3892 943.0312 Regional domestic security task forces.—The
3893 Legislature finds that there is a need to develop and implement
3894 a statewide strategy to address prevention, preparation,
3895 protection, response, and recovery efforts by federal, state,
3896 and local law enforcement agencies, emergency management
3897 agencies, fire and rescue departments, first-responder personnel
3898 and others in dealing with potential or actual terrorist acts
3899 within or affecting this state.

3900 (1) To assist the department and the Chief of Domestic
3901 Security in performing their roles and duties in this regard,
3902 the department shall establish a regional domestic security task
3903 force in each of the department's operational regions. The task
3904 forces shall serve in an advisory capacity to the department and
3905 the Chief of Domestic Security and shall provide support to the
3906 department in its performance of functions pertaining to
3907 domestic security.

3908 (d) The co-chairs of each task force may appoint
3909 subcommittees and subcommittee chairs as necessary in order to
3910 address issues related to the various disciplines represented on
3911 the task force, except that subcommittee chairs for emergency
3912 management shall be appointed with the approval of the director
3913 of the Office Division of Emergency Management. A subcommittee
3914 chair shall serve at the pleasure of the co-chairs.

3915 (3) The Chief of Domestic Security, in conjunction with the

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3916 Office ~~Division~~ of Emergency Management, the regional domestic
3917 security task forces, and the various state entities responsible
3918 for establishing training standards applicable to state law
3919 enforcement officers and fire, emergency, and first-responder
3920 personnel shall identify appropriate equipment and training
3921 needs, curricula, and materials related to the effective
3922 response to suspected or actual acts of terrorism or incidents
3923 involving real or hoax weapons of mass destruction as defined in
3924 s. 790.166. Recommendations for funding for purchases of
3925 equipment, delivery of training, implementation of, or revision
3926 to basic or continued training required for state licensure or
3927 certification, or other related responses shall be made by the
3928 Chief of Domestic Security to the Domestic Security Oversight
3929 Council, the Executive Office of the Governor, the President of
3930 the Senate, and the Speaker of the House of Representatives as
3931 necessary to ensure that the needs of this state with regard to
3932 the preparing, equipping, training, and exercising of response
3933 personnel are identified and addressed. In making such
3934 recommendations, the Chief of Domestic Security and the Office
3935 ~~Division~~ of Emergency Management shall identify all funding
3936 sources that may be available to fund such efforts.

3937 Section 69. Paragraph (a) of subsection (1), paragraph (b)
3938 of subsection (2), and paragraphs (a) and (b) of subsection (4)
3939 of section 943.0313, Florida Statutes, are amended to read:

3940 943.0313 Domestic Security Oversight Council.—The
3941 Legislature finds that there exists a need to provide executive
3942 direction and leadership with respect to terrorism prevention,
3943 preparation, protection, response, and recovery efforts by state
3944 and local agencies in this state. In recognition of this need,

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3945 the Domestic Security Oversight Council is hereby created. The
3946 council shall serve as an advisory council pursuant to s.
3947 20.03(7) to provide guidance to the state's regional domestic
3948 security task forces and other domestic security working groups
3949 and to make recommendations to the Governor and the Legislature
3950 regarding the expenditure of funds and allocation of resources
3951 related to counter-terrorism and domestic security efforts.

3952 (1) MEMBERSHIP.—

3953 (a) The Domestic Security Oversight Council shall consist
3954 of the following voting members:

3955 1. The executive director of the Department of Law
3956 Enforcement.

3957 2. The director of the Office ~~Division~~ of Emergency
3958 Management ~~within the Department of Community Affairs~~.

3959 3. The Attorney General.

3960 4. The Commissioner of Agriculture.

3961 5. The State Surgeon General.

3962 6. The Commissioner of Education.

3963 7. The State Fire Marshal.

3964 8. The adjutant general of the Florida National Guard.

3965 9. The state chief information officer.

3966 10. Each sheriff or chief of police who serves as a co-
3967 chair of a regional domestic security task force pursuant to s.
3968 943.0312(1)(b).

3969 11. Each of the department's special agents in charge who
3970 serve as a co-chair of a regional domestic security task force.

3971 12. Two representatives of the Florida Fire Chiefs
3972 Association.

3973 13. One representative of the Florida Police Chiefs

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3974 Association.

3975 14. One representative of the Florida Prosecuting Attorneys
3976 Association.

3977 15. The chair of the Statewide Domestic Security
3978 Intelligence Committee.

3979 16. One representative of the Florida Hospital Association.

3980 17. One representative of the Emergency Medical Services
3981 Advisory Council.

3982 18. One representative of the Florida Emergency
3983 Preparedness Association.

3984 19. One representative of the Florida Seaport
3985 Transportation and Economic Development Council.

3986 (2) ORGANIZATION.—

3987 (b) The executive director of the Department of Law
3988 Enforcement shall serve as chair of the council, and the
3989 director of the Office ~~Division~~ of Emergency Management ~~within~~
3990 ~~the Department of Community Affairs~~ shall serve as vice chair of
3991 the council. In the absence of the chair, the vice chair shall
3992 serve as chair. In the absence of the vice chair, the chair may
3993 name any member of the council to perform the duties of the
3994 chair if such substitution does not extend beyond a defined
3995 meeting, duty, or period of time.

3996 (4) EXECUTIVE COMMITTEE.—

3997 (a) The council shall establish an executive committee
3998 consisting of the following members:

3999 1. The executive director of the Department of Law
4000 Enforcement.

4001 2. The director of the Office ~~Division~~ of Emergency
4002 Management ~~within the Department of Community Affairs~~.

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- 4003 3. The Attorney General.
4004 4. The Commissioner of Agriculture.
4005 5. The State Surgeon General.
4006 6. The Commissioner of Education.
4007 7. The State Fire Marshal.

4008 (b) The executive director of the Department of Law
4009 Enforcement shall serve as the chair of the executive committee,
4010 and the director of the Office ~~Division~~ of Emergency Management
4011 ~~within the Department of Community Affairs~~ shall serve as the
4012 vice chair of the executive committee.

4013 Section 70. Subsection (5) of section 944.012, Florida
4014 Statutes, is amended to read:

4015 944.012 Legislative intent.—The Legislature hereby finds
4016 and declares that:

4017 (5) In order to make the correctional system an efficient
4018 and effective mechanism, the various agencies involved in the
4019 correctional process must coordinate their efforts. Where
4020 possible, interagency offices should be physically located
4021 within major institutions and should include representatives of
4022 the public employment service ~~the Florida State Employment~~
4023 ~~Service~~, the vocational rehabilitation programs of the
4024 Department of Education, and the Parole Commission. Duplicative
4025 and unnecessary methods of evaluating offenders must be
4026 eliminated and areas of responsibility consolidated in order to
4027 more economically utilize present scarce resources.

4028 Section 71. Section 944.708, Florida Statutes, is amended
4029 to read:

4030 944.708 Rules.—The Department of Corrections ~~and the Agency~~
4031 ~~for Workforce Innovation~~ shall adopt rules to implement the

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4032 provisions of ss. 944.701-944.707.

4033 Section 72. Paragraph (h) of subsection (3) of section
4034 944.801, Florida Statutes, is amended to read:

4035 944.801 Education for state prisoners.—

4036 (3) The responsibilities of the Correctional Education
4037 Program shall be to:

4038 (h) Develop a written procedure for selecting programs to
4039 add to or delete from the vocational curriculum. The procedure
4040 shall include labor market analyses which demonstrate the
4041 projected demand for certain occupations and the projected
4042 supply of potential employees. In conducting these analyses, the
4043 department shall evaluate the feasibility of adding vocational
4044 education programs which have been identified by Jobs Florida,
4045 the Department of Education, ~~the Agency for Workforce Innovation~~
4046 or a regional coordinating council as being in undersupply in
4047 this state. The department shall periodically reevaluate the
4048 vocational education programs in major institutions to determine
4049 which of the programs support and provide relevant skills to
4050 inmates who could be assigned to a correctional work program
4051 that is operated as a Prison Industry Enhancement Program.

4052 Section 73. Paragraph (d) of subsection (3) of section
4053 945.10, Florida Statutes, is amended to read:

4054 945.10 Confidential information.—

4055 (3) Due to substantial concerns regarding institutional security and unreasonable and
4056 excessive demands on personnel and resources if an inmate or an offender
4057 has unlimited or routine access to records of the Department of
4058 Corrections, an inmate or an offender who is under the
4059 jurisdiction of the department may not have unrestricted access
4060 to the department's records or to information contained in the

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4061 department's records. However, except as to another inmate's or
4062 offender's records, the department may permit limited access to
4063 its records if an inmate or an offender makes a written request
4064 and demonstrates an exceptional need for information contained
4065 in the department's records and the information is otherwise
4066 unavailable. Exceptional circumstances include, but are not
4067 limited to:

4068 (d) The requested records contain information required to
4069 process an application or claim by the inmate or offender with
4070 the Internal Revenue Service, the Social Security
4071 Administration, Jobs Florida ~~the Agency for Workforce~~
4072 ~~Innovation~~, or any other similar application or claim with a
4073 state agency or federal agency.

4074 Section 74. Subsection (4) of section 985.601, Florida
4075 Statutes, is amended to read:

4076 985.601 Administering the juvenile justice continuum.—

4077 (4) The department shall maintain continuing cooperation
4078 with the Department of Education, the Department of Children and
4079 Family Services, ~~the Agency for Workforce Innovation~~, Jobs
4080 Florida, and the Department of Corrections for the purpose of
4081 participating in agreements with respect to dropout prevention
4082 and the reduction of suspensions, expulsions, and truancy;
4083 increased access to and participation in GED, vocational, and
4084 alternative education programs; and employment training and
4085 placement assistance. The cooperative agreements between the
4086 departments shall include an interdepartmental plan to cooperate
4087 in accomplishing the reduction of inappropriate transfers of
4088 children into the adult criminal justice and correctional
4089 systems.

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4090 Section 75. Subsections (1) and (2) of section 1002.375,
4091 Florida Statutes, are amended to read:

4092 1002.375 Alternative credit for high school courses; pilot
4093 project.—

4094 (1) The Commissioner of Education shall implement a pilot
4095 project in up to three school districts beginning in the 2008-
4096 2009 school year which allows school districts to award
4097 alternative course credit for students enrolled in nationally or
4098 state-recognized industry certification programs, as defined by
4099 the former Agency for Workforce Innovation or Jobs Florida, in
4100 accordance with the criteria described in s. 1003.492(2). The
4101 Commissioner of Education shall establish criteria for districts
4102 that participate in the pilot program. School districts
4103 interested in participating in the program must submit a letter
4104 of interest by July 15, 2008, to the Commissioner of Education
4105 identifying up to five nationally or state-recognized industry
4106 certification programs, as defined by the former Agency for
4107 Workforce Innovation or Jobs Florida, in accordance with the
4108 criteria described in s. 1003.492(2), under which the district
4109 would like to award alternative credit for the eligible courses
4110 identified in subsection (2). The Commissioner of Education
4111 shall select up to three participating school districts by July
4112 30, 2008. The Commissioner of Education shall submit a report to
4113 the Governor, the President of the Senate, and the Speaker of
4114 the House of Representatives identifying the number of students
4115 choosing to earn alternative credit, the number of students that
4116 received alternative credit, and legislative recommendations for
4117 expanding the use of alternative credit for core academic
4118 courses required for high school graduation. The report shall be

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4119 submitted by January 1, 2010.

4120 (2) For purposes of designing and implementing a successful
4121 pilot project, eligible alternative credit courses include
4122 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
4123 Alternative credits shall be awarded for courses in which a
4124 student is not enrolled, but for which the student may earn
4125 academic credit by enrolling in another course or sequence of
4126 courses required to earn a nationally or state-recognized
4127 industry certificate, as defined by the former Agency for
4128 Workforce Innovation or Jobs Florida, in accordance with the
4129 criteria described in s. 1003.492(2), of which the majority of
4130 the standards-based content in the course description is
4131 consistent with the alternative credit course description
4132 approved by the Department of Education.

4133 Section 76. Paragraph (b) of subsection (4) and subsection
4134 (5) of section 1002.53, Florida Statutes, are amended to read:

4135 1002.53 Voluntary Prekindergarten Education Program;
4136 eligibility and enrollment.-

4137 (4)

4138 (b) The application must be submitted on forms prescribed by
4139 the department ~~Agency for Workforce Innovation~~ and must be
4140 accompanied by a certified copy of the child's birth
4141 certificate. The forms must include a certification, in
4142 substantially the form provided in s. 1002.71(6)(b)2., that the
4143 parent chooses the private prekindergarten provider or public
4144 school in accordance with this section and directs that payments
4145 for the program be made to the provider or school. The
4146 department ~~Agency for Workforce Innovation~~ may authorize
4147 alternative methods for submitting proof of the child's age in

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4148 lieu of a certified copy of the child's birth certificate.

4149 (5) The early learning coalition shall provide each parent
4150 enrolling a child in the Voluntary Prekindergarten Education
4151 Program with a profile of every private prekindergarten provider
4152 and public school delivering the program within the county where
4153 the child is being enrolled. The profiles shall be provided to
4154 parents in a format prescribed by the department ~~Agency for~~
4155 ~~Workforce Innovation~~. The profiles must include, at a minimum,
4156 the following information about each provider and school:

4157 (a) The provider's or school's services, curriculum,
4158 instructor credentials, and instructor-to-student ratio; and

4159 (b) The provider's or school's kindergarten readiness rate
4160 calculated in accordance with s. 1002.69, based upon the most
4161 recent available results of the statewide kindergarten
4162 screening.

4163 Section 77. Paragraphs (e) and (h) of subsection (3) of
4164 section 1002.55, Florida Statutes, are amended to read:

4165 1002.55 School-year prekindergarten program delivered by
4166 private prekindergarten providers.—

4167 (3) To be eligible to deliver the prekindergarten program, a
4168 private prekindergarten provider must meet each of the following
4169 requirements:

4170 (e) A private prekindergarten provider may assign a
4171 substitute instructor to temporarily replace a credentialed
4172 instructor if the credentialed instructor assigned to a
4173 prekindergarten class is absent, as long as the substitute
4174 instructor is of good moral character and has been screened
4175 before employment in accordance with level 2 background
4176 screening requirements in chapter 435. The department ~~Agency for~~

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4177 ~~Workforce Innovation~~ shall adopt rules to implement this
4178 paragraph which shall include required qualifications of
4179 substitute instructors and the circumstances and time limits for
4180 which a private prekindergarten provider may assign a substitute
4181 instructor.

4182 (h) The private prekindergarten provider must register with
4183 the early learning coalition on forms prescribed by the
4184 department ~~Agency for Workforce Innovation~~.

4185 Section 78. Subsections (6) and (8) of section 1002.61,
4186 Florida Statutes, are amended to read:

4187 1002.61 Summer prekindergarten program delivered by public
4188 schools and private prekindergarten providers.—

4189 (6) A public school or private prekindergarten provider may
4190 assign a substitute instructor to temporarily replace a
4191 credentialed instructor if the credentialed instructor assigned
4192 to a prekindergarten class is absent, as long as the substitute
4193 instructor is of good moral character and has been screened
4194 before employment in accordance with level 2 background
4195 screening requirements in chapter 435. This subsection does not
4196 supersede employment requirements for instructional personnel in
4197 public schools which are more stringent than the requirements of
4198 this subsection. The department ~~Agency for Workforce Innovation~~
4199 shall adopt rules to implement this subsection which shall
4200 include required qualifications of substitute instructors and
4201 the circumstances and time limits for which a public school or
4202 private prekindergarten provider may assign a substitute
4203 instructor.

4204 (8) Each public school delivering the summer
4205 prekindergarten program must also:

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4206 (a) Register with the early learning coalition on forms
4207 prescribed by the department ~~Agency for Workforce Innovation~~;
4208 and

4209 (b) Deliver the Voluntary Prekindergarten Education Program
4210 in accordance with this part.

4211 Section 79. Subsections (6) and (8) of section 1002.63,
4212 Florida Statutes, are amended to read:

4213 1002.63 School-year prekindergarten program delivered by
4214 public schools.—

4215 (6) A public school prekindergarten provider may assign a substitute instructor to
4216 temporarily replace a credentialed instructor if the
4217 credentialed instructor assigned to a prekindergarten class is
4218 absent, as long as the substitute instructor is of good moral
4219 character and has been screened before employment in accordance
4220 with level 2 background screening requirements in chapter 435.
4221 This subsection does not supersede employment requirements for
4222 instructional personnel in public schools which are more
4223 stringent than the requirements of this subsection. The
4224 department ~~Agency for Workforce Innovation~~ shall adopt rules to
4225 implement this subsection which shall include required
4226 qualifications of substitute instructors and the circumstances
4227 and time limits for which a public school prekindergarten
4228 provider may assign a substitute instructor.

4229 (8) Each public school delivering the school-year
4230 prekindergarten program must:

4231 (a) Register with the early learning coalition on forms
4232 prescribed by the department ~~Agency for Workforce Innovation~~;
4233 and

4234 (b) Deliver the Voluntary Prekindergarten Education Program

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4235 in accordance with this part.

4236 Section 80. Subsections (1) and (3) of section 1002.67,
4237 Florida Statutes, are amended to read:

4238 1002.67 Performance standards; curricula and
4239 accountability.—

4240 (1) ~~By April 1, 2005,~~ The department shall develop and
4241 adopt performance standards for students in the Voluntary
4242 Prekindergarten Education Program. The performance standards
4243 must address the age-appropriate progress of students in the
4244 development of:

4245 (a) The capabilities, capacities, and skills required under
4246 s. 1(b), Art. IX of the State Constitution; and

4247 (b) Emergent literacy skills, including oral communication,
4248 knowledge of print and letters, phonemic and phonological
4249 awareness, and vocabulary and comprehension development.

4250 (3)(a) Each early learning coalition shall verify that each
4251 private prekindergarten provider delivering the Voluntary
4252 Prekindergarten Education Program within the coalition's county
4253 or multicounty region complies with this part. Each district
4254 school board shall verify that each public school delivering the
4255 program within the school district complies with this part.

4256 (b) If a private prekindergarten provider or public school
4257 fails or refuses to comply with this part, or if a provider or
4258 school engages in misconduct, the department ~~Agency for~~
4259 ~~Workforce Innovation~~ shall require the early learning coalition
4260 to remove the provider or ~~and the Department of Education~~
4261 ~~shall require~~ the school district to remove the school, from
4262 eligibility to deliver the Voluntary Prekindergarten Education
4263 Program and receive state funds under this part.

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4264 (c)1. If the kindergarten readiness rate of a private
4265 prekindergarten provider or public school falls below the
4266 minimum rate adopted by the State Board of Education as
4267 satisfactory under s. 1002.69(6), the early learning coalition
4268 or school district, as applicable, shall require the provider or
4269 school to submit an improvement plan for approval by the
4270 coalition or school district, as applicable, and to implement
4271 the plan.

4272 2. If a private prekindergarten provider or public school
4273 fails to meet the minimum rate adopted by the State Board of
4274 Education as satisfactory under s. 1002.69(6) for 2 consecutive
4275 years, the early learning coalition or school district, as
4276 applicable, shall place the provider or school on probation and
4277 must require the provider or school to take certain corrective
4278 actions, including the use of a curriculum approved by the
4279 department under paragraph (2)(c).

4280 3. A private prekindergarten provider or public school that
4281 is placed on probation must continue the corrective actions
4282 required under subparagraph 2., including the use of a
4283 curriculum approved by the department, until the provider or
4284 school meets the minimum rate adopted by the State Board of
4285 Education as satisfactory under s. 1002.69(6).

4286 4. If a private prekindergarten provider or public school
4287 remains on probation for 2 consecutive years and fails to meet
4288 the minimum rate adopted by the State Board of Education as
4289 satisfactory under s. 1002.69(6) and is not granted a good cause
4290 exemption by the department pursuant to s. 1002.69(7), the
4291 department ~~Agency for Workforce Innovation~~ shall require the
4292 early learning coalition or ~~the Department of Education~~ shall

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4293 ~~require~~ the school district to remove, as applicable, the
4294 provider or school from eligibility to deliver the Voluntary
4295 Prekindergarten Education Program and receive state funds for
4296 the program.

4297 (d) Each early learning coalition, ~~the Agency for Workforce~~
4298 ~~Innovation~~, and the department shall coordinate with the Child
4299 Care Services Program Office of the Department of Children and
4300 Family Services to minimize interagency duplication of
4301 activities for monitoring private prekindergarten providers for
4302 compliance with requirements of the Voluntary Prekindergarten
4303 Education Program under this part, the school readiness programs
4304 under s. 411.01, and the licensing of providers under ss.
4305 402.301-402.319.

4306 Section 81. Paragraph (f) of subsection (7) of section
4307 1002.69, Florida Statutes, is amended to read:

4308 1002.69 Statewide kindergarten screening; kindergarten
4309 readiness rates.—

4310 (7)

4311 (f) The State Board of Education shall notify the
4312 department ~~Agency for Workforce Innovation~~ of any good cause
4313 exemption granted to a private prekindergarten provider under
4314 this subsection. If a good cause exemption is granted to a
4315 private prekindergarten provider who remains on probation for 2
4316 consecutive years, the department ~~Agency for Workforce~~
4317 ~~Innovation~~ shall notify the early learning coalition of the good
4318 cause exemption and direct that the coalition, notwithstanding
4319 s. 1002.67(3)(c)4., not remove the provider from eligibility to
4320 deliver the Voluntary Prekindergarten Education Program or to
4321 receive state funds for the program, if the provider meets all

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4322 other applicable requirements of this part.

4323 Section 82. Paragraph (c) of subsection (3), subsection
4324 (4), paragraph (b) of subsection (5), and subsections (6) and
4325 (7) of section 1002.71, Florida Statutes, are amended to read:
4326 1002.71 Funding; financial and attendance reporting.—

4327 (3)

4328 (c) The initial allocation shall be based on estimated
4329 student enrollment in each coalition service area. The
4330 department ~~Agency for Workforce Innovation~~ shall reallocate
4331 funds among the coalitions based on actual full-time equivalent
4332 student enrollment in each coalition service area.

4333 (4) Notwithstanding s. 1002.53(3) and subsection (2):

4334 (a) A child who, for any of the prekindergarten programs
4335 listed in s. 1002.53(3), has not completed more than 70 percent
4336 of the hours authorized to be reported for funding under
4337 subsection (2), or has not expended more than 70 percent of the
4338 funds authorized for the child under s. 1002.66, may withdraw
4339 from the program for good cause and reenroll in one of the
4340 programs. The total funding for a child who reenrolls in one of
4341 the programs for good cause may not exceed one full-time
4342 equivalent student. Funding for a child who withdraws and
4343 reenrolls in one of the programs for good cause shall be issued
4344 in accordance with the department's ~~agency's~~ uniform attendance
4345 policy adopted pursuant to paragraph (6)(d).

4346 (b) A child who has not substantially completed any of the
4347 prekindergarten programs listed in s. 1002.53(3) may withdraw
4348 from the program due to an extreme hardship that is beyond the
4349 child's or parent's control, reenroll in one of the summer
4350 programs, and be reported for funding purposes as a full-time

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4351 equivalent student in the summer program for which the child is
4352 reenrolled.

4353

4354 A child may reenroll only once in a prekindergarten program
4355 under this section. A child who reenrolls in a prekindergarten
4356 program under this subsection may not subsequently withdraw from
4357 the program and reenroll. The department ~~Agency for Workforce~~
4358 ~~Innovation~~ shall establish criteria specifying whether a good
4359 cause exists for a child to withdraw from a program under
4360 paragraph (a), whether a child has substantially completed a
4361 program under paragraph (b), and whether an extreme hardship
4362 exists which is beyond the child's or parent's control under
4363 paragraph (b).

4364 (5)

4365 (b) The department ~~Agency for Workforce Innovation~~ shall
4366 adopt procedures for the payment of private prekindergarten
4367 providers and public schools delivering the Voluntary
4368 Prekindergarten Education Program. The procedures shall provide
4369 for the advance payment of providers and schools based upon
4370 student enrollment in the program, the certification of student
4371 attendance, and the reconciliation of advance payments in
4372 accordance with the uniform attendance policy adopted under
4373 paragraph (6)(d). The procedures shall provide for the monthly
4374 distribution of funds by the department ~~Agency for Workforce~~
4375 ~~Innovation~~ to the early learning coalitions for payment by the
4376 coalitions to private prekindergarten providers and public
4377 schools. ~~The department shall transfer to the Agency for~~
4378 ~~Workforce Innovation at least once each quarter the funds~~
4379 ~~available for payment to private prekindergarten providers and~~

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4380 ~~public schools in accordance with this paragraph from the funds~~
4381 ~~appropriated for that purpose.~~

4382 (6)(a) Each parent enrolling his or her child in the
4383 Voluntary Prekindergarten Education Program must agree to comply
4384 with the attendance policy of the private prekindergarten
4385 provider or district school board, as applicable. Upon
4386 enrollment of the child, the private prekindergarten provider or
4387 public school, as applicable, must provide the child's parent
4388 with a copy of the provider's or school district's attendance
4389 policy, as applicable.

4390 (b)1. Each private prekindergarten provider's and district
4391 school board's attendance policy must require the parent of each
4392 student in the Voluntary Prekindergarten Education Program to
4393 verify, each month, the student's attendance on the prior
4394 month's certified student attendance.

4395 2. The parent must submit the verification of the student's
4396 attendance to the private prekindergarten provider or public
4397 school on forms prescribed by the department ~~Agency for~~
4398 ~~Workforce Innovation~~. The forms must include, in addition to the
4399 verification of the student's attendance, a certification, in
4400 substantially the following form, that the parent continues to
4401 choose the private prekindergarten provider or public school in
4402 accordance with s. 1002.53 and directs that payments for the
4403 program be made to the provider or school:

4404

4405 VERIFICATION OF STUDENT'S ATTENDANCE

4406 AND CERTIFICATION OF PARENTAL CHOICE

4407

4408 I, ...(Name of Parent)..., swear (or affirm) that my child,

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4409 ... (Name of Student) ..., attended the Voluntary Prekindergarten
4410 Education Program on the days listed above and certify that I
4411 continue to choose ... (Name of Provider or School) ... to deliver
4412 the program for my child and direct that program funds be paid
4413 to the provider or school for my child.

4414 ... (Signature of Parent) ...

4415 ... (Date) ...

4416

4417 3. The private prekindergarten provider or public school
4418 must keep each original signed form for at least 2 years. Each
4419 private prekindergarten provider must permit the early learning
4420 coalition, and each public school must permit the school
4421 district, to inspect the original signed forms during normal
4422 business hours. The department ~~Agency for Workforce Innovation~~
4423 shall adopt procedures for early learning coalitions and school
4424 districts to review the original signed forms against the
4425 certified student attendance. The review procedures shall
4426 provide for the use of selective inspection techniques,
4427 including, but not limited to, random sampling. Each early
4428 learning coalition and the school districts must comply with the
4429 review procedures.

4430 (c) A private prekindergarten provider or school district,
4431 as applicable, may dismiss a student who does not comply with
4432 the provider's or district's attendance policy. A student
4433 dismissed under this paragraph is not removed from the Voluntary
4434 Prekindergarten Education Program and may continue in the
4435 program through reenrollment with another private
4436 prekindergarten provider or public school. Notwithstanding s.
4437 1002.53(6)(b), a school district is not required to provide for

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4438 the admission of a student dismissed under this paragraph.

4439 (d) The department ~~Agency for Workforce Innovation~~ shall
4440 adopt, for funding purposes, a uniform attendance policy for the
4441 Voluntary Prekindergarten Education Program. The attendance
4442 policy must apply statewide and apply equally to all private
4443 prekindergarten providers and public schools. The attendance
4444 policy must include at least the following provisions:

4445 1. ~~Beginning with the 2009-2010 fiscal year for school-year~~
4446 ~~programs,~~ A student's attendance may be reported on a pro rata
4447 basis as a fractional part of a full-time equivalent student.

4448 2. At a maximum, 20 percent of the total payment made on
4449 behalf of a student to a private prekindergarten provider or a
4450 public school may be for hours a student is absent.

4451 3. A private prekindergarten provider or public school may
4452 not receive payment for absences that occur before a student's
4453 first day of attendance or after a student's last day of
4454 attendance.

4455
4456 The uniform attendance policy shall be used only for funding
4457 purposes and does not prohibit a private prekindergarten
4458 provider or public school from adopting and enforcing its
4459 attendance policy under paragraphs (a) and (c).

4460 (7) The department ~~Agency for Workforce Innovation~~ shall
4461 require that administrative expenditures be kept to the minimum
4462 necessary for efficient and effective administration of the
4463 Voluntary Prekindergarten Education Program. Administrative
4464 policies and procedures shall be revised, to the maximum extent
4465 practicable, to incorporate the use of automation and electronic
4466 submission of forms, including those required for child

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4467 eligibility and enrollment, provider and class registration, and
4468 monthly certification of attendance for payment. A school
4469 district may use its automated daily attendance reporting system
4470 for the purpose of transmitting attendance records to the early
4471 learning coalition in a mutually agreed-upon format. In
4472 addition, actions shall be taken to reduce paperwork, eliminate
4473 the duplication of reports, and eliminate other duplicative
4474 activities. Beginning with the 2010-2011 fiscal year, each early
4475 learning coalition may retain and expend no more than 4.5
4476 percent of the funds paid by the coalition to private
4477 prekindergarten providers and public schools under paragraph
4478 (5)(b). Funds retained by an early learning coalition under this
4479 subsection may be used only for administering the Voluntary
4480 Prekindergarten Education Program and may not be used for the
4481 school readiness program or other programs.

4482 Section 83. Subsection (1) of section 1002.72, Florida
4483 Statutes, is amended to read:

4484 1002.72 Records of children in the Voluntary
4485 Prekindergarten Education Program.—

4486 (1)(a) The records of a child enrolled in the Voluntary Prekindergarten
4487 Education Program held by an early learning coalition, the
4488 department ~~Agency for Workforce Innovation~~, or a Voluntary
4489 Prekindergarten Education Program provider are confidential and
4490 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4491 Constitution. For purposes of this section, such records include
4492 assessment data, health data, records of teacher observations,
4493 and personal identifying information of an enrolled child and
4494 his or her parent.

4495 (b) This exemption applies to the records of a child

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4496 enrolled in the Voluntary Prekindergarten Education Program held
4497 by an early learning coalition, the department ~~Agency for~~
4498 ~~Workforce Innovation~~, or a Voluntary Prekindergarten Education
4499 Program provider before, on, or after the effective date of this
4500 exemption.

4501 Section 84. Subsections (1) and (5) of section 1002.77,
4502 Florida Statutes, are amended to read:

4503 1002.77 Florida Early Learning Advisory Council.—

4504 (1) There is created the Florida Early Learning Advisory Council within
4505 the department ~~Agency for Workforce Innovation~~. The purpose of
4506 the advisory council is to submit recommendations to the
4507 department ~~and the Agency for Workforce Innovation~~ on the early
4508 learning policy of this state, including recommendations
4509 relating to administration of the Voluntary Prekindergarten
4510 Education Program under this part and the school readiness
4511 programs under s. 411.01.

4512 (5) The department ~~Agency for Workforce Innovation~~ shall
4513 provide staff and administrative support for the advisory
4514 council.

4515 Section 85. Section 1002.79, Florida Statutes, is amended
4516 to read:

4517 1002.79 Rulemaking authority.—

4518 ~~(1)~~ The State Board of Education shall adopt rules under
4519 ss. 120.536(1) and 120.54 to administer the provisions of this
4520 part ~~conferring duties upon the department~~.

4521 ~~(2) The Agency for Workforce Innovation shall adopt rules~~
4522 ~~under ss. 120.536(1) and 120.54 to administer the provisions of~~
4523 ~~this part conferring duties upon the agency~~.

4524 Section 86. Subsection (2), paragraph (a) of subsection

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4525 (3), paragraph (c) of subsection (4), and subsection (5) of
4526 section 1003.491, Florida Statutes, are amended to read:

4527 1003.491 Florida Career and Professional Education Act.—The
4528 Florida Career and Professional Education Act is created to
4529 provide a statewide planning partnership between the business
4530 and education communities in order to attract, expand, and
4531 retain targeted, high-value industry and to sustain a strong,
4532 knowledge-based economy.

4533 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
4534 school board shall develop, in collaboration with local
4535 workforce boards and postsecondary institutions approved to
4536 operate in the state, a strategic 5-year plan to address and
4537 meet local and regional workforce demands. If involvement of the
4538 local workforce board in the strategic plan development is not
4539 feasible, the local school board, with the approval of Jobs
4540 Florida ~~the Agency for Workforce Innovation,~~ shall collaborate
4541 with the most appropriate local business leadership board. Two
4542 or more school districts may collaborate in the development of
4543 the strategic plan and offer a career and professional academy
4544 as a joint venture. Such plans must describe in detail
4545 provisions for efficient transportation of students, maximum use
4546 of shared resources, and access to courses through the Florida
4547 Virtual School when appropriate. Each strategic plan shall ~~be~~
4548 ~~completed no later than June 30, 2008, and shall~~ include
4549 provisions to have in place at least one operational career and
4550 professional academy, pursuant to s. 1003.492, ~~no later than the~~
4551 ~~beginning of the 2008-2009 school year.~~

4552 (3) The strategic 5-year plan developed jointly between the
4553 local school district, local workforce boards, and state-

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4554 approved postsecondary institutions shall be constructed and
4555 based on:

4556 (a) Research conducted to objectively determine local and
4557 regional workforce needs for the ensuing 5 years, using labor
4558 projections of the United States Department of Labor and Jobs
4559 Florida ~~the Agency for Workforce Innovation~~;

4560 (4) The State Board of Education shall establish a process
4561 for the continual and uninterrupted review of newly proposed
4562 core secondary courses and existing courses requested to be
4563 considered as core courses to ensure that sufficient rigor and
4564 relevance is provided for workforce skills and postsecondary
4565 education and aligned to state curriculum standards. The review
4566 of newly proposed core secondary courses shall be the
4567 responsibility of a curriculum review committee whose membership
4568 is approved by the Workforce Florida Board as described in s.
4569 445.004, and shall include:

4570 (c) Three workforce representatives recommended by Jobs
4571 Florida ~~the Agency for Workforce Innovation~~.

4572 (5) The submission and review of newly proposed core
4573 courses shall be conducted electronically, and each proposed
4574 core course shall be approved or denied within 60 days. All
4575 courses approved as core courses for high school graduation
4576 purposes shall be immediately added to the Course Code
4577 Directory. Approved core courses shall also be reviewed and
4578 considered for approval for dual enrollment credit. The Board of
4579 Governors and the Commissioner of Education shall jointly
4580 recommend an annual deadline for approval of new core courses to
4581 be included for purposes of postsecondary admissions and dual
4582 enrollment credit the following academic year. The State Board

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4583 of Education shall establish an appeals process in the event
4584 that a proposed course is denied which shall require a consensus
4585 ruling by Jobs Florida ~~the Agency for Workforce Innovation~~ and
4586 the Commissioner of Education within 15 days. ~~The curriculum~~
4587 ~~review committee must be established and operational no later~~
4588 ~~than September 1, 2007.~~

4589 Section 87. Subsection (2) of section 1003.492, Florida
4590 Statutes, is amended to read:

4591 1003.492 Industry-certified career education programs.—

4592 (2) The State Board of Education shall use the expertise of Workforce Florida, Inc.,
4593 and Enterprise Florida, Inc., to develop and adopt rules pursuant to ss.
4594 120.536(1) and 120.54 for implementing an industry certification
4595 process. Industry certification shall be defined by Jobs Florida
4596 ~~the Agency for Workforce Innovation~~, based upon the highest
4597 available national standards for specific industry
4598 certification, to ensure student skill proficiency and to
4599 address emerging labor market and industry trends. A regional
4600 workforce board or a career and professional academy may apply
4601 to Workforce Florida, Inc., to request additions to the approved
4602 list of industry certifications based on high-demand job
4603 requirements in the regional economy. The list of industry
4604 certifications approved by Workforce Florida, Inc., and the
4605 Department of Education shall be published and updated annually
4606 by a date certain, to be included in the adopted rule.

4607 Section 88. Paragraph (f) of subsection (4) of section
4608 1003.493, Florida Statutes, is amended to read:

4609 1003.493 Career and professional academies.—

4610 (4) Each career and professional academy must:

4611 (f) Provide instruction in careers designated as high growth, high demand, and

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4612 high pay by the local workforce development board, the chamber
4613 of commerce, or Jobs Florida ~~the Agency for Workforce~~
4614 ~~Innovation~~.

4615 Section 89. Subsection (3) of section 1003.575, Florida
4616 Statutes, is amended to read:

4617 1003.575 Assistive technology devices; findings;
4618 interagency agreements.—Accessibility, utilization, and
4619 coordination of appropriate assistive technology devices and
4620 services are essential as a young person with disabilities moves
4621 from early intervention to preschool, from preschool to school,
4622 from one school to another, and from school to employment or
4623 independent living. To ensure that an assistive technology
4624 device issued to a young person as part of his or her
4625 individualized family support plan, individual support plan, or
4626 an individual education plan remains with the individual through
4627 such transitions, the following agencies shall enter into
4628 interagency agreements, as appropriate, to ensure the
4629 transaction of assistive technology devices:

4630 (3) The Voluntary Prekindergarten Education Program
4631 administered by the Department of Education ~~and the Agency for~~
4632 ~~Workforce Innovation~~.

4633

4634 Interagency agreements entered into pursuant to this section
4635 shall provide a framework for ensuring that young persons with
4636 disabilities and their families, educators, and employers are
4637 informed about the utilization and coordination of assistive
4638 technology devices and services that may assist in meeting
4639 transition needs, and shall establish a mechanism by which a
4640 young person or his or her parent may request that an assistive

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4641 technology device remain with the young person as he or she
4642 moves through the continuum from home to school to postschool.

4643 Section 90. Subsection (4) of section 1003.4285, Florida
4644 Statutes, is amended to read:

4645 1003.4285 Standard high school diploma designations.—Each
4646 standard high school diploma shall include, as applicable:

4647 (4) A designation reflecting a Florida Ready to Work Credential in
4648 accordance with s. 445.06 ~~1004.99~~.

4649 Section 91. Paragraph (j) of subsection (4) of section
4650 1003.493, Florida Statutes, is amended to read:

4651 1003.493 Career and professional academies.—

4652 (4) Each career and professional academy must:

4653 (j) Provide opportunities for students to obtain the Florida
4654 Ready to Work Certification pursuant to s. 445.06 ~~1004.99~~.

4655 Section 92. Subsection (3) of section 1008.39, Florida
4656 Statutes, is amended to read:

4657 1008.39 Florida Education and Training Placement
4658 Information Program.—

4659 (3) The Florida Education and Training Placement
4660 Information Program must not make public any information that
4661 could identify an individual or the individual's employer. The
4662 Department of Education must ensure that the purpose of
4663 obtaining placement information is to evaluate and improve
4664 public programs or to conduct research for the purpose of
4665 improving services to the individuals whose social security
4666 numbers are used to identify their placement. If an agreement
4667 assures that this purpose will be served and that privacy will
4668 be protected, the Department of Education shall have access to
4669 the unemployment insurance wage reports maintained by Jobs

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4670 Florida ~~the Agency for Workforce Innovation~~, the files of the
4671 Department of Children and Family Services that contain
4672 information about the distribution of public assistance, the
4673 files of the Department of Corrections that contain records of
4674 incarcerations, and the files of the Department of Business and
4675 Professional Regulation that contain the results of licensure
4676 examination.

4677 Section 93. Subsection (3) of section 1008.41, Florida
4678 Statutes, is amended to read:

4679 1008.41 Workforce education; management information
4680 system.—

4681 (3) Planning and evaluation of job-preparatory programs
4682 shall be based on standard sources of data and use standard
4683 occupational definitions and coding structures, including, but
4684 not limited to:

4685 (a) The Florida Occupational Information System;

4686 (b) The Florida Education and Training Placement
4687 Information Program;

4688 (c) Jobs Florida ~~The Agency for Workforce Innovation~~;

4689 (d) The United States Department of Labor; and

4690 (e) Other sources of data developed using statistically
4691 valid procedures.

4692 Section 94. Subsections (2), (3), (4), (5), and (6) of
4693 section 1011.76, Florida Statutes, are amended to read:

4694 1011.76 Small School District Stabilization Program.—

4695 (2) In order to participate in this program, a school
4696 district must be located in a rural area of critical economic
4697 concern designated by the Executive Office of the Governor, and
4698 the district school board must submit a resolution to Jobs

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4699 Florida ~~the Office of Tourism, Trade, and Economic Development~~
4700 requesting participation in the program. A rural area of
4701 critical economic concern must be a rural community, or a region
4702 composed of such, that has been adversely affected by an
4703 extraordinary economic event or a natural disaster or that
4704 presents a unique economic development concern or opportunity of
4705 regional impact. The resolution must be accompanied with
4706 documentation of the economic conditions in the community,
4707 provide information indicating the negative impact of these
4708 conditions on the school district's financial stability, and the
4709 school district must participate in a best financial management
4710 practices review to determine potential efficiencies that could
4711 be implemented to reduce program costs in the district.

4712 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4713 ~~Development~~, in consultation with the Department of Education,
4714 shall review the resolution and other information required by
4715 subsection (2) and determine whether the school district is
4716 eligible to participate in the program. Factors influencing the
4717 office's determination may include, but are not limited to,
4718 reductions in the county tax roll resulting from business
4719 closures or other causes, or a reduction in student enrollment
4720 due to business closures or impacts in the local economy.

4721 (4) ~~Effective July 1, 2000, and thereafter,~~ When Jobs
4722 Florida ~~the Office of Tourism, Trade, and Economic Development~~
4723 authorizes a school district to participate in the program, the
4724 Legislature may give priority to that district for a best
4725 financial management practices review in the school district,
4726 subject to approval pursuant to s. 1008.35(7), to the extent
4727 that funding is provided annually for such purpose in the

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4728 General Appropriations Act. The scope of the review shall be as
4729 set forth in s. 1008.35.

4730 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
4731 of Education may award the school district a stabilization grant
4732 intended to protect the district from continued financial
4733 reductions. The amount of the grant will be determined by the
4734 Department of Education and may be equivalent to the amount of
4735 the decline in revenues projected for the next fiscal year. In
4736 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
4737 ~~Economic Development~~ may implement a rural economic development
4738 initiative to identify the economic factors that are negatively
4739 impacting the community and may consult with Enterprise Florida,
4740 Inc., in developing a plan to assist the county with its
4741 economic transition. The grant will be available to the school
4742 district for a period of up to 5 years to the extent that
4743 funding is provided for such purpose in the General
4744 Appropriations Act.

4745 (6) Based on the availability of funds, Jobs Florida ~~the~~
4746 ~~Office of Tourism, Trade, and Economic Development~~ or the
4747 Department of Education may enter into contracts or issue grants
4748 necessary to implement the program.

4749 Section 95. Section 1012.2251, Florida Statutes, is amended
4750 to read:

4751 1012.2251 End-of-course examinations for Merit Award
4752 Program. ~~Beginning with the 2007-2008 school year,~~ School
4753 districts that participate in the Merit Award Program under s.
4754 1012.225 must be able to administer end-of-course examinations
4755 based on the Sunshine State Standards in order to measure a
4756 student's understanding and mastery of the entire course in all

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4757 grade groupings and subjects for any year in which the districts
4758 participate in the program. The statewide standardized
4759 assessment, College Board Advanced Placement Examination,
4760 International Baccalaureate examination, Advanced International
4761 Certificate of Education examination, or examinations resulting
4762 in national or state industry certification recognized by Jobs
4763 Florida ~~the Agency for Workforce Innovation~~ satisfy the
4764 requirements of this section for the respective grade groupings
4765 and subjects assessed by these examinations and assessments.

4766 Section 96. Paragraph (b) of subsection (2) of section
4767 14.20195, Florida Statutes, is amended to read:

4768 14.20195 Suicide Prevention Coordinating Council; creation;
4769 membership; duties.—There is created within the Statewide Office
4770 for Suicide Prevention a Suicide Prevention Coordinating
4771 Council. The council shall develop strategies for preventing
4772 suicide.

4773 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
4774 shall consist of 28 voting members.

4775 (b) The following state officials or their designees shall
4776 serve on the coordinating council:

- 4777 1. The Secretary of Elderly Affairs.
- 4778 2. The State Surgeon General.
- 4779 3. The Commissioner of Education.
- 4780 4. The Secretary of Health Care Administration.
- 4781 5. The Secretary of Juvenile Justice.
- 4782 6. The Secretary of Corrections.
- 4783 7. The executive director of the Department of Law
4784 Enforcement.
- 4785 8. The executive director of the Department of Veterans'

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4786 Affairs.

4787 9. The Secretary of Children and Family Services.

4788 10. The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4789 ~~for Workforce Innovation~~.

4790 Section 97. Section 15.182, Florida Statutes, is amended to
4791 read:

4792 15.182 International travel by state-funded musical,
4793 cultural, or artistic organizations; notification to Jobs
4794 Florida ~~Office of Tourism, Trade, and Economic Development~~.

4795 (1) If a musical, cultural, or artistic organization that
4796 receives state funding is traveling internationally for a
4797 presentation, performance, or other significant public viewing,
4798 including an organization associated with a college or
4799 university, such organization shall notify Jobs Florida ~~The~~
4800 ~~Office of Tourism, Trade, and Economic Development~~ of its
4801 intentions to travel, together with the date, time, and location
4802 of each appearance.

4803 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
4804 ~~Development~~, in conjunction with Enterprise Florida, Inc., shall
4805 act as an intermediary between performing musical, cultural, and
4806 artistic organizations and Florida businesses to encourage and
4807 coordinate joint undertakings. Such coordination may include,
4808 but is not limited to, encouraging business and industry to
4809 sponsor cultural events, assistance with travel of such
4810 organizations, and coordinating travel schedules of cultural
4811 performance groups and international trade missions.

4812 (3) An organization shall provide the notification to the
4813 Department of State required by this section at least 30 days
4814 before ~~prior to~~ the date the international travel is to commence

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4815 or, when an intention to travel internationally is not formed at
4816 least 30 days in advance of the date the travel is to commence,
4817 as soon as feasible after forming such travel intention. The
4818 Department of State shall take an active role in informing such
4819 groups of the responsibility to notify the department of travel
4820 intentions.

4821 Section 98. Paragraph (j) of subsection (1) of section
4822 16.615, Florida Statutes, is amended to read:

4823 16.615 Council on the Social Status of Black Men and Boys.—

4824 (1) The Council on the Social Status of Black Men and Boys is established within the
4825 Department of Legal Affairs and shall consist of 19 members
4826 appointed as follows:

4827 (j) The commissioner ~~director~~ of Jobs Florida ~~the Agency~~
4828 ~~for Workforce Innovation~~ or his or her designee.

4829 Section 99. Paragraph (a) of subsection (8) and paragraph
4830 (a) of subsection (9) of section 39.001, Florida Statutes, are
4831 amended to read:

4832 39.001 Purposes and intent; personnel standards and
4833 screening.—

4834 (8) PLAN FOR COMPREHENSIVE APPROACH.—

4835 (a) The office shall develop a state plan for the promotion
4836 of adoption, support of adoptive families, and prevention of
4837 abuse, abandonment, and neglect of children and shall submit the
4838 state plan to the Speaker of the House of Representatives, the
4839 President of the Senate, and the Governor no later than December
4840 31, 2008. The Department of Children and Family Services, the
4841 Department of Corrections, the Department of Education, the
4842 Department of Health, the Department of Juvenile Justice, the
4843 Department of Law Enforcement, and the Agency for Persons with

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4844 ~~Disabilities, and the Agency for Workforce Innovation~~ shall
4845 participate and fully cooperate in the development of the state
4846 plan at both the state and local levels. Furthermore,
4847 appropriate local agencies and organizations shall be provided
4848 an opportunity to participate in the development of the state
4849 plan at the local level. Appropriate local groups and
4850 organizations shall include, but not be limited to, community
4851 mental health centers; guardian ad litem programs for children
4852 under the circuit court; the school boards of the local school
4853 districts; the Florida local advocacy councils; community-based
4854 care lead agencies; private or public organizations or programs
4855 with recognized expertise in working with child abuse prevention
4856 programs for children and families; private or public
4857 organizations or programs with recognized expertise in working
4858 with children who are sexually abused, physically abused,
4859 emotionally abused, abandoned, or neglected and with expertise
4860 in working with the families of such children; private or public
4861 programs or organizations with expertise in maternal and infant
4862 health care; multidisciplinary child protection teams; child day
4863 care centers; law enforcement agencies; and the circuit courts,
4864 when guardian ad litem programs are not available in the local
4865 area. The state plan to be provided to the Legislature and the
4866 Governor shall include, as a minimum, the information required
4867 of the various groups in paragraph (b).

4868 (9) FUNDING AND SUBSEQUENT PLANS.—

4869 (a) All budget requests submitted by the office, the
4870 department, the Department of Health, the Department of
4871 Education, the Department of Juvenile Justice, the Department of
4872 Corrections, the Agency for Persons with Disabilities, ~~the~~

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4873 ~~Agency for Workforce Innovation,~~ or any other agency to the
4874 Legislature for funding of efforts for the promotion of
4875 adoption, support of adoptive families, and prevention of child
4876 abuse, abandonment, and neglect shall be based on the state plan
4877 developed pursuant to this section.

4878 Section 100. Paragraph (a) of subsection (7) of section
4879 45.031, Florida Statutes, is amended to read:

4880 45.031 Judicial sales procedure.—In any sale of real or
4881 personal property under an order or judgment, the procedures
4882 provided in this section and ss. 45.0315-45.035 may be followed
4883 as an alternative to any other sale procedure if so ordered by
4884 the court.

4885 (7) DISBURSEMENTS OF PROCEEDS.—

4886 (a) On filing a certificate of title, the clerk shall
4887 disburse the proceeds of the sale in accordance with the order
4888 or final judgment and shall file a report of such disbursements
4889 and serve a copy of it on each party, and on the Department of
4890 Revenue if the department was named as a defendant in the action
4891 or if Jobs Florida or the former Agency for Workforce Innovation
4892 ~~or the former Department of Labor and Employment Security~~ was
4893 named as a defendant while the Department of Revenue was
4894 providing unemployment tax collection services under contract
4895 with Jobs Florida or the former Agency for Workforce Innovation
4896 through an interagency agreement pursuant to s. 443.1316.

4897 Section 101. Paragraph (a) of subsection (4) of section
4898 69.041, Florida Statutes, is amended to read:

4899 69.041 State named party; lien foreclosure, suit to quiet
4900 title.—

4901 (4)(a) The Department of Revenue has the right to participate in the

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4902 disbursement of funds remaining in the registry of the court
4903 after distribution pursuant to s. 45.031(7). The department
4904 shall participate in accordance with applicable procedures in
4905 any mortgage foreclosure action in which the department has a
4906 duly filed tax warrant, or interests under a lien arising from a
4907 judgment, order, or decree for support, as defined in s.
4908 409.2554, or interest in an unemployment compensation tax lien
4909 under contract with Jobs Florida ~~the Agency for Workforce~~
4910 ~~Innovation~~ through an interagency agreement pursuant to s.
4911 443.1316, against the subject property and with the same
4912 priority, regardless of whether a default against the
4913 department, Jobs Florida, or the former Agency for Workforce
4914 Innovation, ~~or the former Department of Labor and Employment~~
4915 ~~Security~~ has been entered for failure to file an answer or other
4916 responsive pleading.

4917 Section 102. Subsection (3) of section 112.3135, Florida
4918 Statutes, is amended to read:

4919 112.3135 Restriction on employment of relatives.—

4920 (3) An agency may prescribe regulations authorizing the
4921 temporary employment, in the event of an emergency as defined in
4922 s. 252.34~~(3)~~, of individuals whose employment would be otherwise
4923 prohibited by this section.

4924 Section 103. Paragraph (d) of subsection (2) and paragraph
4925 (f) of subsection (5) of section 119.071, Florida Statutes, are
4926 amended to read:

4927 119.071 General exemptions from inspection or copying of
4928 public records.—

4929 (2) AGENCY INVESTIGATIONS.—

4930 (d) Any information revealing surveillance techniques or

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4931 procedures or personnel is exempt from s. 119.07(1) and s.
4932 24(a), Art. I of the State Constitution. Any comprehensive
4933 inventory of state and local law enforcement resources compiled
4934 pursuant to part I, chapter 23, and any comprehensive policies
4935 or plans compiled by a criminal justice agency pertaining to the
4936 mobilization, deployment, or tactical operations involved in
4937 responding to an emergency ~~emergencies~~, as defined in s.
4938 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
4939 the State Constitution and unavailable for inspection, except by
4940 personnel authorized by a state or local law enforcement agency,
4941 the office of the Governor, the Department of Legal Affairs, the
4942 Department of Law Enforcement, or Jobs Florida ~~the Department of~~
4943 ~~Community Affairs~~ as having an official need for access to the
4944 inventory or comprehensive policies or plans.

4945 (5) OTHER PERSONAL INFORMATION.—

4946 (f) Medical history records and information related to
4947 health or property insurance provided to Jobs Florida ~~the~~
4948 ~~Department of Community Affairs~~, the Florida Housing Finance
4949 Corporation, a county, a municipality, or a local housing
4950 finance agency by an applicant for or a participant in a
4951 federal, state, or local housing assistance program are
4952 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4953 of the State Constitution. Governmental entities or their agents
4954 shall have access to such confidential and exempt records and
4955 information for the purpose of auditing federal, state, or local
4956 housing programs or housing assistance programs. Such
4957 confidential and exempt records and information may be used in
4958 any administrative or judicial proceeding, provided such records
4959 are kept confidential and exempt unless otherwise ordered by a

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4960 court.

4961 Section 104. Subsection (10) of section 120.80, Florida
4962 Statutes, is amended to read:

4963 120.80 Exceptions and special requirements; agencies.—

4964 (10) JOBS FLORIDA ~~AGENCY FOR WORKFORCE INNOVATION.~~—

4965 (a) Notwithstanding s. 120.54, the rulemaking provisions of
4966 this chapter do not apply to unemployment appeals referees.

4967 (b) Notwithstanding s. 120.54(5), the uniform rules of
4968 procedure do not apply to appeal proceedings conducted under
4969 chapter 443 by the Unemployment Appeals Commission, special
4970 deputies, or unemployment appeals referees.

4971 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
4972 443 may not be conducted by an administrative law judge assigned
4973 by the division, but instead shall be conducted by the
4974 Unemployment Appeals Commission in unemployment compensation
4975 appeals, unemployment appeals referees, and Jobs Florida ~~the~~
4976 ~~Agency for Workforce Innovation~~ or its special deputies under s.
4977 443.141.

4978 Section 105. Subsection (1) of section 125.01045, Florida
4979 Statutes, is amended to read:

4980 125.01045 Prohibition of fees for first responder
4981 services.—

4982 (1) A county may not impose a fee or seek reimbursement for any
4983 costs or expenses that may be incurred for services provided by
4984 a first responder, including costs or expenses related to
4985 personnel, supplies, motor vehicles, or equipment in response to
4986 a motor vehicle accident, except for costs to contain or clean
4987 up hazardous materials in quantities reportable to the Florida
4988 State Warning Point at the Office ~~Division~~ of Emergency

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4989 Management, and costs for transportation and treatment provided
4990 by ambulance services licensed pursuant to s. 401.23(4) and (5).

4991 Section 106. Subsection (11) of section 159.803, Florida
4992 Statutes, is amended to read:

4993 159.803 Definitions.—As used in this part, the term:

4994 (11) "Florida First Business project" means any project
4995 which is certified by Jobs Florida ~~the Office of Tourism, Trade,~~
4996 ~~and Economic Development~~ as eligible to receive an allocation
4997 from the Florida First Business allocation pool established
4998 pursuant to s. 159.8083. Jobs Florida ~~The Office of Tourism,~~
4999 ~~Trade, and Economic Development~~ may certify those projects
5000 meeting the criteria set forth in s. 288.106(4)(b) or any
5001 project providing a substantial economic benefit to this state.

5002 Section 107. Paragraph (a) of subsection (2) of section
5003 159.8081, Florida Statutes, is amended to read:

5004 159.8081 Manufacturing facility bond pool.—

5005 (2)(a) The first 75 percent of this pool shall be available on a first come, first served
5006 basis, except that 15 percent of the state volume limitation allocated
5007 to this pool shall be available as provided in paragraph (b).

5008 Before ~~Prior to~~ issuing any written confirmations for the
5009 remaining 25 percent of this pool, the director shall forward
5010 all notices of intent to issue which are received by the
5011 division for manufacturing facility projects to Jobs Florida ~~the~~
5012 ~~Office of Tourism, Trade, and Economic Development.~~ Jobs Florida
5013 ~~The Office of Tourism, Trade, and Economic Development and the~~
5014 ~~Department of Community Affairs~~ shall decide, after receipt of
5015 the notices of intent to issue, which notices will receive
5016 written confirmations. Such decision shall be communicated in
5017 writing by Jobs Florida ~~the Office of Tourism, Trade, and~~

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5018 ~~Economic Development~~ to the director within 10 days of receipt
5019 of such notices of intent to issue. Jobs Florida ~~The Office of~~
5020 ~~Tourism, Trade, and Economic Development, in consultation with~~
5021 ~~the Department of Community Affairs,~~ may develop rules to ensure
5022 that allocation of the remaining 25 percent is consistent with
5023 the state's economic development policy.

5024 Section 108. Section 159.8083, Florida Statutes, is amended
5025 to read:

5026 159.8083 Florida First Business allocation pool.—The
5027 Florida First Business allocation pool is hereby established.
5028 The Florida First Business allocation pool shall be available
5029 solely to provide written confirmation for private activity
5030 bonds to finance Florida First Business projects certified by
5031 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5032 ~~Development~~ as eligible to receive a written confirmation.
5033 Allocations from such pool shall be awarded statewide pursuant
5034 to procedures specified in s. 159.805, except that the
5035 provisions of s. 159.805(2), (3), and (6) do not apply. Florida
5036 First Business projects that are eligible for a carryforward
5037 shall not lose their allocation pursuant to s. 159.809(3) on
5038 October 1, or pursuant to s. 159.809(4) on November 16, if they
5039 have applied for and have been granted a carryforward by the
5040 division pursuant to s. 159.81(1). In issuing written
5041 confirmations of allocations for Florida First Business
5042 projects, the division shall use the Florida First Business
5043 allocation pool. If allocation is not available from the Florida
5044 First Business allocation pool, the division shall issue written
5045 confirmations of allocations for Florida First Business projects
5046 pursuant to s. 159.806 or s. 159.807, in such order. For the

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5047 purpose of determining priority within a regional allocation
5048 pool or the state allocation pool, notices of intent to issue
5049 bonds for Florida First Business projects to be issued from a
5050 regional allocation pool or the state allocation pool shall be
5051 considered to have been received by the division at the time it
5052 is determined by the division that the Florida First Business
5053 allocation pool is unavailable to issue confirmation for such
5054 Florida First Business project. If the total amount requested in
5055 notices of intent to issue private activity bonds for Florida
5056 First Business projects exceeds the total amount of the Florida
5057 First Business allocation pool, the director shall forward all
5058 timely notices of intent to issue, which are received by the
5059 division for such projects, to Jobs Florida ~~the Office of~~
5060 ~~Tourism, Trade, and Economic Development~~ which shall render a
5061 decision as to which notices of intent to issue are to receive
5062 written confirmations. Jobs Florida ~~The Office of Tourism,~~
5063 ~~Trade, and Economic Development~~, in consultation with the
5064 division, shall develop rules to ensure that the allocation
5065 provided in such pool is available solely to provide written
5066 confirmations for private activity bonds to finance Florida
5067 First Business projects and that such projects are feasible and
5068 financially solvent.

5069 Section 109. Section 163.03, Florida Statutes, is amended
5070 to read:

5071 163.03 Commissioner of Jobs Florida ~~Secretary of Community~~
5072 ~~Affairs~~; powers and duties; function of Jobs Florida ~~Department~~
5073 ~~of Community Affairs~~ with respect to federal grant-in-aid
5074 programs.—

5075 (1) The Commissioner of Jobs Florida ~~Secretary of Community~~

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5076 ~~Affairs~~ shall:

5077 (a) Supervise and administer the activities of Jobs Florida
5078 ~~the department~~ and shall advise the Governor, the Cabinet, and
5079 the Legislature with respect to matters affecting community
5080 affairs and local government and participate in the formulation
5081 of policies which best use ~~utilize~~ the resources of state
5082 government for the benefit of local government.

5083 (b) Render services to local governments by assisting, upon
5084 request, in applying for and securing federal and state funds
5085 and by assisting the Executive Office of the Governor in
5086 coordinating the activities of the state with federal programs
5087 for assistance in and solution of urban problems.

5088 ~~(c) Under the direction of the Governor, administer~~
5089 ~~programs to apply rapidly all available aid to communities~~
5090 ~~stricken by an emergency as defined in s. 252.34(3) and, for~~
5091 ~~this purpose, provide liaison with federal agencies and other~~
5092 ~~public and private agencies.~~

5093 ~~(c)~~(d) When requested, administer programs which will
5094 assist the efforts of local governments in developing mutual and
5095 cooperative solutions to their common problems.

5096 ~~(d)~~(e) Conduct programs to encourage and promote the
5097 involvement of private enterprise in the solution of urban
5098 problems.

5099 ~~(e)~~(f) Conduct continuing programs of analysis and
5100 evaluation of local governments and recommend to the Governor
5101 programs and changes in the powers and organization of local
5102 government as may seem necessary to strengthen local
5103 governments.

5104 ~~(f)~~(g) Assist the Governor and the Cabinet in coordinating

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5105 and making more effective the activities and services of those
5106 departments and agencies of the state which may be of service to
5107 units of local government.

5108 (g)~~(h)~~ Provide consultative services and technical
5109 assistance to local officials in the fields of housing,
5110 redevelopment and renewal, local public improvement programs,
5111 planning and zoning, and other local programs and collect and
5112 disseminate information pertaining thereto, including
5113 information concerning federal, state, and private assistance
5114 programs and services.

5115 (h)~~(i)~~ Conduct research and studies, and prepare model
5116 ordinances and codes relating to the areas referred to herein.

5117 (i)~~(j)~~ Cooperate with other state agencies in the
5118 preparation of statewide plans relating to housing,
5119 redevelopment and renewal, human resources development, local
5120 planning and zoning, transportation and traffic, and other
5121 matters relating to the purposes of this section.

5122 (j)~~(k)~~ Accept funds from all sources to be used ~~utilized~~ in
5123 programs designed to combat juvenile crime, including the making
5124 of contributions to the National Youth Emergency Corps.

5125 (k)~~(l)~~ Be authorized to accept and disburse funds from all
5126 sources in order to carry out the following programs:

5127 1. Advisory and informational services to local
5128 governments.

5129 2. Community development training under Title VIII of the
5130 Housing Act of 1964.

5131 3. Local planning assistance under s. 701 of the Housing
5132 Act of 1954.

5133 4. Statewide planning assistance under s. 701 of the

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5134 Housing Act of 1954.

5135 5. Model cities technical assistance under s. 701 of the
5136 Housing Act of 1954.

5137 (1)~~(m)~~ Perform such other functions, duties, or
5138 responsibilities as may be hereafter assigned to him or her by
5139 law.

5140 (2) It is the intent of this section, with respect to
5141 federal grant-in-aid programs, that Jobs Florida ~~the department~~
5142 serve as the agency for disseminating information to local
5143 governments regarding the availability of federal grant-in-aid
5144 assistance to local governments in their efforts to secure
5145 federal grant-in-aid assistance, but only upon the request of
5146 such local governments, and for assisting local governments in
5147 maintaining liaison and communications with federal agencies
5148 concerning federal grant-in-aid programs. Nothing contained
5149 herein shall be construed to require consent, approval, or
5150 authorization from Jobs Florida ~~the department~~ as a condition to
5151 any application for or acceptance of grants-in-aid from the
5152 United States Government.

5153 (3) Jobs Florida ~~The department~~ is authorized to adopt
5154 rules implementing the following grant programs, which rules
5155 shall be consistent with the laws, regulations, or guidelines
5156 governing the grant to Jobs Florida ~~the department~~:

5157 (a) Criminal justice grant programs administered by the
5158 Bureau of Criminal Justice Assistance.

5159 (b) Grants under the federal Outer Continental Shelf
5160 Program administered by the Bureau of Land and Water Management.

5161 (c) Federal housing assistance programs.

5162 (d) Community Services Block Grant programs.

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5163 (e) Federal weatherization grant programs.

5164 (f) The ~~Jobs Impact Program of the~~ federal Community
5165 Development Block Grant.

5166 Section 110. Paragraph (d) of subsection (2) and subsection
5167 (3) of section 163.3178, Florida Statutes, are amended to read:
5168 163.3178 Coastal management.—

5169 (2) Each coastal management element required by s. 163.3177(6)(g) shall be based on
5170 studies, surveys, and data; be consistent with coastal resource plans
5171 prepared and adopted pursuant to general or special law; and
5172 contain:

5173 (d) A component which outlines principles for hazard
5174 mitigation and protection of human life against the effects of
5175 natural disaster, including population evacuation, which take
5176 into consideration the capability to safely evacuate the density
5177 of coastal population proposed in the future land use plan
5178 element in the event of an impending natural disaster. The
5179 Office ~~Division~~ of Emergency Management shall manage the update
5180 of the regional hurricane evacuation studies, ensure such
5181 studies are done in a consistent manner, and ensure that the
5182 methodology used for modeling storm surge is that used by the
5183 National Hurricane Center.

5184 (3) Expansions to port harbors, spoil disposal sites,
5185 navigation channels, turning basins, harbor berths, and other
5186 related inwater harbor facilities of ports listed in s.
5187 403.021(9); port transportation facilities and projects listed
5188 in s. 311.07(3)(b); intermodal transportation facilities
5189 identified pursuant to s. 311.09(3); and facilities determined
5190 by Jobs Florida ~~the Department of Community Affairs~~ and
5191 applicable general-purpose local government to be port-related

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5192 industrial or commercial projects located within 3 miles of or
5193 in a port master plan area which rely upon the use of port and
5194 intermodal transportation facilities shall not be designated as
5195 developments of regional impact if such expansions, projects, or
5196 facilities are consistent with comprehensive master plans that
5197 are in compliance with this section.

5198 Section 111. Subsection (10) of section 163.360, Florida
5199 Statutes, is amended to read:

5200 163.360 Community redevelopment plans.—

5201 (10) Notwithstanding any other provisions of this part, if ~~when~~ the governing
5202 body certifies that an area is in need of redevelopment or
5203 rehabilitation as a result of an emergency as defined in ~~under~~
5204 s. 252.34(3), with respect to which the Governor has certified
5205 the need for emergency assistance under federal law, that area
5206 may be certified as a "blighted area," and the governing body
5207 may approve a community redevelopment plan and community
5208 redevelopment with respect to such area without regard to the
5209 provisions of this section requiring a general plan for the
5210 county or municipality and a public hearing on the community
5211 redevelopment.

5212 Section 112. Subsection (1) of section 166.0446, Florida
5213 Statutes, is amended to read:

5214 166.0446 Prohibition of fees for first responder services.—

5215 (1) A municipality may not impose a fee or seek reimbursement for any
5216 costs or expenses that may be incurred for services provided by
5217 a first responder, including costs or expenses related to
5218 personnel, supplies, motor vehicles, or equipment in response to
5219 a motor vehicle accident, except for costs to contain or clean
5220 up hazardous materials in quantities reportable to the Florida

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5221 State Warning Point at the Office ~~Division~~ of Emergency
5222 Management, and costs for transportation and treatment provided
5223 by ambulance services licensed pursuant to s. 401.23(4) and (5).

5224 Section 113. Subsection (1) of section 175.021, Florida
5225 Statutes, is amended to read:

5226 175.021 Legislative declaration.—

5227 (1) It is hereby declared by the Legislature that firefighters, ~~as hereinafter~~
5228 ~~defined~~, perform state and municipal functions; that it is their
5229 duty to extinguish fires, to protect life, and to protect
5230 property at their own risk and peril; that it is their duty to
5231 prevent conflagration and to continuously instruct school
5232 personnel, public officials, and private citizens in the
5233 prevention of fires and firesafety; that they protect both life
5234 and property from local emergencies as defined in s. 252.34~~(3)~~;
5235 and that their activities are vital to the public safety. It is
5236 further declared that firefighters employed by special fire
5237 control districts serve under the same circumstances and perform
5238 the same duties as firefighters employed by municipalities and
5239 should therefore be entitled to the benefits available under
5240 this chapter. Therefore, the Legislature declares that it is a
5241 proper and legitimate state purpose to provide a uniform
5242 retirement system for the benefit of firefighters ~~as hereinafter~~
5243 ~~defined~~ and intends, in implementing the provisions of s. 14,
5244 Art. X of the State Constitution as they relate to municipal and
5245 special district firefighters' pension trust fund systems and
5246 plans, that such retirement systems or plans be managed,
5247 administered, operated, and funded in such manner as to maximize
5248 the protection of the firefighters' pension trust funds.
5249 Pursuant to s. 18, Art. VII of the State Constitution, the

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5250 Legislature hereby determines and declares that ~~the provisions~~
5251 ~~of~~ this act fulfill an important state interest.

5252 Section 114. Subsection (11) of section 186.505, Florida
5253 Statutes, is amended to read:

5254 186.505 Regional planning councils; powers and duties.—Any
5255 regional planning council created hereunder shall have the
5256 following powers:

5257 (11) To cooperate, in the exercise of its planning functions, with
5258 federal and state agencies in planning for emergency management
5259 as defined in ~~under~~ s. 252.34(4).

5260 Section 115. Paragraph (p) of subsection (5) of section
5261 212.08, Florida Statutes, is amended to read:

5262 212.08 Sales, rental, use, consumption, distribution, and
5263 storage tax; specified exemptions.—The sale at retail, the
5264 rental, the use, the consumption, the distribution, and the
5265 storage to be used or consumed in this state of the following
5266 are hereby specifically exempt from the tax imposed by this
5267 chapter.

5268 (5) EXEMPTIONS; ACCOUNT OF USE.—

5269 (p) *Community contribution tax credit for donations.*—

5270 1. Authorization.—Persons who are registered with the
5271 department under s. 212.18 to collect or remit sales or use tax
5272 and who make donations to eligible sponsors are eligible for tax
5273 credits against their state sales and use tax liabilities as
5274 provided in this paragraph:

5275 a. The credit shall be computed as 50 percent of the
5276 person's approved annual community contribution.

5277 b. The credit shall be granted as a refund against state
5278 sales and use taxes reported on returns and remitted in the 12

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5279 months preceding the date of application to the department for
5280 the credit as required in sub-subparagraph 3.c. If the annual
5281 credit is not fully used through such refund because of
5282 insufficient tax payments during the applicable 12-month period,
5283 the unused amount may be included in an application for a refund
5284 made pursuant to sub-subparagraph 3.c. in subsequent years
5285 against the total tax payments made for such year. Carryover
5286 credits may be applied for a 3-year period without regard to any
5287 time limitation that would otherwise apply under s. 215.26.

5288 c. A person may not receive more than \$200,000 in annual
5289 tax credits for all approved community contributions made in any
5290 one year.

5291 d. All proposals for the granting of the tax credit require
5292 the prior approval of Jobs Florida ~~the Office of Tourism, Trade,~~
5293 ~~and Economic Development.~~

5294 e. The total amount of tax credits which may be granted for
5295 all programs approved under this paragraph, s. 220.183, and s.
5296 624.5105 is \$10.5 million annually for projects that provide
5297 homeownership opportunities for low-income or very-low-income
5298 households as defined in s. 420.9071(19) and (28) and \$3.5
5299 million annually for all other projects.

5300 f. A person who is eligible to receive the credit provided
5301 for in this paragraph, s. 220.183, or s. 624.5105 may receive
5302 the credit only under the one section of the person's choice.

5303 2. Eligibility requirements.-

5304 a. A community contribution by a person must be in the
5305 following form:

5306 (I) Cash or other liquid assets;

5307 (II) Real property;

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5308 (III) Goods or inventory; or
5309 (IV) Other physical resources as identified by Jobs Florida
5310 ~~the Office of Tourism, Trade, and Economic Development.~~

5311 b. All community contributions must be reserved exclusively
5312 for use in a project. As used in this sub-subparagraph, the term
5313 "project" means any activity undertaken by an eligible sponsor
5314 which is designed to construct, improve, or substantially
5315 rehabilitate housing that is affordable to low-income or very-
5316 low-income households as defined in s. 420.9071(19) and (28);
5317 designed to provide commercial, industrial, or public resources
5318 and facilities; or designed to improve entrepreneurial and job-
5319 development opportunities for low-income persons. A project may
5320 be the investment necessary to increase access to high-speed
5321 broadband capability in rural communities with enterprise zones,
5322 including projects that result in improvements to communications
5323 assets that are owned by a business. A project may include the
5324 provision of museum educational programs and materials that are
5325 directly related to any project approved between January 1,
5326 1996, and December 31, 1999, and located in an enterprise zone
5327 designated pursuant to s. 290.0065. This paragraph does not
5328 preclude projects that propose to construct or rehabilitate
5329 housing for low-income or very-low-income households on
5330 scattered sites. With respect to housing, contributions may be
5331 used to pay the following eligible low-income and very-low-
5332 income housing-related activities:

5333 (I) Project development impact and management fees for low-
5334 income or very-low-income housing projects;

5335 (II) Down payment and closing costs for eligible persons,
5336 as defined in s. 420.9071(19) and (28);

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5337 (III) Administrative costs, including housing counseling
5338 and marketing fees, not to exceed 10 percent of the community
5339 contribution, directly related to low-income or very-low-income
5340 projects; and

5341 (IV) Removal of liens recorded against residential property
5342 by municipal, county, or special district local governments when
5343 satisfaction of the lien is a necessary precedent to the
5344 transfer of the property to an eligible person, as defined in s.
5345 420.9071(19) and (28), for the purpose of promoting home
5346 ownership. Contributions for lien removal must be received from
5347 a nonrelated third party.

5348 c. The project must be undertaken by an "eligible sponsor,"
5349 which includes:

5350 (I) A community action program;

5351 (II) A nonprofit community-based development organization
5352 whose mission is the provision of housing for low-income or
5353 very-low-income households or increasing entrepreneurial and
5354 job-development opportunities for low-income persons;

5355 (III) A neighborhood housing services corporation;

5356 (IV) A local housing authority created under chapter 421;

5357 (V) A community redevelopment agency created under s.
5358 163.356;

5359 (VI) The Florida Industrial Development Corporation;

5360 (VII) A historic preservation district agency or
5361 organization;

5362 (VIII) A regional workforce board;

5363 (IX) A direct-support organization as provided in s.
5364 1009.983;

5365 (X) An enterprise zone development agency created under s.

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5366 290.0056;

5367 (XI) A community-based organization incorporated under
5368 chapter 617 which is recognized as educational, charitable, or
5369 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5370 and whose bylaws and articles of incorporation include
5371 affordable housing, economic development, or community
5372 development as the primary mission of the corporation;

5373 (XII) Units of local government;

5374 (XIII) Units of state government; or

5375 (XIV) Any other agency that Jobs Florida ~~the Office of~~
5376 ~~Tourism, Trade, and Economic Development~~ designates by rule.

5377

5378 In no event may a contributing person have a financial interest
5379 in the eligible sponsor.

5380 d. The project must be located in an area designated an
5381 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
5382 ~~s. 20.18(6)~~, unless the project increases access to high-speed
5383 broadband capability for rural communities with enterprise zones
5384 but is physically located outside the designated rural zone
5385 boundaries. Any project designed to construct or rehabilitate
5386 housing for low-income or very-low-income households as defined
5387 in s. 420.9071(19) and (28) is exempt from the area requirement
5388 of this sub-subparagraph.

5389 e.(I) If, during the first 10 business days of the state
5390 fiscal year, eligible tax credit applications for projects that
5391 provide homeownership opportunities for low-income or very-low-
5392 income households as defined in s. 420.9071(19) and (28) are
5393 received for less than the annual tax credits available for
5394 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~

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5395 ~~Economic Development~~ shall grant tax credits for those
5396 applications and shall grant remaining tax credits on a first-
5397 come, first-served basis for any subsequent eligible
5398 applications received before the end of the state fiscal year.
5399 If, during the first 10 business days of the state fiscal year,
5400 eligible tax credit applications for projects that provide
5401 homeownership opportunities for low-income or very-low-income
5402 households as defined in s. 420.9071(19) and (28) are received
5403 for more than the annual tax credits available for those
5404 projects, Jobs Florida ~~the office~~ shall grant the tax credits
5405 for those applications as follows:

5406 (A) If tax credit applications submitted for approved
5407 projects of an eligible sponsor do not exceed \$200,000 in total,
5408 the credits shall be granted in full if the tax credit
5409 applications are approved.

5410 (B) If tax credit applications submitted for approved
5411 projects of an eligible sponsor exceed \$200,000 in total, the
5412 amount of tax credits granted pursuant to sub-sub-sub-
5413 subparagraph (A) shall be subtracted from the amount of
5414 available tax credits, and the remaining credits shall be
5415 granted to each approved tax credit application on a pro rata
5416 basis.

5417 (II) If, during the first 10 business days of the state
5418 fiscal year, eligible tax credit applications for projects other
5419 than those that provide homeownership opportunities for low-
5420 income or very-low-income households as defined in s.
5421 420.9071(19) and (28) are received for less than the annual tax
5422 credits available for those projects, Jobs Florida ~~the office~~
5423 shall grant tax credits for those applications and shall grant

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5424 remaining tax credits on a first-come, first-served basis for
5425 any subsequent eligible applications received before the end of
5426 the state fiscal year. If, during the first 10 business days of
5427 the state fiscal year, eligible tax credit applications for
5428 projects other than those that provide homeownership
5429 opportunities for low-income or very-low-income households as
5430 defined in s. 420.9071(19) and (28) are received for more than
5431 the annual tax credits available for those projects, the office
5432 shall grant the tax credits for those applications on a pro rata
5433 basis.

5434 3. Application requirements.—

5435 a. Any eligible sponsor seeking to participate in this
5436 program must submit a proposal to Jobs Florida ~~the Office of~~
5437 ~~Tourism, Trade, and Economic Development~~ which sets forth the
5438 name of the sponsor, a description of the project, and the area
5439 in which the project is located, together with such supporting
5440 information as is prescribed by rule. The proposal must also
5441 contain a resolution from the local governmental unit in which
5442 the project is located certifying that the project is consistent
5443 with local plans and regulations.

5444 b. Any person seeking to participate in this program must
5445 submit an application for tax credit to Jobs Florida ~~the office~~
5446 which sets forth the name of the sponsor, a description of the
5447 project, and the type, value, and purpose of the contribution.
5448 The sponsor shall verify the terms of the application and
5449 indicate its receipt of the contribution, which verification
5450 must be in writing and accompany the application for tax credit.
5451 The person must submit a separate tax credit application to Jobs
5452 Florida ~~the office~~ for each individual contribution that it

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5453 makes to each individual project.

5454 c. Any person who has received notification from Jobs
5455 Florida ~~the office~~ that a tax credit has been approved must
5456 apply to the department to receive the refund. Application must
5457 be made on the form prescribed for claiming refunds of sales and
5458 use taxes and be accompanied by a copy of the notification. A
5459 person may submit only one application for refund to the
5460 department within any 12-month period.

5461 4. Administration.—

5462 a. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
5463 ~~Development~~ may adopt rules pursuant to ss. 120.536(1) and
5464 120.54 necessary to administer this paragraph, including rules
5465 for the approval or disapproval of proposals by a person.

5466 b. The decision of Jobs Florida ~~the office~~ must be in
5467 writing, and, if approved, the notification shall state the
5468 maximum credit allowable to the person. Upon approval, Jobs
5469 Florida ~~the office~~ shall transmit a copy of the decision to the
5470 Department of Revenue.

5471 c. Jobs Florida ~~The office~~ shall periodically monitor all
5472 projects in a manner consistent with available resources to
5473 ensure that resources are used in accordance with this
5474 paragraph; however, each project must be reviewed at least once
5475 every 2 years.

5476 d. Jobs Florida ~~The office~~ shall, in consultation with ~~the~~
5477 ~~Department of Community Affairs and~~ the statewide and regional
5478 housing and financial intermediaries, market the availability of
5479 the community contribution tax credit program to community-based
5480 organizations.

5481 5. Expiration.—This paragraph expires June 30, 2015;

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5482 however, any accrued credit carryover that is unused on that
5483 date may be used until the expiration of the 3-year carryover
5484 period for such credit.

5485 Section 116. Paragraph (d) of subsection (1) of section
5486 212.096, Florida Statutes, is amended to read:

5487 212.096 Sales, rental, storage, use tax; enterprise zone
5488 jobs credit against sales tax.—

5489 (1) For the purposes of the credit provided in this
5490 section:

5491 (d) "Job" means a full-time position, as consistent with
5492 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5493 and the United States Department of Labor for purposes of
5494 unemployment compensation tax administration and employment
5495 estimation resulting directly from a business operation in this
5496 state. This term may not include a temporary construction job
5497 involved with the construction of facilities or any job that has
5498 previously been included in any application for tax credits
5499 under s. 220.181(1). The term also includes employment of an
5500 employee leased from an employee leasing company licensed under
5501 chapter 468 if such employee has been continuously leased to the
5502 employer for an average of at least 36 hours per week for more
5503 than 6 months.

5504

5505 A person shall be deemed to be employed if the person performs
5506 duties in connection with the operations of the business on a
5507 regular, full-time basis, provided the person is performing such
5508 duties for an average of at least 36 hours per week each month.
5509 The person must be performing such duties at a business site
5510 located in the enterprise zone.

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5511 Section 117. Paragraphs (a) and (e) of subsection (1) and
5512 subsections (6), (7), and (10) of section 212.097, Florida
5513 Statutes, are amended to read:

5514 212.097 Urban High-Crime Area Job Tax Credit Program.—

5515 (1) As used in this section, the term:

5516 (a) "Eligible business" means any sole proprietorship, firm,
5517 partnership, or corporation that is located in a qualified
5518 county and is predominantly engaged in, or is headquarters for a
5519 business predominantly engaged in, activities usually provided
5520 for consideration by firms classified within the following
5521 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5522 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
5523 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
5524 storage); SIC 70 (hotels and other lodging places); SIC 7391
5525 (research and development); SIC 781 (motion picture production
5526 and allied services); SIC 7992 (public golf courses); and SIC
5527 7996 (amusement parks). A call center or similar customer
5528 service operation that services a multistate market or
5529 international market is also an eligible business. In addition,
5530 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5531 ~~Development~~ may, as part of its final budget request submitted
5532 pursuant to s. 216.023, recommend additions to or deletions from
5533 the list of standard industrial classifications used to
5534 determine an eligible business, and the Legislature may
5535 implement such recommendations. Excluded from eligible receipts
5536 are receipts from retail sales, except such receipts for SIC 52-
5537 SIC 57 and SIC 59 (retail) hotels and other lodging places
5538 classified in SIC 70, public golf courses in SIC 7992, and
5539 amusement parks in SIC 7996. For purposes of this paragraph, the

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5540 term "predominantly" means that more than 50 percent of the
5541 business's gross receipts from all sources is generated by those
5542 activities usually provided for consideration by firms in the
5543 specified standard industrial classification. The determination
5544 of whether the business is located in a qualified high-crime
5545 area and the tier ranking of that area must be based on the date
5546 of application for the credit under this section. Commonly owned
5547 and controlled entities are to be considered a single business
5548 entity.

5549 (e) "Qualified high-crime area" means an area selected by
5550 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5551 ~~Development~~ in the following manner: every third year, Jobs
5552 Florida ~~the Office~~ shall rank and tier those areas nominated
5553 under subsection (7), according to the following prioritized
5554 criteria:

5555 1. Highest arrest rates within the geographic area for
5556 violent crime and for such other crimes as drug sale, drug
5557 possession, prostitution, vandalism, and civil disturbances;

5558 2. Highest reported crime volume and rate of specific
5559 property crimes such as business and residential burglary, motor
5560 vehicle theft, and vandalism;

5561 3. Highest percentage of reported index crimes that are
5562 violent in nature;

5563 4. Highest overall index crime volume for the area; and

5564 5. Highest overall index crime rate for the geographic
5565 area.

5566

5567 Tier-one areas are ranked 1 through 5 and represent the highest
5568 crime areas according to this ranking. Tier-two areas are ranked

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5569 6 through 10 according to this ranking. Tier-three areas are
5570 ranked 11 through 15. Notwithstanding this definition,
5571 "qualified high-crime area" also means an area that has been
5572 designated as a federal Empowerment Zone pursuant to the
5573 Taxpayer Relief Act of 1997. Such a designated area is ranked in
5574 tier three until the areas are reevaluated by Jobs Florida ~~the~~
5575 ~~Office of Tourism, Trade, and Economic Development~~.

5576 (6) Any county or municipality, or a county and one or more
5577 municipalities together, may apply to Jobs Florida ~~the Office of~~
5578 ~~Tourism, Trade, and Economic Development~~ for the designation of
5579 an area as a high-crime area after the adoption by the governing
5580 body or bodies of a resolution that:

5581 (a) Finds that a high-crime area exists in such county or
5582 municipality, or in both the county and one or more
5583 municipalities, which chronically exhibits extreme and
5584 unacceptable levels of poverty, unemployment, physical
5585 deterioration, and economic disinvestment;

5586 (b) Determines that the rehabilitation, conservation, or
5587 redevelopment, or a combination thereof, of such a high-crime
5588 area is necessary in the interest of the health, safety, and
5589 welfare of the residents of such county or municipality, or such
5590 county and one or more municipalities; and

5591 (c) Determines that the revitalization of such a high-crime
5592 area can occur if the public sector or private sector can be
5593 induced to invest its own resources in productive enterprises
5594 that build or rebuild the economic viability of the area.

5595 (7) The governing body of the entity nominating the area
5596 shall provide to Jobs Florida ~~the Office of Tourism, Trade, and~~
5597 ~~Economic Development~~ the following:

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- 5598 (a) The overall index crime rate for the geographic area;
5599 (b) The overall index crime volume for the area;
5600 (c) The percentage of reported index crimes that are
5601 violent in nature;
5602 (d) The reported crime volume and rate of specific property
5603 crimes such as business and residential burglary, motor vehicle
5604 theft, and vandalism; and
5605 (e) The arrest rates within the geographic area for violent
5606 crime and for such other crimes as drug sale, drug possession,
5607 prostitution, disorderly conduct, vandalism, and other public-
5608 order offenses.
- 5609 (10)(a) In order to claim this credit, an eligible business
5610 must file under oath with Jobs Florida ~~the Office of Tourism,~~
5611 ~~Trade, and Economic Development~~ a statement that includes the
5612 name and address of the eligible business and any other
5613 information that is required to process the application.
- 5614 (b) Applications shall be reviewed and certified pursuant
5615 to s. 288.061.
- 5616 (c) The maximum credit amount that may be approved during
5617 any calendar year is \$5 million, of which \$1 million shall be
5618 exclusively reserved for tier-one areas. The Department of
5619 Revenue, in conjunction with Jobs Florida ~~the Office of Tourism,~~
5620 ~~Trade, and Economic Development~~, shall notify the governing
5621 bodies in areas designated as urban high-crime areas when the \$5
5622 million maximum amount has been reached. Applications must be
5623 considered for approval in the order in which they are received
5624 without regard to whether the credit is for a new or existing
5625 business. This limitation applies to the value of the credit as
5626 contained in approved applications. Approved credits may be

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5627 taken in the time and manner allowed pursuant to this section.

5628 Section 118. Paragraphs (a) and (c) of subsection (1) and
5629 subsections (6), and (7), of section 212.098, Florida Statutes,
5630 are amended to read:

5631 212.098 Rural Job Tax Credit Program.—

5632 (1) As used in this section, the term:

5633 (a) "Eligible business" means any sole proprietorship,
5634 firm, partnership, or corporation that is located in a qualified
5635 county and is predominantly engaged in, or is headquarters for a
5636 business predominantly engaged in, activities usually provided
5637 for consideration by firms classified within the following
5638 standard industrial classifications: SIC 01-SIC 09 (agriculture,
5639 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
5640 (public warehousing and storage); SIC 70 (hotels and other
5641 lodging places); SIC 7391 (research and development); SIC 781
5642 (motion picture production and allied services); SIC 7992
5643 (public golf courses); SIC 7996 (amusement parks); and a
5644 targeted industry eligible for the qualified target industry
5645 business tax refund under s. 288.106. A call center or similar
5646 customer service operation that services a multistate market or
5647 an international market is also an eligible business. In
5648 addition, Jobs Florida ~~the Office of Tourism, Trade, and~~
5649 ~~Economic Development~~ may, as part of its final budget request
5650 submitted pursuant to s. 216.023, recommend additions to or
5651 deletions from the list of standard industrial classifications
5652 used to determine an eligible business, and the Legislature may
5653 implement such recommendations. Excluded from eligible receipts
5654 are receipts from retail sales, except such receipts for hotels
5655 and other lodging places classified in SIC 70, public golf

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5656 courses in SIC 7992, and amusement parks in SIC 7996. For
5657 purposes of this paragraph, the term "predominantly" means that
5658 more than 50 percent of the business's gross receipts from all
5659 sources is generated by those activities usually provided for
5660 consideration by firms in the specified standard industrial
5661 classification. The determination of whether the business is
5662 located in a qualified county and the tier ranking of that
5663 county must be based on the date of application for the credit
5664 under this section. Commonly owned and controlled entities are
5665 to be considered a single business entity.

5666 (c) "Qualified area" means any area that is contained
5667 within a rural area of critical economic concern designated
5668 under s. 288.0656, a county that has a population of fewer than
5669 75,000 persons, or a county that has a population of 125,000 or
5670 less and is contiguous to a county that has a population of less
5671 than 75,000, selected in the following manner: every third year,
5672 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5673 ~~Development~~ shall rank and tier the state's counties according
5674 to the following four factors:

5675 1. Highest unemployment rate for the most recent 36-month
5676 period.

5677 2. Lowest per capita income for the most recent 36-month
5678 period.

5679 3. Highest percentage of residents whose incomes are below
5680 the poverty level, based upon the most recent data available.

5681 4. Average weekly manufacturing wage, based upon the most
5682 recent data available.

5683 (6)(a) In order to claim this credit, an eligible business
5684 must file under oath with Jobs Florida ~~the Office of Tourism,~~

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5685 ~~Trade, and Economic Development~~ a statement that includes the
5686 name and address of the eligible business, the starting salary
5687 or hourly wages paid to the new employee, and any other
5688 information that the Department of Revenue requires.

5689 (b) Within 30 working days after receipt of an application
5690 for credit, Jobs Florida ~~the Office of Tourism, Trade, and~~
5691 ~~Economic Development~~ shall review the application to determine
5692 whether it contains all the information required by this
5693 subsection and meets the criteria set out in this section.
5694 Subject to the provisions of paragraph (c), Jobs Florida ~~the~~
5695 ~~Office of Tourism, Trade, and Economic Development~~ shall approve
5696 all applications that contain the information required by this
5697 subsection and meet the criteria set out in this section as
5698 eligible to receive a credit.

5699 (c) The maximum credit amount that may be approved during
5700 any calendar year is \$5 million. The Department of Revenue, in
5701 conjunction with Jobs Florida ~~the Office of Tourism, Trade, and~~
5702 ~~Economic Development~~, shall notify the governing bodies in areas
5703 designated as qualified counties when the \$5 million maximum
5704 amount has been reached. Applications must be considered for
5705 approval in the order in which they are received without regard
5706 to whether the credit is for a new or existing business. This
5707 limitation applies to the value of the credit as contained in
5708 approved applications. Approved credits may be taken in the time
5709 and manner allowed pursuant to this section.

5710 (d) A business may not receive more than \$500,000 of tax
5711 credits under this section during any one calendar year.

5712 (7) If the application is insufficient to support the
5713 credit authorized in this section, Jobs Florida ~~the Office of~~

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5714 ~~Tourism, Trade, and Economic Development~~ shall deny the credit
5715 and notify the business of that fact. The business may reapply
5716 for this credit within 3 months after such notification.

5717 Section 119. Subsection (4) and paragraphs (k) and (w) of
5718 subsection (8) of section 213.053, Florida Statutes, as amended
5719 by chapter 2010-280, Laws of Florida, are amended to read:

5720 213.053 Confidentiality and information sharing.-

5721 (4) The department, while providing unemployment tax
5722 collection services under contract with Jobs Florida ~~the Agency~~
5723 ~~for Workforce Innovation~~ through an interagency agreement
5724 pursuant to s. 443.1316, may release unemployment tax rate
5725 information to the agent of an employer, which agent provides
5726 payroll services for more than 100 ~~500~~ employers, pursuant to
5727 the terms of a memorandum of understanding. The memorandum of
5728 understanding must state that the agent affirms, subject to the
5729 criminal penalties contained in ss. 443.171 and 443.1715, that
5730 the agent will retain the confidentiality of the information,
5731 that the agent has in effect a power of attorney from the
5732 employer which permits the agent to obtain unemployment tax rate
5733 information, and that the agent shall provide the department
5734 with a copy of the employer's power of attorney upon request.

5735 (8) Notwithstanding any other provision of this section,
5736 the department may provide:

5737 (k)1. Payment information relative to chapters 199, 201,
5738 202, 212, 220, 221, and 624 to Jobs Florida ~~the Office of~~
5739 ~~Tourism, Trade, and Economic Development~~, or its employees or
5740 agents that are identified in writing by Jobs Florida ~~the office~~
5741 to the department, in the administration of the tax refund
5742 program for qualified defense contractors and space flight

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5743 business contractors authorized by s. 288.1045 and the tax
5744 refund program for qualified target industry businesses
5745 authorized by s. 288.106.

5746 2. Information relative to tax credits taken by a business
5747 under s. 220.191 and exemptions or tax refunds received by a
5748 business under s. 212.08(5)(j) to Jobs Florida ~~the Office of~~
5749 ~~Tourism, Trade, and Economic Development~~, or its employees or
5750 agents that are identified in writing by Jobs Florida to the
5751 department, in the administration and evaluation of the capital
5752 investment tax credit program authorized in s. 220.191 and the
5753 semiconductor, defense, and space tax exemption program
5754 authorized in s. 212.08(5)(j).

5755 3. Information relative to tax credits taken by a taxpayer
5756 pursuant to the tax credit programs created in ss. 193.017;
5757 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
5758 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
5759 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
5760 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
5761 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
5762 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
5763 ~~Development~~, or its employees or agents that are identified in
5764 writing by Jobs Florida ~~the office~~ to the department, for use in
5765 the administration or evaluation of such programs.

5766
5767 Disclosure of information under this subsection shall be
5768 pursuant to a written agreement between the executive director
5769 and the agency. Such agencies, governmental or nongovernmental,
5770 shall be bound by the same requirements of confidentiality as
5771 the Department of Revenue. Breach of confidentiality is a

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5772 misdemeanor of the first degree, punishable as provided by s.
5773 775.082 or s. 775.083.

5774 (w) Tax registration information to Jobs Florida ~~the Agency~~
5775 ~~for Workforce Innovation~~ for use in the conduct of its official
5776 duties, which information may not be redisclosed by Jobs Florida
5777 ~~the Agency for Workforce Innovation~~.

5778
5779 Disclosure of information under this subsection shall be
5780 pursuant to a written agreement between the executive director
5781 and the agency. Such agencies, governmental or nongovernmental,
5782 shall be bound by the same requirements of confidentiality as
5783 the Department of Revenue. Breach of confidentiality is a
5784 misdemeanor of the first degree, punishable as provided by s.
5785 775.082 or s. 775.083.

5786 Section 120. Paragraph (j) of subsection (4) of section
5787 215.5586, Florida Statutes, is amended to read:

5788 215.5586 My Safe Florida Home Program.—There is established
5789 within the Department of Financial Services the My Safe Florida
5790 Home Program. The department shall provide fiscal
5791 accountability, contract management, and strategic leadership
5792 for the program, consistent with this section. This section does
5793 not create an entitlement for property owners or obligate the
5794 state in any way to fund the inspection or retrofitting of
5795 residential property in this state. Implementation of this
5796 program is subject to annual legislative appropriations. It is
5797 the intent of the Legislature that the My Safe Florida Home
5798 Program provide trained and certified inspectors to perform
5799 inspections for owners of site-built, single-family, residential
5800 properties and grants to eligible applicants as funding allows.

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5801 The program shall develop and implement a comprehensive and
5802 coordinated approach for hurricane damage mitigation that may
5803 include the following:

5804 (4) ADVISORY COUNCIL.—There is created an advisory council
5805 to provide advice and assistance to the department regarding
5806 administration of the program. The advisory council shall
5807 consist of:

5808 (j) The director of the Office ~~Florida Division~~ of
5809 Emergency Management.

5810

5811 Members appointed under paragraphs (a)-(d) shall serve at the
5812 pleasure of the Financial Services Commission. Members appointed
5813 under paragraphs (e) and (f) shall serve at the pleasure of the
5814 appointing officer. All other members shall serve as voting ex
5815 officio members. Members of the advisory council shall serve
5816 without compensation but may receive reimbursement as provided
5817 in s. 112.061 for per diem and travel expenses incurred in the
5818 performance of their official duties.

5819 Section 121. Paragraph (b) of subsection (8) of section
5820 216.136, Florida Statutes, is amended to read:

5821 216.136 Consensus estimating conferences; duties and
5822 principals.—

5823 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

5824 (b) The Department of Education ~~Agency for Workforce~~
5825 ~~Innovation~~ shall provide information on needs and waiting lists
5826 for school readiness programs, and information on the needs for
5827 the Voluntary Prekindergarten Education Program, as requested by
5828 the Early Learning Programs Estimating Conference or individual
5829 conference principals in a timely manner.

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5830 Section 122. Paragraph (a) of subsection (6) of section
5831 216.292, Florida Statutes, is amended to read:

5832 216.292 Appropriations nontransferable; exceptions.—

5833 (6) The Chief Financial Officer shall transfer from any available funds of an agency or
5834 the judicial branch the following amounts and shall report all such
5835 transfers and the reasons therefor to the legislative
5836 appropriations committees and the Executive Office of the
5837 Governor:

5838 (a) The amount due to the Unemployment Compensation Trust
5839 Fund which is more than 90 days delinquent on reimbursements due
5840 to the Unemployment Compensation Trust Fund. The amount
5841 transferred shall be that certified by the state agency
5842 providing unemployment tax collection services under contract
5843 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
5844 interagency agreement pursuant to s. 443.1316.

5845 Section 123. Subsection (1) of section 216.231, Florida
5846 Statutes, is amended to read:

5847 216.231 Release of certain classified appropriations.—

5848 (1)(a) Any appropriation to the Executive Office of the Governor which is classified
5849 as an "emergency," as defined in s. 252.34~~(3)~~, may be released
5850 only with the approval of the Governor. The state agency, or the
5851 judicial branch, desiring the use of the emergency appropriation
5852 shall submit to the Executive Office of the Governor application
5853 ~~therefor~~ in writing setting forth the facts from which the
5854 alleged need arises. The Executive Office of the Governor shall,
5855 at a public hearing, review such application promptly and
5856 approve or disapprove the applications as the circumstances may
5857 warrant. All actions of the Executive Office of the Governor
5858 shall be reported to the legislative appropriations committees,

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5859 and the committees may advise the Executive Office of the
5860 Governor relative to the release of such funds.

5861 (b) The release of appropriated funds classified as
5862 "emergency" shall be approved only if ~~when~~ an act or
5863 circumstance caused by an act of God, civil disturbance, natural
5864 disaster, or other circumstance of an emergency nature
5865 threatens, endangers, or damages the property, safety, health,
5866 or welfare of the state or its residents ~~citizens~~, which
5867 condition has not been provided for in appropriation acts of the
5868 Legislature. Funds allocated for this purpose may be used to pay
5869 overtime pay to personnel of agencies called upon to perform
5870 extra duty because of any civil disturbance or other emergency
5871 as defined in s. 252.34~~(3)~~ and to provide the required state
5872 match for federal grants under the federal Disaster Relief Act.

5873 Section 124. Paragraph (a) of subsection (3) of section
5874 218.64, Florida Statutes, is amended to read:

5875 218.64 Local government half-cent sales tax; uses;
5876 limitations.-

5877 (3) Subject to ordinances enacted by the majority of the
5878 members of the county governing authority and by the majority of
5879 the members of the governing authorities of municipalities
5880 representing at least 50 percent of the municipal population of
5881 such county, counties may use up to \$2 million annually of the
5882 local government half-cent sales tax allocated to that county
5883 for funding for any of the following applicants:

5884 (a) A certified applicant as a facility for a new or
5885 retained professional sports franchise under s. 288.1162 or a
5886 certified applicant as defined in s. 288.11621 for a facility
5887 for a spring training franchise. It is the Legislature's intent

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5888 that the provisions of s. 288.1162, including, but not limited
5889 to, the evaluation process ~~by the Office of Tourism, Trade, and~~
5890 ~~Economic Development~~ except for the limitation on the number of
5891 certified applicants or facilities as provided in that section
5892 and the restrictions set forth in s. 288.1162(8), shall apply to
5893 an applicant's facility to be funded by local government as
5894 provided in this subsection.

5895 Section 125. Paragraph (ff) of subsection (1) of section
5896 220.03, Florida Statutes, is amended to read:

5897 220.03 Definitions.—

5898 (1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly
5899 expressed or manifestly incompatible with the intent thereof, the following
5900 terms shall have the following meanings:

5901 (ff) "Job" means a full-time position, as consistent with
5902 terms used by Jobs Florida ~~the Agency for Workforce Innovation~~
5903 and the United States Department of Labor for purposes of
5904 unemployment compensation tax administration and employment
5905 estimation resulting directly from business operations in this
5906 state. The term may not include a temporary construction job
5907 involved with the construction of facilities or any job that has
5908 previously been included in any application for tax credits
5909 under s. 212.096. The term also includes employment of an
5910 employee leased from an employee leasing company licensed under
5911 chapter 468 if the employee has been continuously leased to the
5912 employer for an average of at least 36 hours per week for more
5913 than 6 months.

5914 Section 126. Paragraph (d) of subsection (1), paragraphs
5915 (b), (c), and (d) of subsection (2), and subsections (3), and
5916 (4) of section 220.183, Florida Statutes, are amended to read:

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5917 220.183 Community contribution tax credit.—

5918 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
5919 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
5920 SPENDING.—

5921 (d) All proposals for the granting of the tax credit shall
5922 require the prior approval of Jobs Florida ~~the Office of~~
5923 ~~Tourism, Trade, and Economic Development~~.

5924 (2) ELIGIBILITY REQUIREMENTS.—

5925 (b)1. All community contributions must be reserved
5926 exclusively for use in projects as defined in s. 220.03(1)(t).

5927 2. If, during the first 10 business days of the state
5928 fiscal year, eligible tax credit applications for projects that
5929 provide homeownership opportunities for low-income or very-low-
5930 income households as defined in s. 420.9071(19) and (28) are
5931 received for less than the annual tax credits available for
5932 those projects, Jobs Florida ~~the Office of Tourism, Trade, and~~
5933 ~~Economic Development~~ shall grant tax credits for those
5934 applications and shall grant remaining tax credits on a first-
5935 come, first-served basis for any subsequent eligible
5936 applications received before the end of the state fiscal year.
5937 If, during the first 10 business days of the state fiscal year,
5938 eligible tax credit applications for projects that provide
5939 homeownership opportunities for low-income or very-low-income
5940 households as defined in s. 420.9071(19) and (28) are received
5941 for more than the annual tax credits available for those
5942 projects, the office shall grant the tax credits for those
5943 applications as follows:

5944 a. If tax credit applications submitted for approved
5945 projects of an eligible sponsor do not exceed \$200,000 in total,

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5946 the credit shall be granted in full if the tax credit
5947 applications are approved.

5948 b. If tax credit applications submitted for approved
5949 projects of an eligible sponsor exceed \$200,000 in total, the
5950 amount of tax credits granted under sub-subparagraph a. shall be
5951 subtracted from the amount of available tax credits, and the
5952 remaining credits shall be granted to each approved tax credit
5953 application on a pro rata basis.

5954 3. If, during the first 10 business days of the state
5955 fiscal year, eligible tax credit applications for projects other
5956 than those that provide homeownership opportunities for low-
5957 income or very-low-income households as defined in s.
5958 420.9071(19) and (28) are received for less than the annual tax
5959 credits available for those projects, the office shall grant tax
5960 credits for those applications and shall grant remaining tax
5961 credits on a first-come, first-served basis for any subsequent
5962 eligible applications received before the end of the state
5963 fiscal year. If, during the first 10 business days of the state
5964 fiscal year, eligible tax credit applications for projects other
5965 than those that provide homeownership opportunities for low-
5966 income or very-low-income households as defined in s.
5967 420.9071(19) and (28) are received for more than the annual tax
5968 credits available for those projects, the office shall grant the
5969 tax credits for those applications on a pro rata basis.

5970 (c) The project must be undertaken by an "eligible
5971 sponsor," defined here as:

- 5972 1. A community action program;
5973 2. A nonprofit community-based development organization
5974 whose mission is the provision of housing for low-income or

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5975 very-low-income households or increasing entrepreneurial and
5976 job-development opportunities for low-income persons;
5977 3. A neighborhood housing services corporation;
5978 4. A local housing authority, created pursuant to chapter
5979 421;
5980 5. A community redevelopment agency, created pursuant to s.
5981 163.356;
5982 6. The Florida Industrial Development Corporation;
5983 7. An historic preservation district agency or
5984 organization;
5985 8. A regional workforce board;
5986 9. A direct-support organization as provided in s.
5987 1009.983;
5988 10. An enterprise zone development agency created pursuant
5989 to s. 290.0056;
5990 11. A community-based organization incorporated under
5991 chapter 617 which is recognized as educational, charitable, or
5992 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
5993 and whose bylaws and articles of incorporation include
5994 affordable housing, economic development, or community
5995 development as the primary mission of the corporation;
5996 12. Units of local government;
5997 13. Units of state government; or
5998 14. Such other agency as Jobs Florida ~~the Office of~~
5999 ~~Tourism, Trade, and Economic Development~~ may, from time to time,
6000 designate by rule.
6001
6002 In no event shall a contributing business firm have a financial
6003 interest in the eligible sponsor.

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6004 (d) The project shall be located in an area designated as
6005 an enterprise zone or a Front Porch Florida Community pursuant
6006 ~~to s. 20.18(6)~~. Any project designed to construct or
6007 rehabilitate housing for low-income or very-low-income
6008 households as defined in s. 420.9071(19) and (28) is exempt from
6009 the area requirement of this paragraph. This section does not
6010 preclude projects that propose to construct or rehabilitate
6011 housing for low-income or very-low-income households on
6012 scattered sites. Any project designed to provide increased
6013 access to high-speed broadband capabilities which includes
6014 coverage of a rural enterprise zone may locate the project's
6015 infrastructure in any area of a rural county.

6016 (3) APPLICATION REQUIREMENTS.—

6017 (a) Any eligible sponsor wishing to participate in this
6018 program must submit a proposal to Jobs Florida ~~the Office of~~
6019 ~~Tourism, Trade, and Economic Development~~ which sets forth the
6020 sponsor, the project, the area in which the project is located,
6021 and such supporting information as may be prescribed by rule.
6022 The proposal shall also contain a resolution from the local
6023 governmental unit in which it is located certifying that the
6024 project is consistent with local plans and regulations.

6025 (b) Any business wishing to participate in this program
6026 must submit an application for tax credit to Jobs Florida ~~the~~
6027 ~~Office of Tourism, Trade, and Economic Development~~, which
6028 application sets forth the sponsor; the project; and the type,
6029 value, and purpose of the contribution. The sponsor shall verify
6030 the terms of the application and indicate its receipt of the
6031 contribution, which verification must be in writing and
6032 accompany the application for tax credit.

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6033 (c) The business firm must submit a separate application
6034 for tax credit for each individual contribution that it makes to
6035 each individual project.

6036 (4) ADMINISTRATION.—

6037 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6038 ~~Development~~ has authority to adopt rules pursuant to ss.
6039 120.536(1) and 120.54 to implement the provisions of this
6040 section, including rules for the approval or disapproval of
6041 proposals by business firms.

6042 (b) The decision of Jobs Florida ~~the Office of Tourism,~~
6043 ~~Trade, and Economic Development~~ shall be in writing, and, if
6044 approved, the notification must state the maximum credit
6045 allowable to the business firm. A copy of the decision shall be
6046 transmitted to the executive director of the Department of
6047 Revenue, who shall apply such credit to the tax liability of the
6048 business firm.

6049 (c) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6050 ~~Development~~ shall periodically monitor all projects in a manner
6051 consistent with available resources to ensure that resources are
6052 utilized in accordance with this section; however, each project
6053 shall be reviewed no less often than once every 2 years.

6054 (d) The Department of Revenue has authority to adopt rules
6055 pursuant to ss. 120.536(1) and 120.54 to implement the
6056 provisions of this section.

6057 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
6058 ~~Development~~ shall, in consultation with ~~the Department of~~
6059 ~~Community Affairs,~~ the Florida Housing Finance Corporation, and
6060 the statewide and regional housing and financial intermediaries,
6061 market the availability of the community contribution tax credit

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6062 program to community-based organizations.

6063 Section 127. Paragraphs (e) and (h) of subsection (1) of
6064 section 220.191, Florida Statutes, are amended to read:

6065 220.191 Capital investment tax credit.—

6066 (1) DEFINITIONS.—For purposes of this section:

6067 (e) "Jobs" means full-time equivalent positions, as that
6068 term is consistent with terms used by Jobs Florida ~~the Agency~~
6069 ~~for Workforce Innovation~~ and the United States Department of
6070 Labor for purposes of unemployment tax administration and
6071 employment estimation, resulting directly from a project in this
6072 state. The term does not include temporary construction jobs
6073 involved in the construction of the project facility.

6074 (h) "Qualifying project" means:

6075 1. A new or expanding facility in this state which creates
6076 at least 100 new jobs in this state and is in one of the high-
6077 impact sectors identified by Enterprise Florida, Inc., and
6078 certified by the office pursuant to s. 288.108(6), including,
6079 but not limited to, aviation, aerospace, automotive, and silicon
6080 technology industries;

6081 2. A new or expanded facility in this state which is
6082 engaged in a target industry designated pursuant to the
6083 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
6084 is induced by this credit to create or retain at least 1,000
6085 jobs in this state, provided that at least 100 of those jobs are
6086 new, pay an annual average wage of at least 130 percent of the
6087 average private sector wage in the area as defined in s.
6088 288.106(2), and make a cumulative capital investment of at least
6089 \$100 million after July 1, 2005. Jobs may be considered retained
6090 only if there is significant evidence that the loss of jobs is

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6091 imminent. Notwithstanding subsection (2), annual credits against
6092 the tax imposed by this chapter shall not exceed 50 percent of
6093 the increased annual corporate income tax liability or the
6094 premium tax liability generated by or arising out of a project
6095 qualifying under this subparagraph. A facility that qualifies
6096 under this subparagraph for an annual credit against the tax
6097 imposed by this chapter may take the tax credit for a period not
6098 to exceed 5 years; or

6099 3. A new or expanded headquarters facility in this state
6100 which locates in an enterprise zone and brownfield area and is
6101 induced by this credit to create at least 1,500 jobs which on
6102 average pay at least 200 percent of the statewide average annual
6103 private sector wage, as published by Jobs Florida ~~the Agency for~~
6104 ~~Workforce Innovation or its successor~~, and which new or expanded
6105 headquarters facility makes a cumulative capital investment in
6106 this state of at least \$250 million.

6107 Section 128. Subsection (2) of section 222.15, Florida
6108 Statutes, is amended to read:

6109 222.15 Wages or unemployment compensation payments due
6110 deceased employee may be paid spouse or certain relatives.—

6111 (2) It is also lawful for Jobs Florida ~~the Agency for~~
6112 ~~Workforce Innovation~~, in case of death of any unemployed
6113 individual, to pay to those persons referred to in subsection
6114 (1) any unemployment compensation payments that may be due to
6115 the individual at the time of his or her death.

6116 Section 129. Subsections (3) and (4) of section 250.06,
6117 Florida Statutes, are amended to read:

6118 250.06 Commander in chief.—

6119 (3) The Governor may, in order to preserve the public

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6120 peace, execute the laws of the state, suppress insurrection,
6121 repel invasion, respond to an emergency as defined in s.
6122 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
6123 of all or any portion of the militia of this state ~~Florida~~ into
6124 the services of the United States, may increase the Florida
6125 National Guard and organize it in accordance with rules and
6126 regulations governing the Armed Forces of the United States.
6127 Such organization and increase may be pursuant to or in advance
6128 of any call made by the President of the United States. If the
6129 Florida National Guard is activated into service of the United
6130 States, another organization may not be designated as the
6131 Florida National Guard.

6132 (4) The Governor may, in order to preserve the public
6133 peace, execute the laws of the state, enhance domestic security,
6134 respond to terrorist threats or attacks, respond to an emergency
6135 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
6136 respond to any need for emergency aid to civil authorities as
6137 specified in s. 250.28, order into state active duty all or any
6138 part of the militia which he or she deems proper.

6139 Section 130. Paragraphs (a) and (b) of subsection (1) of
6140 section 252.32, Florida Statutes, are amended to read:

6141 252.32 Policy and purpose.—

6142 (1) Because of the existing and continuing possibility of
6143 the occurrence of emergencies and disasters resulting from
6144 natural, technological, or manmade causes; in order to ensure
6145 that preparations of this state will be adequate to deal with,
6146 reduce vulnerability to, and recover from such emergencies and
6147 disasters; to provide for the common defense and to protect the
6148 public peace, health, and safety; and to preserve the lives and

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6149 property of the people of the state, it is hereby found and
6150 declared to be necessary:

6151 (a) To create a state emergency management agency to be
6152 known as the "Office ~~Division~~ of Emergency Management," to
6153 authorize the creation of local organizations for emergency
6154 management in the political subdivisions of the state, and to
6155 authorize cooperation with the Federal Government and the
6156 governments of other states.

6157 (b) To confer upon the Governor, the Office ~~Division~~ of
6158 Emergency Management, and the governing body of each political
6159 subdivision of the state the emergency powers provided herein.

6160 Section 131. Section 252.34, Florida Statutes, is amended
6161 to read:

6162 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
6163 the term:

6164 (1) "Disaster" means any natural, technological, or civil
6165 emergency that causes damage of sufficient severity and
6166 magnitude to result in a declaration of a state of emergency by
6167 a county, the Governor, or the President of the United States.
6168 Disasters are ~~shall be~~ identified by the severity of resulting
6169 damage, as follows:

6170 (a) "Catastrophic disaster" means a disaster that will
6171 require massive state and federal assistance, including
6172 immediate military involvement.

6173 (b) "Major disaster" means a disaster that will likely
6174 exceed local capabilities and require a broad range of state and
6175 federal assistance.

6176 (c) "Minor disaster" means a disaster that is likely to be
6177 within the response capabilities of local government and to

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6178 result in only a minimal need for state or federal assistance.

6179 ~~(2) "Division" means the Division of Emergency Management~~
6180 ~~of the Department of Community Affairs, or the successor to that~~
6181 ~~division.~~

6182 (2)~~(3)~~ "Emergency" means any occurrence, or threat thereof,
6183 whether natural, technological, or manmade, in war or in peace,
6184 which results or may result in substantial injury or harm to the
6185 population or substantial damage to or loss of property.

6186 (3)~~(4)~~ "Emergency management" means the preparation for,
6187 the mitigation of, the response to, and the recovery from
6188 emergencies and disasters. Specific emergency management
6189 responsibilities include, but are not limited to:

6190 (a) Reduction of vulnerability of people and communities of
6191 this state to damage, injury, and loss of life and property
6192 resulting from natural, technological, or manmade emergencies or
6193 hostile military or paramilitary action.

6194 (b) Preparation for prompt and efficient response and
6195 recovery to protect lives and property affected by emergencies.

6196 (c) Response to emergencies using all systems, plans, and
6197 resources necessary to preserve adequately the health, safety,
6198 and welfare of persons or property affected by the emergency.

6199 (d) Recovery from emergencies by providing for the rapid
6200 and orderly start of restoration and rehabilitation of persons
6201 and property affected by emergencies.

6202 (e) Provision of an emergency management system embodying
6203 all aspects of preemergency preparedness and postemergency
6204 response, recovery, and mitigation.

6205 (f) Assistance in anticipation, recognition, appraisal,
6206 prevention, and mitigation of emergencies which may be caused or

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6207 aggravated by inadequate planning for, and regulation of, public
6208 and private facilities and land use.

6209 (4)~~(5)~~ "Local emergency management agency" means an
6210 organization created in accordance with ~~the provisions of~~ ss.
6211 252.31-252.90 to discharge the emergency management
6212 responsibilities and functions of a political subdivision.

6213 (5)~~(6)~~ "Manmade emergency" means an emergency caused by an
6214 action against persons or society, including, but not limited
6215 to, enemy attack, sabotage, terrorism, civil unrest, or other
6216 action impairing the orderly administration of government.

6217 (6)~~(7)~~ "Natural emergency" means an emergency caused by a
6218 natural event, including, but not limited to, a hurricane, a
6219 storm, a flood, severe wave action, a drought, or an earthquake.

6220 (7) "Office" means the Office of Emergency Management
6221 within the Executive Office of the Governor, or the successor to
6222 that office.

6223 (8) "Political subdivision" means any county or
6224 municipality created pursuant to law.

6225 (9) "Technological emergency" means an emergency caused by
6226 a technological failure or accident, including, but not limited
6227 to, an explosion, transportation accident, radiological
6228 accident, or chemical or other hazardous material incident.

6229 Section 132. Section 252.35, Florida Statutes, is amended
6230 to read:

6231 252.35 Emergency management powers; ~~Division of Emergency~~
6232 ~~Management.~~—

6233 (1) The office ~~division~~ is responsible for maintaining a
6234 comprehensive statewide program of emergency management and for
6235 coordinating the. ~~The division is responsible for coordination~~

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6236 with efforts of the Federal Government with other departments
6237 and agencies of state government, with county and municipal
6238 governments and school boards, and with private agencies that
6239 have a role in emergency management.

6240 (2) The office division is responsible for carrying out the
6241 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
6242 ~~ss. 252.31-252.90~~, the office division shall:

6243 (a) Prepare a state comprehensive emergency management
6244 plan, which shall be integrated into and coordinated with the
6245 emergency management plans and programs of the Federal
6246 Government. The office division must adopt the plan as a rule in
6247 accordance with chapter 120. The plan shall be implemented by a
6248 continuous, integrated comprehensive emergency management
6249 program. The plan must contain provisions to ensure that the
6250 state is prepared for emergencies and minor, major, and
6251 catastrophic disasters, and the office division shall work
6252 closely with local governments and agencies and organizations
6253 with emergency management responsibilities in preparing and
6254 maintaining the plan. The state comprehensive emergency
6255 management plan must ~~shall~~ be operations oriented and:

6256 1. Include an evacuation component that includes specific
6257 regional and interregional planning provisions and promotes
6258 intergovernmental coordination of evacuation activities. This
6259 component must, at a minimum: contain guidelines for lifting
6260 tolls on state highways; ensure coordination pertaining to
6261 evacuees crossing county lines; set forth procedures for
6262 directing people caught on evacuation routes to safe shelter;
6263 establish strategies for ensuring sufficient, reasonably priced
6264 fueling locations along evacuation routes; and establish

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6265 policies and strategies for emergency medical evacuations.

6266 2. Include a shelter component that includes specific
6267 regional and interregional planning provisions and promotes
6268 coordination of shelter activities between the public, private,
6269 and nonprofit sectors. This component must, at a minimum:
6270 contain strategies to ensure the availability of adequate public
6271 shelter space in each region of the state; establish strategies
6272 for refuge-of-last-resort programs; provide strategies to assist
6273 local emergency management efforts to ensure that adequate
6274 staffing plans exist for all shelters, including medical and
6275 security personnel; provide for a postdisaster communications
6276 system for public shelters; establish model shelter guidelines
6277 for operations, registration, inventory, power generation
6278 capability, information management, and staffing; and set forth
6279 policy guidance for sheltering people with special needs.

6280 3. Include a postdisaster response and recovery component
6281 that includes specific regional and interregional planning
6282 provisions and promotes intergovernmental coordination of
6283 postdisaster response and recovery activities. This component
6284 must provide for postdisaster response and recovery strategies
6285 according to whether a disaster is minor, major, or
6286 catastrophic. The postdisaster response and recovery component
6287 must, at a minimum: establish the structure of the state's
6288 postdisaster response and recovery organization; establish
6289 procedures for activating the state's plan; set forth policies
6290 used to guide postdisaster response and recovery activities;
6291 describe the chain of command during the postdisaster response
6292 and recovery period; describe initial and continuous
6293 postdisaster response and recovery actions; identify the roles

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6294 and responsibilities of each involved agency and organization;
6295 provide for a comprehensive communications plan; establish
6296 procedures for monitoring mutual aid agreements; provide for
6297 rapid impact assessment teams; ensure the availability of an
6298 effective statewide urban search and rescue program coordinated
6299 with the fire services; ensure the existence of a comprehensive
6300 statewide medical care and relief plan administered by the
6301 Department of Health; and establish systems for coordinating
6302 volunteers and accepting and distributing donated funds and
6303 goods.

6304 4. Include additional provisions addressing aspects of
6305 preparedness, response, recovery, and mitigation as determined
6306 necessary by the office division.

6307 5. Address the need for coordinated and expeditious
6308 deployment of state resources, including the Florida National
6309 Guard. In the case of an imminent major disaster, procedures
6310 should address predeployment of the Florida National Guard, and,
6311 in the case of an imminent catastrophic disaster, procedures
6312 should address predeployment of the Florida National Guard and
6313 the United States Armed Forces.

6314 6. Establish a system of communications and warning to
6315 ensure that the state's population and emergency management
6316 agencies are warned of developing emergency situations and can
6317 communicate emergency response decisions.

6318 7. Establish guidelines and schedules for annual exercises
6319 that evaluate the ability of the state and its political
6320 subdivisions to respond to minor, major, and catastrophic
6321 disasters and support local emergency management agencies. Such
6322 exercises must ~~shall~~ be coordinated with local governments and,

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6323 to the extent possible, the Federal Government.

6324 8. Assign lead and support responsibilities to state
6325 agencies and personnel for emergency support functions and other
6326 support activities.

6327
6328 The complete state comprehensive emergency management plan must
6329 ~~shall~~ be submitted to the President of the Senate, the Speaker
6330 of the House of Representatives, and the Governor on February 1
6331 of every even-numbered year.

6332 (b) Adopt standards and requirements for county emergency
6333 management plans. The standards and requirements must ensure
6334 that county plans are coordinated and consistent with the state
6335 comprehensive emergency management plan. If a municipality
6336 elects to establish an emergency management program, it must
6337 adopt a city emergency management plan that complies with all
6338 standards and requirements applicable to county emergency
6339 management plans.

6340 (c) Assist political subdivisions in preparing and
6341 maintaining emergency management plans.

6342 (d) Review periodically political subdivision emergency
6343 management plans for consistency with the state comprehensive
6344 emergency management plan and standards and requirements adopted
6345 under this section.

6346 (e) Cooperate with the President, the heads of the Armed
6347 Forces, the various federal emergency management agencies, and
6348 the officers and agencies of other states in matters pertaining
6349 to emergency management in the state and the nation and
6350 incidents thereof and, in connection therewith, take any
6351 measures that it deems proper to carry into effect any request

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6352 of the President and the appropriate federal officers and
6353 agencies for any emergency management action, including the
6354 direction or control of:

6355 1. Emergency management drills, tests, or exercises of
6356 whatever nature.

6357 2. Warnings and signals for tests and drills, attacks, or
6358 other imminent emergencies or threats thereof and the mechanical
6359 devices to be used in connection with such warnings and signals.

6360 (f) Make recommendations to the Legislature, building code
6361 organizations, and political subdivisions for zoning, building,
6362 and other land use controls; safety measures for securing mobile
6363 homes or other nonpermanent or semipermanent structures; and
6364 other preparedness, prevention, and mitigation measures designed
6365 to eliminate emergencies or reduce their impact.

6366 (g) In accordance with the state comprehensive emergency
6367 management plan and program for emergency management, ascertain
6368 the requirements of the state and its political subdivisions for
6369 equipment and supplies of all kinds in the event of an
6370 emergency; plan for and ~~either~~ procure supplies, medicines,
6371 materials, and equipment or enter into memoranda of agreement or
6372 open purchase orders that will ensure their availability; and
6373 use and employ from time to time any of the property, services,
6374 and resources within the state in accordance with ss. 252.31-
6375 252.90.

6376 (h) Anticipate trends and promote innovations that will
6377 enhance the emergency management system.

6378 (i) Institute statewide public awareness programs. This
6379 shall include an intensive public educational campaign on
6380 emergency preparedness issues, including, but not limited to,

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6381 the personal responsibility of individual citizens to be self-
6382 sufficient for up to 72 hours following a natural or manmade
6383 disaster. The public educational campaign must ~~shall~~ include
6384 relevant information on statewide disaster plans, evacuation
6385 routes, fuel suppliers, and shelters. All educational materials
6386 must be available in alternative formats and mediums to ensure
6387 that they are available to persons with disabilities.

6388 (j) In cooperation with ~~The Division of Emergency~~
6389 ~~Management and~~ the Department of Education, ~~shall~~ coordinate
6390 with the Agency for Persons with Disabilities to provide an
6391 educational outreach program on disaster preparedness and
6392 readiness to individuals who have limited English skills and
6393 identify persons who are in need of assistance but are not
6394 defined under special-needs criteria.

6395 (k) Prepare and distribute to appropriate state and local
6396 officials catalogs of federal, state, and private assistance
6397 programs.

6398 (l) Coordinate federal, state, and local emergency
6399 management activities and take all other steps, including the
6400 partial or full mobilization of emergency management forces and
6401 organizations in advance of an actual emergency, to ensure the
6402 availability of adequately trained and equipped forces of
6403 emergency management personnel before, during, and after
6404 emergencies and disasters.

6405 (m) Establish a schedule of fees that may be charged by
6406 local emergency management agencies for review of emergency
6407 management plans on behalf of external agencies and
6408 institutions. In establishing such schedule, the office ~~division~~
6409 shall consider facility size, review complexity, and other

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6410 factors.

6411 (n) Implement training programs to improve the ability of
6412 state and local emergency management personnel to prepare and
6413 implement emergency management plans and programs. This includes
6414 ~~shall include~~ a continuous training program for agencies and
6415 individuals that will be called on to perform key roles in state
6416 and local postdisaster response and recovery efforts and for
6417 local government personnel on federal and state postdisaster
6418 response and recovery strategies and procedures.

6419 (o) ~~Review~~ Periodically review emergency operating
6420 procedures of state agencies and recommend revisions as needed
6421 to ensure consistency with the state comprehensive emergency
6422 management plan and program.

6423 (p) Make such surveys of industries, resources, and
6424 facilities within the state, both public and private, as are
6425 necessary to carry out the purposes of ss. 252.31-252.90.

6426 (q) Prepare, in advance if ~~whenever~~ possible, such
6427 executive orders, proclamations, and rules for issuance by the
6428 Governor as are necessary or appropriate for coping with
6429 emergencies and disasters.

6430 (r) Cooperate with the Federal Government and any public or
6431 private agency or entity in achieving any purpose of ss. 252.31-
6432 252.90 and in implementing programs for mitigation, preparation,
6433 response, and recovery.

6434 (s) ~~By January 1, 2007, the Division of Emergency~~
6435 ~~Management shall~~ Complete an inventory of portable generators
6436 owned by the state and local governments which are capable of
6437 operating during a major disaster. The inventory must identify,
6438 at a minimum, the location of each generator, the number of

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6439 generators stored at each specific location, the agency to which
6440 each generator belongs, the primary use of the generator by the
6441 owner agency, and the names, addresses, and telephone numbers of
6442 persons having the authority to loan the stored generators as
6443 authorized by the office ~~Division of Emergency Management~~ during
6444 a declared emergency.

6445 (t) ~~The division shall~~ Maintain an inventory list of
6446 generators owned by the state and local governments. In
6447 addition, the office ~~division~~ may keep a list of private
6448 entities, along with appropriate contact information, which
6449 offer generators for sale or lease. The list of private entities
6450 shall be available to the public for inspection in written and
6451 electronic formats.

6452 (u) Assist political subdivisions with the creation and
6453 training of urban search and rescue teams and promote the
6454 development and maintenance of a state urban search and rescue
6455 program.

6456 (v) Delegate, as necessary and appropriate, authority
6457 vested in it under ss. 252.31-252.90 and provide for the
6458 subdelegation of such authority.

6459 (w) Report biennially to the President of the Senate, the
6460 Speaker of the House of Representatives, and the Governor, no
6461 later than February 1 of every odd-numbered year, the status of
6462 the emergency management capabilities of the state and its
6463 political subdivisions.

6464 (x) In accordance with chapter 120, create, implement,
6465 administer, adopt, amend, and rescind rules, programs, and plans
6466 needed to carry out the provisions of ss. 252.31-252.90 with due
6467 consideration for, and in cooperating with, the plans and

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6468 programs of the Federal Government. In addition, the office
6469 ~~division~~ may adopt rules in accordance with chapter 120 to
6470 administer and distribute federal financial predisaster and
6471 postdisaster assistance for prevention, mitigation,
6472 preparedness, response, and recovery.

6473 (y) Do other things necessary, incidental, or appropriate
6474 for the implementation of ss. 252.31-252.90.

6475 Section 133. Subsection (2) of section 252.355, Florida
6476 Statutes, is amended to read:

6477 252.355 Registry of persons with special needs; notice.—

6478 (2) The office ~~Department of Community Affairs~~ shall be the
6479 designated lead agency responsible for community education and
6480 outreach to the public, including special needs clients,
6481 regarding registration and special needs shelters and general
6482 information regarding shelter stays.

6483 Section 134. Section 252.3568, Florida Statutes, is amended
6484 to read:

6485 252.3568 Emergency sheltering of persons with pets.—In
6486 accordance with s. 252.35, the office ~~division~~ shall address
6487 strategies for the evacuation of persons with pets in the
6488 shelter component of the state comprehensive emergency
6489 management plan and shall include the requirement for similar
6490 strategies in its standards and requirements for local
6491 comprehensive emergency management plans. The Department of
6492 Agriculture and Consumer Services shall assist the office
6493 ~~division~~ in determining strategies regarding this activity.

6494 Section 135. Subsections (8) and (9) of section 252.36,
6495 Florida Statutes, are amended to read:

6496 252.36 Emergency management powers of the Governor.—

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6497 (8) The Governor shall delegate emergency responsibilities to the officers and agencies
6498 of the state and of the political subdivisions thereof prior to an
6499 emergency or threat of an emergency and shall utilize the
6500 services and facilities of existing officers and agencies of the
6501 state and of the political subdivisions thereof, including their
6502 personnel and other resources, as the primary emergency
6503 management forces of the state, and all such officers and
6504 agencies shall cooperate with and extend their services and
6505 facilities to the office ~~division~~, as it may require.

6506 (9) The Governor and the office ~~division~~ shall establish
6507 agencies and offices and appoint executive, professional,
6508 technical, clerical, and other personnel as may be necessary to
6509 carry out the provisions of ss. 252.31-252.90.

6510 Section 136. Subsections (2), (3), and (4) of section
6511 252.365, Florida Statutes, are amended to read:

6512 252.365 Emergency coordination officers; disaster-
6513 preparedness plans.-

6514 (2) The emergency coordination officer is responsible for
6515 coordinating with the office ~~division~~ on emergency preparedness
6516 issues, preparing and maintaining emergency preparedness and
6517 postdisaster response and recovery plans for such agency,
6518 maintaining rosters of personnel to assist in disaster
6519 operations, and coordinating appropriate training for agency
6520 personnel.

6521 (3) These individuals shall be responsible for ensuring
6522 that each state agency and facility, such as a prison, office
6523 building, or university, has a disaster preparedness plan that
6524 is coordinated with the applicable local emergency-management
6525 agency and approved by the office ~~division~~.

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6526 (a) The disaster-preparedness plan must outline a
6527 comprehensive and effective program to ensure continuity of
6528 essential state functions under all circumstances. The plan must
6529 identify a baseline of preparedness for a full range of
6530 potential emergencies to establish a viable capability to
6531 perform essential functions during any emergency or other
6532 situation that disrupts normal operations.

6533 (b) The plan must include, at a minimum, the following
6534 elements: identification of essential functions, programs, and
6535 personnel; procedures to implement the plan and personnel
6536 notification and accountability; delegations of authority and
6537 lines of succession; identification of alternative facilities
6538 and related infrastructure, including those for communications;
6539 identification and protection of vital records and databases;
6540 and schedules and procedures for periodic tests, training, and
6541 exercises.

6542 (c) The office ~~division~~ shall develop and distribute
6543 guidelines for developing and implementing the plan. Each agency
6544 is encouraged to initiate and complete development of its plan
6545 immediately, but no later than July 1, 2003.

6546 (4) The head of each agency shall notify the Governor and
6547 the office ~~division~~ in writing of the person initially
6548 designated as the emergency coordination officer for such agency
6549 and her or his alternate and of any changes in persons so
6550 designated thereafter.

6551 Section 137. Subsection (4) of section 252.37, Florida
6552 Statutes, is amended to read:

6553 252.37 Financing.—

6554 (4)(a) Whenever the Federal Government or any agency or officer

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6555 thereof offers to the state or, through the state, to any
6556 political subdivision thereof services, equipment, supplies,
6557 materials, or funds by way of gift, grant, or loan for the
6558 purposes of emergency management, the state, acting through the
6559 office division, or such political subdivision, acting with the
6560 consent of the Governor or the Governor's authorized
6561 representative, may accept such offer. Upon such acceptance, the
6562 office division or the presiding officer or governing body of
6563 such political subdivision may authorize receipt of the gift,
6564 grant, or loan on behalf of the state or such political
6565 subdivision, subject to the terms of the offer and the rules and
6566 regulations of the agency making the offer.

6567 (b) Whenever any person, firm, or corporation offers to the
6568 state or to any political subdivision thereof services,
6569 equipment, supplies, materials, or funds by way of gift, grant,
6570 loan, or other agreement for the purpose of emergency
6571 management, the state, acting through the office division, or
6572 such political subdivision, acting through its governing body or
6573 a local emergency management agency, may accept such offer. Upon
6574 such acceptance, the office division or the presiding officer or
6575 governing body of the political subdivision may authorize
6576 receipt of the gift, grant, or loan on behalf of the state or
6577 such political subdivision, subject to the terms of the offer.

6578 Section 138. Section 252.371, Florida Statutes, is amended
6579 to read:

6580 252.371 Emergency Management, Preparedness, and Assistance
6581 Trust Fund.—There is created the Emergency Management,
6582 Preparedness, and Assistance Trust Fund to be administered by
6583 the office ~~Department of Community Affairs~~.

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6584 Section 139. Subsections (1) and (3) of section 252.373,
6585 Florida Statutes, are amended to read:

6586 252.373 Allocation of funds; rules.—

6587 (1) Funds appropriated from the Emergency Management, Preparedness, and
6588 Assistance Trust Fund shall be allocated by the office ~~Department of~~
6589 ~~Community Affairs~~ for the following purposes:

6590 (a) To implement and administer state and local emergency
6591 management programs, including administration, training, and
6592 operations.

6593 (b) For grants and loans to state or regional agencies,
6594 local governments, and private organizations to implement
6595 projects that will further state and local emergency management
6596 objectives. These projects must include, but need not be limited
6597 to, projects that will promote public education on disaster
6598 preparedness and recovery issues, enhance coordination of relief
6599 efforts of statewide private sector organizations, and improve
6600 the training and operations capabilities of agencies assigned
6601 lead or support responsibilities in the state comprehensive
6602 emergency management plan, including the State Fire Marshal's
6603 Office for coordinating the Florida fire services. The office
6604 ~~division~~ shall establish criteria and procedures for competitive
6605 allocation of these funds by rule. No more than 5 percent of any
6606 award made pursuant to this subparagraph may be used for
6607 administrative expenses. This competitive criteria must give
6608 priority consideration to hurricane evacuation shelter retrofit
6609 projects.

6610 (c) To meet any matching requirements imposed as a
6611 condition of receiving federal disaster relief assistance.

6612 (3) If adequate funds are available as determined by the

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6613 office division, every county shall receive funds at least
6614 sufficient to fund a dedicated, full-time emergency preparedness
6615 officer position.

6616 Section 140. Paragraphs (a), (b), and (e) of subsection (1)
6617 of section 252.38, Florida Statutes, are amended to read:

6618 252.38 Emergency management powers of political
6619 subdivisions.—Safeguarding the life and property of its citizens
6620 is an innate responsibility of the governing body of each
6621 political subdivision of the state.

6622 (1) COUNTIES.—

6623 (a) In order to provide effective and orderly governmental
6624 control and coordination of emergency operations in emergencies
6625 within the scope of ss. 252.31-252.90, each county within this
6626 state shall be within the jurisdiction of, and served by, the
6627 office division. Except as otherwise provided in ss. 252.31-
6628 252.90, each local emergency management agency shall have
6629 jurisdiction over and serve an entire county. Unless part of an
6630 interjurisdictional emergency management agreement entered into
6631 pursuant to paragraph (3)(b) which is recognized by the Governor
6632 by executive order or rule, each county must establish and
6633 maintain such an emergency management agency and shall develop a
6634 county emergency management plan and program that is coordinated
6635 and consistent with the state comprehensive emergency management
6636 plan and program. Counties that are part of an
6637 interjurisdictional emergency management agreement entered into
6638 pursuant to paragraph (3)(b) which is recognized by the Governor
6639 by executive order or rule shall cooperatively develop an
6640 emergency management plan and program that is coordinated and
6641 consistent with the state comprehensive emergency management

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6642 plan and program.

6643 (b) Each county emergency management agency created and
6644 established pursuant to ss. 252.31-252.90 shall have a director.
6645 The director must meet the minimum training and education
6646 qualifications established in a job description approved by the
6647 county. The director shall be appointed by the board of county
6648 commissioners or the chief administrative officer of the county,
6649 as described in chapter 125 or the county charter, if
6650 applicable, to serve at the pleasure of the appointing
6651 authority, in conformance with applicable resolutions,
6652 ordinances, and laws. A county constitutional officer, or an
6653 employee of a county constitutional officer, may be appointed as
6654 director following prior notification to the division. Each
6655 board of county commissioners shall promptly inform the office
6656 ~~division~~ of the appointment of the director and other personnel.
6657 Each director has direct responsibility for the organization,
6658 administration, and operation of the county emergency management
6659 agency. The director shall coordinate emergency management
6660 activities, services, and programs within the county and shall
6661 serve as liaison to the office ~~division~~ and other local
6662 emergency management agencies and organizations.

6663 (e) County emergency management agencies may charge and
6664 collect fees for the review of emergency management plans on
6665 behalf of external agencies and institutions. Fees must be
6666 reasonable and may not exceed the cost of providing a review of
6667 emergency management plans in accordance with fee schedules
6668 established by the office ~~division~~.

6669 Section 141. Subsections (2) and (3) of section 252.385,
6670 Florida Statutes, are amended to read:

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6671 252.385 Public shelter space.—

6672 (2)(a) The office ~~division~~ shall administer a program to
6673 survey existing schools, universities, community colleges, and
6674 other state-owned, municipally owned, and county-owned public
6675 buildings and any private facility that the owner, in writing,
6676 agrees to provide for use as a public hurricane evacuation
6677 shelter to identify those that are appropriately designed and
6678 located to serve as such shelters. The owners of the facilities
6679 must be given the opportunity to participate in the surveys. The
6680 state university boards of trustees, district school boards,
6681 community college boards of trustees, and the Department of
6682 Education are responsible for coordinating and implementing the
6683 survey of public schools, universities, and community colleges
6684 with the office ~~division~~ or the local emergency management
6685 agency.

6686 (b) By January 31 of each even-numbered year, the office
6687 ~~division~~ shall prepare and submit a statewide emergency shelter
6688 plan to the Governor and Cabinet for approval, subject to the
6689 requirements for approval in s. 1013.37(2). The plan shall
6690 identify the general location and square footage of special
6691 needs shelters, by regional planning council region, during the
6692 next 5 years. The plan shall also include information on the
6693 availability of shelters that accept pets. The Department of
6694 Health shall assist the office ~~division~~ in determining the
6695 estimated need for special needs shelter space and the adequacy
6696 of facilities to meet the needs of persons with special needs
6697 based on information from the registries of persons with special
6698 needs and other information.

6699 (3) The office ~~division~~ shall annually provide to the

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6700 President of the Senate, the Speaker of the House of
6701 Representatives, and the Governor a list of facilities
6702 recommended to be retrofitted using state funds. State funds
6703 should be maximized and targeted to regional planning council
6704 regions with hurricane evacuation shelter deficits. Retrofitting
6705 facilities in regions with public hurricane evacuation shelter
6706 deficits shall be given first priority ~~and should be completed~~
6707 ~~by 2003. All recommended facilities should be retrofitted by~~
6708 ~~2008~~. The owner or lessee of a public hurricane evacuation
6709 shelter that is included on the list of facilities recommended
6710 for retrofitting is not required to perform any recommended
6711 improvements.

6712 Section 142. Subsection (1) of section 252.40, Florida
6713 Statutes, is amended to read:

6714 252.40 Mutual aid arrangements.—

6715 (1) The governing body of each political subdivision of the state is authorized to
6716 develop and enter into mutual aid agreements within the state for reciprocal
6717 emergency aid and assistance in case of emergencies too
6718 extensive to be dealt with unassisted. Copies of such agreements
6719 shall be sent to the office ~~division~~. Such agreements shall be
6720 consistent with the state comprehensive emergency management
6721 plan and program, and in time of emergency it shall be the duty
6722 of each local emergency management agency to render assistance
6723 in accordance with the provisions of such mutual aid agreements
6724 to the fullest possible extent.

6725 Section 143. Subsection (1) and paragraph (c) of subsection
6726 (2) of section 252.41, Florida Statutes, are amended to read:

6727 252.41 Emergency management support forces.—

6728 (1) The office ~~division~~ is authorized to provide, within or

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6729 without the state, such support from available personnel,
6730 equipment, and other resources of state agencies and the
6731 political subdivisions of the state as may be necessary to
6732 reinforce emergency management agencies in areas stricken by
6733 emergency. Such support shall be rendered with due consideration
6734 of the plans of the Federal Government, this state, the other
6735 states, and of the criticalness of the existing situation.
6736 Emergency management support forces shall be called to duty upon
6737 orders of the office ~~division~~ and shall perform functions in any
6738 part of the state or, upon the conditions specified in this
6739 section, in other states.

6740 (2) Personnel of emergency management support forces while
6741 on duty, whether within or without the state, shall:

6742 (c) If they are not employees of the state or a political
6743 subdivision thereof, they shall be entitled to the same rights
6744 and immunities as are provided by law for the employees of this
6745 state and to such compensation as may be fixed by the office
6746 ~~division~~. All personnel of emergency management support forces
6747 shall, while on duty, be subject to the operational control of
6748 the authority in charge of emergency management activities in
6749 the area in which they are serving and shall be reimbursed for
6750 all actual and necessary travel and subsistence expenses to the
6751 extent of funds available.

6752 Section 144. Section 252.42, Florida Statutes, is amended
6753 to read:

6754 252.42 Government equipment, services, and facilities.—In
6755 the event of any emergency, the office ~~division~~ may make
6756 available any equipment, services, or facilities owned or
6757 organized by the state or its political subdivisions for use in

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6758 the affected area upon request of the duly constituted authority
6759 of the area or upon the request of any recognized and accredited
6760 relief agency through such duly constituted authority.

6761 Section 145. Subsections (2), (4), and (5) of section
6762 252.43, Florida Statutes, are amended to read:

6763 252.43 Compensation.—

6764 (2) Compensation owed for personal services shall be only
6765 such as may be fixed by the office division.

6766 (4) Any person claiming compensation for the use, damage,
6767 loss, or destruction of property under ss. 252.31-252.60 shall
6768 file a claim therefor with the office division in the form and
6769 manner that the office division provides.

6770 (5) Unless the amount of compensation owed on account of
6771 property damaged, lost, or destroyed is agreed between the
6772 claimant and the office division, the amount of compensation
6773 shall be calculated in the same manner as compensation due for a
6774 taking of property pursuant to the condemnation laws of this
6775 state.

6776 Section 146. Subsections (2) and (3) of section 252.44,
6777 Florida Statutes, are amended to read:

6778 252.44 Emergency mitigation.—

6779 (2) The appropriate state agencies, in conjunction with the
6780 office division, shall keep land uses and construction of
6781 structures and other facilities under continuing study and
6782 identify areas which are particularly susceptible to severe land
6783 shifting, subsidence, flood, or other catastrophic occurrence,
6784 manmade or natural. The studies under this subsection shall
6785 concentrate on means of reducing or avoiding the dangers caused
6786 by these occurrences or the consequences thereof.

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6787 (3) If the office ~~division~~ believes, on the basis of the
6788 studies or other competent evidence, that an area is susceptible
6789 to an emergency of catastrophic proportions without adequate
6790 warning; that existing building standards and land use controls
6791 in that area are inadequate and could add substantially to the
6792 magnitude of the emergency; and that changes in zoning
6793 regulations, other land use regulations, or building
6794 requirements are essential in order to further the purposes of
6795 this section, it shall specify the essential changes to the
6796 Governor. If the Governor upon review of the recommendation
6797 finds after public hearing that changes are essential, she or he
6798 shall so recommend to the agencies or political subdivisions
6799 with jurisdiction over the area and subject matter. If no
6800 action, or insufficient action, pursuant to her or his
6801 recommendations is taken within the time specified by the
6802 Governor, she or he shall so inform the Legislature and request
6803 legislative action appropriate to mitigate the impact of such an
6804 emergency.

6805 Section 147. Subsections (1) and (2) of section 252.46,
6806 Florida Statutes, are amended to read:

6807 252.46 Orders and rules.—

6808 (1) In accordance with the provisions of chapter 120, the political subdivisions of the
6809 state and other agencies designated or appointed by the Governor or in the state
6810 comprehensive emergency management plan are authorized and
6811 empowered to make, amend, and rescind such orders and rules as
6812 are necessary for emergency management purposes and to
6813 supplement the carrying out of the provisions of ss. 252.31-
6814 252.90, but which are not inconsistent with any orders or rules
6815 adopted by the office ~~division~~ or by any state agency exercising

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6816 a power delegated to it by the Governor or the office ~~division~~.

6817 (2) All orders and rules adopted by the office ~~division~~ or
6818 any political subdivision or other agency authorized by ss.
6819 252.31-252.90 to make orders and rules have full force and
6820 effect of law after adoption in accordance with the provisions
6821 of chapter 120 in the event of issuance by the office ~~division~~
6822 or any state agency or, if promulgated by a political
6823 subdivision of the state or agency thereof, when filed in the
6824 office of the clerk or recorder of the political subdivision or
6825 agency promulgating the same. All existing laws, ordinances, and
6826 rules inconsistent with the provisions of ss. 252.31-252.90, or
6827 any order or rule issued under the authority of ss. 252.31-
6828 252.90, shall be suspended during the period of time and to the
6829 extent that such conflict exists.

6830 Section 148. Subsection (5) of section 252.55, Florida
6831 Statutes, is amended to read:

6832 252.55 Civil Air Patrol, Florida Wing.—

6833 (5) The wing commander of the Florida Wing of the Civil Air Patrol shall biennially
6834 furnish the office ~~Bureau of Emergency Management~~ a 2-year projection
6835 of the goals and objectives of the Civil Air Patrol which shall
6836 be reported in the office's ~~division's~~ biennial report submitted
6837 pursuant to s. 252.35.

6838 Section 149. Subsection (3) and paragraph (a) of subsection
6839 (4) of section 252.60, Florida Statutes, are amended to read:

6840 252.60 Radiological emergency preparedness.—

6841 (3) EMERGENCY RESPONSE PLANS.—In addition to the other
6842 plans required by this chapter, the office ~~division~~ shall
6843 develop, prepare, test, and implement as needed, in conjunction
6844 with the appropriate counties and the affected operator, such

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6845 radiological emergency response plans and preparedness
6846 requirements as may be imposed by the United States Nuclear
6847 Regulatory Commission or the Federal Emergency Management Agency
6848 as a requirement for obtaining or continuing the appropriate
6849 licenses for a commercial nuclear electric generating facility.

6850 (4) POWERS AND DUTIES.—In implementing the requirements of
6851 this section, the director of the office ~~secretary of the~~
6852 ~~department~~, or the director's secretary's designated
6853 representative, shall:

6854 (a) Negotiate and enter into such additional contracts and
6855 arrangements among the office division, appropriate counties,
6856 and each operator to provide for the level of funding and the
6857 respective roles of each in the development, preparation,
6858 testing, and implementation of the plans.

6859 Section 150. Section 252.61, Florida Statutes, is amended
6860 to read:

6861 252.61 List of persons for contact relating to release of
6862 toxic substances into atmosphere.—The Office of Emergency
6863 Management Department of Community Affairs shall maintain a list
6864 of contact persons ~~after the survey pursuant to s. 403.771 is~~
6865 ~~completed~~.

6866 Section 151. Section 252.82, Florida Statutes, is amended
6867 to read:

6868 252.82 Definitions.—As used in this part:

6869 (1) "Commission" means the State Hazardous Materials Emergency Response
6870 Commission created pursuant to s. 301 of EPCRA.

6871 (2) "Committee" means any local emergency planning
6872 committee established in the state pursuant to s. 301 of EPCRA.

6873 ~~(3) "Department" means the Department of Community Affairs.~~

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6874 (3)~~(4)~~ "Facility" means facility as defined in s. 329 of
6875 EPCRA. Vehicles placarded according to title 49 Code of Federal
6876 Regulations are ~~shall~~ not be considered a facility except for
6877 purposes of s. 304 of EPCRA.

6878 (4)~~(5)~~ "Hazardous material" means any hazardous chemical,
6879 toxic chemical, or extremely hazardous substance, as defined in
6880 s. 329 of EPCRA.

6881 (5)~~(6)~~ "EPCRA" means the Emergency Planning and Community
6882 Right-to-Know Act of 1986, title III of the Superfund Amendments
6883 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
6884 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
6885 adopted thereunder.

6886 (6) "Office" means the Office of Emergency Management
6887 within the Executive Office of the Governor.

6888 (7) "Trust fund" means the Operating Trust Fund of the
6889 office ~~Department of Community Affairs.~~

6890 Section 152. Section 252.83, Florida Statutes, is amended
6891 to read:

6892 252.83 Powers and duties of the department.-

6893 (1) The office ~~department~~ shall have the authority:

6894 (a) To coordinate its activities under this part with its
6895 other emergency management responsibilities, including its
6896 responsibilities under part I of this chapter, and activities
6897 and with the related activities of other agencies, keeping
6898 separate accounts for all activities supported or partially
6899 supported from the Operating Trust Fund.

6900 (b) To make rules, with the advice and consent of the
6901 commission, to implement this part.

6902 (2) The office ~~department~~ shall provide administrative

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6903 support, including staff, facilities, materials, and services,
6904 to the commission and shall provide funding to the committees to
6905 enable the commission and the committees to perform their
6906 functions under EPCRA and this part.

6907 (3) The office ~~department~~ and the commission, to the extent
6908 possible, shall use the emergency planning capabilities of local
6909 governments to reduce duplication and paperwork to achieve the
6910 intent of this part. It is the intent of the Legislature that
6911 this part be implemented in the most cost-efficient manner
6912 possible, with the least possible financial impact on local
6913 government and the community.

6914 Section 153. Subsections (1), (3), (4), and (5) of section
6915 252.85, Florida Statutes, are amended to read:

6916 252.85 Fees.—

6917 (1) Any owner or operator of a facility required under s.
6918 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
6919 notification or an annual inventory form to the commission shall
6920 be required to pay an annual registration fee. The fee for any
6921 company, including all facilities under common ownership or
6922 control, shall not be less than \$25 nor more than \$2,000. The
6923 office ~~department~~ shall establish a reduced fee, of not less
6924 than \$25 nor more than \$500, applicable to any owner or operator
6925 regulated under part I of chapter 368, chapter 527, or s.
6926 376.303, which does not have present any extremely hazardous
6927 substance, as defined by EPCRA, in excess of a threshold
6928 planning quantity, as established by EPCRA. The office
6929 ~~department~~ shall establish a reduced fee of not less than \$25
6930 nor more than \$1,000, applicable to any owner or operator of a
6931 facility with a Standard Industrial Classification Code of 01,

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6932 02, or 07, which is eligible for the "routine agricultural use"
 6933 exemption provided in ss. 311 and 312 of EPCRA. The fee under
 6934 this subsection shall be based on the number of employees
 6935 employed within the state at facilities under the common
 6936 ownership or control of such owner or operator, which number
 6937 shall be determined, to the extent possible, in accordance with
 6938 data supplied by Jobs Florida or its tax collection service
 6939 provider ~~the Department of Labor and Employment Security~~. In
 6940 order to avoid the duplicative reporting of seasonal and
 6941 temporary agricultural employees, fees applicable to owners or
 6942 operators of agricultural facilities, which are eligible for the
 6943 "routine agricultural use" reporting exemption provided in ss.
 6944 311 and 312 of EPCRA, shall be based on employee data which most
 6945 closely reflects such owner or operator's permanent nonseasonal
 6946 workforce. The office ~~department~~ shall establish by rule the
 6947 date by which the fee is to be paid, as well as a formula or
 6948 method of determining the applicable fee under this subsection
 6949 without regard to the number of facilities under common
 6950 ownership or control. The office ~~department~~ may require owners
 6951 or operators of multiple facilities to demonstrate common
 6952 ownership or control for purposes of this subsection.

6953 (3) Any owner or operator of a facility that is required to
 6954 submit a report or filing under s. 313 of EPCRA shall pay an
 6955 annual reporting fee not to exceed \$150 for those s. 313 EPCRA
 6956 listed substances in effect on January 1, 2005. The office
 6957 ~~department~~ shall establish by rule the date by which the fee is
 6958 to be paid, as well as a formula or method of determining the
 6959 applicable fee under this subsection.

6960 (4)(a) The office ~~department~~ may assess a late fee for the

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6961 failure to submit a report or filing that substantially complies
6962 with the requirements of EPCRA or s. 252.87 by the specified
6963 date or for failure to pay any fee, including any late fee,
6964 required by this section. This late fee shall be in addition to
6965 the fee otherwise imposed pursuant to this section. If the
6966 office ~~department~~ elects to impose a late fee, it shall provide
6967 the owner or operator with a written notice that identifies the
6968 specific requirements which have not been met and advises of its
6969 intent to assess a late fee.

6970 (b) The office ~~department~~ may impose a late fee, subject to
6971 the limitations set forth below:

6972 1. If the report, filing, or fee is submitted within 30
6973 days after the receipt of the office's ~~department's~~ notice, no
6974 late fee may be assessed.

6975 2. If the report, filing, or fee is not submitted within 30
6976 days after the receipt of the office's ~~department's~~ notice, the
6977 office ~~department~~ may impose a late fee in an amount equal to
6978 the amount of the annual registration fee, filing fee, or s. 313
6979 fee due, not to exceed \$2,000.

6980 3. If the report, filing, or fee is not submitted within 90
6981 days after the receipt of the office's ~~department's~~ notice, the
6982 office ~~department~~ may issue a second notice. If the report,
6983 filing, or fee is not submitted within 30 days after receipt of
6984 the office's ~~department's~~ second notice, the office ~~department~~
6985 may assess a second late fee in an amount equal to twice the
6986 amount of the annual registration fee, filing fee, or s. 313 fee
6987 due, not to exceed \$4,000.

6988 4. The office ~~department~~ may consider, but is not limited
6989 to considering, the following factors in assessing late fees:

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6990 good faith attempt to comply; history of noncompliance; ability
6991 to pay or continue in business; threat to health and safety
6992 posed by noncompliance; and degree of culpability.

6993 (5) The office ~~department~~ shall establish by rule the dates
6994 by which the fee is to be paid, as well as a formula or method
6995 of determining the facility registration fee and late fee.

6996 Section 154. Subsections (1) and (3) of section 252.86,
6997 Florida Statutes, are amended to read:

6998 252.86 Penalties and remedies.—

6999 (1) The owner or operator of a facility, an employer, or
7000 any other person submitting written information pursuant to
7001 EPCRA or this part to the commission, a committee, or a fire
7002 department shall be liable for a civil penalty of \$5,000 for
7003 each item of information in the submission that is false, if
7004 such person knew or should have known the information was false
7005 or if such person submitted the information with reckless
7006 disregard of its truth or falsity. The office ~~department~~ may
7007 institute a civil action in a court of competent jurisdiction to
7008 impose and recover a civil penalty for the amount indicated in
7009 this subsection. However, the court may receive evidence in
7010 mitigation.

7011 (3) Any provision of s. 325 or s. 326 of EPCRA which
7012 creates a federal cause of action shall create a corresponding
7013 cause of action under state law, with jurisdiction in the
7014 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
7015 imposes or authorizes the imposition of a civil penalty by the
7016 Administrator of the Environmental Protection Agency, or which
7017 creates a liability to the United States, shall impose or
7018 authorize the imposition of such a penalty by the office

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7019 ~~department~~ or create such a liability to and for the benefit of
7020 the state, to be paid into the Operating Trust Fund. Venue shall
7021 be proper in the county where the violation occurred or where
7022 the defendant has its principal place of business.

7023 Section 155. Subsections (4) and (7) of section 252.87,
7024 Florida Statutes, are amended to read:

7025 252.87 Supplemental state reporting requirements.—

7026 (4) Each employer that owns or operates a facility in this state at which hazardous
7027 materials are present in quantities at or above the thresholds established
7028 under ss. 311(b) and 312(b) of EPCRA shall comply with the
7029 reporting requirements of ss. 311 and 312 of EPCRA. Such
7030 employer shall also be responsible for notifying the office
7031 ~~department~~, the local emergency planning committee, and the
7032 local fire department in writing within 30 days if there is a
7033 discontinuance or abandonment of the employer's business
7034 activities that could affect any stored hazardous materials.

7035 (7) The office ~~department~~ shall avoid duplicative reporting
7036 requirements by utilizing the reporting requirements of other
7037 state agencies that regulate hazardous materials to the extent
7038 feasible and shall request the information authorized under
7039 EPCRA. With the advice and consent of the State Emergency
7040 Response Commission for Hazardous Materials, the office
7041 ~~department~~ may require by rule that the maximum daily amount
7042 entry on the chemical inventory report required under s. 312 of
7043 EPCRA provide for reporting in estimated actual amounts. The
7044 office ~~department~~ may also require by rule an entry for the
7045 Federal Employer Identification Number on this report. To the
7046 extent feasible, the office ~~department~~ shall encourage and
7047 accept required information in a form initiated through

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7048 electronic data interchange and shall describe by rule the
7049 format, manner of execution, and method of electronic
7050 transmission necessary for using such form. To the extent
7051 feasible, the Department of Financial Services, the Department
7052 of Agriculture and Consumer Services, the Department of
7053 Environmental Protection, the Public Service Commission, the
7054 Department of Revenue, ~~the Department of Labor and Employment~~
7055 ~~Security~~, and other state agencies which regulate hazardous
7056 materials shall coordinate with the office department in order
7057 to avoid duplicative requirements contained in each agency's
7058 respective reporting or registration forms. The other state
7059 agencies that inspect facilities storing hazardous materials and
7060 suppliers and distributors of covered substances shall assist
7061 the office department in informing the facility owner or
7062 operator of the requirements of this part. The office department
7063 shall provide the other state agencies with the necessary
7064 information and materials to inform the owners and operators of
7065 the requirements of this part to ensure that the budgets of
7066 these agencies are not adversely affected.

7067 Section 156. Subsection (4) of section 252.88, Florida
7068 Statutes, is amended to read:

7069 252.88 Public records.—

7070 (4) The office department, the commission, and the
7071 committees shall furnish copies of public records submitted
7072 under EPCRA or this part, and may charge a fee of \$1 per page
7073 per person per year for over 25 pages of materials copied.

7074 Section 157. Subsections (3), (8), (9), and (19) of section
7075 252.936, Florida Statutes, are amended to read:

7076 252.936 Definitions.—As used in this part, the term:

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7077 (3) "Audit" means a review of information at, ~~a stationary~~
7078 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
7079 source subject to s. 112(r)(7), to determine whether that
7080 stationary source is in compliance with ~~the requirements of this~~
7081 part and rules adopted to administer ~~implement~~ this part. Audits
7082 must include a review of the adequacy of the stationary source's
7083 Risk Management Plan, may consist of reviews of information
7084 submitted to the office ~~department~~ or the United States
7085 Environmental Protection Agency to determine whether the plan is
7086 complete or whether revisions to the plan are needed, and the
7087 reviews may be conducted at the stationary source to confirm
7088 that information onsite is consistent with reported information.

7089 ~~(8) "Department" means the Department of Community Affairs.~~

7090 (8)(9) "Inspection" means a review of information at a
7091 stationary source subject to s. 112(r)(7), including
7092 documentation and operating practices and access to the source
7093 and to any area where an accidental release could occur, to
7094 determine whether the stationary source is in compliance with
7095 ~~the requirements of this part or rules adopted to~~ administer
7096 ~~implement~~ this part.

7097 (9) "Office" means the Office of Emergency Management in
7098 the Executive Office of the Governor.

7099 (19) "Trust fund" means the Operating Trust Fund of the
7100 office ~~established in the department's Division of Emergency~~
7101 ~~Management.~~

7102 Section 158. Section 252.937, Florida Statutes, is amended
7103 to read:

7104 252.937 Department powers and duties.—

7105 (1) The office ~~department~~ has the power and duty to:

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7106 (a)1. Seek delegation from the United States Environmental
7107 Protection Agency to implement the Accidental Release Prevention
7108 Program under s. 112(r)(7) of the Clean Air Act and the federal
7109 implementing regulations for specified sources subject to s.
7110 112(r)(7) of the Clean Air Act. Implementation for all other
7111 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
7112 be performed by the United States Environmental Protection
7113 Agency; and

7114 2. Ensure the timely submission of Risk Management Plans
7115 and any subsequent revisions of Risk Management Plans.

7116 (b) Adopt, modify, and repeal rules, with the advice and
7117 consent of the commission, necessary to obtain delegation from
7118 the United States Environmental Protection Agency and to
7119 administer the s. 112(r)(7) Accidental Release Prevention
7120 Program in this state for the specified stationary sources with
7121 no expansion or addition of the regulatory program.

7122 (c) Make and execute contracts and other agreements
7123 necessary or convenient to the administration ~~implementation~~ of
7124 this part.

7125 (d) Coordinate its activities under this part with its
7126 other emergency management responsibilities, including its
7127 responsibilities and activities under parts I, II, and III of
7128 this chapter and with the related activities of other state and
7129 local agencies, keeping separate accounts for all activities
7130 conducted under this part which are supported or partially
7131 supported from the trust fund.

7132 (e) Establish, with the advice and consent of the
7133 commission, a technical assistance and outreach program ~~on or~~
7134 ~~before January 31, 1999,~~ to assist owners and operators of

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7135 specified stationary sources subject to s. 112(r)(7) in
7136 complying with the reporting and fee requirements of this part.
7137 This program is designed to facilitate and ensure timely
7138 submission of proper certifications or compliance schedules and
7139 timely submission and registration of Risk Management Plans and
7140 revised registrations and Risk Management Plans if ~~when~~ required
7141 for these sources.

7142 (f) Make a quarterly report to the State Emergency Response
7143 Commission on income and expenses for the state's Accidental
7144 Release Prevention Program under this part.

7145 (2) To ensure that this program is self-supporting, the
7146 office ~~department~~ shall provide administrative support,
7147 including staff, facilities, materials, and services to
7148 implement this part for specified stationary sources subject to
7149 s. 252.939 and ~~shall~~ provide necessary funding to local
7150 emergency planning committees and county emergency management
7151 agencies for work performed to implement this part. Each state
7152 agency with regulatory, inspection, or technical assistance
7153 programs for specified stationary sources subject to this part
7154 shall enter into a memorandum of understanding with the office
7155 ~~department~~ which specifically outlines how each agency's staff,
7156 facilities, materials, and services will be used ~~utilized~~ to
7157 support implementation. ~~At a minimum, these agencies and~~
7158 ~~programs include: the Department of Environmental Protection's~~
7159 ~~Division of Air Resources Management and Division of Water~~
7160 ~~Resource Management, and the Department of Labor and Employment~~
7161 ~~Security's Division of Safety.~~ It is the Legislature's intent to
7162 implement this part as efficiently and economically as possible,
7163 using existing expertise and resources, if available and

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7164 appropriate.

7165 (3) To prevent the duplication of investigative efforts and
7166 resources, the office ~~department~~, on behalf of the commission,
7167 shall coordinate with any federal agencies or agents thereof,
7168 including the federal Chemical Safety and Hazard Investigation
7169 Board, or its successor, which are performing accidental release
7170 investigations for specified stationary sources, and may
7171 coordinate with any agencies of the state which are performing
7172 accidental release investigations. This accidental release
7173 investigation coordination is not intended to limit or take the
7174 place of any individual agency accidental release investigation
7175 under separate authority.

7176 (4) To promote efficient administration of this program and
7177 specified stationary sources, ~~the only~~ the office ~~agency which~~
7178 may seek delegation from the United States Environmental
7179 Protection Agency for this program ~~is the Florida Department of~~
7180 ~~Community Affairs~~. Further, the office ~~may Florida Department of~~
7181 ~~Community Affairs shall~~ not delegate this program to any local
7182 environmental agency.

7183 Section 159. Section 252.943, Florida Statutes, is amended
7184 to read:

7185 252.943 Public records.—

7186 (1) ~~The office Department of Community Affairs~~ shall protect
7187 records, reports, or information or particular parts thereof,
7188 other than release or emissions data, contained in a risk
7189 management plan from public disclosure pursuant to ss. 112(r)
7190 and 114(c) of the federal Clean Air Act and authorities cited
7191 therein, based upon a showing satisfactory to the Administrator
7192 of the United States Environmental Protection Agency, by any

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7193 owner or operator of a stationary source subject to the
7194 Accidental Release Prevention Program, that public release of
7195 such records, reports, or information would divulge methods or
7196 processes entitled to protection as trade secrets as provided
7197 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
7198 information held by the office ~~department~~ are confidential and
7199 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
7200 of the State Constitution, unless a final determination has been
7201 made by the Administrator of the Environmental Protection Agency
7202 that such records, reports, or information are not entitled to
7203 trade secret protection, or pursuant to an order of court.

7204 (2) The office ~~department~~ shall protect records, reports,
7205 or information or particular parts thereof, other than release
7206 or emissions data, obtained from an investigation, inspection,
7207 or audit from public disclosure pursuant to ss. 112(r) and
7208 114(c) of the federal Clean Air Act and authorities cited
7209 therein, based upon a showing satisfactory to the Administrator
7210 of the United States Environmental Protection Agency, by any
7211 owner or operator of a stationary source subject to the
7212 Accidental Release Prevention Program, that public release of
7213 such records, reports, or information would divulge methods or
7214 processes entitled to protection as trade secrets as provided
7215 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
7216 information held by the office ~~department~~ are confidential and
7217 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
7218 of the State Constitution, unless a final determination has been
7219 made by the Administrator of the Environmental Protection Agency
7220 that such records, reports, or information are not entitled to
7221 trade secret protection, or pursuant to a court ~~an order of~~

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7222 court.

7223 Section 160. Section 252.946, Florida Statutes, is amended
7224 to read:

7225 252.946 Public records.—With regard to information
7226 submitted to the United States Environmental Protection Agency
7227 under this part or s. 112(r)(7), the office ~~department of~~
7228 ~~Community Affairs~~, the State Hazardous Materials Emergency
7229 Response Commission, and any local emergency planning committee
7230 may assist persons in electronically accessing such information
7231 held by the United States Environmental Protection Agency in its
7232 centralized database. If requested, the office ~~department~~, the
7233 commission, or a committee may furnish copies of such United
7234 States Environmental Protection Agency records.

7235 Section 161. Paragraph (b) of subsection (1) of section
7236 255.099, Florida Statutes, is amended to read:

7237 255.099 Preference to state residents.—

7238 (1) Each contract for construction that is funded by state funds must contain a
7239 provision requiring the contractor to give preference to the employment of
7240 state residents in the performance of the work on the project if
7241 state residents have substantially equal qualifications to those
7242 of nonresidents. A contract for construction funded by local
7243 funds may contain such a provision.

7244 (b) A contractor required to employ state residents must
7245 contact Jobs Florida ~~the Agency for Workforce Innovation~~ to post
7246 the contractor's employment needs in the state's job bank
7247 system.

7248 Section 162. Paragraph (b) of subsection (1) of section
7249 259.035, Florida Statutes, is amended to read:

7250 259.035 Acquisition and Restoration Council.—

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7251 (1) There is created the Acquisition and Restoration
7252 Council.

7253 (b) The five remaining appointees shall be composed of the
7254 Secretary of Environmental Protection, the director of the
7255 Division of Forestry of the Department of Agriculture and
7256 Consumer Services, the executive director of the Fish and
7257 Wildlife Conservation Commission, the director of the Division
7258 of Historical Resources of the Department of State, ~~and the~~
7259 ~~secretary of the Department of Community Affairs,~~ or their
7260 respective designees.

7261 Section 163. Paragraph (d) of subsection (1) of section
7262 260.0142, Florida Statutes, is amended to read:

7263 260.0142 Florida Greenways and Trails Council; composition;
7264 powers and duties.—

7265 (1) There is created within the department the Florida Greenways and Trails
7266 Council which shall advise the department in the execution of
7267 the department's powers and duties under this chapter. The
7268 council shall be composed of 20 ~~21~~ members, consisting of:

7269 (d) The 10 remaining members shall include:

7270 1. The Secretary of Environmental Protection or a designee.

7271 2. The executive director of the Fish and Wildlife

7272 Conservation Commission or a designee.

7273 ~~3. The Secretary of Community Affairs or a designee.~~

7274 3.4. The Secretary of Transportation or a designee.

7275 4.5. The Director of the Division of Forestry of the
7276 Department of Agriculture and Consumer Services or a designee.

7277 5.6. The director of the Division of Historical Resources
7278 of the Department of State or a designee.

7279 6.7. A representative of the water management districts.

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7280 Membership on the council shall rotate among the five districts.
7281 The districts shall determine the order of rotation.

7282 ~~7.8-~~ A representative of a federal land management agency.
7283 The Secretary of Environmental Protection shall identify the
7284 appropriate federal agency and request designation of a
7285 representative from the agency to serve on the council.

7286 ~~8.9-~~ A representative of the regional planning councils to
7287 be appointed by the Secretary of Environmental Protection ~~in~~
7288 ~~consultation with the Secretary of Community Affairs~~. Membership
7289 on the council shall rotate among the seven regional planning
7290 councils. The regional planning councils shall determine the
7291 order of rotation.

7292 ~~9.10-~~ A representative of local governments to be appointed
7293 by the Secretary of Environmental Protection ~~in consultation~~
7294 ~~with the Secretary of Community Affairs~~. Membership shall
7295 alternate between a county representative and a municipal
7296 representative.

7297 Section 164. Paragraph (a) of subsection (4) of section
7298 282.34, Florida Statutes, is amended to read:

7299 282.34 Statewide e-mail service.—A state e-mail system that
7300 includes the delivery and support of e-mail, messaging, and
7301 calendaring capabilities is established as an enterprise
7302 information technology service as defined in s. 282.0041. The
7303 service shall be designed to meet the needs of all executive
7304 branch agencies. The primary goals of the service are to
7305 minimize the state investment required to establish, operate,
7306 and support the statewide service; reduce the cost of current e-
7307 mail operations and the number of duplicative e-mail systems;
7308 and eliminate the need for each state agency to maintain its own

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7309 e-mail staff.

7310 (4) All agencies must be completely migrated to the
7311 statewide e-mail service as soon as financially and
7312 operationally feasible, but no later than June 30, 2015.

7313 (a) The following statewide e-mail service implementation
7314 schedule is established for state agencies:

7315 1. Phase 1.—The following agencies must be completely
7316 migrated to the statewide e-mail system by June 30, 2012: the
7317 Agency for Enterprise Information Technology; ~~the Department of~~
7318 ~~Community Affairs, including the Division of Emergency~~
7319 ~~Management~~; the Department of Corrections; the Department of
7320 Health; the Department of Highway Safety and Motor Vehicles; the
7321 Department of Management Services, including the Division of
7322 Administrative Hearings, the Division of Retirement, the
7323 Commission on Human Relations, and the Public Employees
7324 Relations Commission; the Southwood Shared Resource Center; and
7325 the Department of Revenue.

7326 2. Phase 2.—The following agencies must be completely
7327 migrated to the statewide e-mail system by June 30, 2013: the
7328 Department of Business and Professional Regulation; the
7329 Department of Education, including the Board of Governors; the
7330 Department of Environmental Protection; the Department of
7331 Juvenile Justice; the Department of the Lottery; the Department
7332 of State; the Department of Law Enforcement; the Department of
7333 Veterans' Affairs; the Judicial Administration Commission; the
7334 Public Service Commission; and the Statewide Guardian Ad Litem
7335 Office.

7336 3. Phase 3.—The following agencies must be completely
7337 migrated to the statewide e-mail system by June 30, 2014: the

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7338 Agency for Health Care Administration; ~~the Agency for Workforce~~
7339 ~~Innovation~~; the Department of Financial Services, including the
7340 Office of Financial Regulation and the Office of Insurance
7341 Regulation; the Department of Agriculture and Consumer Services;
7342 the Executive Office of the Governor, including the Office of
7343 Emergency Management; the Department of Transportation; the Fish
7344 and Wildlife Conservation Commission; the Agency for Persons
7345 With Disabilities; the Northwood Shared Resource Center; and the
7346 State Board of Administration.

7347 4. Phase 4.—The following agencies must be completely
7348 migrated to the statewide e-mail system by June 30, 2015: the
7349 Department of Children and Family Services; the Department of
7350 Citrus; the Department of Elderly Affairs; and the Department of
7351 Legal Affairs.

7352 Section 165. Paragraphs (a) and (d) of subsection (1) and
7353 subsection (4) of section 282.709, Florida Statutes, are amended
7354 to read:

7355 282.709 State agency law enforcement radio system and
7356 interoperability network.—

7357 (1) The department may acquire and administer a statewide radio
7358 communications system to serve law enforcement units of state
7359 agencies, and to serve local law enforcement agencies through
7360 mutual aid channels.

7361 (a) The department shall, in conjunction with the
7362 Department of Law Enforcement and the Office Division of
7363 Emergency Management ~~of the Department of Community Affairs~~,
7364 establish policies, procedures, and standards to be incorporated
7365 into a comprehensive management plan for the use and operation
7366 of the statewide radio communications system.

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7367 (d) The department shall exercise its powers and duties
7368 under this part to plan, manage, and administer the mutual aid
7369 channels in the statewide radio communication system.

7370 1. In implementing such powers and duties, the department
7371 shall consult and act in conjunction with the Department of Law
7372 Enforcement and the Office Division of Emergency Management ~~of~~
7373 ~~the Department of Community Affairs~~, and shall manage and
7374 administer the mutual aid channels in a manner that reasonably
7375 addresses the needs and concerns of the involved law enforcement
7376 agencies and emergency response agencies and entities.

7377 2. The department may make the mutual aid channels
7378 available to federal agencies, state agencies, and agencies of
7379 the political subdivisions of the state for the purpose of
7380 public safety and domestic security.

7381 (4) The department may create and administer an
7382 interoperability network to enable interoperability between
7383 various radio communications technologies and to serve federal
7384 agencies, state agencies, and agencies of political subdivisions
7385 of the state for the purpose of public safety and domestic
7386 security.

7387 (a) The department shall, in conjunction with the
7388 Department of Law Enforcement and the Office Division of
7389 Emergency Management ~~of the Department of Community Affairs~~,
7390 exercise its powers and duties pursuant to this chapter to plan,
7391 manage, and administer the interoperability network. The office
7392 may:

7393 1. Enter into mutual aid agreements among federal agencies,
7394 state agencies, and political subdivisions of the state for the
7395 use of the interoperability network.

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7396 2. Establish the cost of maintenance and operation of the
7397 interoperability network and charge subscribing federal and
7398 local law enforcement agencies for access and use of the
7399 network. The department may not charge state law enforcement
7400 agencies identified in paragraph (2)(a) to use the network.

7401 3. In consultation with the Department of Law Enforcement
7402 and the Office Division of Emergency Management ~~of the~~
7403 ~~Department of Community Affairs~~, amend and enhance the statewide
7404 radio communications system as necessary to implement the
7405 interoperability network.

7406 (b) The department, in consultation with the Joint Task
7407 Force on State Agency Law Enforcement Communications, and in
7408 conjunction with the Department of Law Enforcement and the
7409 Office Division of Emergency Management ~~of the Department of~~
7410 ~~Community Affairs~~, shall establish policies, procedures, and
7411 standards to incorporate into a comprehensive management plan
7412 for the use and operation of the interoperability network.

7413 Section 166. Section 287.09431, Florida Statutes, is
7414 amended to read:

7415 287.09431 Statewide and interlocal agreement on
7416 certification of business concerns for the status of minority
7417 business enterprise.—The statewide and interlocal agreement on
7418 certification of business concerns for the status of minority
7419 business enterprise is hereby enacted and entered into with all
7420 jurisdictions or organizations legally joining therein. If,
7421 within 2 years from the date that the certification core
7422 criteria are approved by the Department of Management Services
7423 ~~Department of Labor and Employment Security~~, the agreement
7424 included herein is not executed by a majority of county and

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7425 municipal governing bodies that administer a minority business
7426 assistance program on the effective date of this act, then the
7427 Legislature shall review this agreement. It is the intent of the
7428 Legislature that if the agreement is not executed by a majority
7429 of the requisite governing bodies, then a statewide uniform
7430 certification process should be adopted, and that said agreement
7431 should be repealed and replaced by a mandatory state government
7432 certification process.

7433
7434 ARTICLE I
7435

7436 PURPOSE, FINDINGS, AND POLICY.—

7437 (1) The parties to this agreement, desiring by common
7438 action to establish a uniform certification process in order to
7439 reduce the multiplicity of applications by business concerns to
7440 state and local governmental programs for minority business
7441 assistance, declare that it is the policy of each of them, on
7442 the basis of cooperation with one another, to remedy social and
7443 economic disadvantage suffered by certain groups, resulting in
7444 their being historically underutilized in ownership and control
7445 of commercial enterprises. Thus, the parties seek to address
7446 this history by increasing the participation of the identified
7447 groups in opportunities afforded by government procurement.

7448 (2) The parties find that the State of Florida presently
7449 certifies firms for participation in the minority business
7450 assistance programs of the state. The parties find further that
7451 some counties, municipalities, school boards, special districts,
7452 and other divisions of local government require a separate, yet
7453 similar, and in most cases redundant certification in order for

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7454 businesses to participate in the programs sponsored by each
7455 government entity.

7456 (3) The parties find further that this redundant
7457 certification has proven to be unduly burdensome to the
7458 minority-owned firms intended to benefit from the underlying
7459 purchasing incentives.

7460 (4) The parties agree that:

7461 (a) They will facilitate integrity, stability, and
7462 cooperation in the statewide and interlocal certification
7463 process, and in other elements of programs established to assist
7464 minority-owned businesses.

7465 (b) They shall cooperate with agencies, organizations, and
7466 associations interested in certification and other elements of
7467 minority business assistance.

7468 (c) It is the purpose of this agreement to provide for a
7469 uniform process whereby the status of a business concern may be
7470 determined in a singular review of the business information for
7471 these purposes, in order to eliminate any undue expense, delay,
7472 or confusion to the minority-owned businesses in seeking to
7473 participate in the minority business assistance programs of
7474 state and local jurisdictions.

7475

7476 ARTICLE II

7477

7478 DEFINITIONS.—As used in this agreement and contracts made
7479 pursuant to it, unless the context clearly requires otherwise:

7480 (1) "Awarding organization" means any political subdivision
7481 or organization authorized by law, ordinance, or agreement to
7482 enter into contracts and for which the governing body has

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7483 entered into this agreement.

7484 (2) "Department" means the Department of Management
7485 Services ~~Department of Labor and Employment Security~~.

7486 (3) "Minority" means a person who is a lawful, permanent
7487 resident of the state, having origins in one of the minority
7488 groups as described and adopted by the Department of Management
7489 Services ~~Department of Labor and Employment Security~~, hereby
7490 incorporated by reference.

7491 (4) "Minority business enterprise" means any small business
7492 concern as defined in subsection (6) that meets all of the
7493 criteria described and adopted by the Department of Management
7494 Services ~~Department of Labor and Employment Security~~, hereby
7495 incorporated by reference.

7496 (5) "Participating state or local organization" means any
7497 political subdivision of the state or organization designated by
7498 such that elects to participate in the certification process
7499 pursuant to this agreement, which has been approved according to
7500 s. 287.0943(3) and has legally entered into this agreement.

7501 (6) "Small business concern" means an independently owned
7502 and operated business concern which is of a size and type as
7503 described and adopted by vote related to this agreement of the
7504 commission, hereby incorporated by reference.

7505

7506 ARTICLE III

7507

7508 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

7509 (1) All awarding organizations shall accept a certification
7510 granted by any participating organization which has been
7511 approved according to s. 287.0943(3) and has entered into this

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7512 agreement, as valid status of minority business enterprise.

7513 (2) A participating organization shall certify a business
7514 concern that meets the definition of minority business
7515 enterprise in this agreement, in accordance with the duly
7516 adopted eligibility criteria.

7517 (3) All participating organizations shall issue notice of
7518 certification decisions granting or denying certification to all
7519 other participating organizations within 14 days of the
7520 decision. Such notice may be made through electronic media.

7521 (4) No certification will be granted without an onsite
7522 visit to verify ownership and control of the prospective
7523 minority business enterprise, unless verification can be
7524 accomplished by other methods of adequate verification or
7525 assessment of ownership and control.

7526 (5) The certification of a minority business enterprise
7527 pursuant to the terms of this agreement shall not be suspended,
7528 revoked, or otherwise impaired except on any grounds which would
7529 be sufficient for revocation or suspension of a certification in
7530 the jurisdiction of the participating organization.

7531 (6) The certification determination of a party may be
7532 challenged by any other participating organization by the
7533 issuance of a timely written notice by the challenging
7534 organization to the certifying organization's determination
7535 within 10 days of receiving notice of the certification
7536 decision, stating the grounds therefor.

7537 (7) The sole accepted grounds for challenge shall be the
7538 failure of the certifying organization to adhere to the adopted
7539 criteria or the certifying organization's rules or procedures,
7540 or the perpetuation of a misrepresentation or fraud by the firm.

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7541 (8) The certifying organization shall reexamine its
7542 certification determination and submit written notice to the
7543 applicant and the challenging organization of its findings
7544 within 30 days after the receipt of the notice of challenge.

7545 (9) If the certification determination is affirmed, the
7546 challenging agency may subsequently submit timely written notice
7547 to the firm of its intent to revoke certification of the firm.
7548

7549 ARTICLE IV
7550

7551 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
7552 shall be construed to repeal or otherwise modify any ordinance,
7553 law, or regulation of a party relating to the existing minority
7554 business assistance provisions and procedures by which minority
7555 business enterprises participate therein.
7556

7557 ARTICLE V
7558

7559 TERM.—The term of the agreement shall be 5 years, after
7560 which it may be reexecuted by the parties.
7561

7562 ARTICLE VI
7563

7564 AGREEMENT EVALUATION.—The designated state and local
7565 officials may meet from time to time as a group to evaluate
7566 progress under the agreement, to formulate recommendations for
7567 changes, or to propose a new agreement.
7568

7569 ARTICLE VII

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OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

ARTICLE VIII

EFFECT AND WITHDRAWAL.—

(1) This agreement 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 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 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) No withdrawal shall relieve the withdrawing party of any obligations imposed upon it by law.

ARTICLE IX

FINANCIAL RESPONSIBILITY.—

(1) A participating organization shall not be financially responsible or liable for the obligations of any other

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7599 participating organization related to this agreement.

7600 (2) The provisions of this agreement shall constitute
7601 neither a waiver of any governmental immunity under Florida law
7602 nor a waiver of any defenses of the parties under Florida law.
7603 The provisions of this agreement are solely for the benefit of
7604 its executors and not intended to create or grant any rights,
7605 contractual or otherwise, to any person or entity.

7606
7607 ARTICLE X

7608
7609 VENUE AND GOVERNING LAW.—The obligations of the parties to
7610 this agreement are performable only within the county where the
7611 participating organization is located, and statewide for the
7612 Office of Supplier Diversity, and venue for any legal action in
7613 connection with this agreement shall lie, for any participating
7614 organization except the Office of Supplier Diversity,
7615 exclusively in the county where the participating organization
7616 is located. This agreement shall be governed by and construed in
7617 accordance with the laws and court decisions of the state.

7618
7619 ARTICLE XI

7620
7621 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
7622 liberally construed so as to effectuate the purposes thereof.
7623 The provisions of this agreement shall be severable and if any
7624 phrase, clause, sentence, or provision of this agreement is
7625 declared to be contrary to the State Constitution or the United
7626 States Constitution, or the application thereof to any
7627 government, agency, person, or circumstance is held invalid, the

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7628 validity of the remainder of this agreement and the
7629 applicability thereof to any government, agency, person, or
7630 circumstance shall not be affected thereby. If this agreement
7631 shall be held contrary to the State Constitution, the agreement
7632 shall remain in full force and effect as to all severable
7633 matters.

7634 Section 167. Paragraphs (h) and (o) of subsection (4) of
7635 section 287.09451, Florida Statutes, are amended to read:

7636 287.09451 Office of Supplier Diversity; powers, duties, and
7637 functions.—

7638 (4) The Office of Supplier Diversity shall have the following powers, duties, and
7639 functions:

7640 (h) To develop procedures to investigate complaints against
7641 minority business enterprises or contractors alleged to violate
7642 any provision related to this section or s. 287.0943, that may
7643 include visits to worksites or business premises, and to refer
7644 all information on businesses suspected of misrepresenting
7645 minority status to the Department of Management Services for
7646 investigation. When an investigation is completed and there is
7647 reason to believe that a violation has occurred, ~~the Department~~
7648 ~~of Labor and Employment Security shall refer~~ the matter shall be
7649 referred to the office of the Attorney General, Department of
7650 Legal Affairs, for prosecution.

7651 (o)1. To establish a system to record and measure the use
7652 of certified minority business enterprises in state contracting.
7653 This system shall maintain information and statistics on
7654 certified minority business enterprise participation, awards,
7655 dollar volume of expenditures and agency goals, and other
7656 appropriate types of information to analyze progress in the

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7657 access of certified minority business enterprises to state
7658 contracts and to monitor agency compliance with this section.
7659 Such reporting must include, but is not limited to, the
7660 identification of all subcontracts in state contracting by
7661 dollar amount and by number of subcontracts and the
7662 identification of the utilization of certified minority business
7663 enterprises as prime contractors and subcontractors by dollar
7664 amounts of contracts and subcontracts, number of contracts and
7665 subcontracts, minority status, industry, and any conditions or
7666 circumstances that significantly affected the performance of
7667 subcontractors. Agencies shall report their compliance with the
7668 requirements of this reporting system at least annually and at
7669 the request of the office. All agencies shall cooperate with the
7670 office in establishing this reporting system. Except in
7671 construction contracting, all agencies shall review contracts
7672 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
7673 determine if such contracts could be divided into smaller
7674 contracts to be separately solicited and awarded, and shall,
7675 when economical, offer such smaller contracts to encourage
7676 minority participation.

7677 2. To report agency compliance with the provisions of
7678 subparagraph 1. for the preceding fiscal year to the Governor
7679 and Cabinet, the President of the Senate, and the Speaker of the
7680 House of Representatives, ~~and the secretary of the Department of~~
7681 ~~Labor and Employment Security~~ on or before February 1 of each
7682 year. The report must contain, at a minimum, the following:

- 7683 a. Total expenditures of each agency by industry.
7684 b. The dollar amount and percentage of contracts awarded to
7685 certified minority business enterprises by each state agency.

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7686 c. The dollar amount and percentage of contracts awarded
7687 indirectly to certified minority business enterprises as
7688 subcontractors by each state agency.

7689 d. The total dollar amount and percentage of contracts
7690 awarded to certified minority business enterprises, whether
7691 directly or indirectly, as subcontractors.

7692 e. A statement and assessment of good faith efforts taken
7693 by each state agency.

7694 f. A status report of agency compliance with subsection
7695 (6), as determined by the Minority Business Enterprise Office.

7696 Section 168. Subsections (1) and (5) of section 287.0947,
7697 Florida Statutes, are amended to read:

7698 287.0947 Florida Advisory Council on Small and Minority
7699 Business Development; creation; membership; duties.—

7700 (1) ~~On or after October 1, 1996,~~ The Secretary of
7701 Management Services ~~the Department of Labor and Employment~~
7702 ~~Security~~ may create the Florida Advisory Council on Small and
7703 Minority Business Development with the purpose of advising and
7704 assisting the secretary in carrying out the secretary's duties
7705 with respect to minority businesses and economic and business
7706 development. It is the intent of the Legislature that the
7707 membership of such council include practitioners, laypersons,
7708 financiers, and others with business development experience who
7709 can provide invaluable insight and expertise for this state in
7710 the diversification of its markets and networking of business
7711 opportunities. The council shall initially consist of 19
7712 persons, each of whom is or has been actively engaged in small
7713 and minority business development, either in private industry,
7714 in governmental service, or as a scholar of recognized

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7715 achievement in the study of such matters. Initially, the council
7716 shall consist of members representing all regions of the state
7717 and shall include at least one member from each group identified
7718 within the definition of "minority person" in s. 288.703(3),
7719 considering also gender and nationality subgroups, and shall
7720 consist of the following:

7721 (a) Four members consisting of representatives of local and
7722 federal small and minority business assistance programs or
7723 community development programs.

7724 (b) Eight members composed of representatives of the
7725 minority private business sector, including certified minority
7726 business enterprises and minority supplier development councils,
7727 among whom at least two shall be women and at least four shall
7728 be minority persons.

7729 (c) Two representatives of local government, one of whom
7730 shall be a representative of a large local government, and one
7731 of whom shall be a representative of a small local government.

7732 (d) Two representatives from the banking and insurance
7733 industry.

7734 (e) Two members from the private business sector,
7735 representing the construction and commodities industries.

7736 (f) The chairperson of the Florida Black Business
7737 Investment Board or the chairperson's designee.

7738
7739 A candidate for appointment may be considered if eligible to be
7740 certified as an owner of a minority business enterprise, or if
7741 otherwise qualified under the criteria above. Vacancies may be
7742 filled by appointment of the secretary, in the manner of the
7743 original appointment.

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7744 (5) The powers and duties of the council include, but are
7745 not limited to: researching and reviewing the role of small and
7746 minority businesses in the state's economy; reviewing issues and
7747 emerging topics relating to small and minority business economic
7748 development; studying the ability of financial markets and
7749 institutions to meet small business credit needs and determining
7750 the impact of government demands on credit for small businesses;
7751 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
7752 requiring a state economic development comprehensive plan, as it
7753 relates to small and minority businesses; assessing the
7754 reasonableness and effectiveness of efforts by any state agency
7755 or by all state agencies collectively to assist minority
7756 business enterprises; and advising the Governor, the secretary,
7757 and the Legislature on matters relating to small and minority
7758 business development which are of importance to the
7759 international strategic planning and activities of this state.

7760 Section 169. Section 288.012, Florida Statutes, is amended
7761 to read:

7762 288.012 State of Florida international ~~foreign~~ offices.—The
7763 Legislature finds that the expansion of international trade and
7764 tourism is vital to the overall health and growth of the economy
7765 of this state. This expansion is hampered by the lack of
7766 technical and business assistance, financial assistance, and
7767 information services for businesses in this state. The
7768 Legislature finds that these businesses could be assisted by
7769 providing these services at State of Florida international
7770 ~~foreign~~ offices. The Legislature further finds that the
7771 accessibility and provision of services at these offices can be
7772 enhanced through cooperative agreements or strategic alliances

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7773 between private businesses and state entities, local entities,
7774 and international governmental ~~foreign~~ entities, ~~and private~~
7775 ~~businesses~~.

7776 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7777 ~~Development~~ is authorized to:

7778 (a) Establish and operate offices in other ~~foreign~~
7779 countries for the purpose of promoting ~~the~~ trade and economic
7780 development opportunities of the state, and promoting the
7781 gathering of trade data information and research on trade
7782 opportunities in specific countries.

7783 (b) Enter into agreements with governmental and private
7784 sector entities to establish and operate offices in other
7785 ~~foreign~~ countries containing provisions which may be in conflict
7786 with general laws of the state pertaining to the purchase of
7787 office space, employment of personnel, and contracts for
7788 services. When agreements pursuant to this section are made
7789 which set compensation in foreign currency, such agreements
7790 shall be subject to the requirements of s. 215.425, but the
7791 purchase of foreign currency by Jobs Florida ~~the Office of~~
7792 ~~Tourism, Trade, and Economic Development~~ to meet such
7793 obligations shall be subject only to s. 216.311.

7794 (2) Each international ~~foreign~~ office shall have in place
7795 an operational plan approved by the participating boards or
7796 other governing authority, a copy of which shall be provided to
7797 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7798 ~~Development~~. These operating plans shall be reviewed and updated
7799 each fiscal year and shall include, at a minimum, the following:

7800 (a) Specific policies and procedures encompassing the
7801 entire scope of the operation and management of each office.

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7802 (b) A comprehensive, commercial strategic plan identifying
7803 marketing opportunities and industry sector priorities for the
7804 ~~foreign country or area~~ in which an international ~~a foreign~~
7805 office is located.

7806 (c) Provisions for access to information for Florida
7807 businesses through the Florida Trade Data Center. Each
7808 international ~~foreign~~ office shall obtain and forward trade
7809 leads and inquiries to the center on a regular basis.

7810 (d) Identification of new and emerging market opportunities
7811 for Florida businesses. Each international ~~foreign~~ office shall
7812 provide the Florida Trade Data Center with a compilation of
7813 foreign buyers and importers in industry sector priority areas
7814 on an annual basis. In return, the Florida Trade Data Center
7815 shall make available to each international ~~foreign~~ office, and
7816 to Enterprise Florida, Inc., the Florida Commission on Tourism,
7817 Space Florida, the Florida Ports Council, the Department of
7818 State, the Department of Citrus, and the Department of
7819 Agriculture and Consumer Services, trade industry, commodity,
7820 and opportunity information. This information shall be provided
7821 to such offices and entities either free of charge or on a fee
7822 basis with fees set only to recover the costs of providing the
7823 information.

7824 (e) Provision of access for Florida businesses to the
7825 services of the Florida Trade Data Center, international trade
7826 assistance services provided by state and local entities,
7827 seaport and airport information, and other services identified
7828 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7829 ~~Development~~.

7830 (f) Qualitative and quantitative performance measures for

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7831 each office, including, but not limited to, the number of
7832 businesses assisted, the number of trade leads and inquiries
7833 generated, the number of international ~~foreign~~ buyers and
7834 importers contacted, and the amount and type of marketing
7835 conducted.

7836 (3) By October 1 of each year, each international ~~foreign~~
7837 office shall submit to Jobs Florida ~~the Office of Tourism,~~
7838 ~~Trade, and Economic Development~~ a complete and detailed report
7839 on its activities and accomplishments during the preceding
7840 fiscal year. In a format provided by Enterprise Florida, Inc.,
7841 the report must set forth information on:

7842 (a) The number of Florida companies assisted.

7843 (b) The number of inquiries received about investment
7844 opportunities in this state.

7845 (c) The number of trade leads generated.

7846 (d) The number of investment projects announced.

7847 (e) The estimated U.S. dollar value of sales confirmations.

7848 (f) The number of representation agreements.

7849 (g) The number of company consultations.

7850 (h) Barriers or other issues affecting the effective
7851 operation of the office.

7852 (i) Changes in office operations which are planned for the
7853 current fiscal year.

7854 (j) Marketing activities conducted.

7855 (k) Strategic alliances formed with organizations in the
7856 country in which the office is located.

7857 (l) Activities conducted with Florida's other ~~Florida~~
7858 international ~~foreign~~ offices.

7859 (m) Any other information that the office believes would

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7860 contribute to an understanding of its activities.

7861 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7862 ~~Development~~, in connection with the establishment, operation,
7863 and management of any of its offices located in another a
7864 ~~foreign~~ country, is exempt from the provisions of ss. 255.21,
7865 255.25, and 255.254 relating to leasing of buildings; ss. 283.33
7866 and 283.35 relating to bids for printing; ss. 287.001-287.20
7867 relating to purchasing and motor vehicles; and ss. 282.003-
7868 282.0056 and 282.702-282.7101 relating to communications, and
7869 from all statutory provisions relating to state employment.

7870 (a) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7871 ~~Development~~ may exercise such exemptions only upon prior
7872 approval of the Governor.

7873 (b) If approval for an exemption under this section is
7874 granted as an integral part of a plan of operation for a
7875 specified international ~~foreign~~ office, such action shall
7876 constitute continuing authority for Jobs Florida ~~the Office of~~
7877 ~~Tourism, Trade, and Economic Development~~ to exercise the
7878 exemption, but only in the context and upon the terms originally
7879 granted. Any modification of the approved plan of operation with
7880 respect to an exemption contained therein must be resubmitted to
7881 the Governor for his or her approval. An approval granted to
7882 exercise an exemption in any other context shall be restricted
7883 to the specific instance for which the exemption is to be
7884 exercised.

7885 (c) As used in this subsection, the term "plan of
7886 operation" means the plan developed pursuant to subsection (2).

7887 (d) Upon final action by the Governor with respect to a
7888 request to exercise the exemption authorized in this subsection,

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7889 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
7890 ~~Development~~ shall report such action, along with the original
7891 request and any modifications thereto, to the President of the
7892 Senate and the Speaker of the House of Representatives within 30
7893 days.

7894 (5) Where feasible and appropriate, and subject to s.
7895 288.1224(9), foreign offices established and operated under this
7896 section may provide one-stop access to the economic development,
7897 trade, and tourism information, services, and programs of the
7898 state. Where feasible and appropriate, and subject to s.
7899 288.1224(9), such offices may also be collocated with other
7900 foreign offices of the state.

7901 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7902 ~~Development~~ is authorized to make and to enter into contracts
7903 with Enterprise Florida, Inc., Space Florida, and the Florida
7904 Commission on Tourism to carry out the provisions of this
7905 section. The authority, duties, and exemptions provided in this
7906 section apply to Enterprise Florida, Inc., Space Florida, and
7907 the Florida Commission on Tourism to the same degree and subject
7908 to the same conditions as applied to Jobs Florida ~~the Office of~~
7909 ~~Tourism, Trade, and Economic Development~~. To the greatest extent
7910 possible, such contracts shall include provisions for
7911 cooperative agreements or strategic alliances between private
7912 businesses and state entities, international, foreign entities,
7913 and local governmental entities, ~~and private businesses~~ to
7914 operate international ~~foreign~~ offices.

7915 Section 170. Subsections (1) and (3) of section 288.017,
7916 Florida Statutes, are amended to read:

7917 288.017 Cooperative advertising matching grants program.—

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7918 (1) The Florida Commission on Tourism is authorized to
7919 establish a cooperative advertising matching grants program and,
7920 pursuant thereto, to make expenditures and enter into contracts
7921 with local governments and nonprofit corporations for the
7922 purpose of publicizing the tourism advantages of the state. Jobs
7923 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
7924 based on recommendations from the Florida Commission on Tourism,
7925 shall have final approval of grants awarded through this
7926 program. The commission may contract with its direct-support
7927 organization to administer the program.

7928 (3) The Florida Commission on Tourism shall conduct an
7929 annual competitive selection process for the award of grants
7930 under the program. In determining its recommendations for the
7931 grant awards, the commission shall consider the demonstrated
7932 need of the applicant for advertising assistance, the
7933 feasibility and projected benefit of the applicant's proposal,
7934 the amount of nonstate funds that will be leveraged, and such
7935 other criteria as the commission deems appropriate. In
7936 evaluating grant applications, Jobs Florida ~~the Office~~ shall
7937 consider recommendations from the Florida Commission on Tourism.
7938 Jobs Florida ~~the Office~~, however, has final approval authority
7939 for any grant under this section.

7940 Section 171. Section 288.018, Florida Statutes, is amended
7941 to read:

7942 288.018 Regional Rural Development Grants Program.—

7943 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7944 ~~Development~~ shall establish a matching grant program to provide
7945 funding to regionally based economic development organizations
7946 representing rural counties and communities for the purpose of

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7947 building the professional capacity of their organizations. Such
7948 matching grants may also be used by an economic development
7949 organization to provide technical assistance to businesses
7950 within the rural counties and communities that it serves. Jobs
7951 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7952 is authorized to approve, on an annual basis, grants to such
7953 regionally based economic development organizations. The maximum
7954 amount an organization may receive in any year will be \$35,000,
7955 or \$100,000 in a rural area of critical economic concern
7956 recommended by the Rural Economic Development Initiative and
7957 designated by the Governor, and must be matched each year by an
7958 equivalent amount of nonstate resources.

7959 (2) In approving the participants, Jobs Florida ~~the Office~~
7960 ~~of Tourism, Trade, and Economic Development~~ shall consider the
7961 demonstrated need of the applicant for assistance and require
7962 the following:

7963 (a) Documentation of official commitments of support from
7964 each of the units of local government represented by the
7965 regional organization.

7966 (b) Demonstration that each unit of local government has
7967 made a financial or in-kind commitment to the regional
7968 organization.

7969 (c) Demonstration that the private sector has made
7970 financial or in-kind commitments to the regional organization.

7971 (d) Demonstration that the organization is in existence and
7972 actively involved in economic development activities serving the
7973 region.

7974 (e) Demonstration of the manner in which the organization
7975 is or will coordinate its efforts with those of other local and

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7976 state organizations.

7977 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7978 ~~Development~~ may also contract for the development of an
7979 enterprise zone web portal or websites for each enterprise zone
7980 which will be used to market the program for job creation in
7981 disadvantaged urban and rural enterprise zones. Each enterprise
7982 zone web page should include downloadable links to state forms
7983 and information, as well as local message boards that help
7984 businesses and residents receive information concerning zone
7985 boundaries, job openings, zone programs, and neighborhood
7986 improvement activities.

7987 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
7988 ~~Development~~ may expend up to \$750,000 each fiscal year from
7989 funds appropriated to the Rural Community Development Revolving
7990 Loan Fund for the purposes outlined in this section. Jobs
7991 Florida ~~The Office of Tourism, Trade, and Economic Development~~
7992 may contract with Enterprise Florida, Inc., for the
7993 administration of the purposes specified in this section. Funds
7994 released to Enterprise Florida, Inc., for this purpose shall be
7995 released quarterly and shall be calculated based on the
7996 applications in process.

7997 Section 172. Subsection (4) of section 288.019, Florida
7998 Statutes, is amended to read:

7999 288.019 Rural considerations in grant review and evaluation
8000 processes.—Notwithstanding any other law, and to the fullest
8001 extent possible, the member agencies and organizations of the
8002 Rural Economic Development Initiative (REDI) as defined in s.
8003 288.0656(6)(a) shall review all grant and loan application
8004 evaluation criteria to ensure the fullest access for rural

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8005 counties as defined in s. 288.0656(2) to resources available
8006 throughout the state.

8007 (4) For existing programs, the modified evaluation criteria
8008 and scoring procedure must be delivered to Jobs Florida ~~the~~
8009 ~~Office of Tourism, Trade, and Economic Development~~ for
8010 distribution to the REDI agencies and organizations. The REDI
8011 agencies and organizations shall review and make comments.
8012 Future rules, programs, evaluation criteria, and scoring
8013 processes must be brought before a REDI meeting for review,
8014 discussion, and recommendation to allow rural counties fuller
8015 access to the state's resources.

8016 Section 173. Subsection (1) of section 288.021, Florida
8017 Statutes, is amended to read:

8018 288.021 Economic development liaison.-

8019 (1) The heads of the Department of Transportation, the
8020 Department of Environmental Protection and an additional member
8021 appointed by the secretary of the department, ~~the Department of~~
8022 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
8023 ~~Department of Community Affairs~~, the Department of Management
8024 Services, the Department of Revenue, the Fish and Wildlife
8025 Conservation Commission, each water management district, and
8026 each Department of Transportation District office shall
8027 designate a high-level staff member from within such agency to
8028 serve as the economic development liaison for the agency. This
8029 person shall report to the agency head and have general
8030 knowledge both of the state's permitting and other regulatory
8031 functions and of the state's economic goals, policies, and
8032 programs. This person shall also be the primary point of contact
8033 for the agency with Jobs Florida ~~the Office of Tourism, Trade,~~

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8034 ~~and Economic Development~~ on issues and projects important to the
8035 economic development of Florida, including its rural areas, to
8036 expedite project review, to ensure a prompt, effective response
8037 to problems arising with regard to permitting and regulatory
8038 functions, and to work closely with the other economic
8039 development liaisons to resolve interagency conflicts.

8040 Section 174. Subsection (1) of section 288.035, Florida
8041 Statutes, is amended to read:

8042 288.035 Economic development activities.—

8043 (1) The Florida Public Service Commission may authorize
8044 public utilities to recover reasonable economic development
8045 expenses. For purposes of this section, recoverable "economic
8046 development expenses" are those expenses described in subsection
8047 (2) which are consistent with criteria to be established by
8048 rules adopted by Jobs Florida ~~the Department of Commerce as of~~
8049 ~~June 30, 1996, or as those criteria are later modified by the~~
8050 ~~Office of Tourism, Trade, and Economic Development.~~

8051 Section 175. Section 288.047, Florida Statutes, is amended
8052 to read:

8053 288.047 Quick-response training for economic development.—

8054 (1) The Quick-Response Training Program is created within Jobs Florida to
8055 meet the workforce-skill needs of existing, new, and expanding
8056 industries. The program shall be administered in conjunction
8057 with ~~by~~ Workforce Florida, Inc., in conjunction with Enterprise
8058 Florida, Inc., and the Department of Education. Workforce
8059 Florida, Inc., shall adopt guidelines for the administration of
8060 this program. Workforce Florida, Inc., shall provide technical
8061 services and shall help to identify businesses that seek
8062 services through the program. ~~Workforce Florida, Inc., may~~

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8063 ~~contract with Enterprise Florida, Inc., or administer this~~
8064 ~~program directly, if it is determined that such an arrangement~~
8065 ~~maximizes the amount of the Quick Response grant going to direct~~
8066 ~~services.~~

8067 (2) Jobs Florida ~~Workforce Florida, Inc.,~~ shall ensure that
8068 instruction funded pursuant to this section is not available
8069 through the local community college or school district and that
8070 the instruction promotes economic development by providing
8071 specialized training to new workers or retraining for current
8072 employees to meet changing skill requirements caused by new
8073 technology or new product lines and to prevent potential
8074 layoffs. Such funds may not be expended to provide training for
8075 instruction related to retail businesses or to reimburse
8076 businesses for trainee wages. Funds made available pursuant to
8077 this section may not be expended in connection with the
8078 relocation of a business from one community to another community
8079 in this state unless Jobs Florida ~~Workforce Florida, Inc.,~~
8080 determines that without such relocation the business will move
8081 outside this state or determines that the business has a
8082 compelling economic rationale for the relocation which creates
8083 additional jobs.

8084 (3) Requests for funding through the Quick-Response
8085 Training Program may be produced through inquiries from a
8086 specific business or industry, inquiries from a school district
8087 director of career education or community college occupational
8088 dean on behalf of a business or industry, or through official
8089 state or local economic development efforts. In allocating funds
8090 for the purposes of the program, Jobs Florida ~~Workforce Florida,~~
8091 ~~Inc.,~~ shall establish criteria for approval of requests for

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8092 funding and shall select the entity that provides the most
8093 efficient, cost-effective instruction meeting such criteria.
8094 Program funds may be allocated to any career center, community
8095 college, or state university. Program funds may be allocated to
8096 private postsecondary institutions only upon a review that
8097 includes, but is not limited to, accreditation and licensure
8098 documentation and prior approval by Jobs Florida Workforce
8099 ~~Florida, Inc.~~ Instruction funded through the program must
8100 terminate when participants demonstrate competence at the level
8101 specified in the request; however, the grant term may not exceed
8102 24 months. Costs and expenditures for the Quick-Response
8103 Training Program must be documented and separated from those
8104 incurred by the training provider.

8105 (4) For the first 6 months of each fiscal year, Jobs
8106 Florida Workforce Florida, Inc., shall set aside 30 percent of
8107 the amount appropriated for the Quick-Response Training Program
8108 by the Legislature to fund instructional programs for businesses
8109 located in an enterprise zone or brownfield area. Any
8110 unencumbered funds remaining undisbursed from this set-aside at
8111 the end of the 6-month period may be used to provide funding for
8112 any program qualifying for funding pursuant to this section.

8113 (5) Prior to the allocation of funds for any request
8114 pursuant to this section, Jobs Florida Workforce Florida, Inc.,
8115 shall prepare a grant agreement between the business or industry
8116 requesting funds, the educational institution receiving funding
8117 through the program, and Jobs Florida Workforce Florida, Inc.
8118 Such agreement must include, but is not limited to:

8119 (a) An identification of the personnel necessary to conduct
8120 the instructional program, the qualifications of such personnel,

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8121 and the respective responsibilities of the parties for paying
8122 costs associated with the employment of such personnel.

8123 (b) An identification of the estimated length of the
8124 instructional program.

8125 (c) An identification of all direct, training-related
8126 costs, including tuition and fees, curriculum development, books
8127 and classroom materials, and overhead or indirect costs, not to
8128 exceed 5 percent of the grant amount.

8129 (d) An identification of special program requirements that
8130 are not addressed otherwise in the agreement.

8131 (e) Permission to access information specific to the wages
8132 and performance of participants upon the completion of
8133 instruction for evaluation purposes. Information which, if
8134 released, would disclose the identity of the person to whom the
8135 information pertains or disclose the identity of the person's
8136 employer is confidential and exempt from the provisions of s.
8137 119.07(1). The agreement must specify that any evaluations
8138 published subsequent to the instruction may not identify the
8139 employer or any individual participant.

8140 (6) For the purposes of this section, Jobs Florida
8141 ~~Workforce Florida, Inc.,~~ may accept grants of money, materials,
8142 services, or property of any kind from any agency, corporation,
8143 or individual.

8144 (7) In providing instruction pursuant to this section,
8145 materials that relate to methods of manufacture or production,
8146 potential trade secrets, business transactions, or proprietary
8147 information received, produced, ascertained, or discovered by
8148 employees of the respective departments, district school boards,
8149 community college district boards of trustees, or other

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8150 personnel employed for the purposes of this section is
8151 confidential and exempt from the provisions of s. 119.07(1). The
8152 state may seek copyright protection for all instructional
8153 materials and ancillary written documents developed wholly or
8154 partially with state funds as a result of instruction provided
8155 pursuant to this section, except for materials that are
8156 confidential and exempt from the provisions of s. 119.07(1).

8157 (8) There is created a Quick-Response Training Program for
8158 participants in the welfare transition program. Workforce
8159 Florida, Inc., in conjunction with Jobs Florida, may award
8160 quick-response training grants and develop applicable guidelines
8161 for the training of participants in the welfare transition
8162 program. In addition to a local economic development
8163 organization, grants must be endorsed by the applicable regional
8164 workforce board.

8165 (a) Training funded pursuant to this subsection may not
8166 exceed 12 months, and may be provided by the local community
8167 college, school district, regional workforce board, or the
8168 business employing the participant, including on-the-job
8169 training. Training will provide entry-level skills to new
8170 workers, including those employed in retail, who are
8171 participants in the welfare transition program.

8172 (b) Participants trained pursuant to this subsection must
8173 be employed at a wage not less than \$6 per hour.

8174 (c) Funds made available pursuant to this subsection may be
8175 expended in connection with the relocation of a business from
8176 one community to another community if approved by Workforce
8177 Florida, Inc.

8178 (9) Notwithstanding any other provision of law, eligible

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8179 matching contributions received under the Quick-Response
8180 Training Program under this section may be counted toward the
8181 private sector support of Enterprise Florida, Inc., under s.
8182 288.90151(5)(d).

8183 (10) Jobs Florida ~~Workforce Florida, Inc., and Enterprise~~
8184 ~~Florida, Inc.~~, shall ensure maximum coordination and cooperation
8185 in administering this section, in such a manner that any
8186 division of responsibility between the two organizations which
8187 relates to marketing or administering the Quick-Response
8188 Training Program is not apparent to a business that inquires
8189 about or applies for funding under this section. ~~The~~
8190 ~~organizations shall provide such~~ A business shall be provided
8191 with a single point of contact for information and assistance.

8192 Section 176. Paragraph (b) of subsection (1), paragraphs
8193 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
8194 and subsection (7) of section 288.0656, Florida Statutes, are
8195 amended to read:

8196 288.0656 Rural Economic Development Initiative.—

8197 (1)(b) The Rural Economic Development Initiative, known as
8198 "REDI," is created within Jobs Florida ~~the Office of Tourism,~~
8199 ~~Trade, and Economic Development~~, and the participation of state
8200 and regional agencies in this initiative is authorized.

8201 (2) As used in this section, the term:

8202 (b) "Catalyst site" means a parcel or parcels of land
8203 within a rural area of critical economic concern that has been
8204 prioritized as a geographic site for economic development
8205 through partnerships with state, regional, and local
8206 organizations. The site must be reviewed by REDI and approved by
8207 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~

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8208 ~~Development~~ for the purposes of locating a catalyst project.

8209 (e) "Rural community" means:

8210 1. A county with a population of 75,000 or fewer.

8211 2. A county with a population of 125,000 or fewer which is
8212 contiguous to a county with a population of 75,000 or fewer.

8213 3. A municipality within a county described in subparagraph
8214 1. or subparagraph 2.

8215 4. An unincorporated federal enterprise community or an
8216 incorporated rural city with a population of 25,000 or fewer and
8217 an employment base focused on traditional agricultural or
8218 resource-based industries, located in a county not defined as
8219 rural, which has at least three or more of the economic distress
8220 factors identified in paragraph (c) and verified by Jobs Florida
8221 ~~the Office of Tourism, Trade, and Economic Development.~~

8222

8223 For purposes of this paragraph, population shall be determined
8224 in accordance with the most recent official estimate pursuant to
8225 s. 186.901.

8226 (6)(a) By August 1 of each year, the head of each of the
8227 following agencies and organizations shall designate a deputy
8228 secretary or higher-level staff person from within the agency or
8229 organization to serve as the REDI representative for the agency
8230 or organization:

8231 ~~1. The Department of Community Affairs.~~

8232 ~~1.2.~~ 1.2. The Department of Transportation.

8233 ~~2.3.~~ 2.3. The Department of Environmental Protection.

8234 ~~3.4.~~ 3.4. The Department of Agriculture and Consumer Services.

8235 ~~4.5.~~ 4.5. The Department of State.

8236 ~~5.6.~~ 5.6. The Department of Health.

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8237 6.7. The Department of Children and Family Services.
8238 7.8. The Department of Corrections.
8239 ~~9. The Agency for Workforce Innovation.~~
8240 8.10. The Department of Education.
8241 9.11. The Department of Juvenile Justice.
8242 10.12. The Fish and Wildlife Conservation Commission.
8243 11.13. Each water management district.
8244 12.14. Enterprise Florida, Inc.
8245 13.15. Workforce Florida, Inc.
8246 14.16. The Florida Commission on Tourism or VISIT Florida.
8247 15.17. The Florida Regional Planning Council Association.
8248 16.18. The Agency for Health Care Administration.
8249 17.19. The Institute of Food and Agricultural Sciences
8250 (IFAS).

8251
8252 An alternate for each designee shall also be chosen, and the
8253 names of the designees and alternates shall be sent to the
8254 director of Jobs Florida ~~the Office of Tourism, Trade, and~~
8255 ~~Economic Development.~~

8256 (7)(a) REDI may recommend to the Governor up to three rural
8257 areas of critical economic concern. The Governor may by
8258 executive order designate up to three rural areas of critical
8259 economic concern which will establish these areas as priority
8260 assignments for REDI as well as to allow the Governor, acting
8261 through REDI, to waive criteria, requirements, or similar
8262 provisions of any economic development incentive. Such
8263 incentives shall include, but not be limited to: the Qualified
8264 Target Industry Tax Refund Program under s. 288.106, the Quick
8265 Response Training Program under s. 288.047, the Quick Response

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8266 Training Program for participants in the welfare transition
8267 program under s. 288.047(8), transportation projects under s.
8268 288.063, the brownfield redevelopment bonus refund under s.
8269 288.107, and the rural job tax credit program under ss. 212.098
8270 and 220.1895.

8271 (b) Designation as a rural area of critical economic
8272 concern under this subsection shall be contingent upon the
8273 execution of a memorandum of agreement among Jobs Florida ~~the~~
8274 ~~Office of Tourism, Trade, and Economic Development~~; the
8275 governing body of the county; and the governing bodies of any
8276 municipalities to be included within a rural area of critical
8277 economic concern. Such agreement shall specify the terms and
8278 conditions of the designation, including, but not limited to,
8279 the duties and responsibilities of the county and any
8280 participating municipalities to take actions designed to
8281 facilitate the retention and expansion of existing businesses in
8282 the area, as well as the recruitment of new businesses to the
8283 area.

8284 (c) Each rural area of critical economic concern may
8285 designate catalyst projects, provided that each catalyst project
8286 is specifically recommended by REDI, identified as a catalyst
8287 project by Enterprise Florida, Inc., and confirmed as a catalyst
8288 project by Jobs Florida ~~the Office of Tourism, Trade, and~~
8289 ~~Economic Development~~. All state agencies and departments shall
8290 use all available tools and resources to the extent permissible
8291 by law to promote the creation and development of each catalyst
8292 project and the development of catalyst sites.

8293 Section 177. Subsections (1), (2), (3), (4), (5), (8), (9),
8294 and (10) of section 288.063, Florida Statutes, are amended to

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8295 read:

8296 288.063 Contracts for transportation projects.-

8297 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8298 ~~Development~~ is authorized to make, and based on a recommendation
8299 ~~from Enterprise Florida, Inc., to approve,~~ expenditures and
8300 enter into contracts for direct costs of transportation projects
8301 with the appropriate governmental body. Jobs Florida ~~the Office~~
8302 ~~of Tourism, Trade, and Economic Development~~ shall provide the
8303 Department of Transportation ~~and,~~ the Department of
8304 Environmental Protection, ~~and the Department of Community~~
8305 ~~Affairs~~ with an opportunity to formally review and comment on
8306 recommended transportation projects, although Jobs Florida ~~the~~
8307 ~~Office of Tourism, Trade, and Economic Development~~ has final
8308 approval authority for any project under this section.

8309 (2) Any contract with a governmental body for construction
8310 of any transportation project executed by Jobs Florida ~~the~~
8311 ~~Office of Tourism, Trade, and Economic Development~~ shall:

8312 (a) Specify and identify the transportation project to be
8313 constructed for a new or expanding business and the number of
8314 full-time permanent jobs that will result from the project.

8315 (b) Require that the appropriate governmental body award
8316 the construction of the particular transportation project to the
8317 lowest and best bidder in accordance with applicable state and
8318 federal statutes or regulations unless the project can be
8319 constructed with existing local government employees within the
8320 contract period specified by Jobs Florida ~~the Office of Tourism,~~
8321 ~~Trade, and Economic Development.~~

8322 (c) Require that the appropriate governmental body provide
8323 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~

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8324 ~~Development~~ with quarterly progress reports. Each quarterly
8325 progress report shall contain a narrative description of the
8326 work completed according to the project schedule, a description
8327 of any change orders executed by the appropriate governmental
8328 body, a budget summary detailing planned expenditures versus
8329 actual expenditures, and identification of minority business
8330 enterprises used as contractors and subcontractors. Records of
8331 all progress payments made for work in connection with such
8332 transportation projects, and any change orders executed by the
8333 appropriate governmental body and payments made pursuant to such
8334 orders, shall be maintained by that governmental body in
8335 accordance with accepted governmental accounting principles and
8336 practices and shall be subject to financial audit as required by
8337 law. In addition, the appropriate governmental body, upon
8338 completion and acceptance of the transportation project, shall
8339 make certification to Jobs Florida ~~the Office of Tourism, Trade,~~
8340 ~~and Economic Development~~ that the project has been completed in
8341 compliance with the terms and conditions of the contractual
8342 agreements between Jobs Florida ~~the Office of Tourism, Trade,~~
8343 ~~and Economic Development~~ and the appropriate governmental body
8344 and meets minimum construction standards established in
8345 accordance with s. 336.045.

8346 (d) Specify that Jobs Florida ~~the Office of Tourism, Trade,~~
8347 ~~and Economic Development~~ shall transfer funds upon receipt of a
8348 request for funds from the local government, on no more than a
8349 quarterly basis, consistent with project needs. A contract
8350 totaling less than \$200,000 is exempt from this transfer
8351 requirement. Jobs Florida ~~the Office of Tourism, Trade, and~~
8352 ~~Economic Development~~ shall not transfer any funds unless

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8353 construction has begun on the facility of the business on whose
8354 behalf the award was made. Local governments shall expend funds
8355 in a timely manner.

8356 (e) Require that program funds be used only on those
8357 transportation projects that have been properly reviewed and
8358 approved in accordance with the criteria set forth in this
8359 section.

8360 (f) Require that the governing board of the appropriate
8361 local governmental body agree by resolution to accept future
8362 maintenance and other attendant costs occurring after completion
8363 of the transportation project if the project is construction on
8364 a county or municipal system.

8365 (3) a. With respect to any contract executed pursuant to
8366 this section, the term "transportation project" means a
8367 transportation facility as defined in s. 334.03(31) which is
8368 necessary in the judgment of Jobs Florida ~~the Office of Tourism,~~
8369 ~~Trade, and Economic Development~~ to facilitate the economic
8370 development and growth of the state. ~~Except for applications~~
8371 ~~received prior to July 1, 1996,~~ such Transportation projects
8372 shall be approved only as a consideration to attract new
8373 employment opportunities to the state or expand or retain
8374 employment in existing companies operating within the state, or
8375 to allow for the construction or expansion of a state or federal
8376 correctional facility in a county with a population of 75,000 or
8377 less that creates new employment opportunities or expands or
8378 retains employment in the county. Jobs Florida ~~The Office of~~
8379 ~~Tourism, Trade, and Economic Development~~ shall institute
8380 procedures to ensure that small and minority businesses have
8381 equal access to funding provided under this section.

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8382 b. Funding for approved transportation projects may include
8383 any expenses, other than administrative costs and equipment
8384 purchases specified in the contract, necessary for new, or
8385 improvement to existing, transportation facilities. Funds made
8386 available pursuant to this section may not be expended in
8387 connection with the relocation of a business from one community
8388 to another community in this state unless Jobs Florida ~~the~~
8389 ~~Office of Tourism, Trade, and Economic Development~~ determines
8390 that without such relocation the business will move outside this
8391 state or determines that the business has a compelling economic
8392 rationale for the relocation which creates additional jobs.

8393 c. Subject to appropriation for projects under this
8394 section, any appropriation greater than \$10 million shall be
8395 allocated to each of the districts of the Department of
8396 Transportation to ensure equitable geographical distribution.
8397 Such allocated funds that remain uncommitted by the third
8398 quarter of the fiscal year shall be reallocated among the
8399 districts based on pending project requests.

8400 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8401 ~~Development~~ may adopt criteria by which transportation projects
8402 are to be reviewed and certified in accordance with s. 288.061.
8403 In approving transportation projects for funding, Jobs Florida
8404 ~~the Office of Tourism, Trade, and Economic Development~~ shall
8405 consider factors including, but not limited to, the cost per job
8406 created or retained considering the amount of transportation
8407 funds requested; the average hourly rate of wages for jobs
8408 created; the reliance on the program as an inducement for the
8409 project's location decision; the amount of capital investment to
8410 be made by the business; the demonstrated local commitment; the

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8411 location of the project in an enterprise zone designated
8412 pursuant to s. 290.0055; the location of the project in a
8413 spaceport territory as defined in s. 331.304; the unemployment
8414 rate of the surrounding area; the poverty rate of the community;
8415 and the adoption of an economic element as part of its local
8416 comprehensive plan in accordance with s. 163.3177(7)(j). Jobs
8417 Florida ~~The Office of Tourism, Trade, and Economic Development~~
8418 may contact any agency it deems appropriate for additional input
8419 regarding the approval of projects.

8420 (5) No project that has not been specified and identified
8421 by Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
8422 ~~Development~~ in accordance with subsection (4) prior to the
8423 initiation of construction shall be eligible for funding.

8424 (8) Each local government receiving funds under this
8425 section shall submit to Jobs Florida ~~the Office of Tourism,~~
8426 ~~Trade, and Economic Development~~ a financial audit of the local
8427 entity conducted by an independent certified public accountant.
8428 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8429 ~~Development~~ shall develop procedures to ensure that audits are
8430 received and reviewed in a timely manner and that deficiencies
8431 or questioned costs noted in the audit are resolved.

8432 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8433 ~~Development~~ shall monitor on site each grant recipient,
8434 including, but not limited to, the construction of the business
8435 facility, to ensure compliance with contractual requirements.

8436 (10) In addition to the other provisions of this section,
8437 projects that the Legislature deems necessary to facilitate the
8438 economic development and growth of the state may be designated
8439 and funded in the General Appropriations Act. Such

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8440 transportation projects create new employment opportunities,
8441 expand transportation infrastructure, improve mobility, or
8442 increase transportation innovation. Jobs Florida ~~The Office of~~
8443 ~~Tourism, Trade, and Economic Development~~ shall enter into
8444 contracts with, and make expenditures to, the appropriate
8445 entities for the costs of transportation projects designated in
8446 the General Appropriations Act.

8447 Section 178. Subsections (1), (2), and (3) of section
8448 288.065, Florida Statutes, are amended to read:

8449 288.065 Rural Community Development Revolving Loan Fund.—

8450 (1) The Rural Community Development Revolving Loan Fund
8451 Program is established within Jobs Florida ~~in the Office of~~
8452 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
8453 of existing federal, state, and local financial resources by
8454 providing local governments with financial assistance to further
8455 promote the economic viability of rural communities. These funds
8456 may be used to finance initiatives directed toward maintaining
8457 or developing the economic base of rural communities, especially
8458 initiatives addressing employment opportunities for residents of
8459 these communities.

8460 (2)(a) The program shall provide for long-term loans, loan
8461 guarantees, and loan loss reserves to units of local
8462 governments, or economic development organizations substantially
8463 underwritten by a unit of local government, within counties with
8464 populations of 75,000 or fewer, or within any county with a
8465 population of 125,000 or fewer which is contiguous to a county
8466 with a population of 75,000 or fewer, based on the most recent
8467 official population estimate as determined under s. 186.901,
8468 including those residing in incorporated areas and those

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8469 residing in unincorporated areas of the county, or to units of
8470 local government, or economic development organizations
8471 substantially underwritten by a unit of local government, within
8472 a rural area of critical economic concern.

8473 (b) Requests for loans shall be made by application to Jobs
8474 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
8475 Loans shall be made pursuant to agreements specifying the terms
8476 and conditions agreed to between the applicant and Jobs Florida
8477 ~~the Office of Tourism, Trade, and Economic Development~~. The
8478 loans shall be the legal obligations of the applicant.

8479 (c) All repayments of principal and interest shall be
8480 returned to the loan fund and made available for loans to other
8481 applicants. However, in a rural area of critical economic
8482 concern designated by the Governor, and upon approval by Jobs
8483 Florida ~~the Office of Tourism, Trade, and Economic Development~~,
8484 repayments of principal and interest may be retained by the
8485 applicant if such repayments are dedicated and matched to fund
8486 regionally based economic development organizations representing
8487 the rural area of critical economic concern.

8488 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8489 ~~Development~~ shall manage the fund, establishing loan practices
8490 that must include, but are not limited to, procedures for
8491 establishing loan interest rates, uses of funding, application
8492 procedures, and application review procedures. Jobs Florida ~~The~~
8493 ~~Office of Tourism, Trade, and Economic Development~~ shall have
8494 final approval authority for any loan under this section.

8495 Section 179. Subsections (1), (2), (3), and (4) of section
8496 288.0655, Florida Statutes, are amended to read:

8497 288.0655 Rural Infrastructure Fund.—

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8498 (1) There is created within Jobs Florida ~~the Office of~~
8499 ~~Tourism, Trade, and Economic Development~~ the Rural
8500 Infrastructure Fund to facilitate the planning, preparing, and
8501 financing of infrastructure projects in rural communities which
8502 will encourage job creation, capital investment, and the
8503 strengthening and diversification of rural economies by
8504 promoting tourism, trade, and economic development.

8505 (2)(a) Funds appropriated by the Legislature shall be
8506 distributed by Jobs Florida ~~the Office~~ through grant programs
8507 that maximize the use of federal, local, and private resources,
8508 including, but not limited to, those available under the Small
8509 Cities Community Development Block Grant Program.

8510 (b) To facilitate access of rural communities and rural
8511 areas of critical economic concern as defined by the Rural
8512 Economic Development Initiative to infrastructure funding
8513 programs of the Federal Government, such as those offered by the
8514 United States Department of Agriculture and the United States
8515 Department of Commerce, and state programs, including those
8516 offered by Rural Economic Development Initiative agencies, and
8517 to facilitate local government or private infrastructure funding
8518 efforts, Jobs Florida ~~the Office~~ may award grants for up to 30
8519 percent of the total infrastructure project cost. If an
8520 application for funding is for a catalyst site, as defined in s.
8521 288.0656, Jobs Florida ~~the Office~~ may award grants for up to 40
8522 percent of the total infrastructure project cost. Eligible
8523 projects must be related to specific job-creation or job-
8524 retention opportunities. Eligible projects may also include
8525 improving any inadequate infrastructure that has resulted in
8526 regulatory action that prohibits economic or community growth or

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8527 reducing the costs to community users of proposed infrastructure
8528 improvements that exceed such costs in comparable communities.
8529 Eligible uses of funds shall include improvements to public
8530 infrastructure for industrial or commercial sites and upgrades
8531 to or development of public tourism infrastructure. Authorized
8532 infrastructure may include the following public or public-
8533 private partnership facilities: storm water systems;
8534 telecommunications facilities; broadband facilities; roads or
8535 other remedies to transportation impediments; nature-based
8536 tourism facilities; or other physical requirements necessary to
8537 facilitate tourism, trade, and economic development activities
8538 in the community. Authorized infrastructure may also include
8539 publicly or privately owned self-powered nature-based tourism
8540 facilities, publicly owned telecommunications facilities, and
8541 broadband facilities, and additions to the distribution
8542 facilities of the existing natural gas utility as defined in s.
8543 366.04(3)(c), the existing electric utility as defined in s.
8544 366.02, or the existing water or wastewater utility as defined
8545 in s. 367.021(12), or any other existing water or wastewater
8546 facility, which owns a gas or electric distribution system or a
8547 water or wastewater system in this state where:

8548 1. A contribution-in-aid of construction is required to
8549 serve public or public-private partnership facilities under the
8550 tariffs of any natural gas, electric, water, or wastewater
8551 utility as defined herein; and

8552 2. Such utilities as defined herein are willing and able to
8553 provide such service.

8554 (c) To facilitate timely response and induce the location
8555 or expansion of specific job creating opportunities, Jobs

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8556 Florida ~~the Office~~ may award grants for infrastructure
8557 feasibility studies, design and engineering activities, or other
8558 infrastructure planning and preparation activities. Authorized
8559 grants shall be up to \$50,000 for an employment project with a
8560 business committed to create at least 100 jobs; 7 up to \$150,000
8561 for an employment project with a business committed to create at
8562 least 300 jobs; 7 and up to \$300,000 for a project in a rural
8563 area of critical economic concern. Grants awarded under this
8564 paragraph may be used in conjunction with grants awarded under
8565 paragraph (b), provided that the total amount of both grants
8566 does not exceed 30 percent of the total project cost. In
8567 evaluating applications under this paragraph, Jobs Florida ~~the~~
8568 ~~Office~~ shall consider the extent to which the application seeks
8569 to minimize administrative and consultant expenses.

8570 (d) Jobs Florida ~~By September 1, 1999, the Office~~ shall
8571 participate in ~~pursue execution of~~ a memorandum of agreement
8572 with the United States Department of Agriculture under which
8573 state funds available through the Rural Infrastructure Fund may
8574 be advanced, in excess of the prescribed state share, for a
8575 project that has received from the department a preliminary
8576 determination of eligibility for federal financial support.
8577 State funds in excess of the prescribed state share which are
8578 advanced pursuant to this paragraph and the memorandum of
8579 agreement shall be reimbursed when funds are awarded under an
8580 application for federal funding.

8581 (e) To enable local governments to access the resources
8582 available pursuant to s. 403.973(18), Jobs Florida ~~the Office~~
8583 may award grants for surveys, feasibility studies, and other
8584 activities related to the identification and preclearance review

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8585 of land which is suitable for preclearance review. Authorized
8586 grants under this paragraph shall not exceed \$75,000 each,
8587 except in the case of a project in a rural area of critical
8588 economic concern, in which case the grant shall not exceed
8589 \$300,000. Any funds awarded under this paragraph must be matched
8590 at a level of 50 percent with local funds, except that any funds
8591 awarded for a project in a rural area of critical economic
8592 concern must be matched at a level of 33 percent with local
8593 funds. If an application for funding is for a catalyst site, as
8594 defined in s. 288.0656, the requirement for local match may be
8595 waived pursuant to the process in s. 288.06561. In evaluating
8596 applications under this paragraph, the office shall consider the
8597 extent to which the application seeks to minimize administrative
8598 and consultant expenses.

8599 (3) Jobs Florida ~~the office~~, in consultation with
8600 Enterprise Florida, Inc., VISIT Florida, the Department of
8601 Environmental Protection, and the Florida Fish and Wildlife
8602 Conservation Commission, as appropriate, shall review and
8603 certify applications pursuant to s. 288.061. The review shall
8604 include an evaluation of the economic benefit of the projects
8605 and their long-term viability. Jobs Florida ~~The office~~ shall
8606 have final approval for any grant under this section.

8607 (4) By September 1, 2011 ~~1999~~, Jobs Florida ~~the office~~
8608 shall, in consultation with the organizations listed in
8609 subsection (3), and other organizations, re-evaluate existing
8610 ~~develop~~ guidelines and criteria governing submission of
8611 applications for funding, review and evaluation of such
8612 applications, and approval of funding under this section. Jobs
8613 Florida ~~The office~~ shall consider factors including, but not

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8614 limited to, the project's potential for enhanced job creation or
8615 increased capital investment, the demonstration and level of
8616 local public and private commitment, whether the project is
8617 located ~~location of the project~~ in an enterprise zone, ~~the~~
8618 ~~location of the project~~ in a community development corporation
8619 service area, or in an urban high-crime area as ~~the location of~~
8620 ~~the project in a county~~ designated under s. 212.097, the
8621 unemployment rate of the county in which the project would be
8622 located ~~surrounding area~~, and the poverty rate of the community.

8623 Section 180. Subsections (2) and (3) of section 288.06561,
8624 Florida Statutes, are amended to read:

8625 288.06561 Reduction or waiver of financial match
8626 requirements.—Notwithstanding any other law, the member agencies
8627 and organizations of the Rural Economic Development Initiative
8628 (REDI), as defined in s. 288.0656(6)(a), shall review the
8629 financial match requirements for projects in rural areas as
8630 defined in s. 288.0656(2).

8631 (2) Agencies and organizations shall ensure that all
8632 proposals are submitted to Jobs Florida ~~the Office of Tourism,~~
8633 ~~Trade, and Economic Development~~ for review by the REDI agencies.

8634 (3) These proposals shall be delivered to Jobs Florida ~~the~~
8635 ~~Office of Tourism, Trade, and Economic Development~~ for
8636 distribution to the REDI agencies and organizations. A meeting
8637 of REDI agencies and organizations must be called within 30 days
8638 after receipt of such proposals for REDI comment and
8639 recommendations on each proposal.

8640 Section 181. Subsections (2) and (4) of section 288.0657,
8641 Florida Statutes, are amended to read:

8642 288.0657 Florida rural economic development strategy

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8643 grants.-

8644 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8645 ~~Development~~ may accept and administer moneys appropriated to the
8646 office for providing grants to assist rural communities to
8647 develop and implement strategic economic development plans.

8648 (4) Enterprise Florida, Inc., and VISIT Florida, shall
8649 establish criteria for reviewing grant applications. These
8650 criteria shall include, but are not limited to, the degree of
8651 participation and commitment by the local community and the
8652 application's consistency with local comprehensive plans or the
8653 application's proposal to ensure such consistency. ~~The~~
8654 ~~International Trade and Economic Development Board of Enterprise~~
8655 ~~Florida, Inc., and VISIT Florida,~~ shall review each application
8656 for a grant and shall submit annually to Jobs Florida ~~the Office~~
8657 for approval a list of all recommended applications ~~that are~~
8658 ~~recommended by the board and VISIT Florida,~~ arranged in order of
8659 priority. Jobs Florida ~~The office~~ may approve grants only to the
8660 extent that funds are appropriated for such grants by the
8661 Legislature.

8662 Section 182. Section 288.0659, Florida Statutes, is amended
8663 to read:

8664 288.0659 Local Government Distressed Area Matching Grant
8665 Program.-

8666 (1) The Local Government Distressed Area Matching Grant Program
8667 is created within Jobs Florida ~~the Office of Tourism, Trade, and~~
8668 ~~Economic Development~~. The purpose of the program is to stimulate
8669 investment in the state's economy by providing grants to match
8670 demonstrated business assistance by local governments to attract
8671 and retain businesses in this state.

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8672 (2) As used in this section, the term:

8673 (a) "Local government" means a county or municipality.

8674 (b) "Department Office" means Jobs Florida ~~the Office of~~
8675 ~~Tourism, Trade, and Economic Development.~~

8676 (c) "Qualified business assistance" means economic
8677 incentives provided by a local government for the purpose of
8678 attracting or retaining a specific business, including, but not
8679 limited to, suspensions, waivers, or reductions of impact fees
8680 or permit fees; direct incentive payments; expenditures for
8681 onsite or offsite improvements directly benefiting a specific
8682 business; or construction or renovation of buildings for a
8683 specific business.

8684 (3) Jobs Florida ~~The Office~~ may accept and administer
8685 moneys appropriated by the Legislature ~~to the Office~~ for
8686 providing grants to match expenditures by local governments to
8687 attract or retain businesses in this state.

8688 (4) A local government may apply for grants to match
8689 qualified business assistance made by the local government for
8690 the purpose of attracting or retaining a specific business. A
8691 local government may apply for no more than one grant per
8692 targeted business. A local government may only have one
8693 application pending with Jobs Florida ~~the Office~~. Additional
8694 applications may be filed after a previous application has been
8695 approved or denied.

8696 (5) To qualify for a grant, the business being targeted by
8697 a local government must create at least 15 full-time jobs, must
8698 be new to this state, must be expanding its operations in this
8699 state, or would otherwise leave the state absent state and local
8700 assistance, and the local government applying for the grant must

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8701 expedite its permitting processes for the target business by
8702 accelerating the normal review and approval timelines. In
8703 addition to these requirements, Jobs Florida ~~the office~~ shall
8704 review the grant requests using the following evaluation
8705 criteria, with priority given in descending order:

8706 (a) The presence and degree of pervasive poverty,
8707 unemployment, and general distress as determined pursuant to s.
8708 290.0058 in the area where the business will locate, with
8709 priority given to locations with greater degrees of poverty,
8710 unemployment, and general distress.

8711 (b) The extent of reliance on the local government
8712 expenditure as an inducement for the business's location
8713 decision, with priority given to higher levels of local
8714 government expenditure.

8715 (c) The number of new full-time jobs created, with priority
8716 given to higher numbers of jobs created.

8717 (d) The average hourly wage for jobs created, with priority
8718 given to higher average wages.

8719 (e) The amount of capital investment to be made by the
8720 business, with priority given to higher amounts of capital
8721 investment.

8722 (6) In evaluating grant requests, Jobs Florida ~~the Office~~
8723 shall take into consideration the need for grant assistance as
8724 it relates to the local government's general fund balance as
8725 well as local incentive programs that are already in existence.

8726 (7) Funds made available pursuant to this section may not
8727 be expended in connection with the relocation of a business from
8728 one community to another community in this state unless Jobs
8729 Florida ~~the Office~~ determines that without such relocation the

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8730 business will move outside this state or determines that the
8731 business has a compelling economic rationale for the relocation
8732 which creates additional jobs. Funds made available pursuant to
8733 this section may not be used by the receiving local government
8734 to supplant matching commitments required of the local
8735 government pursuant to other state or federal incentive
8736 programs.

8737 (8) Within 30 days after Jobs Florida ~~the Office~~ receives
8738 an application for a grant, Jobs Florida ~~the Office~~ shall
8739 approve a preliminary grant allocation or disapprove the
8740 application. The preliminary grant allocation shall be based on
8741 estimates of qualified business assistance submitted by the
8742 local government and shall equal 50 percent of the amount of the
8743 estimated qualified business assistance or \$50,000, whichever is
8744 less. The preliminary grant allocation shall be executed by
8745 contract with the local government. The contract shall set forth
8746 the terms and conditions, including the timeframes within which
8747 the final grant award will be disbursed. The final grant award
8748 may not exceed the preliminary grant allocation. Jobs Florida
8749 ~~the Office~~ may approve preliminary grant allocations only to the
8750 extent that funds are appropriated for such grants by the
8751 Legislature.

8752 (a) Preliminary grant allocations that are revoked or
8753 voluntarily surrendered shall be immediately available for
8754 reallocation.

8755 (b) Recipients of preliminary grant allocations shall
8756 promptly report to Jobs Florida ~~the Office~~ the date on which the
8757 local government's permitting and approval process is completed
8758 and the date on which all qualified business assistance is

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8759 completed.

8760 (9) Jobs Florida ~~the Office~~ shall make a final grant award
8761 to a local government within 30 days after receiving information
8762 from the local government sufficient to demonstrate actual
8763 qualified business assistance. An awarded grant amount shall
8764 equal 50 percent of the amount of the qualified business
8765 assistance or \$50,000, whichever is less, and may not exceed the
8766 preliminary grant allocation. The amount by which a preliminary
8767 grant allocation exceeds a final grant award shall be
8768 immediately available for reallocation.

8769 (10) Up to 2 percent of the funds appropriated annually by
8770 the Legislature for the program may be used by Jobs Florida ~~the~~
8771 ~~Office~~ for direct administrative costs associated with
8772 implementing this section.

8773 Section 183. Paragraph (a) of subsection (1) of section
8774 288.075, Florida Statutes, is amended to read:

8775 288.075 Confidentiality of records.—

8776 (1) DEFINITIONS.—As used in this section, the term:

8777 (a) "Economic development agency" means:

8778 1. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
8779 ~~Development;~~

8780 2. Any industrial development authority created in
8781 accordance with part III of chapter 159 or by special law;

8782 3. Space Florida created in part II of chapter 331;

8783 4. The public economic development agency of a county or
8784 municipality or, if the county or municipality does not have a
8785 public economic development agency, the county or municipal
8786 officers or employees assigned the duty to promote the general
8787 business interests or industrial interests of that county or

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8788 municipality or the responsibilities related thereto;

8789 5. Any research and development authority created in
8790 accordance with part V of chapter 159; or

8791 6. Any private agency, person, partnership, corporation, or
8792 business entity when authorized by the state, a municipality, or
8793 a county to promote the general business interests or industrial
8794 interests of the state or that municipality or county.

8795 Section 184. Paragraphs (c), (h), (p), and (r) of
8796 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
8797 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
8798 of subsection (5), paragraphs (a), (b), and (c) of subsection
8799 (6), and subsections (7) and (8) of section 288.1045, Florida
8800 Statutes, are amended, and present paragraphs (r) through (u) of
8801 subsection (1) are redesignated as paragraphs (q) through (t),
8802 respectively, to read:

8803 288.1045 Qualified defense contractor and space flight
8804 business tax refund program.—

8805 (1) DEFINITIONS.—As used in this section:

8806 (c) "Business unit" means an employing unit, as defined in
8807 s. 443.036, that is registered with Jobs Florida ~~the Agency for~~
8808 ~~Workforce Innovation~~ for unemployment compensation purposes or
8809 means a subcategory or division of an employing unit that is
8810 accepted by Jobs Florida ~~the Agency for Workforce Innovation~~ as
8811 a reporting unit.

8812 (h) "Commissioner Director" means the commissioner of Jobs
8813 Florida ~~director of the Office of Tourism, Trade, and Economic~~
8814 ~~Development.~~

8815 (~~p~~) "~~Office~~" means ~~the Office of Tourism, Trade, and~~
8816 ~~Economic Development.~~

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8817 (q)~~(r)~~ "Qualified applicant" means an applicant that has
8818 been approved by the commissioner ~~director~~ to be eligible for
8819 tax refunds pursuant to this section.

8820 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

8821 (a) There shall be allowed, from the Economic Development
8822 Trust Fund, a refund to a qualified applicant for the amount of
8823 eligible taxes certified by the commissioner ~~director~~ which were
8824 paid by such qualified applicant. The total amount of refunds
8825 for all fiscal years for each qualified applicant shall be
8826 determined pursuant to subsection (3). The annual amount of a
8827 refund to a qualified applicant shall be determined pursuant to
8828 subsection (5).

8829 (d) Contingent upon an annual appropriation by the
8830 Legislature, the commissioner ~~director~~ may approve not more in
8831 tax refunds than the amount appropriated to the Economic
8832 Development Trust Fund for tax refunds, for a fiscal year
8833 pursuant to subsection (5) and s. 288.095.

8834 (e) For the first 6 months of each fiscal year, the
8835 commissioner ~~director~~ shall set aside 30 percent of the amount
8836 appropriated for refunds pursuant to this section by the
8837 Legislature to provide tax refunds only to qualified applicants
8838 who employ 500 or fewer full-time employees in this state. Any
8839 unencumbered funds remaining undisbursed from this set-aside at
8840 the end of the 6-month period may be used to provide tax refunds
8841 for any qualified applicants pursuant to this section.

8842 (f) After entering into a tax refund agreement pursuant to
8843 subsection (4), a qualified applicant may:

8844 1. Receive refunds from the account for corporate income
8845 taxes due and paid pursuant to chapter 220 by that business

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8846 beginning with the first taxable year of the business which
8847 begins after entering into the agreement.

8848 2. Receive refunds from the account for the following taxes
8849 due and paid by that business after entering into the agreement:

8850 a. Taxes on sales, use, and other transactions paid
8851 pursuant to chapter 212.

8852 b. Intangible personal property taxes paid pursuant to
8853 chapter 199.

8854 c. Emergency excise taxes paid pursuant to chapter 221.

8855 d. Excise taxes paid on documents pursuant to chapter 201.

8856 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
8857 June 1, 1996.

8858 f. State communications services taxes administered under
8859 chapter 202. This provision does not apply to the gross receipts
8860 tax imposed under chapter 203 and administered under chapter 202
8861 or the local communications services tax authorized under s.
8862 202.19.

8863

8864 However, a qualified applicant may not receive a tax refund
8865 pursuant to this section for any amount of credit, refund, or
8866 exemption granted such contractor for any of such taxes. If a
8867 refund for such taxes is provided by Jobs Florida ~~the Office~~,
8868 which taxes are subsequently adjusted by the application of any
8869 credit, refund, or exemption granted to the qualified applicant
8870 other than that provided in this section, the qualified
8871 applicant shall reimburse the Economic Development Trust Fund
8872 for the amount of such credit, refund, or exemption. A qualified
8873 applicant must notify and tender payment to the office within 20
8874 days after receiving a credit, refund, or exemption, other than

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8875 that provided in this section. ~~The addition of communications~~
8876 ~~services taxes administered under chapter 202 is remedial in~~
8877 ~~nature and retroactive to October 1, 2001. The Office may make~~
8878 ~~supplemental tax refund payments to allow for tax refunds for~~
8879 ~~communications services taxes paid by an eligible qualified~~
8880 ~~defense contractor after October 1, 2001.~~

8881 (h) Funds made available pursuant to this section may not
8882 be expended in connection with the relocation of a business from
8883 one community to another community in this state unless Jobs
8884 Florida ~~the Office of Tourism, Trade, and Economic Development~~
8885 determines that without such relocation the business will move
8886 outside this state or determines that the business has a
8887 compelling economic rationale for the relocation which creates
8888 additional jobs.

8889 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8890 DETERMINATION.—

8891 (a) To apply for certification as a qualified applicant
8892 pursuant to this section, an applicant must file an application
8893 with Jobs Florida ~~the Office~~ which satisfies the requirements of
8894 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
8895 and (e), or paragraphs (e) and (j). An applicant may not apply
8896 for certification pursuant to this section after a proposal has
8897 been submitted for a new Department of Defense contract, after
8898 the applicant has made the decision to consolidate an existing
8899 Department of Defense contract in this state for which such
8900 applicant is seeking certification, after a proposal has been
8901 submitted for a new space flight business contract in this
8902 state, after the applicant has made the decision to consolidate
8903 an existing space flight business contract in this state for

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8904 which such applicant is seeking certification, or after the
8905 applicant has made the decision to convert defense production
8906 jobs to nondefense production jobs for which such applicant is
8907 seeking certification.

8908 (b) Applications for certification based on the
8909 consolidation of a Department of Defense contract or a new
8910 Department of Defense contract must be submitted to Jobs Florida
8911 ~~the Office~~ as prescribed by Jobs Florida ~~the Office~~ and must
8912 include, but are not limited to, the following information:

8913 1. The applicant's federal employer identification number,
8914 the applicant's Florida sales tax registration number, and a
8915 signature of an officer of the applicant.

8916 2. The permanent location of the manufacturing, assembling,
8917 fabricating, research, development, or design facility in this
8918 state at which the project is or is to be located.

8919 3. The Department of Defense contract numbers of the
8920 contract to be consolidated, the new Department of Defense
8921 contract number, or the "RFP" number of a proposed Department of
8922 Defense contract.

8923 4. The date the contract was executed or is expected to be
8924 executed, and the date the contract is due to expire or is
8925 expected to expire.

8926 5. The commencement date for project operations under the
8927 contract in this state.

8928 6. The number of net new full-time equivalent Florida jobs
8929 included in the project as of December 31 of each year and the
8930 average wage of such jobs.

8931 7. The total number of full-time equivalent employees
8932 employed by the applicant in this state.

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8933 8. The percentage of the applicant's gross receipts derived
8934 from Department of Defense contracts during the 5 taxable years
8935 immediately preceding the date the application is submitted.

8936 9. The number of full-time equivalent jobs in this state to
8937 be retained by the project.

8938 10. A brief statement concerning the applicant's need for
8939 tax refunds, and the proposed uses of such refunds by the
8940 applicant.

8941 11. A resolution adopted by the governing board of the
8942 county or municipality in which the project will be located,
8943 which recommends the applicant be approved as a qualified
8944 applicant, and which indicates that the necessary commitments of
8945 local financial support for the applicant exist. Prior to the
8946 adoption of the resolution, the county commission may review the
8947 proposed public or private sources of such support and determine
8948 whether the proposed sources of local financial support can be
8949 provided or, for any applicant whose project is located in a
8950 county designated by the Rural Economic Development Initiative,
8951 a resolution adopted by the county commissioners of such county
8952 requesting that the applicant's project be exempt from the local
8953 financial support requirement.

8954 12. Any additional information requested by Jobs Florida
8955 ~~the Office~~.

8956 (c) Applications for certification based on the conversion
8957 of defense production jobs to nondefense production jobs must be
8958 submitted to Jobs Florida ~~the Office~~ as prescribed by Jobs
8959 Florida ~~the Office~~ and must include, but are not limited to, the
8960 following information:

8961 1. The applicant's federal employer identification number,

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8962 the applicant's Florida sales tax registration number, and a
8963 signature of an officer of the applicant.

8964 2. The permanent location of the manufacturing, assembling,
8965 fabricating, research, development, or design facility in this
8966 state at which the project is or is to be located.

8967 3. The Department of Defense contract numbers of the
8968 contract under which the defense production jobs will be
8969 converted to nondefense production jobs.

8970 4. The date the contract was executed, and the date the
8971 contract is due to expire or is expected to expire, or was
8972 canceled.

8973 5. The commencement date for the nondefense production
8974 operations in this state.

8975 6. The number of net new full-time equivalent Florida jobs
8976 included in the nondefense production project as of December 31
8977 of each year and the average wage of such jobs.

8978 7. The total number of full-time equivalent employees
8979 employed by the applicant in this state.

8980 8. The percentage of the applicant's gross receipts derived
8981 from Department of Defense contracts during the 5 taxable years
8982 immediately preceding the date the application is submitted.

8983 9. The number of full-time equivalent jobs in this state to
8984 be retained by the project.

8985 10. A brief statement concerning the applicant's need for
8986 tax refunds, and the proposed uses of such refunds by the
8987 applicant.

8988 11. A resolution adopted by the governing board of the
8989 county or municipality in which the project will be located,
8990 which recommends the applicant be approved as a qualified

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8991 applicant, and which indicates that the necessary commitments of
8992 local financial support for the applicant exist. Prior to the
8993 adoption of the resolution, the county commission may review the
8994 proposed public or private sources of such support and determine
8995 whether the proposed sources of local financial support can be
8996 provided or, for any applicant whose project is located in a
8997 county designated by the Rural Economic Development Initiative,
8998 a resolution adopted by the county commissioners of such county
8999 requesting that the applicant's project be exempt from the local
9000 financial support requirement.

9001 12. Any additional information requested by Jobs Florida
9002 ~~the Office~~.

9003 (d) Applications for certification based on a contract for
9004 reuse of a defense-related facility must be submitted to Jobs
9005 Florida ~~the Office~~ as prescribed by the office and must include,
9006 but are not limited to, the following information:

9007 1. The applicant's Florida sales tax registration number
9008 and a signature of an officer of the applicant.

9009 2. The permanent location of the manufacturing, assembling,
9010 fabricating, research, development, or design facility in this
9011 state at which the project is or is to be located.

9012 3. The business entity holding a valid Department of
9013 Defense contract or branch of the Armed Forces of the United
9014 States that previously occupied the facility, and the date such
9015 entity last occupied the facility.

9016 4. A copy of the contract to reuse the facility, or such
9017 alternative proof as may be prescribed by the office that the
9018 applicant is seeking to contract for the reuse of such facility.

9019 5. The date the contract to reuse the facility was executed

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9020 or is expected to be executed, and the date the contract is due
9021 to expire or is expected to expire.

9022 6. The commencement date for project operations under the
9023 contract in this state.

9024 7. The number of net new full-time equivalent Florida jobs
9025 included in the project as of December 31 of each year and the
9026 average wage of such jobs.

9027 8. The total number of full-time equivalent employees
9028 employed by the applicant in this state.

9029 9. The number of full-time equivalent jobs in this state to
9030 be retained by the project.

9031 10. A brief statement concerning the applicant's need for
9032 tax refunds, and the proposed uses of such refunds by the
9033 applicant.

9034 11. A resolution adopted by the governing board of the
9035 county or municipality in which the project will be located,
9036 which recommends the applicant be approved as a qualified
9037 applicant, and which indicates that the necessary commitments of
9038 local financial support for the applicant exist. Prior to the
9039 adoption of the resolution, the county commission may review the
9040 proposed public or private sources of such support and determine
9041 whether the proposed sources of local financial support can be
9042 provided or, for any applicant whose project is located in a
9043 county designated by the Rural Economic Development Initiative,
9044 a resolution adopted by the county commissioners of such county
9045 requesting that the applicant's project be exempt from the local
9046 financial support requirement.

9047 12. Any additional information requested by Jobs Florida
9048 ~~the Office~~.

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9049 (e) To qualify for review by Jobs Florida ~~the Office~~, the
9050 application of an applicant must, at a minimum, establish the
9051 following to the satisfaction of the office:

9052 1. The jobs proposed to be provided under the application,
9053 pursuant to subparagraph (b)6., subparagraph (c)6., or
9054 subparagraph (j)6., must pay an estimated annual average wage
9055 equaling at least 115 percent of the average wage in the area
9056 where the project is to be located.

9057 2. The consolidation of a Department of Defense contract
9058 must result in a net increase of at least 25 percent in the
9059 number of jobs at the applicant's facilities in this state or
9060 the addition of at least 80 jobs at the applicant's facilities
9061 in this state.

9062 3. The conversion of defense production jobs to nondefense
9063 production jobs must result in net increases in nondefense
9064 employment at the applicant's facilities in this state.

9065 4. The Department of Defense contract or the space flight
9066 business contract cannot allow the business to include the costs
9067 of relocation or retooling in its base as allowable costs under
9068 a cost-plus, or similar, contract.

9069 5. A business unit of the applicant must have derived not
9070 less than 60 percent of its gross receipts in this state from
9071 Department of Defense contracts or space flight business
9072 contracts over the applicant's last fiscal year, and must have
9073 derived not less than an average of 60 percent of its gross
9074 receipts in this state from Department of Defense contracts or
9075 space flight business contracts over the 5 years preceding the
9076 date an application is submitted pursuant to this section. This
9077 subparagraph does not apply to any application for certification

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9078 based on a contract for reuse of a defense-related facility.

9079 6. The reuse of a defense-related facility must result in
9080 the creation of at least 100 jobs at such facility.

9081 7. A new space flight business contract or the
9082 consolidation of a space flight business contract must result in
9083 net increases in space flight business employment at the
9084 applicant's facilities in this state.

9085 (f) Each application meeting the requirements of paragraphs
9086 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
9087 paragraphs (e) and (j) must be submitted to the office for a
9088 determination of eligibility. Jobs Florida ~~the Office~~ shall
9089 review and evaluate each application based on, but not limited
9090 to, the following criteria:

9091 1. Expected contributions to the state strategic economic
9092 development plan adopted by Enterprise Florida, Inc., taking
9093 into account the extent to which the project contributes to the
9094 state's high-technology base, and the long-term impact of the
9095 project and the applicant on the state's economy.

9096 2. The economic benefit of the jobs created or retained by
9097 the project in this state, taking into account the cost and
9098 average wage of each job created or retained, and the potential
9099 risk to existing jobs.

9100 3. The amount of capital investment to be made by the
9101 applicant in this state.

9102 4. The local commitment and support for the project and
9103 applicant.

9104 5. The impact of the project on the local community, taking
9105 into account the unemployment rate for the county where the
9106 project will be located.

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9107 6. The dependence of the local community on the defense
9108 industry or space flight business.

9109 7. The impact of any tax refunds granted pursuant to this
9110 section on the viability of the project and the probability that
9111 the project will occur in this state if such tax refunds are
9112 granted to the applicant, taking into account the expected long-
9113 term commitment of the applicant to economic growth and
9114 employment in this state.

9115 8. The length of the project, or the expected long-term
9116 commitment to this state resulting from the project.

9117 (g) Applications shall be reviewed and certified pursuant
9118 to s. 288.061. If appropriate, the commissioner ~~director~~ shall
9119 enter into a written agreement with the qualified applicant
9120 pursuant to subsection (4).

9121 (h) The commissioner ~~director~~ may not certify any applicant
9122 as a qualified applicant when the value of tax refunds to be
9123 included in that letter of certification exceeds the available
9124 amount of authority to certify new businesses as determined in
9125 s. 288.095(3). A letter of certification that approves an
9126 application must specify the maximum amount of a tax refund that
9127 is to be available to the contractor for each fiscal year and
9128 the total amount of tax refunds for all fiscal years.

9129 (i) This section does not create a presumption that an
9130 applicant should receive any tax refunds under this section.

9131 (j) Applications for certification based upon a new space
9132 flight business contract or the consolidation of a space flight
9133 business contract must be submitted to the office as prescribed
9134 by the office and must include, but are not limited to, the
9135 following information:

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- 9136 1. The applicant's federal employer identification number,
9137 the applicant's Florida sales tax registration number, and a
9138 signature of an officer of the applicant.
- 9139 2. The permanent location of the space flight business
9140 facility in this state where the project is or will be located.
- 9141 3. The new space flight business contract number, the space
9142 flight business contract numbers of the contract to be
9143 consolidated, or the request-for-proposal number of a proposed
9144 space flight business contract.
- 9145 4. The date the contract was executed and the date the
9146 contract is due to expire, is expected to expire, or was
9147 canceled.
- 9148 5. The commencement date for project operations under the
9149 contract in this state.
- 9150 6. The number of net new full-time equivalent Florida jobs
9151 included in the project as of December 31 of each year and the
9152 average wage of such jobs.
- 9153 7. The total number of full-time equivalent employees
9154 employed by the applicant in this state.
- 9155 8. The percentage of the applicant's gross receipts derived
9156 from space flight business contracts during the 5 taxable years
9157 immediately preceding the date the application is submitted.
- 9158 9. The number of full-time equivalent jobs in this state to
9159 be retained by the project.
- 9160 10. A brief statement concerning the applicant's need for
9161 tax refunds and the proposed uses of such refunds by the
9162 applicant.
- 9163 11. A resolution adopted by the governing board of the
9164 county or municipality in which the project will be located

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9165 which recommends the applicant be approved as a qualified
9166 applicant and indicates that the necessary commitments of local
9167 financial support for the applicant exist. Prior to the adoption
9168 of the resolution, the county commission may review the proposed
9169 public or private sources of such support and determine whether
9170 the proposed sources of local financial support can be provided
9171 or, for any applicant whose project is located in a county
9172 designated by the Rural Economic Development Initiative, a
9173 resolution adopted by the county commissioners of such county
9174 requesting that the applicant's project be exempt from the local
9175 financial support requirement.

9176 12. Any additional information requested by Jobs Florida
9177 ~~the office~~.

9178 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

9179 (a) A qualified applicant shall enter into a written
9180 agreement with Jobs Florida ~~the Office~~ containing, but not
9181 limited to, the following:

9182 1. The total number of full-time equivalent jobs in this
9183 state that are or will be dedicated to the qualified applicant's
9184 project, the average wage of such jobs, the definitions that
9185 will apply for measuring the achievement of these terms during
9186 the pendency of the agreement, and a time schedule or plan for
9187 when such jobs will be in place and active in this state.

9188 2. The maximum amount of a refund that the qualified
9189 applicant is eligible to receive for each fiscal year, based on
9190 the job creation or retention and maintenance schedule specified
9191 in subparagraph 1.

9192 3. An agreement with Jobs Florida ~~the Office~~ allowing Jobs
9193 Florida ~~the Office~~ to review and verify the financial and

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9194 personnel records of the qualified applicant to ascertain
9195 whether the qualified applicant is complying with the
9196 requirements of this section.

9197 4. The date by which, in each fiscal year, the qualified
9198 applicant may file a claim pursuant to subsection (5) to be
9199 considered to receive a tax refund in the following fiscal year.

9200 5. That local financial support shall be annually available
9201 and will be paid to the Economic Development Trust Fund.

9202 (b) Compliance with the terms and conditions of the
9203 agreement is a condition precedent for receipt of tax refunds
9204 each year. The failure to comply with the terms and conditions
9205 of the agreement shall result in the loss of eligibility for
9206 receipt of all tax refunds previously authorized pursuant to
9207 this section, and the revocation of the certification as a
9208 qualified applicant by the commissioner ~~director~~, unless the
9209 qualified applicant is eligible to receive and elects to accept
9210 a prorated refund under paragraph (5)(g) or Jobs Florida ~~the~~
9211 ~~Office~~ grants the qualified applicant an economic-stimulus
9212 exemption.

9213 1. A qualified applicant may submit, in writing, a request
9214 to Jobs Florida ~~the Office~~ for an economic-stimulus exemption.
9215 The request must provide quantitative evidence demonstrating how
9216 negative economic conditions in the qualified applicant's
9217 industry, the effects of the impact of a named hurricane or
9218 tropical storm, or specific acts of terrorism affecting the
9219 qualified applicant have prevented the qualified applicant from
9220 complying with the terms and conditions of its tax refund
9221 agreement.

9222 2. Upon receipt of a request under subparagraph 1., the

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9223 commissioner ~~director~~ shall have 45 days to notify the
9224 requesting qualified applicant, in writing, if its exemption has
9225 been granted or denied. In determining if an exemption should be
9226 granted, the commissioner ~~director~~ shall consider the extent to
9227 which negative economic conditions in the requesting qualified
9228 applicant's industry, the effects of the impact of a named
9229 hurricane or tropical storm, or specific acts of terrorism
9230 affecting the qualified applicant have prevented the qualified
9231 applicant from complying with the terms and conditions of its
9232 tax refund agreement.

9233 3. As a condition for receiving a prorated refund under
9234 paragraph (5)(g) or an economic-stimulus exemption under this
9235 paragraph, a qualified applicant must agree to renegotiate its
9236 tax refund agreement with Jobs Florida ~~the Office~~ to, at a
9237 minimum, ensure that the terms of the agreement comply with
9238 current law and the Office procedures of Jobs Florida governing
9239 application for and award of tax refunds. Upon approving the
9240 award of a prorated refund or granting an economic-stimulus
9241 exemption, Jobs Florida ~~the Office~~ shall renegotiate the tax
9242 refund agreement with the qualified applicant as required by
9243 this subparagraph. When amending the agreement of a qualified
9244 applicant receiving an economic-stimulus exemption, Jobs Florida
9245 ~~the Office~~ may extend the duration of the agreement for a period
9246 not to exceed 2 years.

9247 ~~4. A qualified applicant may submit a request for an~~
9248 ~~economic-stimulus exemption to the Office in lieu of any tax~~
9249 ~~refund claim scheduled to be submitted after January 1, 2005,~~
9250 ~~but before July 1, 2006.~~

9251 ~~4.5.~~ A qualified applicant that receives an economic-

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9252 stimulus exemption may not receive a tax refund for the period
9253 covered by the exemption.

9254 (c) The agreement shall be signed by the commissioner
9255 ~~director~~ and the authorized officer of the qualified applicant.

9256 (d) The agreement must contain the following legend,
9257 clearly printed on its face in bold type of not less than 10
9258 points:

9259

9260 "This agreement is neither a general obligation of the
9261 State of Florida, nor is it backed by the full faith
9262 and credit of the State of Florida. Payment of tax
9263 refunds are conditioned on and subject to specific
9264 annual appropriations by the Florida Legislature of
9265 funds sufficient to pay amounts authorized in s.
9266 288.1045, Florida Statutes."

9267

9268 (5) ANNUAL CLAIM FOR REFUND.—

9269 (a) To be eligible to claim any scheduled tax refund,
9270 qualified applicants who have entered into a written agreement
9271 with Jobs Florida ~~the Office~~ pursuant to subsection (4) and who
9272 have entered into a valid new Department of Defense contract,
9273 entered into a valid new space flight business contract,
9274 commenced the consolidation of a space flight business contract,
9275 commenced the consolidation of a Department of Defense contract,
9276 commenced the conversion of defense production jobs to
9277 nondefense production jobs, or entered into a valid contract for
9278 reuse of a defense-related facility must apply by January 31 of
9279 each fiscal year to Jobs Florida ~~the Office~~ for tax refunds
9280 scheduled to be paid from the appropriation for the fiscal year

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9281 that begins on July 1 following the January 31 claims-submission
9282 date. Jobs Florida ~~The Office~~ may, upon written request, grant a
9283 30-day extension of the filing date. The application must
9284 include a notarized signature of an officer of the applicant.

9285 (d) The commissioner ~~director~~, with assistance from ~~the~~
9286 ~~Office~~, the Department of Revenue, and Jobs Florida ~~the Agency~~
9287 ~~for Workforce Innovation~~, shall, by June 30 following the
9288 scheduled date for submitting the tax refund claim, specify by
9289 written order the approval or disapproval of the tax refund
9290 claim and, if approved, the amount of the tax refund that is
9291 authorized to be paid to the qualified applicant for the annual
9292 tax refund. The commissioner ~~Office~~ may grant an extension of
9293 this date upon the request of the qualified applicant for the
9294 purpose of filing additional information in support of the
9295 claim.

9296 (e) The total amount of tax refunds approved by the
9297 commissioner ~~director~~ under this section in any fiscal year may
9298 not exceed the amount authorized under s. 288.095(3).

9299 (g) A prorated tax refund, less a 5 percent penalty, shall
9300 be approved for a qualified applicant provided all other
9301 applicable requirements have been satisfied and the applicant
9302 proves to the satisfaction of the commissioner ~~director~~ that it
9303 has achieved at least 80 percent of its projected employment and
9304 that the average wage paid by the qualified applicant is at
9305 least 90 percent of the average wage specified in the tax refund
9306 agreement, but in no case less than 115 percent of the average
9307 private sector wage in the area available at the time of
9308 certification. The prorated tax refund shall be calculated by
9309 multiplying the tax refund amount for which the qualified

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9310 applicant would have been eligible, if all applicable
9311 requirements had been satisfied, by the percentage of the
9312 average employment specified in the tax refund agreement which
9313 was achieved, and by the percentage of the average wages
9314 specified in the tax refund agreement which was achieved.

9315 (6) ADMINISTRATION.—

9316 (a) Jobs Florida ~~The Office~~ may adopt rules pursuant to
9317 chapter 120 for the administration of this section.

9318 (b) Jobs Florida ~~The Office~~ may verify information provided
9319 in any claim submitted for tax credits under this section with
9320 regard to employment and wage levels or the payment of the taxes
9321 with the appropriate agency or authority including the
9322 Department of Revenue, Jobs Florida ~~the Agency for Workforce~~
9323 ~~Innovation~~, or any local government or authority.

9324 (c) To facilitate the process of monitoring and auditing
9325 applications made under this program, Jobs Florida ~~the Office~~
9326 may provide a list of qualified applicants to the Department of
9327 Revenue, ~~to the Agency for Workforce Innovation~~, or to any local
9328 government or authority. Jobs Florida ~~the Office~~ may request the
9329 assistance of said entities with respect to monitoring jobs,
9330 wages, and the payment of the taxes listed in subsection (2).

9331 ~~(7) Notwithstanding paragraphs (4)(a) and (5)(c), the~~
9332 ~~Office may approve a waiver of the local financial support~~
9333 ~~requirement for a business located in any of the following~~
9334 ~~counties in which businesses received emergency loans~~
9335 ~~administered by the Office in response to the named hurricanes~~
9336 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
9337 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
9338 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~

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9339 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
9340 ~~waiver may be granted only if the Office determines that the~~
9341 ~~local financial support cannot be provided or that doing so~~
9342 ~~would effect a demonstrable hardship on the unit of local~~
9343 ~~government providing the local financial support. If the Office~~
9344 ~~grants a waiver of the local financial support requirement, the~~
9345 ~~state shall pay 100 percent of the refund due to an eligible~~
9346 ~~business. The waiver shall apply for tax refund applications~~
9347 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

9348 (7)~~(8)~~ EXPIRATION.—An applicant may not be certified as
9349 qualified under this section after June 30, 2014. A tax refund
9350 agreement existing on that date shall continue in effect in
9351 accordance with its terms.

9352 Section 185. Paragraphs (d), (f), (n), (p), (r), and (t) of
9353 subsection (2), paragraphs (a), (b), and (f) of subsection (3),
9354 subsection (4), paragraphs (a), (b), and (c) of subsection (5),
9355 paragraphs (a), (c), (f), and (g) of subsection (6), and
9356 subsection (7) of section 288.106, Florida Statutes, are
9357 amended, and present paragraphs (o) through (u) of subsection
9358 (2) are redesignated as paragraphs (n) through (t),
9359 respectively, to read:

9360 288.106 Tax refund program for qualified target industry
9361 businesses.—

9362 (2) DEFINITIONS.—As used in this section:

9363 (d) "Business" means an employing unit, as defined in s.
9364 443.036, that is registered for unemployment compensation
9365 purposes with the state agency providing unemployment tax
9366 collection services ~~under contract with the Agency for Workforce~~
9367 ~~Innovation through an interagency agreement pursuant to s.~~

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9368 443.1316, or a subcategory or division of an employing unit that
9369 is accepted by the state agency providing unemployment tax
9370 collection services as a reporting unit.

9371 (f) "Commissioner ~~Director~~" means the commissioner of Jobs
9372 Florida ~~Director of the Office of Tourism, Trade, and Economic~~
9373 ~~Development.~~

9374 (n) "~~Office~~" means ~~the Office of Tourism, Trade, and~~
9375 ~~Economic Development.~~

9376 (o)~~(p)~~ "Qualified target industry business" means a target
9377 industry business approved by Jobs Florida ~~the Office~~ to be
9378 eligible for tax refunds under this section.

9379 (q)~~(r)~~ "Rural city" means a city having a population of
9380 10,000 or fewer, or a city having a population of greater than
9381 10,000 but fewer than 20,000 that has been determined by Jobs
9382 Florida ~~the Office~~ to have economic characteristics such as, but
9383 not limited to, a significant percentage of residents on public
9384 assistance, a significant percentage of residents with income
9385 below the poverty level, or a significant percentage of the
9386 city's employment base in agriculture-related industries.

9387 (s)~~(t)~~ "Target industry business" means a corporate
9388 headquarters business or any business that is engaged in one of
9389 the target industries identified pursuant to the following
9390 criteria developed by Jobs Florida ~~the Office~~ in consultation
9391 with Enterprise Florida, Inc.:

9392 1. Future growth.—Industry forecasts should indicate strong
9393 expectation for future growth in both employment and output,
9394 according to the most recent available data. Special
9395 consideration should be given to businesses that export goods
9396 to, or provide services in, international markets and businesses

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9397 that replace domestic and international imports of goods or
9398 services.

9399 2. Stability.—The industry should not be subject to
9400 periodic layoffs, whether due to seasonality or sensitivity to
9401 volatile economic variables such as weather. The industry should
9402 also be relatively resistant to recession, so that the demand
9403 for products of this industry is not typically subject to
9404 decline during an economic downturn.

9405 3. High wage.—The industry should pay relatively high wages
9406 compared to statewide or area averages.

9407 4. Market and resource independent.—The location of
9408 industry businesses should not be dependent on Florida markets
9409 or resources as indicated by industry analysis, except for
9410 businesses in the renewable energy industry.

9411 5. Industrial base diversification and strengthening.—The
9412 industry should contribute toward expanding or diversifying the
9413 state's or area's economic base, as indicated by analysis of
9414 employment and output shares compared to national and regional
9415 trends. Special consideration should be given to industries that
9416 strengthen regional economies by adding value to basic products
9417 or building regional industrial clusters as indicated by
9418 industry analysis. Special consideration should also be given to
9419 the development of strong industrial clusters that include
9420 defense and homeland security businesses.

9421 6. Economic benefits.—The industry is expected to have
9422 strong positive impacts on or benefits to the state or regional
9423 economies.

9424
9425 The term does not include any business engaged in retail

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9426 industry activities; any electrical utility company; any
9427 phosphate or other solid minerals severance, mining, or
9428 processing operation; any oil or gas exploration or production
9429 operation; or any business subject to regulation by the Division
9430 of Hotels and Restaurants of the Department of Business and
9431 Professional Regulation. Any business within NAICS code 5611 or
9432 5614, office administrative services and business support
9433 services, respectively, may be considered a target industry
9434 business only after the local governing body and Enterprise
9435 Florida, Inc., make a determination that the community where the
9436 business may locate has conditions affecting the fiscal and
9437 economic viability of the local community or area, including but
9438 not limited to, factors such as low per capita income, high
9439 unemployment, high underemployment, and a lack of year-round
9440 stable employment opportunities, and such conditions may be
9441 improved by the location of such a business to the community. By
9442 January 1 of every 3rd year, beginning January 1, 2011, Jobs
9443 Florida ~~the Office~~, in consultation with Enterprise Florida,
9444 Inc., economic development organizations, the State University
9445 System, local governments, employee and employer organizations,
9446 market analysts, and economists, shall review and, as
9447 appropriate, revise the list of such target industries and
9448 submit the list to the Governor, the President of the Senate,
9449 and the Speaker of the House of Representatives.

9450 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

9451 (a) There shall be allowed, from the account, a refund to a
9452 qualified target industry business for the amount of eligible
9453 taxes certified by Jobs Florida ~~the Office~~ that were paid by the
9454 business. The total amount of refunds for all fiscal years for

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9455 each qualified target industry business must be determined
9456 pursuant to subsection (4). The annual amount of a refund to a
9457 qualified target industry business must be determined pursuant
9458 to subsection (6).

9459 (b)1. Upon approval by Jobs Florida ~~the Office~~, a qualified
9460 target industry business shall be allowed tax refund payments
9461 equal to \$3,000 multiplied by the number of jobs specified in
9462 the tax refund agreement under subparagraph (5)(a)1., or equal
9463 to \$6,000 multiplied by the number of jobs if the project is
9464 located in a rural community or an enterprise zone.

9465 2. A qualified target industry business shall be allowed
9466 additional tax refund payments equal to \$1,000 multiplied by the
9467 number of jobs specified in the tax refund agreement under
9468 subparagraph (5)(a)1. if such jobs pay an annual average wage of
9469 at least 150 percent of the average private sector wage in the
9470 area, or equal to \$2,000 multiplied by the number of jobs if
9471 such jobs pay an annual average wage of at least 200 percent of
9472 the average private sector wage in the area.

9473 3. A qualified target industry business shall be allowed
9474 tax refund payments in addition to the other payments authorized
9475 in this paragraph equal to \$1,000 multiplied by the number of
9476 jobs specified in the tax refund agreement under subparagraph
9477 (5)(a)1. if the local financial support is equal to that of the
9478 state's incentive award under subparagraph 1.

9479 4. In addition to the other tax refund payments authorized
9480 in this paragraph, a qualified target industry business shall be
9481 allowed a tax refund payment equal to \$2,000 multiplied by the
9482 number of jobs specified in the tax refund agreement under
9483 subparagraph (5)(a)1. if the business:

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9484 a. Falls within one of the high-impact sectors designated
9485 under s. 288.108; or

9486 b. Increases exports of its goods through a seaport or
9487 airport in the state by at least 10 percent in value or tonnage
9488 in each of the years that the business receives a tax refund
9489 under this section. For purposes of this sub-subparagraph,
9490 seaports in the state are limited to the ports of Jacksonville,
9491 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
9492 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
9493 Pensacola, Fernandina, and Key West.

9494 (f) Refunds made available under this section may not be
9495 expended in connection with the relocation of a business from
9496 one community to another community in the state unless Jobs
9497 Florida ~~the Office~~ determines that, without such relocation, the
9498 business will move outside the state or determines that the
9499 business has a compelling economic rationale for relocation and
9500 that the relocation will create additional jobs.

9501 (4) APPLICATION AND APPROVAL PROCESS.—

9502 (a) To apply for certification as a qualified target
9503 industry business under this section, the business must file an
9504 application with Jobs Florida ~~the Office~~ before the business
9505 decides to locate in this state or before the business decides
9506 to expand its existing operations in this state. The application
9507 must include, but need not be limited to, the following
9508 information:

9509 1. The applicant's federal employer identification number
9510 and, if applicable, state sales tax registration number.

9511 2. The proposed permanent location of the applicant's
9512 facility in this state at which the project is to be located.

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9513 3. A description of the type of business activity or
9514 product covered by the project, including a minimum of a five-
9515 digit NAICS code for all activities included in the project. As
9516 used in this paragraph, "NAICS" means those classifications
9517 contained in the North American Industry Classification System,
9518 as published in 2007 by the Office of Management and Budget,
9519 Executive Office of the President, and updated periodically.

9520 4. The proposed number of net new full-time equivalent
9521 Florida jobs at the qualified target industry business as of
9522 December 31 of each year included in the project and the average
9523 wage of those jobs. If more than one type of business activity
9524 or product is included in the project, the number of jobs and
9525 average wage for those jobs must be separately stated for each
9526 type of business activity or product.

9527 5. The total number of full-time equivalent employees
9528 employed by the applicant in this state, if applicable.

9529 6. The anticipated commencement date of the project.

9530 7. A brief statement explaining the role that the estimated
9531 tax refunds to be requested will play in the decision of the
9532 applicant to locate or expand in this state.

9533 8. An estimate of the proportion of the sales resulting
9534 from the project that will be made outside this state.

9535 9. An estimate of the proportion of the cost of the
9536 machinery and equipment, and any other resources necessary in
9537 the development of its product or service, to be used by the
9538 business in its Florida operations which will be purchased
9539 outside this state.

9540 10. A resolution adopted by the governing board of the
9541 county or municipality in which the project will be located,

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9542 which resolution recommends that the project be approved as a
9543 qualified target industry business and specifies that the
9544 commitments of local financial support necessary for the target
9545 industry business exist. Before the passage of such resolution,
9546 the office may also accept an official letter from an authorized
9547 local economic development agency that endorses the proposed
9548 target industry project and pledges that sources of local
9549 financial support for such project exist. For the purposes of
9550 making pledges of local financial support under this
9551 subparagraph, the authorized local economic development agency
9552 shall be officially designated by the passage of a one-time
9553 resolution by the local governing board.

9554 11. Any additional information requested by Jobs Florida
9555 ~~the Office~~.

9556 (b) To qualify for review by Jobs Florida ~~the Office~~, the
9557 application of a target industry business must, at a minimum,
9558 establish the following to the satisfaction of the office:

9559 1.a. The jobs proposed to be created under the application,
9560 pursuant to subparagraph (a)4., must pay an estimated annual
9561 average wage equaling at least 115 percent of the average
9562 private sector wage in the area where the business is to be
9563 located or the statewide private sector average wage. The
9564 governing board of the county where the qualified target
9565 industry business is to be located shall notify Jobs Florida ~~the~~
9566 ~~Office~~ and Enterprise Florida, Inc., which calculation of the
9567 average private sector wage in the area must be used as the
9568 basis for the business's wage commitment. In determining the
9569 average annual wage, Jobs Florida ~~the Office~~ shall include only
9570 new proposed jobs, and wages for existing jobs shall be excluded

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9571 from this calculation.

9572 b. Jobs Florida ~~the Office~~ may waive the average wage
9573 requirement at the request of the local governing body
9574 recommending the project and Enterprise Florida, Inc. Jobs
9575 Florida ~~the Office~~ may waive the wage requirement for a project
9576 located in a brownfield area designated under s. 376.80, in a
9577 rural city, in a rural community, in an enterprise zone, or for
9578 a manufacturing project at any location in the state if the jobs
9579 proposed to be created pay an estimated annual average wage
9580 equaling at least 100 percent of the average private sector wage
9581 in the area where the business is to be located, only if the
9582 merits of the individual project or the specific circumstances
9583 in the community in relationship to the project warrant such
9584 action. If the local governing body and Enterprise Florida,
9585 Inc., make such a recommendation, it must be transmitted in
9586 writing, and the specific justification for the waiver
9587 recommendation must be explained. If Jobs Florida ~~the Office~~
9588 elects to waive the wage requirement, the waiver must be stated
9589 in writing, and the reasons for granting the waiver must be
9590 explained.

9591 2. The target industry business's project must result in
9592 the creation of at least 10 jobs at the project and, in the case
9593 of an expansion of an existing business, must result in a net
9594 increase in employment of at least 10 percent at the business.
9595 At the request of the local governing body recommending the
9596 project and Enterprise Florida, Inc., Jobs Florida ~~the Office~~
9597 may waive this requirement for a business in a rural community
9598 or enterprise zone if the merits of the individual project or
9599 the specific circumstances in the community in relationship to

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9600 the project warrant such action. If the local governing body and
9601 Enterprise Florida, Inc., make such a request, the request must
9602 be transmitted in writing, and the specific justification for
9603 the request must be explained. If Jobs Florida ~~the Office~~ elects
9604 to grant the request, the grant must be stated in writing, and
9605 the reason for granting the request must be explained.

9606 3. The business activity or product for the applicant's
9607 project must be within an industry identified by Jobs Florida
9608 ~~the Office~~ as a target industry business that contributes to the
9609 economic growth of the state and the area in which the business
9610 is located, that produces a higher standard of living for
9611 residents of this state in the new global economy, or that can
9612 be shown to make an equivalent contribution to the area's and
9613 state's economic progress.

9614 (c) Each application meeting the requirements of paragraph
9615 (b) must be submitted to Jobs Florida ~~the Office~~ for
9616 determination of eligibility. Jobs Florida ~~the Office~~ shall
9617 review and evaluate each application based on, but not limited
9618 to, the following criteria:

9619 1. Expected contributions to the state's economy,
9620 consistent with the state strategic economic development plan
9621 adopted by Enterprise Florida, Inc.

9622 2. The return on investment of the proposed award of tax
9623 refunds under this section and the return on investment for
9624 state incentives proposed for the project. The Office of
9625 Economic and Demographic Research shall review and evaluate the
9626 methodology and model used to calculate the return on investment
9627 and report its findings by September 1 of every 3rd year,
9628 beginning September 1, 2010, to the President of the Senate and

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9629 the Speaker of the House of Representatives.

9630 3. The amount of capital investment to be made by the
9631 applicant in this state.

9632 4. The local financial commitment and support for the
9633 project.

9634 5. The effect of the project on the unemployment rate in
9635 the county where the project will be located.

9636 6. The effect of the award on the viability of the project
9637 and the probability that the project would be undertaken in this
9638 state if such tax refunds are granted to the applicant.

9639 7. The expected long-term commitment of the applicant to
9640 economic growth and employment in this state resulting from the
9641 project.

9642 8. A review of the business's past activities in this state
9643 or other states, including whether such business has been
9644 subjected to criminal or civil fines and penalties. This
9645 subparagraph does not require the disclosure of confidential
9646 information.

9647 (d) Applications shall be reviewed and certified pursuant
9648 to s. 288.061. Jobs Florida ~~the Office~~ shall include in its
9649 review projections of the tax refunds the business would be
9650 eligible to receive in each fiscal year based on the creation
9651 and maintenance of the net new Florida jobs specified in
9652 subparagraph (a)4. as of December 31 of the preceding state
9653 fiscal year. If appropriate, Jobs Florida ~~the Office~~ shall enter
9654 into a written agreement with the qualified target industry
9655 business pursuant to subsection (5).

9656 (e) Jobs Florida ~~the Office~~ may not certify any target
9657 industry business as a qualified target industry business if the

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9658 value of tax refunds to be included in that letter of
9659 certification exceeds the available amount of authority to
9660 certify new businesses as determined in s. 288.095(3). However,
9661 if the commitments of local financial support represent less
9662 than 20 percent of the eligible tax refund payments, or to
9663 otherwise preserve the viability and fiscal integrity of the
9664 program, the office may certify a qualified target industry
9665 business to receive tax refund payments of less than the
9666 allowable amounts specified in paragraph (3)(b). A letter of
9667 certification that approves an application must specify the
9668 maximum amount of tax refund that will be available to the
9669 qualified industry business in each fiscal year and the total
9670 amount of tax refunds that will be available to the business for
9671 all fiscal years.

9672 (f) This section does not create a presumption that an
9673 applicant will receive any tax refunds under this section.
9674 However, Jobs Florida ~~the Office~~ may issue nonbinding opinion
9675 letters, upon the request of prospective applicants, as to the
9676 applicants' eligibility and the potential amount of refunds.

9677 (5) TAX REFUND AGREEMENT.—

9678 (a) Each qualified target industry business must enter into
9679 a written agreement with Jobs Florida ~~the Office~~ that specifies,
9680 at a minimum:

9681 1. The total number of full-time equivalent jobs in this
9682 state that will be dedicated to the project, the average wage of
9683 those jobs, the definitions that will apply for measuring the
9684 achievement of these terms during the pendency of the agreement,
9685 and a time schedule or plan for when such jobs will be in place
9686 and active in this state.

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9687 2. The maximum amount of tax refunds that the qualified
9688 target industry business is eligible to receive on the project
9689 and the maximum amount of a tax refund that the qualified target
9690 industry business is eligible to receive for each fiscal year,
9691 based on the job creation and maintenance schedule specified in
9692 subparagraph 1.

9693 3. That Jobs Florida ~~the Office~~ may review and verify the
9694 financial and personnel records of the qualified target industry
9695 business to ascertain whether that business is in compliance
9696 with this section.

9697 4. The date by which, in each fiscal year, the qualified
9698 target industry business may file a claim under subsection (6)
9699 to be considered to receive a tax refund in the following fiscal
9700 year.

9701 5. That local financial support will be annually available
9702 and will be paid to the account. Jobs Florida ~~the Office~~ may not
9703 enter into a written agreement with a qualified target industry
9704 business if the local financial support resolution is not passed
9705 by the local governing body within 90 days after Jobs Florida
9706 ~~the Office~~ has issued the letter of certification under
9707 subsection (4).

9708 6. That Jobs Florida ~~the Office~~ may conduct a review of the
9709 business to evaluate whether the business is continuing to
9710 contribute to the area's or state's economy.

9711 7. That in the event the business does not complete the
9712 agreement, the business will provide Jobs Florida ~~the Office~~
9713 with the reasons the business was unable to complete the
9714 agreement.

9715 (b) Compliance with the terms and conditions of the

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9716 agreement is a condition precedent for the receipt of a tax
9717 refund each year. The failure to comply with the terms and
9718 conditions of the tax refund agreement results in the loss of
9719 eligibility for receipt of all tax refunds previously authorized
9720 under this section and the revocation by Jobs Florida ~~the Office~~
9721 of the certification of the business entity as a qualified
9722 target industry business, unless the business is eligible to
9723 receive and elects to accept a prorated refund under paragraph
9724 (6)(e) or Jobs Florida ~~the Office~~ grants the business an
9725 economic recovery extension.

9726 1. A qualified target industry business may submit a
9727 request to Jobs Florida ~~the Office~~ for an economic recovery
9728 extension. The request must provide quantitative evidence
9729 demonstrating how negative economic conditions in the business's
9730 industry, the effects of a named hurricane or tropical storm, or
9731 specific acts of terrorism affecting the qualified target
9732 industry business have prevented the business from complying
9733 with the terms and conditions of its tax refund agreement.

9734 2. Upon receipt of a request under subparagraph 1., Jobs
9735 Florida ~~the Office~~ has 45 days to notify the requesting
9736 business, in writing, whether its extension has been granted or
9737 denied. In determining whether an extension should be granted,
9738 Jobs Florida ~~the Office~~ shall consider the extent to which
9739 negative economic conditions in the requesting business's
9740 industry have occurred in the state or the effects of a named
9741 hurricane or tropical storm or specific acts of terrorism
9742 affecting the qualified target industry business have prevented
9743 the business from complying with the terms and conditions of its
9744 tax refund agreement. Jobs Florida ~~the Office~~ shall consider

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9745 current employment statistics for this state by industry,
9746 including whether the business's industry had substantial job
9747 loss during the prior year, when determining whether an
9748 extension shall be granted.

9749 3. As a condition for receiving a prorated refund under
9750 paragraph (6)(e) or an economic recovery extension under this
9751 paragraph, a qualified target industry business must agree to
9752 renegotiate its tax refund agreement with Jobs Florida ~~the~~
9753 ~~Office~~ to, at a minimum, ensure that the terms of the agreement
9754 comply with current law and office procedures governing
9755 application for and award of tax refunds. Upon approving the
9756 award of a prorated refund or granting an economic recovery
9757 extension, Jobs Florida ~~the Office~~ shall renegotiate the tax
9758 refund agreement with the business as required by this
9759 subparagraph. When amending the agreement of a business
9760 receiving an economic recovery extension, Jobs Florida ~~the~~
9761 ~~Office~~ may extend the duration of the agreement for a period not
9762 to exceed 2 years.

9763 4. A qualified target industry business may submit a
9764 request for an economic recovery extension to Jobs Florida ~~the~~
9765 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
9766 after January 1, 2009, but before July 1, 2012.

9767 5. A qualified target industry business that receives an
9768 economic recovery extension may not receive a tax refund for the
9769 period covered by the extension.

9770 (c) The agreement must be signed by the commissioner
9771 ~~director~~ and by an authorized officer of the qualified target
9772 industry business within 120 days after the issuance of the
9773 letter of certification under subsection (4), but not before

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9774 passage and receipt of the resolution of local financial
9775 support. The commissioner ~~Office~~ may grant an extension of this
9776 period at the written request of the qualified target industry
9777 business.

9778 (6) ANNUAL CLAIM FOR REFUND.—

9779 (a) To be eligible to claim any scheduled tax refund, a
9780 qualified target industry business that has entered into a tax
9781 refund agreement with Jobs Florida ~~the Office~~ under subsection
9782 (5) must apply by January 31 of each fiscal year to the office
9783 for the tax refund scheduled to be paid from the appropriation
9784 for the fiscal year that begins on July 1 following the January
9785 31 claims-submission date. Jobs Florida ~~The Office~~ may, upon
9786 written request, grant a 30-day extension of the filing date.

9787 (c) Jobs Florida ~~the Office~~ may waive the requirement for
9788 proof of taxes paid in future years for a qualified target
9789 industry business that provides the office with proof that, in a
9790 single year, the business has paid an amount of state taxes from
9791 the categories in paragraph (3)(d) that is at least equal to the
9792 total amount of tax refunds that the business may receive
9793 through successful completion of its tax refund agreement.

9794 (f) Jobs Florida ~~the Office~~, with such assistance as may be
9795 required from the Department of Revenue ~~or the Agency for~~
9796 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
9797 date for submission of the tax refund claim, specify by written
9798 order the approval or disapproval of the tax refund claim and,
9799 if approved, the amount of the tax refund that is authorized to
9800 be paid to the qualified target industry business for the annual
9801 tax refund. Jobs Florida ~~the Office~~ may grant an extension of
9802 this date on the request of the qualified target industry

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9803 business for the purpose of filing additional information in
9804 support of the claim.

9805 (g) The total amount of tax refund claims approved by Jobs
9806 Florida ~~the Office~~ under this section in any fiscal year must
9807 not exceed the amount authorized under s. 288.095(3).

9808 (7) ADMINISTRATION.—

9809 (a) Jobs Florida ~~the Office~~ may verify information provided
9810 in any claim submitted for tax credits under this section with
9811 regard to employment and wage levels or the payment of the taxes
9812 to the appropriate agency or authority, including the Department
9813 of Revenue, ~~the Agency for Workforce Innovation~~, or any local
9814 government or authority.

9815 (b) To facilitate the process of monitoring and auditing
9816 applications made under this section, Jobs Florida ~~the Office~~
9817 may provide a list of qualified target industry businesses to
9818 the Department of Revenue, ~~to the Agency for Workforce~~
9819 ~~Innovation~~, or to any local government or authority. Jobs
9820 Florida ~~The Office~~ may request the assistance of those entities
9821 with respect to monitoring jobs, wages, and the payment of the
9822 taxes listed in subsection (3).

9823 (c) Funds specifically appropriated for tax refunds for
9824 qualified target industry businesses under this section may not
9825 be used by Jobs Florida ~~the Office~~ for any purpose other than
9826 the payment of tax refunds authorized by this section.

9827 (d) Beginning with tax refund agreements signed after July
9828 1, 2010, Jobs Florida ~~the Office~~ shall attempt to ascertain the
9829 causes for any business's failure to complete its agreement and
9830 shall report its findings and recommendations to the Governor,
9831 the President of the Senate, and the Speaker of the House of

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9832 Representatives. The report shall be submitted by December 1 of
9833 each year beginning in 2011.

9834 Section 186. Paragraphs (d) and (g) of subsection (1),
9835 subsection (2), paragraphs (a), (b), (f), (g), (h), and (i) of
9836 subsection (4), and subsection (5) of section 288.107, Florida
9837 Statutes, are amended, and present paragraph (h) of subsection
9838 (1) is redesignated as paragraph (g), to read:

9839 288.107 Brownfield redevelopment bonus refunds.—

9840 (1) DEFINITIONS.—As used in this section:

9841 (d) "Commissioner ~~Director~~" means the commissioner of Jobs
9842 Florida ~~director of the Office of Tourism, Trade, and Economic~~
9843 ~~Development.~~

9844 (g) "~~Office~~" means ~~The Office of Tourism, Trade, and~~
9845 ~~Economic Development.~~

9846 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
9847 shall be approved by Jobs Florida ~~the Office~~ as specified in the
9848 final order and allowed from the account as follows:

9849 (a) A bonus refund of \$2,500 shall be allowed to any
9850 qualified target industry business as defined in s. 288.106 for
9851 each new Florida job created in a brownfield area that is
9852 claimed on the qualified target industry business's annual
9853 refund claim authorized in s. 288.106(6).

9854 (b) A bonus refund of up to \$2,500 shall be allowed to any
9855 other eligible business as defined in subparagraph (1)(e)2. for
9856 each new Florida job created in a brownfield area that is
9857 claimed under an annual claim procedure similar to the annual
9858 refund claim authorized in s. 288.106(6). The amount of the
9859 refund shall be equal to 20 percent of the average annual wage
9860 for the jobs created.

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9861 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
9862 (a) To be eligible to receive a bonus refund for new
9863 Florida jobs created in a brownfield area, a business must have
9864 been certified as a qualified target industry business under s.
9865 288.106 or eligible business as defined in paragraph (1)(e) and
9866 must have indicated on the qualified target industry business
9867 tax refund application form submitted in accordance with s.
9868 288.106(4) or other similar agreement for other eligible
9869 business as defined in paragraph (1)(e) that the project for
9870 which the application is submitted is or will be located in a
9871 brownfield area and that the business is applying for
9872 certification as a qualified brownfield business under this
9873 section, and must have signed a qualified target industry
9874 business tax refund agreement with Jobs Florida ~~the Office~~ that
9875 indicates that the business has been certified as a qualified
9876 target industry business located in a brownfield area and
9877 specifies the schedule of brownfield redevelopment bonus refunds
9878 that the business may be eligible to receive in each fiscal
9879 year.
9880 (b) To be considered to receive an eligible brownfield
9881 redevelopment bonus refund payment, the business meeting the
9882 requirements of paragraph (a) must submit a claim once each
9883 fiscal year on a claim form approved by Jobs Florida ~~the Office~~
9884 which indicates the location of the brownfield, the address of
9885 the business facility's brownfield location, the name of the
9886 brownfield in which it is located, the number of jobs created,
9887 and the average wage of the jobs created by the business within
9888 the brownfield as defined in s. 288.106 or other eligible
9889 business as defined in paragraph (1)(e) and the administrative

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9890 rules and policies for that section.

9891 (f) Applications shall be reviewed and certified pursuant
9892 to s. 288.061. Jobs Florida ~~The Office~~ shall review all
9893 applications submitted under s. 288.106 or other similar
9894 application forms for other eligible businesses as defined in
9895 paragraph (1)(e) which indicate that the proposed project will
9896 be located in a brownfield and determine, with the assistance of
9897 the Department of Environmental Protection, that the project
9898 location is within a brownfield as provided in this act.

9899 (g) Jobs Florida ~~The Office~~ shall approve all claims for a
9900 brownfield redevelopment bonus refund payment that are found to
9901 meet the requirements of paragraphs (b) and (d).

9902 (h) The commissioner ~~director~~, with such assistance as may
9903 be required from ~~the Office~~ and the Department of Environmental
9904 Protection, shall specify by written final order the amount of
9905 the brownfield redevelopment bonus refund that is authorized for
9906 the qualified target industry business for the fiscal year
9907 within 30 days after the date that the claim for the annual tax
9908 refund is received by the office.

9909 (i) The total amount of the bonus refunds approved by the
9910 commissioner ~~director~~ under this section in any fiscal year must
9911 not exceed the total amount appropriated to the Economic
9912 Development Incentives Account for this purpose for the fiscal
9913 year. In the event that the Legislature does not appropriate an
9914 amount sufficient to satisfy projections by Jobs Florida ~~the~~
9915 ~~Office~~ for brownfield redevelopment bonus refunds under this
9916 section in a fiscal year, Jobs Florida ~~the Office~~ shall, not
9917 later than July 15 of such year, determine the proportion of
9918 each brownfield redevelopment bonus refund claim which shall be

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9919 paid by dividing the amount appropriated for tax refunds for the
9920 fiscal year by the projected total of brownfield redevelopment
9921 bonus refund claims for the fiscal year. The amount of each
9922 claim for a brownfield redevelopment bonus tax refund shall be
9923 multiplied by the resulting quotient. If, after the payment of
9924 all such refund claims, funds remain in the Economic Development
9925 Incentives Account for brownfield redevelopment tax refunds,
9926 Jobs Florida ~~the Office~~ shall recalculate the proportion for
9927 each refund claim and adjust the amount of each claim
9928 accordingly.

9929 (5) ADMINISTRATION.—

9930 (a) Jobs Florida ~~the Office~~ may verify information provided
9931 in any claim submitted for tax credits under this section with
9932 regard to employment and wage levels or the payment of the taxes
9933 to the appropriate agency or authority, including the Department
9934 of Revenue, ~~the Agency for Workforce Innovation~~, or any local
9935 government or authority.

9936 (b) To facilitate the process of monitoring and auditing
9937 applications made under this program, Jobs Florida ~~the Office~~
9938 may provide a list of qualified target industry businesses to
9939 the Department of Revenue, ~~to the Agency for Workforce~~
9940 ~~Innovation~~, to the Department of Environmental Protection, or to
9941 any local government authority. Jobs Florida ~~the office~~ may
9942 request the assistance of those entities with respect to
9943 monitoring the payment of the taxes listed in s. 288.106(3).

9944 Section 187. Paragraphs (a), (b), (c), and (d) of
9945 subsection (2), paragraphs (b), (d), and (e) of subsection (3),
9946 subsection (4), paragraphs (a) and (c) of subsection (5),
9947 paragraphs (b), (e), (g), and (h) of subsection (6), and

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9948 subsection (7) of section 288.108, Florida Statutes, are
9949 amended, and present paragraphs (d) through (j) of subsection
9950 (2) are redesignated as paragraphs (c) through (h),
9951 respectively, to read:

9952 288.108 High-impact business.—

9953 (2) DEFINITIONS.—As used in this section, the term:

9954 (a) "Eligible high-impact business" means a business in one
9955 of the high-impact sectors identified by Enterprise Florida,
9956 Inc., and certified by Jobs Florida ~~the Office of Tourism,~~
9957 ~~Trade, and Economic Development~~ as provided in subsection (5),
9958 which is making a cumulative investment in the state of at least
9959 \$50 million and creating at least 50 new full-time equivalent
9960 jobs in the state or a research and development facility making
9961 a cumulative investment of at least \$25 million and creating at
9962 least 25 new full-time equivalent jobs. Such investment and
9963 employment must be achieved in a period not to exceed 3 years
9964 after the date the business is certified as a qualified high-
9965 impact business.

9966 (b) "Qualified high-impact business" means a business in
9967 one of the high-impact sectors that has been certified by Jobs
9968 Florida ~~the Office~~ as a qualified high-impact business to
9969 receive a high-impact sector performance grant.

9970 ~~(c) "Office" means the Office of Tourism, Trade, and~~
9971 ~~Economic Development.~~

9972 ~~(c)(d)~~ "Commissioner Director" means the commissioner of
9973 Jobs Florida ~~director of the Office of Tourism, Trade, and~~
9974 ~~Economic Development.~~

9975 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
9976 AMOUNTS.—

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9977 (b) The commissioner Office may, ~~in consultation with~~
9978 ~~Enterprise Florida, Inc.~~, negotiate qualified high-impact
9979 business performance grant awards for any single qualified high-
9980 impact business. In negotiating such awards, the commissioner
9981 ~~Office~~ shall consider the following guidelines in conjunction
9982 with other relevant applicant impact and cost information and
9983 analysis as required in subsection (5).

9984 1. A qualified high-impact business making a cumulative
9985 investment of \$50 million and creating 50 jobs may be eligible
9986 for a total qualified high-impact business performance grant of
9987 \$500,000 to \$1 million.

9988 2. A qualified high-impact business making a cumulative
9989 investment of \$100 million and creating 100 jobs may be eligible
9990 for a total qualified high-impact business performance grant of
9991 \$1 million to \$2 million.

9992 3. A qualified high-impact business making a cumulative
9993 investment of \$800 million and creating 800 jobs may be eligible
9994 for a qualified high-impact business performance grant of \$10
9995 million to \$12 million.

9996 4. A qualified high-impact business engaged in research and
9997 development making a cumulative investment of \$25 million and
9998 creating 25 jobs may be eligible for a total qualified high-
9999 impact business performance grant of \$700,000 to \$1 million.

10000 5. A qualified high-impact business engaged in research and
10001 development making a cumulative investment of \$75 million, and
10002 creating 75 jobs may be eligible for a total qualified high-
10003 impact business performance grant of \$2 million to \$3 million.

10004 6. A qualified high-impact business engaged in research and
10005 development making a cumulative investment of \$150 million, and

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10006 creating 150 jobs may be eligible for a qualified high-impact
10007 business performance grant of \$3.5 million to \$4.5 million.

10008 (d) The balance of the performance grant award shall be
10009 paid to the qualified high-impact business upon the business's
10010 certification that full operations have commenced and that the
10011 full investment and employment goals specified in the qualified
10012 high-impact business agreement have been met and verified by
10013 Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
10014 ~~Development~~. The verification must occur not later than 60 days
10015 after the qualified high-impact business has provided the
10016 certification specified in this paragraph.

10017 (e) The commissioner ~~office~~ may, upon a showing of
10018 reasonable cause for delay and significant progress toward the
10019 achievement of the investment and employment goals specified in
10020 the qualified high-impact business agreement, extend the date
10021 for commencement of operations, not to exceed an additional 2
10022 years beyond the limit specified in paragraph (2)(a), but in no
10023 case may any high-impact sector performance grant payment be
10024 made to the business until the scheduled goals have been
10025 achieved.

10026 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
10027 ~~AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE~~
10028 ~~GRANTS.~~—

10029 (a) The total amount of active performance grants scheduled
10030 for payment by Jobs Florida ~~the office~~ in any single fiscal year
10031 may not exceed the lesser of \$30 million or the amount
10032 appropriated by the Legislature for that fiscal year for
10033 qualified high-impact business performance grants. If the
10034 scheduled grant payments are not made in the year for which they

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10035 were scheduled in the qualified high-impact business agreement
10036 and are rescheduled as authorized in paragraph (3)(e), they are,
10037 for purposes of this paragraph, deemed to have been paid in the
10038 year in which they were originally scheduled in the qualified
10039 high-impact business agreement.

10040 (b) If the Legislature does not appropriate an amount
10041 sufficient to satisfy the qualified high-impact business
10042 performance grant payments scheduled for any fiscal year, Jobs
10043 Florida ~~the Office~~ shall, not later than July 15 of that year,
10044 determine the proportion of each grant payment which may be paid
10045 by dividing the amount appropriated for qualified high-impact
10046 business performance grant payments for the fiscal year by the
10047 total performance grant payments scheduled in all performance
10048 grant agreements for the fiscal year. The amount of each grant
10049 scheduled for payment in that fiscal year must be multiplied by
10050 the resulting quotient. All businesses affected by this
10051 calculation must be notified by August 1 of each fiscal year.
10052 If, after the payment of all the refund claims, funds remain in
10053 the appropriation for payment of qualified high-impact business
10054 performance grants, Jobs Florida ~~the Office~~ shall recalculate
10055 the proportion for each performance grant payment and adjust the
10056 amount of each claim accordingly.

10057 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

10058 (a) Any eligible business, as defined in subsection (2),
10059 shall apply to Enterprise Florida, Inc., for consideration as a
10060 qualified high-impact business before the business has made a
10061 decision to locate or expand a facility in this state. The
10062 application, developed by Jobs Florida ~~The Office of Tourism,~~
10063 ~~Trade, and Economic Development~~, in consultation with Enterprise

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10064 Florida, Inc., must include, but is not limited to, the
10065 following information:

10066 1. A complete description of the type of facility, business
10067 operations, and product or service associated with the project.

10068 2. The number of full-time equivalent jobs that will be
10069 created by the project and the average annual wage of those
10070 jobs.

10071 3. The cumulative amount of investment to be dedicated to
10072 this project within 3 years.

10073 4. A statement concerning any special impacts the facility
10074 is expected to stimulate in the sector, the state, or regional
10075 economy and in state universities and community colleges.

10076 5. A statement concerning the role the grant will play in
10077 the decision of the applicant business to locate or expand in
10078 this state.

10079 6. Any additional information requested by Jobs Florida and
10080 Enterprise Florida, Inc., ~~and the Office of Tourism, Trade, and~~
10081 ~~Economic Development.~~

10082 (c) The commissioner ~~director~~ and the qualified high-impact
10083 business shall enter into a performance grant agreement setting
10084 forth the conditions for payment of the qualified high-impact
10085 business performance grant. The agreement shall include the
10086 total amount of the qualified high-impact business facility
10087 performance grant award, the performance conditions that must be
10088 met to obtain the award, including the employment, average
10089 salary, investment, the methodology for determining if the
10090 conditions have been met, and the schedule of performance grant
10091 payments.

10092 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

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10093 (b) Jobs Florida ~~the Office~~ has authority, ~~only~~ after
10094 recommendation from Enterprise Florida, Inc., to designate a
10095 high-impact sector or to deauthorize a designated high-impact
10096 sector.

10097 (e) The study and its findings and recommendations and the
10098 recommendations gathered from the sector-business network must
10099 be discussed and considered during the at least one meeting per
10100 calendar year of leaders in business, government, education,
10101 workforce development, and economic development called by the
10102 Governor to address the business climate in the state, develop a
10103 common vision for the economic future of the state, and identify
10104 economic development efforts to fulfill that vision ~~required in~~
10105 ~~s. 14.2015(2)(e).~~

10106 (g) Upon receiving a recommendation from the board of
10107 directors of Enterprise Florida, Inc., together with the study
10108 required in paragraph (c) and a summary of the findings and
10109 recommendations of the sector-business network required in
10110 paragraph (d), including a list of all meetings of the sector
10111 network and participants in those meetings and the findings and
10112 recommendations from the quarterly meeting as required in
10113 paragraph (e), Jobs Florida ~~the Office~~ shall after a thorough
10114 evaluation of the study and accompanying materials report its
10115 findings and either concur in the recommendation of Enterprise
10116 Florida, Inc., and designate the sector as a high-impact
10117 business sector or notify Enterprise Florida, Inc., that it does
10118 not concur and deny the board's request for designation or
10119 return the recommendation and study to Enterprise Florida, Inc.,
10120 for further evaluation. In any case, Jobs Florida ~~the director's~~
10121 decision must be in writing and justify the reasons for the

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10122 decision.

10123 (h) If Jobs Florida ~~the Office~~ designates the sector as a
10124 high-impact sector, it shall, within 30 days, notify the
10125 Governor, the President of the Senate, and the Speaker of the
10126 House of Representatives of its decision and provide a complete
10127 report on its decision, including copies of the material
10128 provided by Enterprise Florida, Inc., and Jobs Florida ~~the~~
10129 ~~Office of Tourism, Trade, and Economic Development's~~ evaluation
10130 and comment on any statutory or policy changes recommended by
10131 Enterprise Florida, Inc.

10132 (7) RULEMAKING.—Jobs Florida ~~the Office~~ may adopt rules
10133 necessary to carry out the provisions of this section.

10134 Section 188. Subsections (1), (5), (7), and (8) of section
10135 288.1081, Florida Statutes, are amended to read:

10136 288.1081 Economic Gardening Business Loan Pilot Program.—

10137 (1) There is created within Jobs Florida ~~the Office of~~
10138 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
10139 Business Loan Pilot Program. The purpose of the pilot program is
10140 to stimulate investment in Florida's economy by providing loans
10141 to expanding businesses in the state. ~~As used in this section,~~
10142 ~~the term "office" means the Office of Tourism, Trade, and~~
10143 ~~Economic Development.~~

10144 (5)(a) Jobs Florida ~~the Office~~ may designate one or more
10145 qualified entities to serve as loan administrators for the pilot
10146 program. A loan administrator must:

10147 1. Be a Florida corporation not for profit incorporated
10148 under chapter 617 which has its principal place of business in
10149 the state.

10150 2. Have 5 years of verifiable experience of lending to

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10151 businesses in this state.

10152 3. Submit an application to Jobs Florida ~~the Office~~ on
10153 forms prescribed by Jobs Florida ~~the Office~~. The application
10154 must include the loan administrator's business plan for its
10155 proposed lending activities under the pilot program, including,
10156 but not limited to, a description of its outreach efforts,
10157 underwriting, credit policies and procedures, credit decision
10158 processes, monitoring policies and procedures, and collection
10159 practices; the membership of its board of directors; and samples
10160 of its currently used loan documentation. The application must
10161 also include a detailed description and supporting documentation
10162 of the nature of the loan administrator's partnerships with
10163 local or regional economic and business development
10164 organizations.

10165 (b) Jobs Florida ~~The Office~~, upon selecting a loan
10166 administrator, shall enter into a grant agreement with the
10167 administrator to issue the available loans to eligible
10168 applicants. The grant agreement must specify the aggregate
10169 amount of the loans authorized for award by the loan
10170 administrator. The term of the grant agreement must be at least
10171 4 years, except that Jobs Florida ~~the Office~~ may terminate the
10172 agreement earlier if the loan administrator fails to meet
10173 minimum performance standards set by Jobs Florida ~~the office~~.
10174 The grant agreement may be amended by mutual consent of both
10175 parties.

10176 (c) Jobs Florida ~~The Office~~ shall disburse from the
10177 Economic Development Trust Fund to the loan administrator the
10178 appropriations provided for the pilot program. Disbursements to
10179 the loan administrator must not exceed the aggregate amount of

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10180 the loans authorized in the grant agreement. Jobs Florida ~~the~~
10181 ~~Office~~ may not disburse more than 50 percent of the aggregate
10182 amount of the loans authorized in the grant agreement until Jobs
10183 Florida ~~the Office~~ verifies the borrowers' use of the loan
10184 proceeds and the loan administrator's successful credit
10185 decisionmaking policies.

10186 (e) A loan administrator, after collecting the servicing
10187 fee in accordance with paragraph (d), shall remit the borrower's
10188 collected interest, principal payments, and charges for late
10189 payments to the office on a quarterly basis. If the borrower
10190 defaults on the loan, the loan administrator shall initiate
10191 collection efforts to seek repayment of the loan. The loan
10192 administrator, upon collecting payments for a defaulted loan,
10193 shall remit the payments to the office but, to the extent
10194 authorized in the grant agreement, may deduct the costs of the
10195 administrator's collection efforts. Jobs Florida ~~The Office~~
10196 shall deposit all funds received under this paragraph in the
10197 General Revenue Fund.

10198 (f) A loan administrator shall submit quarterly reports to
10199 Jobs Florida ~~the Office~~ which include the information required
10200 in the grant agreement. A quarterly report must include, at a
10201 minimum, the number of full-time equivalent jobs created as a
10202 result of the loans, the amount of wages paid to employees in
10203 the newly created jobs, and the locations and types of economic
10204 activity undertaken by the borrowers.

10205 (7) Jobs Florida ~~The Office~~ shall adopt rules under ss.
10206 120.536(1) and 120.54 to administer this section. ~~To the extent~~
10207 ~~necessary to expedite implementation of the pilot program, the~~
10208 ~~Office may adopt initial emergency rules for the pilot program~~

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10209 ~~in accordance with s. 120.54(4).~~

10210 (8) On June 30 and December 31 of each year, Jobs Florida
10211 ~~beginning in 2009, the Office~~ shall submit a report to the
10212 Governor, the President of the Senate, and the Speaker of the
10213 House of Representatives which describes in detail the use of
10214 the loan funds. The report must include, at a minimum, the
10215 number of businesses receiving loans, the number of full-time
10216 equivalent jobs created as a result of the loans, the amount of
10217 wages paid to employees in the newly created jobs, the locations
10218 and types of economic activity undertaken by the borrowers, the
10219 amounts of loan repayments made to date, and the default rate of
10220 borrowers.

10221 Section 189. Subsections (1), (2), (7), (8), and (9) of
10222 section 288.1082, Florida Statutes, are amended to read:

10223 288.1082 Economic Gardening Technical Assistance Pilot
10224 Program.—

10225 (1) There is created within Jobs Florida ~~The Office of Tourism,~~
10226 ~~Trade, and Economic Development~~ the Economic Gardening Technical
10227 Assistance Pilot Program. The purpose of the pilot program is to
10228 stimulate investment in Florida's economy by providing technical
10229 assistance for expanding businesses in the state. As used in
10230 this section, the term "department Office" means Jobs Florida
10231 ~~the Office of Tourism, Trade, and Economic Development.~~

10232 (2) Jobs Florida ~~The Office~~ shall contract with one or more
10233 entities to administer the pilot program under this section.
10234 Jobs Florida ~~The Office~~ shall award each contract in accordance
10235 with the competitive bidding requirements in s. 287.057 to an
10236 entity that demonstrates the ability to implement the pilot
10237 program on a statewide basis, has an outreach plan, and has the

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10238 ability to provide counseling services, access to technology and
10239 information, marketing services and advice, business management
10240 support, and other similar services. In selecting these
10241 entities, Jobs Florida ~~the Office~~ also must consider whether the
10242 entities will qualify for matching funds to provide the
10243 technical assistance.

10244 (7) Jobs Florida ~~The Office~~ shall review the progress of a
10245 contracted entity administering the pilot program at least once
10246 each 6 months and shall determine whether the contracted entity
10247 is meeting its contractual obligations for administering the
10248 pilot program. Jobs Florida ~~The Office~~ may terminate and rebid a
10249 contract if the contracted entity does not meet its contractual
10250 obligations.

10251 (8) On December 31 of each year, Jobs Florida ~~beginning in~~
10252 ~~2009, the Office~~ shall submit a report to the Governor, the
10253 President of the Senate, and the Speaker of the House of
10254 Representatives which describes in detail the progress of the
10255 pilot program. The report must include, at a minimum, the number
10256 of businesses receiving assistance, the number of full-time
10257 equivalent jobs created as a result of the assistance, if any,
10258 the amount of wages paid to employees in the newly created jobs,
10259 and the locations and types of economic activity undertaken by
10260 the businesses.

10261 (9) Jobs Florida ~~the Office~~ may adopt rules under ss.
10262 120.536(1) and 120.54 to administer this section.

10263 Section 190. Subsection (1), paragraph (f) of subsection
10264 (2), and subsections (4), (5), and (9) of section 288.1083,
10265 Florida Statutes, are amended, and present paragraph (g) of
10266 subsection (2) is redesignated as paragraph (f), to read:

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10267 288.1083 Manufacturing and Spaceport Investment Incentive
10268 Program.—

10269 (1) The Manufacturing and Spaceport Investment Incentive
10270 Program is created within Jobs Florida ~~The Office of Tourism,~~
10271 ~~Trade, and Economic Development~~. The purpose of the program is
10272 to encourage capital investment and job creation in
10273 manufacturing and spaceport activities in this state.

10274 (2) As used in this section, the term:

10275 ~~(f) "Office" means The Office of Tourism, Trade, and~~
10276 ~~Economic Development.~~

10277 (4) To receive a refund, a business entity must first apply
10278 to Jobs Florida ~~the Office~~ for a tax refund allocation. The
10279 entity shall provide such information in the application as
10280 reasonably required by Jobs Florida ~~the Office~~. Further, the
10281 business entity shall provide such information as is required by
10282 Jobs Florida ~~the Office~~ to establish the cost incurred and
10283 actual sales and use tax paid to purchase eligible equipment
10284 located and placed into service in this state during its taxable
10285 year that began in 2008.

10286 (a) Within 30 days after Jobs Florida ~~the Office~~ receives
10287 an application for a refund, Jobs Florida ~~the Office~~ shall
10288 approve or disapprove the application.

10289 (b) Refund allocations made during the 2010-2011 fiscal
10290 year shall be awarded in the same order in which applications
10291 are received. Eligible entities may apply to Jobs Florida ~~the~~
10292 ~~Office~~ beginning July 1, 2010, for refunds attributable to
10293 eligible equipment purchases made during the 2010-2011 fiscal
10294 year. For the 2010-2011 fiscal year, Jobs Florida ~~the Office~~
10295 shall allocate the maximum amount of \$50,000 per entity until

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10296 the entire \$19 million available for refund in state fiscal year
10297 2010-2011 has been allocated. If the total amount available for
10298 allocation during the 2010-2011 fiscal year is allocated, Jobs
10299 Florida ~~the Office~~ shall continue taking applications. Each
10300 applicant shall be informed of its place in the queue and
10301 whether the applicant received an allocation of the eligible
10302 funds.

10303 (c) Refund allocations made during the 2011-2012 fiscal
10304 year shall first be given to any applicants remaining in the
10305 queue from the prior fiscal year. Jobs Florida ~~The Office~~ shall
10306 allocate the maximum amount of \$50,000 per entity, first to
10307 those applicants that remained in the queue from 2010-2011 for
10308 eligible purchases in 2010-2011, then to applicants for 2011-
10309 2012 in the order applications are received for eligible
10310 purchases in 2011-2012. Jobs Florida ~~The Office~~ shall allocate
10311 the maximum amount of \$50,000 per entity until the entire \$24
10312 million available to be allocated for refund in the 2011-2012
10313 fiscal year is allocated. If the total amount available for
10314 refund in 2011-2012 has been allocated, Jobs Florida ~~The Office~~
10315 shall continue to accept applications from eligible entities in
10316 the 2011-2012 fiscal year for refunds attributable to eligible
10317 equipment purchases made during the 2011-2012 fiscal year.
10318 Refund allocations made during the 2011-2012 fiscal year shall
10319 be awarded in the same order in which applications are received.
10320 Upon submitting an application, each applicant shall be informed
10321 of its place in the queue and whether the applicant has received
10322 an allocation of the eligible funds.

10323 (5) Upon completion of eligible equipment purchases, a
10324 business entity that received a refund allocation from Jobs

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10325 Florida ~~the Office~~ must apply to the office for certification of
 10326 a refund. For eligible equipment purchases made during the 2010-
 10327 2011 fiscal year, the application for certification must be made
 10328 no later than September 1, 2011. For eligible equipment
 10329 purchases made during the 2011-2012 fiscal year, the application
 10330 for certification must be made no later than September 1, 2012.
 10331 The application shall provide such documentation as is
 10332 reasonably required by Jobs Florida ~~the Office~~ to calculate the
 10333 refund amount, including documentation necessary to confirm the
 10334 cost of eligible equipment purchases supporting the claim of the
 10335 sales and use tax paid thereon. Further, the business entity
 10336 shall provide such documentation as required by Jobs Florida ~~the~~
 10337 ~~Office~~ to establish the entity's base year purchases. If, upon
 10338 reviewing the application, Jobs Florida ~~the Office~~ determines
 10339 that eligible equipment purchases did not occur, that the amount
 10340 of tax claimed to have been paid or remitted on the eligible
 10341 equipment purchases is not supported by the documentation
 10342 provided, or that the information provided to Jobs Florida ~~the~~
 10343 ~~Office~~ was otherwise inaccurate, the amount of the refund
 10344 allocation not substantiated shall not be certified. Otherwise,
 10345 Jobs Florida ~~the Office~~ shall determine and certify the amount
 10346 of the refund to the eligible entity and to the department
 10347 within 30 days after the office receives the application for
 10348 certification.

10349 (9) Jobs Florida ~~the Office~~ shall adopt emergency rules
 10350 governing applications for, issuance of, and procedures for
 10351 allocation and certification and may establish guidelines as to
 10352 the requisites for demonstrating base year purchases and
 10353 eligible equipment purchases.

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10354 Section 191. Subsections (2) and (3) of section 288.1088,
10355 Florida Statutes, are amended to read:

10356 288.1088 Quick Action Closing Fund.—

10357 (2) There is created within Jobs Florida ~~The Office of Tourism,~~
10358 ~~Trade, and Economic Development~~ the Quick Action Closing Fund.
10359 Projects eligible for receipt of funds from the Quick Action
10360 Closing Fund shall:

10361 (a) Be in an industry as referenced in s. 288.106.

10362 (b) Have a positive payback ratio of at least 5 to 1.

10363 (c) Be an inducement to the project's location or expansion
10364 in the state.

10365 (d) Pay an average annual wage of at least 125 percent of
10366 the areawide or statewide private sector average wage.

10367 (e) Be supported by the local community in which the
10368 project is to be located.

10369 (3)(a) The Jobs Florida commissioner and Enterprise
10370 Florida, Inc., shall jointly review applications pursuant to s.
10371 288.061 and determine the eligibility of each project consistent
10372 with the criteria in subsection (2). The commissioner Enterprise
10373 ~~Florida, Inc.,~~ in consultation with Enterprise Florida, Inc.,
10374 ~~the Office of Tourism, Trade, and Economic Development,~~ may
10375 waive these criteria:

10376 1. Based on extraordinary circumstances;

10377 2. In order to mitigate the impact of the conclusion of the
10378 space shuttle program; or

10379 3. In rural areas of critical economic concern if the
10380 project would significantly benefit the local or regional
10381 economy.

10382 (b) The commissioner and Enterprise Florida, Inc., shall

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10383 jointly evaluate individual proposals for high-impact business
10384 facilities ~~and forward recommendations regarding the use of~~
10385 ~~moneys in the fund for such facilities to the director of the~~
10386 ~~Office of Tourism, Trade, and Economic Development.~~ Such
10387 evaluation ~~and recommendation~~ must include, but need not be
10388 limited to:

10389 1. A description of the type of facility or infrastructure,
10390 its operations, and the associated product or service associated
10391 with the facility.

10392 2. The number of full-time-equivalent jobs that will be
10393 created by the facility and the total estimated average annual
10394 wages of those jobs or, in the case of privately developed rural
10395 infrastructure, the types of business activities and jobs
10396 stimulated by the investment.

10397 3. The cumulative amount of investment to be dedicated to
10398 the facility within a specified period.

10399 4. A statement of any special impacts the facility is
10400 expected to stimulate in a particular business sector in the
10401 state or regional economy or in the state's universities and
10402 community colleges.

10403 5. A statement of the role the incentive is expected to
10404 play in the decision of the applicant business to locate or
10405 expand in this state or for the private investor to provide
10406 critical rural infrastructure.

10407 6. A report evaluating the quality and value of the company
10408 submitting a proposal. The report must include:

10409 a. A financial analysis of the company, including an
10410 evaluation of the company's short-term liquidity ratio as
10411 measured by its assets to liability, the company's profitability

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10412 ratio, and the company's long-term solvency as measured by its
10413 debt-to-equity ratio;

10414 b. The historical market performance of the company;

10415 c. A review of any independent evaluations of the company;

10416 d. A review of the latest audit of the company's financial
10417 statement and the related auditor's management letter; and

10418 e. A review of any other types of audits that are related
10419 to the internal and management controls of the company.

10420 (c) 1. Within 7 business ~~22 calendar~~ days after evaluating a
10421 project, the commissioner receiving the evaluation and
10422 recommendation from Enterprise Florida, Inc., the director of
10423 the Office of Tourism, Trade, and Economic Development shall
10424 recommend to the Governor approval or disapproval of a project
10425 for receipt of funds from the Quick Action Closing Fund. In
10426 recommending a project, the commissioner ~~director~~ shall include
10427 proposed performance conditions that the project must meet to
10428 obtain incentive funds.

10429 2. The Governor shall provide in writing the description
10430 and evaluation of projects recommended for approval to the
10431 President of the Senate and the Speaker of the House of
10432 Representatives and, no sooner than three days subsequent to
10433 providing the written project descriptions and evaluations,
10434 shall consult with the President of the Senate and the Speaker
10435 of the House of Representatives before giving final approval for
10436 a project. At least 14 days before releasing funds for a
10437 project, the Executive Office of the Governor shall recommend
10438 approval of the project and the release of funds by delivering
10439 notice of such action pursuant to the legislative consultation
10440 and review requirements set forth in s. 216.177. The

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10441 recommendation must include proposed performance conditions that
10442 the project must meet in order to obtain funds.

10443 3. If the chair or vice chair of the Legislative Budget
10444 Commission or the President of the Senate or the Speaker of the
10445 House of Representatives timely advises the Executive Office of
10446 the Governor, in writing, that such action or proposed action
10447 exceeds the delegated authority of the Executive Office of the
10448 Governor or is contrary to legislative policy or intent, the
10449 Executive Office of the Governor shall void the release of funds
10450 and instruct the Office of Tourism, Trade, and Economic
10451 Development to immediately change such action or proposed action
10452 until the Legislative Budget Commission or the Legislature
10453 addresses the issue. Notwithstanding such requirement, any
10454 project exceeding \$2,000,000 must be approved by the Legislative
10455 Budget Commission prior to the funds being released.

10456 (d) Upon the approval of the Governor, the commissioner
10457 ~~director of the Office of Tourism, Trade, and Economic~~
10458 ~~Development~~ and the business shall enter into a contract that
10459 sets forth the conditions for payment of moneys from the fund.
10460 The contract must include the total amount of funds awarded; the
10461 performance conditions that must be met to obtain the award,
10462 including, but not limited to, net new employment in the state,
10463 average salary, and total capital investment; demonstrate a
10464 baseline of current service and a measure of enhanced
10465 capability; the methodology for validating performance; the
10466 schedule of payments from the fund; and sanctions for failure to
10467 meet performance conditions. The contract must provide that
10468 payment of moneys from the fund is contingent upon sufficient
10469 appropriation of funds by the Legislature.

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10470 (e) Enterprise Florida, Inc., shall validate contractor
10471 performance. Such validation shall be reported within 6 months
10472 after completion of the contract to the Governor, President of
10473 the Senate, and the Speaker of the House of Representatives.

10474 Section 192. Subsection (1), paragraphs (b), (f), and (o)
10475 of subsection (2), and subsections (4), (5), (6), (7), (8), (9),
10476 (11), and (12) of section 288.1089, Florida Statutes, are
10477 amended, and present paragraphs (p) through (s) of subsection
10478 (2) are redesignated as paragraphs (o) through (r),
10479 respectively, to read:

10480 288.1089 Innovation Incentive Program.—

10481 (1) The Innovation Incentive Program is created within Jobs
10482 Florida ~~The Office of Tourism, Trade, and Economic Development~~
10483 to ensure that sufficient resources are available to allow the
10484 state to respond expeditiously to extraordinary economic
10485 opportunities and to compete effectively for high-value research
10486 and development, innovation business, and alternative and
10487 renewal energy projects.

10488 (2) As used in this section, the term:

10489 (b) "Average private sector wage" means the statewide
10490 average wage in the private sector or the average of all private
10491 sector wages in the county or in the standard metropolitan area
10492 in which the project is located as determined by Jobs Florida
10493 ~~the Agency for Workforce Innovation~~.

10494 (f) "Commissioner ~~Director~~" means the commissioner of Jobs
10495 Florida ~~director of the Office of Tourism, Trade, and Economic~~
10496 ~~Development~~.

10497 (o) "~~Office~~" means ~~the Office of Tourism, Trade, and~~
10498 ~~Economic Development~~.

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10499 (4) To qualify for review by Jobs Florida ~~the Office~~, the
10500 applicant must, at a minimum, establish the following to the
10501 satisfaction of Jobs Florida and Enterprise Florida, Inc., ~~and~~
10502 ~~the Office~~:

10503 (a) The jobs created by the project must pay an estimated
10504 annual average wage equaling at least 130 percent of the average
10505 private sector wage. The commissioner ~~Office~~ may waive this
10506 average wage requirement at the request of Enterprise Florida,
10507 Inc., for a project located in a rural area, a brownfield area,
10508 or an enterprise zone, when the merits of the individual project
10509 or the specific circumstances in the community in relationship
10510 to the project warrant such action. A recommendation for waiver
10511 by Enterprise Florida, Inc., must include a specific
10512 justification for the waiver and be transmitted to Jobs Florida
10513 ~~the Office~~ in writing. If the director elects to waive the wage
10514 requirement, the waiver must be stated in writing and the
10515 reasons for granting the waiver must be explained.

10516 (b) A research and development project must:

10517 1. Serve as a catalyst for an emerging or evolving
10518 technology cluster.

10519 2. Demonstrate a plan for significant higher education
10520 collaboration.

10521 3. Provide the state, at a minimum, a break-even return on
10522 investment within a 20-year period.

10523 4. Be provided with a one-to-one match from the local
10524 community. The match requirement may be reduced or waived in
10525 rural areas of critical economic concern or reduced in rural
10526 areas, brownfield areas, and enterprise zones.

10527 (c) An innovation business project in this state, other

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10528 than a research and development project, must:

10529 1.a. Result in the creation of at least 1,000 direct, new
10530 jobs at the business; or

10531 b. Result in the creation of at least 500 direct, new jobs
10532 if the project is located in a rural area, a brownfield area, or
10533 an enterprise zone.

10534 2. Have an activity or product that is within an industry
10535 that is designated as a target industry business under s.
10536 288.106 or a designated sector under s. 288.108.

10537 3.a. Have a cumulative investment of at least \$500 million
10538 within a 5-year period; or

10539 b. Have a cumulative investment that exceeds \$250 million
10540 within a 10-year period if the project is located in a rural
10541 area, brownfield area, or an enterprise zone.

10542 4. Be provided with a one-to-one match from the local
10543 community. The match requirement may be reduced or waived in
10544 rural areas of critical economic concern or reduced in rural
10545 areas, brownfield areas, and enterprise zones.

10546 (d) For an alternative and renewable energy project in this
10547 state, the project must:

10548 1. Demonstrate a plan for significant collaboration with an
10549 institution of higher education;

10550 2. Provide the state, at a minimum, a break-even return on
10551 investment within a 20-year period;

10552 3. Include matching funds provided by the applicant or
10553 other available sources. The match requirement may be reduced or
10554 waived in rural areas of critical economic concern or reduced in
10555 rural areas, brownfield areas, and enterprise zones;

10556 4. Be located in this state; and

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10557 5. Provide at least 35 direct, new jobs that pay an
10558 estimated annual average wage that equals at least 130 percent
10559 of the average private sector wage.

10560 (5) Enterprise Florida, Inc., shall evaluate proposals for
10561 all three categories of innovation incentive awards and transmit
10562 recommendations for awards to Jobs Florida ~~the Office~~. Before
10563 making its recommendations on alternative and renewable energy
10564 projects, Enterprise Florida, Inc., shall solicit comments and
10565 recommendations from the Florida Energy and Climate Commission.
10566 For each project, the evaluation and recommendation to the
10567 office must include, but need not be limited to:

10568 (a) A description of the project, its required facilities,
10569 and the associated product, service, or research and development
10570 associated with the project.

10571 (b) The percentage of match provided for the project.

10572 (c) The number of full-time equivalent jobs that will be
10573 created by the project, the total estimated average annual wages
10574 of such jobs, and the types of business activities and jobs
10575 likely to be stimulated by the project.

10576 (d) The cumulative investment to be dedicated to the
10577 project within 5 years and the total investment expected in the
10578 project if more than 5 years.

10579 (e) The projected economic and fiscal impacts on the local
10580 and state economies relative to investment.

10581 (f) A statement of any special impacts the project is
10582 expected to stimulate in a particular business sector in the
10583 state or regional economy or in the state's universities and
10584 community colleges.

10585 (g) A statement of any anticipated or proposed

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10586 relationships with state universities.

10587 (h) A statement of the role the incentive is expected to
10588 play in the decision of the applicant to locate or expand in
10589 this state.

10590 (i) A recommendation and explanation of the amount of the
10591 award needed to cause the applicant to expand or locate in this
10592 state.

10593 (j) A discussion of the efforts and commitments made by the
10594 local community in which the project is to be located to induce
10595 the applicant's location or expansion, taking into consideration
10596 local resources and abilities.

10597 (k) A recommendation for specific performance criteria the
10598 applicant would be expected to achieve in order to receive
10599 payments from the fund and penalties or sanctions for failure to
10600 meet or maintain performance conditions.

10601 (l) Additional evaluative criteria for a research and
10602 development facility project, including:

10603 1. A description of the extent to which the project has the
10604 potential to serve as catalyst for an emerging or evolving
10605 cluster.

10606 2. A description of the extent to which the project has or
10607 could have a long-term collaborative research and development
10608 relationship with one or more universities or community colleges
10609 in this state.

10610 3. A description of the existing or projected impact of the
10611 project on established clusters or targeted industry sectors.

10612 4. A description of the project's contribution to the
10613 diversity and resiliency of the innovation economy of this
10614 state.

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10615 5. A description of the project's impact on special needs
10616 communities, including, but not limited to, rural areas,
10617 distressed urban areas, and enterprise zones.

10618 (m) Additional evaluative criteria for alternative and
10619 renewable energy proposals, including:

10620 1. The availability of matching funds or other in-kind
10621 contributions applied to the total project from an applicant.
10622 The commission shall give greater preference to projects that
10623 provide such matching funds or other in-kind contributions.

10624 2. The degree to which the project stimulates in-state
10625 capital investment and economic development in metropolitan and
10626 rural areas, including the creation of jobs and the future
10627 development of a commercial market for renewable energy
10628 technologies.

10629 3. The extent to which the proposed project has been
10630 demonstrated to be technically feasible based on pilot project
10631 demonstrations, laboratory testing, scientific modeling, or
10632 engineering or chemical theory that supports the proposal.

10633 4. The degree to which the project incorporates an
10634 innovative new technology or an innovative application of an
10635 existing technology.

10636 5. The degree to which a project generates thermal,
10637 mechanical, or electrical energy by means of a renewable energy
10638 resource that has substantial long-term production potential.

10639 6. The degree to which a project demonstrates efficient use
10640 of energy and material resources.

10641 7. The degree to which the project fosters overall
10642 understanding and appreciation of renewable energy technologies.

10643 8. The ability to administer a complete project.

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10644 9. Project duration and timeline for expenditures.
10645 10. The geographic area in which the project is to be
10646 conducted in relation to other projects.
10647 11. The degree of public visibility and interaction.
10648 (6) In consultation with Enterprise Florida, Inc., the
10649 commissioner ~~Office~~ may negotiate the proposed amount of an
10650 award for any applicant meeting the requirements of this
10651 section. In negotiating such award, the commissioner ~~office~~
10652 shall consider the amount of the incentive needed to cause the
10653 applicant to locate or expand in this state in conjunction with
10654 other relevant applicant impact and cost information and
10655 analysis as described in this section. Particular emphasis shall
10656 be given to the potential for the project to stimulate
10657 additional private investment and high-quality employment
10658 opportunities in the area.
10659 (7) Upon receipt of the evaluation and recommendation from
10660 Enterprise Florida, Inc., the commissioner ~~director~~ shall
10661 recommend to the Governor the approval or disapproval of an
10662 award. In recommending approval of an award, the commissioner
10663 ~~director~~ shall include proposed performance conditions that the
10664 applicant must meet in order to obtain incentive funds and any
10665 other conditions that must be met before the receipt of any
10666 incentive funds. The Governor shall consult with the President
10667 of the Senate and the Speaker of the House of Representatives
10668 before giving approval for an award. Upon review and approval of
10669 an award by the Legislative Budget Commission, the Executive
10670 Office of the Governor shall release the funds.
10671 (8)(a) After the conditions set forth in subsection (7)
10672 have been met, the commissioner ~~director~~ shall issue a letter

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10673 certifying the applicant as qualified for an award. Jobs Florida
10674 ~~the Office~~ and the award recipient shall enter into an agreement
10675 that sets forth the conditions for payment of the incentive
10676 funds. The agreement must include, at a minimum:

- 10677 1. The total amount of funds awarded.
- 10678 2. The performance conditions that must be met in order to
10679 obtain the award or portions of the award, including, but not
10680 limited to, net new employment in the state, average wage, and
10681 total cumulative investment.
- 10682 3. Demonstration of a baseline of current service and a
10683 measure of enhanced capability.
- 10684 4. The methodology for validating performance.
- 10685 5. The schedule of payments.
- 10686 6. Sanctions for failure to meet performance conditions,
10687 including any clawback provisions.

10688 (b) Additionally, agreements signed on or after July 1,
10689 2009, must include the following provisions:

- 10690 1. Notwithstanding subsection (4), a requirement that the
10691 jobs created by the recipient of the incentive funds pay an
10692 annual average wage at least equal to the relevant industry's
10693 annual average wage or at least 130 percent of the average
10694 private sector wage, whichever is greater.
- 10695 2. A reinvestment requirement. Each recipient of an award
10696 shall reinvest up to 15 percent of net royalty revenues,
10697 including revenues from spin-off companies and the revenues from
10698 the sale of stock it receives from the licensing or transfer of
10699 inventions, methods, processes, and other patentable discoveries
10700 conceived or reduced to practice using its facilities in Florida
10701 or its Florida-based employees, in whole or in part, and to

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10702 which the recipient of the grant becomes entitled during the 20
10703 years following the effective date of its agreement with the
10704 office. Each recipient of an award also shall reinvest up to 15
10705 percent of the gross revenues it receives from naming
10706 opportunities associated with any facility it builds in this
10707 state. Reinvestment payments shall commence no later than 6
10708 months after the recipient of the grant has received the final
10709 disbursement under the contract and shall continue until the
10710 maximum reinvestment, as specified in the contract, has been
10711 paid. Reinvestment payments shall be remitted to the office for
10712 deposit in the Biomedical Research Trust Fund for companies
10713 specializing in biomedicine or life sciences, or in the Economic
10714 Development Trust Fund for companies specializing in fields
10715 other than biomedicine or the life sciences. If these trust
10716 funds no longer exist at the time of the reinvestment, the
10717 state's share of reinvestment shall be deposited in their
10718 successor trust funds as determined by law. Each recipient of an
10719 award shall annually submit a schedule of the shares of stock
10720 held by it as payment of the royalty required by this paragraph
10721 and report on any trades or activity concerning such stock. Each
10722 recipient's reinvestment obligations survive the expiration or
10723 termination of its agreement with the state.

10724 3. Requirements for the establishment of internship
10725 programs or other learning opportunities for educators and
10726 secondary, postsecondary, graduate, and doctoral students.

10727 4. A requirement that the recipient submit quarterly
10728 reports and annual reports related to activities and performance
10729 to Jobs Florida ~~the Office~~, according to standardized reporting
10730 periods.

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10731 5. A requirement for an annual accounting to Jobs Florida
10732 ~~the Office~~ of the expenditure of funds disbursed under this
10733 section.

10734 6. A process for amending the agreement.

10735 (9) Jobs Florida, assisted by Enterprise Florida, Inc.,
10736 shall validate ~~assist the Office in validating~~ the performance
10737 of an innovation business, a research and development facility,
10738 or an alternative and renewable energy business that has
10739 received an award. At the conclusion of the innovation incentive
10740 award agreement, or its earlier termination, Enterprise Florida,
10741 Inc., shall, within 90 days, submit a report to the Governor,
10742 the President of the Senate, and the Speaker of the House of
10743 Representatives detailing whether the recipient of the
10744 innovation incentive grant achieved its specified outcomes.

10745 (11)(a) Beginning January 5, 2010, and every year
10746 thereafter, Jobs Florida ~~the Office~~ shall submit to the
10747 Governor, the President of the Senate, and the Speaker of the
10748 House of Representatives a report summarizing the activities and
10749 accomplishments of the recipients of grants from the Innovation
10750 Incentive Program during the previous 12 months and an
10751 evaluation by the department ~~office~~ of whether the recipients
10752 are catalysts for additional direct and indirect economic
10753 development in Florida.

10754 (12) Jobs Florida ~~the Office~~ may seek the assistance of the
10755 Office of Program Policy Analysis and Government Accountability,
10756 the Legislature's Office of Economic and Demographic Research,
10757 and other entities for the purpose of developing performance
10758 measures or techniques to quantify the synergistic economic
10759 development impacts that awardees of grants are having within

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10760 their communities.

10761 Section 193. Section 288.1095, Florida Statutes, is amended
10762 to read:

10763 288.1095 Information concerning the One-Stop Permitting
10764 System.—Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
10765 ~~Development~~ shall develop literature that explains the One-Stop
10766 Permitting System and identifies those counties that have been
10767 designated as Quick Permitting Counties. The literature must be
10768 updated at least once each year. To the maximum extent feasible,
10769 state agencies and Enterprise Florida, Inc., shall distribute
10770 such literature and inform the public of the One-Stop Permitting
10771 System and the Quick Permitting Counties. In addition,
10772 Enterprise Florida, Inc., shall provide this information to
10773 prospective, new, expanding, and relocating businesses seeking
10774 to conduct business in this state, municipalities, counties,
10775 economic-development organizations, and chambers of commerce.

10776 Section 194. Subsections (1), (2), (4), (5), (6), (7), and
10777 (8) of section 288.11621, Florida Statutes, are amended, to
10778 read:

10779 288.11621 Spring training baseball franchises.—

10780 (1) DEFINITIONS.—As used in this section, the term:

10781 (a) "Agreement" means a certified, signed lease between an
10782 applicant that applies for certification on or after July 1,
10783 2010, and the spring training franchise for the use of a
10784 facility.

10785 (b) "Applicant" means a unit of local government as defined
10786 in s. 218.369, including local governments located in the same
10787 county that have partnered with a certified applicant before the
10788 effective date of this section or with an applicant for a new

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10789 certification, for purposes of sharing in the responsibilities
10790 of a facility.

10791 (c) "Certified applicant" means a facility for a spring
10792 training franchise that was certified before July 1, 2010, under
10793 s. 288.1162(5), Florida Statutes 2009, or a unit of local
10794 government that is certified under this section.

10795 (d) "Commissioner" means the commissioner of Jobs Florida.

10796 (e)~~(d)~~ "Facility" means a spring training stadium, playing
10797 fields, and appurtenances intended to support spring training
10798 activities.

10799 (f)~~(e)~~ "Local funds" and "local matching funds" mean funds
10800 provided by a county, municipality, or other local government.

10801 ~~(f) "Office" means The Office of Tourism, Trade, and~~
10802 ~~Economic Development.~~

10803 (2) CERTIFICATION PROCESS.—

10804 (a) Before certifying an applicant to receive state funding
10805 for a facility for a spring training franchise, Jobs Florida ~~the~~
10806 ~~Office~~ must verify that:

10807 1. The applicant is responsible for the acquisition,
10808 construction, management, or operation of the facility for a
10809 spring training franchise or holds title to the property on
10810 which the facility for a spring training franchise is located.

10811 2. The applicant has a certified copy of a signed agreement
10812 with a spring training franchise for the use of the facility for
10813 a term of at least 20 years. The agreement also must require the
10814 franchise to reimburse the state for state funds expended by an
10815 applicant under this section if the franchise relocates before
10816 the agreement expires. The agreement may be contingent on an
10817 award of funds under this section and other conditions

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10818 precedent.

10819 3. The applicant has made a financial commitment to provide
10820 50 percent or more of the funds required by an agreement for the
10821 acquisition, construction, or renovation of the facility for a
10822 spring training franchise. The commitment may be contingent upon
10823 an award of funds under this section and other conditions
10824 precedent.

10825 4. The applicant demonstrates that the facility for a
10826 spring training franchise will attract a paid attendance of at
10827 least 50,000 annually to the spring training games.

10828 5. The facility for a spring training franchise is located
10829 in a county that levies a tourist development tax under s.
10830 125.0104.

10831 (b) Jobs Florida ~~The office~~ shall competitively evaluate
10832 applications for state funding of a facility for a spring
10833 training franchise. The total number of certifications may not
10834 exceed 10 at any time. The evaluation criteria must include,
10835 with priority given in descending order to, the following items:

10836 1. The anticipated effect on the economy of the local
10837 community where the spring training facility is to be built,
10838 including projections on paid attendance, local and state tax
10839 collections generated by spring training games, and direct and
10840 indirect job creation resulting from the spring training
10841 activities. Priority shall be given to applicants who can
10842 demonstrate the largest projected economic impact.

10843 2. The amount of the local matching funds committed to a
10844 facility relative to the amount of state funding sought, with
10845 priority given to applicants that commit the largest amount of
10846 local matching funds relative to the amount of state funding

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- 10847 sought.
- 10848 3. The potential for the facility to serve multiple uses.
- 10849 4. The intended use of the funds by the applicant, with
- 10850 priority given to the funds being used to acquire a facility,
- 10851 construct a new facility, or renovate an existing facility.
- 10852 5. The length of time that a spring training franchise has
- 10853 been under an agreement to conduct spring training activities
- 10854 within an applicant's geographic location or jurisdiction, with
- 10855 priority given to applicants having agreements with the same
- 10856 franchise for the longest period of time.
- 10857 6. The length of time that an applicant's facility has been
- 10858 used by one or more spring training franchises, with priority
- 10859 given to applicants whose facilities have been in continuous use
- 10860 as facilities for spring training the longest.
- 10861 7. The term remaining on a lease between an applicant and a
- 10862 spring training franchise for a facility, with priority given to
- 10863 applicants having the shortest lease terms remaining.
- 10864 8. The length of time that a spring training franchise
- 10865 agrees to use an applicant's facility if an application is
- 10866 granted under this section, with priority given to applicants
- 10867 having agreements for the longest future use.
- 10868 9. The net increase of total active recreation space owned
- 10869 by the applicant after an acquisition of land for the facility,
- 10870 with priority given to applicants having the largest percentage
- 10871 increase of total active recreation space that will be available
- 10872 for public use.
- 10873 10. The location of the facility in a brownfield, an
- 10874 enterprise zone, a community redevelopment area, or other area
- 10875 of targeted development or revitalization included in an urban

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10876 infill redevelopment plan, with priority given to applicants
10877 having facilities located in these areas.

10878 (c) Each applicant certified on or after July 1, 2010,
10879 shall enter into an agreement with the office that:

10880 1. Specifies the amount of the state incentive funding to
10881 be distributed.

10882 2. States the criteria that the certified applicant must
10883 meet in order to remain certified.

10884 3. States that the certified applicant is subject to
10885 decertification if the certified applicant fails to comply with
10886 this section or the agreement.

10887 4. States that the Jobs Florida ~~Office~~ may recover state
10888 incentive funds if the certified applicant is decertified.

10889 5. Specifies information that the certified applicant must
10890 report to the Jobs Florida ~~Office~~.

10891 6. Includes any provision deemed prudent by the Jobs
10892 Florida ~~Office~~.

10893 (4) ANNUAL REPORTS.—On or before September 1 of each year,
10894 a certified applicant shall submit to Jobs Florida ~~the Office~~ a
10895 report that includes, but is not limited to:

10896 (a) A copy of its most recent annual audit.

10897 (b) A detailed report on all local and state funds expended
10898 to date on the project being financed under this section.

10899 (c) A copy of the contract between the certified local
10900 governmental entity and the spring training team.

10901 (d) A cost-benefit analysis of the team's impact on the
10902 community.

10903 (e) Evidence that the certified applicant continues to meet
10904 the criteria in effect when the applicant was certified.

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- 10905 (5) DECERTIFICATION.—
- 10906 (a) Jobs Florida ~~The Office~~ shall decertify a certified
- 10907 applicant upon the request of the certified applicant.
- 10908 (b) Jobs Florida ~~The Office~~ shall decertify a certified
- 10909 applicant if the certified applicant does not:
- 10910 1. Have a valid agreement with a spring training franchise;
- 10911 or
- 10912 2. Satisfy its commitment to provide local matching funds
- 10913 to the facility.

10914

10915 However, decertification proceedings against a local government

10916 certified before July 1, 2010, shall be delayed until 12 months

10917 after the expiration of the local government's existing

10918 agreement with a spring training franchise, and without a new

10919 agreement being signed, if the certified local government can

10920 demonstrate to the office that it is in active negotiations with

10921 a major league spring training franchise, other than the

10922 franchise that was the basis for the original certification.

10923 (c) A certified applicant has 60 days after it receives a

10924 notice of intent to decertify from Jobs Florida ~~the Office~~ to

10925 petition the commissioner ~~office's director~~ for review of the

10926 decertification. Within 45 days after receipt of the request for

10927 review, the commissioner ~~director~~ must notify a certified

10928 applicant of the outcome of the review.

10929 (d) Jobs Florida ~~the Office~~ shall notify the Department of

10930 Revenue that a certified applicant is decertified within 10 days

10931 after the order of decertification becomes final. The Department

10932 of Revenue shall immediately stop the payment of any funds under

10933 this section that were not encumbered by the certified applicant

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10934 under subparagraph (3)(a)2.

10935 (e) Jobs Florida ~~the Office~~ shall order a decertified
10936 applicant to repay all of the unencumbered state funds that the
10937 local government received under this section and any interest
10938 that accrued on those funds. The repayment must be made within
10939 60 days after the decertification order becomes final. These
10940 funds shall be deposited into the General Revenue Fund.

10941 (f) A local government as defined in s. 218.369 may not be
10942 decertified by Jobs Florida if it has paid or pledged for the
10943 payment of debt service on, or to fund debt service reserve
10944 funds, arbitrage rebate obligations, or other amounts payable
10945 with respect thereto, bonds issued for the acquisition,
10946 construction, reconstruction, or renovation of the facility for
10947 which the local government was certified, or for the
10948 reimbursement of such costs or the refinancing of bonds issued
10949 for the acquisition, construction, reconstruction, or renovation
10950 of the facility for which the local government was certified, or
10951 for the reimbursement of such costs or the refinancing of bonds
10952 issued for such purpose. This subsection does not preclude or
10953 restrict the ability of a certified local government to
10954 refinance, refund, or defease such bonds.

10955 (6) ADDITIONAL CERTIFICATIONS.—If Jobs Florida ~~the Office~~
10956 decertifies a unit of local government, Jobs Florida ~~the Office~~
10957 may accept applications for an additional certification. A unit
10958 of local government may not be certified for more than one
10959 spring training franchise at any time.

10960 (7) STRATEGIC PLANNING.—

10961 (a) Jobs Florida ~~The Office~~ shall request assistance from
10962 the Florida Sports Foundation and the Florida Grapefruit League

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10963 Association to update every 5 years the spring training develop
10964 a comprehensive strategic plan that ~~to~~:

10965 1. Explores alternatives for financing ~~Finance~~ spring
10966 training facilities.

10967 2. Evaluates and monitors ~~Monitor and oversee~~ the use of
10968 state funds awarded to applicants.

10969 3. Identifies ~~Identify~~ the financial impact that spring
10970 training has on the state and ways in which to maintain or
10971 improve that impact.

10972 4. Identifies ~~Identify~~ opportunities to develop public-
10973 private partnerships to engage in marketing activities and
10974 advertise spring training baseball.

10975 5. Identifies ~~Identify~~ efforts made by other states to
10976 maintain or develop partnerships with baseball spring training
10977 teams.

10978 6. Develops ~~Develop~~ recommendations for the Legislature to
10979 sustain or improve this state's spring training tradition.

10980 (b) Jobs Florida ~~The office~~ shall submit a copy of the
10981 updated strategic plan to the Governor, the President of the
10982 Senate, and the Speaker of the House of Representatives by
10983 December 31 of every fifth year, beginning in 2015, ~~2010~~.

10984 (8) RULEMAKING.—Jobs Florida ~~The office~~ shall adopt rules
10985 to implement the certification, decertification, and
10986 decertification review processes required by this section.

10987 Section 195. Subsections (1) and (2), paragraphs (d) and
10988 (e) of subsection (4), paragraph (a) of subsection (6), and
10989 subsection (8) of section 288.1162, Florida Statutes, are
10990 amended to read:

10991 288.1162 Professional sports franchises; duties.—

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10992 (1) The Division of Business Management of Jobs Florida
10993 ~~Office of Tourism, Trade, and Economic Development~~ shall serve
10994 as the state agency for screening applicants for state funding
10995 under s. 212.20 and for certifying an applicant as a facility
10996 for a new or retained professional sports franchise.

10997 (2) The Division of Business Management of Jobs Florida
10998 ~~Office of Tourism, Trade, and Economic Development~~ shall develop
10999 rules for the receipt and processing of applications for funding
11000 under s. 212.20.

11001 (4) Before certifying an applicant as a facility for a new
11002 or retained professional sports franchise, the Division of
11003 Business Management of Jobs Florida ~~Office of Tourism, Trade,~~
11004 ~~and Economic Development~~ must determine that:

11005 (d) The applicant has projections, verified by the Division
11006 of Business Management of Jobs Florida ~~Office of Tourism, Trade,~~
11007 ~~and Economic Development~~, which demonstrate that the new or
11008 retained professional sports franchise will attract a paid
11009 attendance of more than 300,000 annually.

11010 (e) The applicant has an independent analysis or study,
11011 verified by the Division of Business Management of Jobs Florida
11012 ~~Office of Tourism, Trade, and Economic Development~~, which
11013 demonstrates that the amount of the revenues generated by the
11014 taxes imposed under chapter 212 with respect to the use and
11015 operation of the professional sports franchise facility will
11016 equal or exceed \$2 million annually.

11017 (6)(a) The Division of Business Management of Jobs Florida
11018 ~~Office of Tourism, Trade, and Economic Development~~ shall notify
11019 the Department of Revenue of any facility certified as a
11020 facility for a new or retained professional sports franchise.

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11021 The Division of Business Management of Jobs Florida ~~Office of~~
11022 ~~Tourism, Trade, and Economic Development~~ shall certify no more
11023 than eight facilities as facilities for a new professional
11024 sports franchise or as facilities for a retained professional
11025 sports franchise, including in the total any facilities
11026 certified by the former Department of Commerce before July 1,
11027 1996. The division ~~office~~ may make no more than one
11028 certification for any facility.

11029 (8) An applicant is not qualified for certification under
11030 this section if the franchise formed the basis for a previous
11031 certification, unless the previous certification was withdrawn
11032 by the facility or invalidated by the Division of Business
11033 Management of Jobs Florida ~~Office of Tourism, Trade, and~~
11034 ~~Economic Development~~ or the former Department of Commerce before
11035 any funds were distributed under s. 212.20. This subsection does
11036 not disqualify an applicant if the previous certification
11037 occurred between May 23, 1993, and May 25, 1993; however, any
11038 funds to be distributed under s. 212.20 for the second
11039 certification shall be offset by the amount distributed to the
11040 previous certified facility. Distribution of funds for the
11041 second certification shall not be made until all amounts payable
11042 for the first certification are distributed.

11043 Section 196. Subsections (1), (2), and (4) of section
11044 288.1168, Florida Statutes, are amended to read:

11045 288.1168 Professional golf hall of fame facility.—

11046 (1) The Division of Business Management of Jobs Florida
11047 ~~Department of Commerce~~ shall serve as the state agency for
11048 screening applicants for state funding pursuant to s. 212.20 and
11049 for certifying one applicant as the professional golf hall of

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11050 fame facility in the state.

11051 (2) Prior to certifying the professional golf hall of fame
11052 facility, the Division of Business Management of Jobs Florida
11053 ~~Department of Commerce~~ must determine that:

11054 (a) The professional golf hall of fame facility is the only
11055 professional golf hall of fame in the United States recognized
11056 by the PGA Tour, Inc.

11057 (b) The applicant is a unit of local government as defined
11058 in s. 218.369 or a private sector group that has contracted to
11059 construct or operate the professional golf hall of fame facility
11060 on land owned by a unit of local government.

11061 (c) The municipality in which the professional golf hall of
11062 fame facility is located, or the county if the facility is
11063 located in an unincorporated area, has certified by resolution
11064 after a public hearing that the application serves a public
11065 purpose.

11066 (d) There are existing projections that the professional
11067 golf hall of fame facility will attract a paid attendance of
11068 more than 300,000 annually.

11069 (e) There is an independent analysis or study, using
11070 methodology approved by the division ~~department~~, which
11071 demonstrates that the amount of the revenues generated by the
11072 taxes imposed under chapter 212 with respect to the use and
11073 operation of the professional golf hall of fame facility will
11074 equal or exceed \$2 million annually.

11075 (f) The applicant has submitted an agreement to provide \$2
11076 million annually in national and international media promotion
11077 of the professional golf hall of fame facility, Florida, and
11078 Florida tourism, through the PGA Tour, Inc., or its affiliates,

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11079 at the then-current commercial rate, during the period of time
11080 that the facility receives funds pursuant to s. 212.20. The
11081 Office of Tourism, Trade, and Economic Development and the PGA
11082 Tour, Inc., or its affiliates, must agree annually on a
11083 reasonable percentage of advertising specifically allocated for
11084 generic Florida advertising. The Office of Tourism, Trade, and
11085 Economic Development shall have final approval of all generic
11086 advertising. Failure on the part of the PGA Tour, Inc., or its
11087 affiliates to annually provide the advertising as provided in
11088 this paragraph or subsection (6) shall result in the termination
11089 of funding as provided in s. 212.20.

11090 (g) Documentation exists that demonstrates that the
11091 applicant has provided, is capable of providing, or has
11092 financial or other commitments to provide more than one-half of
11093 the costs incurred or related to the improvement and development
11094 of the facility.

11095 (h) The application is signed by an official senior
11096 executive of the applicant and is notarized according to Florida
11097 law providing for penalties for falsification.

11098 (4) Upon determining that an applicant is or is not
11099 certifiable, the Division of Business Management of Jobs Florida
11100 ~~Secretary of Commerce~~ shall notify the applicant of his or her
11101 status by means of an official letter. If certifiable, the
11102 division secretary shall notify the executive director of the
11103 Department of Revenue and the applicant of such certification by
11104 means of an official letter granting certification. From the
11105 date of such certification, the applicant shall have 5 years to
11106 open the professional golf hall of fame facility to the public
11107 and notify the Office of Tourism, Trade, and Economic

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11108 Development of such opening. The Department of Revenue shall not
11109 begin distributing funds until 30 days following notice by the
11110 division ~~Office of Tourism, Trade, and Economic Development~~ that
11111 the professional golf hall of fame facility is open to the
11112 public.

11113 Section 197. Section 288.1169, Florida Statutes, is amended
11114 to read:

11115 288.1169 International Game Fish Association World Center
11116 facility.—

11117 (1) The Division of Business Management of Jobs Florida
11118 ~~Department of Commerce~~ shall serve as the state agency approving
11119 applicants for funding pursuant to s. 212.20 and for certifying
11120 the applicant as the International Game Fish Association World
11121 Center facility. For purposes of this section, "facility" means
11122 the International Game Fish Association World Center, and
11123 "project" means the International Game Fish Association World
11124 Center and new colocated improvements by private sector concerns
11125 who have made cash or in-kind contributions to the facility of
11126 \$1 million or more.

11127 (2) Prior to certifying this facility, the division
11128 ~~department~~ must determine that:

11129 (a) The International Game Fish Association World Center is
11130 the only fishing museum, Hall of Fame, and international
11131 administrative headquarters in the United States recognized by
11132 the International Game Fish Association, and that one or more
11133 private sector concerns have committed to donate to the
11134 International Game Fish Association land upon which the
11135 International Game Fish Association World Center will operate.

11136 (b) International Game Fish Association is a not-for-profit

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11137 Florida corporation that has contracted to construct and operate
11138 the facility.

11139 (c) The municipality in which the facility is located, or
11140 the county if the facility is located in an unincorporated area,
11141 has certified by resolution after a public hearing that the
11142 facility serves a public purpose.

11143 (d) There are existing projections that the International
11144 Game Fish Association World Center facility and the colocated
11145 facilities of private sector concerns will attract an attendance
11146 of more than 1.8 million annually.

11147 (e) There is an independent analysis or study, using
11148 methodology approved by the division ~~department~~, which
11149 demonstrates that the amount of the revenues generated by the
11150 taxes imposed under chapter 212 with respect to the use and
11151 operation of the project will exceed \$1 million annually.

11152 (f) There are existing projections that the project will
11153 attract more than 300,000 persons annually who are not residents
11154 of the state.

11155 (g) The applicant has submitted an agreement to provide
11156 \$500,000 annually in national and international media promotion
11157 of the facility, at the then-current commercial rates, during
11158 the period of time that the facility receives funds pursuant to
11159 s. 212.20. Failure on the part of the applicant to annually
11160 provide the advertising as provided in this paragraph shall
11161 result in the termination of the funding as provided in s.
11162 212.20. The applicant can discharge its obligation under this
11163 paragraph by contracting with other persons, including private
11164 sector concerns who participate in the project.

11165 (h) Documentation exists that demonstrates that the

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11166 applicant has provided, and is capable of providing, or has
11167 financial or other commitments to provide, more than one-half of
11168 the cost incurred or related to the improvements and the
11169 development of the facility.

11170 (i) The application is signed by senior officials of the
11171 International Game Fish Association and is notarized according
11172 to Florida law providing for penalties for falsification.

11173 (3) The applicant may use funds provided pursuant to s.
11174 212.20 for the purpose of paying for the construction,
11175 reconstruction, renovation, promotion, or operation of the
11176 facility, or to pay or pledge for payment of debt service on, or
11177 to fund debt service reserve funds, arbitrage rebate
11178 obligations, or other amounts payable with respect to, bonds
11179 issued for the construction, reconstruction, or renovation of
11180 the facility or for the reimbursement of such costs or by
11181 refinancing of bonds issued for such purposes.

11182 (4) Upon determining that an applicant is or is not
11183 certifiable, the Division of Business Management of Jobs Florida
11184 ~~Department of Commerce~~ shall notify the applicant of its status
11185 by means of an official letter. If certifiable, the division
11186 ~~Department of Commerce~~ shall notify the executive director of
11187 the Department of Revenue and the applicant of such
11188 certification by means of an official letter granting
11189 certification. From the date of such certification, the
11190 applicant shall have 5 years to open the facility to the public
11191 and notify the division ~~Department of Commerce~~ of such opening.
11192 The Department of Revenue shall not begin distributing funds
11193 until 30 days following notice by the division ~~Department of~~
11194 ~~Commerce~~ that the facility is open to the public.

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11195 (5) The Department of Revenue may audit as provided in s.
11196 213.34 to verify that the contributions pursuant to this section
11197 have been expended as required by this section.

11198 (6) The Division of Business Management of Jobs Florida
11199 ~~Department of Commerce~~ must recertify every 10 years that the
11200 facility is open, that the International Game Fish Association
11201 World Center continues to be the only international
11202 administrative headquarters, fishing museum, and Hall of Fame in
11203 the United States recognized by the International Game Fish
11204 Association, and that the project is meeting the minimum
11205 projections for attendance or sales tax revenues as required at
11206 the time of original certification. If the facility is not
11207 recertified during this 10-year review as meeting the minimum
11208 projections, then funding shall be abated until certification
11209 criteria are met. If the project fails to generate \$1 million of
11210 annual revenues pursuant to paragraph (2)(e), the distribution
11211 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
11212 an amount equal to \$83,333 multiplied by a fraction, the
11213 numerator of which is the actual revenues generated and the
11214 denominator of which is \$1 million. Such reduction remains in
11215 effect until revenues generated by the project in a 12-month
11216 period equal or exceed \$1 million.

11217 Section 198. Paragraph (d) of subsection (1), and
11218 subsections (2), and (3) of section 288.1171, Florida Statutes,
11219 are amended, and present paragraphs (e) through (g) of
11220 subsection (1) are redesignated as paragraphs (d) through (f),
11221 respectively, to read:

11222 288.1171 Motorsports entertainment complex; definitions;
11223 certification; duties.-

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11224 (1) As used in this section, the term:

11225 ~~(d) "Office" means The Office of Tourism, Trade, and~~
11226 ~~Economic Development of the Executive Office of the Governor.~~

11227 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11228 ~~Development~~ shall serve as the state agency for screening
11229 applicants for local option funding under s. 218.64(3) and for
11230 certifying an applicant as a motorsports entertainment complex.
11231 Jobs Florida ~~The Office~~ shall develop and adopt rules for the
11232 receipt and processing of applications for funding under s.
11233 218.64(3). Jobs Florida ~~The Office~~ shall make a determination
11234 regarding any application filed by an applicant not later than
11235 120 days after the application is filed.

11236 (3) Before certifying an applicant as a motorsports
11237 entertainment complex, Jobs Florida ~~the Office~~ must determine
11238 that:

11239 (a) A unit of local government holds title to the land on
11240 which the motorsports entertainment complex is located or holds
11241 title to the motorsports entertainment complex.

11242 (b) The municipality in which the motorsports entertainment
11243 complex is located, or the county if the motorsports
11244 entertainment complex is located in an unincorporated area, has
11245 certified by resolution after a public hearing that the
11246 application serves a public purpose.

11247 Section 199. Section 288.122, Florida Statutes, is amended
11248 to read:

11249 288.122 Tourism Promotional Trust Fund.—There is created
11250 within Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11251 ~~Development of the Executive Office of the Governor~~ the Tourism
11252 Promotional Trust Fund. Moneys deposited in the Tourism

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11253 Promotional Trust Fund shall only be used to support the
11254 authorized activities and operations of the Florida Commission
11255 on Tourism, and to support tourism promotion and marketing
11256 activities, services, functions, and programs administered by
11257 the Florida Commission on Tourism through a contract with the
11258 commission's direct-support organization created under s.
11259 288.1226.

11260 Section 200. Subsection (1) of section 288.1223, Florida
11261 Statutes, is amended to read:

11262 288.1223 Florida Commission on Tourism; creation; purpose;
11263 membership.—

11264 (1) There is created within Jobs Florida ~~The Office of Tourism,~~
11265 ~~Trade, and Economic Development~~ the Florida Commission on
11266 Tourism. The purpose of the commission is to oversee this
11267 state's efforts to increase the positive impact of tourism,
11268 including increased employment for state citizens, to all
11269 sectors of the economy through effective marketing activities;
11270 to continually upgrade the image of Florida as a quality
11271 destination; to promote tourism objectives with all geographic,
11272 socioeconomic, and community sectors considered equitably; and
11273 to judge its efforts by the same standards of accountability and
11274 integrity as those used by successful, respected private sector
11275 businesses.

11276 Section 201. Subsections (1), (2), and (8) of section
11277 288.1224, Florida Statutes, are amended to read:

11278 288.1224 Powers and duties.—The commission:

11279 (1) Notwithstanding the provisions of part I of chapter 287, upon the approval of
11280 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11281 ~~Development~~, shall contract with a direct-support organization

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11282 incorporated as a private, not-for-profit corporation, as
11283 defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as
11284 amended, to execute the tourism marketing and promotion
11285 services, functions, and programs for this state including, but
11286 not limited to, the activities prescribed by the 4-year
11287 marketing plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
11288 ~~Economic Development~~ shall review such contract in an expedient
11289 manner and shall timely make any recommendations so as to allow
11290 for the date of the contract to be met. The commission shall
11291 serve as contract administrator.

11292 (2) Shall advise Jobs Florida ~~The Office of Tourism, Trade,~~
11293 ~~and Economic Development~~ and the direct-support organization
11294 regarding the domestic and international tourism promotion
11295 programs for this state.

11296 (8) Shall develop a budget, in conjunction with Jobs
11297 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
11298 and in keeping with the commission's 4-year marketing plan, for
11299 the operation and activities of the commission and for the
11300 provision of tourism promotion programs, services, and functions
11301 through a contract with a direct-support organization created
11302 for such purposes. The budget shall be submitted to the
11303 Governor.

11304 Section 202. Paragraph (c) of subsection (2) and subsection
11305 (6) of section 288.1226, Florida Statutes, are amended to read:

11306 288.1226 Florida Tourism Industry Marketing Corporation;
11307 use of property; board of directors; duties; audit.—

11308 (2) ESTABLISHMENT.—The Florida Commission on Tourism shall
11309 establish, no later than July 31, 1996, the Florida Tourism
11310 Industry Marketing Corporation as a direct-support organization:

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11311 (c) Which the Florida Commission on Tourism and Jobs
11312 Florida ~~The Office of Tourism, Trade, and Economic Development,~~
11313 after review, have certified whether it is operating in a manner
11314 consistent with the policies and goals of the commission and its
11315 long-range marketing plan.

11316 (6) ANNUAL AUDIT.—The corporation shall provide for an
11317 annual financial audit in accordance with s. 215.981. The annual
11318 audit report shall be submitted to the Auditor General; the
11319 Office of Policy Analysis and Government Accountability; and
11320 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11321 ~~Development~~ for review. The Office of Program Policy Analysis
11322 and Government Accountability, Jobs Florida, ~~The Office of~~
11323 ~~Tourism, Trade, and Economic Development;~~ and the Auditor
11324 General have the authority to require and receive from the
11325 corporation or from its independent auditor any detail or
11326 supplemental data relative to the operation of the corporation.
11327 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11328 ~~Development~~ shall annually certify whether the corporation is
11329 operating in a manner and achieving the objectives that are
11330 consistent with the policies and goals of the commission and its
11331 long-range marketing plan. The identity of a donor or
11332 prospective donor to the corporation who desires to remain
11333 anonymous and all information identifying such donor or
11334 prospective donor are confidential and exempt from the
11335 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
11336 Constitution. Such anonymity shall be maintained in the
11337 auditor's report.

11338 Section 203. Subsection (1) of section 288.1227, Florida
11339 Statutes, is amended to read:

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11340 288.1227 Annual report of the Florida Commission on
11341 Tourism; audits.—

11342 (1) Prior to December 1 of each year, the Florida
11343 Commission on Tourism shall submit to the Governor; the
11344 commissioner of Jobs Florida ~~director of the Office of Tourism,~~
11345 ~~Trade, and Economic Development~~; the President of the Senate;
11346 the Speaker of the House of Representatives; the Senate Minority
11347 Leader; and the House Minority Leader a complete and detailed
11348 report setting forth for itself and its direct-support
11349 organization:

11350 (a) Its operations and accomplishments during the fiscal
11351 year.

11352 (b) Its business and operational plan and its tourism-
11353 marketing plan, including recommendations on methods for
11354 implementing and funding the tourism-marketing plan.

11355 (c) The assets and liabilities of the direct-support
11356 organization at the end of its most recent fiscal year.

11357 (d) A copy of the annual financial and compliance audit
11358 conducted under s. 288.1226(6).

11359 Section 204. Subsection (1), paragraph (d) of subsection
11360 (2), subsections (3), (4), (7), (8), and (9) of section
11361 288.1229, Florida Statutes, are amended to read:

11362 288.1229 Promotion and development of sports-related
11363 industries and amateur athletics; direct-support organization;
11364 powers and duties.—

11365 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11366 ~~Development~~ may authorize a direct-support organization to
11367 assist the office in:

11368 (a) The promotion and development of the sports industry

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11369 and related industries for the purpose of improving the economic
11370 presence of these industries in Florida.

11371 (b) The promotion of amateur athletic participation for the
11372 citizens of Florida and the promotion of Florida as a host for
11373 national and international amateur athletic competitions for the
11374 purpose of encouraging and increasing the direct and ancillary
11375 economic benefits of amateur athletic events and competitions.

11376 (c) The retention of professional sports franchises,
11377 including the spring training operations of Major League
11378 Baseball.

11379 (2) To be authorized as a direct-support organization, an
11380 organization must:

11381 (d) Have a prior determination by Jobs Florida ~~The Office~~
11382 ~~of Tourism, Trade, and Economic Development~~ that the
11383 organization will benefit the office and act in the best
11384 interests of the state as a direct-support organization to Jobs
11385 Florida ~~the Office~~.

11386 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11387 ~~Development~~ shall contract with the organization and shall
11388 include in the contract that:

11389 (a) Jobs Florida ~~the Office~~ may review the organization's
11390 articles of incorporation.

11391 (b) The organization shall submit an annual budget proposal
11392 to the office, on a form provided by the office, in accordance
11393 with office procedures for filing budget proposals based upon
11394 the recommendation of the office.

11395 (c) Any funds that the organization holds in trust will
11396 revert to the state upon the expiration or cancellation of the
11397 contract.

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11398 (d) The organization is subject to an annual financial and
11399 performance review by the office to determine whether the
11400 organization is complying with the terms of the contract and
11401 whether it is acting in a manner consistent with the goals of
11402 the office and in the best interests of the state.

11403 (e) The fiscal year of the organization will begin July 1
11404 of each year and end June 30 of the next ensuing year.

11405 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11406 ~~Development~~ may allow the organization to use the property,
11407 facilities, personnel, and services of the office if the
11408 organization provides equal employment opportunities to all
11409 persons regardless of race, color, religion, sex, age, or
11410 national origin, subject to the approval of the director of the
11411 office.

11412 ~~(7) In exercising the power provided in this section, the~~
11413 ~~Office of Tourism, Trade, and Economic Development may authorize~~
11414 ~~and contract with the direct support organization existing on~~
11415 ~~June 30, 1996, and authorized by the former Florida Department~~
11416 ~~of Commerce to promote sports related industries. An appointed~~
11417 ~~member of the board of directors of such direct support~~
11418 ~~organization as of June 30, 1996, may serve the remainder of his~~
11419 ~~or her unexpired term.~~

11420 (7)~~(8)~~ To promote amateur sports and physical fitness, the
11421 direct-support organization shall:

11422 (a) Develop, foster, and coordinate services and programs
11423 for amateur sports for the people of Florida.

11424 (b) Sponsor amateur sports workshops, clinics, conferences,
11425 and other similar activities.

11426 (c) Give recognition to outstanding developments and

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11427 achievements in, and contributions to, amateur sports.

11428 (d) Encourage, support, and assist local governments and
11429 communities in the development of or hosting of local amateur
11430 athletic events and competitions.

11431 (e) Promote Florida as a host for national and
11432 international amateur athletic competitions.

11433 (f) Develop a statewide program of amateur athletic
11434 competition to be known as the "Sunshine State Games."

11435 (g) Continue the successful amateur sports programs
11436 previously conducted by the Florida Governor's Council on
11437 Physical Fitness and Amateur Sports created under former s.
11438 14.22.

11439 (h) Encourage and continue the use of volunteers in its
11440 amateur sports programs to the maximum extent possible.

11441 (i) Develop, foster, and coordinate services and programs
11442 designed to encourage the participation of Florida's youth in
11443 Olympic sports activities and competitions.

11444 (j) Foster and coordinate services and programs designed to
11445 contribute to the physical fitness of the citizens of Florida.

11446 (8)~~(9)~~(a) The Sunshine State Games shall be patterned after
11447 the Summer Olympics with variations as necessitated by
11448 availability of facilities, equipment, and expertise. The games
11449 shall be designed to encourage the participation of athletes
11450 representing a broad range of age groups, skill levels, and
11451 Florida communities. Participants shall be residents of this
11452 state. Regional competitions shall be held throughout the state,
11453 and the top qualifiers in each sport shall proceed to the final
11454 competitions to be held at a site in the state with the
11455 necessary facilities and equipment for conducting the

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11456 competitions.

11457 (b) Jobs Florida ~~The Executive Office of the Governor~~ is
11458 authorized to permit the use of property, facilities, and
11459 personal services of or at any State University System facility
11460 or institution by the direct-support organization operating the
11461 Sunshine State Games. For the purposes of this paragraph,
11462 personal services includes full-time or part-time personnel as
11463 well as payroll processing.

11464 Section 205. Section 288.124, Florida Statutes, is amended
11465 to read:

11466 288.124 Convention grants program.—The Commission on
11467 Tourism is authorized to establish a convention grants program
11468 and, pursuant thereto, to recommend to Jobs Florida ~~The Office~~
11469 ~~of Tourism, Trade, and Economic Development~~ expenditures and
11470 contracts with local governments and nonprofit corporations or
11471 organizations for the purpose of attracting national conferences
11472 and conventions to Florida. Preference shall be given to local
11473 governments and nonprofit corporations or organizations seeking
11474 to attract minority conventions to Florida. Minority conventions
11475 are events that primarily involve minority persons, as defined
11476 in s. 288.703, who are residents or nonresidents of the state.
11477 The commission shall establish guidelines governing the award of
11478 grants and the administration of this program. Jobs Florida ~~The~~
11479 ~~Office of Tourism, Trade, and Economic Development~~ has final
11480 approval authority for any grants under this section. The total
11481 annual allocation of funds for this program shall not exceed
11482 \$40,000.

11483 Section 206. Subsection (1) of section 288.1251, Florida
11484 Statutes, is amended to read:

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11485 288.1251 Promotion and development of entertainment
11486 industry; Office of Film and Entertainment; creation; purpose;
11487 powers and duties.—

11488 (1) CREATION.—

11489 (a) There is hereby created within Jobs Florida ~~The Office~~
11490 ~~of Tourism, Trade, and Economic Development~~ the Office of Film
11491 and Entertainment for the purpose of developing, marketing,
11492 promoting, and providing services to the state's entertainment
11493 industry.

11494 (b) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11495 ~~Development~~ shall conduct a national search for a qualified
11496 person to fill the position of Commissioner of Film and
11497 Entertainment when the position is vacant. The commissioner of
11498 Jobs Florida ~~Executive Director of the Office of Tourism, Trade,~~
11499 ~~and Economic Development~~ has the responsibility to hire the film
11500 commissioner. Qualifications for the commissioner include, but
11501 are not limited to, the following:

11502 1. A working knowledge of the equipment, personnel,
11503 financial, and day-to-day production operations of the
11504 industries to be served by the Office of Film and Entertainment;

11505 2. Marketing and promotion experience related to the film
11506 and entertainment industries to be served;

11507 3. Experience working with a variety of individuals
11508 representing large and small entertainment-related businesses,
11509 industry associations, local community entertainment industry
11510 liaisons, and labor organizations; and

11511 4. Experience working with a variety of state and local
11512 governmental agencies.

11513 Section 207. Subsections (1) and (2) and paragraphs (d),

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11514 (f), (g), and (h) of subsection (5) of section 288.1252, Florida
11515 Statutes, are amended to read:

11516 288.1252 Florida Film and Entertainment Advisory Council;
11517 creation; purpose; membership; powers and duties.—

11518 (1) CREATION.—There is hereby created within Jobs Florida
11519 ~~The Office of Tourism, Trade, and Economic Development of the~~
11520 ~~Executive Office of the Governor~~, for administrative purposes
11521 only, the Florida Film and Entertainment Advisory Council.

11522 (2) PURPOSE.—The purpose of the council shall be to serve
11523 as an advisory body to Jobs Florida ~~The Office of Tourism,~~
11524 ~~Trade, and Economic Development~~ and to the Office of Film and
11525 Entertainment to provide these offices with industry insight and
11526 expertise related to developing, marketing, promoting, and
11527 providing service to the state's entertainment industry.

11528 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
11529 Advisory Council shall have all the powers necessary or
11530 convenient to carry out and effectuate the purposes and
11531 provisions of this act, including, but not limited to, the power
11532 to:

11533 (d) Consider and study the needs of the entertainment
11534 industry for the purpose of advising the film commissioner and
11535 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11536 ~~Development~~.

11537 (f) Consider all matters submitted to it by the film
11538 commissioner and Jobs Florida ~~the Office of Tourism, Trade, and~~
11539 ~~Economic Development~~.

11540 (g) Advise and consult with the film commissioner and Jobs
11541 Florida ~~The Office of Tourism, Trade, and Economic Development~~,
11542 at their request or upon its own initiative, regarding the

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11543 promulgation, administration, and enforcement of all laws and
11544 rules relating to the entertainment industry.

11545 (h) Suggest policies and practices for the conduct of
11546 business by the Office of Film and Entertainment or by Jobs
11547 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11548 that will improve internal operations affecting the
11549 entertainment industry and will enhance the economic development
11550 initiatives of the state for the industry.

11551 Section 208. Subsections (1), (2), (3), and (4) of section
11552 288.1253, Florida Statutes, are amended to read:

11553 288.1253 Travel and entertainment expenses.—

11554 (1) As used in this section, the term “travel expenses” means the actual,
11555 necessary, and reasonable costs of transportation, meals,
11556 lodging, and incidental expenses normally incurred by an
11557 employee of the Office of Film and Entertainment, which costs
11558 are defined and prescribed by rules adopted by Jobs Florida ~~The~~
11559 ~~Office of Tourism, Trade, and Economic Development~~, subject to
11560 approval by the Chief Financial Officer.

11561 (2) Notwithstanding the provisions of s. 112.061, Jobs
11562 Florida ~~The Office of Tourism, Trade, and Economic Development~~
11563 shall adopt rules by which it may make expenditures by
11564 reimbursement to: the Governor, the Lieutenant Governor,
11565 security staff of the Governor or Lieutenant Governor, the
11566 Commissioner of Film and Entertainment, or staff of the Office
11567 of Film and Entertainment for travel expenses or entertainment
11568 expenses incurred by such individuals solely and exclusively in
11569 connection with the performance of the statutory duties of the
11570 Office of Film and Entertainment. The rules are subject to
11571 approval by the Chief Financial Officer before adoption. The

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11572 rules shall require the submission of paid receipts, or other
11573 proof of expenditure prescribed by the Chief Financial Officer,
11574 with any claim for reimbursement.

11575 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11576 ~~Development~~ shall prepare an annual report of the expenditures
11577 of the Office of Film and Entertainment and provide such report
11578 to the Legislature no later than December 30 of each year for
11579 the expenditures of the previous fiscal year. The report shall
11580 consist of a summary of all travel, entertainment, and
11581 incidental expenses incurred within the United States and all
11582 travel, entertainment, and incidental expenses incurred outside
11583 the United States, as well as a summary of all successful
11584 projects that developed from such travel.

11585 (4) The Office of Film and Entertainment and its employees
11586 and representatives, when authorized, may accept and use
11587 complimentary travel, accommodations, meeting space, meals,
11588 equipment, transportation, and any other goods or services
11589 necessary for or beneficial to the performance of the office's
11590 duties and purposes, so long as such acceptance or use is not in
11591 conflict with part III of chapter 112. Jobs Florida ~~The Office~~
11592 ~~of Tourism, Trade, and Economic Development~~ shall, by rule,
11593 develop internal controls to ensure that such goods or services
11594 accepted or used pursuant to this subsection are limited to
11595 those that will assist solely and exclusively in the furtherance
11596 of the office's goals and are in compliance with part III of
11597 chapter 112.

11598 Section 209. Paragraph (a) of subsection (1), paragraphs
11599 (d) and (f) of subsection (3), paragraphs (c) and (d) of
11600 subsection (4), paragraph (a) of subsection (5), and paragraph

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11601 (b) of subsection (9) of section 288.1254, Florida Statutes, are
11602 amended to read:

11603 288.1254 Entertainment industry financial incentive
11604 program.—

11605 (1) DEFINITIONS.—As used in this section, the term:

11606 (a) "Certified production" means a qualified production
11607 that has tax credits allocated to it by Jobs Florida ~~the Office~~
11608 ~~of Tourism, Trade, and Economic Development~~ based on the
11609 production's estimated qualified expenditures, up to the
11610 production's maximum certified amount of tax credits, by Jobs
11611 Florida ~~the Office of Tourism, Trade, and Economic Development~~.
11612 The term does not include a production if its first day of
11613 principal photography or project start date in this state occurs
11614 before the production is certified by Jobs Florida ~~The Office of~~
11615 ~~Tourism, Trade, and Economic Development~~, unless the production
11616 spans more than 1 fiscal year, was a certified production on its
11617 first day of principal photography or project start date in this
11618 state, and submits an application for continuing the same
11619 production for the subsequent fiscal year.

11620 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

11621 (d) *Certification*.—The Office of Film and Entertainment
11622 shall review the application within 15 business days after
11623 receipt. Upon its determination that the application contains
11624 all the information required by this subsection and meets the
11625 criteria set out in this section, the Office of Film and
11626 Entertainment shall qualify the applicant and recommend to Jobs
11627 Florida ~~the Office of Tourism, Trade, and Economic Development~~
11628 that the applicant be certified for the maximum tax credit award
11629 amount. Within 5 business days after receipt of the

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11630 recommendation, Jobs Florida ~~the Office of Tourism, Trade, and~~
11631 ~~Economic Development~~ shall reject the recommendation or certify
11632 the maximum recommended tax credit award, if any, to the
11633 applicant and to the executive director of the Department of
11634 Revenue.

11635 (f) *Verification of actual qualified expenditures.*—

11636 1. The Office of Film and Entertainment shall develop a
11637 process to verify the actual qualified expenditures of a
11638 certified production. The process must require:

11639 a. A certified production to submit, in a timely manner
11640 after production ends in this state and after making all of its
11641 qualified expenditures in this state, data substantiating each
11642 qualified expenditure, including documentation on the net
11643 expenditure on equipment and other tangible personal property by
11644 the qualified production, to an independent certified public
11645 accountant licensed in this state;

11646 b. Such accountant to conduct a compliance audit, at the
11647 certified production's expense, to substantiate each qualified
11648 expenditure and submit the results as a report, along with the
11649 required substantiating data, to the Office of Film and
11650 Entertainment; and

11651 c. The Office of Film and Entertainment to review the
11652 accountant's submittal and report to Jobs Florida ~~the Office of~~
11653 ~~Tourism, Trade, and Economic Development~~ the final verified
11654 amount of actual qualified expenditures made by the certified
11655 production.

11656 2. Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11657 ~~Development~~ shall determine and approve the final tax credit
11658 award amount to each certified applicant based on the final

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11659 verified amount of actual qualified expenditures and shall
11660 notify the executive director of the Department of Revenue in
11661 writing that the certified production has met the requirements
11662 of the incentive program and of the final amount of the tax
11663 credit award. The final tax credit award amount may not exceed
11664 the maximum tax credit award amount certified under paragraph
11665 (d).

11666 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
11667 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
11668 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
11669 ACQUISITIONS.—

11670 (c) *Withdrawal of tax credit eligibility.*—A qualified or
11671 certified production must continue on a reasonable schedule,
11672 which includes beginning principal photography or the production
11673 project in this state no more than 45 calendar days before or
11674 after the principal photography or project start date provided
11675 in the production's program application. Jobs Florida ~~The Office~~
11676 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
11677 eligibility of a qualified or certified production that does not
11678 continue on a reasonable schedule.

11679 (d) *Election and distribution of tax credits.*—

11680 1. A certified production company receiving a tax credit
11681 award under this section shall, at the time the credit is
11682 awarded by Jobs Florida ~~the Office of Tourism, Trade, and~~
11683 ~~Economic Development~~ after production is completed and all
11684 requirements to receive a credit award have been met, make an
11685 irrevocable election to apply the credit against taxes due under
11686 chapter 220, against state taxes collected or accrued under
11687 chapter 212, or against a stated combination of the two taxes.

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11688 The election is binding upon any distributee, successor,
11689 transferee, or purchaser. Jobs Florida ~~the Office of Tourism,~~
11690 ~~Trade, and Economic Development~~ shall notify the Department of
11691 Revenue of any election made pursuant to this paragraph.

11692 2. A qualified production company is eligible for tax
11693 credits against its sales and use tax liabilities and corporate
11694 income tax liabilities as provided in this section. However, tax
11695 credits awarded under this section may not be claimed against
11696 sales and use tax liabilities or corporate income tax
11697 liabilities for any tax period beginning before July 1, 2011,
11698 regardless of when the credits are applied for or awarded.

11699 (5) TRANSFER OF TAX CREDITS.—

11700 (a) *Authorization.*—Upon application to the Office of Film
11701 and Entertainment and approval by Jobs Florida ~~the Office of~~
11702 ~~Tourism, Trade, and Economic Development~~, a certified production
11703 company, or a partner or member that has received a distribution
11704 under paragraph (4)(g), may elect to transfer, in whole or in
11705 part, any unused credit amount granted under this section. An
11706 election to transfer any unused tax credit amount under chapter
11707 212 or chapter 220 must be made no later than 5 years after the
11708 date the credit is awarded, after which period the credit
11709 expires and may not be used. Jobs Florida ~~The Office of Tourism,~~
11710 ~~Trade, and Economic Development~~ shall notify the Department of
11711 Revenue of the election and transfer.

11712 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
11713 CREDITS; FRAUDULENT CLAIMS.—

11714 (b) *Revocation of tax credits.*—Jobs Florida ~~The Office of~~
11715 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
11716 any written decision qualifying, certifying, or otherwise

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11717 granting eligibility for tax credits under this section if it is
11718 discovered that the tax credit applicant submitted any false
11719 statement, representation, or certification in any application,
11720 record, report, plan, or other document filed in an attempt to
11721 receive tax credits under this section. Jobs Florida ~~The Office~~
11722 ~~of Tourism, Trade, and Economic Development~~ shall immediately
11723 notify the Department of Revenue of any revoked or modified
11724 orders affecting previously granted tax credits. Additionally,
11725 the applicant must notify the Department of Revenue of any
11726 change in its tax credit claimed.

11727 Section 210. Subsection (3) of section 288.386, Florida
11728 Statutes, is amended to read:

11729 288.386 Florida-Caribbean Basin Trade Initiative.—

11730 (3) STEP shall administer the Florida-Caribbean Basin Trade Initiative
11731 pursuant to a performance-based contract with Jobs Florida,
11732 ~~which the Office of Tourism, Trade, and Economic Development.~~
11733 ~~The Office of Tourism, Trade, and Economic Development~~ shall
11734 develop performance measures, standards, and sanctions for the
11735 initiative. Performance measures must include, but are not
11736 limited to, the number of businesses assisted; the number of
11737 urban businesses assisted; and the increase in value of exports
11738 to the Caribbean which is attributable to the initiative.

11739 Section 211. Section 288.7011, Florida Statutes, is amended
11740 to read:

11741 288.7011 Assistance to certified development corporation.—
11742 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11743 ~~Development~~ is authorized to enter into contracts with a
11744 nonprofit, statewide development corporation certified pursuant
11745 to s. 503 of the Small Business Investment Act of 1958, as

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11746 amended, to permit such corporation to locate and contract for
11747 administrative and technical staff assistance and support,
11748 including, without limitation, assistance to the development
11749 corporation in the packaging and servicing of loans for the
11750 purpose of stimulating and expanding the availability of private
11751 equity capital and long-term loans to small businesses. Such
11752 assistance and support will cease when the corporation has
11753 received state support in an amount the equivalent of \$250,000
11754 per year over a 5-year period beginning July 1, 1997. Any
11755 contract between Jobs Florida ~~the Office~~ and such corporation
11756 shall specify that the records of the corporation must be
11757 available for audit by Jobs Florida ~~the Office~~ and by the
11758 Auditor General.

11759 Section 212. Section 288.705, Florida Statutes, is amended
11760 to read:

11761 288.705 Statewide contracts register.—All state agencies
11762 shall in a timely manner provide the Florida Small Business
11763 Development Center Procurement System with all formal
11764 solicitations for contractual services, supplies, and
11765 commodities. The Small Business Development Center shall
11766 coordinate with Minority Business Development Centers to compile
11767 and distribute this information to small and minority businesses
11768 requesting such service for the period of time necessary to
11769 familiarize the business with the market represented by state
11770 agencies. On or before February 1 of each year, the Small
11771 Business Development Center shall report to Jobs Florida ~~the~~
11772 ~~Agency for Workforce Innovation~~ on the use of the statewide
11773 contracts register. The report shall include, but not be limited
11774 to, information relating to:

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11775 (1) The total number of solicitations received from state
11776 agencies during the calendar year.

11777 (2) The number of solicitations received from each state
11778 agency during the calendar year.

11779 (3) The method of distributing solicitation information to
11780 businesses requesting such service.

11781 (4) The total number of businesses using the service.

11782 (5) The percentage of businesses using the service which
11783 are owned and controlled by minorities.

11784 (6) The percentage of service-disabled veteran business
11785 enterprises using the service.

11786 Section 213. Subsection (12) of section 288.706, Florida
11787 Statutes, is amended to read:

11788 288.706 Florida Minority Business Loan Mobilization
11789 Program.—

11790 (12) The Department of Management Services shall collaborate with the
11791 Florida Black Business Investment Board, Inc., and Jobs Florida
11792 ~~the Office of Tourism, Trade, and Economic Development~~ to assist
11793 in the development and enhancement of black business
11794 enterprises.

11795 Section 214. Paragraph (a) of subsection (1), paragraph (b)
11796 of subsection (2), and paragraph (f) of subsection (3) of
11797 section 288.707, Florida Statutes, are amended to read:

11798 288.707 Florida Black Business Investment Board, Inc.;
11799 findings; creation; membership; organization; meetings;
11800 disclosure.—

11801 (1) The Legislature finds that the public interest of the
11802 state will be served by the creation of a not-for-profit
11803 corporation, the primary mission of which is to assist in the

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11804 development and expansion of black business enterprises by:

11805 (a) Advising Jobs Florida ~~the Office of Tourism, Trade, and~~
11806 ~~Economic Development~~ in its oversight of the Black Business Loan
11807 Program and assisting in the creation of a long-range strategic
11808 policy for the program.

11809 (2)

11810 (b) The board shall contract with Jobs Florida ~~the Office~~
11811 ~~of Tourism, Trade, and Economic Development~~ to implement the
11812 provisions of ss. 288.707-288.714.

11813 (3) The board shall be governed by a board of directors
11814 chosen as follows:

11815 (f) Four presidents of participating black business
11816 investment corporations who shall be appointed by the
11817 commissioner of Jobs Florida ~~Executive Director of the Office of~~
11818 ~~Tourism, Trade, and Economic Development~~ upon the recommendation
11819 of the Florida Consortium of Black Business Investment
11820 Corporations, Inc., to serve for terms of 3 years each. Each
11821 shall be eligible for reappointment to one additional term of 3
11822 years.

11823 Section 215. Subsection (1) of section 288.7091, Florida
11824 Statutes, is amended to read:

11825 288.7091 Duties of the Florida Black Business Investment
11826 Board, Inc.—The board shall:

11827 (1) Serve as an advisory board to Jobs Florida ~~the Office of~~
11828 ~~Tourism, Trade, and Economic Development~~, through contract with
11829 the office, to assist the office with the implementation of ss.
11830 288.707-288.714.

11831 Section 216. Subsection (2) of section 288.7094, Florida
11832 Statutes, is amended to read:

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11833 288.7094 Black business investment corporations.-

11834 (2) A black business investment corporation that meets the
11835 requirements of s. 288.7102(4) is eligible to participate in the
11836 Black Business Loan Program and shall receive priority
11837 consideration by Jobs Florida ~~the Office of Tourism, Trade, and~~
11838 ~~Economic Development~~ for participation in the program.

11839 Section 217. Subsections (1), (2), (3), (5), (6), (7) and
11840 (8) of section 288.7102, Florida Statutes, are amended to read:

11841 288.7102 Black Business Loan Program.-

11842 (1) The Black Business Loan Program is established in Jobs Florida, which
11843 ~~the Office of Tourism, Trade, and Economic Development. Under~~
11844 ~~the program, the office~~ shall annually certify eligible
11845 recipients and subsequently disburse funds appropriated by the
11846 Legislature, through such eligible recipients, to black business
11847 enterprises that cannot obtain capital through conventional
11848 lending institutions but that could otherwise compete
11849 successfully in the private sector.

11850 (2) Jobs Florida ~~The office~~ shall establish an application
11851 and annual certification process for entities seeking funds to
11852 participate in providing loans, loan guarantees, or investments
11853 in black business enterprises pursuant to the Florida Black
11854 Business Investment Act. Jobs Florida ~~The office~~ shall process
11855 all applications and recertifications submitted by June 1 on or
11856 before July 31.

11857 (3) If the Black Business Loan Program is appropriated any
11858 funding in a fiscal year, Jobs Florida ~~the Office~~ shall
11859 distribute an equal amount of the appropriation, calculated as
11860 the total annual appropriation divided by the total number of
11861 program recipients certified on or before July 31 of that fiscal

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11862 year.

11863 (5) Each eligible recipient must meet the provisions of ss.
11864 288.707-288.714, the terms of the contract between the recipient
11865 and Jobs Florida ~~the Office~~, and any other applicable state or
11866 federal laws. An entity may not receive funds under ss. 288.707-
11867 288.714 unless the entity meets annual certification
11868 requirements.

11869 (6) Upon approval by Jobs Florida ~~the Office~~ and before
11870 release of the funds as provided in this section, Jobs Florida
11871 ~~the Office~~ shall issue a letter certifying the applicant as
11872 qualified for an award. Jobs Florida ~~the Office~~ and the
11873 applicant shall enter into an agreement that sets forth the
11874 conditions for award of the funds. The agreement must include
11875 the total amount of funds awarded; the performance conditions
11876 that must be met once the funding has been awarded, including,
11877 but not limited to, compliance with all of the requirements of
11878 this section for eligible recipients of funds under this
11879 section; and sanctions for failure to meet performance
11880 conditions, including any provisions to recover awards.

11881 (7) Jobs Florida ~~The Office~~, in consultation with the
11882 board, shall adopt rules pursuant to ss. 120.536(1) and 120.54
11883 to implement this section.

11884 (8) A black business investment corporation certified by
11885 Jobs Florida ~~the Office~~ as an eligible recipient under this
11886 section is authorized to use funds appropriated for the Black
11887 Business Loan Program in any of the following forms:

11888 (a) Purchases of stock, preferred or common, voting or
11889 nonvoting; however, no more than 40 percent of the funds may be
11890 used for direct investments in black business enterprises;

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11891 (b) Loans or loan guarantees, with or without recourse, in
11892 either a subordinated or priority position; or

11893 (c) Technical support to black business enterprises, not to
11894 exceed 9 percent of the funds received, and direct
11895 administrative costs, not to exceed 12 percent of the funds
11896 received.

11897 Section 218. Subsections (1), (2), and (3) of section
11898 288.714, Florida Statutes, are amended to read:

11899 288.714 Quarterly and annual reports.-

11900 (1) Each recipient of state funds under s. 288.7102 shall
11901 provide to Jobs Florida ~~the Office~~ a quarterly report within 15
11902 days after the end of each calendar quarter that includes a
11903 detailed summary of the recipient's performance of the duties
11904 imposed by s. 288.7102, including, but not limited to:

11905 (a) The dollar amount of all loans or loan guarantees made
11906 to black business enterprises, the percentages of the loans
11907 guaranteed, and the names and identification of the types of
11908 businesses served.

11909 (b) Loan performance information.

11910 (c) The amount and nature of all other financial assistance
11911 provided to black business enterprises.

11912 (d) The amount and nature of technical assistance provided
11913 to black business enterprises, including technical assistance
11914 services provided in areas in which such services are otherwise
11915 unavailable.

11916 (e) A balance sheet for the recipient, including an
11917 explanation of all investments and administrative and
11918 operational expenses.

11919 (f) A summary of all services provided to nonblack business

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11920 enterprises, including the dollar value and nature of such
11921 services and the names and identification of the types of
11922 businesses served.

11923 (g) Any other information as required by policies adopted
11924 by Jobs Florida ~~the Office~~.

11925 (2) Jobs Florida ~~The Office~~ must compile a summary of all
11926 quarterly reports and provide a copy of the summary to the board
11927 within 30 days after the end of each calendar quarter that
11928 includes a detailed summary of the recipient's performance of
11929 the duties imposed by s. 288.7102.

11930 (3) By August 31 of each year, Jobs Florida ~~the Office~~
11931 shall provide to the Governor, the President of the Senate, and
11932 the Speaker of the House of Representatives a detailed report of
11933 the performance of the Black Business Loan Program. The report
11934 must include a cumulative summary of quarterly report data
11935 required by subsection (1).

11936 Section 219. Section 288.816, Florida Statutes, is amended
11937 to read:

11938 288.816 Intergovernmental relations.—

11939 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11940 ~~Development~~ shall be responsible for consular operations and the
11941 sister city and sister state program and shall serve as liaison
11942 with foreign, federal, and other state international
11943 organizations and with county and municipal governments in
11944 Florida.

11945 (2) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11946 ~~Development~~ shall be responsible for all consular relations
11947 between the state and all foreign governments doing business in
11948 Florida. The office shall monitor United States laws and

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11949 directives to ensure that all federal treaties regarding foreign
11950 privileges and immunities are properly observed. The office
11951 shall promulgate rules which shall:

11952 (a) Establish a viable system of registration for foreign
11953 government officials residing or having jurisdiction in the
11954 state. Emphasis shall be placed on maintaining active
11955 communication between Jobs Florida ~~The Office of Tourism, Trade,~~
11956 ~~and Economic Development~~ and the United States Department of
11957 State in order to be currently informed regarding foreign
11958 governmental personnel stationed in, or with official
11959 responsibilities for, Florida. Active dialogue shall also be
11960 maintained with foreign countries which historically have had
11961 dealings with Florida in order to keep them informed of the
11962 proper procedure for registering with the state.

11963 (b) Maintain and systematically update a current and
11964 accurate list of all such foreign governmental officials,
11965 consuls, or consulates.

11966 (c) Issue certificates to such foreign governmental
11967 officials after verification pursuant to proper investigations
11968 through United States Department of State sources and the
11969 appropriate foreign government.

11970 (d) Verify entitlement to sales and use tax exemptions
11971 pursuant to United States Department of State guidelines and
11972 identification methods.

11973 (e) Verify entitlement to issuance of special motor vehicle
11974 license plates by the Division of Motor Vehicles of the
11975 Department of Highway Safety and Motor Vehicles to honorary
11976 consuls or such other officials representing foreign governments
11977 who are not entitled to issuance of special Consul Corps license

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11978 plates by the United States Government.

11979 (f) Establish a system of communication to provide all
11980 state and local law enforcement agencies with information
11981 regarding proper procedures relating to the arrest or
11982 incarceration of a foreign citizen.

11983 (g) Request the Department of Law Enforcement to provide
11984 transportation and protection services when necessary pursuant
11985 to s. 943.68.

11986 (h) Coordinate, when necessary, special activities between
11987 foreign governments and Florida state and local governments.
11988 These may include Consular Corps Day, Consular Corps
11989 conferences, and various other social, cultural, or educational
11990 activities.

11991 (i) Notify all newly arrived foreign governmental officials
11992 of the services offered by Jobs Florida ~~The Office of Tourism,~~
11993 ~~Trade, and Economic Development.~~

11994 (3) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
11995 ~~Development~~ shall operate the sister city and sister state
11996 program and establish such new programs as needed to further
11997 global understanding through the interchange of people, ideas,
11998 and culture between Florida and the world. To accomplish this
11999 purpose, the office shall have the power and authority to:

12000 (a) Coordinate and carry out activities designed to
12001 encourage the state and its subdivisions to participate in
12002 sister city and sister state affiliations with foreign countries
12003 and their subdivisions. Such activities may include a State of
12004 Florida sister cities conference.

12005 (b) Encourage cooperation with and disseminate information
12006 pertaining to the Sister Cities International Program and any

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12007 other program whose object is to promote linkages with foreign
12008 countries and their subdivisions.

12009 (c) Maximize any aid available from all levels of
12010 government, public and private agencies, and other entities to
12011 facilitate such activities.

12012 (d) Establish a viable system of registration for sister
12013 city and sister state affiliations between the state and foreign
12014 countries and their subdivisions. Such system shall include a
12015 method to determine that sufficient ties are properly
12016 established as well as a method to supervise how these ties are
12017 maintained.

12018 (e) Maintain a current and accurate listing of all such
12019 affiliations. Sister city affiliations shall not be discouraged
12020 between the state and any country specified in s. 620(f)(1) of
12021 the federal Foreign Assistance Act of 1961, as amended, with
12022 whom the United States is currently conducting diplomatic
12023 relations unless a mandate from the United States Government
12024 expressly prohibits such affiliations.

12025 (4) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12026 ~~Development~~ shall serve as a contact for the state with the
12027 Florida Washington Office, the Florida Congressional Delegation,
12028 and United States Government agencies with respect to laws or
12029 policies which may affect the interests of the state in the area
12030 of international relations. All inquiries received regarding
12031 international economic trade development or reverse investment
12032 opportunities shall be referred to Enterprise Florida, Inc. In
12033 addition, Jobs Florida ~~the office~~ shall serve as liaison with
12034 other states with respect to international programs of interest
12035 to Florida. The office shall also investigate and make

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12036 suggestions regarding possible areas of joint action or regional
12037 cooperation with these states.

12038 (5) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12039 ~~Development~~ shall have the power and duty to encourage the
12040 relocation to Florida of consular offices and multilateral and
12041 international agencies and organizations.

12042 (6) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12043 ~~Development~~, through membership on the board of directors of
12044 Enterprise Florida, Inc., shall help to contribute an
12045 international perspective to the state's development efforts.

12046 Section 220. Paragraph (a) of subsection (1) and subsection
12047 (2) of section 288.809, Florida Statutes, are amended to read:

12048 288.809 Florida Intergovernmental Relations Foundation; use
12049 of property; board of directors; audit.—

12050 (1) DEFINITIONS.—For the purposes of this section, the
12051 term:

12052 (a) "Florida Intergovernmental Relations Foundation" means
12053 a direct-support organization:

12054 1. Which is a corporation not for profit that is
12055 incorporated under the provisions of chapter 617 and approved by
12056 the Department of State;

12057 2. Which is organized and operated exclusively to solicit,
12058 receive, hold, invest, and administer property and, subject to
12059 the approval of Jobs Florida ~~the Office of Tourism, Trade, and~~
12060 ~~Economic Development~~, to make expenditures to or for the
12061 promotion of intergovernmental relations programs; and

12062 3. Which Jobs Florida ~~the Office of Tourism, Trade, and~~
12063 ~~Economic Development~~, after review, has certified to be
12064 operating in a manner consistent with the policies and goals of

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12065 the office.

12066 (2) USE OF PROPERTY.—Jobs Florida ~~The Office of Tourism,~~
12067 ~~Trade, and Economic Development:~~

12068 (a) Is authorized to permit the use of property,
12069 facilities, and personal services of Jobs Florida ~~the Office of~~
12070 ~~Tourism, Trade, and Economic Development~~ by the foundation,
12071 subject to the provisions of this section.

12072 (b) Shall prescribe conditions with which the foundation
12073 must comply in order to use property, facilities, or personal
12074 services of the department. Such conditions shall provide for
12075 budget and audit review and for oversight by the Office of
12076 Tourism, Trade, and Economic Development.

12077 (c) Shall not permit the use of property, facilities, or
12078 personal services of the foundation if the foundation does not
12079 provide equal employment opportunities to all persons,
12080 regardless of race, color, national origin, sex, age, or
12081 religion.

12082 Section 221. Section 288.826, Florida Statutes, is amended
12083 to read:

12084 288.826 Florida International Trade and Promotion Trust
12085 Fund.—There is hereby established in the State Treasury the
12086 Florida International Trade and Promotion Trust Fund. The moneys
12087 deposited into this trust fund shall be administered by Jobs
12088 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12089 for the operation of Enterprise Florida, Inc., and its boards
12090 and for the operation of Florida international ~~foreign~~ offices
12091 under s. 288.012.

12092 Section 222. Subsections (3) and (4) of section 288.9015,
12093 Florida Statutes, are amended to read:

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12094 288.9015 Enterprise Florida, Inc.; purpose; duties.—

12095 (3) It shall be the responsibility of Enterprise Florida, Inc.,
12096 to assess, on an ongoing basis, Florida's economic development
12097 competitiveness as measured against other business locations, to
12098 identify and regularly reevaluate Florida's economic development
12099 strengths and weaknesses, and to incorporate such information
12100 into the strategic planning process under s. 288.904 to be
12101 shared with Jobs Florida.

12102 (4) Enterprise Florida, Inc., shall incorporate the needs
12103 of small and minority businesses into the economic-development,
12104 international-trade and reverse-investment, and workforce-
12105 development responsibilities assigned to the organization by
12106 this section. Enterprise Florida, Inc., shall collaborate with
12107 the Florida Black Business Investment Board, Inc., and Jobs
12108 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12109 for the delivery of services in fulfillment of the
12110 responsibilities of Enterprise Florida, Inc., relating to small
12111 and minority businesses.

12112 Section 223. Subsections (1) and (2), paragraph (a) of
12113 subsection (4), and subsections (6) and (7) of section
12114 288.90151, Florida Statutes, are amended to read:

12115 288.90151 Return on investment from activities of
12116 Enterprise Florida, Inc.—

12117 (1) The public funds appropriated each year for the
12118 operation of Enterprise Florida, Inc., are invested in this
12119 public-private partnership to enhance international trade and
12120 economic development, to spur job-creating investments, and to
12121 create new employment opportunities for Floridians. This policy
12122 will be the Legislature's priority consideration when reviewing

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12123 the return on the public's investment in ~~return-on-investment~~
12124 ~~for~~ Enterprise Florida, Inc.

12125 (2) It is also the intent of the Legislature that
12126 Enterprise Florida, Inc., coordinate its operations with local
12127 economic-development organizations to maximize the state and
12128 local return on the public's investment ~~return-on-investment~~ to
12129 create jobs for Floridians.

12130 (4)(a) The state's operating investment in Enterprise
12131 Florida, Inc., is the budget contracted with Jobs Florida ~~by the~~
12132 ~~Office of Tourism, Trade, and Economic Development to Enterprise~~
12133 ~~Florida, Inc.~~, less funding that is directed by the Legislature
12134 to be subcontracted to a specific recipient.

12135 (6) Enterprise Florida, Inc., shall fully comply with the
12136 performance measures, standards, and sanctions in its contracts
12137 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12138 ~~Development under s. 14.2015(2)(h) and (7).~~ Jobs Florida ~~The~~
12139 ~~Office of Tourism, Trade, and Economic Development~~ shall ensure,
12140 to the maximum extent possible, that the contract performance
12141 measures are consistent with performance measures that the
12142 office is required to develop and track under performance-based
12143 program budgeting.

12144 (7) As part of the annual report required under s. 288.906,
12145 Enterprise Florida, Inc., shall provide the Legislature with
12146 information quantifying the public's return-on-investment as
12147 described in this section each ~~for~~ fiscal year ~~1997-1998 and~~
12148 ~~each subsequent fiscal year~~. The annual report shall also
12149 include the results of a customer-satisfaction survey of
12150 businesses served, as well as the lead economic development
12151 staff person of each organization that is a primary partner.

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12152 Section 224. Subsections (1), (2), and paragraph (a) of
12153 subsection (4) of section 288.905, Florida Statutes, are amended
12154 to read:

12155 288.905 Duties of the board of directors of Enterprise
12156 Florida, Inc.—

12157 (1) In the performance of its functions and duties, the board of
12158 directors may establish, implement, and manage policies,
12159 strategies, and programs for Enterprise Florida, Inc., and its
12160 boards. These policies, strategies, and programs shall promote
12161 business formation, expansion, recruitment, and retention
12162 through aggressive marketing and international development and
12163 export assistance, which together lead to more and better jobs
12164 with higher wages for all geographic regions and communities of
12165 the state, including rural areas and urban core areas, and for
12166 all residents, including minorities. In developing such
12167 policies, strategies, and programs, the board of directors shall
12168 solicit advice from and consider the recommendations of its
12169 boards, any advisory committees or similar groups created by
12170 Enterprise Florida, Inc., and local and regional partners and
12171 Jobs Florida.

12172 (2) The board of directors shall, in conjunction with Jobs
12173 Florida ~~the Office of Tourism, Trade, and Economic Development,~~
12174 the Office of Urban Opportunities, and local and regional
12175 economic development partners, develop a strategic plan for
12176 economic development for the State of Florida. Such plan shall
12177 be submitted to the Governor, the President of the Senate, the
12178 Speaker of the House of Representatives, the Senate Minority
12179 Leader, and the House Minority Leader and shall be updated or
12180 modified before January 1 of each year. The plan must be

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12181 approved by the board of directors prior to submission to the
12182 Governor and Legislature.

12183 (4)(a) The strategic plan shall also include
12184 recommendations regarding specific performance standards and
12185 measurable outcomes. Enterprise Florida, Inc., in consultation
12186 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12187 ~~Development~~ and the Office of Program Policy Analysis and
12188 Government Accountability, shall establish performance-measure
12189 outcomes for Enterprise Florida, Inc., and its boards and
12190 advisory committees. Enterprise Florida, Inc., in consultation
12191 with Jobs Florida ~~the Office of Tourism, Trade, and Economic~~
12192 ~~Development~~ and the Office of Program Policy Analysis and
12193 Government Accountability, shall develop a plan for monitoring
12194 its operations to ensure that performance data are maintained
12195 and supported by records of the organization. On a biennial
12196 basis, Enterprise Florida, Inc., in consultation with Jobs
12197 Florida ~~the Office of Tourism, Trade, and Economic Development~~
12198 and the Office of Program Policy Analysis and Government
12199 Accountability, shall review the performance-measure outcomes
12200 for Enterprise Florida, Inc., and its boards, and make any
12201 appropriate modifications to them. In developing measurable
12202 objectives and performance outcomes, Enterprise Florida, Inc.,
12203 shall consider the effect of its programs, activities, and
12204 services on its client population. Enterprise Florida, Inc.,
12205 shall establish standards such as job growth among client firms,
12206 growth in the number and strength of businesses within targeted
12207 sectors, client satisfaction, including the satisfaction of its
12208 local and regional economic development partners, businesses
12209 retained and recruited statewide and within rural and urban core

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12210 communities, employer wage growth, and increased export sales
12211 among client companies to use in evaluating performance toward
12212 accomplishing the mission of Enterprise Florida, Inc.

12213 Section 225. Section 288.9415, Florida Statutes, is amended
12214 to read:

12215 288.9415 International Trade Grants.—

12216 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12217 ~~Development~~ in the Executive Office of the Governor may accept
12218 and administer moneys appropriated to Jobs Florida ~~the office~~
12219 for providing grants for promotion of international trade.

12220 (2) A county, municipality, economic development council,
12221 Space Florida, or a not-for-profit association of businesses
12222 organized to assist in the promotion of international trade may
12223 apply for a grant of state funds for the promotion of
12224 international trade.

12225 (3) Enterprise Florida, Inc., shall review each application
12226 for a grant to promote international trade and shall submit
12227 annually to Jobs Florida ~~the Office of Tourism, Trade, and~~
12228 ~~Economic Development~~ for approval lists of all recommended
12229 applications for the award of grants, arranged in order of
12230 priority. Jobs Florida ~~The Office of Tourism, Trade, and~~
12231 ~~Economic Development~~ may allocate grants only for projects that
12232 are approved or for which funds are appropriated by the
12233 Legislature. Projects approved and recommended by Enterprise
12234 Florida, Inc., which are not funded by the Legislature shall be
12235 retained on the project list for the following grant cycle only.
12236 All projects that are retained shall be required to submit such
12237 information as may be required by Jobs Florida ~~the Office of~~
12238 ~~Tourism, Trade, and Economic Development~~ as of the established

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12239 deadline date of the latest grant cycle in order to adequately
12240 reflect the most current status of the project.

12241 Section 226. Subsection (2) of section 288.95155, Florida
12242 Statutes, is amended to read:

12243 288.95155 Florida Small Business Technology Growth
12244 Program.—

12245 (2)(a) Enterprise Florida, Inc., shall establish a separate
12246 small business technology growth account in the Florida
12247 Technology Research Investment Fund for purposes of this
12248 section. Moneys in the account shall consist of appropriations
12249 by the Legislature, proceeds of any collateral used to secure
12250 such assistance, transfers, fees assessed for providing or
12251 processing such financial assistance, grants, interest earnings,
12252 and earnings on financial assistance.

12253 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
12254 ~~Inc., shall advance up to \$600,000 from the account to the~~
12255 ~~Institute for Commercialization of Public Research for its~~
12256 ~~operations. This paragraph expires July 1, 2010.~~

12257 Section 227. Paragraph (e) of subsection (2), paragraph (a)
12258 of subsection (4), subsection (7), paragraph (b) of subsection
12259 (8), subsection (9), paragraph (1) of subsection (10), and
12260 subsection (15) of section 288.955, Florida Statutes, are
12261 amended, and present subsections (16) and (17) of that section
12262 are renumbered as subsections (15) and (16), respectively, to
12263 read:

12264 288.955 Scripps Florida Funding Corporation.—

12265 (2) CREATION.—

12266 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12267 ~~Development~~ shall provide administrative support to the

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12268 corporation as requested by the corporation. In the event of the
12269 dissolution of the corporation, Jobs Florida ~~the office~~ shall be
12270 the corporation's successor in interest and shall assume all
12271 rights, duties, and obligations of the corporation under any
12272 contract to which the corporation is then a party and under law.

12273 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
12274 a board of directors.

12275 (a) The board of directors shall consist of nine voting
12276 members, of whom the Governor shall appoint three, the President
12277 of the Senate shall appoint three, and the Speaker of the House
12278 of Representatives shall appoint three. The commissioner of Jobs
12279 Florida or the commissioner's designee ~~director of the Office of~~
12280 ~~Tourism, Trade, and Economic Development or the director's~~
12281 ~~designee~~ shall serve as an ex-officio, nonvoting member of the
12282 board of directors.

12283 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
12284 agreement with the State Board of Administration under which
12285 funds received by the corporation from Jobs Florida ~~the Office~~
12286 ~~of Tourism, Trade, and Economic Development~~ which are not
12287 disbursed to the grantee shall be invested by the State Board of
12288 Administration on behalf of the corporation. Funds shall be
12289 invested in suitable instruments authorized under s. 215.47 and
12290 specified in investment guidelines established and agreed to by
12291 the State Board of Administration and the corporation.

12292 (8) CONTRACT.—

12293 (b) The contract, at a minimum, must contain provisions:

12294 1. Specifying the procedures and schedules that govern the
12295 disbursement of funds under this section and specifying the
12296 conditions or deliverables that the grantee must satisfy before

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12297 the release of each disbursement.

12298 2. Requiring the grantee to submit to the corporation a
12299 business plan in a form and manner prescribed by the
12300 corporation.

12301 3. Prohibiting The Scripps Research Institute or the
12302 grantee from establishing other biomedical science or research
12303 facilities in any state other than this state or California for
12304 a period of 12 years from the commencement of the contract.
12305 Nothing in this subparagraph shall prohibit the grantee from
12306 establishing or engaging in normal collaborative activities with
12307 other organizations.

12308 4. Governing the ownership of or security interests in real
12309 property and personal property, including, but not limited to,
12310 research equipment, obtained through the financial support of
12311 state or local government, including a provision that in the
12312 event of a breach of the contract or in the event the grantee
12313 ceases operations in this state, such property purchased with
12314 state funds shall revert to the state and such property
12315 purchased with local funds shall revert to the local governing
12316 authority.

12317 5. Requiring the grantee to be an equal opportunity
12318 employer.

12319 6. Requiring the grantee to maintain a policy of awarding
12320 preference in employment to residents of this state, as defined
12321 by law, except for professional scientific staff positions
12322 requiring a doctoral degree, postdoctoral training positions,
12323 and graduate student positions.

12324 7. Requiring the grantee to maintain a policy of making
12325 purchases from vendors in this state, to the extent it is cost-

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12326 effective and scientifically sound.

12327 8. Requiring the grantee to use the Internet-based job-
12328 listing system of Jobs Florida ~~the Agency for Workforce~~
12329 ~~Innovation~~ in advertising employment opportunities.

12330 9. Requiring the grantee to establish accredited science
12331 degree programs.

12332 10. Requiring the grantee to establish internship programs
12333 to create learning opportunities for educators and secondary,
12334 postsecondary, graduate, and doctoral students.

12335 11. Requiring the grantee to submit data to the corporation
12336 on the activities and performance during each fiscal year and to
12337 provide to the corporation an annual accounting of the
12338 expenditure of funds disbursed under this section.

12339 12. Establishing that the corporation shall review the
12340 activities of the grantee to assess the grantee's financial and
12341 operational compliance with the provisions of the contract and
12342 with relevant provisions of law.

12343 13. Authorizing the grantee, when feasible, to use
12344 information submitted by it to the Federal Government or to
12345 other organizations awarding research grants to the grantee to
12346 help meet reporting requirements imposed under this section or
12347 the contract, if the information satisfies the reporting
12348 standards of this section and the contract.

12349 14. Requiring the grantee during the first 7 years of the
12350 contract to create 545 positions and to acquire associated
12351 research equipment for the grantee's facility in this state, and
12352 pay for related maintenance of the equipment, in a total amount
12353 of not less than \$45 million.

12354 15. Requiring the grantee to progress in the creation of

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12355 the total number of jobs prescribed in subparagraph 14. on the
12356 following schedule: At least 38 positions in the 1st year, 168
12357 positions in the 2nd year, 280 positions in the 3rd year, 367
12358 positions in the 4th year, 436 positions in the 5th year, 500
12359 positions in the 6th year, and 545 positions in the 7th year.
12360 The board may allow the grantee to deviate downward from such
12361 employee levels by 25 percent in any year, to allow the grantee
12362 flexibility in achieving the objectives set forth in the
12363 business plan provided to the corporation; however, the grantee
12364 must have no fewer than 545 positions by the end of the 7th
12365 year.

12366 16. Requiring the grantee to allow the corporation to
12367 retain an independent certified public accountant licensed in
12368 this state pursuant to chapter 473 to inspect the records of the
12369 grantee in order to audit the expenditure of funds disbursed to
12370 the grantee. The independent certified public accountant shall
12371 not disclose any confidential or proprietary scientific
12372 information of the grantee.

12373 17. Requiring the grantee to purchase liability insurance
12374 and governing the coverage level of such insurance.

12375 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
12376 prescribed in subsection (8), the contract between the
12377 corporation and the grantee shall include a provision that the
12378 grantee, in cooperation with Jobs Florida ~~the Office of Tourism,~~
12379 ~~Trade, and Economic Development~~, shall report to the corporation
12380 on performance expectations that reflect the aspirations of the
12381 Governor and the Legislature for the benefits accruing to this
12382 state as a result of the funds appropriated pursuant to this
12383 section. These shall include, but are not limited to,

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12384 performance expectations addressing:

12385 (a) The number and dollar value of research grants obtained
12386 from the Federal Government or sources other than this state.

12387 (b) The percentage of total research dollars received by
12388 The Scripps Research Institute from sources other than this
12389 state which is used to conduct research activities by the
12390 grantee in this state.

12391 (c) The number or value of patents obtained by the grantee.

12392 (d) The number or value of licensing agreements executed by
12393 the grantee.

12394 (e) The extent to which research conducted by the grantee
12395 results in commercial applications.

12396 (f) The number of collaborative agreements reached and
12397 maintained with colleges and universities in this state and with
12398 research institutions in this state, including agreements that
12399 foster participation in research opportunities by public and
12400 private colleges and universities and research institutions in
12401 this state with significant minority populations, including
12402 historically black colleges and universities.

12403 (g) The number of collaborative partnerships established
12404 and maintained with businesses in this state.

12405 (h) The total amount of funding received by the grantee
12406 from sources other than the State of Florida.

12407 (i) The number or value of spin-off businesses created in
12408 this state as a result of commercialization of the research of
12409 the grantee.

12410 (j) The number or value of businesses recruited to this
12411 state by the grantee.

12412 (k) The establishment and implementation of policies to

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12413 promote supplier diversity using the guidelines developed by the
12414 Office of Supplier Diversity under s. 287.09451 and to comply
12415 with the ordinances, including any small business ordinances,
12416 enacted by the county and which are applicable to the biomedical
12417 research institution and campus located in this state.

12418 (l) The designation by the grantee of a representative to
12419 coordinate with the Office of Supplier Diversity.

12420 (m) The establishment and implementation of a program to
12421 conduct workforce recruitment activities at public and private
12422 colleges and universities and community colleges in this state
12423 which request the participation of the grantee.

12424
12425 The contract shall require the grantee to provide information to
12426 the corporation on the progress in meeting these performance
12427 expectations on an annual basis. It is the intent of the
12428 Legislature that, in fulfilling its obligation to work with
12429 Florida's public and private colleges and universities, Scripps
12430 Florida work with such colleges and universities regardless of
12431 size.

12432 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
12433 prescribed in subsection (8), the contract between the
12434 corporation and the grantee shall include disbursement
12435 conditions that must be satisfied by the grantee as a condition
12436 for the continued disbursement of funds under this section.
12437 These disbursement conditions shall be negotiated between the
12438 corporation and the grantee and shall not be designed to impede
12439 the ability of the grantee to attain full operational status.
12440 The disbursement conditions may be appropriately varied as to
12441 timeframes, numbers, values, and percentages. The disbursement

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12442 conditions shall include, but are not limited to, the following
12443 areas:

12444 (1) Beginning June 2004, the grantee shall commence
12445 collaboration efforts with Jobs Florida ~~the Office of Tourism,~~
12446 ~~Trade, and Economic Development~~ by complying with reasonable
12447 requests for cooperation in economic development efforts in the
12448 biomed/biotech industry. No later than July 2004, the grantee
12449 shall designate a person who shall be charged with assisting in
12450 these collaborative efforts.

12451 ~~(15) PROGRAM EVALUATION.—~~

12452 ~~(a) Before January 1, 2007, the Office of Program Policy~~
12453 ~~Analysis and Government Accountability shall conduct a~~
12454 ~~performance audit of the Office of Tourism, Trade, and Economic~~
12455 ~~Development and the corporation relating to the provisions of~~
12456 ~~this section. The audit shall assess the implementation and~~
12457 ~~outcomes of activities under this section. At a minimum, the~~
12458 ~~audit shall address:~~

12459 1. ~~Performance of the Office of Tourism, Trade, and~~
12460 ~~Economic Development in disbursing funds appropriated under this~~
12461 ~~section.~~

12462 2. ~~Performance of the corporation in managing and enforcing~~
12463 ~~the contract with the grantee.~~

12464 3. ~~Compliance by the corporation with the provisions of~~
12465 ~~this section and the provisions of the contract.~~

12466 4. ~~Economic activity generated through funds disbursed~~
12467 ~~under the contract.~~

12468 ~~(b) Before January 1, 2010, the Office of Program Policy~~
12469 ~~Analysis and Government Accountability shall update the report~~
12470 ~~required under this subsection. In addition to addressing the~~

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12471 ~~items prescribed in paragraph (a), the updated report shall~~
12472 ~~include a recommendation on whether the Legislature should~~
12473 ~~retain the statutory authority for the corporation.~~

12474
12475 ~~A report of each audit's findings and recommendations shall be~~
12476 ~~submitted to the Governor, the President of the Senate, and the~~
12477 ~~Speaker of the House of Representatives. In completing the~~
12478 ~~performance audits required under this subsection, the Office of~~
12479 ~~Program Policy Analysis and Government Accountability shall~~
12480 ~~maximize the use of reports submitted by the grantee to the~~
12481 ~~Federal Government or to other organizations awarding research~~
12482 ~~grants to the grantee.~~

12483 Section 228. Subsections (3), (4), (5), and (6) of section
12484 288.9625, Florida Statutes, are amended to read:

12485 288.9625 Institute for the Commercialization of Public
12486 Research.—There is established the Institute for the
12487 Commercialization of Public Research.

12488 (3) The articles of incorporation of the institute must be
12489 approved in a written agreement with Jobs Florida Enterprise
12490 Florida, Inc. The agreement and the articles of incorporation
12491 shall:

12492 (a) Provide that the institute shall provide equal
12493 employment opportunities for all persons regardless of race,
12494 color, religion, gender, national origin, age, handicap, or
12495 marital status;

12496 (b) Provide that the institute is subject to the public
12497 records and meeting requirements of s. 24, Art. I of the State
12498 Constitution;

12499 (c) Provide that all officers, directors, and employees of

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12500 the institute shall be governed by the code of ethics for public
12501 officers and employees as set forth in part III of chapter 112;

12502 (d) Provide that members of the board of directors of the
12503 institute are responsible for the prudent use of all public and
12504 private funds and that they will ensure that the use of funds is
12505 in accordance with all applicable laws, bylaws, and contractual
12506 requirements; and

12507 (e) Provide that the fiscal year of the institute is from
12508 July 1 to June 30.

12509 (4) The affairs of the institute shall be managed by a
12510 board of directors who shall serve without compensation. Each
12511 director shall have only one vote. The chair of the board of
12512 directors shall be selected by a majority vote of the directors,
12513 a quorum being present. The board of directors shall consist of
12514 the following five members:

12515 (a) The commissioner of Jobs Florida ~~chair of Enterprise~~
12516 ~~Florida, Inc.~~, or the commissioner's ~~chair's~~ designee.

12517 (b) The president of the university where the institute is
12518 located or the president's designee unless multiple universities
12519 jointly sponsor the institute, in which case the presidents of
12520 the sponsoring universities shall agree upon a designee.

12521 (c) Three directors appointed by the Governor to 3-year
12522 staggered terms, to which the directors may be reappointed.

12523 (5) The board of directors shall provide a copy of the
12524 institute's annual report to the Governor, the President of the
12525 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
12526 ~~Florida, Inc.~~, and the president of the university at which the
12527 institute is located.

12528 (6) Jobs Florida ~~Enterprise Florida, Inc.~~, the president

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12529 and the board of trustees of the university where the institute
12530 is located, the Auditor General, and the Office of Program
12531 Policy Analysis and Government Accountability may require and
12532 receive from the institute or its independent auditor any detail
12533 or supplemental data relative to the operation of the institute.

12534 Section 229. Subsections (3), (8), and (9) of section
12535 288.975, Florida Statutes, are amended to read:

12536 288.975 Military base reuse plans.—

12537 (3) No later than 6 months after the designation of a military
12538 base for closure by the Federal Government, each host local
12539 government shall notify the commissioner of Jobs Florida
12540 ~~secretary of the Department of Community Affairs and the~~
12541 ~~director of the Office of Tourism, Trade, and Economic~~
12542 ~~Development~~ in writing, by hand delivery or return receipt
12543 requested, as to whether it intends to use the optional
12544 provisions provided in this act. If a host local government does
12545 not opt to use the provisions of this act, land use planning and
12546 regulation pertaining to base reuse activities within those host
12547 local governments shall be subject to all applicable statutory
12548 requirements, including those contained within chapters 163 and
12549 380.

12550 (8) At the request of a host local government, Jobs Florida
12551 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12552 coordinate a presubmission workshop concerning a military base
12553 reuse plan within the boundaries of the host jurisdiction.
12554 Agencies that shall participate in the workshop shall include
12555 any affected local governments; the Department of Environmental
12556 Protection; Jobs Florida ~~the Office of Tourism, Trade, and~~
12557 ~~Economic Development; the Department of Community Affairs; the~~

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12558 Department of Transportation; the Department of Health; the
12559 Department of Children and Family Services; the Department of
12560 Juvenile Justice; the Department of Agriculture and Consumer
12561 Services; the Department of State; the Fish and Wildlife
12562 Conservation Commission; and any applicable water management
12563 districts and regional planning councils. The purposes of the
12564 workshop shall be to assist the host local government to
12565 understand issues of concern to the above listed entities
12566 pertaining to the military base site and to identify
12567 opportunities for better coordination of planning and review
12568 efforts with the information and analyses generated by the
12569 federal environmental impact statement process and the federal
12570 community base reuse planning process.

12571 (9) If a host local government elects to use the optional
12572 provisions of this act, it shall, no later than 12 months after
12573 notifying the agencies of its intent pursuant to subsection (3)
12574 either:

12575 (a) Send a copy of the proposed military base reuse plan
12576 for review to any affected local governments; the Department of
12577 Environmental Protection; Jobs Florida ~~the Office of Tourism,~~
12578 ~~Trade, and Economic Development; the Department of Community~~
12579 ~~Affairs;~~ the Department of Transportation; the Department of
12580 Health; the Department of Children and Family Services; the
12581 Department of Juvenile Justice; the Department of Agriculture
12582 and Consumer Services; the Department of State; the Fish and
12583 Wildlife Conservation Commission; and any applicable water
12584 management districts and regional planning councils, or

12585 (b) Petition the commissioner of Jobs Florida ~~secretary of~~
12586 ~~the Department of Community Affairs~~ for an extension of the

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12587 deadline for submitting a proposed reuse plan. Such an extension
12588 request must be justified by changes or delays in the closure
12589 process by the federal Department of Defense or for reasons
12590 otherwise deemed to promote the orderly and beneficial planning
12591 of the subject military base reuse. The commissioner of Jobs
12592 Florida ~~secretary of the Department of Community Affairs~~ may
12593 grant extensions to the required submission date of the reuse
12594 plan.

12595 Section 230. Paragraphs (a) and (c) of subsection (2) and
12596 subsections (3), (4), (5), (6), (7), and (9) of section 288.980,
12597 Florida Statutes, are amended to read:

12598 288.980 Military base retention; legislative intent; grants
12599 program.—

12600 (2)(a) Jobs Florida ~~The Office of Tourism, Trade, and~~
12601 ~~Economic Development~~ is authorized to award grants from any
12602 funds available to it to support activities related to the
12603 retention of military installations potentially affected by
12604 federal base closure or realignment.

12605 (c) Except for grants issued pursuant to the Florida
12606 Military Installation Reuse Planning and Marketing Grant Program
12607 as described in paragraph (3)(c), the amount of any grant
12608 provided to an applicant may not exceed \$250,000. Jobs Florida
12609 ~~The Office of Tourism, Trade, and Economic Development~~ shall
12610 require that an applicant:

- 12611 1. Represent a local government with a military
12612 installation or military installations that could be adversely
12613 affected by federal base realignment or closure.
- 12614 2. Agree to match at least 30 percent of any grant awarded.
- 12615 3. Prepare a coordinated program or plan of action

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12616 delineating how the eligible project will be administered and
12617 accomplished.

12618 4. Provide documentation describing the potential for
12619 realignment or closure of a military installation located in the
12620 applicant's community and the adverse impacts such realignment
12621 or closure will have on the applicant's community.

12622 (3) The Florida Economic Reinvestment Initiative is
12623 established to respond to the need for this state and defense-
12624 dependent communities in this state to develop alternative
12625 economic diversification strategies to lessen reliance on
12626 national defense dollars in the wake of base closures and
12627 reduced federal defense expenditures and the need to formulate
12628 specific base reuse plans and identify any specific
12629 infrastructure needed to facilitate reuse. The initiative shall
12630 consist of the following three distinct grant programs to be
12631 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
12632 ~~Economic Development~~:

12633 (a) The Florida Defense Planning Grant Program, through
12634 which funds shall be used to analyze the extent to which the
12635 state is dependent on defense dollars and defense infrastructure
12636 and prepare alternative economic development strategies. The
12637 state shall work in conjunction with defense-dependent
12638 communities in developing strategies and approaches that will
12639 help communities make the transition from a defense economy to a
12640 nondefense economy. Grant awards may not exceed \$250,000 per
12641 applicant and shall be available on a competitive basis.

12642 (b) The Florida Defense Implementation Grant Program,
12643 through which funds shall be made available to defense-dependent
12644 communities to implement the diversification strategies

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12645 developed pursuant to paragraph (a). Eligible applicants include
12646 defense-dependent counties and cities, and local economic
12647 development councils located within such communities. Grant
12648 awards may not exceed \$100,000 per applicant and shall be
12649 available on a competitive basis. Awards shall be matched on a
12650 one-to-one basis.

12651
12652 Applications for grants under this subsection must include a
12653 coordinated program of work or plan of action delineating how
12654 the eligible project will be administered and accomplished,
12655 which must include a plan for ensuring close cooperation between
12656 civilian and military authorities in the conduct of the funded
12657 activities and a plan for public involvement.

12658
12659 (4) The Defense Infrastructure Grant Program is created.
12660 The commissioner of Jobs Florida ~~director of the Office of~~
12661 ~~Tourism, Trade, and Economic Development~~ shall coordinate and
12662 implement this program, the purpose of which is to support local
12663 infrastructure projects deemed to have a positive impact on the
12664 military value of installations within the state. Funds are to
12665 be used for projects that benefit both the local community and
12666 the military installation. It is not the intent, however, to
12667 fund on-base military construction projects. Infrastructure
12668 projects to be funded under this program include, but are not
12669 limited to, those related to encroachment, transportation and
12670 access, utilities, communications, housing, environment, and
12671 security. Grant requests will be accepted only from economic
12672 development applicants serving in the official capacity of a
12673 governing board of a county, municipality, special district, or

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12674 state agency that will have the authority to maintain the
12675 project upon completion. An applicant must represent a community
12676 or county in which a military installation is located. There is
12677 no limit as to the amount of any grant awarded to an applicant.
12678 A match by the county or local community may be required. Jobs
12679 Florida ~~The Office of Tourism, Trade, and Economic Development~~
12680 shall establish guidelines to implement the purpose of this
12681 subsection.

12682 (5)(a) The Defense-Related Business Adjustment Program is
12683 hereby created. The commissioner of Jobs Florida ~~Director of the~~
12684 ~~Office of Tourism, Trade, and Economic Development~~ shall
12685 coordinate the development of the Defense-Related Business
12686 Adjustment Program. Funds shall be available to assist defense-
12687 related companies in the creation of increased commercial
12688 technology development through investments in technology. Such
12689 technology must have a direct impact on critical state needs for
12690 the purpose of generating investment-grade technologies and
12691 encouraging the partnership of the private sector and government
12692 defense-related business adjustment. The following areas shall
12693 receive precedence in consideration for funding commercial
12694 technology development: law enforcement or corrections,
12695 environmental protection, transportation, education, and health
12696 care. Travel and costs incidental thereto, and staff salaries,
12697 are not considered an "activity" for which grant funds may be
12698 awarded.

12699 (b) Jobs Florida ~~The Office~~ shall require that an
12700 applicant:

12701 1. Be a defense-related business that could be adversely
12702 affected by federal base realignment or closure or reduced

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12703 defense expenditures.

12704 2. Agree to match at least 50 percent of any funds awarded
12705 by the department in cash or in-kind services. Such match shall
12706 be directly related to activities for which the funds are being
12707 sought.

12708 3. Prepare a coordinated program or plan delineating how
12709 the funds will be administered.

12710 4. Provide documentation describing how defense-related
12711 realignment or closure will adversely impact defense-related
12712 companies.

12713 (6) The Retention of Military Installations Program is
12714 created. The commissioner of Jobs Florida ~~Director of the Office~~
12715 ~~of Tourism, Trade, and Economic Development~~ shall coordinate and
12716 implement this program. ~~The sum of \$1.2 million is appropriated~~
12717 ~~from the General Revenue Fund for fiscal year 1999-2000 to the~~
12718 ~~Office of Tourism, Trade, and Economic Development to implement~~
12719 ~~this program for military installations located in counties with~~
12720 ~~a population greater than 824,000. The funds shall be used to~~
12721 ~~assist military installations potentially affected by federal~~
12722 ~~base closure or realignment in covering current operating costs~~
12723 ~~in an effort to retain the installation in this state. An~~
12724 ~~eligible military installation for this program shall include a~~
12725 ~~provider of simulation solutions for war fighting~~
12726 ~~experimentation, testing, and training which employs at least~~
12727 ~~500 civilian and military employees and has been operating in~~
12728 ~~the state for a period of more than 10 years.~~

12729 (7) The commissioner of Jobs Florida ~~director~~ may award
12730 nonfederal matching funds specifically appropriated for
12731 construction, maintenance, and analysis of a Florida defense

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12732 workforce database. Such funds will be used to create a registry
12733 of worker skills that can be used to match the worker needs of
12734 companies that are relocating to this state or to assist workers
12735 in relocating to other areas within this state where similar or
12736 related employment is available.

12737 (9) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12738 ~~Development~~ shall establish guidelines to implement and carry
12739 out the purpose and intent of this section.

12740 Section 231. Paragraphs (a), (e), and (f) of subsection (2)
12741 of section 288.984, Florida Statutes, are amended to read:

12742 288.984 Florida Council on Military Base and Mission
12743 Support.—The Florida Council on Military Base and Mission
12744 Support is established. The council shall provide oversight and
12745 direction for initiatives, claims, and actions taken on behalf
12746 of the state, its agencies, and political subdivisions under
12747 this part.

12748 (2) MEMBERSHIP.—

12749 (a) The council shall be composed of nine members. The
12750 President of the Senate, the Speaker of the House of
12751 Representatives, and the Governor shall each appoint three
12752 members as follows:

12753 1. The President of the Senate shall appoint one member of
12754 the Senate, one community representative from a community-based
12755 defense support organization, and one member who is a retired
12756 military general or flag-rank officer residing in this state or
12757 an executive officer of a defense contracting firm doing
12758 significant business in this state.

12759 2. The Speaker of the House of Representatives shall
12760 appoint one member of the House of Representatives, one

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12761 community representative from a community-based defense support
12762 organization, and one member who is a retired military general
12763 or flag-rank officer residing in this state or an executive
12764 officer of a defense contracting firm doing significant business
12765 in this state.

12766 3. The Governor shall appoint the commissioner of Jobs
12767 Florida or the commissioner's designee ~~director or designee of~~
12768 ~~the Office of Tourism, Trade, and Economic Development~~, the vice
12769 chairperson or designee of Enterprise Florida, Inc., and one at-
12770 large member.

12771 (e) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
12772 ~~Development~~ shall provide administrative support to the council.

12773 (f) ~~The Secretary of Community Affairs or his or her~~
12774 ~~designee~~, the Secretary of Environmental Protection or his or
12775 her designee, the Secretary of Transportation or his or her
12776 designee, the Adjutant General of the state or his or her
12777 designee, and the executive director of the Department of
12778 Veterans' Affairs or his or her designee shall attend meetings
12779 held by the council and provide assistance, information, and
12780 support as requested by the council.

12781 Section 232. Subsection (5) of section 288.9913, Florida
12782 Statutes, is amended, and present subsections (6) through (10)
12783 of that section are renumbered as subsections (5) through (9) of
12784 that section, to read:

12785 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
12786 term:

12787 (5) ~~"Office" means the Office of Tourism, Trade, and~~
12788 ~~Economic Development.~~

12789 Section 233. Subsections (1), (2), and (3), and paragraphs

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12790 (a) and (b) of subsection (4), and subsection (6) of section
12791 288.9914, Florida Statutes, are amended to read:

12792 288.9914 Certification of qualified investments; investment
12793 issuance reporting.—

12794 (1) ELIGIBLE INDUSTRIES.—

12795 (a) Jobs Florida ~~The office~~, in consultation with
12796 Enterprise Florida, Inc., shall designate industries using the
12797 North American Industry Classification System which are eligible
12798 to receive low-income community investments. The designated
12799 industries must be those industries that have the greatest
12800 potential to create strong positive impacts on or benefits to
12801 the state, regional, and local economies.

12802 (b) A qualified community development entity may not make a
12803 qualified low-income community investment in a business unless
12804 the principal activities of the business are within an eligible
12805 industry. Jobs Florida ~~the Office~~ may waive this limitation if
12806 the office determines that the investment will have a positive
12807 impact on a community.

12808 (2) APPLICATION.—A qualified community development entity
12809 must submit an application to Jobs Florida ~~the Office~~ to approve
12810 a proposed investment as a qualified investment. The application
12811 must include:

12812 (a) The name, address, and tax identification number of the
12813 qualified community development entity.

12814 (b) Proof of certification as a qualified community
12815 development entity under 26 U.S.C. s. 45D.

12816 (c) A copy of an allocation agreement executed by the
12817 entity, or its controlling entity, and the Community Development
12818 Financial Institutions Fund, which authorizes the entity to

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12819 serve businesses in this state.

12820 (d) A verified statement by the chief executive officer of
12821 the entity that the allocation agreement remains in effect.

12822 (e) A description of the proposed amount, structure, and
12823 purchaser of an equity investment or long-term debt security.

12824 (f) The name and tax identification number of any person
12825 authorized to claim a tax credit earned as a result of the
12826 purchase of the proposed qualified investment.

12827 (g) A detailed explanation of the proposed use of the
12828 proceeds from a proposed qualified investment.

12829 (h) A nonrefundable application fee of \$1,000, payable to
12830 Jobs Florida ~~the office~~.

12831 (i) A statement that the entity will invest only in the
12832 industries designated by Jobs Florida ~~the office~~.

12833 (j) The entity's plans for the development of relationships
12834 with community-based organizations, local community development
12835 offices and organizations, and economic development
12836 organizations. The entity must also explain steps it has taken
12837 to implement its plans to develop these relationships.

12838 (k) A statement that the entity will not invest in a
12839 qualified active low-income community business unless the
12840 business will create or retain jobs that pay an average wage of
12841 at least 115 percent of the federal poverty income guidelines
12842 for a family of four.

12843 (3) REVIEW.—

12844 (a) Jobs Florida ~~The office~~ shall review applications to
12845 approve an investment as a qualified investment in the order
12846 received. The office shall approve or deny an application within
12847 30 days after receipt.

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12848 (b) If Jobs Florida ~~the office~~ intends to deny the
12849 application, the office shall inform the applicant of the basis
12850 of the proposed denial. The applicant shall have 15 days after
12851 it receives the notice of the intent to deny the application to
12852 submit a revised application to Jobs Florida ~~the office~~. Jobs
12853 Florida ~~the office~~ shall issue a final order approving or
12854 denying the revised application within 30 days after receipt.

12855 (c) Jobs Florida ~~The office~~ may not approve a cumulative
12856 amount of qualified investments that may result in the claim of
12857 more than \$97.5 million in tax credits during the existence of
12858 the program or more than \$20 million in tax credits in a single
12859 state fiscal year. However, the potential for a taxpayer to
12860 carry forward an unused tax credit may not be considered in
12861 calculating the annual limit.

12862 (4) APPROVAL.—

12863 (a) Jobs Florida ~~The office~~ shall provide a copy of the
12864 final order approving an investment as a qualified investment to
12865 the qualified community development entity and to the
12866 department. The notice shall include the identity of the
12867 taxpayers who are eligible to claim the tax credits and the
12868 amount that may be claimed by each taxpayer.

12869 (b) Jobs Florida ~~The office~~ shall approve an application
12870 for part of the amount of the proposed investment if the amount
12871 of tax credits available is insufficient.

12872 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
12873 qualified community development entity must provide Jobs Florida
12874 ~~the office~~ with evidence of the receipt of the cash in exchange
12875 for the qualified investment within 30 business days after
12876 receipt.

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12877 Section 234. Subsection (2) of section 288.9916, Florida
12878 Statutes, is amended to read:

12879 288.9916 New markets tax credit.—

12880 (2) A tax credit earned under this section may not be sold or
12881 transferred, except as provided in this subsection.

12882 (a) A partner, member, or shareholder of a partnership,
12883 limited liability company, S-corporation, or other "pass-
12884 through" entity may claim the tax credit pursuant to an
12885 agreement among the partners, members, or shareholders. Any
12886 change in the allocation of a tax credit under the agreement
12887 must be reported to Jobs Florida ~~the office~~ and to the
12888 department.

12889 (b) Eligibility to claim a tax credit transfers to
12890 subsequent purchasers of a qualified investment. Such transfers
12891 must be reported to Jobs Florida ~~the office~~ and to the
12892 department along with the identity, tax identification number,
12893 and tax credit amount allocated to a taxpayer pursuant to
12894 paragraph (a). The notice of transfer also must state whether
12895 unused tax credits are being transferred and the amount of
12896 unused tax credits being transferred.

12897 Section 235. Section 288.9917, Florida Statutes, is amended
12898 to read:

12899 288.9917 Community development entity reporting after a
12900 credit allowance date; certification of tax credit amount.—

12901 (1) A qualified community development entity that has
12902 issued a qualified investment shall submit the following to Jobs
12903 Florida ~~the office~~ within 30 days after each credit allowance
12904 date:

12905 (a) A list of all qualified active low-income community

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12906 businesses in which a qualified low-income community investment
12907 was made since the last credit allowance date. The list shall
12908 also describe the type and amount of investment in each business
12909 and the address of the principal location of each business. The
12910 list must be verified by the chief executive officer of the
12911 community development entity.

12912 (b) Bank records, wire transfer records, or similar
12913 documents that provide evidence of the qualified low-income
12914 community investments made since the last credit allowance date.

12915 (c) A verified statement by the chief financial or
12916 accounting officer of the community development entity that no
12917 redemption or principal repayment was made with respect to the
12918 qualified investment since the previous credit allowance date.

12919 (d) Information relating to the recapture of the federal
12920 new markets tax credit since the last credit allowance date.

12921 (2) Jobs Florida ~~The office~~ shall certify in writing to the
12922 qualified community development entity and to the department the
12923 amount of the tax credit authorized for each taxpayer eligible
12924 to claim the tax credit in the tax year containing the last
12925 credit allowance date.

12926 Section 236. Section 288.9918, Florida Statutes, is amended
12927 to read:

12928 288.9918 Annual reporting by a community development
12929 entity.—A community development entity that has issued a
12930 qualified investment shall submit an annual report to Jobs
12931 Florida ~~the office~~ by April 30 after the end of each year which
12932 includes a credit allowance date. The report shall include:

12933 (1) The entity's annual financial statements for the
12934 preceding tax year, audited by an independent certified public

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12935 accountant.

12936 (2) The identity of the types of industries, identified by
12937 the North American Industry Classification System Code, in which
12938 qualified low-income community investments were made.

12939 (3) The names of the counties in which the qualified active
12940 low-income businesses are located which received qualified low-
12941 income community investments.

12942 (4) The number of jobs created and retained by qualified
12943 active low-income community businesses receiving qualified low-
12944 income community investments, including verification that the
12945 average wages paid meet or exceed 115 percent of the federal
12946 poverty income guidelines for a family of four.

12947 (5) A description of the relationships that the entity has
12948 established with community-based organizations and local
12949 community development offices and organizations and a summary of
12950 the outcomes resulting from those relationships.

12951 (6) Other information and documentation required by Jobs
12952 Florida ~~the office~~ to verify continued certification as a
12953 qualified community development entity under 26 U.S.C. s. 45D.

12954 Section 237. Section 288.9919, Florida Statutes, is amended
12955 to read:

12956 288.9919 Audits and examinations; penalties.—

12957 (1) AUDITS.—A community development entity that issues an investment approved
12958 by Jobs Florida ~~the office~~ as a qualified investment shall be
12959 deemed a recipient of state financial assistance under s.
12960 215.97, the Florida Single Audit Act. However, an entity that
12961 makes a qualified investment or receives a qualified low-income
12962 community investment is not a subrecipient for the purposes of
12963 s. 215.97.

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12964 (2) EXAMINATIONS.—Jobs Florida ~~the office~~ may conduct
12965 examinations to verify compliance with the New Markets
12966 Development Program Act.

12967 Section 238. Section 288.9920, Florida Statutes, is amended
12968 to read:

12969 288.9920 Recapture and penalties.—

12970 (1) Notwithstanding s. 95.091, Jobs Florida ~~the office~~
12971 shall direct the department, at any time before December 31,
12972 2022, to recapture all or a portion of a tax credit authorized
12973 pursuant to the New Markets Development Program Act if one or
12974 more of the following occur:

12975 (a) The Federal Government recaptures any portion of the
12976 federal new markets tax credit. The recapture by the department
12977 shall equal the recapture by the Federal Government.

12978 (b) The qualified community development entity redeems or
12979 makes a principal repayment on a qualified investment before the
12980 final allowance date. The recapture by the department shall
12981 equal the redemption or principal repayment divided by the
12982 purchase price and multiplied by the tax credit authorized to a
12983 taxpayer for the qualified investment.

12984 (c)1. The qualified community development entity fails to
12985 invest at least 85 percent of the purchase price in qualified
12986 low-income community investments within 12 months after the
12987 issuance of a qualified investment; or

12988 2. The qualified community development entity fails to
12989 maintain 85 percent of the purchase price in qualified low-
12990 income community investments until the last credit allowance
12991 date for a qualified investment.

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12993 For the purposes of this paragraph, an investment by a qualified
12994 community development entity includes principal recovered from
12995 an investment for 12 months after its recovery or principal
12996 recovered after the sixth credit allowance date. Principal held
12997 for longer than 12 months or recovered before the sixth credit
12998 allowance date is not an investment unless it is reinvested in a
12999 qualified low-income community investment.

13000 (d) The qualified community development entity fails to
13001 provide Jobs Florida ~~the office~~ with information, reports, or
13002 documentation required by the New Markets Development Program
13003 Act.

13004 (e) Jobs Florida ~~The office~~ determines that a taxpayer
13005 received tax credits to which the taxpayer was not entitled.

13006 (2) Jobs Florida ~~The office~~ shall provide notice to the
13007 qualified community development entity and the department of a
13008 proposed recapture of a tax credit. The entity shall have 6
13009 months following the receipt of the notice to cure a deficiency
13010 identified in the notice and avoid recapture. Jobs Florida ~~the~~
13011 ~~office~~ shall issue a final order of recapture if the entity
13012 fails to cure a deficiency within the 6-month period. The final
13013 order of recapture shall be provided to the entity, the
13014 department, and a taxpayer otherwise authorized to claim the tax
13015 credit. Only one correction is permitted for each qualified
13016 equity investment during the 7-year credit period. Recaptured
13017 funds shall be deposited into the General Revenue Fund.

13018 (3) An entity that submits fraudulent information to Jobs
13019 Florida ~~the office~~ is liable for the costs associated with the
13020 investigation and prosecution of the fraudulent claim plus a
13021 penalty in an amount equal to double the tax credits claimed by

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13022 investors in the entity's qualified investments. This penalty is
13023 in addition to any other penalty that may be imposed by law.

13024 Section 239. Section 288.9921, Florida Statutes, is amended
13025 to read:

13026 288.9921 Rulemaking.—Jobs Florida ~~the Office~~ and the
13027 Department of Revenue may adopt rules pursuant to ss. 120.536(1)
13028 and 120.54 to administer ss. 288.991-288.9920.

13029 Section 240. Subsection (5) of section 290.004, Florida
13030 Statutes, is amended, and present subsections (6) and (7) of
13031 that subsection are renumbered as subsections (5) and (6),
13032 respectively, to read:

13033 290.004 Definitions relating to Florida Enterprise Zone
13034 Act.—As used in ss. 290.001-290.016:

13035 ~~(5) "Office" means The Office of Tourism, Trade, and~~
13036 ~~Economic Development.~~

13037 Section 241. Subsection (1) and paragraphs (a) and (b) of
13038 subsection (6) of section 290.0055, Florida Statutes, are
13039 amended to read:

13040 290.0055 Local nominating procedure.—

13041 (1) If, pursuant to s. 290.0065, an opportunity exists for
13042 designation of a new enterprise zone, any county or
13043 municipality, or a county and one or more municipalities
13044 together, may apply to Jobs Florida ~~the office~~ for the
13045 designation of an area as an enterprise zone after completion of
13046 the following:

13047 (a) The adoption by the governing body or bodies of a
13048 resolution which:

13049 1. Finds that an area exists in such county or
13050 municipality, or in both the county and one or more

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13051 municipalities, which chronically exhibits extreme and
13052 unacceptable levels of poverty, unemployment, physical
13053 deterioration, and economic disinvestment;

13054 2. Determines that the rehabilitation, conservation, or
13055 redevelopment, or a combination thereof, of such area is
13056 necessary in the interest of the public health, safety, and
13057 welfare of the residents of such county or municipality, or such
13058 county and one or more municipalities; and

13059 3. Determines that the revitalization of such area can
13060 occur only if the private sector can be induced to invest its
13061 own resources in productive enterprises that build or rebuild
13062 the economic viability of the area.

13063 (b) The creation of an enterprise zone development agency
13064 pursuant to s. 290.0056.

13065 (c) The creation and adoption of a strategic plan pursuant
13066 to s. 290.0057.

13067 (6)(a) Jobs Florida ~~The office~~ may approve a change in the
13068 boundary of any enterprise zone which was designated pursuant to
13069 s. 290.0065. A boundary change must continue to satisfy the
13070 requirements of subsections (3), (4), and (5).

13071 (b) Upon a recommendation by the enterprise zone
13072 development agency, the governing body of the jurisdiction which
13073 authorized the application for an enterprise zone may apply to
13074 Jobs Florida ~~the Office~~ for a change in boundary once every 3
13075 years by adopting a resolution that:

13076 1. States with particularity the reasons for the change;
13077 and

13078 2. Describes specifically and, to the extent required by
13079 Jobs Florida ~~the office~~, the boundary change to be made.

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13080 Section 242. Subsections (11) and (12) of section 290.0056,
13081 Florida Statutes, are amended to read:

13082 290.0056 Enterprise zone development agency.—

13083 (11) Prior to December 1 of each year, the agency shall submit to Jobs Florida
13084 ~~the Office of Tourism, Trade, and Economic Development~~ a
13085 complete and detailed written report setting forth:

13086 (a) Its operations and accomplishments during the fiscal
13087 year.

13088 (b) The accomplishments and progress concerning the
13089 implementation of the strategic plan or measurable goals, and
13090 any updates to the strategic plan or measurable goals.

13091 (c) The number and type of businesses assisted by the
13092 agency during the fiscal year.

13093 (d) The number of jobs created within the enterprise zone
13094 during the fiscal year.

13095 (e) The usage and revenue impact of state and local
13096 incentives granted during the calendar year.

13097 (f) Any other information required by Jobs Florida ~~the~~
13098 ~~office~~.

13099 (12) In the event that the nominated area selected by the
13100 governing body is not designated a state enterprise zone, the
13101 governing body may dissolve the agency after receiving
13102 notification from Jobs Florida ~~the office~~ that the area was not
13103 designated as an enterprise zone.

13104 Section 243. Subsections (2) and (4), paragraph (a) of
13105 subsection (6), and subsection (7) of section 290.0065, Florida
13106 Statutes, are amended to read:

13107 290.0065 State designation of enterprise zones.—

13108 (2) If, pursuant to subsection (4), Jobs Florida ~~the office~~ does

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13109 not redesignate an enterprise zone, a governing body of a county
13110 or municipality or the governing bodies of a county and one or
13111 more municipalities jointly, pursuant to s. 290.0055, may apply
13112 for designation of an enterprise zone to take the place of the
13113 enterprise zone not redesignated and request designation of an
13114 enterprise zone. Jobs Florida ~~the Office~~, in consultation with
13115 Enterprise Florida, Inc., shall determine which areas nominated
13116 by such governing bodies meet the criteria outlined in s.
13117 290.0055 and are the most appropriate for designation as state
13118 enterprise zones. Each application made pursuant to s. 290.0055
13119 shall be ranked competitively based on the pervasive poverty,
13120 unemployment, and general distress of the area; the strategic
13121 plan, including local fiscal and regulatory incentives, prepared
13122 pursuant to s. 290.0057; and the prospects for new investment
13123 and economic development in the area. Pervasive poverty,
13124 unemployment, and general distress shall be weighted 35 percent;
13125 strategic plan and local fiscal and regulatory incentives shall
13126 be weighted 40 percent; and prospects for new investment and
13127 economic development in the area shall be weighted 25 percent.

13128 (4)(a) Notwithstanding s. 290.0055, Jobs Florida ~~the office~~
13129 may redesignate any state enterprise zone having an effective
13130 date on or before January 1, 2005, as a state enterprise zone
13131 upon completion and submittal to the office by the governing
13132 body for an enterprise zone of the following:

13133 1. An updated zone profile for the enterprise zone based on
13134 the most recent census data that complies with s. 290.0055,
13135 except that pervasive poverty criteria may be set aside for
13136 rural enterprise zones.

13137 2. A resolution passed by the governing body for that

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13138 enterprise zone requesting redesignation and explaining the
13139 reasons the conditions of the zone merit redesignation.

13140 3. Measurable goals for the enterprise zone developed by
13141 the enterprise zone development agency, which may be the goals
13142 established in the enterprise zone's strategic plan.

13143

13144 The governing body may also submit a request for a boundary
13145 change in an enterprise zone in the same application to Jobs
13146 Florida ~~the office~~ as long as the new area complies with the
13147 requirements of s. 290.0055, except that pervasive poverty
13148 criteria may be set aside for rural enterprise zones.

13149 (b) In consultation with Enterprise Florida, Inc., Jobs
13150 Florida ~~the office~~ shall, based on the enterprise zone profile
13151 and the grounds for redesignation expressed in the resolution,
13152 determine whether the enterprise zone merits redesignation. Jobs
13153 Florida ~~the office~~ may also examine and consider the following:

13154 1. Progress made, if any, in the enterprise zone's
13155 strategic plan.

13156 2. Use of enterprise zone incentives during the life of the
13157 enterprise zone.

13158

13159 If Jobs Florida ~~the office~~ determines that the enterprise zone
13160 merits redesignation, Jobs Florida ~~the office~~ shall notify the
13161 governing body in writing of its approval of redesignation.

13162 (c) If the enterprise zone is redesignated, Jobs Florida
13163 ~~the office~~ shall determine if the measurable goals submitted are
13164 reasonable. If Jobs Florida ~~the office~~ determines that the goals
13165 are reasonable, it ~~the office~~ shall notify the governing body in
13166 writing that the goals have been approved.

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13167 (d) If Jobs Florida ~~the office~~ denies redesignation of an
13168 enterprise zone, it ~~the Office~~ shall notify the governing body
13169 in writing of the denial. Any county or municipality having
13170 jurisdiction over an area denied redesignation as a state
13171 enterprise zone pursuant to this subsection may not apply for
13172 designation of that area for 1 year following the date of
13173 denial.

13174 (6)(a) Jobs Florida ~~the office~~, in consultation with
13175 Enterprise Florida, Inc., may develop guidelines necessary for
13176 the approval of areas under this section by the director.

13177 (7) Upon approval by the commissioner of Jobs Florida
13178 ~~director~~ of a resolution authorizing an area to be an enterprise
13179 zone pursuant to this section, Jobs Florida ~~the office~~ shall
13180 assign a unique identifying number to that resolution. Jobs
13181 Florida ~~the office~~ shall provide the Department of Revenue and
13182 Enterprise Florida, Inc., with a copy of each resolution
13183 approved, together with its identifying number.

13184 Section 244. Subsection (1) of section 290.0066, Florida
13185 Statutes, is amended to read:

13186 290.0066 Revocation of enterprise zone designation.—

13187 (1) The commissioner of Jobs Florida ~~director~~ may revoke the
13188 designation of an enterprise zone if the commissioner ~~director~~
13189 determines that the governing body or bodies:

13190 (a) Have failed to make progress in achieving the
13191 benchmarks set forth in the strategic plan or measurable goals;
13192 or

13193 (b) Have not complied substantially with the strategic plan
13194 or measurable goals.

13195 Section 245. Section 290.00710, Florida Statutes, is

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13196 amended to read:

13197 290.00710 Enterprise zone designation for the City of
13198 Lakeland.—The City of Lakeland may apply to Jobs Florida ~~the~~
13199 ~~Office of Tourism, Trade, and Economic Development~~ for
13200 designation of one enterprise zone for an area within the City
13201 of Lakeland, which zone shall encompass an area up to 10 square
13202 miles. The application must be submitted by December 31, 2005,
13203 and must comply with the requirements of s. 290.0055.

13204 Notwithstanding s. 290.0065, limiting the total number of
13205 enterprise zones designated and the number of enterprise zones
13206 within a population category, Jobs Florida ~~the Office of~~
13207 ~~Tourism, Trade, and Economic Development~~ may designate one
13208 enterprise zone under this section. Jobs Florida ~~The Office of~~
13209 ~~Tourism, Trade, and Economic Development~~ shall establish the
13210 initial effective date of the enterprise zone designated
13211 pursuant to this section.

13212 Section 246. Section 290.0072, Florida Statutes, is amended
13213 to read:

13214 290.0072 Enterprise zone designation for the City of Winter
13215 Haven.—The City of Winter Haven may apply to Jobs Florida ~~the~~
13216 ~~Office of Tourism, Trade, and Economic Development~~ for
13217 designation of one enterprise zone for an area within the City
13218 of Winter Haven, which zone shall encompass an area up to 5
13219 square miles. Notwithstanding s. 290.0065 limiting the total
13220 number of enterprise zones designated and the number of
13221 enterprise zones within a population category, Jobs Florida ~~the~~
13222 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13223 one enterprise zone under this section. Jobs Florida ~~The Office~~
13224 ~~of Tourism, Trade, and Economic Development~~ shall establish the

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13225 initial effective date of the enterprise zone designated
13226 pursuant to this section.

13227 Section 247. Section 290.00725, Florida Statutes, is
13228 amended to read:

13229 290.00725 Enterprise zone designation for the City of
13230 Ocala.—The City of Ocala may apply to Jobs Florida ~~the Office of~~
13231 ~~Tourism, Trade, and Economic Development~~ for designation of one
13232 enterprise zone for an area within the western portion of the
13233 city, which zone shall encompass an area up to 5 square miles.
13234 The application must be submitted by December 31, 2009, and must
13235 comply with the requirements of s. 290.0055. Notwithstanding s.
13236 290.0065 limiting the total number of enterprise zones
13237 designated and the number of enterprise zones within a
13238 population category, Jobs Florida ~~the Office of Tourism, Trade,~~
13239 ~~and Economic Development~~ may designate one enterprise zone under
13240 this section. Jobs Florida ~~The Office of Tourism, Trade, and~~
13241 ~~Economic Development~~ shall establish the initial effective date
13242 of the enterprise zone designated under this section.

13243 Section 248. Section 290.0073, Florida Statutes, is amended
13244 to read:

13245 290.0073 Enterprise zone designation for Indian River
13246 County, the City of Vero Beach, and the City of Sebastian.—
13247 Indian River County, the City of Vero Beach, and the City of
13248 Sebastian may jointly apply to Jobs Florida ~~the Office of~~
13249 ~~Tourism, Trade, and Economic Development~~ for designation of one
13250 enterprise zone encompassing an area not to exceed 10 square
13251 miles. The application must be submitted by December 31, 2005,
13252 and must comply with the requirements of s. 290.0055.
13253 Notwithstanding the provisions of s. 290.0065 limiting the total

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13254 number of enterprise zones designated and the number of
13255 enterprise zones within a population category, Jobs Florida ~~the~~
13256 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13257 one enterprise zone under this section. Jobs Florida ~~The Office~~
13258 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13259 initial effective date of the enterprise zone designated
13260 pursuant to this section.

13261 Section 249. Section 290.0074, Florida Statutes, is amended
13262 to read:

13263 290.0074 Enterprise zone designation for Sumter County.—
13264 Sumter County may apply to Jobs Florida ~~the Office of Tourism,~~
13265 ~~Trade, and Economic Development~~ for designation of one
13266 enterprise zone encompassing an area not to exceed 10 square
13267 miles. The application must be submitted by December 31, 2005.
13268 Notwithstanding the provisions of s. 290.0065 limiting the total
13269 number of enterprise zones designated and the number of
13270 enterprise zones within a population category, Jobs Florida ~~the~~
13271 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13272 one enterprise zone under this section. Jobs Florida ~~The Office~~
13273 ~~of Tourism, Trade and Economic Development~~ shall establish the
13274 initial effective date of the enterprise zone designated
13275 pursuant to this section.

13276 Section 250. Section 290.0077, Florida Statutes, is amended
13277 to read:

13278 290.0077 Enterprise zone designation for Orange County and
13279 the municipality of Apopka.—Orange County and the municipality
13280 of Apopka may jointly apply to Jobs Florida ~~the Office of~~
13281 ~~Tourism, Trade, and Economic Development~~ for designation of one
13282 enterprise zone. The application must be submitted by December

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13283 31, 2005, and must comply with the requirements of s. 290.0055.
13284 Notwithstanding the provisions of s. 290.0065 limiting the total
13285 number of enterprise zones designated and the number of
13286 enterprise zones within a population category, Jobs Florida ~~the~~
13287 ~~Office of Tourism, Trade, and Economic Development~~ may designate
13288 one enterprise zone under this section. Jobs Florida ~~The Office~~
13289 ~~of Tourism, Trade, and Economic Development~~ shall establish the
13290 initial effective date of the enterprise zone designated
13291 pursuant to this section.

13292 Section 251. Section 290.014, Florida Statutes, is amended
13293 to read:

13294 290.014 Annual reports on enterprise zones.—

13295 (1) By February 1 of each year, the Department of Revenue shall submit an
13296 annual report to Jobs Florida ~~the Office of Tourism, Trade, and~~
13297 ~~Economic Development~~ detailing the usage and revenue impact by
13298 county of the state incentives listed in s. 290.007.

13299 (2) By March 1 of each year, Jobs Florida ~~the office~~ shall
13300 submit an annual report to the Governor, the Speaker of the
13301 House of Representatives, and the President of the Senate. The
13302 report shall include the information provided by the Department
13303 of Revenue pursuant to subsection (1) and the information
13304 provided by enterprise zone development agencies pursuant to s.
13305 290.0056. In addition, the report shall include an analysis of
13306 the activities and accomplishments of each enterprise zone.

13307 Section 252. Subsections (3), (5), (8), (9), (10), and (11)
13308 of section 311.09, Florida Statutes, are amended to read:

13309 311.09 Florida Seaport Transportation and Economic
13310 Development Council.—

13311 (3) The council shall prepare a 5-year Florida Seaport Mission Plan

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13312 defining the goals and objectives of the council concerning the
13313 development of port facilities and an intermodal transportation
13314 system consistent with the goals of the Florida Transportation
13315 Plan developed pursuant to s. 339.155. The Florida Seaport
13316 Mission Plan shall include specific recommendations for the
13317 construction of transportation facilities connecting any port to
13318 another transportation mode and for the efficient, cost-
13319 effective development of transportation facilities or port
13320 facilities for the purpose of enhancing international trade,
13321 promoting cargo flow, increasing cruise passenger movements,
13322 increasing port revenues, and providing economic benefits to the
13323 state. The council shall update the 5-year Florida Seaport
13324 Mission Plan annually and shall submit the plan no later than
13325 February 1 of each year to the President of the Senate,+ the
13326 Speaker of the House of Representatives,+ Jobs Florida, ~~the~~
13327 ~~Office of Tourism, Trade, and Economic Development;~~ and the
13328 Department of Transportation; ~~and the Department of Community~~
13329 ~~Affairs~~. The council shall develop programs, based on an
13330 examination of existing programs in Florida and other states,
13331 for the training of minorities and secondary school students in
13332 job skills associated with employment opportunities in the
13333 maritime industry, and report on progress and recommendations
13334 for further action to the President of the Senate and the
13335 Speaker of the House of Representatives annually.

13336 (5) The council shall review and approve or disapprove each
13337 project eligible to be funded pursuant to the Florida Seaport
13338 Transportation and Economic Development Program. The council
13339 shall annually submit to the Secretary of Transportation and~~+~~
13340 the commissioner of Jobs Florida ~~director of the Office of~~

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13341 ~~Tourism, Trade, and Economic Development; and the Secretary of~~
13342 ~~Community Affairs~~ a list of projects which have been approved by
13343 the council. The list shall specify the recommended funding
13344 level for each project; and, if staged implementation of the
13345 project is appropriate, the funding requirements for each stage
13346 shall be specified.

13347 (8) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13348 ~~Development~~, in consultation with Enterprise Florida, Inc.,
13349 shall review the list of projects approved by the council to
13350 evaluate the economic benefit of the project and to determine
13351 whether the project is consistent with the Florida Seaport
13352 Mission Plan. Jobs Florida ~~The Office of Tourism, Trade, and~~
13353 ~~Economic Development~~ shall review the economic benefits of each
13354 project based upon the rules adopted pursuant to subsection (4).
13355 Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13356 ~~Development~~ shall identify those projects which it has
13357 determined do not offer an economic benefit to the state or are
13358 not consistent with the Florida Seaport Mission Plan and shall
13359 notify the council of its findings.

13360 (9) The council shall review the findings of Jobs Florida
13361 ~~the Department of Community Affairs; the Office of Tourism,~~
13362 ~~Trade, and Economic Development;~~ and the Department of
13363 Transportation. Projects found to be inconsistent pursuant to
13364 subsections (6), (7), and (8) and projects which have been
13365 determined not to offer an economic benefit to the state
13366 pursuant to subsection (8) shall not be included in the list of
13367 projects to be funded.

13368 (10) The Department of Transportation shall include in its
13369 annual legislative budget request a Florida Seaport

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13370 Transportation and Economic Development grant program for
13371 expenditure of funds of not less than \$8 million per year. Such
13372 budget shall include funding for projects approved by the
13373 council which have been determined by each agency to be
13374 consistent and which have been determined by Jobs Florida ~~the~~
13375 ~~Office of Tourism, Trade, and Economic Development~~ to be
13376 economically beneficial. The department shall include the
13377 specific approved seaport projects to be funded under this
13378 section during the ensuing fiscal year in the tentative work
13379 program developed pursuant to s. 339.135(4). The total amount of
13380 funding to be allocated to seaport projects under s. 311.07
13381 during the successive 4 fiscal years shall also be included in
13382 the tentative work program developed pursuant to s. 339.135(4).
13383 The council may submit to the department a list of approved
13384 projects that could be made production-ready within the next 2
13385 years. The list shall be submitted by the department as part of
13386 the needs and project list prepared pursuant to s.
13387 339.135(2)(b). However, the department shall, upon written
13388 request of the Florida Seaport Transportation and Economic
13389 Development Council, submit work program amendments pursuant to
13390 s. 339.135(7) to the Governor within 10 days after the later of
13391 the date the request is received by the department or the
13392 effective date of the amendment, termination, or closure of the
13393 applicable funding agreement between the department and the
13394 affected seaport, as required to release the funds from the
13395 existing commitment. Notwithstanding s. 339.135(7)(c), any work
13396 program amendment to transfer prior year funds from one approved
13397 seaport project to another seaport project is subject to the
13398 procedures in s. 339.135(7)(d). Notwithstanding any provision of

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13399 law to the contrary, the department may transfer unexpended
13400 budget between the seaport projects as identified in the
13401 approved work program amendments.

13402 (11) The council shall meet at the call of its chairperson,
13403 at the request of a majority of its membership, or at such times
13404 as may be prescribed in its bylaws. However, the council must
13405 meet at least semiannually. A majority of voting members of the
13406 council constitutes a quorum for the purpose of transacting the
13407 business of the council. All members of the council are voting
13408 members. A vote of the majority of the voting members present is
13409 sufficient for any action of the council, except that a member
13410 representing the Department of Transportation, ~~the Department of~~
13411 ~~Community Affairs,~~ or Jobs Florida ~~the Office of Tourism, Trade,~~
13412 ~~and Economic Development~~ may vote to overrule any action of the
13413 council approving a project pursuant to subsection (5). The
13414 bylaws of the council may require a greater vote for a
13415 particular action.

13416 Section 253. Section 311.11, Florida Statutes, is amended
13417 to read:

13418 311.11 Seaport Employment Training Grant Program.—

13419 (1) Jobs Florida ~~The Office of Tourism, Trade, and Economic~~
13420 ~~Development~~, in cooperation with the Florida Seaport
13421 Transportation and Economic Development Council, shall establish
13422 a Seaport Employment Training Grant Program within Jobs Florida
13423 ~~the Office.~~ Jobs Florida ~~the office~~ shall grant funds
13424 appropriated by the Legislature to the program for the purpose
13425 of stimulating and supporting seaport training and employment
13426 programs which will seek to match state and local training
13427 programs with identified job skills associated with employment

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13428 opportunities in the port, maritime, and transportation
13429 industries, and for the purpose of providing such other
13430 training, educational, and information services as required to
13431 stimulate jobs in the described industries. Funds may be used
13432 for the purchase of equipment to be used for training purposes,
13433 hiring instructors, and any other purpose associated with the
13434 training program. The ~~office's~~ contribution of Jobs Florida to
13435 any specific training program may not exceed 50 percent of the
13436 total cost of the program. Matching contributions may include
13437 services in kind, including, but not limited to, training
13438 instructors, equipment usage, and training facilities.

13439 (2) Jobs Florida ~~The Office~~ shall adopt criteria to
13440 implement this section.

13441 Section 254. Paragraphs (i) and (l) of subsection (1) of
13442 section 311.115, Florida Statutes, are amended to read:

13443 311.115 Seaport Security Standards Advisory Council.—The
13444 Seaport Security Standards Advisory Council is created under the
13445 Office of Drug Control. The council shall serve as an advisory
13446 council as provided in s. 20.03(7).

13447 (1) The members of the council shall be appointed by the
13448 Governor and consist of the following:

13449 (i) One representative of Jobs Florida ~~member from the~~
13450 ~~Office of Tourism, Trade, and Economic Development.~~

13451 (1) The Director of the Office ~~Division~~ of Emergency
13452 Management, or his or her designee.

13453 Section 255. Subsection (2) of section 311.22, Florida
13454 Statutes, is amended to read:

13455 311.22 Additional authorization for funding certain
13456 dredging projects.—

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13457 (2) The council shall adopt rules for evaluating the projects that may be
13458 funded pursuant to this section. The rules must provide criteria
13459 for evaluating the economic benefit of the project. The rules
13460 must include the creation of an administrative review process by
13461 the council which is similar to the process described in s.
13462 311.09(5)-(12), and provide for a review by ~~the Department of~~
13463 ~~Community Affairs,~~ the Department of Transportation, and Jobs
13464 Florida ~~the Office of Tourism, Trade, and Economic Development~~
13465 of all projects submitted for funding under this section.

13466 Section 256. Subsections (2), (3), and (6), of section
13467 331.3051, Florida Statutes, are amended to read:

13468 331.3051 Duties of Space Florida.—Space Florida shall:

13469 (2) Enter into agreement with Jobs Florida, the Department of
13470 Education, the Department of Transportation, Enterprise Florida,
13471 Inc., and Workforce Florida, Inc., for the purpose of
13472 implementing this act.

13473 (3) In cooperation with Jobs Florida and Enterprise
13474 Florida, Inc., develop a plan to retain, expand, attract, and
13475 create aerospace industry entities, public or private, which
13476 results in the creation of high-value-added businesses and jobs
13477 in this state.

13478 (6) Develop, in cooperation with Jobs Florida and
13479 Enterprise Florida, Inc., a plan to provide financing assistance
13480 to aerospace businesses. The plan may include the following
13481 activities:

13482 (a) Assembling, publishing, and disseminating information
13483 concerning financing opportunities and techniques for aerospace
13484 projects, programs, and activities; sources of public and
13485 private aerospace financing assistance; and sources of

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13486 aerospace-related financing.

13487 (b) Organizing, hosting, and participating in seminars and
13488 other forums designed to disseminate information and technical
13489 assistance regarding aerospace-related financing.

13490 (c) Coordinating with programs and goals of the Department
13491 of Defense, the National Aeronautics and Space Administration,
13492 the Export-Import Bank of the United States, the International
13493 Trade Administration of the United States Department of
13494 Commerce, the Foreign Credit Insurance Association, and other
13495 private and public programs and organizations, domestic and
13496 foreign.

13497 (d) Establishing a network of contacts among those domestic
13498 and foreign public and private organizations that provide
13499 information, technical assistance, and financial support to the
13500 aerospace industry.

13501 (e) Financing aerospace business development projects or
13502 initiatives using funds provided by the Legislature.

13503 Section 257. Subsections (2), (4), and (5) of section
13504 331.369, Florida Statutes, are amended to read:

13505 331.369 Space Industry Workforce Initiative.—

13506 (2) Workforce Florida, Inc., ~~The Workforce Development~~
13507 ~~Board of Enterprise Florida, Inc.~~, or its successor entity,
13508 shall coordinate development of a Space Industry Workforce
13509 Initiative in partnership with Space Florida, public and private
13510 universities, community colleges, and other training providers
13511 approved by the board. The purpose of the initiative is to use
13512 or revise existing programs and to develop innovative new
13513 programs to address the workforce needs of the aerospace
13514 industry.

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13515 (4) Workforce Florida, Inc., ~~The Workforce Development~~
13516 ~~Board of Enterprise Florida, Inc.~~, or its successor entity, with
13517 the assistance of Space Florida, shall convene representatives
13518 from the aerospace industry to identify the priority training
13519 and education needs of the industry and to appoint a team to
13520 design programs to meet the priority needs.

13521 (5) Workforce Florida, Inc., ~~The Workforce Development~~
13522 ~~Board of Enterprise Florida, Inc.~~, or its successor entity, as
13523 part of its statutorily prescribed annual report to the
13524 Legislature, shall provide recommendations for policies,
13525 programs, and funding to enhance the workforce needs of the
13526 aerospace industry.

13527 Section 258. Paragraph (f) of subsection (4) and paragraph
13528 (g) of subsection (7) of section 339.135, Florida Statutes, is
13529 amended to read:

13530 339.135 Work program; legislative budget request;
13531 definitions; preparation, adoption, execution, and amendment.—

13532 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

13533 (f) The central office shall submit a preliminary copy of
13534 the tentative work program to the Executive Office of the
13535 Governor, the legislative appropriations committees, the Florida
13536 Transportation Commission, and Jobs Florida ~~the Department of~~
13537 ~~Community Affairs~~ at least 14 days prior to the convening of the
13538 regular legislative session. Prior to the statewide public
13539 hearing required by paragraph (g), Jobs Florida ~~the Department~~
13540 ~~of Community Affairs~~ shall transmit to the Florida
13541 Transportation Commission a list of those projects and project
13542 phases contained in the tentative work program which are
13543 identified as being inconsistent with approved local government

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13544 comprehensive plans. For urbanized areas of metropolitan
13545 planning organizations, the list may not contain any project or
13546 project phase that is scheduled in a transportation improvement
13547 program unless such inconsistency has been previously reported
13548 to the affected metropolitan planning organization.

13549 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

13550 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
13551 (g) and ss. 216.177(2) and 216.351, the secretary may request
13552 the Executive Office of the Governor to amend the adopted work
13553 program when an emergency exists, as defined in s. 252.34~~(3)~~,
13554 and the emergency relates to the repair or rehabilitation of any
13555 state transportation facility. The Executive Office of the
13556 Governor may approve the amendment to the adopted work program
13557 and amend that portion of the department's approved budget if a
13558 ~~in the event that the~~ delay incident to the notification
13559 requirements in paragraph (d) would be detrimental to the
13560 interests of the state. However, the department shall
13561 immediately notify the parties specified in paragraph (d) and
13562 ~~shall~~ provide such parties written justification for the
13563 emergency action within 7 days after ~~of the~~ approval by the
13564 Executive Office of the Governor of the amendment to the adopted
13565 work program and the department's budget. ~~In no event may~~ The
13566 adopted work program may not be amended under ~~the provisions of~~
13567 this subsection without ~~the~~ certification by the comptroller of
13568 the department that there are sufficient funds available
13569 pursuant to the 36-month cash forecast and applicable statutes.

13570 Section 259. Paragraph (h) of subsection (5) of section
13571 377.711, Florida Statutes, is amended to read:

13572 377.711 Florida party to Southern States Energy Compact.—

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13573 The Southern States Energy Compact is enacted into law and
13574 entered into by the state as a party, and is of full force and
13575 effect between the state and any other states joining therein in
13576 accordance with the terms of the compact, which compact is
13577 substantially as follows:

13578 (5) POWERS.—The board shall have the power to:

13579 (h) Recommend such changes in, or amendments or additions
13580 to, the laws, codes, rules, regulations, administrative
13581 procedures and practices, or ordinances of the party states in
13582 any of the fields of its interest and competence as in its
13583 judgment may be appropriate. Any such recommendation shall be
13584 made through the appropriate state agency with due consideration
13585 of the desirability of uniformity and appropriate weight to any
13586 special circumstances that may justify variations to meet local
13587 conditions. ~~Any such recommendation shall be made, in the case~~
13588 ~~of Florida, through the Department of Commerce.~~

13589 Section 260. Subsection (3) of section 377.712, Florida
13590 Statutes, is amended to read:

13591 377.712 Florida participation.—

13592 (3) Departments ~~The department~~, agencies, and officers of
13593 this state, and its subdivisions are authorized to cooperate
13594 with the board in the furtherance of any of its activities
13595 pursuant to the compact, provided such proposed activities have
13596 been made known to, and have the approval of, either the
13597 Governor or the Department of Health.

13598 Section 261. Section 380.285, Florida Statutes, is amended
13599 to read:

13600 380.285 Lighthouses; study; preservation; funding.—The
13601 ~~Department of Community Affairs and the~~ Division of Historical

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13602 Resources of the Department of State shall undertake a study of
13603 the lighthouses in the state. The study must determine the
13604 location, ownership, condition, and historical significance of
13605 all lighthouses in the state and ensure that all historically
13606 significant lighthouses are nominated for inclusion on the
13607 National Register of Historic Places. The study must assess the
13608 condition and restoration needs of historic lighthouses and
13609 develop plans for appropriate future public access and use. The
13610 Division of Historical Resources shall take a leadership role in
13611 implementing plans to stabilize lighthouses and associated
13612 structures and to preserve and protect them from future
13613 deterioration. When possible, the lighthouses and associated
13614 buildings should be made available to the public for educational
13615 and recreational purposes. The Department of State shall request
13616 in its annual legislative budget requests funding necessary to
13617 carry out the duties and responsibilities specified in this act.
13618 Funds for the rehabilitation of lighthouses should be allocated
13619 through matching grants-in-aid to state and local government
13620 agencies and to nonprofit organizations. The Department of
13621 Environmental Protection may assist the Division of Historical
13622 Resources in projects to accomplish the goals and activities
13623 described in this section.

13624 Section 262. Subsection (6) of section 381.0086, Florida
13625 Statutes, is amended to read:

13626 381.0086 Rules; variances; penalties.—

13627 (6) For the purposes of filing an interstate clearance
13628 order with Jobs Florida ~~the Agency for Workforce Innovation~~, if
13629 the housing is covered by 20 C.F.R. part 654, subpart E, no
13630 permanent structural variance referred to in subsection (2) is

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13631 allowed.

13632 Section 263. Subsection (3) of section 381.7354, Florida
13633 Statutes, is amended to read:

13634 381.7354 Eligibility.—

13635 (3) In addition to the grants awarded under subsections (1) and
13636 (2), up to 20 percent of the funding for the Reducing Racial and
13637 Ethnic Health Disparities: Closing the Gap grant program shall
13638 be dedicated to projects that address improving racial and
13639 ethnic health status within specific Front Porch Florida
13640 Communities, ~~as designated pursuant to s. 20.18(6).~~

13641 Section 264. Paragraph (b) of subsection (1) and subsection
13642 (2) of section 383.14, Florida Statutes, are amended to read:

13643 383.14 Screening for metabolic disorders, other hereditary
13644 and congenital disorders, and environmental risk factors.—

13645 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13646 maternal and child health care system, the Department of Health
13647 shall promote the screening of all newborns born in Florida for
13648 metabolic, hereditary, and congenital disorders known to result
13649 in significant impairment of health or intellect, as screening
13650 programs accepted by current medical practice become available
13651 and practical in the judgment of the department. The department
13652 shall also promote the identification and screening of all
13653 newborns in this state and their families for environmental risk
13654 factors such as low income, poor education, maternal and family
13655 stress, emotional instability, substance abuse, and other high-
13656 risk conditions associated with increased risk of infant
13657 mortality and morbidity to provide early intervention,
13658 remediation, and prevention services, including, but not limited
13659 to, parent support and training programs, home visitation, and

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13660 case management. Identification, perinatal screening, and
 13661 intervention efforts shall begin prior to and immediately
 13662 following the birth of the child by the attending health care
 13663 provider. Such efforts shall be conducted in hospitals,
 13664 perinatal centers, county health departments, school health
 13665 programs that provide prenatal care, and birthing centers, and
 13666 reported to the Office of Vital Statistics.

13667 (b) *Postnatal screening.*—A risk factor analysis using the
 13668 department's designated risk assessment instrument shall also be
 13669 conducted as part of the medical screening process upon the
 13670 birth of a child and submitted to the department's Office of
 13671 Vital Statistics for recording and other purposes provided for
 13672 in this chapter. The department's screening process for risk
 13673 assessment shall include a scoring mechanism and procedures that
 13674 establish thresholds for notification, further assessment,
 13675 referral, and eligibility for services by professionals or
 13676 paraprofessionals consistent with the level of risk. Procedures
 13677 for developing and using the screening instrument, notification,
 13678 referral, and care coordination services, reporting
 13679 requirements, management information, and maintenance of a
 13680 computer-driven registry in the Office of Vital Statistics which
 13681 ensures privacy safeguards must be consistent with the
 13682 provisions and plans established under chapter 411, Pub. L. No.
 13683 99-457, and this chapter. Procedures established for reporting
 13684 information and maintaining a confidential registry must include
 13685 a mechanism for a centralized information depository at the
 13686 state and county levels. The department shall coordinate with
 13687 existing risk assessment systems and information registries. The
 13688 department must ensure, to the maximum extent possible, that the

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13689 screening information registry is integrated with the
13690 department's automated data systems, including the Florida On-
13691 line Recipient Integrated Data Access (FLORIDA) system. Tests
13692 and screenings must be performed by the State Public Health
13693 Laboratory, in coordination with Children's Medical Services, at
13694 such times and in such manner as is prescribed by the department
13695 after consultation with the Genetics and Newborn Infant
13696 Screening Advisory Council and the Department of Education
13697 ~~Agency for Workforce Innovation~~.

13698 (2) RULES.—After consultation with the Genetics and Newborn
13699 Screening Advisory Council, the department shall adopt and
13700 enforce rules requiring that every newborn in this state shall,
13701 prior to becoming 1 week of age, be subjected to a test for
13702 phenylketonuria and, at the appropriate age, be tested for such
13703 other metabolic diseases and hereditary or congenital disorders
13704 as the department may deem necessary from time to time. After
13705 consultation with the Department of Education ~~Agency for~~
13706 ~~Workforce Innovation~~, the department shall also adopt and
13707 enforce rules requiring every newborn in this state to be
13708 screened for environmental risk factors that place children and
13709 their families at risk for increased morbidity, mortality, and
13710 other negative outcomes. The department shall adopt such
13711 additional rules as are found necessary for the administration
13712 of this section and s. 383.145, including rules providing
13713 definitions of terms, rules relating to the methods used and
13714 time or times for testing as accepted medical practice
13715 indicates, rules relating to charging and collecting fees for
13716 the administration of the newborn screening program authorized
13717 by this section, rules for processing requests and releasing

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13718 test and screening results, and rules requiring mandatory
13719 reporting of the results of tests and screenings for these
13720 conditions to the department.

13721 Section 265. Paragraph (b) of subsection (3) of section
13722 402.281, Florida Statutes, is amended to read:

13723 402.281 Gold Seal Quality Care program.—

13724 (3)

13725 (b) In approving accrediting associations, the department
13726 shall consult with the Department of Education, ~~the Agency for~~
13727 ~~Workforce Innovation~~, the Florida Head Start Directors
13728 Association, the Florida Association of Child Care Management,
13729 the Florida Family Day Care Association, the Florida Children's
13730 Forum, the Early Childhood Association of Florida, the Child
13731 Development Education Alliance, providers receiving exemptions
13732 under s. 402.316, and parents.

13733 Section 266. Subsection (6) of section 402.45, Florida
13734 Statutes, is amended to read:

13735 402.45 Community resource mother or father program.—

13736 (6) Individuals under contract to provide community
13737 resource mother or father services shall participate in
13738 preservice and ongoing training as determined by the Department
13739 of Health in consultation with the Department of Education
13740 ~~Agency for Workforce Innovation~~. A community resource mother or
13741 father shall not be assigned a client caseload until all
13742 preservice training requirements are completed.

13743 Section 267. Paragraph (a) of subsection (4) of section
13744 402.56, Florida Statutes, is amended to read:

13745 402.56 Children's cabinet; organization; responsibilities;
13746 annual report.—

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13747 (4) MEMBERS.—The cabinet shall consist of 15 members
13748 including the Governor and the following persons:
13749 (a)1. The Secretary of Children and Family Services;
13750 2. The Secretary of Juvenile Justice;
13751 3. The director of the Agency for Persons with
13752 Disabilities;
13753 ~~4. The director of the Agency for Workforce Innovation;~~
13754 4.5. The State Surgeon General;
13755 ~~5.6.~~ The Secretary of Health Care Administration;
13756 ~~6.7.~~ The Commissioner of Education;
13757 ~~7.8.~~ The director of the Statewide Guardian Ad Litem
13758 Office;
13759 ~~8.9.~~ The director of the Office of Child Abuse Prevention;
13760 and
13761 ~~9.10.~~ Five members representing children and youth advocacy
13762 organizations, who are not service providers and who are
13763 appointed by the Governor.
13764 Section 268. Paragraph (m) of subsection (5) of section
13765 403.7032, Florida Statutes, is amended to read:
13766 403.7032 Recycling.—
13767 (5) The Department of Environmental Protection shall create
13768 the Recycling Business Assistance Center by December 1, 2010. In
13769 carrying out its duties under this subsection, the department
13770 shall consult with state agency personnel appointed to serve as
13771 economic development liaisons under s. 288.021 and seek
13772 technical assistance from Enterprise Florida, Inc., to ensure
13773 the Recycling Business Assistance Center is positioned to
13774 succeed. The purpose of the center shall be to serve as the
13775 mechanism for coordination among state agencies and the private

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13776 sector in order to coordinate policy and overall strategic
13777 planning for developing new markets and expanding and enhancing
13778 existing markets for recyclable materials in this state, other
13779 states, and foreign countries. The duties of the center must
13780 include, at a minimum:

13781 (m) Coordinating with Jobs Florida ~~the Agency for Workforce~~
13782 ~~Innovation~~ and its partners to provide job placement and job
13783 training services to job seekers through the state's workforce
13784 services programs.

13785 Section 269. Paragraph (a) of subsection (3) of section
13786 409.017, Florida Statutes, is amended to read:

13787 409.017 Revenue Maximization Act; legislative intent;
13788 revenue maximization program.—

13789 (3) REVENUE MAXIMIZATION PROGRAM.—

13790 (a) For purposes of this section, the term "agency" means
13791 any state agency or department that is involved in providing
13792 health, social, or human services, including, but not limited
13793 to, the Agency for Health Care Administration, ~~the Agency for~~
13794 ~~Workforce Innovation~~, the Department of Children and Family
13795 Services, the Department of Elderly Affairs, the Department of
13796 Juvenile Justice, the Department of Education, and the State
13797 Board of Education.

13798 Section 270. Paragraph (c) of subsection (7) of section
13799 409.1451, Florida Statutes, is amended to read:

13800 409.1451 Independent living transition services.—

13801 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
13802 Secretary of Children and Family Services shall establish the
13803 Independent Living Services Advisory Council for the purpose of
13804 reviewing and making recommendations concerning the

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13805 implementation and operation of the independent living
13806 transition services. This advisory council shall continue to
13807 function as specified in this subsection until the Legislature
13808 determines that the advisory council can no longer provide a
13809 valuable contribution to the department's efforts to achieve the
13810 goals of the independent living transition services.

13811 (c) Members of the advisory council shall be appointed by
13812 the secretary of the department. The membership of the advisory
13813 council must include, at a minimum, representatives from the
13814 headquarters and district offices of the Department of Children
13815 and Family Services, community-based care lead agencies, ~~the~~
13816 ~~Agency for Workforce Innovation~~, the Department of Education,
13817 the Agency for Health Care Administration, the State Youth
13818 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
13819 Ad Litem Office, foster parents, recipients of Road-to-
13820 Independence Program funding, and advocates for foster children.
13821 The secretary shall determine the length of the term to be
13822 served by each member appointed to the advisory council, which
13823 may not exceed 4 years.

13824 Section 271. Paragraph (s) of subsection (24) of section
13825 380.06, Florida Statutes, is amended to read:

13826 380.06 Developments of regional impact.—

13827 (24) STATUTORY EXEMPTIONS.—

13828 (s) Any development in a detailed specific area plan which
13829 is prepared and adopted pursuant to s. 163.3245 ~~and adopted into~~
13830 ~~the comprehensive plan~~ is exempt from this section.

13831
13832 If a use is exempt from review as a development of regional
13833 impact under paragraphs (a)-(s), but will be part of a larger

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13834 project that is subject to review as a development of regional
13835 impact, the impact of the exempt use must be included in the
13836 review of the larger project, unless such exempt use involves a
13837 development of regional impact that includes a landowner,
13838 tenant, or user that has entered into a funding agreement with
13839 the Office of Tourism, Trade, and Economic Development under the
13840 Innovation Incentive Program and the agreement contemplates a
13841 state award of at least \$50 million.

13842 Section 272. Subsection (3) of section 380.115, Florida
13843 Statutes, is amended to read:

13844 380.115 Vested rights and duties; effect of size reduction,
13845 changes in guidelines and standards.—

13846 (3) A landowner that has filed an application for a
13847 development-of-regional-impact review prior to the adoption of a
13848 ~~an optional~~ sector plan pursuant to s. 163.3245 may elect to
13849 have the application reviewed pursuant to s. 380.06,
13850 comprehensive plan provisions in force prior to adoption of the
13851 sector plan, and any requested comprehensive plan amendments
13852 that accompany the application.

13853 Section 273. Subsection (1), paragraph (b) of subsection
13854 (3), and subsection (8) of section 409.2576, Florida Statutes,
13855 are amended to read:

13856 409.2576 State Directory of New Hires.—

13857 (1) DIRECTORY CREATED.—The State Directory of New Hires is
13858 hereby created and shall be administered by the Department of
13859 Revenue or its agent. ~~The Department of Labor and Employment~~
13860 ~~Security will act as the agent until a date not later than~~
13861 ~~October 1, 1998.~~ All employers in the state shall furnish a
13862 report consistent with subsection (3) for each newly hired or

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13863 rehired employee unless the employee is employed by a federal or
13864 state agency performing intelligence or counterintelligence
13865 functions and the head of such agency has determined that
13866 reporting pursuant to this section could endanger the safety of
13867 the employee or compromise an ongoing investigation or
13868 intelligence mission.

13869 (3) EMPLOYERS TO FURNISH REPORTS.—

13870 (b) ~~Upon termination of the contract with the Department of~~
13871 ~~Labor and Employment Security, but not later than October 1,~~
13872 ~~1998,~~ all employers shall furnish a report to the State
13873 Directory of New Hires of the state in which the newly hired or
13874 rehired employee works. The report required in this section
13875 shall be made on a W-4 form or, at the option of the employer,
13876 an equivalent form, and can be transmitted magnetically,
13877 electronically, by first-class mail, or other methods which may
13878 be prescribed by the State Directory. Each report shall include
13879 the name, address, date of hire, and social security number of
13880 every new and rehired employee and the name, address, and
13881 federal employer identification number of the reporting
13882 employer. If available, the employer may also include the
13883 employee's date of birth in the report. Multistate employers
13884 that report new hire information electronically or magnetically
13885 may designate a single state to which it will transmit the above
13886 noted report, provided the employer has employees in that state
13887 and the employer notifies the Secretary of Health and Human
13888 Services in writing to which state the information will be
13889 provided. Agencies of the United States Government shall report
13890 directly to the National Directory of New Hires.

13891 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~

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13892 ~~than October 1, 1997,~~ the State Directory of New Hires must
13893 furnish information regarding newly hired or rehired employees
13894 to the National Directory of New Hires for matching with the
13895 records of other state case registries within 3 business days of
13896 entering such information from the employer into the State
13897 Directory of New Hires. The State Directory of New Hires shall
13898 enter into an agreement with Jobs Florida or its tax collection
13899 service provider ~~the Florida Department of Labor and Employment~~
13900 ~~Security~~ for the quarterly reporting to the National Directory
13901 of New Hires information on wages and unemployment compensation
13902 taken from the quarterly report to the Secretary of Labor, now
13903 required by Title III of the Social Security Act, except that no
13904 report shall be filed with respect to an employee of a state or
13905 local agency performing intelligence or counterintelligence
13906 functions, if the head of such agency has determined that filing
13907 such a report could endanger the safety of the employee or
13908 compromise an ongoing investigation or intelligence mission.

13909 Section 274. Section 409.944, Florida Statutes, is amended
13910 to read:

13911 409.944 Inner City Redevelopment Assistance Grants
13912 Program.—There is created an Inner City Redevelopment Assistance
13913 Grants Program to be administered by Jobs Florida ~~the Office of~~
13914 ~~Tourism, Trade, and Economic Development.~~ Jobs Florida ~~The~~
13915 ~~Office~~ shall develop criteria for awarding these grants which
13916 give weighted consideration to urban high-crime areas as
13917 identified by the Florida Department of Law Enforcement. These
13918 criteria shall also be weighted to immediate creation of jobs
13919 for residents in the targeted areas.

13920 Section 275. Section 409.946, Florida Statutes, are amended

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13921 to read:

13922 409.946 Inner City Redevelopment Review Panel.—In order to
13923 enhance public participation and involvement in the
13924 redevelopment of inner-city areas, there is created within Jobs
13925 Florida ~~the Office of Tourism, Trade, and Economic Development~~
13926 the Inner City Redevelopment Review Panel.

13927 (1) The review panel shall consist of six ~~seven~~ members who
13928 represent different areas of the state, who are appointed by the
13929 commissioner of Jobs Florida ~~Director of the Office of Tourism,~~
13930 ~~Trade, and Economic Development~~, and who are qualified, through
13931 the demonstration of special interest, experience, or education,
13932 in the redevelopment of the state's inner-city areas, as
13933 follows:

13934 (a) One member must be affiliated with the Black Business
13935 Investment Board;

13936 (b) One member must be affiliated with the Institute on
13937 Urban Policy and Commerce at Florida Agricultural and Mechanical
13938 University;

13939 (c) One member must be affiliated with a local economic
13940 development agency ~~the Office of Tourism, Trade, and Economic~~
13941 ~~Development~~;

13942 (d) One member must be the president of Enterprise Florida,
13943 Inc., or the president's designee;

13944 ~~(e) One member must be the Secretary of Community Affairs~~
13945 ~~or the secretary's designee;~~

13946 (e)~~(f)~~ One member must be affiliated with the Better
13947 Jobs/Better Wages Council of Workforce Florida, Inc.; and

13948 (f)~~(g)~~ One member must be affiliated with the First
13949 Jobs/First Wages Council of Workforce Florida, Inc.

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13950 (2) The importance of minority and gender representation
13951 must be considered when making appointments to the panel, and
13952 the geographic representation of panel members must also be
13953 considered.

13954 (3) Members of the review panel shall be appointed for 4-
13955 year terms. A person may not serve more than two consecutive
13956 terms on the panel.

13957 (4) Members shall elect a chairperson annually. A member
13958 may not be elected to consecutive terms as chairperson.

13959 (5) All action taken by the review panel shall be by
13960 majority vote of those present. The commissioner of Jobs Florida
13961 ~~director of the Office of Tourism, Trade, and Economic~~
13962 ~~Development~~ or the commissioner's director's designee shall
13963 serve without voting rights as secretary to the panel. Jobs
13964 Florida ~~The Office of Tourism, Trade, and Economic Development~~
13965 shall provide necessary staff assistance to the panel.

13966 (6) It is the responsibility of the panel to evaluate
13967 proposals for awards of inner-city redevelopment grants
13968 administered by Jobs Florida ~~the Office of Tourism, Trade, and~~
13969 ~~Economic Development~~. The panel shall review and evaluate all
13970 proposals for grants and shall make recommendations, including a
13971 priority ranking, reflecting such evaluation.

13972 Section 276. Paragraph (d) of subsection (2), subsection
13973 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
13974 paragraph (e) of subsection (7), subsection (8), and paragraphs
13975 (b), (c), (d), and (e) of subsection (9) of section 411.01,
13976 Florida Statutes, are amended to read:

13977 411.01 School readiness programs; early learning
13978 coalitions.-

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13979 (2) LEGISLATIVE INTENT.—

13980 (d) It is the intent of the Legislature that the
13981 administrative staff for school readiness programs be kept to
13982 the minimum necessary to administer the duties of the Department
13983 of Education ~~Agency for Workforce Innovation~~ and early learning
13984 coalitions. The Department of Education ~~Agency for Workforce~~
13985 ~~Innovation~~ shall adopt system support services at the state
13986 level to build a comprehensive early learning system. Each early
13987 learning coalition shall implement and maintain direct
13988 enhancement services at the local level, as approved in its
13989 school readiness plan by the Department of Education ~~Agency for~~
13990 ~~Workforce Innovation~~, and ensure access to such services in all
13991 67 counties.

13992 (4) DEPARTMENT OF EDUCATION ~~AGENCY FOR WORKFORCE~~
13993 ~~INNOVATION~~.—

13994 (a) The Department of Education ~~Agency for Workforce~~
13995 ~~Innovation~~ shall administer school readiness programs at the
13996 state level and shall coordinate with the early learning
13997 coalitions in providing school readiness services on a full-day,
13998 full-year, full-choice basis to the extent possible in order to
13999 enable parents to work and be financially self-sufficient.

14000 (b) The Department of Education ~~Agency for Workforce~~
14001 ~~Innovation~~ shall:

14002 1. Coordinate the birth-to-kindergarten services for
14003 children who are eligible under subsection (6) and the
14004 programmatic, administrative, and fiscal standards under this
14005 section for all public providers of school readiness programs.

14006 2. Focus on improving the educational quality of all
14007 program providers participating in publicly funded school

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14008 readiness programs.

14009 (c) The Governor shall designate the Department of
14010 Education Agency for Workforce Innovation as the lead agency for
14011 administration of the federal Child Care and Development Fund,
14012 45 C.F.R. parts 98 and 99, and the department agency shall
14013 comply with the lead agency responsibilities under federal law.

14014 (d) The Department of Education Agency for Workforce
14015 Innovation shall:

14016 1. Be responsible for the prudent use of all public and
14017 private funds in accordance with all legal and contractual
14018 requirements.

14019 2. Provide final approval and every 2 years review early
14020 learning coalitions and school readiness plans.

14021 3. Establish a unified approach to the state's efforts
14022 toward enhancement of school readiness. In support of this
14023 effort, the Department of Education Agency for Workforce
14024 Innovation shall adopt specific system support services that
14025 address the state's school readiness programs. An early learning
14026 coalition shall amend its school readiness plan to conform to
14027 the specific system support services adopted by the Department
14028 of Education Agency for Workforce Innovation. System support
14029 services shall include, but are not limited to:

14030 a. Child care resource and referral services;

14031 b. Warm-Line services;

14032 c. Eligibility determinations;

14033 d. Child performance standards;

14034 e. Child screening and assessment;

14035 f. Developmentally appropriate curricula;

14036 g. Health and safety requirements;

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- 14037 h. Statewide data system requirements; and
14038 i. Rating and improvement systems.
- 14039 4. Safeguard the effective use of federal, state, local,
14040 and private resources to achieve the highest possible level of
14041 school readiness for the children in this state.
- 14042 5. Adopt a rule establishing criteria for the expenditure
14043 of funds designated for the purpose of funding activities to
14044 improve the quality of child care within the state in accordance
14045 with s. 658G of the federal Child Care and Development Block
14046 Grant Act.
- 14047 6. Provide technical assistance to early learning
14048 coalitions in a manner determined by the Department of Education
14049 ~~Agency for Workforce Innovation~~ based upon information obtained
14050 by the department ~~agency~~ from various sources, including, but
14051 not limited to, public input, government reports, private
14052 interest group reports, department ~~agency~~ monitoring visits, and
14053 coalition requests for service.
- 14054 7. In cooperation with the ~~Department of Education and~~
14055 early learning coalitions, coordinate with the Child Care
14056 Services Program Office of the Department of Children and Family
14057 Services to minimize duplicating interagency activities, health
14058 and safety monitoring, and acquiring and composing data
14059 pertaining to child care training and credentialing.
- 14060 8. Develop and adopt performance standards and outcome
14061 measures for school readiness programs. The performance
14062 standards must address the age-appropriate progress of children
14063 in the development of school readiness skills. The performance
14064 standards for children from birth to 5 years of age in school
14065 readiness programs must be integrated with the performance

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14066 standards adopted by the Department of Education for children in
14067 the Voluntary Prekindergarten Education Program under s.
14068 1002.67.

14069 9. Adopt a standard contract that must be used by the
14070 coalitions when contracting with school readiness providers.

14071 (e) The Department of Education ~~Agency for Workforce~~
14072 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14073 administer the provisions of law conferring duties upon the
14074 department agency, including, but not limited to, rules
14075 governing the administration of system support services of
14076 school readiness programs, the collection of data, the approval
14077 of early learning coalitions and school readiness plans, the
14078 provision of a method whereby an early learning coalition may
14079 serve two or more counties, the award of incentives to early
14080 learning coalitions, child performance standards, child outcome
14081 measures, the issuance of waivers, and the implementation of the
14082 state's Child Care and Development Fund Plan as approved by the
14083 federal Administration for Children and Families.

14084 (f) The Department of Education ~~Agency for Workforce~~
14085 ~~Innovation~~ shall have all powers necessary to administer this
14086 section, including, but not limited to, the power to receive and
14087 accept grants, loans, or advances of funds from any public or
14088 private agency and to receive and accept from any source
14089 contributions of money, property, labor, or any other thing of
14090 value, to be held, used, and applied for purposes of this
14091 section.

14092 (g) Except as provided by law, the Department of Education
14093 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14094 child care or early childhood education provider that does not

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14095 deliver services under the school readiness programs or receive
14096 state or federal funds under this section.

14097 (h) The Department of Education ~~Agency for Workforce~~
14098 ~~Innovation~~ shall have a budget for school readiness programs,
14099 which shall be financed through an annual appropriation made for
14100 purposes of this section in the General Appropriations Act.

14101 (i) The Department of Education ~~Agency for Workforce~~
14102 ~~Innovation~~ shall coordinate the efforts toward school readiness
14103 in this state and provide independent policy analyses, data
14104 analyses, and recommendations to the Governor, the State Board
14105 of Education, and the Legislature.

14106 (j) The Department of Education ~~Agency for Workforce~~
14107 ~~Innovation~~ shall require that school readiness programs, at a
14108 minimum, enhance the age-appropriate progress of each child in
14109 attaining the performance standards adopted under subparagraph
14110 (d)8. and in the development of the following school readiness
14111 skills:

- 14112 1. Compliance with rules, limitations, and routines.
- 14113 2. Ability to perform tasks.
- 14114 3. Interactions with adults.
- 14115 4. Interactions with peers.
- 14116 5. Ability to cope with challenges.
- 14117 6. Self-help skills.
- 14118 7. Ability to express the child's needs.
- 14119 8. Verbal communication skills.
- 14120 9. Problem-solving skills.
- 14121 10. Following of verbal directions.
- 14122 11. Demonstration of curiosity, persistence, and
14123 exploratory behavior.

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- 14124 12. Interest in books and other printed materials.
14125 13. Paying attention to stories.
14126 14. Participation in art and music activities.
14127 15. Ability to identify colors, geometric shapes, letters
14128 of the alphabet, numbers, and spatial and temporal
14129 relationships.

14130
14131 Within 30 days after enrollment in the school readiness program,
14132 the early learning coalition must ensure that the program
14133 provider obtains information regarding the child's
14134 immunizations, physical development, and other health
14135 requirements as necessary, including appropriate vision and
14136 hearing screening and examinations. For a program provider
14137 licensed by the Department of Children and Family Services, the
14138 provider's compliance with s. 402.305(9), as verified pursuant
14139 to s. 402.311, shall satisfy this requirement.

14140 (k) The Department of Education ~~Agency for Workforce~~
14141 ~~Innovation~~ shall conduct studies and planning activities related
14142 to the overall improvement and effectiveness of the outcome
14143 measures adopted by the department ~~agency~~ for school readiness
14144 programs and the specific system support services to address the
14145 state's school readiness programs adopted by the Department of
14146 Education ~~Agency for Workforce Innovation~~ in accordance with
14147 subparagraph (d)3.

14148 (l) The Department of Education ~~Agency for Workforce~~
14149 ~~Innovation~~ shall monitor and evaluate the performance of each
14150 early learning coalition in administering the school readiness
14151 program, implementing the coalition's school readiness plan, and
14152 administering the Voluntary Prekindergarten Education Program.

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14153 These monitoring and performance evaluations must include, at a
14154 minimum, onsite monitoring of each coalition's finances,
14155 management, operations, and programs.

14156 (m) The Department of Education ~~Agency for Workforce~~
14157 ~~Innovation~~ shall submit an annual report of its activities
14158 conducted under this section to the Governor, the President of
14159 the Senate, the Speaker of the House of Representatives, and the
14160 minority leaders of both houses of the Legislature. In addition,
14161 the Department of Education's ~~Agency for Workforce Innovation's~~
14162 reports and recommendations shall be made available to the
14163 Florida Early Learning Advisory Council and other appropriate
14164 state agencies and entities. The annual report must provide an
14165 analysis of school readiness activities across the state,
14166 including the number of children who were served in the
14167 programs.

14168 (n) The Department of Education ~~Agency for Workforce~~
14169 ~~Innovation~~ shall work with the early learning coalitions to
14170 ensure availability of training and support for parental
14171 involvement in children's early education and to provide family
14172 literacy activities and services.

14173 (5) CREATION OF EARLY LEARNING COALITIONS.-

14174 (a) *Early learning coalitions*.-

14175 1. Each early learning coalition shall maintain direct
14176 enhancement services at the local level and ensure access to
14177 such services in all 67 counties.

14178 2. The Department of Education ~~Agency for Workforce~~
14179 ~~Innovation~~ shall establish the minimum number of children to be
14180 served by each early learning coalition through the coalition's
14181 school readiness program. The Department of Education ~~Agency for~~

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14182 ~~Workforce Innovation~~ may only approve school readiness plans in
14183 accordance with this minimum number. The minimum number must be
14184 uniform for every early learning coalition and must:

14185 a. Permit 31 or fewer coalitions to be established; and
14186 b. Require each coalition to serve at least 2,000 children
14187 based upon the average number of all children served per month
14188 through the coalition's school readiness program during the
14189 previous 12 months.

14190 3. If an early learning coalition would serve fewer
14191 children than the minimum number established under subparagraph
14192 2., the coalition must merge with another county to form a
14193 multicounty coalition. The Department of Education ~~Agency for~~
14194 ~~Workforce Innovation~~ shall adopt procedures for merging early
14195 learning coalitions, including procedures for the consolidation
14196 of merging coalitions, and for the early termination of the
14197 terms of coalition members which are necessary to accomplish the
14198 mergers. However, the Department of Education ~~Agency for~~
14199 ~~Workforce Innovation~~ shall grant a waiver to an early learning
14200 coalition to serve fewer children than the minimum number
14201 established under subparagraph 2., if:

14202 a. The Department of Education ~~Agency for Workforce~~
14203 ~~Innovation~~ has determined during the most recent review of the
14204 coalition's school readiness plan, or through monitoring and
14205 performance evaluations conducted under paragraph (4)(1), that
14206 the coalition has substantially implemented its plan;

14207 b. The coalition demonstrates to the Department of
14208 Education ~~Agency for Workforce Innovation~~ the coalition's
14209 ability to effectively and efficiently implement the Voluntary
14210 Prekindergarten Education Program; and

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14211 c. The coalition demonstrates to the Department of
14212 Education Agency for Workforce Innovation that the coalition can
14213 perform its duties in accordance with law.

14214
14215 If an early learning coalition fails or refuses to merge as
14216 required by this subparagraph, the Department of Education
14217 Agency for Workforce Innovation may dissolve the coalition and
14218 temporarily contract with a qualified entity to continue school
14219 readiness and prekindergarten services in the coalition's county
14220 or multicounty region until the department agency reestablishes
14221 the coalition and a new school readiness plan is approved by the
14222 department agency.

14223 4. Each early learning coalition shall be composed of at
14224 least 15 members but not more than 30 members. The Department of
14225 Education Agency for Workforce Innovation shall adopt standards
14226 establishing within this range the minimum and maximum number of
14227 members that may be appointed to an early learning coalition and
14228 procedures for identifying which members have voting privileges
14229 under subparagraph 6. These standards must include variations
14230 for a coalition serving a multicounty region. Each early
14231 learning coalition must comply with these standards.

14232 5. The Governor shall appoint the chair and two other
14233 members of each early learning coalition, who must each meet the
14234 same qualifications as private sector business members appointed
14235 by the coalition under subparagraph 7.

14236 6. Each early learning coalition must include the following
14237 member positions; however, in a multicounty coalition, each ex
14238 officio member position may be filled by multiple nonvoting
14239 members but no more than one voting member shall be seated per

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14240 member position. If an early learning coalition has more than
14241 one member representing the same entity, only one of such
14242 members may serve as a voting member:

14243 a. A Department of Children and Family Services circuit
14244 administrator or his or her designee who is authorized to make
14245 decisions on behalf of the department.

14246 b. A district superintendent of schools or his or her
14247 designee who is authorized to make decisions on behalf of the
14248 district.

14249 c. A regional workforce board executive director or his or
14250 her designee.

14251 d. A county health department director or his or her
14252 designee.

14253 e. A children's services council or juvenile welfare board
14254 chair or executive director, if applicable.

14255 f. An agency head of a local licensing agency as defined in
14256 s. 402.302, where applicable.

14257 g. A president of a community college or his or her
14258 designee.

14259 h. One member appointed by a board of county commissioners
14260 or the governing board of a municipality.

14261 i. A central agency administrator, where applicable.

14262 j. A Head Start director.

14263 k. A representative of private for-profit child care
14264 providers, including private for-profit family day care homes.

14265 l. A representative of faith-based child care providers.

14266 m. A representative of programs for children with
14267 disabilities under the federal Individuals with Disabilities
14268 Education Act.

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14269 7. Including the members appointed by the Governor under
14270 subparagraph 5., more than one-third of the members of each
14271 early learning coalition must be private sector business members
14272 who do not have, and none of whose relatives as defined in s.
14273 112.3143 has, a substantial financial interest in the design or
14274 delivery of the Voluntary Prekindergarten Education Program
14275 created under part V of chapter 1002 or the coalition's school
14276 readiness program. To meet this requirement an early learning
14277 coalition must appoint additional members. The Department of
14278 Education Agency for Workforce Innovation shall establish
14279 criteria for appointing private sector business members. These
14280 criteria must include standards for determining whether a member
14281 or relative has a substantial financial interest in the design
14282 or delivery of the Voluntary Prekindergarten Education Program
14283 or the coalition's school readiness program.

14284 8. A majority of the voting membership of an early learning
14285 coalition constitutes a quorum required to conduct the business
14286 of the coalition. An early learning coalition board may use any
14287 method of telecommunications to conduct meetings, including
14288 establishing a quorum through telecommunications, provided that
14289 the public is given proper notice of a telecommunications
14290 meeting and reasonable access to observe and, when appropriate,
14291 participate.

14292 9. A voting member of an early learning coalition may not
14293 appoint a designee to act in his or her place, except as
14294 otherwise provided in this paragraph. A voting member may send a
14295 representative to coalition meetings, but that representative
14296 does not have voting privileges. When a district administrator
14297 for the Department of Children and Family Services appoints a

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14298 designee to an early learning coalition, the designee is the
14299 voting member of the coalition, and any individual attending in
14300 the designee's place, including the district administrator, does
14301 not have voting privileges.

14302 10. Each member of an early learning coalition is subject
14303 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14304 112.3143(3)(a), each voting member is a local public officer who
14305 must abstain from voting when a voting conflict exists.

14306 11. For purposes of tort liability, each member or employee
14307 of an early learning coalition shall be governed by s. 768.28.

14308 12. An early learning coalition serving a multicounty
14309 region must include representation from each county.

14310 13. Each early learning coalition shall establish terms for
14311 all appointed members of the coalition. The terms must be
14312 staggered and must be a uniform length that does not exceed 4
14313 years per term. Coalition chairs shall be appointed for 4 years
14314 in conjunction with their membership on the Early Learning
14315 Advisory Council under s. 20.052. Appointed members may serve a
14316 maximum of two consecutive terms. When a vacancy occurs in an
14317 appointed position, the coalition must advertise the vacancy.

14318 (c) *Program expectations.*—

14319 1. The school readiness program must meet the following
14320 expectations:

14321 a. The program must, at a minimum, enhance the age-
14322 appropriate progress of each child in attaining the performance
14323 standards and outcome measures adopted by the Agency for
14324 Workforce Innovation.

14325 b. The program must provide extended-day and extended-year
14326 services to the maximum extent possible without compromising the

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14327 quality of the program to meet the needs of parents who work.

14328 c. The program must provide a coordinated professional
14329 development system that supports the achievement and maintenance
14330 of core competencies by school readiness instructors in helping
14331 children attain the performance standards and outcome measures
14332 adopted by the Department of Education ~~Agency for Workforce~~
14333 ~~Innovation~~.

14334 d. There must be expanded access to community services and
14335 resources for families to help achieve economic self-
14336 sufficiency.

14337 e. There must be a single point of entry and unified
14338 waiting list. As used in this sub-subparagraph, the term "single
14339 point of entry" means an integrated information system that
14340 allows a parent to enroll his or her child in the school
14341 readiness program at various locations throughout a county, that
14342 may allow a parent to enroll his or her child by telephone or
14343 through an Internet website, and that uses a unified waiting
14344 list to track eligible children waiting for enrollment in the
14345 school readiness program. The Department of Education ~~Agency for~~
14346 ~~Workforce Innovation~~ shall establish through technology a single
14347 statewide information system that each coalition must use for
14348 the purposes of managing the single point of entry, tracking
14349 children's progress, coordinating services among stakeholders,
14350 determining eligibility, tracking child attendance, and
14351 streamlining administrative processes for providers and early
14352 learning coalitions.

14353 f. The Department of Education ~~Agency for Workforce~~
14354 ~~Innovation~~ must consider the access of eligible children to the
14355 school readiness program, as demonstrated in part by waiting

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14356 lists, before approving a proposed increase in payment rates
14357 submitted by an early learning coalition. In addition, early
14358 learning coalitions shall use school readiness funds made
14359 available due to enrollment shifts from school readiness
14360 programs to the Voluntary Prekindergarten Education Program for
14361 increasing the number of children served in school readiness
14362 programs before increasing payment rates.

14363 g. The program must meet all state licensing guidelines,
14364 where applicable.

14365 h. The program must ensure that minimum standards for child
14366 discipline practices are age-appropriate. Such standards must
14367 provide that children not be subjected to discipline that is
14368 severe, humiliating, or frightening or discipline that is
14369 associated with food, rest, or toileting. Spanking or any other
14370 form of physical punishment is prohibited.

14371 2. Each early learning coalition must implement a
14372 comprehensive program of school readiness services in accordance
14373 with the rules adopted by the department ~~agency~~ which enhance
14374 the cognitive, social, and physical development of children to
14375 achieve the performance standards and outcome measures. At a
14376 minimum, these programs must contain the following system
14377 support service elements:

14378 a. Developmentally appropriate curriculum designed to
14379 enhance the age-appropriate progress of children in attaining
14380 the performance standards adopted by the Department of Education
14381 ~~Agency for Workforce Innovation~~ under subparagraph (4)(d)8.

14382 b. A character development program to develop basic values.

14383 c. An age-appropriate screening of each child's
14384 development.

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14385 d. An age-appropriate assessment administered to children
14386 when they enter a program and an age-appropriate assessment
14387 administered to children when they leave the program.

14388 e. An appropriate staff-to-children ratio, pursuant to s.
14389 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14390 verified pursuant to s. 402.311.

14391 f. A healthy and safe environment pursuant to s.
14392 401.305(5), (6), and (7), as applicable, and as verified
14393 pursuant to s. 402.311.

14394 g. A resource and referral network established under s.
14395 411.0101 to assist parents in making an informed choice and a
14396 regional Warm-Line under s. 411.01015.

14397
14398 The ~~Agency for Workforce Innovation~~, the Department of
14399 Education, and early learning coalitions shall coordinate with
14400 the Child Care Services Program Office of the Department of
14401 Children and Family Services to minimize duplicating interagency
14402 activities pertaining to acquiring and composing data for child
14403 care training and credentialing.

14404 (d) *Implementation.*—

14405 1. An early learning coalition may not implement the school
14406 readiness program until the coalition's school readiness plan is
14407 approved by the Department of Education ~~Agency for Workforce~~
14408 ~~Innovation~~.

14409 2. Each early learning coalition shall coordinate with one
14410 another to implement a comprehensive program of school readiness
14411 services which enhances the cognitive, social, physical, and
14412 moral character of the children to achieve the performance
14413 standards and outcome measures and which helps families achieve

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14414 economic self-sufficiency. Such program must contain, at a
14415 minimum, the following elements:

14416 a. Implement the school readiness program to meet the
14417 requirements of this section and the system support services,
14418 performance standards, and outcome measures adopted by the
14419 Department of Education ~~Agency for Workforce Innovation~~.

14420 b. Demonstrate how the program will ensure that each child
14421 from birth through 5 years of age in a publicly funded school
14422 readiness program receives scheduled activities and instruction
14423 designed to enhance the age-appropriate progress of the children
14424 in attaining the performance standards adopted by the department
14425 ~~agency~~ under subparagraph (4)(d)8.

14426 c. Ensure that the coalition has solicited and considered
14427 comments regarding the proposed school readiness plan from the
14428 local community.

14429
14430 Before implementing the school readiness program, the early
14431 learning coalition must submit the plan to the department ~~agency~~
14432 for approval. The department ~~agency~~ may approve the plan, reject
14433 the plan, or approve the plan with conditions. The department
14434 ~~agency~~ shall review school readiness plans at least every 2
14435 years.

14436 3. If the Department of Education ~~Agency for Workforce~~
14437 ~~Innovation~~ determines during the review of school readiness
14438 plans, or through monitoring and performance evaluations
14439 conducted under paragraph (4)(1), that an early learning
14440 coalition has not substantially implemented its plan, has not
14441 substantially met the performance standards and outcome measures
14442 adopted by the department ~~agency~~, or has not effectively

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14443 administered the school readiness program or Voluntary
14444 Prekindergarten Education Program, the department ~~agency~~ may
14445 dissolve the coalition and temporarily contract with a qualified
14446 entity to continue school readiness and prekindergarten services
14447 in the coalition's county or multicounty region until the
14448 department ~~agency~~ reestablishes the coalition and a new school
14449 readiness plan is approved in accordance with the rules adopted
14450 by the department ~~agency~~.

14451 4. The Department of Education ~~Agency for Workforce~~
14452 ~~Innovation~~ shall adopt rules establishing criteria for the
14453 approval of school readiness plans. The criteria must be
14454 consistent with the system support services, performance
14455 standards, and outcome measures adopted by the department ~~agency~~
14456 and must require each approved plan to include the following
14457 minimum standards for the school readiness program:

14458 a. A community plan that addresses the needs of all
14459 children and providers within the coalition's county or
14460 multicounty region.

14461 b. A sliding fee scale establishing a copayment for parents
14462 based upon their ability to pay, which is the same for all
14463 program providers.

14464 c. A choice of settings and locations in licensed,
14465 registered, religious-exempt, or school-based programs to be
14466 provided to parents.

14467 d. Specific eligibility priorities for children in
14468 accordance with subsection (6).

14469 e. Performance standards and outcome measures adopted by
14470 the department ~~agency~~.

14471 f. Payment rates adopted by the early learning coalitions

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14472 and approved by the department ~~agency~~. Payment rates may not
14473 have the effect of limiting parental choice or creating
14474 standards or levels of services that have not been expressly
14475 established by the Legislature, unless the creation of such
14476 standards or levels of service, which must be uniform throughout
14477 the state, has been approved by the Federal Government and
14478 result in the state being eligible to receive additional federal
14479 funds available for early learning on a statewide basis.

14480 g. Direct enhancement services for families and children.
14481 System support and direct enhancement services shall be in
14482 addition to payments for the placement of children in school
14483 readiness programs. Direct enhancement services for families may
14484 include parent training and involvement activities and
14485 strategies to meet the needs of unique populations and local
14486 eligibility priorities. Enhancement services for children may
14487 include provider supports and professional development approved
14488 in the plan by the Department of Education ~~Agency for Workforce~~
14489 ~~Innovation~~.

14490 h. The business organization of the early learning
14491 coalition, which must include the coalition's articles of
14492 incorporation and bylaws if the coalition is organized as a
14493 corporation. If the coalition is not organized as a corporation
14494 or other business entity, the plan must include the contract
14495 with a fiscal agent. An early learning coalition may contract
14496 with other coalitions to achieve efficiency in multicounty
14497 services, and these contracts may be part of the coalition's
14498 school readiness plan.

14499 i. The implementation of locally developed quality programs
14500 in accordance with the requirements adopted by the department

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14501 ~~agency~~ under subparagraph (4)(d)5.

14502

14503 The Department of Education ~~Agency for Workforce Innovation~~ may
14504 request the Governor to apply for a waiver to allow the
14505 coalition to administer the Head Start Program to accomplish the
14506 purposes of the school readiness program.

14507 5. Persons with an early childhood teaching certificate may
14508 provide support and supervision to other staff in the school
14509 readiness program.

14510 6. An early learning coalition may not implement its school
14511 readiness plan until it submits the plan to and receives
14512 approval from the Department of Education ~~Agency for Workforce~~
14513 ~~Innovation~~. Once the plan is approved, the plan and the services
14514 provided under the plan shall be controlled by the early
14515 learning coalition. The plan shall be reviewed and revised as
14516 necessary, but at least biennially. An early learning coalition
14517 may not implement the revisions until the coalition submits the
14518 revised plan to and receives approval from the department
14519 ~~agency~~. If the department ~~agency~~ rejects a revised plan, the
14520 coalition must continue to operate under its prior approved
14521 plan.

14522 7. Section 125.901(2)(a)3. does not apply to school
14523 readiness programs. The Department of Education ~~Agency for~~
14524 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
14525 waiver of, and the Governor and Cabinet may waive, any of the
14526 provisions of ss. 411.223 and 1003.54, if the waiver is
14527 necessary for implementation of school readiness programs.

14528 8. Two or more early learning coalitions may join for
14529 purposes of planning and implementing a school readiness

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14530 program.

14531 (e) *Requests for proposals; payment schedule.*—

14532 1. Each early learning coalition must comply with the
14533 procurement and expenditure procedures adopted by the Department
14534 of Education Agency for Workforce Innovation, including, but not
14535 limited to, applying the procurement and expenditure procedures
14536 required by federal law for the expenditure of federal funds.

14537 2. Each early learning coalition shall adopt a payment
14538 schedule that encompasses all programs funded under this
14539 section. The payment schedule must take into consideration the
14540 prevailing market rate, must include the projected number of
14541 children to be served, and must be submitted for approval by the
14542 Department of Education Agency for Workforce Innovation.

14543 Informal child care arrangements shall be reimbursed at not more
14544 than 50 percent of the rate adopted for a family day care home.

14545 (f) *Evaluation and annual report.*—Each early learning
14546 coalition shall conduct an evaluation of its implementation of
14547 the school readiness program, including system support services,
14548 performance standards, and outcome measures, and shall provide
14549 an annual report and fiscal statement to the Department of
14550 Education Agency for Workforce Innovation. This report must also
14551 include an evaluation of the effectiveness of its direct
14552 enhancement services and conform to the content and format
14553 specifications adopted by the Department of Education Agency for
14554 Workforce Innovation. The Department of Education Agency for
14555 Workforce Innovation must include an analysis of the early
14556 learning coalitions' reports in the department's agency's annual
14557 report.

14558 (7) PARENTAL CHOICE.—

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14559 (e) The office of the Chief Financial Officer shall
14560 establish an electronic transfer system for the disbursement of
14561 funds in accordance with this subsection. Each early learning
14562 coalition shall fully implement the electronic funds transfer
14563 system within 2 years after approval of the coalition's school
14564 readiness plan, unless a waiver is obtained from the Department
14565 of Education ~~Agency for Workforce Innovation~~.

14566 (8) STANDARDS; OUTCOME MEASURES.—A program provider
14567 participating in the school readiness program must meet the
14568 performance standards and outcome measures adopted by the
14569 Department of Education ~~Agency for Workforce Innovation~~.

14570 (9) FUNDING; SCHOOL READINESS PROGRAM.—

14571 (b)1. The Department of Education ~~Agency for Workforce~~
14572 ~~Innovation~~ shall administer school readiness funds, plans, and
14573 policies and shall prepare and submit a unified budget request
14574 for the school readiness system in accordance with chapter 216.

14575 2. All instructions to early learning coalitions for
14576 administering this section shall emanate from the Department of
14577 Education ~~Agency for Workforce Innovation~~ in accordance with the
14578 policies of the Legislature.

14579 (c) The Department of Education ~~Agency for Workforce~~
14580 ~~Innovation~~, subject to legislative notice and review under s.
14581 216.177, shall establish a formula for the allocation of all
14582 state and federal school readiness funds provided for children
14583 participating in the school readiness program, whether served by
14584 a public or private provider, based upon equity for each county.
14585 The allocation formula must be submitted to the Governor, the
14586 chair of the Senate Ways and Means Committee or its successor,
14587 and the chair of the House of Representatives Fiscal Council or

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14588 its successor no later than January 1 of each year. If the
14589 Legislature specifies changes to the allocation formula, the
14590 Department of Education ~~Agency for Workforce Innovation~~ shall
14591 allocate funds as specified in the General Appropriations Act.

14592 (d) All state, federal, and required local maintenance-of-
14593 effort or matching funds provided to an early learning coalition
14594 for purposes of this section shall be used for implementation of
14595 its approved school readiness plan, including the hiring of
14596 staff to effectively operate the coalition's school readiness
14597 program. As part of plan approval and periodic plan review, the
14598 Department of Education ~~Agency for Workforce Innovation~~ shall
14599 require that administrative costs be kept to the minimum
14600 necessary for efficient and effective administration of the
14601 school readiness plan, but total administrative expenditures
14602 must not exceed 5 percent unless specifically waived by the
14603 Department of Education ~~Agency for Workforce Innovation~~. The
14604 Department of Education ~~Agency for Workforce Innovation~~ shall
14605 annually report to the Legislature any problems relating to
14606 administrative costs.

14607 (e) The Department of Education ~~Agency for Workforce~~
14608 ~~Innovation~~ shall annually distribute, to a maximum extent
14609 practicable, all eligible funds provided under this section as
14610 block grants to the early learning coalitions in accordance with
14611 the terms and conditions specified by the department ~~agency~~.

14612 Section 277. Subsections (1) and (2), paragraph (a) of
14613 subsection (3), and subsection (4) of section 411.0101, Florida
14614 Statutes, are amended to read:

14615 411.0101 Child care and early childhood resource and
14616 referral.—

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14617 (1) As a part of the school readiness programs, the
14618 Department of Education ~~Agency for Workforce Innovation~~ shall
14619 establish a statewide child care resource and referral network
14620 that is unbiased and provides referrals to families for child
14621 care. Preference shall be given to using the already established
14622 early learning coalitions as the child care resource and
14623 referral agencies. If an early learning coalition cannot comply
14624 with the requirements to offer the resource information
14625 component or does not want to offer that service, the early
14626 learning coalition shall select the resource and referral agency
14627 for its county or multicounty region based upon a request for
14628 proposal pursuant to s. 411.01(5)(e)1.

14629 (2) At least one child care resource and referral agency
14630 must be established in each early learning coalition's county or
14631 multicounty region. The Department of Education ~~Agency for~~
14632 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
14633 of child care resource and referral services offered through
14634 child care resource and referral agencies in each county or
14635 multicounty region which include, at a minimum, required hours
14636 of operation, methods by which parents may request services, and
14637 child care resource and referral staff training requirements.

14638 (3) Child care resource and referral agencies shall provide
14639 the following services:

14640 (a) Identification of existing public and private child
14641 care and early childhood education services, including child
14642 care services by public and private employers, and the
14643 development of a resource file of those services through the
14644 single statewide information system developed by the Department
14645 of Education ~~Agency for Workforce Innovation~~ under s.

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14646 411.01(5)(c)1.e. These services may include family day care,
14647 public and private child care programs, the Voluntary
14648 Prekindergarten Education Program, Head Start, the school
14649 readiness program, special education programs for
14650 prekindergarten children with disabilities, services for
14651 children with developmental disabilities, full-time and part-
14652 time programs, before-school and after-school programs, vacation
14653 care programs, parent education, the Temporary Cash Assistance
14654 Program, and related family support services. The resource file
14655 shall include, but not be limited to:

- 14656 1. Type of program.
- 14657 2. Hours of service.
- 14658 3. Ages of children served.
- 14659 4. Number of children served.
- 14660 5. Significant program information.
- 14661 6. Fees and eligibility for services.
- 14662 7. Availability of transportation.

14663 (4) The Department of Education ~~Agency for Workforce~~
14664 ~~Innovation~~ shall adopt any rules necessary for the
14665 implementation and administration of this section.

14666 Section 278. Subsections (2), (6), and (7) of section
14667 411.01013, Florida Statutes, are amended to read:

14668 411.01013 Prevailing market rate schedule.—

14669 (2) The Department of Education ~~Agency for Workforce~~
14670 ~~Innovation~~ shall establish procedures for the adoption of a
14671 prevailing market rate schedule. The schedule must include, at a
14672 minimum, county-by-county rates:

14673 (a) At the prevailing market rate, plus the maximum rate,
14674 for child care providers that hold a Gold Seal Quality Care

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14675 designation under s. 402.281.

14676 (b) At the prevailing market rate for child care providers
14677 that do not hold a Gold Seal Quality Care designation.

14678 (6) The Department of Education ~~Agency for Workforce~~
14679 ~~Innovation~~ may contract with one or more qualified entities to
14680 administer this section and provide support and technical
14681 assistance for child care providers.

14682 (7) The Department of Education ~~Agency for Workforce~~
14683 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
14684 for establishing procedures for the collection of child care
14685 providers' market rate, the calculation of a reasonable
14686 frequency distribution of the market rate, and the publication
14687 of a prevailing market rate schedule.

14688 Section 279. Subsection (1) of section 411.01014, Florida
14689 Statutes, is amended to read:

14690 411.01014 School readiness transportation services.—

14691 (1) The Department of Education ~~Agency for Workforce~~
14692 ~~Innovation~~, pursuant to chapter 427, may authorize an early
14693 learning coalition to establish school readiness transportation
14694 services for children at risk of abuse or neglect participating
14695 in the school readiness program. The early learning coalitions
14696 may contract for the provision of transportation services as
14697 required by this section.

14698 Section 280. Subsections (1), (3), and (4) of section
14699 411.01015, Florida Statutes, are amended to read:

14700 411.01015 Consultation to child care centers and family day
14701 care homes regarding health, developmental, disability, and
14702 special needs issues.—

14703 (1) Contingent upon specific appropriations, the Department

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14704 of Education ~~Agency for Workforce Innovation~~ shall administer a
14705 statewide toll-free Warm-Line for the purpose of providing
14706 assistance and consultation to child care centers and family day
14707 care homes regarding health, developmental, disability, and
14708 special needs issues of the children they are serving,
14709 particularly children with disabilities and other special needs.

14710 (3) The Department of Education ~~Agency for Workforce~~
14711 ~~Innovation~~ shall annually inform child care centers and family
14712 day care homes of the availability of this service through the
14713 child care resource and referral network under s. 411.0101.

14714 (4) Contingent upon specific appropriations, the Department
14715 of Education ~~Agency for Workforce Innovation~~ shall expand, or
14716 contract for the expansion of, the Warm-Line to maintain at
14717 least one Warm-Line site in each early learning coalition
14718 service area.

14719 Section 281. Section 411.0102, Florida Statutes, is amended
14720 to read:

14721 411.0102 Child Care Executive Partnership Act; findings and
14722 intent; grant; limitation; rules.-

14723 (1) This section may be cited as the "Child Care Executive
14724 Partnership Act."

14725 (2)(a) The Legislature finds that when private employers
14726 provide onsite child care or provide other child care benefits,
14727 they benefit by improved recruitment and higher retention rates
14728 for employees, lower absenteeism, and improved employee morale.
14729 The Legislature also finds that there are many ways in which
14730 private employers can provide child care assistance to
14731 employees: information and referral, vouchers, employer
14732 contribution to child care programs, and onsite care. Private

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14733 employers can offer child care as part of a menu of employee
14734 benefits. The Legislature recognizes that flexible compensation
14735 programs providing a child care option are beneficial to the
14736 private employer through increased productivity, to the private
14737 employee in knowing that his or her children are being cared for
14738 in a safe and nurturing environment, and to the state in more
14739 dollars being available for purchasing power and investment.

14740 (b) It is the intent of the Legislature to promote
14741 public/private partnerships to ensure that the children of the
14742 state be provided safe and enriching child care at any time, but
14743 especially while parents work to remain self-sufficient. It is
14744 the intent of the Legislature that private employers be
14745 encouraged to participate in the future of this state by
14746 providing employee child care benefits. Further, it is the
14747 intent of the Legislature to encourage private employers to
14748 explore innovative ways to assist employees to obtain quality
14749 child care.

14750 (c) The Legislature further recognizes that many parents
14751 need assistance in paying the full costs of quality child care.
14752 The public and private sectors, by working in partnership, can
14753 promote and improve access to quality child care and early
14754 education for children of working families who need it.
14755 Therefore, a more formal mechanism is necessary to stimulate the
14756 establishment of public-private partnerships. It is the intent
14757 of the Legislature to expand the availability of scholarship
14758 options for working families by providing incentives for
14759 employers to contribute to meeting the needs of their employees'
14760 families through matching public dollars available for child
14761 care.

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14762 (3) There is created a body politic and corporate known as
14763 the Child Care Executive Partnership which shall establish and
14764 govern the Child Care Executive Partnership Program. The purpose
14765 of the Child Care Executive Partnership Program is to utilize
14766 state and federal funds as incentives for matching local funds
14767 derived from local governments, employers, charitable
14768 foundations, and other sources so that Florida communities may
14769 create local flexible partnerships with employers. The Child
14770 Care Executive Partnership Program funds shall be used at the
14771 discretion of local communities to meet the needs of working
14772 parents. A child care purchasing pool shall be developed with
14773 the state, federal, and local funds to provide subsidies to low-
14774 income working parents whose family income does not exceed the
14775 allowable income for any federally subsidized child care program
14776 with a dollar-for-dollar match from employers, local government,
14777 and other matching contributions. The funds used from the child
14778 care purchasing pool must be used to supplement or extend the
14779 use of existing public or private funds.

14780 (4) The Child Care Executive Partnership, staffed by the
14781 Department of Education ~~Agency for Workforce Innovation~~, shall
14782 consist of a representative of the Executive Office of the
14783 Governor, a representative of Jobs Florida, and nine members of
14784 the corporate or child care community, appointed by the
14785 Governor.

14786 (a) Members shall serve for a period of 4 years, except
14787 that the representative of the Executive Office of the Governor
14788 shall serve at the pleasure of the Governor, and the
14789 representative of Jobs Florida shall serve at the pleasure of
14790 the commissioner of Jobs Florida.

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14791 (b) The Child Care Executive Partnership shall be chaired
14792 by a member chosen by a majority vote and shall meet at least
14793 quarterly and at other times upon the call of the chair. The
14794 Child Care Executive Partnership may use any method of
14795 telecommunications to conduct meetings, including establishing a
14796 quorum through telecommunications, only if the public is given
14797 proper notice of a telecommunications meeting and reasonable
14798 access to observe and, when appropriate, participate.

14799 (c) Members shall serve without compensation, but may be
14800 reimbursed for per diem and travel expenses in accordance with
14801 s. 112.061.

14802 (d) The Child Care Executive Partnership shall have all the
14803 powers and authority, not explicitly prohibited by statute,
14804 necessary to carry out and effectuate the purposes of this
14805 section, as well as the functions, duties, and responsibilities
14806 of the partnership, including, but not limited to, the
14807 following:

14808 1. Assisting in the formulation and coordination of the
14809 state's child care policy.

14810 2. Adopting an official seal.

14811 3. Soliciting, accepting, receiving, investing, and
14812 expending funds from public or private sources.

14813 4. Contracting with public or private entities as
14814 necessary.

14815 5. Approving an annual budget.

14816 6. Carrying forward any unexpended state appropriations
14817 into succeeding fiscal years.

14818 7. Providing a report to the Governor, the Speaker of the
14819 House of Representatives, and the President of the Senate, on or

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14820 before December 1 of each year.

14821 (5)(a) The Legislature shall annually determine the amount
14822 of state or federal low-income child care moneys which shall be
14823 used to create Child Care Executive Partnership Program child
14824 care purchasing pools in counties chosen by the Child Care
14825 Executive Partnership, provided that at least two of the
14826 counties have populations of no more than 300,000. The
14827 Legislature shall annually review the effectiveness of the child
14828 care purchasing pool program and reevaluate the percentage of
14829 additional state or federal funds, if any, that can be used for
14830 the program's expansion.

14831 (b) To ensure a seamless service delivery and ease of
14832 access for families, an early learning coalition or the
14833 Department of Education ~~Agency for Workforce Innovation~~ shall
14834 administer the child care purchasing pool funds.

14835 (c) The Department of Education ~~Agency for Workforce~~
14836 ~~Innovation~~, in conjunction with the Child Care Executive
14837 Partnership, shall develop procedures for disbursement of funds
14838 through the child care purchasing pools. In order to be
14839 considered for funding, an early learning coalition or the
14840 Department of Education ~~Agency for Workforce Innovation~~ must
14841 commit to:

14842 1. Matching the state purchasing pool funds on a dollar-
14843 for-dollar basis; and

14844 2. Expending only those public funds which are matched by
14845 employers, local government, and other matching contributors who
14846 contribute to the purchasing pool. Parents shall also pay a fee,
14847 which may not be less than the amount identified in the early
14848 learning coalition's school readiness program sliding fee scale.

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14849 (d) Each early learning coalition shall establish a
14850 community child care task force for each child care purchasing
14851 pool. The task force must be composed of employers, parents,
14852 private child care providers, and one representative from the
14853 local children's services council, if one exists in the area of
14854 the purchasing pool. The early learning coalition is expected to
14855 recruit the task force members from existing child care
14856 councils, commissions, or task forces already operating in the
14857 area of a purchasing pool. A majority of the task force shall
14858 consist of employers.

14859 (e) Each early learning coalition board shall develop a
14860 plan for the use of child care purchasing pool funds. The plan
14861 must show how many children will be served by the purchasing
14862 pool, how many will be new to receiving child care services, and
14863 how the early learning coalition intends to attract new
14864 employers and their employees to the program.

14865 (6) The Department of Education ~~Agency for Workforce~~
14866 ~~Innovation~~ shall adopt any rules necessary for the
14867 implementation and administration of this section.

14868 Section 282. Subsections (2) and (3) of section 411.0103,
14869 Florida Statutes, are amended to read:

14870 411.0103 Teacher Education and Compensation Helps (TEACH)
14871 scholarship program.—

14872 (2) The Department of Education ~~Agency for Workforce~~
14873 ~~Innovation~~ may contract for the administration of the Teacher
14874 Education and Compensation Helps (TEACH) scholarship program,
14875 which provides educational scholarships to caregivers and
14876 administrators of early childhood programs, family day care
14877 homes, and large family child care homes.

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14878 (3) The department ~~agency~~ shall adopt rules under ss.
14879 120.536(1) and 120.54 as necessary to administer this section.

14880 Section 283. Subsections (1) and (3) of section 411.0104,
14881 Florida Statutes, are amended to read:

14882 411.0104 Early Head Start collaboration grants.—

14883 (1) Contingent upon specific appropriations, the Department
14884 of Education ~~Agency for Workforce Innovation~~ shall establish a
14885 program to award collaboration grants to assist local agencies
14886 in securing Early Head Start programs through Early Head Start
14887 program federal grants. The collaboration grants shall provide
14888 the required matching funds for public and private nonprofit
14889 agencies that have been approved for Early Head Start program
14890 federal grants.

14891 (3) The Department of Education ~~Agency for Workforce~~
14892 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
14893 necessary for the award of collaboration grants to competing
14894 agencies and the administration of the collaboration grants
14895 program under this section.

14896 Section 284. Section 411.0106, Florida Statutes, is amended
14897 to read:

14898 411.0106 Infants and toddlers in state-funded education and
14899 care programs; brain development activities.—Each state-funded
14900 education and care program for children from birth to 5 years of
14901 age must provide activities to foster brain development in
14902 infants and toddlers. A program must provide an environment that
14903 helps children attain the performance standards adopted by the
14904 Department of Education ~~Agency for Workforce Innovation~~ under s.
14905 411.01(4)(d)8. and must be rich in language and music and filled
14906 with objects of various colors, shapes, textures, and sizes to

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14907 stimulate visual, tactile, auditory, and linguistic senses in
14908 the children and must include classical music and at least 30
14909 minutes of reading to the children each day. A program may be
14910 offered through an existing early childhood program such as
14911 Healthy Start, the Title I program, the school readiness
14912 program, the Head Start program, or a private child care
14913 program. A program must provide training for the infants' and
14914 toddlers' parents including direct dialogue and interaction
14915 between teachers and parents demonstrating the urgency of brain
14916 development in the first year of a child's life. Family day care
14917 centers are encouraged, but not required, to comply with this
14918 section.

14919 Section 285. Subsection (1) and paragraph (g) of subsection
14920 (3) of section 411.011, Florida Statutes, are amended to read:

14921 411.011 Records of children in school readiness programs.—

14922 (1) The individual records of children enrolled in school
14923 readiness programs provided under s. 411.01, held by an early
14924 learning coalition or the Department of Education ~~Agency for~~
14925 ~~Workforce Innovation~~, are confidential and exempt from s.
14926 119.07(1) and s. 24(a), Art. I of the State Constitution. For
14927 purposes of this section, records include assessment data,
14928 health data, records of teacher observations, and personal
14929 identifying information.

14930 (3) School readiness records may be released to:

14931 (g) Parties to an interagency agreement among early
14932 learning coalitions, local governmental agencies, providers of
14933 school readiness programs, state agencies, and the Department of
14934 Education ~~Agency for Workforce Innovation~~ for the purpose of
14935 implementing the school readiness program.

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14936
14937 Agencies, organizations, or individuals that receive school
14938 readiness records in order to carry out their official functions
14939 must protect the data in a manner that does not permit the
14940 personal identification of a child enrolled in a school
14941 readiness program and his or her parents by persons other than
14942 those authorized to receive the records.

14943 Section 286. Paragraph (e) of subsection (2) of section
14944 411.226, Florida Statutes, is amended to read:

14945 411.226 Learning Gateway.—

14946 (2) LEARNING GATEWAY STEERING COMMITTEE.—

14947 (e) To support and facilitate system improvements, the
14948 steering committee must consult with representatives from the
14949 Department of Education, the Department of Health, ~~the Agency~~
14950 ~~for Workforce Innovation~~, the Department of Children and Family
14951 Services, the Agency for Health Care Administration, the
14952 Department of Juvenile Justice, and the Department of
14953 Corrections and with the director of the Learning Development
14954 and Evaluation Center of Florida Agricultural and Mechanical
14955 University.

14956 Section 287. Paragraph (d) of subsection (1), paragraph (a)
14957 of subsection (2), and paragraph (c) of subsection (3) of
14958 section 411.227, Florida Statutes, are amended to read:

14959 411.227 Components of the Learning Gateway.—The Learning
14960 Gateway system consists of the following components:

14961 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
14962 ACCESS.—

14963 (d) In collaboration with other local resources, the
14964 demonstration projects shall develop public awareness strategies

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14965 to disseminate information about developmental milestones,
14966 precursors of learning problems and other developmental delays,
14967 and the service system that is available. The information should
14968 target parents of children from birth through age 9 and should
14969 be distributed to parents, health care providers, and caregivers
14970 of children from birth through age 9. A variety of media should
14971 be used as appropriate, such as print, television, radio, and a
14972 community-based Internet website, as well as opportunities such
14973 as those presented by parent visits to physicians for well-child
14974 checkups. The Learning Gateway Steering Committee shall provide
14975 technical assistance to the local demonstration projects in
14976 developing and distributing educational materials and
14977 information.

14978 1. Public awareness strategies targeting parents of
14979 children from birth through age 5 shall be designed to provide
14980 information to public and private preschool programs, child care
14981 providers, pediatricians, parents, and local businesses and
14982 organizations. These strategies should include information on
14983 the school readiness performance standards adopted by the
14984 Department of Education ~~Agency for Workforce Innovation~~.

14985 2. Public awareness strategies targeting parents of
14986 children from ages 6 through 9 must be designed to disseminate
14987 training materials and brochures to parents and public and
14988 private school personnel, and must be coordinated with the local
14989 school board and the appropriate school advisory committees in
14990 the demonstration projects. The materials should contain
14991 information on state and district proficiency levels for grades
14992 K-3.

14993 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

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14994 (a) In coordination with ~~the Agency for Workforce~~
14995 ~~Innovation~~, the Department of Education, and the Florida
14996 Pediatric Society, and using information learned from the local
14997 demonstration projects, the Learning Gateway Steering Committee
14998 shall establish guidelines for screening children from birth
14999 through age 9. The guidelines should incorporate recent research
15000 on the indicators most likely to predict early learning
15001 problems, mild developmental delays, child-specific precursors
15002 of school failure, and other related developmental indicators in
15003 the domains of cognition; communication; attention; perception;
15004 behavior; and social, emotional, sensory, and motor functioning.

15005 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—

15006 (c) The steering committee, in cooperation with the
15007 Department of Children and Family Services and, the Department
15008 of Education, ~~and the Agency for Workforce Innovation~~, shall
15009 identify the elements of an effective research-based curriculum
15010 for early care and education programs.

15011 Section 288. Section 414.24, Florida Statutes, is amended
15012 to read:

15013 414.24 Integrated welfare reform and child welfare
15014 services.—The department shall develop integrated service
15015 delivery strategies to better meet the needs of families subject
15016 to work activity requirements who are involved in the child
15017 welfare system or are at high risk of involvement in the child
15018 welfare system. To the extent that resources are available, the
15019 department and Jobs Florida ~~the Department of Labor and~~
15020 ~~Employment Security~~ shall provide funds to one or more service
15021 districts to promote development of integrated, nonduplicative
15022 case management within the department, Jobs Florida ~~the~~

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15023 ~~Department of Labor and Employment Security~~, other participating
15024 government agencies, and community partners. Alternative
15025 delivery systems shall be encouraged which include well-defined,
15026 pertinent outcome measures. Other factors to be considered shall
15027 include innovation regarding training, enhancement of existing
15028 resources, and increased private sector and business sector
15029 participation.

15030 Section 289. Section 414.40, Florida Statutes, is amended
15031 to read:

15032 414.40 Stop Inmate Fraud Program established; guidelines.—

15033 (1) There is created within the Department of Financial
15034 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
15035 Program.

15036 (2) The Department of Financial Services ~~Department of Law~~
15037 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15038 Program in accordance with the following guidelines:

15039 (a) The program shall establish procedures for sharing
15040 public records not exempt from the public records law among
15041 social services agencies regarding the identities of persons
15042 incarcerated in state correctional institutions, as defined in
15043 s. 944.02, or in county, municipal, or regional jails or other
15044 detention facilities of local governments under chapter 950 or
15045 chapter 951 who are wrongfully receiving public assistance
15046 benefits or entitlement benefits.

15047 (b) Pursuant to these procedures, the program shall have
15048 access to records containing correctional information not exempt
15049 from the public records law on incarcerated persons which have
15050 been generated as criminal justice information. As used in this
15051 paragraph, the term "record" is defined as provided in s.

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15052 943.045(7), and the term "criminal justice information" is
15053 defined as provided in s. 943.045(3).

15054 (c) Database searches shall be conducted of the inmate
15055 population at each correctional institution or other detention
15056 facility. A correctional institution or a detention facility
15057 shall provide the Stop Inmate Fraud Program with the information
15058 necessary to identify persons wrongfully receiving benefits in
15059 the medium requested by the Stop Inmate Fraud Program if the
15060 correctional institution or detention facility maintains the
15061 information in that medium.

15062 (d) Data obtained from correctional institutions or other
15063 detention facilities shall be compared with the client files of
15064 the Department of Children and Family Services, the Agency for
15065 Workforce Innovation ~~Department of Labor and Employment~~
15066 ~~Security~~, and other state or local agencies as needed to
15067 identify persons wrongfully obtaining benefits. Data comparisons
15068 shall be accomplished during periods of low information demand
15069 by agency personnel to minimize inconvenience to the agency.

15070 (e) Results of data comparisons shall be furnished to the
15071 appropriate office for use in the county in which the data
15072 originated. The program may provide reports of the data it
15073 obtains to appropriate state, federal, and local government
15074 agencies or governmental entities, including, but not limited
15075 to:

15076 1. The Child Support Enforcement Program of the Department
15077 of Revenue, so that the data may be used as locator information
15078 on persons being sought for purposes of child support.

15079 2. The Social Security Administration, so that the data may
15080 be used to reduce federal entitlement fraud within the state.

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15081 (f) Reports by the program to another agency or entity
15082 shall be generated bimonthly, or as otherwise directed, and
15083 shall be designed to accommodate that agency's or entity's
15084 particular needs for data.

15085 (g) Only those persons with active cases, or with cases
15086 that were active during the incarceration period, shall be
15087 reported, in order that the funding agency or entity, upon
15088 verification of the data, may take whatever action is deemed
15089 appropriate.

15090 (h) For purposes of program review and analysis, each
15091 agency or entity receiving data from the program shall submit
15092 reports to the program which indicate the results of how the
15093 data was used.

15094 Section 290. Subsection (1) of section 414.295, Florida
15095 Statutes, is amended to read:

15096 414.295 Temporary cash assistance programs; public records
15097 exemption.—

15098 (1) Personal identifying information of a temporary cash
15099 assistance program participant, a participant's family, or a
15100 participant's family or household member, except for information
15101 identifying a parent who does not live in the same home as the
15102 child, held by the department, Jobs Florida ~~the Agency for~~
15103 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15104 Health, the Department of Revenue, the Department of Education,
15105 or a regional workforce board or local committee created
15106 pursuant to s. 445.007 is confidential and exempt from s.
15107 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
15108 confidential and exempt information may be released for purposes
15109 directly connected with:

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15110 (a) The administration of the temporary assistance for
15111 needy families plan under Title IV-A of the Social Security Act,
15112 as amended, by the department, Jobs Florida ~~the Agency for~~
15113 ~~Workforce Innovation~~, Workforce Florida, Inc., the Department of
15114 Military Affairs, the Department of Health, the Department of
15115 Revenue, the Department of Education, a regional workforce board
15116 or local committee created pursuant to s. 445.007, or a school
15117 district.

15118 (b) The administration of the state's plan or program
15119 approved under Title IV-B, Title IV-D, or Title IV-E of the
15120 Social Security Act, as amended, or under Title I, Title X,
15121 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
15122 Social Security Act, as amended.

15123 (c) Any investigation, prosecution, or any criminal, civil,
15124 or administrative proceeding conducted in connection with the
15125 administration of any of the plans or programs specified in
15126 paragraph (a) or paragraph (b) by a federal, state, or local
15127 governmental entity, upon request by that entity, when such
15128 request is made pursuant to the proper exercise of that entity's
15129 duties and responsibilities.

15130 (d) The administration of any other state, federal, or
15131 federally assisted program that provides assistance or services
15132 on the basis of need, in cash or in kind, directly to a
15133 participant.

15134 (e) Any audit or similar activity, such as a review of
15135 expenditure reports or financial review, conducted in connection
15136 with the administration of any of the plans or programs
15137 specified in paragraph (a) or paragraph (b) by a governmental
15138 entity authorized by law to conduct such audit or activity.

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15139 (f) The administration of the unemployment compensation
15140 program.

15141 (g) The reporting to the appropriate agency or official of
15142 information about known or suspected instances of physical or
15143 mental injury, sexual abuse or exploitation, or negligent
15144 treatment or maltreatment of a child or elderly person receiving
15145 assistance, if circumstances indicate that the health or welfare
15146 of the child or elderly person is threatened.

15147 (h) The administration of services to elderly persons under
15148 ss. 430.601-430.606.

15149 Section 291. Subsections (1) and (3) of section 414.411,
15150 Florida Statutes, are amended to read:

15151 414.411 Public assistance fraud.—

15152 (1) The Department of Financial Services shall investigate
15153 all public assistance provided to residents of the state or
15154 provided to others by the state. In the course of such
15155 investigation the department shall examine all records,
15156 including electronic benefits transfer records and make inquiry
15157 of all persons who may have knowledge as to any irregularity
15158 incidental to the disbursement of public moneys, food
15159 assistance, or other items or benefits authorizations to
15160 recipients. All public assistance recipients, as a condition
15161 precedent to qualification for public assistance under chapter
15162 409, chapter 411, or this chapter, must first give in writing,
15163 to the Agency for Health Care Administration, the Department of
15164 Health, Jobs Florida ~~the Agency for Workforce Innovation~~, and
15165 the Department of Children and Family Services, as appropriate,
15166 and to the Department of Financial Services, consent to make
15167 inquiry of past or present employers and records, financial or

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15168 otherwise.

15169 (3) The results of such investigation shall be reported by
15170 the Department of Financial Services to the appropriate
15171 legislative committees, the Agency for Health Care
15172 Administration, the Department of Health, Jobs Florida ~~the~~
15173 ~~Agency for Workforce Innovation~~, and the Department of Children
15174 and Family Services, and to such others as the department may
15175 determine.

15176 Section 292. Subsections (2) and (7) of section 420.631,
15177 Florida Statutes, are amended to read:

15178 420.631 Definitions relating to Urban Homesteading Act.—As
15179 used in ss. 420.630-420.635:

15180 ~~(2) "Department" means the Department of Community Affairs.~~

15181 (2)~~(3)~~ "Homestead agreement" means a written contract
15182 between a local government or its designee and a qualified buyer
15183 which contains the terms under which the qualified buyer may
15184 acquire a single-family housing property.

15185 (3)~~(4)~~ "Local government" means any county or incorporated
15186 municipality within this state.

15187 (4)~~(5)~~ "Designee" means a housing authority appointed by a
15188 local government, or a nonprofit community organization
15189 appointed by a local government, to administer the urban
15190 homesteading program for single-family housing under ss.
15191 420.630-420.635.

15192 (5)~~(6)~~ "Nonprofit community organization" means an
15193 organization that is exempt from taxation under s. 501(c)(3) of
15194 the Internal Revenue Code.

15195 (6)~~(7)~~ "Office" means the Office of Urban Opportunity
15196 within Jobs Florida ~~the Department of Community Affairs~~.

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15197 (7)~~(8)~~ "Qualified buyer" means a person who meets the
15198 criteria under s. 420.633.

15199 (8)~~(9)~~ "Qualified loan rate" means an interest rate that
15200 does not exceed the interest rate charged for home improvement
15201 loans by the Federal Housing Administration under Title I of the
15202 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
15203 1702, 1703, 1705, and 1706b et seq.

15204 Section 293. Section 420.635, Florida Statutes, is amended
15205 to read:

15206 420.635 Loans to qualified buyers.—Contingent upon an
15207 appropriation, Jobs Florida ~~the department~~, in consultation with
15208 the Office of Urban Opportunity, shall provide loans to
15209 qualified buyers who are required to pay the pro rata portion of
15210 the bonded debt on single-family housing pursuant to s. 420.634.
15211 Loans provided under this section shall be made at a rate of
15212 interest which does not exceed the qualified loan rate. A buyer
15213 must maintain the qualifications specified in s. 420.633 for the
15214 full term of the loan. The loan agreement may contain additional
15215 terms and conditions as determined by Jobs Florida ~~the~~
15216 ~~department~~.

15217 Section 294. Paragraph (b) of subsection (2) of section
15218 429.907, Florida Statutes, is amended to read:

15219 429.907 License requirement; fee; exemption; display.—

15220 (2)

15221 (b) If ~~In the event~~ a licensed center becomes wholly or
15222 substantially unusable due to a disaster ~~as defined in s.~~
15223 ~~252.34(1)~~ or due to an emergency as those terms are defined in
15224 s. 252.34~~(3)~~:

15225 1. The licensee may continue to operate under its current

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15226 license in a ~~premise~~ or premises separate from that authorized
15227 under the license if the licensee has:

15228 a. Specified the location of the ~~premise~~ or premises in its
15229 comprehensive emergency management plan submitted to and
15230 approved by the applicable county emergency management
15231 authority; and

15232 b. Notified the agency and the county emergency management
15233 authority within 24 hours of operating in the separate ~~premise~~
15234 ~~or~~ premises.

15235 2. The licensee shall operate the separate ~~premise~~ or
15236 premises only while the licensed center's original location is
15237 substantially unusable and for up to ~~no longer than~~ 180 days.
15238 The agency may extend use of the alternate ~~premise~~ or premises
15239 beyond the initial 180 days. The agency may also review the
15240 operation of the disaster ~~premise~~ or premises quarterly.

15241 Section 295. Subsection (2) of section 440.12, Florida
15242 Statutes, is amended to read:

15243 440.12 Time for commencement and limits on weekly rate of
15244 compensation.—

15245 (2) Compensation for disability resulting from injuries
15246 which occur after December 31, 1974, shall not be less than \$20
15247 per week. However, if the employee's wages at the time of injury
15248 are less than \$20 per week, he or she shall receive his or her
15249 full weekly wages. If the employee's wages at the time of the
15250 injury exceed \$20 per week, compensation shall not exceed an
15251 amount per week which is:

15252 (a) Equal to 100 percent of the statewide average weekly
15253 wage, determined as hereinafter provided for the year in which
15254 the injury occurred; however, the increase to 100 percent from

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15255 66 2/3 percent of the statewide average weekly wage shall apply
15256 only to injuries occurring on or after August 1, 1979; and

15257 (b) Adjusted to the nearest dollar.

15258
15259 For the purpose of this subsection, the "statewide average
15260 weekly wage" means the average weekly wage paid by employers
15261 subject to the Florida Unemployment Compensation Law as reported
15262 to Jobs Florida ~~the Agency for Workforce Innovation~~ for the four
15263 calendar quarters ending each June 30, which average weekly wage
15264 shall be determined by Jobs Florida ~~the Agency for Workforce~~
15265 ~~Innovation~~ on or before November 30 of each year and shall be
15266 used in determining the maximum weekly compensation rate with
15267 respect to injuries occurring in the calendar year immediately
15268 following. The statewide average weekly wage determined by Jobs
15269 Florida ~~the Agency for Workforce Innovation~~ shall be reported
15270 annually to the Legislature.

15271 Section 296. Paragraph (c) of subsection (9) of section
15272 440.15, Florida Statutes, is amended to read:

15273 440.15 Compensation for disability.—Compensation for
15274 disability shall be paid to the employee, subject to the limits
15275 provided in s. 440.12(2), as follows:

15276 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
15277 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

15278 (c) Disability compensation benefits payable for any week,
15279 including those benefits provided by paragraph (1)(f), may not
15280 be reduced pursuant to this subsection until the Social Security
15281 Administration determines the amount otherwise payable to the
15282 employee under 42 U.S.C. ss. 402 and 423 and the employee has
15283 begun receiving such social security benefit payments. The

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15284 employee shall, upon demand by the department, the employer, or
15285 the carrier, authorize the Social Security Administration to
15286 release disability information relating to her or him and
15287 authorize Jobs Florida ~~the Agency for Workforce Innovation~~ to
15288 release unemployment compensation information relating to her or
15289 him, in accordance with rules to be adopted by the department
15290 prescribing the procedure and manner for requesting the
15291 authorization and for compliance by the employee. The department
15292 or the employer or carrier may not make any payment of benefits
15293 for total disability or those additional benefits provided by
15294 paragraph (1)(f) for any period during which the employee
15295 willfully fails or refuses to authorize the release of
15296 information in the manner and within the time prescribed by such
15297 rules. The authority for release of disability information
15298 granted by an employee under this paragraph is effective for a
15299 period not to exceed 12 months and such authority may be
15300 renewed, as the department prescribes by rule.

15301 Section 297. Subsections (4) and (7) of section 440.381,
15302 Florida Statutes, are amended to read:

15303 440.381 Application for coverage; reporting payroll;
15304 payroll audit procedures; penalties.—

15305 (4) Each employer must submit a copy of the quarterly
15306 earnings ~~earning~~ report required by chapter 443 at the end of
15307 each quarter to the carrier and submit self-audits supported by
15308 the quarterly earnings reports required by chapter 443 and the
15309 rules adopted by Jobs Florida ~~the Agency for Workforce~~
15310 Innovation or by the state agency providing unemployment tax
15311 collection services under contract with Jobs Florida ~~the Agency~~
15312 ~~for Workforce Innovation~~ through an interagency agreement

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15313 pursuant to s. 443.1316. The reports must include a sworn
15314 statement by an officer or principal of the employer attesting
15315 to the accuracy of the information contained in the report.

15316 (7) If an employee suffering a compensable injury was not
15317 reported as earning wages on the last quarterly earnings report
15318 filed with Jobs Florida ~~the Agency for Workforce Innovation~~ or
15319 the state agency providing unemployment tax collection services
15320 under contract with Jobs Florida ~~the Agency for Workforce~~
15321 ~~Innovation~~ through an interagency agreement pursuant to s.
15322 443.1316 before the accident, the employer shall indemnify the
15323 carrier for all workers' compensation benefits paid to or on
15324 behalf of the employee unless the employer establishes that the
15325 employee was hired after the filing of the quarterly report, in
15326 which case the employer and employee shall attest to the fact
15327 that the employee was employed by the employer at the time of
15328 the injury. Failure of the employer to indemnify the insurer
15329 within 21 days after demand by the insurer is grounds for the
15330 insurer to immediately cancel coverage. Any action for
15331 indemnification brought by the carrier is cognizable in the
15332 circuit court having jurisdiction where the employer or carrier
15333 resides or transacts business. The insurer is entitled to a
15334 reasonable attorney's fee if it recovers any portion of the
15335 benefits paid in the action.

15336 Section 298. Subsection (5) of section 440.385, Florida
15337 Statutes, is amended to read:

15338 440.385 Florida Self-Insurers Guaranty Association,
15339 Incorporated.—

15340 (5) PLAN OF OPERATION.—The association shall operate
15341 pursuant to a plan of operation approved by the board of

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15342 directors. The plan of operation must be in effect on January 1,
15343 ~~2002, and~~ approved by the Department of Financial Services and
15344 ~~Department of Labor and Employment Security shall remain in~~
15345 ~~effect. However,~~ any amendments to the plan shall not become
15346 effective until approved by the department of ~~Financial~~
15347 ~~Services.~~

15348 (a) The purpose of the plan of operation shall be to
15349 provide the association and the board of directors with the
15350 authority and responsibility to establish the necessary programs
15351 and to take the necessary actions to protect against the
15352 insolvency of a member of the association. In addition, the plan
15353 shall provide that the members of the association shall be
15354 responsible for maintaining an adequate Insolvency Fund to meet
15355 the obligations of insolvent members provided for under this act
15356 and shall authorize the board of directors to contract and
15357 employ those persons with the necessary expertise to carry out
15358 this stated purpose. ~~By January 1, 2003,~~ The board of directors
15359 shall submit to the department a proposed plan of operation for
15360 the administration of the association. The department shall
15361 approve the plan by order, consistent with this section. The
15362 department shall approve any amendments to the plan, consistent
15363 with this section, which are determined appropriate to carry out
15364 the duties and responsibilities of the association.

15365 (b) All member employers shall comply with the plan of
15366 operation.

15367 (c) The plan of operation shall:

15368 1. Establish the procedures whereby all the powers and
15369 duties of the association under subsection (3) will be
15370 performed.

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- 15371 2. Establish procedures for handling assets of the
15372 association.
- 15373 3. Establish the amount and method of reimbursing members
15374 of the board of directors under subsection (2).
- 15375 4. Establish procedures by which claims may be filed with
15376 the association and establish acceptable forms of proof of
15377 covered claims. Notice of claims to the receiver or liquidator
15378 of the insolvent employer shall be deemed notice to the
15379 association or its agent, and a list of such claims shall be
15380 submitted periodically to the association or similar
15381 organization in another state by the receiver or liquidator.
- 15382 5. Establish regular places and times for meetings of the
15383 board of directors.
- 15384 6. Establish procedures for records to be kept of all
15385 financial transactions of the association and its agents and the
15386 board of directors.
- 15387 7. Provide that any member employer aggrieved by any final
15388 action or decision of the association may appeal to the
15389 department within 30 days after the action or decision.
- 15390 8. Establish the procedures whereby recommendations of
15391 candidates for the board of directors shall be submitted to the
15392 department.
- 15393 9. Contain additional provisions necessary or proper for
15394 the execution of the powers and duties of the association.
- 15395 (d) The plan of operation may provide that any or all of
15396 the powers and duties of the association, except those specified
15397 under subparagraphs (c)1. and 2., be delegated to a corporation,
15398 association, or other organization which performs or will
15399 perform functions similar to those of this association or its

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15400 equivalent in two or more states. Such a corporation,
15401 association, or organization shall be reimbursed as a servicing
15402 facility would be reimbursed and shall be paid for its
15403 performance of any other functions of the association. A
15404 delegation of powers or duties under this subsection shall take
15405 effect only with the approval of both the board of directors and
15406 the department and may be made only to a corporation,
15407 association, or organization which extends protection which is
15408 not substantially less favorable and effective than the
15409 protection provided by this section.

15410 Section 299. Paragraph (b) of subsection (9) of section
15411 440.49, Florida Statutes, is amended to read:

15412 440.49 Limitation of liability for subsequent injury
15413 through Special Disability Trust Fund.—

15414 (9) SPECIAL DISABILITY TRUST FUND.—

15415 (b)1. The Special Disability Trust Fund shall be maintained
15416 by annual assessments upon the insurance companies writing
15417 compensation insurance in the state, the commercial self-
15418 insurers under ss. 624.462 and 624.4621, the assessable mutuals
15419 as defined in s. 628.6011, and the self-insurers under this
15420 chapter, which assessments shall become due and be paid
15421 quarterly at the same time and in addition to the assessments
15422 provided in s. 440.51. The department shall estimate annually in
15423 advance the amount necessary for the administration of this
15424 subsection and the maintenance of this fund and shall make such
15425 assessment in the manner hereinafter provided.

15426 2. The annual assessment shall be calculated to produce
15427 during the ensuing fiscal year an amount which, when combined
15428 with that part of the balance in the fund on June 30 of the

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15429 current fiscal year which is in excess of \$100,000, is equal to
15430 the average of:

15431 a. The sum of disbursements from the fund during the
15432 immediate past 3 calendar years, and

15433 b. Two times the disbursements of the most recent calendar
15434 year.

15435
15436 Such amount shall be prorated among the insurance companies
15437 writing compensation insurance in the state and the self-
15438 insurers. ~~Provided however, for those carriers that have~~
15439 ~~excluded ceded reinsurance premiums from their assessments on or~~
15440 ~~before January 1, 2000, no assessments on ceded reinsurance~~
15441 ~~premiums shall be paid by those carriers until such time as the~~
15442 ~~former Division of Workers' Compensation of the Department of~~
15443 ~~Labor and Employment Security or the department advises each of~~
15444 ~~those carriers of the impact that the inclusion of ceded~~
15445 ~~reinsurance premiums has on their assessment. The department may~~
15446 ~~not recover any past underpayments of assessments levied against~~
15447 ~~any carrier that on or before January 1, 2000, excluded ceded~~
15448 ~~reinsurance premiums from their assessment prior to the point~~
15449 ~~that the former Division of Workers' Compensation of the~~
15450 ~~Department of Labor and Employment Security or the department~~
15451 ~~advises of the appropriate assessment that should have been~~
15452 ~~paid.~~

15453 3. The net premiums written by the companies for workers'
15454 compensation in this state and the net premium written
15455 applicable to the self-insurers in this state are the basis for
15456 computing the amount to be assessed as a percentage of net
15457 premiums. Such payments shall be made by each carrier and self-

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15458 insurer to the department for the Special Disability Trust Fund
15459 in accordance with such regulations as the department
15460 prescribes.

15461 4. The Chief Financial Officer is authorized to receive and
15462 credit to such Special Disability Trust Fund any sum or sums
15463 that may at any time be contributed to the state by the United
15464 States under any Act of Congress, or otherwise, to which the
15465 state may be or become entitled by reason of any payments made
15466 out of such fund.

15467 Section 300. Subsections (1), (4), and (5) of section
15468 443.012, Florida Statutes, are amended to read:

15469 443.012 Unemployment Appeals Commission.—

15470 (1) There is created within the Division of Unemployment
15471 Services of Jobs Florida ~~the Agency for Workforce Innovation~~ an
15472 Unemployment Appeals Commission. The commission is composed of a
15473 chair and two other members appointed by the Governor, subject
15474 to confirmation by the Senate. Only one appointee may be a
15475 representative of employers, as demonstrated by his or her
15476 previous vocation, employment, or affiliation; and only one
15477 appointee may be a representative of employees, as demonstrated
15478 by his or her previous vocation, employment, or affiliation.

15479 (a) The chair shall devote his or her entire time to
15480 commission duties and is responsible for the administrative
15481 functions of the commission.

15482 (b) The chair has authority to appoint a general counsel
15483 and other personnel to carry out the duties and responsibilities
15484 of the commission.

15485 (c) The chair must have the qualifications required by law
15486 for a judge of the circuit court and may not engage in any other

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15487 business vocation or employment. Notwithstanding any other law,
15488 the chair shall be paid a salary equal to that paid under state
15489 law to a judge of the circuit court.

15490 (d) The remaining members shall be paid a stipend of \$100
15491 for each day they are engaged in the work of the commission. The
15492 chair and other members are entitled to be reimbursed for travel
15493 expenses, as provided in s. 112.061.

15494 (e) The total salary and travel expenses of each member of
15495 the commission shall be paid from the Employment Security
15496 Administration Trust Fund.

15497 (4) The property, personnel, and appropriations relating to
15498 the specified authority, powers, duties, and responsibilities of
15499 the commission shall be provided to the commission by Jobs
15500 Florida ~~the Agency for Workforce Innovation~~.

15501 (5) The commission is not subject to control, supervision,
15502 or direction by Jobs Florida ~~the Agency for Workforce Innovation~~
15503 in performing its powers or duties under this chapter.

15504 Section 301. Subsections (9), (41), (43), and (45) of
15505 section 443.036, Florida Statutes, are amended to read:

15506 443.036 Definitions.—As used in this chapter, the term:

15507 (9) "Benefit year" means, for an individual, the 1-year
15508 period beginning with the first day of the first week for which
15509 the individual first files a valid claim for benefits and,
15510 thereafter, the 1-year period beginning with the first day of
15511 the first week for which the individual next files a valid claim
15512 for benefits after the termination of his or her last preceding
15513 benefit year. Each claim for benefits made in accordance with s.
15514 443.151(2) is a valid claim under this subsection if the
15515 individual was paid wages for insured work in accordance with s.

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15516 443.091(1)(g) and is unemployed as defined in subsection (43) at
15517 the time of filing the claim. However, Jobs Florida ~~the Agency~~
15518 ~~for Workforce Innovation~~ may adopt rules providing for the
15519 establishment of a uniform benefit year for all workers in one
15520 or more groups or classes of service or within a particular
15521 industry if Jobs Florida ~~the agency~~ determines, after notice to
15522 the industry and to the workers in the industry and an
15523 opportunity to be heard in the matter, that those groups or
15524 classes of workers in a particular industry periodically
15525 experience unemployment resulting from layoffs or shutdowns for
15526 limited periods of time.

15527 (41) "Tax collection service provider" or "service
15528 provider" means the state agency providing unemployment tax
15529 collection services under contract with Jobs Florida ~~the Agency~~
15530 ~~for Workforce Innovation~~ through an interagency agreement
15531 pursuant to s. 443.1316.

15532 (43) "Unemployment" means:

15533 (a) An individual is "totally unemployed" in any week
15534 during which he or she does not perform any services and for
15535 which earned income is not payable to him or her. An individual
15536 is "partially unemployed" in any week of less than full-time
15537 work if the earned income payable to him or her for that week is
15538 less than his or her weekly benefit amount. Jobs Florida ~~The~~
15539 ~~Agency for Workforce Innovation~~ may adopt rules prescribing
15540 distinctions in the procedures for unemployed individuals based
15541 on total unemployment, part-time unemployment, partial
15542 unemployment of individuals attached to their regular jobs, and
15543 other forms of short-time work.

15544 (b) An individual's week of unemployment commences only

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15545 after his or her registration with Jobs Florida ~~the Agency for~~
15546 ~~Workforce Innovation~~ as required in s. 443.091, except as the
15547 agency may otherwise prescribe by rule.

15548 (45) "Week" means a period of 7 consecutive days as defined
15549 in the rules of Jobs Florida ~~the Agency for Workforce~~
15550 ~~Innovation~~. Jobs Florida ~~The Agency for Workforce Innovation~~ may
15551 by rule prescribe that a week is deemed to be "in," "within," or
15552 "during" the benefit year that contains the greater part of the
15553 week.

15554 Section 302. Subsections (2) and (3) of section 443.041,
15555 Florida Statutes, are amended to read:

15556 443.041 Waiver of rights; fees; privileged communications.-

15557 (2) FEES.-

15558 (a) Except as otherwise provided in this chapter, an
15559 individual claiming benefits may not be charged fees of any kind
15560 in any proceeding under this chapter by the commission or Jobs
15561 Florida ~~the Agency for Workforce Innovation~~, or their
15562 representatives, or by any court or any officer of the court. An
15563 individual claiming benefits in any proceeding before the
15564 commission or Jobs Florida ~~the Agency for Workforce Innovation~~,
15565 or representatives of either, or a court may be represented by
15566 counsel or an authorized representative, but the counsel or
15567 representative may not charge or receive for those services more
15568 than an amount approved by the commission, Jobs Florida ~~the~~
15569 ~~Agency for Workforce Innovation~~, or the court.

15570 (b) An attorney at law representing a claimant for benefits
15571 in any district court of appeal of this state or in the Supreme
15572 Court of Florida is entitled to counsel fees payable by Jobs
15573 Florida ~~the Agency for Workforce Innovation~~ as set by the court

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15574 if the petition for review or appeal is initiated by the
15575 claimant and results in a decision awarding more benefits than
15576 provided in the decision from which appeal was taken. The amount
15577 of the fee may not exceed 50 percent of the total amount of
15578 regular benefits permitted under s. 443.111(5)(a) during the
15579 benefit year.

15580 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
15581 pay attorneys' fees awarded under this section from the
15582 Employment Security Administration Trust Fund as part of the
15583 costs of administration of this chapter and may pay these fees
15584 directly to the attorney for the claimant in a lump sum. Jobs
15585 Florida ~~The Agency for Workforce Innovation~~ or the commission
15586 may not pay any other fees or costs in connection with an
15587 appeal.

15588 (d) Any person, firm, or corporation who or which seeks or
15589 receives any remuneration or gratuity for any services rendered
15590 on behalf of a claimant, except as allowed by this section and
15591 in an amount approved by Jobs Florida ~~the Agency for Workforce~~
15592 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
15593 the second degree, punishable as provided in s. 775.082 or s.
15594 775.083.

15595 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
15596 communications, or any other matters, either oral or written,
15597 between an employer and an employee or between Jobs Florida ~~the~~
15598 ~~Agency for Workforce Innovation~~ or its tax collection service
15599 provider and any of their agents, representatives, or employees
15600 which are written, sent, delivered, or made in connection with
15601 this chapter, are privileged and may not be the subject matter
15602 or basis for any suit for slander or libel in any court of the

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15603 state.

15604 Section 303. Subsection (3) of section 443.051, Florida
15605 Statutes, is amended to read:

15606 443.051 Benefits not alienable; exception, child support
15607 intercept.—

15608 (3) EXCEPTION, SUPPORT INTERCEPT.—

15609 (a) The Department of Revenue shall, at least biweekly,
15610 provide Jobs Florida ~~the Agency for Workforce Innovation~~ with a
15611 magnetic tape or other electronic data file disclosing the
15612 individuals who owe support obligations and the amount of any
15613 legally required deductions.

15614 (b) For support obligations established on or after July 1,
15615 2006, and for support obligations established before July 1,
15616 2006, when the support order does not address the withholding of
15617 unemployment compensation, Jobs Florida ~~the Agency for Workforce
15618 Innovation~~ shall deduct and withhold 40 percent of the
15619 unemployment compensation otherwise payable to an individual
15620 disclosed under paragraph (a). If delinquencies, arrearages, or
15621 retroactive support are owed and repayment has not been ordered,
15622 the unpaid amounts are included in the support obligation and
15623 are subject to withholding. If the amount deducted exceeds the
15624 support obligation, the Department of Revenue shall promptly
15625 refund the amount of the excess deduction to the obligor. For
15626 support obligations in effect before July 1, 2006, if the
15627 support order addresses the withholding of unemployment
15628 compensation, Jobs Florida ~~the Agency for Workforce Innovation~~
15629 shall deduct and withhold the amount ordered by the court or
15630 administrative agency that issued the support order as disclosed
15631 by the Department of Revenue.

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15632 (c) Jobs Florida ~~the Agency for Workforce Innovation~~ shall
15633 pay any amount deducted and withheld under paragraph (b) to the
15634 Department of Revenue.

15635 (d) Any amount deducted and withheld under this subsection
15636 shall for all purposes be treated as if it were paid to the
15637 individual as unemployment compensation and paid by the
15638 individual to the Department of Revenue for support obligations.

15639 (e) The Department of Revenue shall reimburse Jobs Florida
15640 ~~the Agency for Workforce Innovation~~ for the administrative costs
15641 incurred by Jobs Florida ~~the agency~~ under this subsection which
15642 are attributable to support obligations being enforced by the
15643 department.

15644 Section 304. Subsections (3) and (4), paragraph (b) of
15645 subsection (5), and subsections (6) and (8) of section 443.071,
15646 Florida Statutes, are amended to read:

15647 443.071 Penalties.—

15648 (3) Any employing unit or any officer or agent of any
15649 employing unit or any other person who fails to furnish any
15650 reports required under this chapter or to produce or permit the
15651 inspection of or copying of records as required under this
15652 chapter, who fails or refuses, within 6 months after written
15653 demand by Jobs Florida ~~the Agency for Workforce Innovation~~ or
15654 its tax collection service provider, to keep and maintain the
15655 payroll records required by this chapter or by rule of Jobs
15656 Florida ~~the Agency for Workforce Innovation~~ or the state agency
15657 providing tax collection services, or who willfully fails or
15658 refuses to make any contribution, reimbursement, or other
15659 payment required from an employer under this chapter commits a
15660 misdemeanor of the second degree, punishable as provided in s.

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15661 775.082 or s. 775.083.

15662 (4) Any person who establishes a fictitious employing unit
15663 by submitting to Jobs Florida ~~the Agency for Workforce~~
15664 ~~Innovation~~ or its tax collection service provider fraudulent
15665 employing unit records or tax or wage reports by the
15666 introduction of fraudulent records into a computer system, the
15667 intentional or deliberate alteration or destruction of
15668 computerized information or files, or the theft of financial
15669 instruments, data, and other assets, for the purpose of enabling
15670 herself or himself or any other person to receive benefits under
15671 this chapter to which such person is not entitled, commits a
15672 felony of the third degree, punishable as provided in s.
15673 775.082, s. 775.083, or s. 775.084.

15674 (5) In any prosecution or action under this section, the
15675 entry into evidence of the signature of a person on a document,
15676 letter, or other writing constitutes prima facie evidence of the
15677 person's identity if the following conditions exist:

15678 (b) The signature of the person is witnessed by an agent or
15679 employee of Jobs Florida ~~the Agency for Workforce Innovation~~ or
15680 its tax collection service provider at the time the document,
15681 letter, or other writing is filed.

15682 (6) The entry into evidence of an application for
15683 unemployment benefits initiated by the use of the Internet
15684 claims program or the interactive voice response system
15685 telephone claims program of Jobs Florida ~~the Agency for~~
15686 ~~Workforce Innovation~~ constitutes prima facie evidence of the
15687 establishment of a personal benefit account by or for an
15688 individual if the following information is provided: the
15689 applicant's name, residence address, date of birth, social

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15690 security number, and present or former place of work.

15691 (8) All records relating to investigations of unemployment
15692 compensation fraud in the custody of Jobs Florida ~~the Agency for~~
15693 ~~Workforce Innovation~~ or its tax collection service provider are
15694 available for examination by the Department of Law Enforcement,
15695 the state attorneys, or the Office of the Statewide Prosecutor
15696 in the prosecution of offenses under s. 817.568 or in
15697 proceedings brought under this chapter.

15698 Section 305. Subsection (1) and subsection (4) of section
15699 443.091, Florida Statutes, are amended to read:

15700 443.091 Benefit eligibility conditions.—

15701 (1) An unemployed individual is eligible to receive
15702 benefits for any week only if Jobs Florida ~~the Agency for~~
15703 ~~Workforce Innovation~~ finds that:

15704 (a) She or he has made a claim for benefits for that week
15705 in accordance with the rules adopted by Jobs Florida ~~the Agency~~
15706 ~~for Workforce Innovation~~.

15707 (b) She or he has registered with Jobs Florida ~~the agency~~
15708 for work and subsequently reports to the one-stop career center
15709 as directed by the regional workforce board for reemployment
15710 services. This requirement does not apply to persons who are:

- 15711 1. Non-Florida residents;
- 15712 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
- 15713 3. Union members who customarily obtain employment through
15714 a union hiring hall; or
- 15715 4. Claiming benefits under an approved short-time
15716 compensation plan as provided in s. 443.1116.

15717 (c) To make continued claims for benefits, she or he is
15718 reporting to Jobs Florida ~~the agency~~ in accordance with its

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15719 rules. These rules may not conflict with s. 443.111(1)(b),
15720 including the requirement that each claimant continue to report
15721 regardless of any pending appeal relating to her or his
15722 eligibility or disqualification for benefits.

15723 (d) She or he is able to work and is available for work. In
15724 order to assess eligibility for a claimed week of unemployment,
15725 Jobs Florida ~~the agency~~ shall develop criteria to determine a
15726 claimant's ability to work and availability for work. However:

15727 1. Notwithstanding any other provision of this paragraph or
15728 paragraphs (b) and (e), an otherwise eligible individual may not
15729 be denied benefits for any week because she or he is in training
15730 with the approval of Jobs Florida ~~the agency~~, or by reason of s.
15731 443.101(2) relating to failure to apply for, or refusal to
15732 accept, suitable work. Training may be approved by Jobs Florida
15733 ~~the agency~~ in accordance with criteria prescribed by rule. A
15734 claimant's eligibility during approved training is contingent
15735 upon satisfying eligibility conditions prescribed by rule.

15736 2. Notwithstanding any other provision of this chapter, an
15737 otherwise eligible individual who is in training approved under
15738 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
15739 determined ineligible or disqualified for benefits due to her or
15740 his enrollment in such training or because of leaving work that
15741 is not suitable employment to enter such training. As used in
15742 this subparagraph, the term "suitable employment" means work of
15743 a substantially equal or higher skill level than the worker's
15744 past adversely affected employment, as defined for purposes of
15745 the Trade Act of 1974, as amended, the wages for which are at
15746 least 80 percent of the worker's average weekly wage as
15747 determined for purposes of the Trade Act of 1974, as amended.

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15748 3. Notwithstanding any other provision of this section, an
15749 otherwise eligible individual may not be denied benefits for any
15750 week because she or he is before any state or federal court
15751 pursuant to a lawfully issued summons to appear for jury duty.

15752 (e) She or he participates in reemployment services, such
15753 as job search assistance services, whenever the individual has
15754 been determined, by a profiling system established by the rules
15755 of Jobs Florida ~~agency rule~~, to be likely to exhaust regular
15756 benefits and to be in need of reemployment services.

15757 (f) She or he has been unemployed for a waiting period of 1
15758 week. A week may not be counted as a week of unemployment under
15759 this subsection:

15760 1. Unless it occurs within the benefit year that includes
15761 the week for which she or he claims payment of benefits.

15762 2. If benefits have been paid for that week.

15763 3. Unless the individual was eligible for benefits for that
15764 week as provided in this section and s. 443.101, except for the
15765 requirements of this subsection and of s. 443.101(5).

15766 (g) She or he has been paid wages for insured work equal to
15767 1.5 times her or his high quarter wages during her or his base
15768 period, except that an unemployed individual is not eligible to
15769 receive benefits if the base period wages are less than \$3,400.

15770 (h) She or he submitted to Jobs Florida ~~the agency~~ a valid
15771 social security number assigned to her or him. Jobs Florida ~~The~~
15772 ~~agency~~ may verify the social security number with the United
15773 States Social Security Administration and may deny benefits if
15774 Jobs Florida ~~the agency~~ is unable to verify the individual's
15775 social security number, the social security number is invalid,
15776 or the social security number is not assigned to the individual.

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15777 (4) In the event of national emergency, in the course of
15778 which the Federal Emergency Unemployment Payment Plan is, at the
15779 request of the Governor, invoked for all or any part of the
15780 state, the emergency plan shall supersede the procedures
15781 prescribed by this chapter, and by rules adopted under this
15782 chapter, and Jobs Florida ~~the Agency for Workforce Innovation~~
15783 shall act as the Florida agency for the United States Department
15784 of Labor in the administration of the plan.

15785 Section 306. Subsections (1), (2), (4), (6), (7), and (9)
15786 of section 443.101, Florida Statutes, are amended to read:

15787 443.101 Disqualification for benefits.—An individual shall
15788 be disqualified for benefits:

15789 (1)(a) For the week in which he or she has voluntarily left
15790 work without good cause attributable to his or her employing
15791 unit or in which the individual has been discharged by the
15792 employing unit for misconduct connected with his or her work,
15793 based on a finding by Jobs Florida ~~the Agency for Workforce~~
15794 ~~Innovation~~. As used in this paragraph, the term "work" means any
15795 work, whether full-time, part-time, or temporary.

15796 1. Disqualification for voluntarily quitting continues for
15797 the full period of unemployment next ensuing after the
15798 individual has left his or her full-time, part-time, or
15799 temporary work voluntarily without good cause and until the
15800 individual has earned income equal to or in excess of 17 times
15801 his or her weekly benefit amount. As used in this subsection,
15802 the term "good cause" includes only that cause attributable to
15803 the employing unit or which consists of the individual's illness
15804 or disability requiring separation from his or her work. Any
15805 other disqualification may not be imposed. An individual is not

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15806 disqualified under this subsection for voluntarily leaving
15807 temporary work to return immediately when called to work by the
15808 permanent employing unit that temporarily terminated his or her
15809 work within the previous 6 calendar months. An individual is not
15810 disqualified under this subsection for voluntarily leaving work
15811 to relocate as a result of his or her military-connected
15812 spouse's permanent change of station orders, activation orders,
15813 or unit deployment orders.

15814 2. Disqualification for being discharged for misconduct
15815 connected with his or her work continues for the full period of
15816 unemployment next ensuing after having been discharged and until
15817 the individual is reemployed and has earned income of at least
15818 17 times his or her weekly benefit amount and for not more than
15819 52 weeks that immediately follow that week, as determined by
15820 Jobs Florida ~~the agency~~ in each case according to the
15821 circumstances in each case or the seriousness of the misconduct,
15822 under Jobs Florida ~~the agency's~~ rules adopted for determinations
15823 of disqualification for benefits for misconduct.

15824 3. If an individual has provided notification to the
15825 employing unit of his or her intent to voluntarily leave work
15826 and the employing unit discharges the individual for reasons
15827 other than misconduct before the date the voluntary quit was to
15828 take effect, the individual, if otherwise entitled, shall
15829 receive benefits from the date of the employer's discharge until
15830 the effective date of his or her voluntary quit.

15831 4. If an individual is notified by the employing unit of
15832 the employer's intent to discharge the individual for reasons
15833 other than misconduct and the individual quits without good
15834 cause, as defined in this section, before the date the discharge

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15835 was to take effect, the claimant is ineligible for benefits
15836 pursuant to s. 443.091(1)(d) for failing to be available for
15837 work for the week or weeks of unemployment occurring before the
15838 effective date of the discharge.

15839 (b) For any week with respect to which Jobs Florida ~~the~~
15840 ~~Agency for Workforce Innovation~~ finds that his or her
15841 unemployment is due to a suspension for misconduct connected
15842 with the individual's work.

15843 (c) For any week with respect to which Jobs Florida ~~the~~
15844 ~~Agency for Workforce Innovation~~ finds that his or her
15845 unemployment is due to a leave of absence, if the leave was
15846 voluntarily initiated by the individual.

15847 (d) For any week with respect to which Jobs Florida ~~the~~
15848 ~~Agency for Workforce Innovation~~ finds that his or her
15849 unemployment is due to a discharge for misconduct connected with
15850 the individual's work, consisting of drug use, as evidenced by a
15851 positive, confirmed drug test.

15852 (2) If Jobs Florida ~~the Agency for Workforce Innovation~~
15853 finds that the individual has failed without good cause to apply
15854 for available suitable work when directed by Jobs Florida ~~the~~
15855 ~~agency~~ or the one-stop career center, to accept suitable work
15856 when offered to him or her, or to return to the individual's
15857 customary self-employment when directed by Jobs Florida ~~the~~
15858 ~~agency~~, the disqualification continues for the full period of
15859 unemployment next ensuing after he or she failed without good
15860 cause to apply for available suitable work, to accept suitable
15861 work, or to return to his or her customary self-employment,
15862 under this subsection, and until the individual has earned
15863 income at least 17 times his or her weekly benefit amount. Jobs

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15864 Florida ~~The Agency for Workforce Innovation~~ shall by rule adopt
15865 criteria for determining the "suitability of work," as used in
15866 this section. Jobs Florida ~~The Agency for Workforce Innovation~~
15867 in developing these rules shall consider the duration of a
15868 claimant's unemployment in determining the suitability of work
15869 and the suitability of proposed rates of compensation for
15870 available work. Further, after an individual has received 25
15871 weeks of benefits in a single year, suitable work is a job that
15872 pays the minimum wage and is 120 percent or more of the weekly
15873 benefit amount the individual is drawing.

15874 (a) In determining whether or not any work is suitable for
15875 an individual, Jobs Florida ~~the Agency for Workforce Innovation~~
15876 shall consider the degree of risk involved to his or her health,
15877 safety, and morals; his or her physical fitness and prior
15878 training; the individual's experience and prior earnings; his or
15879 her length of unemployment and prospects for securing local work
15880 in his or her customary occupation; and the distance of the
15881 available work from his or her residence.

15882 (b) Notwithstanding any other provisions of this chapter,
15883 work is not deemed suitable and benefits may not be denied under
15884 this chapter to any otherwise eligible individual for refusing
15885 to accept new work under any of the following conditions:

15886 1. If the position offered is vacant due directly to a
15887 strike, lockout, or other labor dispute.

15888 2. If the wages, hours, or other conditions of the work
15889 offered are substantially less favorable to the individual than
15890 those prevailing for similar work in the locality.

15891 3. If as a condition of being employed, the individual
15892 would be required to join a company union or to resign from or

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15893 refrain from joining any bona fide labor organization.

15894 (c) If Jobs Florida ~~the Agency for Workforce Innovation~~
15895 finds that an individual was rejected for offered employment as
15896 the direct result of a positive, confirmed drug test required as
15897 a condition of employment, the individual is disqualified for
15898 refusing to accept an offer of suitable work.

15899 (4) For any week with respect to which Jobs Florida ~~the~~
15900 ~~Agency for Workforce Innovation~~ finds that his or her total or
15901 partial unemployment is due to a labor dispute in active
15902 progress which exists at the factory, establishment, or other
15903 premises at which he or she is or was last employed; except that
15904 this subsection does not apply if it is shown to the
15905 satisfaction of Jobs Florida ~~the Agency for Workforce Innovation~~
15906 that:

15907 (a)1. He or she is not participating in, financing, or
15908 directly interested in the labor dispute that is in active
15909 progress; however, the payment of regular union dues may not be
15910 construed as financing a labor dispute within the meaning of
15911 this section; and

15912 2. He or she does not belong to a grade or class of workers
15913 of which immediately before the commencement of the labor
15914 dispute there were members employed at the premises at which the
15915 labor dispute occurs any of whom are participating in,
15916 financing, or directly interested in the dispute; if in any case
15917 separate branches of work are commonly conducted as separate
15918 businesses in separate premises, or are conducted in separate
15919 departments of the same premises, each department, for the
15920 purpose of this subsection, is deemed to be a separate factory,
15921 establishment, or other premise.

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15922 (b) His or her total or partial unemployment results from a
15923 lockout by his or her employer. As used in this section, the
15924 term "lockout" means a situation in which employees have not
15925 gone on strike, nor have employees notified the employer of a
15926 date certain for a strike, but in which employees have been
15927 denied entry to the factory, establishment, or other premises of
15928 employment by the employer. However, benefits are not payable
15929 under this paragraph if the lockout action was taken in response
15930 to threats, actions, or other indications of impending damage to
15931 property and equipment or possible physical violence by
15932 employees or in response to actual damage or violence or a
15933 substantial reduction in production instigated or perpetrated by
15934 employees.

15935 (6) For a period not to exceed 1 year from the date of the
15936 discovery by Jobs Florida ~~the Agency for Workforce Innovation~~ of
15937 the making of any false or fraudulent representation for the
15938 purpose of obtaining benefits contrary to this chapter,
15939 constituting a violation under s. 443.071. This disqualification
15940 may be appealed in the same manner as any other disqualification
15941 imposed under this section. A conviction by any court of
15942 competent jurisdiction in this state of the offense prohibited
15943 or punished by s. 443.071 is conclusive upon the appeals referee
15944 and the commission of the making of the false or fraudulent
15945 representation for which disqualification is imposed under this
15946 section.

15947 (7) If Jobs Florida ~~the Agency for Workforce Innovation~~
15948 finds that the individual is an alien, unless the alien is an
15949 individual who has been lawfully admitted for permanent
15950 residence or otherwise is permanently residing in the United

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15951 States under color of law, including an alien who is lawfully
15952 present in the United States as a result of the application of
15953 s. 203(a)(7) or s. 212(d)(5) of the Immigration and Nationality
15954 Act, if any modifications to s. 3304(a)(14) of the Federal
15955 Unemployment Tax Act, as provided by Pub. L. No. 94-566, which
15956 specify other conditions or other effective dates than those
15957 stated under federal law for the denial of benefits based on
15958 services performed by aliens, and which modifications are
15959 required to be implemented under state law as a condition for
15960 full tax credit against the tax imposed by the Federal
15961 Unemployment Tax Act, are deemed applicable under this section,
15962 if:

15963 (a) Any data or information required of individuals
15964 applying for benefits to determine whether benefits are not
15965 payable to them because of their alien status is uniformly
15966 required from all applicants for benefits; and

15967 (b) In the case of an individual whose application for
15968 benefits would otherwise be approved, a determination that
15969 benefits to such individual are not payable because of his or
15970 her alien status may not be made except by a preponderance of
15971 the evidence.

15972
15973 If Jobs Florida ~~the Agency for Workforce Innovation~~ finds that
15974 the individual has refused without good cause an offer of
15975 resettlement or relocation, which offer provides for suitable
15976 employment for the individual notwithstanding the distance of
15977 relocation, resettlement, or employment from the current
15978 location of the individual in this state, this disqualification
15979 continues for the week in which the failure occurred and for not

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15980 more than 17 weeks immediately after that week, or a reduction
15981 by not more than 5 weeks from the duration of benefits, as
15982 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
15983 in each case.

15984 (9) If the individual was terminated from his or her work
15985 for violation of any criminal law punishable by imprisonment, or
15986 for any dishonest act, in connection with his or her work, as
15987 follows:

15988 (a) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
15989 the Unemployment Appeals Commission finds that the individual
15990 was terminated from his or her work for violation of any
15991 criminal law punishable by imprisonment in connection with his
15992 or her work, and the individual was found guilty of the offense,
15993 made an admission of guilt in a court of law, or entered a plea
15994 of no contest, the individual is not entitled to unemployment
15995 benefits for up to 52 weeks, under rules adopted by Jobs Florida
15996 ~~the Agency for Workforce Innovation~~, and until he or she has
15997 earned income of at least 17 times his or her weekly benefit
15998 amount. If, before an adjudication of guilt, an admission of
15999 guilt, or a plea of no contest, the employer shows Jobs Florida
16000 ~~the Agency for Workforce Innovation~~ that the arrest was due to a
16001 crime against the employer or the employer's business and, after
16002 considering all the evidence, Jobs Florida ~~the Agency for~~
16003 ~~Workforce Innovation~~ finds misconduct in connection with the
16004 individual's work, the individual is not entitled to
16005 unemployment benefits.

16006 (b) If Jobs Florida ~~the Agency for Workforce Innovation~~ or
16007 the Unemployment Appeals Commission finds that the individual
16008 was terminated from work for any dishonest act in connection

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16009 with his or her work, the individual is not entitled to
16010 unemployment benefits for up to 52 weeks, under rules adopted by
16011 Jobs Florida ~~the Agency for Workforce Innovation~~, and until he
16012 or she has earned income of at least 17 times his or her weekly
16013 benefit amount. In addition, if the employer terminates an
16014 individual as a result of a dishonest act in connection with his
16015 or her work and Jobs Florida ~~the Agency for Workforce Innovation~~
16016 finds misconduct in connection with his or her work, the
16017 individual is not entitled to unemployment benefits.

16018
16019 With respect to an individual disqualified for benefits, the
16020 account of the terminating employer, if the employer is in the
16021 base period, is noncharged at the time the disqualification is
16022 imposed.

16023 Section 307. Subsection (1) of section 443.111, Florida
16024 Statutes, is amended to read:

16025 443.111 Payment of benefits.—

16026 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
16027 in accordance with rules adopted by Jobs Florida ~~the Agency for~~
16028 ~~Workforce Innovation~~, subject to the following requirements:

16029 (a) Benefits are payable by mail or electronically.

16030 Notwithstanding s. 409.942(4), Jobs Florida ~~the agency~~ may
16031 develop a system for the payment of benefits by electronic funds
16032 transfer, including, but not limited to, debit cards, electronic
16033 payment cards, or any other means of electronic payment that
16034 Jobs Florida ~~the agency~~ deems to be commercially viable or cost-
16035 effective. Commodities or services related to the development of
16036 such a system shall be procured by competitive solicitation,
16037 unless they are purchased from a state term contract pursuant to

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16038 s. 287.056. Jobs Florida ~~The agency~~ shall adopt rules necessary
16039 to administer the system.

16040 (b) Each claimant must report in the manner prescribed by
16041 Jobs Florida ~~the Agency for Workforce Innovation~~ to certify for
16042 benefits that are paid and must continue to report at least
16043 biweekly to receive unemployment benefits and to attest to the
16044 fact that she or he is able and available for work, has not
16045 refused suitable work, is seeking work, and, if she or he has
16046 worked, to report earnings from that work. Each claimant must
16047 continue to report regardless of any appeal or pending appeal
16048 relating to her or his eligibility or disqualification for
16049 benefits.

16050 Section 308. Subsections (1), (4), and (5) of section
16051 443.1113, Florida Statutes, are amended to read:

16052 443.1113 Unemployment Compensation Claims and Benefits
16053 Information System.—

16054 (1) To the extent that funds are appropriated for each
16055 phase of the Unemployment Compensation Claims and Benefits
16056 Information System by the Legislature, Jobs Florida ~~the Agency~~
16057 ~~for Workforce Innovation~~ shall replace and enhance the
16058 functionality provided in the following systems with an
16059 integrated Internet-based system that is known as the
16060 "Unemployment Compensation Claims and Benefits Information
16061 System":

16062 (a) Claims and benefit mainframe system.

16063 (b) Florida unemployment Internet direct.

16064 (c) Florida continued claim Internet directory.

16065 (d) Call center interactive voice response system.

16066 (e) Benefit overpayment screening system.

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- 16067 (f) Internet and Intranet appeals system.
- 16068 ~~(4) The project to implement the Unemployment Compensation~~
- 16069 ~~Claims and Benefits Information System shall be comprised of the~~
- 16070 ~~following phases and corresponding implementation timeframes:~~
- 16071 ~~(a) No later than the end of fiscal year 2009-2010~~
- 16072 ~~completion of the business re-engineering analysis and~~
- 16073 ~~documentation of both the detailed system requirements and the~~
- 16074 ~~overall system architecture.~~
- 16075 ~~(b) The new Unemployment Claims and Benefits Internet~~
- 16076 ~~portal that replaces the Florida Unemployment Internet Direct~~
- 16077 ~~and the Florida Continued Claims Internet Directory systems and~~
- 16078 ~~shall be deployed to full production operational status no later~~
- 16079 ~~than the end of fiscal year 2010-2011.~~
- 16080 ~~(c) The new Call Center Interactive Voice Response System~~
- 16081 ~~and the Benefit Overpayment Screening System shall be deployed~~
- 16082 ~~to full production operational status no later than the end of~~
- 16083 ~~fiscal year 2011-2012.~~
- 16084 ~~(d) The new Internet and Intranet Appeals System and the~~
- 16085 ~~Claims and Benefits Mainframe System shall be deployed to full~~
- 16086 ~~operational status no later than the end of fiscal year 2012-~~
- 16087 ~~2013.~~
- 16088 (4)(5) Jobs Florida ~~The Agency for Workforce Innovation~~
- 16089 shall implement the following project governance structure until
- 16090 such time as the project is completed, suspended, or terminated:
- 16091 (a) The project sponsor for the Unemployment Compensation
- 16092 Claims and Benefits Information System project is the
- 16093 commissioner of Jobs Florida ~~executive director of the Agency~~
- 16094 ~~for Workforce Innovation.~~
- 16095 (b) The project shall be governed by an executive steering

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16096 committee composed of the following voting members or their
16097 designees:

16098 1. The commissioner of Jobs Florida ~~executive director of~~
16099 ~~the Agency for Workforce Innovation.~~

16100 2. The executive director of the Department of Revenue.

16101 3. The director of the Division of Unemployment Services
16102 ~~within Jobs Florida Office of Unemployment Compensation within~~
16103 ~~the Agency for Workforce Innovation.~~

16104 4. The program director of the General Tax Administration
16105 Program Office within the Department of Revenue.

16106 5. The chief information officer of Jobs Florida ~~the Agency~~
16107 ~~for Workforce Innovation.~~

16108 (c) The executive steering committee has the overall
16109 responsibility for ensuring that the project meets its primary
16110 objectives and is specifically responsible for:

16111 1. Providing management direction and support to the
16112 project management team.

16113 2. Assessing the project's alignment with the strategic
16114 goals of Jobs Florida ~~the Agency for Workforce Innovation~~ for
16115 administering the unemployment compensation program.

16116 3. Reviewing and approving or disapproving any changes to
16117 the project's scope, schedule, and costs.

16118 4. Reviewing, approving or disapproving, and determining
16119 whether to proceed with any major project deliverables.

16120 5. Recommending suspension or termination of the project to
16121 the Governor, the President of the Senate, and the Speaker of
16122 the House of Representatives if it determines that the primary
16123 objectives cannot be achieved.

16124 (d) The project management team shall work under the

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16125 direction of the executive steering committee and shall be
16126 minimally comprised of senior managers and stakeholders from
16127 Jobs Florida ~~the Agency for Workforce Innovation~~ and the
16128 Department of Revenue. The project management team is
16129 responsible for:

16130 1. Providing daily planning, management, and oversight of
16131 the project.

16132 2. Submitting an operational work plan and providing
16133 quarterly updates to that plan to the executive steering
16134 committee. The plan must specify project milestones,
16135 deliverables, and expenditures.

16136 3. Submitting written monthly project status reports to the
16137 executive steering committee which include:

16138 a. Planned versus actual project costs;

16139 b. An assessment of the status of major milestones and
16140 deliverables;

16141 c. Identification of any issues requiring resolution, the
16142 proposed resolution for these issues, and information regarding
16143 the status of the resolution;

16144 d. Identification of risks that must be managed; and

16145 e. Identification of and recommendations regarding
16146 necessary changes in the project's scope, schedule, or costs.

16147 All recommendations must be reviewed by project stakeholders
16148 before submission to the executive steering committee in order
16149 to ensure that the recommendations meet required acceptance
16150 criteria.

16151 Section 309. Paragraph (d) of subsection (1), subsection
16152 (2), paragraphs (a) and (c) of subsection (3), and subsection
16153 (6) of section 443.1115, Florida Statutes, are amended to read:

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16154 443.1115 Extended benefits.—

16155 (1) DEFINITIONS.—As used in this section, the term:

16156 (d) "Rate of insured unemployment" means the percentage
16157 derived by dividing the average weekly number of individuals
16158 filing claims for regular compensation in this state, excluding
16159 extended-benefit claimants for weeks of unemployment with
16160 respect to the most recent 13-consecutive-week period, as
16161 determined by Jobs Florida ~~the Agency for Workforce Innovation~~
16162 on the basis of its reports to the United States Secretary of
16163 Labor, by the average monthly employment covered under this
16164 chapter for the first four of the most recent six completed
16165 calendar quarters ending before the end of that 13-week period.

16166 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
16167 EXTENDED BENEFITS.—Except when the result is inconsistent with
16168 the other provisions of this section and as provided in the
16169 rules of Jobs Florida ~~the Agency for Workforce Innovation~~, the
16170 provisions of this chapter applying to claims for, or the
16171 payment of, regular benefits apply to claims for, and the
16172 payment of, extended benefits. These extended benefits are
16173 charged to the employment records of employers to the extent
16174 that the share of those extended benefits paid from this state's
16175 Unemployment Compensation Trust Fund is not eligible to be
16176 reimbursed from federal sources.

16177 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

16178 (a) An individual is eligible to receive extended benefits
16179 for any week of unemployment in her or his eligibility period
16180 only if Jobs Florida ~~the Agency for Workforce Innovation~~ finds
16181 that, for that week:

16182 1. She or he is an exhaustee as defined in subsection (1).

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16183 2. She or he satisfies the requirements of this chapter for
16184 the receipt of regular benefits applicable to individuals
16185 claiming extended benefits, including not being subject to
16186 disqualification from the receipt of benefits. An individual
16187 disqualified from receiving regular benefits may not receive
16188 extended benefits after the disqualification period terminates
16189 if he or she was disqualified for voluntarily leaving work,
16190 being discharged from work for misconduct, or refusing suitable
16191 work. However, if the disqualification period for regular
16192 benefits terminates because the individual received the required
16193 amount of remuneration for services rendered as a common-law
16194 employee, she or he may receive extended benefits.

16195 3. The individual was paid wages for insured work for the
16196 applicable benefit year equal to 1.5 times the high quarter
16197 earnings during the base period.

16198 (c)1. An individual is disqualified from receiving extended
16199 benefits if Jobs Florida ~~the Agency for Workforce Innovation~~
16200 finds that, during any week of unemployment in her or his
16201 eligibility period:

16202 a. She or he failed to apply for suitable work or, if
16203 offered, failed to accept suitable work, unless the individual
16204 can furnish to Jobs Florida ~~the agency~~ satisfactory evidence
16205 that her or his prospects for obtaining work in her or his
16206 customary occupation within a reasonably short period are good.
16207 If this evidence is deemed satisfactory for this purpose, the
16208 determination of whether any work is suitable for the individual
16209 shall be made in accordance with the definition of suitable work
16210 in s. 443.101(2). This disqualification begins with the week the
16211 failure occurred and continues until she or he is employed for

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16212 at least 4 weeks and receives earned income of at least 17 times
16213 her or his weekly benefit amount.

16214 b. She or he failed to furnish tangible evidence that she
16215 or he actively engaged in a systematic and sustained effort to
16216 find work. This disqualification begins with the week the
16217 failure occurred and continues until she or he is employed for
16218 at least 4 weeks and receives earned income of at least 4 times
16219 her or his weekly benefit amount.

16220 2. Except as otherwise provided in sub-subparagraph 1.a.,
16221 as used in this paragraph, the term "suitable work" means any
16222 work within the individual's capabilities to perform, if:

16223 a. The gross average weekly remuneration payable for the
16224 work exceeds the sum of the individual's weekly benefit amount
16225 plus the amount, if any, of supplemental unemployment benefits,
16226 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
16227 1954, as amended, payable to the individual for that week;

16228 b. The wages payable for the work equal the higher of the
16229 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
16230 Act of 1938, without regard to any exemption, or the state or
16231 local minimum wage; and

16232 c. The work otherwise meets the definition of suitable work
16233 in s. 443.101(2) to the extent that the criteria for suitability
16234 are not inconsistent with this paragraph.

16235 (6) COMPUTATIONS.—Jobs Florida ~~The Agency for Workforce~~
16236 ~~Innovation~~ shall perform the computations required under
16237 paragraph (1)(d) in accordance with regulations of the United
16238 States Secretary of Labor.

16239 Section 310. Subsection (2) and paragraphs (a) and (b) of
16240 subsection (5) of section 443.1116, Florida Statutes, are

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16241 amended to read:

16242 443.1116 Short-time compensation.—

16243 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
16244 wishing to participate in the short-time compensation program
16245 must submit a signed, written, short-time plan to the
16246 commissioner of Jobs Florida ~~director of the Agency for~~
16247 ~~Workforce Innovation~~ for approval. The commissioner ~~director~~ or
16248 his or her designee shall approve the plan if:

16249 (a) The plan applies to and identifies each specific
16250 affected unit;

16251 (b) The individuals in the affected unit are identified by
16252 name and social security number;

16253 (c) The normal weekly hours of work for individuals in the
16254 affected unit are reduced by at least 10 percent and by not more
16255 than 40 percent;

16256 (d) The plan includes a certified statement by the employer
16257 that the aggregate reduction in work hours is in lieu of
16258 temporary layoffs that would affect at least 10 percent of the
16259 employees in the affected unit and that would have resulted in
16260 an equivalent reduction in work hours;

16261 (e) The plan applies to at least 10 percent of the
16262 employees in the affected unit;

16263 (f) The plan is approved in writing by the collective
16264 bargaining agent for each collective bargaining agreement
16265 covering any individual in the affected unit;

16266 (g) The plan does not serve as a subsidy to seasonal
16267 employers during the off-season or as a subsidy to employers who
16268 traditionally use part-time employees; and

16269 (h) The plan certifies the manner in which the employer

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16270 will treat fringe benefits of the individuals in the affected
16271 unit if the hours of the individuals are reduced to less than
16272 their normal weekly hours of work. As used in this paragraph,
16273 the term "fringe benefits" includes, but is not limited to,
16274 health insurance, retirement benefits under defined benefit
16275 pension plans as defined in subsection 35 of s. 1002 of the
16276 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
16277 vacation and holidays, and sick leave.

16278 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
16279 BENEFITS.—

16280 (a) Except as provided in this subsection, an individual is
16281 eligible to receive short-time compensation benefits for any
16282 week only if she or he complies with this chapter and Jobs
16283 Florida ~~the Agency for Workforce Innovation~~ finds that:

16284 1. The individual is employed as a member of an affected
16285 unit in an approved plan that was approved before the week and
16286 is in effect for the week;

16287 2. The individual is able to work and is available for
16288 additional hours of work or for full-time work with the short-
16289 time employer; and

16290 3. The normal weekly hours of work of the individual are
16291 reduced by at least 10 percent but not by more than 40 percent,
16292 with a corresponding reduction in wages.

16293 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16294 not deny short-time compensation benefits to an individual who
16295 is otherwise eligible for these benefits for any week by reason
16296 of the application of any provision of this chapter relating to
16297 availability for work, active search for work, or refusal to
16298 apply for or accept work from other than the short-time

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16299 compensation employer of that individual.

16300 Section 311. Subsection (3) of section 443.1215, Florida
16301 Statutes, is amended to read:

16302 443.1215 Employers.—

16303 (3) An employing unit that fails to keep the records of
16304 employment required by this chapter and by the rules of Jobs
16305 Florida ~~the Agency for Workforce Innovation~~ and the state agency
16306 providing unemployment tax collection services is presumed to be
16307 an employer liable for the payment of contributions under this
16308 chapter, regardless of the number of individuals employed by the
16309 employing unit. However, the tax collection service provider
16310 shall make written demand that the employing unit keep and
16311 maintain required payroll records. The demand must be made at
16312 least 6 months before assessing contributions against an
16313 employing unit determined to be an employer that is subject to
16314 this chapter solely by reason of this subsection.

16315 Section 312. Paragraphs (a) and (d) of subsection (1),
16316 subsection (12), and paragraph (p) of subsection (13) of section
16317 443.1216, Florida Statutes, are amended to read:

16318 443.1216 Employment.—Employment, as defined in s. 443.036,
16319 is subject to this chapter under the following conditions:

16320 (1)(a) The employment subject to this chapter includes a
16321 service performed, including a service performed in interstate
16322 commerce, by:

16323 1. An officer of a corporation.

16324 2. An individual who, under the usual common-law rules
16325 applicable in determining the employer-employee relationship, is
16326 an employee. However, whenever a client, as defined in s.
16327 443.036(18), which would otherwise be designated as an employing

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16328 unit has contracted with an employee leasing company to supply
16329 it with workers, those workers are considered employees of the
16330 employee leasing company. An employee leasing company may lease
16331 corporate officers of the client to the client and other workers
16332 to the client, except as prohibited by regulations of the
16333 Internal Revenue Service. Employees of an employee leasing
16334 company must be reported under the employee leasing company's
16335 tax identification number and contribution rate for work
16336 performed for the employee leasing company.

16337 a. In addition to any other report required to be filed by
16338 law, an employee leasing company shall submit a report to the
16339 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16340 ~~for Workforce Innovation~~ which includes each client
16341 establishment and each establishment of the employee leasing
16342 company, or as otherwise directed by Jobs Florida ~~the agency~~.
16343 The report must include the following information for each
16344 establishment:

- 16345 (I) The trade or establishment name;
- 16346 (II) The former unemployment compensation account number,
16347 if available;
- 16348 (III) The former federal employer's identification number
16349 (FEIN), if available;
- 16350 (IV) The industry code recognized and published by the
16351 United States Office of Management and Budget, if available;
- 16352 (V) A description of the client's primary business activity
16353 in order to verify or assign an industry code;
- 16354 (VI) The address of the physical location;
- 16355 (VII) The number of full-time and part-time employees who
16356 worked during, or received pay that was subject to unemployment

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16357 compensation taxes for, the pay period including the 12th of the
16358 month for each month of the quarter;

16359 (VIII) The total wages subject to unemployment compensation
16360 taxes paid during the calendar quarter;

16361 (IX) An internal identification code to uniquely identify
16362 each establishment of each client;

16363 (X) The month and year that the client entered into the
16364 contract for services; and

16365 (XI) The month and year that the client terminated the
16366 contract for services.

16367 b. The report shall be submitted electronically or in a
16368 manner otherwise prescribed by Jobs Florida ~~the Agency for~~
16369 ~~Workforce Innovation~~ in the format specified by the Bureau of
16370 Labor Statistics of the United States Department of Labor for
16371 its Multiple Worksite Report for Professional Employer
16372 Organizations. The report must be provided quarterly to the
16373 Labor Market Statistics Center within Jobs Florida ~~the Agency~~
16374 ~~for Workforce Innovation~~, or as otherwise directed by Jobs
16375 Florida ~~the agency~~, and must be filed by the last day of the
16376 month immediately following the end of the calendar quarter. The
16377 information required in sub-sub-subparagraphs a.(X) and (XI)
16378 need be provided only in the quarter in which the contract to
16379 which it relates was entered into or terminated. The sum of the
16380 employment data and the sum of the wage data in this report must
16381 match the employment and wages reported in the unemployment
16382 compensation quarterly tax and wage report. A report is not
16383 required for any calendar quarter preceding the third calendar
16384 quarter of 2010.

16385 c. Jobs Florida ~~The Agency for Workforce Innovation~~ shall

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16386 adopt rules as necessary to administer this subparagraph, and
16387 may administer, collect, enforce, and waive the penalty imposed
16388 by s. 443.141(1)(b) for the report required by this
16389 subparagraph.

16390 d. For the purposes of this subparagraph, the term
16391 "establishment" means any location where business is conducted
16392 or where services or industrial operations are performed.

16393 3. An individual other than an individual who is an
16394 employee under subparagraph 1. or subparagraph 2., who performs
16395 services for remuneration for any person:

16396 a. As an agent-driver or commission-driver engaged in
16397 distributing meat products, vegetable products, fruit products,
16398 bakery products, beverages other than milk, or laundry or
16399 drycleaning services for his or her principal.

16400 b. As a traveling or city salesperson engaged on a full-
16401 time basis in the solicitation on behalf of, and the
16402 transmission to, his or her principal of orders from
16403 wholesalers, retailers, contractors, or operators of hotels,
16404 restaurants, or other similar establishments for merchandise for
16405 resale or supplies for use in their business operations. This
16406 sub-subparagraph does not apply to an agent-driver or a
16407 commission-driver and does not apply to sideline sales
16408 activities performed on behalf of a person other than the
16409 salesperson's principal.

16410 4. The services described in subparagraph 3. are employment
16411 subject to this chapter only if:

16412 a. The contract of service contemplates that substantially
16413 all of the services are to be performed personally by the
16414 individual;

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16415 b. The individual does not have a substantial investment in
16416 facilities used in connection with the services, other than
16417 facilities used for transportation; and

16418 c. The services are not in the nature of a single
16419 transaction that is not part of a continuing relationship with
16420 the person for whom the services are performed.

16421 (d) If two or more related corporations concurrently employ
16422 the same individual and compensate the individual through a
16423 common paymaster, each related corporation is considered to have
16424 paid wages to the individual only in the amounts actually
16425 disbursed by that corporation to the individual and is not
16426 considered to have paid the wages actually disbursed to the
16427 individual by another of the related corporations. Jobs Florida
16428 ~~The Agency for Workforce Innovation~~ and the state agency
16429 providing unemployment tax collection services may adopt rules
16430 necessary to administer this paragraph.

16431 1. As used in this paragraph, the term "common paymaster"
16432 means a member of a group of related corporations that disburses
16433 wages to concurrent employees on behalf of the related
16434 corporations and that is responsible for keeping payroll records
16435 for those concurrent employees. A common paymaster is not
16436 required to disburse wages to all the employees of the related
16437 corporations; however, this subparagraph does not apply to wages
16438 of concurrent employees which are not disbursed through a common
16439 paymaster. A common paymaster must pay concurrently employed
16440 individuals under this subparagraph by one combined paycheck.

16441 2. As used in this paragraph, the term "concurrent
16442 employment" means the existence of simultaneous employment
16443 relationships between an individual and related corporations.

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16444 Those relationships require the performance of services by the
16445 employee for the benefit of the related corporations, including
16446 the common paymaster, in exchange for wages that, if deductible
16447 for the purposes of federal income tax, are deductible by the
16448 related corporations.

16449 3. Corporations are considered related corporations for an
16450 entire calendar quarter if they satisfy any one of the following
16451 tests at any time during the calendar quarter:

16452 a. The corporations are members of a "controlled group of
16453 corporations" as defined in s. 1563 of the Internal Revenue Code
16454 of 1986 or would be members if s. 1563(a)(4) and (b) did not
16455 apply.

16456 b. In the case of a corporation that does not issue stock,
16457 at least 50 percent of the members of the board of directors or
16458 other governing body of one corporation are members of the board
16459 of directors or other governing body of the other corporation or
16460 the holders of at least 50 percent of the voting power to select
16461 those members are concurrently the holders of at least 50
16462 percent of the voting power to select those members of the other
16463 corporation.

16464 c. At least 50 percent of the officers of one corporation
16465 are concurrently officers of the other corporation.

16466 d. At least 30 percent of the employees of one corporation
16467 are concurrently employees of the other corporation.

16468 4. The common paymaster must report to the tax collection
16469 service provider, as part of the unemployment compensation
16470 quarterly tax and wage report, the state unemployment
16471 compensation account number and name of each related corporation
16472 for which concurrent employees are being reported. Failure to

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16473 timely report this information shall result in the related
16474 corporations being denied common paymaster status for that
16475 calendar quarter.

16476 5. The common paymaster also has the primary responsibility
16477 for remitting contributions due under this chapter for the wages
16478 it disburses as the common paymaster. The common paymaster must
16479 compute these contributions as though it were the sole employer
16480 of the concurrently employed individuals. If a common paymaster
16481 fails to timely remit these contributions or reports, in whole
16482 or in part, the common paymaster remains liable for the full
16483 amount of the unpaid portion of these contributions. In
16484 addition, each of the other related corporations using the
16485 common paymaster is jointly and severally liable for its
16486 appropriate share of these contributions. Each related
16487 corporation's share equals the greater of:

16488 a. The liability of the common paymaster under this
16489 chapter, after taking into account any contributions made.

16490 b. The liability under this chapter which, notwithstanding
16491 this section, would have existed for the wages from the other
16492 related corporations, reduced by an allocable portion of any
16493 contributions previously paid by the common paymaster for those
16494 wages.

16495 (12) The employment subject to this chapter includes
16496 services covered by a reciprocal arrangement under s. 443.221
16497 between Jobs Florida ~~the Agency for Workforce Innovation~~ or its
16498 tax collection service provider and the agency charged with the
16499 administration of another state unemployment compensation law or
16500 a federal unemployment compensation law, under which all
16501 services performed by an individual for an employing unit are

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16502 deemed to be performed entirely within this state, if Jobs
16503 Florida ~~the Agency for Workforce Innovation~~ or its tax
16504 collection service provider approved an election of the
16505 employing unit in which all of the services performed by the
16506 individual during the period covered by the election are deemed
16507 to be insured work.

16508 (13) The following are exempt from coverage under this
16509 chapter:

16510 (p) Service covered by an arrangement between Jobs Florida
16511 ~~the Agency for Workforce Innovation~~, or its tax collection
16512 service provider, and the agency charged with the administration
16513 of another state or federal unemployment compensation law under
16514 which all services performed by an individual for an employing
16515 unit during the period covered by the employing unit's duly
16516 approved election is deemed to be performed entirely within the
16517 other agency's state or under the federal law.

16518 Section 313. Subsection (1) of section 443.1217, Florida
16519 Statutes, is amended to read:

16520 443.1217 Wages.—

16521 (1) The wages subject to this chapter include all
16522 remuneration for employment, including commissions, bonuses,
16523 back pay awards, and the cash value of all remuneration paid in
16524 any medium other than cash. The reasonable cash value of
16525 remuneration in any medium other than cash must be estimated and
16526 determined in accordance with rules adopted by Jobs Florida ~~the~~
16527 ~~Agency for Workforce Innovation~~ or the state agency providing
16528 tax collection services. The wages subject to this chapter
16529 include tips or gratuities received while performing services
16530 that constitute employment and are included in a written

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16531 statement furnished to the employer under s. 6053(a) of the
16532 Internal Revenue Code of 1954. As used in this section only, the
16533 term "employment" includes services constituting employment
16534 under any employment security law of another state or of the
16535 Federal Government.

16536 Section 314. Subsection (1) and paragraphs (a), (g), and
16537 (i) of subsection (3) of section 443.131, Florida Statutes, are
16538 amended to read:

16539 443.131 Contributions.—

16540 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
16541 payable by each employer for each calendar quarter he or she is
16542 subject to this chapter for wages paid during each calendar
16543 quarter for employment. Contributions are due and payable by
16544 each employer to the tax collection service provider, in
16545 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
16546 ~~Workforce Innovation~~ or the state agency providing tax
16547 collection services. This subsection does not prohibit the tax
16548 collection service provider from allowing, at the request of the
16549 employer, employers of employees performing domestic services,
16550 as defined in s. 443.1216(6), to pay contributions or report
16551 wages at intervals other than quarterly when the nonquarterly
16552 payment or reporting assists the service provider and when
16553 nonquarterly payment and reporting is authorized under federal
16554 law. Employers of employees performing domestic services may
16555 report wages and pay contributions annually, with a due date of
16556 January 1 and a delinquency date of February 1. To qualify for
16557 this election, the employer must employ only employees
16558 performing domestic services, be eligible for a variation from
16559 the standard rate computed under subsection (3), apply to this

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16560 program no later than December 1 of the preceding calendar year,
16561 and agree to provide Jobs Florida ~~the Agency for Workforce~~
16562 ~~Innovation~~ or its tax collection service provider with any
16563 special reports that are requested, including copies of all
16564 federal employment tax forms. An employer who fails to timely
16565 furnish any wage information required by Jobs Florida ~~the Agency~~
16566 ~~for Workforce Innovation~~ or its tax collection service provider
16567 loses the privilege to participate in this program, effective
16568 the calendar quarter immediately after the calendar quarter the
16569 failure occurred. The employer may reapply for annual reporting
16570 when a complete calendar year elapses after the employer's
16571 disqualification if the employer timely furnished any requested
16572 wage information during the period in which annual reporting was
16573 denied. An employer may not deduct contributions, interests,
16574 penalties, fines, or fees required under this chapter from any
16575 part of the wages of his or her employees. A fractional part of
16576 a cent less than one-half cent shall be disregarded from the
16577 payment of contributions, but a fractional part of at least one-
16578 half cent shall be increased to 1 cent.

16579 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
16580 EXPERIENCE.—

16581 (a) *Employment records.*—The regular and short-time
16582 compensation benefits paid to an eligible individual shall be
16583 charged to the employment record of each employer who paid the
16584 individual wages of at least \$100 during the individual's base
16585 period in proportion to the total wages paid by all employers
16586 who paid the individual wages during the individual's base
16587 period. Benefits may not be charged to the employment record of
16588 an employer who furnishes part-time work to an individual who,

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16589 because of loss of employment with one or more other employers,
16590 is eligible for partial benefits while being furnished part-time
16591 work by the employer on substantially the same basis and in
16592 substantially the same amount as the individual's employment
16593 during his or her base period, regardless of whether this part-
16594 time work is simultaneous or successive to the individual's lost
16595 employment. Further, as provided in s. 443.151(3), benefits may
16596 not be charged to the employment record of an employer who
16597 furnishes Jobs Florida ~~the Agency for Workforce Innovation~~ with
16598 notice, as prescribed in ~~agency~~ rules of Jobs Florida, that any
16599 of the following apply:

16600 1. If an individual leaves his or her work without good
16601 cause attributable to the employer or is discharged by the
16602 employer for misconduct connected with his or her work, benefits
16603 subsequently paid to the individual based on wages paid by the
16604 employer before the separation may not be charged to the
16605 employment record of the employer.

16606 2. If an individual is discharged by the employer for
16607 unsatisfactory performance during an initial employment
16608 probationary period, benefits subsequently paid to the
16609 individual based on wages paid during the probationary period by
16610 the employer before the separation may not be charged to the
16611 employer's employment record. As used in this subparagraph, the
16612 term "initial employment probationary period" means an
16613 established probationary plan that applies to all employees or a
16614 specific group of employees and that does not exceed 90 calendar
16615 days following the first day a new employee begins work. The
16616 employee must be informed of the probationary period within the
16617 first 7 days of work. The employer must demonstrate by

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16618 conclusive evidence that the individual was separated because of
16619 unsatisfactory work performance and not because of lack of work
16620 due to temporary, seasonal, casual, or other similar employment
16621 that is not of a regular, permanent, and year-round nature.

16622 3. Benefits subsequently paid to an individual after his or
16623 her refusal without good cause to accept suitable work from an
16624 employer may not be charged to the employment record of the
16625 employer if any part of those benefits are based on wages paid
16626 by the employer before the individual's refusal to accept
16627 suitable work. As used in this subparagraph, the term "good
16628 cause" does not include distance to employment caused by a
16629 change of residence by the individual. Jobs Florida ~~The Agency~~
16630 ~~for Workforce Innovation~~ shall adopt rules prescribing for the
16631 payment of all benefits whether this subparagraph applies
16632 regardless of whether a disqualification under s. 443.101
16633 applies to the claim.

16634 4. If an individual is separated from work as a direct
16635 result of a natural disaster declared under the Robert T.
16636 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
16637 ss. 5121 et seq., benefits subsequently paid to the individual
16638 based on wages paid by the employer before the separation may
16639 not be charged to the employment record of the employer.

16640 (g) *Transfer of unemployment experience upon transfer or*
16641 *acquisition of a business.*—Notwithstanding any other provision
16642 of law, upon transfer or acquisition of a business, the
16643 following conditions apply to the assignment of rates and to
16644 transfers of unemployment experience:

16645 1.a. If an employer transfers its trade or business, or a
16646 portion thereof, to another employer and, at the time of the

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16647 transfer, there is any common ownership, management, or control
16648 of the two employers, the unemployment experience attributable
16649 to the transferred trade or business shall be transferred to the
16650 employer to whom the business is so transferred. The rates of
16651 both employers shall be recalculated and made effective as of
16652 the beginning of the calendar quarter immediately following the
16653 date of the transfer of the trade or business unless the
16654 transfer occurred on the first day of a calendar quarter, in
16655 which case the rate shall be recalculated as of that date.

16656 b. If, following a transfer of experience under sub-
16657 subparagraph a., Jobs Florida ~~the Agency for Workforce~~
16658 ~~Innovation~~ or the tax collection service provider determines
16659 that a substantial purpose of the transfer of trade or business
16660 was to obtain a reduced liability for contributions, the
16661 experience rating account of the employers involved shall be
16662 combined into a single account and a single rate assigned to the
16663 account.

16664 2. Whenever a person who is not an employer under this
16665 chapter at the time it acquires the trade or business of an
16666 employer, the unemployment experience of the acquired business
16667 shall not be transferred to the person if Jobs Florida ~~the~~
16668 ~~Agency for Workforce Innovation~~ or the tax collection service
16669 provider finds that such person acquired the business solely or
16670 primarily for the purpose of obtaining a lower rate of
16671 contributions. Instead, such person shall be assigned the new
16672 employer rate under paragraph (2)(a). In determining whether the
16673 business was acquired solely or primarily for the purpose of
16674 obtaining a lower rate of contributions, the tax collection
16675 service provider shall consider, but not be limited to, the

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16676 following factors:

16677 a. Whether the person continued the business enterprise of
16678 the acquired business;

16679 b. How long such business enterprise was continued; or

16680 c. Whether a substantial number of new employees was hired
16681 for performance of duties unrelated to the business activity
16682 conducted before the acquisition.

16683 3. If a person knowingly violates or attempts to violate
16684 subparagraph 1. or subparagraph 2. or any other provision of
16685 this chapter related to determining the assignment of a
16686 contribution rate, or if a person knowingly advises another
16687 person to violate the law, the person shall be subject to the
16688 following penalties:

16689 a. If the person is an employer, the employer shall be
16690 assigned the highest rate assignable under this chapter for the
16691 rate year during which such violation or attempted violation
16692 occurred and for the 3 rate years immediately following this
16693 rate year. However, if the person's business is already at the
16694 highest rate for any year, or if the amount of increase in the
16695 person's rate would be less than 2 percent for such year, then a
16696 penalty rate of contribution of 2 percent of taxable wages shall
16697 be imposed for such year and the following 3 rate years.

16698 b. If the person is not an employer, such person shall be
16699 subject to a civil money penalty of not more than \$5,000. The
16700 procedures for the assessment of a penalty shall be in
16701 accordance with the procedures set forth in s. 443.141(2), and
16702 the provisions of s. 443.141(3) shall apply to the collection of
16703 the penalty. Any such penalty shall be deposited in the penalty
16704 and interest account established under s. 443.211(2).

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- 16705 4. For purposes of this paragraph, the term:
- 16706 a. "Knowingly" means having actual knowledge of or acting
- 16707 with deliberate ignorance or reckless disregard for the
- 16708 prohibition involved.
- 16709 b. "Violates or attempts to violate" includes, but is not
- 16710 limited to, intent to evade, misrepresent, or willfully
- 16711 nondisclose.
- 16712 5. In addition to the penalty imposed by subparagraph 3.,
- 16713 any person who violates this paragraph commits a felony of the
- 16714 third degree, punishable as provided in s. 775.082, s. 775.083,
- 16715 or s. 775.084.
- 16716 6. Jobs Florida ~~The Agency for Workforce Innovation~~ and the
- 16717 tax collection service provider shall establish procedures to
- 16718 identify the transfer or acquisition of a business for the
- 16719 purposes of this paragraph and shall adopt any rules necessary
- 16720 to administer this paragraph.
- 16721 7. For purposes of this paragraph:
- 16722 a. "Person" has the meaning given to the term by s.
- 16723 7701(a)(1) of the Internal Revenue Code of 1986.
- 16724 b. "Trade or business" shall include the employer's
- 16725 workforce.
- 16726 8. This paragraph shall be interpreted and applied in such
- 16727 a manner as to meet the minimum requirements contained in any
- 16728 guidance or regulations issued by the United States Department
- 16729 of Labor.
- 16730 (i) *Notice of determinations of contribution rates;*
- 16731 *redeterminations.*—The state agency providing tax collection
- 16732 services:
- 16733 1. Shall promptly notify each employer of his or her

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16734 contribution rate as determined for any calendar year under this
16735 section. The determination is conclusive and binding on the
16736 employer unless within 20 days after mailing the notice of
16737 determination to the employer's last known address, or, in the
16738 absence of mailing, within 20 days after delivery of the notice,
16739 the employer files an application for review and redetermination
16740 setting forth the grounds for review. An employer may not, in
16741 any proceeding involving his or her contribution rate or
16742 liability for contributions, contest the chargeability to his or
16743 her employment record of any benefits paid in accordance with a
16744 determination, redetermination, or decision under s. 443.151,
16745 except on the ground that the benefits charged were not based on
16746 services performed in employment for him or her and then only if
16747 the employer was not a party to the determination,
16748 redetermination, or decision, or to any other proceeding under
16749 this chapter, in which the character of those services was
16750 determined.

16751 2. Shall, upon discovery of an error in computation,
16752 reconsider any prior determination or redetermination of a
16753 contribution rate after the 20-day period has expired and issue
16754 a revised notice of contribution rate as redetermined. A
16755 redetermination is subject to review, and is conclusive and
16756 binding if review is not sought, in the same manner as review of
16757 a determination under subparagraph 1. A reconsideration may not
16758 be made after March 31 of the calendar year immediately after
16759 the calendar year for which the contribution rate is applicable,
16760 and interest may not accrue on any additional contributions
16761 found to be due until 30 days after the employer is mailed
16762 notice of his or her revised contribution rate.

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16763 3. May adopt rules providing for periodic notification to
16764 employers of benefits paid and charged to their employment
16765 records or of the status of those employment records. A
16766 notification, unless an application for redetermination is filed
16767 in the manner and within the time limits prescribed by Jobs
16768 Florida ~~the Agency for Workforce Innovation~~, is conclusive and
16769 binding on the employer under this chapter. The redetermination,
16770 and Jobs Florida's ~~the Agency for Workforce Innovation's~~ finding
16771 of fact in connection with the redetermination, may be
16772 introduced in any subsequent administrative or judicial
16773 proceeding involving the determination of the contribution rate
16774 of an employer for any calendar year. A redetermination becomes
16775 final in the same manner provided in this subsection for
16776 findings of fact made by Jobs Florida ~~the Agency for Workforce~~
16777 ~~Innovation~~ in proceedings to redetermine the contribution rate
16778 of an employer. Pending a redetermination or an administrative
16779 or judicial proceeding, the employer must file reports and pay
16780 contributions in accordance with this section.

16781 Section 315. Paragraph (d) of subsection (2) and paragraph
16782 (d) of subsection (3) of section 443.1312, Florida Statutes, are
16783 amended to read:

16784 443.1312 Reimbursements; nonprofit organizations.—Benefits
16785 paid to employees of nonprofit organizations shall be financed
16786 in accordance with this section.

16787 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
16788 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
16789 subject to this chapter under s. 443.1215(1)(c) or s.
16790 443.121(3)(a) must pay contributions under s. 443.131 unless it
16791 elects, in accordance with this subsection, to reimburse the

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16792 Unemployment Compensation Trust Fund for all of the regular
16793 benefits, short-time compensation benefits, and one-half of the
16794 extended benefits paid, which are attributable to service in the
16795 employ of the nonprofit organization, to individuals for weeks
16796 of unemployment which begin during the effective period of the
16797 election.

16798 (d) In accordance with rules adopted by Jobs Florida ~~the~~
16799 ~~Agency for Workforce Innovation~~ or the state agency providing
16800 unemployment tax collection services, the tax collection service
16801 provider shall notify each nonprofit organization of any
16802 determination of the organization's status as an employer, the
16803 effective date of any election the organization makes, and the
16804 effective date of any termination of the election. Each
16805 determination is subject to reconsideration, appeal, and review
16806 under s. 443.141(2)(c).

16807 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
16808 contributions must be paid in accordance with this subsection.

16809 (d) The amount due, as specified in any bill from the tax
16810 collection service provider, is conclusive, and the nonprofit
16811 organization is liable for payment of that amount unless, within
16812 20 days after the bill is mailed to the organization's last
16813 known address or otherwise delivered to the organization, the
16814 organization files an application for redetermination by Jobs
16815 Florida ~~the Agency for Workforce Innovation~~, setting forth the
16816 grounds for the application. Jobs Florida ~~The Agency for~~
16817 ~~Workforce Innovation~~ shall promptly review and reconsider the
16818 amount due, as specified in the bill, and shall issue a
16819 redetermination in each case in which an application for
16820 redetermination is filed. The redetermination is conclusive and

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16821 the nonprofit organization is liable for payment of the amount
16822 due, as specified in the redetermination, unless, within 20 days
16823 after the redetermination is mailed to the organization's last
16824 known address or otherwise delivered to the organization, the
16825 organization files a protest, setting forth the grounds for the
16826 appeal. Proceedings on the protest shall be conducted in
16827 accordance with s. 443.141(2).

16828 Section 316. Paragraph (b) of subsection (1) of section
16829 443.1313, Florida Statutes, is amended to read:

16830 443.1313 Public employers; reimbursements; election to pay
16831 contributions.—Benefits paid to employees of a public employer,
16832 as defined in s. 443.036, based on service described in s.
16833 443.1216(2) shall be financed in accordance with this section.

16834 (1) PAYMENT OF REIMBURSEMENTS.—

16835 (b) If a state agency is more than 120 days delinquent on
16836 reimbursements due to the Unemployment Compensation Trust Fund,
16837 the tax collection service provider shall certify to the Chief
16838 Financial Officer the amount due and the Chief Financial Officer
16839 shall transfer the amount due to the Unemployment Compensation
16840 Trust Fund from the funds of the agency which legally may be
16841 used for that purpose. If a public employer other than a state
16842 agency is more than 120 days delinquent on reimbursements due to
16843 the Unemployment Compensation Trust Fund, upon request by the
16844 tax collection service provider after a hearing, the Department
16845 of Revenue or the Department of Financial Services, as
16846 applicable, shall deduct the amount owed by the public employer
16847 from any funds to be distributed by the applicable department to
16848 the public employer for further distribution to the trust fund
16849 in accordance with this chapter. If an employer for whom the

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16850 municipal or county tax collector collects taxes fails to make
16851 the reimbursements to the Unemployment Compensation Trust Fund
16852 required by this chapter, the tax collector after a hearing, at
16853 the request of the tax collection service provider and upon
16854 receipt of a certificate showing the amount owed by the
16855 employer, shall deduct the certified amount from any taxes
16856 collected for the employer and remit that amount to the tax
16857 collection service provider for further distribution to the
16858 trust fund in accordance with this chapter. This paragraph does
16859 not apply to amounts owed by a political subdivision of the
16860 state for benefits erroneously paid in which the claimant must
16861 repay to Jobs Florida ~~the Agency for Workforce Innovation~~ under
16862 s. 443.151(6)(a) or (b) any sum as benefits received.

16863 Section 317. Paragraphs (b) and (c) of subsection (4) and
16864 subsection (7) of section 443.1315, Florida Statutes, are
16865 amended to read:

16866 443.1315 Treatment of Indian tribes.—

16867 (4)

16868 (b)1. Services performed for an Indian tribe or tribal unit
16869 that fails to make required reimbursements, including
16870 assessments of interest and penalty, after all collection
16871 activities deemed necessary by the tax collection service
16872 provider, subject to approval by Jobs Florida ~~the Agency for~~
16873 ~~Workforce Innovation~~, are exhausted may not be treated as
16874 employment for purposes of paragraph (1)(b).

16875 2. The tax collection service provider may determine that
16876 any Indian tribe that loses coverage under subparagraph 1. may
16877 have services performed for the tribe subsequently included as
16878 employment for purposes of paragraph (1)(b) if all

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16879 contributions, reimbursements, penalties, and interest are paid.

16880 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or its
16881 tax collection service provider shall immediately notify the
16882 United States Internal Revenue Service and the United States
16883 Department of Labor when an Indian tribe fails to make
16884 reimbursements required under this section, including
16885 assessments of interest and penalty, within 90 days after a
16886 final notice of delinquency.

16887 (7) Jobs Florida ~~The Agency for Workforce Innovation~~ and
16888 the state agency providing unemployment tax collection services
16889 shall adopt rules necessary to administer this section.

16890 Section 318. Section 443.1316, Florida Statutes, is amended
16891 to read:

16892 443.1316 Unemployment tax collection services; interagency
16893 agreement.—

16894 (1) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
16895 contract with the Department of Revenue, through an interagency
16896 agreement, to perform the duties of the tax collection service
16897 provider and provide other unemployment tax collection services
16898 under this chapter. Under the interagency agreement, the tax
16899 collection service provider may only implement:

16900 (a) The provisions of this chapter conferring duties upon
16901 the tax collection service provider.

16902 (b) The provisions of law conferring duties upon Jobs
16903 Florida ~~the Agency for Workforce Innovation~~ which are
16904 specifically delegated to the tax collection service provider in
16905 the interagency agreement.

16906 (2)(a) The Department of Revenue is considered to be
16907 administering a revenue law of this state when the department

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16908 implements this chapter, or otherwise provides unemployment tax
16909 collection services, under contract with Jobs Florida ~~the Agency~~
16910 ~~for Workforce Innovation~~ through the interagency agreement.

16911 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
16912 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
16913 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
16914 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
16915 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
16916 213.757 apply to the collection of unemployment contributions
16917 and reimbursements by the Department of Revenue unless
16918 prohibited by federal law.

16919 Section 319. Section 443.1317, Florida Statutes, is amended
16920 to read:

16921 443.1317 Rulemaking authority; enforcement of rules.—

16922 (1) JOBS FLORIDA AGENCY FOR WORKFORCE INNOVATION.—

16923 (a) Except as otherwise provided in s. 443.012, Jobs
16924 Florida ~~the Agency for Workforce Innovation~~ has ultimate
16925 authority over the administration of the Unemployment
16926 Compensation Program.

16927 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ may
16928 adopt rules under ss. 120.536(1) and 120.54 to administer the
16929 provisions of this chapter conferring duties upon either Jobs
16930 Florida ~~the agency~~ or its tax collection service provider.

16931 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
16932 providing unemployment tax collection services under contract
16933 with Jobs Florida ~~the Agency for Workforce Innovation~~ through an
16934 interagency agreement pursuant to s. 443.1316 may adopt rules
16935 under ss. 120.536(1) and 120.54, subject to approval by Jobs
16936 Florida ~~the Agency for Workforce Innovation~~, to administer the

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16937 provisions of law described in s. 443.1316(1)(a) and (b) which
16938 are within this chapter. These rules must not conflict with the
16939 rules adopted by Jobs Florida ~~the Agency for Workforce~~
16940 ~~Innovation~~ or with the interagency agreement.

16941 (3) ENFORCEMENT OF RULES.—Jobs Florida ~~The Agency for~~
16942 ~~Workforce Innovation~~ may enforce any rule adopted by the state
16943 agency providing unemployment tax collection services to
16944 administer this chapter. The tax collection service provider may
16945 enforce any rule adopted by Jobs Florida ~~the Agency for~~
16946 ~~Workforce Innovation~~ to administer the provisions of law
16947 described in s. 443.1316(1)(a) and (b).

16948 Section 320. Paragraphs (b), (c), and (f) of subsection
16949 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
16950 and paragraph (c) of subsection (4) of section 443.141, Florida
16951 Statutes, are amended to read:

16952 443.141 Collection of contributions and reimbursements.—

16953 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
16954 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

16955 (b) *Penalty for delinquent, erroneous, incomplete, or*
16956 *insufficient reports.*—

16957 1. An employing unit that fails to file any report required
16958 by Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
16959 collection service provider, in accordance with rules for
16960 administering this chapter, shall pay to the service provider
16961 for each delinquent report the sum of \$25 for each 30 days or
16962 fraction thereof that the employing unit is delinquent, unless
16963 the agency or its service provider, whichever required the
16964 report, finds that the employing unit has good reason for
16965 failing to file the report. Jobs Florida ~~The agency~~ or its

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16966 service provider may assess penalties only through the date of
16967 the issuance of the final assessment notice. However, additional
16968 penalties accrue if the delinquent report is subsequently filed.

16969 2.a. An employing unit that files an erroneous, incomplete,
16970 or insufficient report with Jobs Florida ~~the Agency for~~
16971 ~~Workforce Innovation~~ or its tax collection service provider
16972 shall pay a penalty. The amount of the penalty is \$50 or 10
16973 percent of any tax due, whichever is greater, but no more than
16974 \$300 per report. The penalty shall be added to any tax, penalty,
16975 or interest otherwise due.

16976 b. Jobs Florida ~~The agency~~ or its tax collection service
16977 provider shall waive the penalty if the employing unit files an
16978 accurate, complete, and sufficient report within 30 days after a
16979 penalty notice is issued to the employing unit. The penalty may
16980 not be waived pursuant to this subparagraph more than one time
16981 during a 12-month period.

16982 c. As used in this subsection, the term "erroneous,
16983 incomplete, or insufficient report" means a report so lacking in
16984 information, completeness, or arrangement that the report cannot
16985 be readily understood, verified, or reviewed. Such reports
16986 include, but are not limited to, reports having missing wage or
16987 employee information, missing or incorrect social security
16988 numbers, or illegible entries; reports submitted in a format
16989 that is not approved by Jobs Florida ~~the agency~~ or its tax
16990 collection service provider; and reports showing gross wages
16991 that do not equal the total of the wages of each employee.
16992 However, the term does not include a report that merely contains
16993 inaccurate data that was supplied to the employer by the
16994 employee, if the employer was unaware of the inaccuracy.

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16995 3. Penalties imposed pursuant to this paragraph shall be
16996 deposited in the Special Employment Security Administration
16997 Trust Fund.

16998 4. The penalty and interest for a delinquent, erroneous,
16999 incomplete, or insufficient report may be waived if the penalty
17000 or interest is inequitable. The provisions of s. 213.24(1) apply
17001 to any penalty or interest that is imposed under this section.

17002 (c) *Application of partial payments.*—If a delinquency
17003 exists in the employment record of an employer not in
17004 bankruptcy, a partial payment less than the total delinquency
17005 amount shall be applied to the employment record as the payor
17006 directs. In the absence of specific direction, the partial
17007 payment shall be applied to the payor's employment record as
17008 prescribed in the rules of Jobs Florida ~~the Agency for Workforce~~
17009 ~~Innovation~~ or the state agency providing tax collection
17010 services.

17011 (f) *Adoption of rules.*—Jobs Florida ~~The Agency for~~
17012 ~~Workforce Innovation~~ and the state agency providing unemployment
17013 tax collection services may adopt rules to administer this
17014 subsection.

17015 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

17016 (a) *Failure to make reports and pay contributions.*—If an
17017 employing unit determined by the tax collection service provider
17018 to be an employer subject to this chapter fails to make and file
17019 any report as and when required by this chapter or by any rule
17020 of Jobs Florida ~~the Agency for Workforce Innovation~~ or the state
17021 agency providing tax collection services, for the purpose of
17022 determining the amount of contributions due by the employer
17023 under this chapter, or if any filed report is found by the

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17024 service provider to be incorrect or insufficient, and the
17025 employer, after being notified in writing by the service
17026 provider to file the report, or a corrected or sufficient
17027 report, as applicable, fails to file the report within 15 days
17028 after the date of the mailing of the notice, the tax collection
17029 service provider may:

17030 1. Determine the amount of contributions due from the
17031 employer based on the information readily available to it, which
17032 determination is deemed to be prima facie correct;

17033 2. Assess the employer the amount of contributions
17034 determined to be due; and

17035 3. Immediately notify the employer by mail of the
17036 determination and assessment including penalties as provided in
17037 this chapter, if any, added and assessed, and demand payment
17038 together with interest on the amount of contributions from the
17039 date that amount was due and payable.

17040 (b) *Hearings.*—The determination and assessment are final 15
17041 days after the date the assessment is mailed unless the employer
17042 files with the tax collection service provider within the 15
17043 days a written protest and petition for hearing specifying the
17044 objections thereto. The tax collection service provider shall
17045 promptly review each petition and may reconsider its
17046 determination and assessment in order to resolve the
17047 petitioner's objections. The tax collection service provider
17048 shall forward each petition remaining unresolved to Jobs Florida
17049 ~~the Agency for Workforce Innovation~~ for a hearing on the
17050 objections. Upon receipt of a petition, Jobs Florida ~~the Agency~~
17051 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
17052 petitioner of the time and place of the hearing. Jobs Florida

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17053 ~~The Agency for Workforce Innovation~~ may appoint special deputies
17054 to conduct hearings and to submit their findings together with a
17055 transcript of the proceedings before them and their
17056 recommendations to Jobs Florida ~~the agency~~ for its final order.
17057 Special deputies are subject to the prohibition against ex parte
17058 communications in s. 120.66. At any hearing conducted by Jobs
17059 Florida ~~the Agency for Workforce Innovation~~ or its special
17060 deputy, evidence may be offered to support the determination and
17061 assessment or to prove it is incorrect. In order to prevail,
17062 however, the petitioner must either prove that the determination
17063 and assessment are incorrect or file full and complete corrected
17064 reports. Evidence may also be submitted at the hearing to rebut
17065 the determination by the tax collection service provider that
17066 the petitioner is an employer under this chapter. Upon evidence
17067 taken before it or upon the transcript submitted to it with the
17068 findings and recommendation of its special deputy, Jobs Florida
17069 ~~the Agency for Workforce Innovation~~ shall either set aside the
17070 tax collection service provider's determination that the
17071 petitioner is an employer under this chapter or reaffirm the
17072 determination. The amounts assessed under the final order,
17073 together with interest and penalties, must be paid within 15
17074 days after notice of the final order is mailed to the employer,
17075 unless judicial review is instituted in a case of status
17076 determination. Amounts due when the status of the employer is in
17077 dispute are payable within 15 days after the entry of an order
17078 by the court affirming the determination. However, any
17079 determination that an employing unit is not an employer under
17080 this chapter does not affect the benefit rights of any
17081 individual as determined by an appeals referee or the commission

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17082 unless:
17083 1. The individual is made a party to the proceedings before
17084 the special deputy; or

17085 2. The decision of the appeals referee or the commission
17086 has not become final or the employing unit and Jobs Florida ~~the~~
17087 ~~Agency for Workforce Innovation~~ were not made parties to the
17088 proceedings before the appeals referee or the commission.

17089 (c) Appeals. ~~Jobs Florida The Agency for Workforce~~
17090 ~~Innovation~~ and the state agency providing unemployment tax
17091 collection services shall adopt rules prescribing the procedures
17092 for an employing unit determined to be an employer to file an
17093 appeal and be afforded an opportunity for a hearing on the
17094 determination. Pending a hearing, the employing unit must file
17095 reports and pay contributions in accordance with s. 443.131.

17096 (3) COLLECTION PROCEEDINGS.—

17097 (f) Reproductions.—In any proceedings in any court under
17098 this chapter, reproductions of the original records of Jobs
17099 Florida ~~the Agency for Workforce Innovation~~, its tax collection
17100 service provider, the former Agency for Workforce Innovation,
17101 the former Department of Labor and Employment Security, or the
17102 commission, including, but not limited to, photocopies or
17103 microfilm, are primary evidence in lieu of the original records
17104 or of the documents that were transcribed into those records.

17105 (g) Jeopardy assessment and warrant.—If the tax collection
17106 service provider reasonably believes that the collection of
17107 contributions or reimbursements from an employer will be
17108 jeopardized by delay, the service provider may assess the
17109 contributions or reimbursements immediately, together with
17110 interest or penalties when due, regardless of whether the

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17111 contributions or reimbursements accrued are due, and may
17112 immediately issue a notice of lien and jeopardy warrant upon
17113 which proceedings may be conducted as provided in this section
17114 for notice of lien and warrant of the service provider. Within
17115 15 days after mailing the notice of lien by registered mail, the
17116 employer may protest the issuance of the lien in the same manner
17117 provided in paragraph (2)(a). The protest does not operate as a
17118 supersedeas or stay of enforcement unless the employer files
17119 with the sheriff seeking to enforce the warrant a good and
17120 sufficient surety bond in twice the amount demanded by the
17121 notice of lien or warrant. The bond must be conditioned upon
17122 payment of the amount subsequently found to be due from the
17123 employer to the tax collection service provider in the final
17124 order of Jobs Florida ~~the Agency for Workforce Innovation~~ upon
17125 protest of assessment. The jeopardy warrant and notice of lien
17126 are satisfied in the manner provided in this section upon
17127 payment of the amount finally determined to be due from the
17128 employer. If enforcement of the jeopardy warrant is not
17129 superseded as provided in this section, the employer is entitled
17130 to a refund from the fund of all amounts paid as contributions
17131 or reimbursements in excess of the amount finally determined to
17132 be due by the employer upon application being made as provided
17133 in this chapter.

17134 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
17135 CONTRIBUTIONS AND REIMBURSEMENTS.—

17136 (c) Any agent or employee designated by Jobs Florida ~~the~~
17137 ~~Agency for Workforce Innovation~~ or its tax collection service
17138 provider may administer an oath to any person for any return or
17139 report required by this chapter or by the rules of Jobs Florida

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17140 ~~the Agency for Workforce Innovation~~ or the state agency
17141 providing unemployment tax collection services, and an oath made
17142 before Jobs Florida ~~the agency~~ or its service provider or any
17143 authorized agent or employee has the same effect as an oath made
17144 before any judicial officer or notary public of the state.

17145 Section 321. Section 443.151, Florida Statutes, is amended
17146 to read:

17147 443.151 Procedure concerning claims.—

17148 (1) POSTING OF INFORMATION.—

17149 (a) Each employer must post and maintain in places readily
17150 accessible to individuals in her or his employ printed
17151 statements concerning benefit rights, claims for benefits, and
17152 other matters relating to the administration of this chapter as
17153 Jobs Florida ~~the Agency for Workforce Innovation~~ may by rule
17154 prescribe. Each employer must supply to individuals copies of
17155 printed statements or other materials relating to claims for
17156 benefits as directed by the ~~agency's~~ rules of Jobs Florida. Jobs
17157 Florida ~~The Agency for Workforce Innovation~~ shall supply these
17158 printed statements and other materials to each employer without
17159 cost to the employer.

17160 (b)1. Jobs Florida ~~The Agency for Workforce Innovation~~
17161 shall advise each individual filing a new claim for unemployment
17162 compensation, at the time of filing the claim, that:

17163 a. Unemployment compensation is subject to federal income
17164 tax.

17165 b. Requirements exist pertaining to estimated tax payments.

17166 c. The individual may elect to have federal income tax
17167 deducted and withheld from the individual's payment of
17168 unemployment compensation at the amount specified in the federal

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17169 Internal Revenue Code.

17170 d. The individual is not permitted to change a previously
17171 elected withholding status more than twice per calendar year.

17172 2. Amounts deducted and withheld from unemployment
17173 compensation must remain in the Unemployment Compensation Trust
17174 Fund until transferred to the federal taxing authority as
17175 payment of income tax.

17176 3. Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17177 follow all procedures specified by the United States Department
17178 of Labor and the federal Internal Revenue Service pertaining to
17179 the deducting and withholding of income tax.

17180 4. If more than one authorized request for deduction and
17181 withholding is made, amounts must be deducted and withheld in
17182 accordance with the following priorities:

- 17183 a. Unemployment overpayments have first priority;
17184 b. Child support payments have second priority; and
17185 c. Withholding under this subsection has third priority.

17186 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
17187 CLAIMANTS AND EMPLOYERS.—

17188 (a) *In general.*—Claims for benefits must be made in
17189 accordance with the rules adopted by Jobs Florida ~~the Agency for~~
17190 ~~Workforce Innovation~~. Jobs Florida ~~The agency~~ must notify
17191 claimants and employers regarding monetary and nonmonetary
17192 determinations of eligibility. Investigations of issues raised
17193 in connection with a claimant which may affect a claimant's
17194 eligibility for benefits or charges to an employer's employment
17195 record shall be conducted by Jobs Florida ~~the agency~~ through
17196 written, telephonic, or electronic means as prescribed by rule.

17197 (b) *Process.*—When the Unemployment Compensation Claims and

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17198 Benefits Information System described in s. 443.1113 is fully
17199 operational, the process for filing claims must incorporate the
17200 process for registering for work with the workforce information
17201 systems established pursuant to s. 445.011. A claim for benefits
17202 may not be processed until the work registration requirement is
17203 satisfied. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17204 adopt rules as necessary to administer the work registration
17205 requirement set forth in this paragraph.

17206 (3) DETERMINATION OF ELIGIBILITY.—

17207 (a) *Notices of claim.*—Jobs Florida ~~The Agency for Workforce~~
17208 ~~Innovation~~ shall promptly provide a notice of claim to the
17209 claimant's most recent employing unit and all employers whose
17210 employment records are liable for benefits under the monetary
17211 determination. The employer must respond to the notice of claim
17212 within 20 days after the mailing date of the notice, or in lieu
17213 of mailing, within 20 days after the delivery of the notice. If
17214 a contributing employer fails to timely respond to the notice of
17215 claim, the employer's account may not be relieved of benefit
17216 charges as provided in s. 443.131(3)(a), notwithstanding
17217 paragraph (5)(b). Jobs Florida ~~The agency~~ may adopt rules as
17218 necessary to implement the processes described in this paragraph
17219 relating to notices of claim.

17220 (b) *Monetary determinations.*—In addition to the notice of
17221 claim, Jobs Florida ~~the agency~~ shall also promptly provide an
17222 initial monetary determination to the claimant and each base
17223 period employer whose account is subject to being charged for
17224 its respective share of benefits on the claim. The monetary
17225 determination must include a statement of whether and in what
17226 amount the claimant is entitled to benefits, and, in the event

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17227 of a denial, must state the reasons for the denial. A monetary
17228 determination for the first week of a benefit year must also
17229 include a statement of whether the claimant was paid the wages
17230 required under s. 443.091(1)(g) and, if so, the first day of the
17231 benefit year, the claimant's weekly benefit amount, and the
17232 maximum total amount of benefits payable to the claimant for a
17233 benefit year. The monetary determination is final unless within
17234 20 days after the mailing of the notices to the parties' last
17235 known addresses, or in lieu of mailing, within 20 days after the
17236 delivery of the notices, an appeal or written request for
17237 reconsideration is filed by the claimant or other party entitled
17238 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17239 to implement the processes described in this paragraph relating
17240 to notices of monetary determinations and the appeals or
17241 reconsideration requests filed in response to such notices.

17242 (c) *Nonmonetary determinations.*—If Jobs Florida ~~the agency~~
17243 receives information that may result in a denial of benefits,
17244 Jobs Florida ~~the agency~~ must complete an investigation of the
17245 claim required by subsection (2) and provide notice of a
17246 nonmonetary determination to the claimant and the employer from
17247 whom the claimant's reason for separation affects his or her
17248 entitlement to benefits. The determination must state the reason
17249 for the determination and whether the unemployment tax account
17250 of the contributing employer is charged for benefits paid on the
17251 claim. The nonmonetary determination is final unless within 20
17252 days after the mailing of the notices to the parties' last known
17253 addresses, or in lieu of mailing, within 20 days after the
17254 delivery of the notices, an appeal or written request for
17255 reconsideration is filed by the claimant or other party entitled

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17256 to notice. Jobs Florida ~~The agency~~ may adopt rules as necessary
17257 to implement the processes described in this paragraph relating
17258 to notices of nonmonetary determination and the appeals or
17259 reconsideration requests filed in response to such notices, and
17260 may adopt rules prescribing the manner and procedure by which
17261 employers within the base period of a claimant become entitled
17262 to notice of nonmonetary determination.

17263 (d) *Determinations in labor dispute cases.*—Whenever any
17264 claim involves a labor dispute described in s. 443.101(4), Jobs
17265 Florida ~~the Agency for Workforce Innovation~~ shall promptly
17266 assign the claim to a special examiner who shall make a
17267 determination on the issues involving unemployment due to the
17268 labor dispute. The special examiner shall make the determination
17269 after an investigation, as necessary. The claimant or another
17270 party entitled to notice of the determination may appeal a
17271 determination under subsection (4).

17272 (e) *Redeterminations.*—

17273 1. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17274 reconsider a determination if it finds an error or if new
17275 evidence or information pertinent to the determination is
17276 discovered after a prior determination or redetermination. A
17277 redetermination may not be made more than 1 year after the last
17278 day of the benefit year unless the disqualification for making a
17279 false or fraudulent representation under s. 443.101(6) is
17280 applicable, in which case the redetermination may be made within
17281 2 years after the false or fraudulent representation. Jobs
17282 Florida ~~The agency~~ must promptly give notice of redetermination
17283 to the claimant and to any employers entitled to notice in the
17284 manner prescribed in this section for the notice of an initial

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17285 determination.

17286 2. If the amount of benefits is increased by the
17287 redetermination, an appeal of the redetermination based solely
17288 on the increase may be filed as provided in subsection (4). If
17289 the amount of benefits is decreased by the redetermination, the
17290 redetermination may be appealed by the claimant if a subsequent
17291 claim for benefits is affected in amount or duration by the
17292 redetermination. If the final decision on the determination or
17293 redetermination to be reconsidered was made by an appeals
17294 referee, the commission, or a court, Jobs Florida ~~the Agency for~~
17295 ~~Workforce Innovation~~ may apply for a revised decision from the
17296 body or court that made the final decision.

17297 3. If an appeal of an original determination is pending
17298 when a redetermination is issued, the appeal unless withdrawn is
17299 treated as an appeal from the redetermination.

17300 (4) APPEALS.—

17301 (a) *Appeals referees.*—Jobs Florida ~~The Agency for Workforce~~
17302 ~~Innovation~~ shall appoint one or more impartial salaried appeals
17303 referees in accordance with s. 443.171(3) to hear and decide
17304 appealed claims. A person may not participate on behalf of Jobs
17305 Florida ~~the Agency for Workforce Innovation~~ as an appeals
17306 referee in any case in which she or he is an interested party.
17307 Jobs Florida ~~The Agency for Workforce Innovation~~ may designate
17308 alternates to serve in the absence or disqualification of any
17309 appeals referee on a temporary basis. These alternates must have
17310 the same qualifications required of appeals referees. Jobs
17311 Florida ~~The Agency for Workforce Innovation~~ shall provide the
17312 commission and the appeals referees with proper facilities and
17313 assistance for the execution of their functions.

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17314 (b) *Filing and hearing.*—

17315 1. The claimant or any other party entitled to notice of a
17316 determination may appeal an adverse determination to an appeals
17317 referee within 20 days after the date of mailing of the notice
17318 to her or his last known address or, if the notice is not
17319 mailed, within 20 days after the date of delivery of the notice.

17320 2. Unless the appeal is untimely or withdrawn or review is
17321 initiated by the commission, the appeals referee, after mailing
17322 all parties and attorneys of record a notice of hearing at least
17323 10 days before the date of hearing, notwithstanding the 14-day
17324 notice requirement in s. 120.569(2)(b), may only affirm, modify,
17325 or reverse the determination. An appeal may not be withdrawn
17326 without the permission of the appeals referee.

17327 3. However, when an appeal appears to have been filed after
17328 the permissible time limit, the Office of Appeals may issue an
17329 order to show cause to the appellant, requiring the appellant to
17330 show why the appeal should not be dismissed as untimely. If the
17331 appellant does not, within 15 days after the mailing date of the
17332 order to show cause, provide written evidence of timely filing
17333 or good cause for failure to appeal timely, the appeal shall be
17334 dismissed.

17335 4. When an appeal involves a question of whether services
17336 were performed by a claimant in employment or for an employer,
17337 the referee must give special notice of the question and of the
17338 pendency of the appeal to the employing unit and to Jobs Florida
17339 ~~the Agency for Workforce Innovation~~, both of which become
17340 parties to the proceeding.

17341 5. The parties must be notified promptly of the referee's
17342 decision. The referee's decision is final unless further review

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17343 is initiated under paragraph (c) within 20 days after the date
17344 of mailing notice of the decision to the party's last known
17345 address or, in lieu of mailing, within 20 days after the
17346 delivery of the notice.

17347 (c) *Review by commission.*—The commission may, on its own
17348 motion, within the time limit in paragraph (b), initiate a
17349 review of the decision of an appeals referee. The commission may
17350 also allow Jobs Florida ~~the Agency for Workforce Innovation~~ or
17351 any adversely affected party entitled to notice of the decision
17352 to appeal the decision by filing an application within the time
17353 limit in paragraph (b). An adversely affected party has the
17354 right to appeal the decision if Jobs Florida's ~~the Agency for~~
17355 ~~Workforce Innovation's~~ determination is not affirmed by the
17356 appeals referee. The commission may affirm, modify, or reverse
17357 the findings and conclusions of the appeals referee based on
17358 evidence previously submitted in the case or based on additional
17359 evidence taken at the direction of the commission. The
17360 commission may assume jurisdiction of or transfer to another
17361 appeals referee the proceedings on any claim pending before an
17362 appeals referee. Any proceeding in which the commission assumes
17363 jurisdiction before completion must be heard by the commission
17364 in accordance with the requirement of this subsection for
17365 proceedings before an appeals referee. When the commission
17366 denies an application to hear an appeal of an appeals referee's
17367 decision, the decision of the appeals referee is the decision of
17368 the commission for purposes of this paragraph and is subject to
17369 judicial review within the same time and manner as decisions of
17370 the commission, except that the time for initiating review runs
17371 from the date of notice of the commission's order denying the

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17372 application to hear an appeal.

17373 (d) *Procedure.*—The manner that appealed claims are
17374 presented must comply with the commission’s rules. Witnesses
17375 subpoenaed under this section are allowed fees at the rate
17376 established by s. 92.142, and fees of witnesses subpoenaed on
17377 behalf of Jobs Florida ~~the Agency for Workforce Innovation~~ or
17378 any claimant are deemed part of the expense of administering
17379 this chapter.

17380 (e) *Judicial review.*—Orders of the commission entered under
17381 paragraph (c) are subject to review only by notice of appeal in
17382 the district court of appeal in the appellate district in which
17383 the issues involved were decided by an appeals referee.
17384 Notwithstanding chapter 120, the commission is a party
17385 respondent to every such proceeding. Jobs Florida ~~The Agency for~~
17386 ~~Workforce Innovation~~ may initiate judicial review of orders in
17387 the same manner and to the same extent as any other party.

17388 (5) PAYMENT OF BENEFITS.—

17389 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17390 promptly pay benefits in accordance with a determination or
17391 redetermination regardless of any appeal or pending appeal.
17392 Before payment of benefits to the claimant, however, each
17393 employer who is liable for reimbursements in lieu of
17394 contributions for payment of the benefits must be notified, at
17395 the address on file with Jobs Florida ~~the Agency for Workforce~~
17396 ~~Innovation~~ or its tax collection service provider, of the
17397 initial determination of the claim and must be given 10 days to
17398 respond.

17399 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17400 promptly pay benefits, regardless of whether a determination is

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17401 under appeal if the determination allowing benefits is affirmed
17402 in any amount by an appeals referee or is affirmed by the
17403 commission, or if a decision of an appeals referee allowing
17404 benefits is affirmed in any amount by the commission. In these
17405 instances, a court may not issue an injunction, supersedeas,
17406 stay, or other writ or process suspending payment of benefits. A
17407 contributing employer that responded to the notice of claim
17408 within the time limit provided in subsection (3) may not,
17409 however, be charged with benefits paid under an erroneous
17410 determination if the decision is ultimately reversed. Benefits
17411 are not paid for any subsequent weeks of unemployment involved
17412 in a reversal.

17413 (c) The provisions of paragraph (b) relating to charging an
17414 employer liable for contributions do not apply to reimbursing
17415 employers.

17416 (6) RECOVERY AND RECOUPMENT.—

17417 (a) Any person who, by reason of her or his fraud, receives
17418 benefits under this chapter to which she or he is not entitled
17419 is liable for repaying those benefits to Jobs Florida ~~the Agency~~
17420 ~~for Workforce Innovation~~ on behalf of the trust fund or, in the
17421 ~~agency's~~ discretion of Jobs Florida, to have those benefits
17422 deducted from future benefits payable to her or him under this
17423 chapter. To enforce this paragraph, Jobs Florida ~~the agency~~ must
17424 find the existence of fraud through a redetermination or
17425 decision under this section within 2 years after the fraud was
17426 committed. Any recovery or recoupment of benefits must be
17427 effected within 5 years after the redetermination or decision.

17428 (b) Any person who, by reason other than her or his fraud,
17429 receives benefits under this chapter to which, under a

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17430 redetermination or decision pursuant to this section, she or he
17431 is not entitled, is liable for repaying those benefits to Jobs
17432 Florida ~~the Agency for Workforce Innovation~~ on behalf of the
17433 trust fund or, in the ~~agency's~~ discretion of Jobs Florida, to
17434 have those benefits deducted from any future benefits payable to
17435 her or him under this chapter. Any recovery or recoupment of
17436 benefits must be effected within 3 years after the
17437 redetermination or decision.

17438 (c) Any person who, by reason other than fraud, receives
17439 benefits under this chapter to which she or he is not entitled
17440 as a result of an employer's failure to respond to a claim
17441 within the timeframe provided in subsection (3) is not liable
17442 for repaying those benefits to Jobs Florida ~~the Agency for~~
17443 ~~Workforce Innovation~~ on behalf of the trust fund or to have
17444 those benefits deducted from any future benefits payable to her
17445 or him under this chapter.

17446 (d) Recoupment from future benefits is not permitted if the
17447 benefits are received by any person without fault on the
17448 person's part and recoupment would defeat the purpose of this
17449 chapter or would be inequitable and against good conscience.

17450 (e) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17451 collect the repayment of benefits without interest by the
17452 deduction of benefits through a redetermination or by a civil
17453 action.

17454 (f) Notwithstanding any other provision of this chapter,
17455 any person who is determined by this state, a cooperating state
17456 agency, the United States Secretary of Labor, or a court to have
17457 received any payments under the Trade Act of 1974, as amended,
17458 to which the person was not entitled shall have those payments

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17459 deducted from any regular benefits, as defined in s.
17460 443.1115(1)(e), payable to her or him under this chapter. Each
17461 such deduction may not exceed 50 percent of the amount otherwise
17462 payable. The payments deducted shall be remitted to the agency
17463 that issued the payments under the Trade Act of 1974, as
17464 amended, for return to the United States Treasury. Except for
17465 overpayments determined by a court, a deduction may not be made
17466 under this paragraph until a determination by the state agency
17467 or the United States Secretary of Labor is final.

17468 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
17469 administrative proceeding conducted under this chapter, an
17470 employer or a claimant has the right, at his or her own expense,
17471 to be represented by counsel or by an authorized representative.
17472 Notwithstanding s. 120.62(2), the authorized representative need
17473 not be a qualified representative.

17474 (8) BILINGUAL REQUIREMENTS.—

17475 (a) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17476 provide printed bilingual instructional and educational
17477 materials in the appropriate language in those counties in which
17478 5 percent or more of the households in the county are classified
17479 as a single-language minority.

17480 (b) Jobs Florida ~~The Agency for Workforce Innovation~~ shall
17481 ensure that one-stop career centers and appeals offices located
17482 in counties subject to the requirements of paragraph (c)
17483 prominently post notices in the appropriate languages and that
17484 translators are available in those centers and offices.

17485 (c) As used in this subsection, the term "single-language
17486 minority" means households that speak the same non-English
17487 language and that do not contain an adult fluent in English.

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17488 Jobs Florida ~~The Agency for Workforce Innovation~~ shall develop
17489 estimates of the percentages of single-language minority
17490 households for each county by using data from the United States
17491 Bureau of the Census.

17492 Section 322. Subsection (1), paragraphs (a) and (c) of
17493 subsection (3), and subsection (4) of section 443.163, Florida
17494 Statutes, are amended to read:

17495 443.163 Electronic reporting and remitting of contributions
17496 and reimbursements.—

17497 (1) An employer may file any report and remit any
17498 contributions or reimbursements required under this chapter by
17499 electronic means. Jobs Florida ~~The Agency for Workforce~~
17500 ~~Innovation~~ or the state agency providing unemployment tax
17501 collection services shall adopt rules prescribing the format and
17502 instructions necessary for electronically filing reports and
17503 remitting contributions and reimbursements to ensure a full
17504 collection of contributions and reimbursements due. The
17505 acceptable method of transfer, the method, form, and content of
17506 the electronic means, and the method, if any, by which the
17507 employer will be provided with an acknowledgment shall be
17508 prescribed by Jobs Florida ~~the Agency for Workforce Innovation~~
17509 or its tax collection service provider. However, any employer
17510 who employed 10 or more employees in any quarter during the
17511 preceding state fiscal year must file the Employers Quarterly
17512 Reports (UCT-6) for the current calendar year and remit the
17513 contributions and reimbursements due by electronic means
17514 approved by the tax collection service provider. A person who
17515 prepared and reported for 100 or more employers in any quarter
17516 during the preceding state fiscal year must file the Employers

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17517 Quarterly Reports (UCT-6) for each calendar quarter in the
17518 current calendar year, beginning with reports due for the second
17519 calendar quarter of 2003, by electronic means approved by the
17520 tax collection service provider.

17521 (3) The tax collection service provider may waive the
17522 requirement to file an Employers Quarterly Report (UCT-6) by
17523 electronic means for employers that are unable to comply despite
17524 good faith efforts or due to circumstances beyond the employer's
17525 reasonable control.

17526 (a) As prescribed by Jobs Florida ~~the Agency for Workforce~~
17527 ~~Innovation~~ or its tax collection service provider, grounds for
17528 approving the waiver include, but are not limited to,
17529 circumstances in which the employer does not:

17530 1. Currently file information or data electronically with
17531 any business or government agency; or

17532 2. Have a compatible computer that meets or exceeds the
17533 standards prescribed by Jobs Florida ~~the Agency for Workforce~~
17534 ~~Innovation~~ or its tax collection service provider.

17535 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ or the
17536 state agency providing unemployment tax collection services may
17537 establish by rule the length of time a waiver is valid and may
17538 determine whether subsequent waivers will be authorized, based
17539 on this subsection.

17540 (4) As used in this section, the term "electronic means"
17541 includes, but is not limited to, electronic data interchange;
17542 electronic funds transfer; and use of the Internet, telephone,
17543 or other technology specified by Jobs Florida ~~the Agency for~~
17544 ~~Workforce Innovation~~ or its tax collection service provider.

17545 Section 323. Section 443.171, Florida Statutes, is amended

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17546 to read:

17547 443.171 Jobs Florida ~~Agency for Workforce Innovation~~ and
17548 commission; powers and duties; records and reports; proceedings;
17549 state-federal cooperation.—

17550 (1) POWERS AND DUTIES.—Jobs Florida ~~The Agency for~~
17551 ~~Workforce Innovation~~ shall administer this chapter. Jobs Florida
17552 ~~The agency~~ may employ those persons, make expenditures, require
17553 reports, conduct investigations, and take other action necessary
17554 or suitable to administer this chapter. Jobs Florida ~~the Agency~~
17555 ~~for Workforce Innovation~~ shall annually submit information to
17556 Workforce Florida, Inc., covering the administration and
17557 operation of this chapter during the preceding calendar year for
17558 inclusion in the strategic plan under s. 445.006 and may make
17559 recommendations for amendment to this chapter.

17560 (2) PUBLICATION OF ACTS AND RULES.—Jobs Florida ~~the Agency~~
17561 ~~for Workforce Innovation~~ shall cause to be printed and
17562 distributed to the public, or otherwise distributed to the
17563 public through the Internet or similar electronic means, the
17564 text of this chapter and of the rules for administering this
17565 chapter adopted by Jobs Florida ~~the agency~~ or the state agency
17566 providing unemployment tax collection services and any other
17567 matter relevant and suitable. Jobs Florida ~~The Agency for~~
17568 ~~Workforce Innovation~~ shall furnish this information to any
17569 person upon request. However, any pamphlet, rules, circulars, or
17570 reports required by this chapter may not contain any matter
17571 except the actual data necessary to complete them or the actual
17572 language of the rule, together with the proper notices.

17573 (3) PERSONNEL.—Subject to chapter 110 and the other
17574 provisions of this chapter, Jobs Florida ~~the Agency for~~

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17575 ~~Workforce Innovation~~ may appoint, set the compensation of, and
17576 prescribe the duties and powers of employees, accountants,
17577 attorneys, experts, and other persons as necessary for the
17578 performance of the ~~agency's~~ duties of Jobs Florida under this
17579 chapter. Jobs Florida ~~The Agency for Workforce Innovation~~ may
17580 delegate to any person its power and authority under this
17581 chapter as necessary for the effective administration of this
17582 chapter and may bond any person handling moneys or signing
17583 checks under this chapter. The cost of these bonds must be paid
17584 from the Employment Security Administration Trust Fund.

17585 (4) EMPLOYMENT STABILIZATION.—Jobs Florida ~~The Agency for~~
17586 ~~Workforce Innovation~~, under the direction of Workforce Florida,
17587 Inc., shall take all appropriate steps to reduce and prevent
17588 unemployment; to encourage and assist in the adoption of
17589 practical methods of career training, retraining, and career
17590 guidance; to investigate, recommend, advise, and assist in the
17591 establishment and operation, by municipalities, counties, school
17592 districts, and the state, of reserves for public works to be
17593 used in times of business depression and unemployment; to
17594 promote the reemployment of the unemployed workers throughout
17595 the state in every other way that may be feasible; to refer any
17596 claimant entitled to extended benefits to suitable work which
17597 meets the criteria of this chapter; and, to these ends, to carry
17598 on and publish the results of investigations and research
17599 studies.

17600 (5) RECORDS AND REPORTS.—Each employing unit shall keep
17601 true and accurate work records, containing the information
17602 required by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17603 its tax collection service provider. These records must be open

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17604 to inspection and are subject to being copied by Jobs Florida
17605 ~~the Agency for Workforce Innovation~~ or its tax collection
17606 service provider at any reasonable time and as often as
17607 necessary. Jobs Florida ~~The Agency for Workforce Innovation~~ or
17608 its tax collection service provider may require from any
17609 employing unit any sworn or unsworn reports, for persons
17610 employed by the employing unit, necessary for the effective
17611 administration of this chapter. However, a state or local
17612 governmental agency performing intelligence or
17613 counterintelligence functions need not report an employee if the
17614 head of that agency determines that reporting the employee could
17615 endanger the safety of the employee or compromise an ongoing
17616 investigation or intelligence mission. Information revealing the
17617 employing unit's or individual's identity obtained from the
17618 employing unit or from any individual through the administration
17619 of this chapter, is, except to the extent necessary for the
17620 proper presentation of a claim or upon written authorization of
17621 the claimant who has a workers' compensation claim pending,
17622 confidential and exempt from s. 119.07(1). This confidential
17623 information is available only to public employees in the
17624 performance of their public duties. Any claimant, or the
17625 claimant's legal representative, at a hearing before an appeals
17626 referee or the commission must be supplied with information from
17627 these records to the extent necessary for the proper
17628 presentation of her or his claim. Any employee or member of the
17629 commission, any employee of Jobs Florida ~~the Agency for~~
17630 ~~Workforce Innovation~~ or its tax collection service provider, or
17631 any other person receiving confidential information who violates
17632 this subsection commits a misdemeanor of the second degree,

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17633 punishable as provided in s. 775.082 or s. 775.083. However,
17634 Jobs Florida ~~the Agency for Workforce Innovation~~ or its tax
17635 collection service provider may furnish to any employer copies
17636 of any report previously submitted by that employer, upon the
17637 request of the employer. Jobs Florida ~~The Agency for Workforce~~
17638 ~~Innovation~~ or its tax collection service provider may charge a
17639 reasonable fee for copies of reports, which may not exceed the
17640 actual reasonable cost of the preparation of the copies as
17641 prescribed by rules adopted by Jobs Florida ~~the Agency for~~
17642 ~~Workforce Innovation~~ or the state agency providing tax
17643 collection services. Fees received by Jobs Florida ~~the Agency~~
17644 ~~for Workforce Innovation~~ or its tax collection service provider
17645 for copies furnished under this subsection must be deposited in
17646 the Employment Security Administration Trust Fund.

17647 (6) OATHS AND WITNESSES.—In the discharge of the duties
17648 imposed by this chapter, Jobs Florida ~~the Agency for Workforce~~
17649 ~~Innovation~~, its tax collection service provider, the members of
17650 the commission, and any authorized representative of any of
17651 these entities may administer oaths and affirmations, take
17652 depositions, certify to official acts, and issue subpoenas to
17653 compel the attendance of witnesses and the production of books,
17654 papers, correspondence, memoranda, and other records deemed
17655 necessary as evidence in connection with the administration of
17656 this chapter.

17657 (7) SUBPOENAS.—If a person refuses to obey a subpoena
17658 issued to that person, any court of this state within the
17659 jurisdiction of which the inquiry is carried on, or within the
17660 jurisdiction of which the person is found, resides, or transacts
17661 business, upon application by Jobs Florida ~~the Agency for~~

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17662 ~~Workforce Innovation~~, its tax collection service provider, the
 17663 commission, or any authorized representative of any of these
 17664 entities has jurisdiction to order the person to appear before
 17665 the entity to produce evidence or give testimony on the matter
 17666 under investigation or in question. Failure to obey the order of
 17667 the court may be punished by the court as contempt. Any person
 17668 who fails or refuses without just cause to appear or testify; to
 17669 answer any lawful inquiry; or to produce books, papers,
 17670 correspondence, memoranda, and other records within her or his
 17671 control as commanded in a subpoena of Jobs Florida ~~the Agency~~
 17672 ~~for Workforce Innovation~~, its tax collection service provider,
 17673 the commission, or any authorized representative of any of these
 17674 entities commits a misdemeanor of the second degree, punishable
 17675 as provided in s. 775.082 or s. 775.083. Each day that a
 17676 violation continues is a separate offense.

17677 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
 17678 excused from appearing or testifying, or from producing books,
 17679 papers, correspondence, memoranda, or other records, before Jobs
 17680 Florida ~~the Agency for Workforce Innovation~~, its tax collection
 17681 service provider, the commission, or any authorized
 17682 representative of any of these entities or as commanded in a
 17683 subpoena of any of these entities in any proceeding before Jobs
 17684 Florida ~~the Agency for Workforce Innovation~~, the commission, an
 17685 appeals referee, or a special deputy on the ground that the
 17686 testimony or evidence, documentary or otherwise, required of the
 17687 person may incriminate her or him or subject her or him to a
 17688 penalty or forfeiture. That person may not be prosecuted or
 17689 subjected to any penalty or forfeiture for or on account of any
 17690 transaction, matter, or thing concerning which she or he is

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17691 compelled, after having claimed her or his privilege against
17692 self-incrimination, to testify or produce evidence, documentary
17693 or otherwise, except that the person testifying is not exempt
17694 from prosecution and punishment for perjury committed while
17695 testifying.

17696 (9) STATE-FEDERAL COOPERATION.—

17697 (a)1. In the administration of this chapter, Jobs Florida
17698 ~~the Agency for Workforce Innovation~~ and its tax collection
17699 service provider shall cooperate with the United States
17700 Department of Labor to the fullest extent consistent with this
17701 chapter and shall take those actions, through the adoption of
17702 appropriate rules, administrative methods, and standards,
17703 necessary to secure for this state all advantages available
17704 under the provisions of federal law relating to unemployment
17705 compensation.

17706 2. In the administration of the provisions in s. 443.1115,
17707 which are enacted to conform with the Federal-State Extended
17708 Unemployment Compensation Act of 1970, Jobs Florida ~~the Agency~~
17709 ~~for Workforce Innovation~~ shall take those actions necessary to
17710 ensure that those provisions are interpreted and applied to meet
17711 the requirements of the federal act as interpreted by the United
17712 States Department of Labor and to secure for this state the full
17713 reimbursement of the federal share of extended benefits paid
17714 under this chapter which is reimbursable under the federal act.

17715 3. Jobs Florida ~~The Agency for Workforce Innovation~~ and its
17716 tax collection service provider shall comply with the
17717 regulations of the United States Department of Labor relating to
17718 the receipt or expenditure by this state of funds granted under
17719 federal law; shall submit the reports in the form and containing

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17720 the information the United States Department of Labor requires;
17721 and shall comply with directions of the United States Department
17722 of Labor necessary to assure the correctness and verification of
17723 these reports.

17724 (b) Jobs Florida ~~the Agency for Workforce Innovation~~ and
17725 its tax collection service provider may cooperate with every
17726 agency of the United States charged with administration of any
17727 unemployment insurance law.

17728 (c) Jobs Florida ~~The Agency for Workforce Innovation~~ and
17729 its tax collection service provider shall cooperate with the
17730 agencies of other states, and shall make every proper effort
17731 within their means, to oppose and prevent any further action
17732 leading to the complete or substantial federalization of state
17733 unemployment compensation funds or state employment security
17734 programs. Jobs Florida ~~The Agency for Workforce Innovation~~ and
17735 its tax collection service provider may make, and may cooperate
17736 with other appropriate agencies in making, studies as to the
17737 practicability and probable cost of possible new state-
17738 administered social security programs and the relative
17739 desirability of state, rather than federal, action in that field
17740 of study.

17741 Section 324. Subsections (1) and (2) of section 443.1715,
17742 Florida Statutes, are amended to read:

17743 443.1715 Disclosure of information; confidentiality.—

17744 (1) RECORDS AND REPORTS.—Information revealing an employing
17745 unit's or individual's identity obtained from the employing unit
17746 or any individual under the administration of this chapter, and
17747 any determination revealing that information, except to the
17748 extent necessary for the proper presentation of a claim or upon

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17749 written authorization of the claimant who has a workers'
17750 compensation claim pending or is receiving compensation
17751 benefits, is confidential and exempt from s. 119.07(1) and s.
17752 24(a), Art. I of the State Constitution. This confidential
17753 information may be released only to public employees in the
17754 performance of their public duties. Except as otherwise provided
17755 by law, public employees receiving this confidential information
17756 must maintain the confidentiality of the information. Any
17757 claimant, or the claimant's legal representative, at a hearing
17758 before an appeals referee or the commission is entitled to
17759 information from these records to the extent necessary for the
17760 proper presentation of her or his claim. A person receiving
17761 confidential information who violates this subsection commits a
17762 misdemeanor of the second degree, punishable as provided in s.
17763 775.082 or s. 775.083. Jobs Florida ~~The Agency for Workforce~~
17764 ~~Innovation~~ or its tax collection service provider may, however,
17765 furnish to any employer copies of any report submitted by that
17766 employer upon the request of the employer and may furnish to any
17767 claimant copies of any report submitted by that claimant upon
17768 the request of the claimant. Jobs Florida ~~The Agency for~~
17769 ~~Workforce Innovation~~ or its tax collection service provider may
17770 charge a reasonable fee for copies of these reports as
17771 prescribed by rule, which may not exceed the actual reasonable
17772 cost of the preparation of the copies. Fees received for copies
17773 under this subsection must be deposited in the Employment
17774 Security Administration Trust Fund.

17775 (2) DISCLOSURE OF INFORMATION.—

17776 (a) Subject to restrictions Jobs Florida ~~the Agency for~~
17777 ~~Workforce Innovation~~ or the state agency providing unemployment

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17778 tax collection services adopts by rule, information declared
17779 confidential under this section is available to any agency of
17780 this or any other state, or any federal agency, charged with the
17781 administration of any unemployment compensation law or the
17782 maintenance of the one-stop delivery system, or the Bureau of
17783 Internal Revenue of the United States Department of the
17784 Treasury, ~~the Governor's Office of Tourism, Trade, and Economic~~
17785 ~~Development~~, or the Florida Department of Revenue. Information
17786 obtained in connection with the administration of the one-stop
17787 delivery system may be made available to persons or agencies for
17788 purposes appropriate to the operation of a public employment
17789 service or a job-preparatory or career education or training
17790 program. Jobs Florida ~~The Agency for Workforce Innovation~~ shall,
17791 on a quarterly basis, furnish the National Directory of New
17792 Hires with information concerning the wages and unemployment
17793 benefits paid to individuals, by the dates, in the format, and
17794 containing the information specified in the regulations of the
17795 United States Secretary of Health and Human Services. Upon
17796 request, Jobs Florida ~~the Agency for Workforce Innovation~~ shall
17797 furnish any agency of the United States charged with the
17798 administration of public works or assistance through public
17799 employment, and may furnish to any state agency similarly
17800 charged, the name, address, ordinary occupation, and employment
17801 status of each recipient of benefits and the recipient's rights
17802 to further benefits under this chapter. Except as otherwise
17803 provided by law, the receiving agency must retain the
17804 confidentiality of this information as provided in this section.
17805 The tax collection service provider may request the Comptroller
17806 of the Currency of the United States to examine the correctness

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17807 of any return or report of any national banking association
17808 rendered under this chapter and may in connection with that
17809 request transmit any report or return for examination to the
17810 Comptroller of the Currency of the United States as provided in
17811 s. 3305(c) of the federal Internal Revenue Code.

17812 (b) The employer or the employer's workers' compensation
17813 carrier against whom a claim for benefits under chapter 440 has
17814 been made, or a representative of either, may request from Jobs
17815 Florida ~~the Agency for Workforce Innovation~~ records of wages of
17816 the employee reported to Jobs Florida ~~the agency~~ by any employer
17817 for the quarter that includes the date of the accident that is
17818 the subject of such claim and for subsequent quarters.

17819 1. The request must be made with the authorization or
17820 consent of the employee or any employer who paid wages to the
17821 employee after the date of the accident.

17822 2. The employer or carrier shall make the request on a form
17823 prescribed by rule for such purpose by the agency. Such form
17824 shall contain a certification by the requesting party that it is
17825 a party entitled to the information requested.

17826 3. Jobs Florida ~~The agency~~ shall provide the most current
17827 information readily available within 15 days after receiving the
17828 request.

17829 Section 325. Section 443.181, Florida Statutes, is amended
17830 to read:

17831 443.181 Public employment service.—

17832 (1) The one-stop delivery system established under s.
17833 445.009 is this state's public employment service as part of the
17834 national system of public employment offices under 29 U.S.C. s.
17835 49. Jobs Florida ~~The Agency for Workforce Innovation~~, under

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17836 policy direction from Workforce Florida, Inc., shall cooperate
17837 with any official or agency of the United States having power or
17838 duties under 29 U.S.C. ss. 49-491-1 and shall perform those
17839 duties necessary to secure to this state the funds provided
17840 under federal law for the promotion and maintenance of the
17841 state's public employment service. In accordance with 29 U.S.C.
17842 s. 49c, this state accepts 29 U.S.C. ss. 49-491-1. Jobs Florida
17843 ~~The Agency for Workforce Innovation~~ is designated the state
17844 agency responsible for cooperating with the United States
17845 Secretary of Labor under 29 U.S.C. s. 49c. Jobs Florida ~~The~~
17846 ~~Agency for Workforce Innovation~~ shall appoint sufficient
17847 employees to administer this section. Jobs Florida ~~The Agency~~
17848 ~~for Workforce Innovation~~ may cooperate with or enter into
17849 agreements with the Railroad Retirement Board for the
17850 establishment, maintenance, and use of one-stop career centers.

17851 (2) All funds received by this state under 29 U.S.C. ss.
17852 49-491-1 must be paid into the Employment Security
17853 Administration Trust Fund, and these funds are available to Jobs
17854 Florida ~~the Agency for Workforce Innovation~~ for expenditure as
17855 provided by this chapter or by federal law. For the purpose of
17856 establishing and maintaining one-stop career centers, Jobs
17857 Florida ~~the Agency for Workforce Innovation~~ may enter into
17858 agreements with the Railroad Retirement Board or any other
17859 agency of the United States charged with the administration of
17860 an unemployment compensation law, with any political subdivision
17861 of this state, or with any private, nonprofit organization. As a
17862 part of any such agreement, Jobs Florida ~~the Agency for~~
17863 ~~Workforce Innovation~~ may accept moneys, services, or quarters as
17864 a contribution to the Employment Security Administration Trust

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17865 Fund.

17866 Section 326. Subsections (1), (2), (3), and (4) of section
17867 443.191, Florida Statutes, are amended to read:

17868 443.191 Unemployment Compensation Trust Fund; establishment
17869 and control.—

17870 (1) There is established, as a separate trust fund apart
17871 from all other public funds of this state, an Unemployment
17872 Compensation Trust Fund, which shall be administered by Jobs
17873 Florida ~~the Agency for Workforce Innovation~~ exclusively for the
17874 purposes of this chapter. The fund shall consist of:

17875 (a) All contributions and reimbursements collected under
17876 this chapter;

17877 (b) Interest earned on any moneys in the fund;

17878 (c) Any property or securities acquired through the use of
17879 moneys belonging to the fund;

17880 (d) All earnings of these properties or securities;

17881 (e) All money credited to this state's account in the
17882 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
17883 1103; and

17884 (f) Advances on the amount in the federal Unemployment
17885 Compensation Trust Fund credited to the state under 42 U.S.C. s.
17886 1321, as requested by the Governor or the Governor's designee.

17887
17888 Except as otherwise provided in s. 443.1313(4), all moneys in
17889 the fund shall be mingled and undivided.

17890 (2) The Chief Financial Officer is the ex officio treasurer
17891 and custodian of the fund and shall administer the fund in
17892 accordance with the directions of Jobs Florida ~~the Agency for~~
17893 ~~Workforce Innovation~~. All payments from the fund must be

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17894 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ or
17895 by an authorized agent. The Chief Financial Officer shall
17896 maintain within the fund three separate accounts:

17897 (a) A clearing account;

17898 (b) An Unemployment Compensation Trust Fund account; and

17899 (c) A benefit account.

17900

17901 All moneys payable to the fund, including moneys received from
17902 the United States as reimbursement for extended benefits paid by
17903 Jobs Florida ~~the Agency for Workforce Innovation~~, must be
17904 forwarded to the Chief Financial Officer, who shall immediately
17905 deposit them in the clearing account. Refunds payable under s.
17906 443.141 may be paid from the clearing account. After clearance,
17907 all other moneys in the clearing account must be immediately
17908 deposited with the Secretary of the Treasury of the United
17909 States to the credit of this state's account in the federal
17910 Unemployment Compensation Trust Fund notwithstanding any state
17911 law relating to the deposit, administration, release, or
17912 disbursement of moneys in the possession or custody of this
17913 state. The benefit account consists of all moneys requisitioned
17914 from this state's account in the federal Unemployment
17915 Compensation Trust Fund. Except as otherwise provided by law,
17916 moneys in the clearing and benefit accounts may be deposited by
17917 the Chief Financial Officer, under the direction of Jobs Florida
17918 ~~the Agency for Workforce Innovation~~, in any bank or public
17919 depository in which general funds of the state are deposited,
17920 but a public deposit insurance charge or premium may not be paid
17921 out of the fund. If any warrant issued against the clearing
17922 account or the benefit account is not presented for payment

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17923 within 1 year after issuance, the Chief Financial Officer must
17924 cancel the warrant and credit without restriction the amount of
17925 the warrant to the account upon which it is drawn. When the
17926 payee or person entitled to a canceled warrant requests payment
17927 of the warrant, the Chief Financial Officer, upon direction of
17928 Jobs Florida ~~the Agency for Workforce Innovation~~, must issue a
17929 new warrant, payable from the account against which the canceled
17930 warrant was drawn.

17931 (3) Moneys may only be requisitioned from the state's
17932 account in the federal Unemployment Compensation Trust Fund
17933 solely for the payment of benefits and extended benefits and for
17934 payment in accordance with rules prescribed by Jobs Florida ~~the~~
17935 ~~Agency for Workforce Innovation~~, or for the repayment of
17936 advances made pursuant to 42 U.S.C. s. 1321, as authorized by
17937 the Governor or the Governor's designee, except that money
17938 credited to this state's account under 42 U.S.C. s. 1103 may
17939 only be used exclusively as provided in subsection (5). Jobs
17940 Florida ~~The Agency for Workforce Innovation~~, through the Chief
17941 Financial Officer, shall requisition from the federal
17942 Unemployment Compensation Trust Fund amounts, not exceeding the
17943 amounts credited to this state's account in the fund, as
17944 necessary for the payment of benefits and extended benefits for
17945 a reasonable future period. Upon receipt of these amounts, the
17946 Chief Financial Officer shall deposit the moneys in the benefit
17947 account in the State Treasury and warrants for the payment of
17948 benefits and extended benefits shall be drawn upon the order of
17949 Jobs Florida ~~the Agency for Workforce Innovation~~ against the
17950 account. All warrants for benefits and extended benefits are
17951 payable directly to the ultimate beneficiary. Expenditures of

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17952 these moneys in the benefit account and refunds from the
17953 clearing account are not subject to any law requiring specific
17954 appropriations or other formal release by state officers of
17955 money in their custody. All warrants issued for the payment of
17956 benefits and refunds must bear the signature of the Chief
17957 Financial Officer. Any balance of moneys requisitioned from this
17958 state's account in the federal Unemployment Compensation Trust
17959 Fund which remains unclaimed or unpaid in the benefit account
17960 after the period for which the moneys were requisitioned shall
17961 be deducted from estimates for, and may be used for the payment
17962 of, benefits and extended benefits during succeeding periods,
17963 or, in the discretion of Jobs Florida ~~the Agency for Workforce~~
17964 ~~Innovation~~, shall be redeposited with the Secretary of the
17965 Treasury of the United States, to the credit of this state's
17966 account in the federal Unemployment Compensation Trust Fund, as
17967 provided in subsection (2).

17968 (4) Subsections (1), (2), and (3), to the extent they
17969 relate to the federal Unemployment Compensation Trust Fund,
17970 apply only while the fund continues to exist and while the
17971 Secretary of the Treasury of the United States continues to
17972 maintain for this state a separate account of all funds
17973 deposited by this state for the payment of benefits, together
17974 with this state's proportionate share of the earnings of the
17975 federal Unemployment Compensation Trust Fund, from which no
17976 other state is permitted to make withdrawals. If the federal
17977 Unemployment Compensation Trust Fund ceases to exist, or the
17978 separate account is no longer maintained, all moneys,
17979 properties, or securities belonging to this state's account in
17980 the federal Unemployment Compensation Trust Fund must be

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17981 transferred to the treasurer of the Unemployment Compensation
17982 Trust Fund, who must hold, invest, transfer, sell, deposit, and
17983 release those moneys, properties, or securities in a manner
17984 approved by Jobs Florida ~~the Agency for Workforce Innovation~~ in
17985 accordance with this chapter. These moneys must, however, be
17986 invested in the following readily marketable classes of
17987 securities: bonds or other interest-bearing obligations of the
17988 United States or of the state. Further, the investment must at
17989 all times be made in a manner that allows all the assets of the
17990 fund to always be readily convertible into cash when needed for
17991 the payment of benefits. The treasurer may only dispose of
17992 securities or other properties belonging to the Unemployment
17993 Compensation Trust Fund under the direction of Jobs Florida ~~the~~
17994 ~~Agency for Workforce Innovation~~.

17995 Section 327. Subsection (10) of section 161.54, Florida
17996 Statutes, is amended to read:

17997 161.54 Definitions.—In construing ss. 161.52-161.58:

17998 (10) “State land planning agency” means Jobs Florida ~~the Department of~~
17999 ~~Community Affairs~~.

18000 Section 328. Subsection (14) of section 163.3221, Florida
18001 Statutes, is amended to read:

18002 163.3221 Florida Local Government Development Agreement
18003 Act; definitions.—As used in ss. 163.3220-163.3243:

18004 (14) “State land planning agency” means Jobs Florida ~~the~~
18005 ~~Department of Community Affairs~~.

18006 Section 329. Subsection (18) of section 380.031, Florida
18007 Statutes, is amended to read:

18008 380.031 Definitions.—As used in this chapter:

18009 (18) “State land planning agency” means Jobs Florida ~~the Department of~~

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18010 ~~Community Affairs~~ and may be referred to in this part as the
18011 "department."

18012 Section 330. Section 20.505, Florida Statutes, is
18013 transferred, renumbered as section 20.605, Florida Statutes, and
18014 amended to read:

18015 20.605 ~~20.505~~ Administrative Trust Fund of Jobs Florida ~~the~~
18016 ~~Agency for Workforce Innovation.~~-

18017 (1) The Administrative Trust Fund is created within Jobs
18018 Florida ~~the Agency for Workforce Innovation.~~

18019 (2) Funds shall be used for the purpose of supporting the
18020 administrative functions of Jobs Florida ~~the agency~~ as required
18021 by law, pursuant to legislative appropriation or an approved
18022 amendment to Jobs Florida ~~the agency's~~ operating budget pursuant
18023 to the provisions of chapter 216.

18024 (3) Notwithstanding the provisions of s. 216.301 and
18025 pursuant to s. 216.351, any balance in the trust fund at the end
18026 of any fiscal year shall remain in the trust fund at the end of
18027 the year and shall be available for carrying out the purposes of
18028 the trust fund.

18029 Section 331. Section 1004.99, Florida Statutes, is
18030 transferred, renumbered as section 445.06, Florida Statutes, and
18031 amended to read:

18032 445.06 ~~1004.99~~ Florida Ready to Work Certification
18033 Program.-

18034 (1) There is created the Florida Ready to Work
18035 Certification Program to enhance the workplace skills of
18036 Floridians ~~Florida's students~~ to better prepare them for
18037 successful employment in specific occupations.

18038 (2) The Florida Ready to Work Certification Program may be

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18039 conducted in public middle and high schools, community colleges,
18040 technical centers, one-stop career centers, vocational
18041 rehabilitation centers, and Department of Juvenile Justice
18042 educational facilities. The program may be made available to
18043 other entities that provide job training. Jobs Florida, in
18044 coordination with the Department of Education, shall establish
18045 institutional readiness criteria for program implementation.

18046 (3) The Florida Ready to Work Certification Program shall
18047 be composed of:

18048 (a) A comprehensive identification of workplace skills for
18049 each occupation identified for inclusion in the program by Jobs
18050 Florida ~~the Agency for Workforce Innovation~~ and the Department
18051 of Education.

18052 (b) A preinstructional assessment that delineates an
18053 individual's ~~the student's~~ mastery level on the specific
18054 workplace skills identified for that occupation.

18055 (c) A targeted instructional program limited to those
18056 identified workplace skills in which the individual ~~student~~ is
18057 not proficient as measured by the preinstructional assessment.
18058 Instruction must utilize a web-based program and be customized
18059 to meet identified specific needs of local employers.

18060 (d) A Florida Ready to Work Credential and portfolio
18061 awarded to individuals ~~students~~ upon successful completion of
18062 the instruction. Each portfolio must delineate the skills
18063 demonstrated by the individuals ~~student~~ as evidence of the
18064 individual's ~~student's~~ preparation for employment.

18065 (4) A Florida Ready to Work Credential shall be awarded to
18066 an individual ~~a student~~ who successfully passes assessments in
18067 Reading for Information, Applied Mathematics, and Locating

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18068 Information or any other assessments of comparable rigor. Each
18069 assessment shall be scored on a scale of 3 to 7. The level of
18070 the credential each individual student receives is based on the
18071 following:

18072 (a) A bronze-level credential requires a minimum score of 3
18073 or above on each of the assessments.

18074 (b) A silver-level credential requires a minimum score of 4
18075 or above on each of the assessments.

18076 (c) A gold-level credential requires a minimum score of 5
18077 or above on each of the assessments.

18078 (5) Jobs Florida ~~The State Board of Education~~, in
18079 consultation with the Department of Education ~~Agency for~~
18080 ~~Workforce Innovation~~, may adopt rules pursuant to ss. 120.536(1)
18081 and 120.54 to implement the provisions of this section.

18082 Section 332. Section 14.2015, Florida Statutes, is
18083 repealed.

18084 Section 333. Section 20.18, Florida Statutes, is repealed.

18085 Section 334. Section 20.50, Florida Statutes, is repealed.

18086 Section 335. Sections 255.551, 255.552, 255.553, 255.5535,
18087 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,
18088 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

18089 Section 336. Section 287.115, Florida Statutes, is
18090 repealed.

18091 Section 337. Section 288.038, Florida Statutes, is
18092 repealed.

18093 Section 338. Section 288.9618, Florida Statutes, is
18094 repealed.

18095 Section 339. Section 288.982, Florida Statutes, is
18096 repealed.

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18097 Section 340. Section 411.0105, Florida Statutes, is
18098 repealed.

18099 Section 341. Section 446.60, Florida Statutes, is repealed.

18100 Section 342. Section 1002.75, Florida Statutes, is
18101 repealed.

18102 Section 343. This act shall take effect July 1, 2011.

18103