

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
MILITARY AND VETERANS AFFAIRS, SPACE, AND
DOMESTIC SECURITY
Senator Altman, Chair
Senator Gibson, Vice Chair

MEETING DATE: Tuesday, March 25, 2014
TIME: 2:00 —5:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Abruzzo, Bullard, Dean, Evers, Gardiner, Legg, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 296 Criminal Justice / Brandes (Identical CS/H 209)	Carrying a Concealed Weapon or a Concealed Firearm; Providing an exemption from criminal penalties for carrying a concealed weapon or a concealed firearm when complying with a mandatory evacuation order during a declared state of emergency, etc. CJ 03/03/2014 Fav/CS MS 03/19/2014 Temporarily Postponed MS 03/25/2014 Temporarily Postponed CA	Temporarily Postponed
2	SB 338 Bullard (Similar H 1429)	Community Redevelopment; Renaming the Community Redevelopment Act of 1969; redefining the term "blighted area," as applicable to the Community Redevelopment Act of 1969, to include land previously used as a military facility and adjacent to a county-owned zoological park, etc. CA 03/11/2014 Favorable MS 03/25/2014 Favorable CM AP	Favorable Yeas 7 Nays 0
3	SB 1120 Abruzzo (Identical H 997)	Military Affairs; Prohibiting a public employer from compelling an employee who is the spouse of a military servicemember to work extended work hours during active duty deployment of his or her spouse; prohibiting the imposition of a sanction or penalty upon such employee for failure or refusal to work extended work hours during the period of his or her spouse's active duty deployment; requiring a public employer to grant a request by such employee for unpaid leave for specified purposes during the active duty deployment, etc. MS 03/25/2014 Fav/CS CM AGG AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
Tuesday, March 25, 2014, 2:00 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1634 Commerce and Tourism (Compare H 611, H 7023, S 1116)	Department of Economic Opportunity; Requiring each county and municipality to adopt and enforce land development regulations in accordance with the submitted comprehensive plan; revising legislative intent for purposes of the Florida Small Cities Community Development Block Grant Program; requiring the Department of Economic Opportunity to adopt rules establishing a competitive selection process for loan guarantees and grants awarded under the block grant program; deleting the requirement that an unemployed individual take an initial skill review before he or she is eligible to receive reemployment assistance benefits, etc. CA 03/19/2014 Favorable MS 03/25/2014 Fav/CS AP	Fav/CS Yeas 7 Nays 0
5	Joint Presentation by FDLE and FDEM on Domestic Security Funding		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 296

INTRODUCER: Criminal Justice Committee and Senator Brandes

SUBJECT: Carrying a Concealed Weapon or a Concealed Firearm

DATE: March 18, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Fav/CS
2.	Ryon	Ryon	MS	Pre-meeting
3.			CA	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 296 creates an exception to s. 790.01, F.S. Section 790.01, F.S., is the statute that prohibits carrying concealed weapons or firearms unless a person is licensed to do so or if the weapon is a self-defense chemical spray or nonlethal stun gun or similar device designed for defensive purposes.

The exception provided in the bill only allows a person to carry a concealed weapon, or firearm if he or she may otherwise lawfully possess a firearm, while complying with a mandatory evacuation order issued pursuant to ch. 252, F.S., regardless of licensure status.

II. Present Situation:

Under current Florida law, it is lawful for a person to carry a concealed weapon without a concealed weapon license for purposes of lawful self-defense, so long as the weapon is limited to self-defense chemical spray, a nonlethal stun gun, a dart-firing stun gun, or other nonlethal electric weapon or device that is designed solely for defensive purposes.¹

¹ s. 790.01(4), F.S.

Without licensure, carrying a different type of concealed weapon,² electric weapon, or device other than one designed solely for defensive purposes is a first degree misdemeanor.³ Carrying a concealed firearm without proper licensure is a third degree felony offense.⁴

It is lawful for a person to openly carry a self-defense chemical spray, nonlethal stun gun or dart-firing stun gun, or other nonlethal electric weapon or device that is designed solely for defensive purposes.⁵

Certain persons under particular circumstances are exempt from the limitations on the open carry of weapons in s. 790.053, F.S., and the concealed firearm carry licensure requirements in s. 790.06, F.S., when the weapons and firearms are lawfully owned, possessed, and used. These persons and circumstances include:

- Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;
- Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chs. 250 and 251, F.S., and under federal laws, when on duty or when training or preparing themselves for military duty;
- Persons carrying out or training for emergency management duties under ch. 252, F.S.;
- Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of ch. 354, F.S., and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;
- Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;
- Officers or employees of the state or United States duly authorized to carry a concealed weapon;
- Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;
- A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

² A concealed weapon, under s. 790.001(3)(a), F.S., means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person. The weapons listed in this definition require licensure to carry them in a concealed manner.

³ s. 790.01(1), F.S.

⁴ s. 790.01(2), F.S.

⁵ s. 790.053, F.S.

- A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;
- A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;
- A person firing weapons in a safe and secure indoor range for testing and target practice;
- A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;
- A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;
- A person possessing arms at his or her home or place of business; and
- Investigators employed by the public defenders and capital collateral regional counsel of the state, while actually carrying out official duties.⁶

Concealed Weapons and Firearm Licensure

The Department of Agriculture and Consumer Services (DACCS) is authorized to issue concealed weapon and firearm licenses to those applicants that qualify.⁷ Concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie but not a machine gun for purposes of the licensure law.⁸

To obtain a concealed weapons or firearm license, a person must complete, under oath, an application that includes:

- The name, address, place and date of birth, race, and occupation of the applicant;
- A full frontal view color photograph of the applicant which must be taken within the preceding 30 days;
- A statement that the applicant has been furnished with a copy of ch. 790, F.S., relating to weapons and firearms and is knowledgeable of its provisions;
- A warning that the application is executed under oath with penalties for falsifying or substituting false documents;
- A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense;
- A full set of fingerprints;
- Documented proof of completion of a firearms safety and training course; and
- A nonrefundable license fee.⁹

Additionally, the applicant must attest that he or she is in compliance with the criteria contained in subsections (2) and (3) of s. 790.06, F.S.

⁶ s. 790.25(3), F.S.

⁷ s. 790.06(1), F.S.

⁸ *Id.*

⁹ s. 790.06(1)-(5), F.S.

Subsection (2) of s. 790.06, F.S., requires DACS to issue the license to carry a concealed weapon, if all other requirements are met, and the applicant:

- Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;
- Is 21 years of age or older;
- Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is not ineligible to possess a firearm pursuant to s. 790.23, F.S., by virtue of having been convicted of a felony;
- Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;
- Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under ch. 397, F.S., or under the provisions of former ch. 396, F.S., or has been convicted under s. 790.151, F.S., or has been deemed a habitual offender under s. 856.011(3), F.S., or has had two or more convictions under s. 316.193, F.S., or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;
- Has not been adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
- Has not been committed to a mental institution under ch. 394, F.S., or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
- Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
- Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
- Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.¹⁰

DACS must deny the application if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence

¹⁰ s. 790.06(2), F.S.

constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged.¹¹

DACS shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years.¹²

DACS shall, upon notification by a law enforcement agency, a court, or the Florida Department of Law Enforcement and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case.¹³ DACS shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence.¹⁴

In addition, DACS is required to suspend or revoke a concealed weapons license if the licensee:

- Is found to be ineligible under the criteria set forth in subsection (2);
- Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23, F.S.;
- Is found guilty of a crime under the provisions of ch. 893, F.S., or similar laws of any other state, relating to controlled substances;
- Is committed as a substance abuser under ch. 397, F.S., or is deemed a habitual offender under s. 856.011(3), F.S., or similar laws of any other state;
- Is convicted of a second violation of s. 316.193, F.S., or a similar law of another state, within 3 years of a previous conviction of such section, or similar law of another state, even though the first violation may have occurred prior to the date on which the application was submitted;
- Is adjudicated an incapacitated person under s. 744.331, F.S., or similar laws of any other state; or
- Is committed to a mental institution under ch. 394, F.S., or similar laws of any other state.¹⁵

Licensees must carry their license and valid identification any time they are in actual possession of a concealed weapon or firearm and display both documents upon demand by a law enforcement officer.¹⁶ Failure to have proper documentation and display it upon demand is a second degree misdemeanor.¹⁷

¹¹ s. 790.06(3), F.S.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ s. 790.06(10), F.S.

¹⁶ s. 790.790.06(1), F.S.

¹⁷ s. 790.06(1), F.S.

A concealed weapon or firearms license does not authorize a person to carry a weapon or firearm in a concealed manner into:

- Any place of nuisance as defined in s. 823.05, F.S.;
- Any police, sheriff, or highway patrol station;
- Any detention facility, prison, or jail;
- Any courthouse;
- Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
- Any polling place;
- Any meeting of the governing body of a county, public school district, municipality, or special district;
- Any meeting of the Legislature or a committee thereof;
- Any school, college, or professional athletic event not related to firearms;
- Any school administration building;
- Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
- Any elementary or secondary school facility;
- Any career center;
- Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
- Inside the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
- Any place where the carrying of firearms is prohibited by federal law.

Any person who willfully violates any of the above-listed provisions commits a misdemeanor of the second degree.¹⁸

Firearms in Vehicles

It is lawful for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. The same is true for a legal long gun, without the need for encasement, when it is carried in the private conveyance for a lawful purpose.¹⁹

“Securely encased” means in a glove compartment, whether or not locked; snapped in a holster; in a gun case, whether or not locked; in a zippered gun case; or in a closed box or container

¹⁸ s. 790.06(12), F.S.

¹⁹ s. 790.25(5), F.S.

which requires a lid or cover to be opened for access.²⁰ The term “readily accessible for immediate use” means that a firearm or other weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as easily and quickly as if carried on the person.²¹

Reciprocity

DACS provides an up-to-date list of the states that honor Florida concealed carry licenses.²² It should be noted that travel with a concealed weapon or firearm into states that do not honor Florida’s concealed carry licenses, or when a person does not possess a concealed carry license subjects the person to the laws of that state.

Limitations on Purchase of a Firearm

Florida law prohibits transfer of a firearm by a federally licensed firearm dealer to a person who:

- Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23, F.S.;
- Has been convicted of a misdemeanor crime of domestic violence;
- Has had an adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless three years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred;
- Has been indicted or has had an information filed against her or him for an offense that is a felony under state or federal law (pending disposition information that indicates the potential buyer is not prohibited);
- Has had an injunction for protection against domestic violence entered against him or her under s. 741.30, F.S.;
- Has had an injunction for protection against repeat violence entered against him or her under s. 784.046, F.S.; or
- Has been arrested for a dangerous crime as specified under s. 907.041(4)(a), F.S., or the crimes listed in s. 790.065(2)(c), F.S., (pending disposition information that indicates the potential buyer is not prohibited).

Emergency Management Powers of the Governor

Section 252.36(1), F.S., states that the Governor is responsible for meeting the dangers presented to this state and its people by emergencies. Under that authority the Governor can declare a state of emergency.

Section 252.36(2), F.S., provides that the state of emergency shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.

²⁰ s. 790.001(17), F.S.

²¹ s. 790.001(16), F.S.

²² <http://www.freshfromflorida.com/content/download/7444/118465/ReciprocityList.pdf>

The Legislature by concurrent resolution may terminate a state of emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of emergency.

In addition, pursuant to s. 252.36(5), F.S., the Governor may:

- Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state;²³ and
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. However, nothing contained in ss. 252.31-252.90, F.S., shall be construed to authorize the seizure, taking, or confiscation of firearms that are lawfully possessed, unless a person is engaged in the commission of a criminal act.²⁴

III. Effect of Proposed Changes:

The bill creates an exception to s. 790.01, F.S., the statute that prohibits carrying concealed weapons or firearms unless a person is licensed to do so. If the weapon is a self-defense chemical spray or nonlethal stun gun or similar device designed for defensive purposes, a person may carry it concealed without a license.

The exception provided in the bill allows a person to carry a concealed weapon or firearm on or about his or her person, regardless of licensure status, while complying with a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S. In order to carry a firearm the person must be lawfully able to possess the firearm.

The bill provides an effective date of July 1, 2014.

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.

²³ s. 252.36(5)(e), F.S.

²⁴ s. 252.36(5)(h), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference considered SB 296 on January 30, 2014 and determined that it would have an insignificant prison bed impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 790.01 of the Florida Statutes.

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

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

CS by Criminal Justice on March 3, 2014:

Clarifies that convicted felons who are not permitted to possess a firearm under any circumstances are not permitted to do so while following an evacuation order.

B. Amendments:

None.



615304

LEGISLATIVE ACTION

Senate	.	House
Comm: PEND	.	
03/25/2014	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 790.01, Florida Statutes, is amended to
read:

790.01 Unlicensed carrying of concealed weapons or
concealed firearms.—

(1) Except as provided in subsection (3) ~~(4)~~, a person who
is not licensed under s. 790.06 and who carries a concealed



615304

11 weapon or electric weapon or device on or about his or her
12 person commits a misdemeanor of the first degree, punishable as
13 provided in s. 775.082 or s. 775.083.

14 (2) Except as provided in subsection (3), a person who is
15 not licensed under s. 790.06 and who carries a concealed firearm
16 on or about his or her person commits a felony of the third
17 degree, punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 (3) This section does not apply to: ~~a person licensed to~~
20 ~~carry a concealed weapon or a concealed firearm pursuant to the~~
21 ~~provisions of s. 790.06.~~

22 (a) A person who carries a concealed weapon, or a person
23 who may lawfully possess a firearm and who carries a concealed
24 firearm, on or about his or her person while in the act of
25 complying with a mandatory evacuation order issued during a
26 state of emergency declared by the Governor pursuant to chapter
27 252 or declared by a local authority pursuant to chapter 870.

28 ~~(b)(4) It is not a violation of this section for~~ A person
29 ~~who carries to carry~~ for purposes of lawful self-defense, in a
30 concealed manner:

31 1.(a) A self-defense chemical spray.

32 2.(b) A nonlethal stun gun or dart-firing stun gun or other
33 nonlethal electric weapon or device that is designed solely for
34 defensive purposes.

35 ~~(4)(5)~~ This section does not preclude any prosecution for
36 the use of an electric weapon or device, a dart-firing stun gun,
37 or a self-defense chemical spray during the commission of any
38 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
39 790.235, or for any other criminal offense.



615304

40 Section 2. This act shall take effect July 1, 2014.

41

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

43 And the title is amended as follows:

44 Delete everything before the enacting clause
45 and insert:

46 A bill to be entitled
47 An act relating to carrying a concealed weapon or a
48 concealed firearm; amending s. 790.01, F.S.; providing
49 an exemption from criminal penalties for carrying a
50 concealed weapon or a concealed firearm while in the
51 act of complying with a mandatory evacuation order
52 during a declared state of emergency; providing an
53 effective date.

By the Committee on Criminal Justice; and Senator Brandes

591-02083-14

2014296c1

A bill to be entitled

An act relating to carrying a concealed weapon or a concealed firearm; amending s. 790.01, F.S.; providing an exemption from criminal penalties for carrying a concealed weapon or a concealed firearm when complying with a mandatory evacuation order during a declared state of emergency; providing an effective date.

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

Section 1. Section 790.01, Florida Statutes, is amended to read:

790.01 Carrying concealed weapons or concealed firearms.—

(1) Except as provided in subsection (3) ~~(4)~~, a person who carries a concealed weapon or electric weapon or device on or about his or her person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Except as provided in subsection (3), a person who carries a concealed firearm on or about his or her person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section does not apply to:

(a) A person licensed to carry a concealed weapon or a concealed firearm pursuant to the provisions of s. 790.06.

(b) A person who carries a concealed weapon or a person who may lawfully possess a firearm and who carries a concealed firearm on or about his or her person while complying with a mandatory evacuation order issued during a state of emergency declared by the Governor pursuant to chapter 252.

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

591-02083-14

2014296c1

~~(c)(4) It is not a violation of this section for~~ A person who carries ~~to carry~~ for purposes of lawful self-defense, in a concealed manner:

1. ~~(a)~~ A self-defense chemical spray.

2. ~~(b)~~ A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

~~(4)(5)~~ This section does not preclude any prosecution for the use of an electric weapon or device, a dart-firing stun gun, or a self-defense chemical spray during the commission of any criminal offense under s. 790.07, s. 790.10, s. 790.23, or s. 790.235, or for any other criminal offense.

Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Thad Altman, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 24, 2014

I respectfully request that **Senate Bill #296**, relating to Carrying a Concealed Weapon or Concealed Firearm, be placed on the:

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

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal line extending to the right.

Senator Jeff Brandes
Florida Senate, District 22

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Military and Veterans Affairs, Space, and Domestic Security
ITEM: CS/SB 296
FINAL ACTION:
MEETING DATE: Tuesday, March 25, 2014
TIME: 2:00 —5:00 p.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/19/2014 1 Amendment 615304		3/19/2014 2 Motion to Temporarily Postpone		3/25/2014 3 Motion to Temporarily Postpone	
			Evers		Altman		Evers	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
		Bullard						
		Dean						
		Evers						
		Gardiner						
		Legg						
		Sachs						
		Gibson, VICE CHAIR						
		Altman, CHAIR						
		TOTALS	PEND	-	FAV	-	FAV	-
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
 UNF=Unfavorable
 -R=Reconsidered

RCS=Replaced by Committee Substitute
 RE=Replaced by Engrossed Amendment
 RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
 VA=Vote After Roll Call
 VC=Vote Change After Roll Call

WD=Withdrawn
 OO=Out of Order
 AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 338

INTRODUCER: Senator Bullard

SUBJECT: Community Redevelopment

DATE: March 24, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Hoagland</u>	<u>Ryon</u>	<u>MS</u>	Favorable
3.	_____	_____	<u>CM</u>	_____
4.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 338 expands the definition of “blighted area” for purposes of the Community Redevelopment Act to include land that was previously used as a military facility and is located adjacent to a county-owned zoological park.

II. Present Situation:

Community Redevelopment Act

The Community Redevelopment Act of 1969,¹ authorizes a county or municipality to create community redevelopment areas (CRAs) as a means of redeveloping slums and blighted areas. Community Redevelopment Areas are not permitted to levy or collect taxes; however, the local governing body is permitted to establish a community redevelopment trust fund that is funded through tax increment financing (TIF).² Taxing authorities must annually appropriate an amount representing the calculated increment revenue to the redevelopment trust fund. This revenue is used to back bonds issued to finance redevelopment projects. School district revenues are not subject to the tax increment mechanism.

Counties and municipalities are prohibited from exercising the community redevelopment authority provided by the Community Redevelopment Act until they adopt an ordinance that declares an area to be a slum or a blighted area.³

¹ Chapter 163, F.S., part III.

² Through tax increment financing, a baseline tax amount is chosen, and then in future years, any taxes generated above that baseline amount are transferred into the trust fund.

³ Sections 163.355(1) and 163.360(1), F.S.

Section 163.340(8), F.S., defines “blighted area” as follows:

An area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term “blighted area” also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by inter-local agreement or agreements with the agency or by resolution, that the area is blighted.

Disposal of Military Real Property

The U.S. Department of Defense (DOD) provides for the disposal of real property “for which there is no foreseeable military requirement, either in peacetime or for mobilization.”⁴ Disposal of such property is subject to a number of statutory and department regulations which consider factors such as the:

- Presence of any hazardous material contamination;
- Valuation of property assets;
- McKinney-Vento Homeless Assistance Act;

⁴ Department of Defense, *Real Property Disposal*, Instruction 4165.72.

- National Historic Preservation Act;
- Real property mineral rights; and
- Presence of floodplains and wetlands.⁵

Once the DOD has classified land as excess to their needs, the land is transferred to the Office of Real Property Disposal within the federal General Services Administration (GSA). With general federal surplus lands, GSA has a clear process wherein they first offer the land to other federal agencies. If no other federal agency identifies a need, the land is then labeled “surplus” (rather than “excess”) and available for transfer to state and local governments and certain nonprofit agencies. Uses that benefit the homeless must be given priority, and then the land may be transferred at a discount of up to 100 percent if it is used for other specific types of public uses, which include education, corrections, emergency management, airports, self-help housing, parks and recreation, law enforcement, wildlife conservation, public health, historic monuments, port facilities, and highways. If the public use is not among those public benefits, the GSA may negotiate a sale at appraised fair market value to a state or local government for another public purpose.⁶

The Base Realignment and Closure Act of 1990 (BRAC) provides for an exception to the normal process by which the DOD disposes of military real property.

The BRAC process makes recommendations for realigning and closing military facilities. The BRAC process was undertaken in 1988, 1991, 1993, 1995, and 2005. Surplus disposal authority is delegated to the DOD when BRAC properties are involved. The Secretary of Defense is authorized to work with Local Redevelopment Authorities (LRAs) in determining what to do with surplus BRAC properties, including the possibility of transferring BRAC property to an LRA at reduced or no cost for the purpose of economic development. The Secretary of Defense is responsible for determining what constitutes an LRA⁷ and what cost, if any, will be associated with the transfer.⁸ LRAs are responsible for designing a comprehensive plan for reuse of BRAC property, culminating in a redevelopment plan, which is submitted to DOD and included as part of the proposed federal action.

There are four Florida cities that have been affected by BRAC closures, all resulting from the 1993 BRAC process. Homestead Air Force Base was realigned in 1992; Pensacola’s Naval Aviation Depot and Fleet and Industrial Supply Center were closed in 1996; Jacksonville’s Cecil Field was closed in 1999; and Orlando’s Naval Training Center and Naval Hospital were closed in 1999.⁹

⁵ *Id.*

⁶ General Services Administration Public Buildings Service, *Acquiring Federal Real Estate for Public Uses* (Sep. 2007), available at <https://extportal.pbs.gsa.gov/RedinetDocs/cm/rcdocs/Acquiring%20Federal%20Real%20Estate%20for%20Public%20Uses1222988606483.pdf> (last visited Feb. 20, 2014).

⁷ Pursuant to the BRAC, an LRA is “any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.” Base Closure Act, Section 2910(9).

⁸ Congressional Research Service, *Base Realignment and Closure (BRAC): Transfer and Disposal of Military Property* (Feb. 28, 2013), <http://www.fas.org/sgp/crs/natsec/R40476.pdf> (last visited Feb. 20, 2014).

⁹ United States Department of Defense, *Major Base Closure Summary*, <http://www.defense.gov/faq/pis/17.html> (last visited Feb. 20, 2014).

Zoo Miami Entertainment Area

Since 1997, Miami-Dade County has expressed interest in developing the area around Metrozoo as a recreation destination.¹⁰ In 2006, the Board of County Commissioners acquired a 39-acre portion of the U.S. Coast Guard (USCG) property adjacent to current Metrozoo property for the purpose of developing a family entertainment center near the zoo.¹¹ In 2009, the USCG formally issued the criteria for completely replacing the base, under which the five active Coast Guard missions comprising the Base must be located elsewhere, and the land considered for discount conveyance to the county. The county has since been in negotiations with federal authorities to acquire additional portions of the base.¹²

In December of 2012, the Miami-Dade County Department of Parks, Recreation and Open Spaces put out an invitation to negotiate to attract potential developers. The Zoo Miami Entertainment Area would include a Resort Hotel, Conference Center, a Theme Park, and a Water Park.

The Theme Park at the Zoo Miami Entertainment Area, as considered in 2009, was projected to necessitate 6,097 construction jobs, bring 2,071 permanent jobs to the area, and have a total local tax impact of \$6.16 million, annually. The resort hotel and conference center was projected to require 2,410 construction jobs, create 1,261 permanent jobs, and have a total local tax impact of \$4.75 million, annually.¹³

III. Effect of Proposed Changes:

Section 1 renames the title as the “Senator Larcenia Bullard Community Redevelopment Act.”

Section 2 expands the current definition of the term "blighted area" provided for in s. 163.340(8), F.S., to include land that was previously used as a military facility and is located adjacent to a county-owned zoological park.

Section 3 provides an effective date of July 1, 2014.

¹⁰ Miami-Dade County Park and Recreation Dep't, *Economic Impact Study: Miami-Metrozoo Entertainment Area Sub Area II* (Oct. 2009).

¹¹ *Id.*

¹² The County seeks an additional 279 acres from the base. Hortense Leon, *Miami-Dade County Aims to Redevelop 400 Acres Near Zoo Miami* (Jan. 8, 2013), <http://www.worldpropertychannel.com/north-america-commercial-news/miami-dade-county-aims-to-redevelop-400-acres-near-zoo-miami-6424.php> (last visited Feb. 20, 2014); Deserae del Campo, *County Must Get Federal Ok To Develop Around Metrozoo*, Miami Today News, (Jan. 19, 2006), available at <http://www.miamitodaynews.com/news/060119/story4.shtml> (last visited Feb. 20, 2014); Oscar Pedro Musibay, *Plans for Entertainment District Near Miami Metrozoo Progress*, South Florida Business Journal, (Sep. 21, 2009), available at <http://www.bizjournals.com/southflorida/stories/2009/09/21/story6.html> (last visited Feb. 20, 2014).

¹³ Miami-Dade County Park and Recreation Dep't, *Economic Impact Study: Miami-Metrozoo Entertainment Area Sub Area II* (Oct. 2009), at 12-16, available at <http://www.miamidade.gov/planning/library/reports/2009-10-cdmp-economic-application-4.pdf> (last visited Feb. 20, 2014).

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:

Community redevelopment agencies will be able to develop a community redevelopment plan utilizing the expanded definition of “blighted area” to include land that was previously used as a military facility and is located adjacent to a county-owned zoological park. As a result, these areas may receive TIF revenues under the Community Redevelopment Act, and property values in the area may increase as a result of any improvements using TIF. Redevelopment of these areas can contribute to increased economic interest in a region and an overall improved economic condition.

Counties and municipalities are required by s. 163.345, F.S., to prioritize private enterprise in the rehabilitation and redevelopment of blighted areas. The increase in ad valorem taxation could be used to finance private development projects within this new category of “blighted area.” Overall property values in the surrounding area may also increase as a result, affecting current homeowners’ resale values and ad valorem taxation.

C. Government Sector Impact:

A municipality or county would be able to develop a community redevelopment plan utilizing the expanded definition of “blighted area” to include land that was previously used as a military facility and is located adjacent to a county-owned zoological park. This could result in a portion of the ad valorem taxes from those lands being used for TIF. County and municipal governments would not receive the benefit of the ad valorem tax revenue on the increase in property value within the CRA, but could see an increase in other aspects of the local economy.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 163.330, and 163.340 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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



595002

LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
03/25/2014	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Altman) recommended the following:

Senate Amendment (with title amendment)

Between lines 70 and 71

insert:

Section 3. Paragraph (a) of subsection (2) of section 163.387, Florida Statutes, is republished and paragraph (c) of that subsection is amended, to read:

163.387 Redevelopment trust fund.—

(2) (a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance



11 providing for funding of the redevelopment trust fund as
12 provided in this section, each taxing authority shall, by
13 January 1 of each year, appropriate to the trust fund for so
14 long as any indebtedness pledging increment revenues to the
15 payment thereof is outstanding (but not to exceed 30 years) a
16 sum that is no less than the increment as defined and determined
17 in subsection (1) or paragraph (3)(b) accruing to such taxing
18 authority. If the community redevelopment plan is amended or
19 modified pursuant to s. 163.361(1), each such taxing authority
20 shall make the annual appropriation for a period not to exceed
21 30 years after the date the governing body amends the plan but
22 no later than 60 years after the fiscal year in which the plan
23 was initially approved or adopted. However, for any agency
24 created on or after July 1, 2002, each taxing authority shall
25 make the annual appropriation for a period not to exceed 40
26 years after the fiscal year in which the initial community
27 redevelopment plan is approved or adopted.

28 (c) The following public bodies or taxing authorities are
29 exempt from paragraph (a):

30 1. A special district that levies ad valorem taxes on
31 taxable real property in more than one county.

32 2. A special district for which the sole available source
33 of revenue the district has the authority to levy is ad valorem
34 taxes at the time an ordinance is adopted under this section.
35 However, revenues or aid that may be dispensed or appropriated
36 to a district as defined in s. 388.011 at the discretion of an
37 entity other than such district shall not be deemed available.

38 3. A library district, except a library district in a
39 jurisdiction where the community redevelopment agency had



595002

40 validated bonds as of April 30, 1984.

41 4. A neighborhood improvement district created under the
42 Safe Neighborhoods Act.

43 5. A metropolitan transportation authority.

44 6. A water management district created under s. 373.069.

45 7. For a community redevelopment area created after July 1,
46 2014, a hospital district that is a special district as defined
47 in s. 189.403, a county hospital that has taxing authority under
48 chapter 155, or a public health trust established under s.
49 154.07.

50

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

52 And the title is amended as follows:

53 Delete line 8

54 and insert:

55 owned zoological park; amending s. 163.387, F.S.;

56 adding an exemption to the list of public bodies or

57 taxing authorities that are exempt from appropriating

58 certain revenues to the redevelopment trust fund;

59 providing an effective date.

By Senator Bullard

39-00180A-14

2014338__

A bill to be entitled

An act relating to community redevelopment; amending s. 163.330, F.S.; renaming the Community Redevelopment Act of 1969; amending s. 163.340, F.S.; redefining the term "blighted area," as applicable to the Community Redevelopment Act of 1969, to include land previously used as a military facility and adjacent to a county-owned zoological park; providing an effective date.

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

Section 1. Section 163.330, Florida Statutes, is amended to read:

163.330 Short title.—This part ~~shall be known and~~ may be cited as the "Senator Larcenia Bullard Community Redevelopment Act ~~of 1969.~~"

Section 2. Subsection (8) of section 163.340, Florida Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

(a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

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

39-00180A-14

2014338__

(b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;

(c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(d) Unsanitary or unsafe conditions;

(e) Deterioration of site or other improvements;

(f) Inadequate and outdated building density patterns;

(g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;

(h) Tax or special assessment delinquency exceeding the fair value of the land;

(i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;

(j) Incidence of crime in the area higher than in the remainder of the county or municipality;

(k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;

(l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;

(m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

Page 2 of 3

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

39-00180A-14

2014338__

59

60 However, the term "blighted area" also means an ~~any~~ area in
61 which at least one of the factors identified in paragraphs (a)
62 through (n) ~~is~~ ~~are~~ present and all taxing authorities subject to
63 s. 163.387(2) (a) agree, ~~either~~ by interlocal agreement, ~~by~~ ~~or~~
64 agreements with the agency, or by resolution, that the area is
65 blighted, or an area that was previously used as a military
66 facility and is adjacent to a county-owned zoological park. Such
67 agreement or resolution shall ~~only~~ determine only that the area
68 is blighted. For purposes of qualifying for the tax credits
69 authorized in chapter 220, "blighted area" means an area as
70 defined in this subsection.

71

Section 3. This act shall take effect July 1, 2014.



The Florida Senate

Committee Agenda Request


To: Senator Thad Altman, Chair
Committee on Military Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 12, 2013

I respectfully request that **Senate Bill #338**, relating to Community Redevelopment, be placed on the:

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



Senator Dwight Bullard
Florida Senate, District 39

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Military and Veterans Affairs, Space, and Domestic Security
ITEM: SB 338
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 25, 2014
TIME: 2:00 —5:00 p.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/25/2014 1 Motion to consider late-filed A595002		3/25/2014 2 Late Filed Amendment 595002			
			Altman		Altman			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
X		Bullard		X				
X		Dean	X					
X		Evers	X					
		Gardiner						
X		Legg	X					
X		Sachs		X				
X		Gibson, VICE CHAIR		X				
X		Altman, CHAIR	X					
7	0	TOTALS	-	UNF	-	-		
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
 UNF=Unfavorable
 -R=Reconsidered

RCS=Replaced by Committee Substitute
 RE=Replaced by Engrossed Amendment
 RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
 VA=Vote After Roll Call
 VC=Vote Change After Roll Call

WD=Withdrawn
 OO=Out of Order
 AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 1120

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

SUBJECT: Military Affairs

DATE: March 26, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hoagland</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>AGG</u>	_____
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1120 prohibits a state agency from requiring an employee to work more than the hours in his or her established workday or work period during the time that his or her spouse is deployed on active duty military service.

The bill also requires a state agency to approve up to 4 working days of unpaid leave to the spouse of a deployed military member to attend to matters directly related to implementation of deployment orders. Leave taken under this provision would run concurrently with any qualifying exigency leave granted pursuant to the Family and Medical Leave Act.

II. Present Situation:

Military Related Leaves of Absence to Public Officials and Employees

The United States Code and the Florida Statutes both address leaves of absence by reason of service in the U.S. military. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) addresses the employment and reemployment rights of all uniformed service members.¹ Part IV of ch. 250, F.S., incorporates the USERRA and provides an additional

¹ 38 U.S.C. s. 4301-4335

civil penalty of not more than \$1,000 per violation.² In addition to the employment rights provided in USERRA for federal uniformed service, s. 250.482, F.S., provides similar protection for members of the National Guard who are ordered into state active duty.³

Chapter 115, F.S., also addresses leaves of absence to public officials and employees relating to military service. This chapter provides certain leave protections for state and local employees who are called to active military service. For example, all officers or employees of the state, counties, municipalities or political subdivisions of the state who are members of the U.S. Reserve Forces or the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.⁴

Section 115.08, F.S., provides definitions for the chapter and defines the term “active military service” as signifying active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces, and includes the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

Current law, however, does not provide special considerations in working conditions for an employee of the state or local government who is the spouse of a servicemember of the United States Armed Forces if the servicemember is deployed on active duty military service.

Federal Family and Medical Leave Act

The federal Family and Medical Leave Act (FMLA)⁵ contains two leave entitlements that benefit families of servicemembers in the United States Armed Forces, qualifying exigency leave and military caregiver leave.

For qualifying exigency leave, eligible employees who are the spouse, son, daughter, or parent of a military member may take up to 12 weeks of FMLA leave during any 12-month period to address the most common issues that arise when a military member is deployed to a foreign country, such as attending military sponsored functions, making appropriate financial and legal

² Section 250.905, F.S.

³ Subsection 250.01(21), F.S., defines “state active duty” as: full-time duty in active military service of the State of Florida when ordered by the Governor or Adjutant General in accordance with s. 250.06, s. 250.10, or s. 250.28 to preserve the public peace, execute the laws of the state, suppress insurrection, repel invasion, enhance security and respond to terrorist threats or attacks, respond to an emergency as defined in s. 252.34 or to imminent danger of an emergency, enforce the law, carry out counter-drug operations, provide training, provide for the security of the rights or lives of the public, protect property, or conduct ceremonies. The term includes the duties of officers or enlisted personnel who are employed under the order of the Governor in recruiting; making tours of instruction; inspecting troops, armories, storehouses, campsites, rifle ranges, or military property; sitting on general or special courts-martial, boards of examination, courts of inquiry, or boards of officers; or making or assisting in physical examinations. The term shall also include the period during which a person in active military service is absent from duty as a result of illness, being wounded, being on leave, or other lawful cause.

⁴ Subsection 115.07(1), F.S.

⁵ 29 U.S.C. s. 2601, *et seq.*

arrangements, and arranging for alternative childcare.⁶ For military caregiver leave, eligible employees who are the spouse, son, daughter, parent or next of kin of a covered servicemember may take up to 26 weeks of FMLA leave during a single 12-month period to care for the servicemember who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty on active duty.⁷ These provisions apply to the families of members of both the active duty and reserve components of the Armed Forces.

An employer may require that an employee seeking leave under the FMLA provide certification to substantiate the reason for taking leave.⁸

In order to be considered an “eligible employee,” the employee must have at least 12 months of service with the employer and have worked at least 1,250 hours within the previous 12 months.⁹ Employers subject to the FMLA include all state and local public agencies and private employers with more than 50 employees.¹⁰

Covered active duty under the FMLA is defined by rule as follows:

- Covered active duty or call to covered active duty status in the case of a member of the Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. The active duty orders of a member of the Armed Forces will generally specify if the member is deployed to a foreign country.
- Covered active duty or call to covered active duty status in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.¹¹

Overtime, Extended Work Hours, and Public Employees

The federal Fair Labor Standards Act (FLSA)¹² provides that covered employees¹³ of public agencies¹⁴ who work in excess of the standard amount of hours in a given work period are entitled to either overtime pay or, if there is an applicable agreement, to special compensatory leave.¹⁵

⁶ 29 U.S.C. s. 2612(a)(1)(E).

⁷ See 29 C.F.R. s. 825.126(b) for a more detailed list of exigent circumstances that entitle an eligible employee to FMLA military leave.

⁸ 29 U.S.C. s. 2613.

⁹ 29 U.S.C. ss. 2611(2)(A).

¹⁰ 29 U.S.C. s. 2611(4)(A)(iii), defining “public agency” by cross-reference to 29 U.S.C. s. 203(x) .

¹¹ See 29 C.F.R. s. 825.126(a).

¹² 29 U.S.C. s. 201, *et seq.*

¹³ Certain classes of employees, such as those working in executive and professional capacities, are excluded from the wage and hour provisions of the FLSA. 29 U.S.C. s. 213.

¹⁴ 29 U.S.C. s. 203(x), defining “public agency” as “the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Regulatory Commission), a State, or a political subdivision of a State; or any interstate governmental agency.”

¹⁵ 29 U.S.C. s. 207.

Florida law governing compensation and work hours of state employees is controlled by the requirements of the FLSA. Career service employees are entitled to special compensatory leave for overtime hours worked; however, senior management service and selected exempt service employees are expected to work the hours necessary to complete their tasks, and generally are not entitled to overtime pay.¹⁶ Counties, municipalities, or other political subdivisions likewise are bound by the FLSA. Counties, municipalities, or other political subdivisions may require executive and professional workers to work extended hours as necessary absent an agreement or ordinance to the contrary.

“Employing Agency” Defined

Subsection 110.107(24), F.S., defines “employing agency” to mean any agency authorized to employ personnel to carry out the responsibilities of the agency under the provisions of ch. 20, F.S., or other statutory authority. Chapter 20, F.S., provides for the organization of state departments created in the executive branch and specifically creates the following departments: Department of State, Department of Legal Affairs, Department of Financial Services, Department of Agriculture and Consumer Services, Department of Education, Board of Governors of the State University System, Department of Business and Professional Regulation, Department of Children and Families, Agency for Persons with Disabilities, Department of Law Enforcement, Department of Revenue, Department of Management Services, Department of Transportation, Department of Highway Safety and Motor Vehicles, Department of Environmental Protection, State Board of Administration, Department of Citrus and the Florida Citrus Commission, Department of Corrections, Department of Juvenile Justice, Department of the Lottery, Parole Commission, Fish and Wildlife Conservation Commission, Department of Veterans’ Affairs, Department of Elderly Affairs, Agency for Health Care Administration, Department of Health, and Department of Economic Opportunity.¹⁷

III. Effect of Proposed Changes:

The bill creates s. 115.135, F.S., to prohibit an employing agency, as defined in s. 110.107(24), F.S., from requiring an employee to work more than the hours in his or her established workday or work period during the time that his or her spouse is deployed on active military service.

The bill also requires an employing agency to approve requests for up to 4 working days of unpaid leave for an employee whose spouse is deployed on active military service to attend to matters directly related to implementation of deployment orders for each deployment. Leave taken under this provision would run concurrently with any qualifying exigency leave granted pursuant to the Family and Medical Leave Act of 1993, as amended. The practical effect of the bill would be to extend protected leave to employees not otherwise eligible under the FMLA (i.e., employees that do not have 12 months of service with the employer or employees that have not worked 1,250 hours in the previous 12 months).

The bill clarifies that active military service does not include active duty training and provides that a servicemember must be deployed at a location other than the servicemember’s permanent duty station.

¹⁶ Rule 60L-34.0031(3), Fla. Admin. Code.

¹⁷ See ch. 20, F.S.

The Department of Management Services (DMS) is authorized to adopt rules to administer the provisions in the bill.

The bill provides an effective date of July 1, 2014.

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:

Prohibiting state agencies from requiring a spouse of a deployed service member from working extended or overtime hours and having to provide up to a maximum of four days of leave without pay may have an indeterminate negative fiscal impact.

The economic impact cannot be estimated at this time. On January 31, 2014, deployment numbers indicate that 5,333 servicemembers were deployed from Florida, while 12,380 deployed servicemembers claimed Florida as their place of residence.¹⁸ Neither of these numbers factor in marital status.¹⁹ In order to estimate the impact, a determination would need to be made as to how many spouses will be located in Florida during the deployment. The number of spouses in Florida would need to be reduced by those not working for a state agency.

¹⁸ Data provided by Florida Department of Military Affairs. March, 20, 2013. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee).

¹⁹ Based on national data, approximately 44 percent of servicemembers deployed are not married. (Data provided by Florida Department of Military Affairs. March, 20, 2013.)

The Department of Management Services may incur some expenses in adopting procedural rules for certain state personnel.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 115.135 of the Florida Statutes.

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on March 25, 2014:

The committee substitute:

- Limits the bill to certain state agencies as defined in s. 110.107(24), F.S., thus removing impacts on local government employers;
- Removes the finding of important state interest;
- Exempts active duty training from the provisions of the bill;
- Clarifies that the servicemember must be deployed at a location other than the servicemember's permanent duty station; and
- Broadens the DMS rulemaking authority to address administration of all provisions of the bill.

- B. **Amendments:**

None.



874964

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Abruzzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 115.135, Florida Statutes, is created to
read:

115.135 Leave considerations; spouses of military
servicemembers in active military service.-

(1) For purposes of this section, the term:

(a) "Employing agency" has the same meaning as in s.



874964

11 110.107(24).

12 (b) "Active military service" does not include active duty
13 training.

14 (2) An employing agency may not:

15 (a) Compel an employee who is the spouse of a servicemember
16 of the United States Armed Forces to work hours in excess of the
17 scheduled hours in the employee's established work period during
18 a period in which his or her spouse is deployed on active
19 military service at a location other than the servicemember's
20 permanent duty station.

21 (b) Impose a sanction or penalty upon an employee who is
22 the spouse of a servicemember of the United States Armed Forces
23 for failure or refusal to work hours in excess of the scheduled
24 hours in the employee's established work period during a period
25 in which his or her spouse is deployed on active military
26 service at a location other than the servicemember's permanent
27 duty station.

28 (3) An employing agency shall grant a request by an
29 employee who is the spouse of a servicemember of the United
30 States Armed Forces deployed on active military service at a
31 location other than the servicemember's permanent duty station
32 for unpaid leave not to exceed 4 working days per deployment for
33 the purpose of attending to matters directly related to the
34 implementation of deployment orders of his or her spouse. Leave
35 taken pursuant to this subsection shall run concurrently with
36 any qualifying exigency leave granted by the public employer
37 pursuant to the Family and Medical Leave Act of 1993, as
38 amended, 29 U.S.C. ss. 2601 et seq.

39 (4) The Department of Management Services may adopt rules



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40 to administer this section.

41 Section 2. This act shall take effect July 1, 2014.

42

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

44 And the title is amended as follows:

45 Delete everything before the enacting clause
46 and insert:

47 A bill to be entitled
48 An act relating to military affairs; creating s.
49 115.135, F.S.; defining terms; prohibiting an
50 employing agency from compelling an employee who is
51 the spouse of a military servicemember to work
52 extended work hours during active military service
53 deployment of his or her spouse under specified
54 circumstances; prohibiting the imposition of a
55 sanction or penalty upon such employee for failure or
56 refusal to work extended work hours during the period
57 of his or her spouse's active military service
58 deployment under specified circumstances; requiring a
59 public employer to grant a request by such employee
60 for unpaid leave for certain purposes during the
61 active military service deployment under specified
62 circumstances; providing a limitation on such unpaid
63 leave; authorizing the Department of Management
64 Services to adopt rules; providing an effective date.

By Senator Abruzzo

25-00784A-14

20141120__

A bill to be entitled

An act relating to military affairs; creating s. 115.135, F.S.; defining terms; prohibiting a public employer from compelling an employee who is the spouse of a military servicemember to work extended work hours during active duty deployment of his or her spouse; prohibiting the imposition of a sanction or penalty upon such employee for failure or refusal to work extended work hours during the period of his or her spouse's active duty deployment; requiring a public employer to grant a request by such employee for unpaid leave for specified purposes during the active duty deployment; providing a limitation on such unpaid leave; authorizing the Department of Management Services to adopt certain rules; declaring that the act fulfills an important state interest; providing an effective date.

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

Section 1. Section 115.135, Florida Statutes, is created to read:

115.135 Leave considerations; spouses of military servicemembers on active duty.-

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

(a) "Public employer" means the state or any county, municipality, or other political subdivision.

(b) "State Personnel System" means the employment system consisting of positions within the career service, selected

Page 1 of 3

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

25-00784A-14

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exempt service, or senior management service and within all agencies except those in the State University System, the Department of the Lottery, the Legislature, the Justice Administrative Commission, or the state courts system.

(2) (a) A public employer may not compel an employee who is the spouse of a servicemember of the United States Armed Forces to work hours in excess of the scheduled hours in the employee's established workday or work period during a period in which his or her spouse is deployed on active duty military service.

(b) A public employer may not impose a sanction or penalty upon an employee who is the spouse of a servicemember of the United States Armed Forces for failure or refusal to work hours in excess of the scheduled hours in the employee's established workday or work period during a period in which his or her spouse is deployed on active duty military service.

(3) (a) A public employer shall grant a request by an employee who is the spouse of a servicemember of the United States Armed Forces deployed on active duty military service for unpaid leave not to exceed 4 working days per deployment for the purpose of attending to matters directly related to the implementation of deployment orders of his or her spouse. Leave taken pursuant to this subsection shall run concurrently with any qualifying exigency leave granted by the public employer pursuant to the Family and Medical Leave Act of 1993, as amended, 29 U.S.C. ss. 2601 et seq.

(b) The Department of Management Services may adopt rules to establish procedures for granting leave pursuant to paragraph (a) for the State Personnel System.

Section 2. To support servicemembers of the United States

Page 2 of 3

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

25-00784A-14

20141120__

59 Armed Forces and their families, the Legislature finds that a
60 proper and legitimate state purpose is served by prohibiting a
61 public employer from requiring an employee whose spouse is
62 deployed on active duty military service to work in excess of
63 the scheduled hours in the employee's established workday or
64 work period. The Legislature also finds that a proper and
65 legitimate state purpose is served by authorizing an employee of
66 a public employer whose spouse is deployed on active duty
67 military service to take unpaid leave to attend to matters
68 directly related to the implementation of the deployment orders
69 of his or her spouse. Therefore, the Legislature determines and
70 declares that this act fulfills an important state interest.

71 Section 3. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Vice Chair*
Environmental Preservation and
Conservation, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on Finance and Tax
Communications, Energy, and Public Utilities
Military Affairs, Space, and Domestic Security

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Chair*

SENATOR JOSEPH ABRUZZO

25th District

March 11th, 2014

The Honorable Thad Altman
The Florida Senate
314 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Altman:

I respectfully request that Senate Bill 1120, related to military affairs, be placed on the Military and Veterans Affairs, Space, and Domestic Security committee agenda. This legislation will prohibit a public employer from compelling an employee who is the spouse of a military servicemember to work extended work hours during active duty deployment of his or her spouse.

Thank you for your consideration. Please let me know if I can provide any further information.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Abruzzo".

Joseph Abruzzo

cc: Elizabeth Ryon, Staff Director

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Military and Veterans Affairs, Space, and Domestic Security
ITEM: SB 1120
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 25, 2014
TIME: 2:00 —5:00 p.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/25/2014 1 Amendment 874964 Gibson		3/25/2014 2 Motion to report as Committee Substitute			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
		Abruzzo						
X		Bullard						
X		Dean						
X		Evers						
		Gardiner						
X		Legg						
X		Sachs						
X		Gibson, VICE CHAIR						
X		Altman, CHAIR						
7	0	TOTALS	RCS	-	FAV	-	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable UNF=Unfavorable -R=Reconsidered	RCS=Replaced by Committee Substitute RE=Replaced by Engrossed Amendment RS=Replaced by Substitute Amendment	TP=Temporarily Postponed VA=Vote After Roll Call VC=Vote Change After Roll Call	WD=Withdrawn OO=Out of Order AV=Abstain from Voting
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 1634

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Commerce and Tourism Committee

SUBJECT: Department of Economic Opportunity

DATE: March 26, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Siples</u>	<u>Hrdlicka</u>		CM SPB 7058 as introduced
2.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	Fav/CS
4.	<u> </u>	<u> </u>	<u>AP</u>	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1634 modifies several activities under the jurisdiction of the Department of Economic Opportunity (DEO). The bill establishes requirements for the operation of all loan programs administered by the DEO to increase accountability and performance of loan programs under ch. 288, F.S.

The bill revises the Florida Small Cities Community Development Block Grant Act to streamline application procedures and competitive grant scoring criteria, grant rulemaking authority to the DEO, and streamline public hearing requirements.

The bill requires Space Florida to consult with the Florida Tourism Industry Marketing Corporation rather than Enterprise Florida, Inc., in developing a space marketing plan. The requirement for the establishment of a Center for Excellence for Aerospace is repealed, and is instead permissive. Space Florida is required to provide support to universities in Florida that are members of the Federal Aviation Administration's Center of Excellence for Commercial Space Transportation.

The bill repeals the requirement for reemployment assistance claimants to complete an initial skills review and requires the DEO to develop a voluntary online assessment to identify an individual's skills, abilities, and career aptitude. The DEO, through the regional workforce

boards and one-stop centers, must offer services and training to individuals that are consistent with the results of the online assessment.

The bill implements changes to the Short Time Compensation program to conform to federal law, including requiring an employer to describe how its plan will be implemented, requiring an employer to treat the fringe benefits of participants the same as if he or she was not a participant, and prohibiting the DEO from denying benefits due to an individual's participation in certain training programs.

The bill extends the ability of employers to make quarterly contributions to the Unemployment Compensation Trust Fund, rather than a single, annual payment. This provision was set to sunset in 2014.

The bill rebrands "rural areas of critical economic concern" as "rural areas of opportunity."

II. Present Situation:

Loan Programs Administered by the Department of Economic Opportunity

The DEO administers the following loan programs under ch. 288, F.S.:

- Rural Development Revolving Loan Program;
- Economic Gardening Business Loan Pilot Program; and
- Black Business Loan Program.

Rural Community Development Revolving Loan Program

The Rural Community Development Revolving Loan Program¹ provides long-term loans, loan guarantees, and loan loss reserves to units of local governments or economic development organizations substantially underwritten by a unit of local government. Applicants must be within a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, including those residing in incorporated areas and those residing in unincorporated areas of the county; or within a rural area of critical economic concern.²

Requests for loans must be made by application to the DEO and are made pursuant to agreements specifying the terms and conditions agreed to between the applicant and the DEO. All repayments of principal and interest must be returned to the loan fund and made available for loans to other applicants. However, upon approval by the DEO, in a rural area of critical economic concern repayments of principal and interest may be retained by the applicant if such repayments are dedicated and matched to fund regionally-based economic development organizations representing the rural area of critical economic concern.³

¹ Section 288.065, F.S. See also DEO, Rural Revolving Loan Program, available at <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/economic-development/rural-revolving-loan-program> (last visited March 10, 2014).

² Section 288.065(2)(a), F.S. The term "rural area of critical economic concern" is defined in s. 288.0656(2)(d), F.S.

³ Section 288.065(2)(b) and (c), F.S.

The DEO is directed to manage the fund and establish loan practices that include procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The DEO is granted the authority for the final approval for any loan under the program.⁴

Economic Gardening Business Loan Pilot Program

The Economic Gardening Business Loan Pilot Program⁵ provides low-interest, short-term loans to second-stage, high growth businesses. For eligibility in the loan program, a business must:⁶

- Be a for-profit, privately-held, investment-grade business that employs between 10 and 50 persons;
- Have maintained its principal place of business in Florida for at least the last two years;
- Generate between \$1 million and \$25 million in annual revenue;
- Be eligible for the Qualified Targeted Industry tax refund program pursuant to s. 288.106, F.S.;⁷ and
- Have experienced steady growth in its gross revenues and employment in at least three of the preceding five years.

The maximum amount of the loan available for receipt under the pilot program is \$250,000. The proceeds of the loan may be used for working capital purchases, employee training, or salaries for newly created jobs in the state. The loan period is 4 years.⁸

The DEO is authorized to designate one or more qualified entities to serve as loan administrators for the program. A loan administrator must be a Florida not-for-profit corporation that has its principal place of business in this state, and have at least 5 years of verifiable experience of lending to businesses in this state.⁹

The DEO, upon selection of a loan administrator, must enter into a grant agreement with the administrator to issue the available loans to eligible applicants. The grant agreement must specify the aggregate amount of the loans authorized for award by the loan administrator. The term of the grant agreement must be at least 4 years, except that the DEO may terminate the agreement earlier if the loan administrator fails to meet minimum performance standards set by the DEO. The grant agreement may be amended by mutual consent of both parties.¹⁰

A loan administrator is entitled to receive a loan origination fee, payable at closing, of 1 percent of each loan issued by the loan administrator and a servicing fee of 0.625 percent per annum of the loan's outstanding principal balance, payable monthly. During the first 12 months of the loan, the servicing fee must be paid from the disbursement from the Economic Development

⁴ Section 288.065(3), F.S.

⁵ Section 288.1081, F.S. See the DEO's website for more information about the pilot program and loans made, *available at* <http://floridajobs.org/news-center/reports-and-legislative-presentations> (last visited March 10, 2014).

⁶ Sections 288.1081(3)(a), F.S., and 288.1082(4)(a), F.S.

⁷ The qualified targeted industries are clean tech, life sciences, info tech, aviation/aerospace, homeland security/defense, and financial/professional services.

⁸ Section 288.1081(4), F.S.

⁹ Section 288.1081(5), F.S.

¹⁰ Section 288.1081(5)(b), F.S.

Trust Fund, and thereafter the loan administrator must collect the servicing fee from the payments made by the borrower, charging the fee against repayments of principal.¹¹

The loan administrator, after collecting the servicing fee, must remit the borrower's collected interest, principal payments, and charges for late payments to the DEO on a quarterly basis. If the borrower defaults on the loan, the loan administrator must initiate collection efforts to seek repayment of the loan. Upon collecting payments for a defaulted loan, the loan administrator, must remit the payments to the DEO; but, to the extent authorized in the grant agreement, may deduct the costs of the administrator's collection efforts. The DEO must deposit all funds received under this provision into the General Revenue Fund.¹²

The loan administrator is required to submit quarterly reports to the DEO, which must include the information required in the grant agreement, which must include the number of full-time equivalent jobs created as a result of the loans, the amount of wages paid to employees in the newly created jobs, and the locations and types of economic activity undertaken by the borrowers.¹³

The DEO contracted with the Black Business Investment Fund to administer the pilot program in 2009, and received an initial appropriation of \$8.5 million.¹⁴ No additional funds have been appropriated to the program.

The program expires July 1, 2016.¹⁵

Black Business Loan Program

Under the Black Business Loan Program,¹⁶ the DEO annually certifies entities to provide loans, loan guarantees, or investments to black business enterprises that cannot obtain capital through conventional lending institutions but that could otherwise compete successfully in the private sector.¹⁷

The program is subject to annual legislative appropriation. If the Black Business Loan Program is appropriated any funding in a fiscal year, the DEO must distribute an equal amount of the appropriation to each eligible entity, calculated as the total annual appropriation divided by the total number of eligible entities certified on or before July 31 of that fiscal year.¹⁸

¹¹ Section 288.1081(5)(d), F.S.

¹² Section 288.1081(5)(e), F.S.

¹³ Section 288.1081(5)(f), F.S.

¹⁴ Chapter 2009-1, L.O.F.

¹⁵ Section 288.1081(10), F.S.

¹⁶ Section 288.7102, F.S. *See also* DEO, Minority-Owned Business Assistance, Black Business Loan Program, available at <http://www.floridajobs.org/business-growth-and-partnerships/for-businesses-and-entrepreneurs/business-resources/minority-owned-business-assistance> (last visited March 10, 2014).

¹⁷ Section 288.7102(1), F.S.

¹⁸ Section 288.7102(3), F.S.

An entity submitting an initial application for certification must demonstrate that it has:¹⁹

- A board of directors that includes citizens of the state experienced in the development of black business enterprises.
- A business plan that allows the recipient to operate in a manner consistent with the law and the DEO's rules for the program.
- The technical skills to analyze and evaluate applications by black business enterprises for loans, loan guarantees, or investments.
- Established viable partnerships with public and private funding sources, economic development agencies, and workforce development and job referral networks.
- The ability to provide a private match equal to 20 percent of the amount of funds provided by the DEO.

An eligible entity must be a corporation registered in this state. Existing certified entities must annually submit to the DEO a financial audit performed by an independent certified public accountant for the most recently completed fiscal year. The audit must not reveal any material weaknesses or instances of material noncompliance.²⁰

Both existing and new entities must agree to maintain the books and records relating to funds received by the DEO according to generally accepted accounting principles and in accordance with the requirements of the Single Audit Act.²¹ The entities must also agree to make those books and records available to the DEO for inspection upon reasonable notice.²²

Each eligible entity must meet the requirements of the loan program, the terms of the contract between the entity and the DEO, and any other applicable state or federal laws. An entity may not receive funds unless the entity meets annual certification requirements.²³

For Fiscal Year 2013-14, there are 6 certified entities and the amount appropriated was \$2.225 million.²⁴

Florida Small Cities Community Development Block Grant Program

The Community Development Block Grant (CDBG) Program is a federally funded housing and community development program that targets assistance to low and moderate income populations. Administered by the U.S. Department of Housing and Urban Development (HUD), the program provides annual grants on a formula basis to units of local government and states. Eligible program activities include housing rehabilitation and preservation, economic development, and water and sewer facilities construction. The Federal CDBG regulations set forth eligible activities and the national objectives that each activity must meet.²⁵ As recipients of

¹⁹ Section 288.7102(4)(c), F.S.

²⁰ Section 288.7102(4), F.S.

²¹ See s. 215.97, F.S.

²² Section 288.7102(4)(d), F.S.

²³ Section 288.7102(5), F.S.

²⁴ Chapter 2012-118, L.O.F.

²⁵ The regulations implementing the CDBG Program are found at 24 C.F.R. Part 570.

CDBG funds, grantees are charged with ensuring that these requirements are met. States are given “maximum feasible deference” in the administration of the program.²⁶

Local governments in urban areas apply for and receive funds directly from HUD.²⁷ Rural or smaller area governments also receive grants but these funds are first funneled through the state. In Florida, this competitive rural distribution mechanism is known as the Florida Small Cities Community Block Grant Program (Small Cities CDBG), which is administered by the DEO. The Small Cities CDBG program grants assistance to non-entitlement communities within the state (i.e., cities with fewer than 50,000 residents and counties with fewer than 200,000 residents). The state annually develops funding priorities and criteria for selecting projects.²⁸

Established in 1983, the intent of Florida’s Small Cities CDBG program resonates with the federal CDBG legislation. The primary purposes of the program outlined in s. 290.0411, F.S., include community development and project planning activities to maintain viable communities, revitalize existing communities, expand economic development and employment opportunities, and improve housing conditions and expand housing opportunities, providing direct benefit to persons of low or moderate income.

Communities in the state with populations below the entitlement thresholds must compete for funding by submitting applications through the Small Cities CDBG programs. There are 246 communities eligible to participate in the program for the Federal Fiscal Year 2013 funding cycle.²⁹ The DEO annually develops funding priorities and criteria for selecting Small Cities CDBG projects subject to statutory provisions and applicable rules.³⁰

While federal regulations “give maximum feasible deference to the state’s interpretation of the statutory requirements” of CDBG, Florida’s Small Cities CDBG is bound by the national objectives and eligible activities of the federal act.³¹

²⁶ U.S. Department of Housing and Urban Development, Office of Block Grant Assistance, “Basically CDBG Guide,” (July 2012), available at https://www.onecpd.info/resources/documents/BasicallyCDBG_Guidebook.pdf (last visited March 10, 2014). “Maximum feasible deference” provides for minimal regulation beyond the statute; and states can adopt more restrictive requirements, but may not contradict or be inconsistent with the Housing and Community Development Act of 1974.

²⁷ *Id.* This is referred to as the “Entitlement Program” and to be eligible an entity must be a city in a metropolitan area with a population of 50,000 or more, a principal city of a metropolitan area, or an urban county with a population of at least 200,000.

²⁸ 24 C.F.R. Part 91 requires states to submit a consolidated plan 45 days before the start of its program year. The plan must include the objectives and outcomes identified in the plan, as well as an evaluation of past performance. The plan must also include a housing and homeless needs assessment, housing market analysis, a strategic plan for addressing identified needs and how the allocation of funds will resolve needs across income categories, an action plan, certain certifications, and a plan for monitoring the activities carried out under the program.

²⁹ The DEO, “State of Florida Annual Action Plan for Programs Funded by the U.S. Department of Housing and Urban Development, Federal Fiscal Year 2013,” 10-12, available at <http://www.floridajobs.org/fhcd/cdbg/Files/ConsolidatedPlan/FINALAnnualActionPlan2013.pdf> (last visited March 10, 2014).

³⁰ Small Cities CDBG is administered in accordance with ss. 290.0401-290.048, F.S., ch. 73C-23, F.A.C., (formerly 9B-43), and 24 C.F.R. 570, Subpart I.

³¹ 24 C.F.R. s. 570.480(c).

Small Cities CDBG HUD Allocation

HUD determines the amount of the Small Cities CDBG funding allocation using a formula comprised of several measures of community need, including the extent of poverty, population, housing overcrowding, age of housing, and population growth lag in relationship to other states.³² Each year since 1983, Florida has received between \$18 and \$35 million from HUD for the program.³³ Florida's Federal Fiscal Year 2013 allocation is \$22,887,374.³⁴

Categories of Funding

Section 290.044, F.S., specifies certain grant program categories for the Small Cities CDBG and allows the DEO to define the broad community objectives served by each category. Major grant categories and the DEO's defined objectives are:³⁵

- Commercial Revitalization – The objective of this category is to revitalize commercial areas that are showing signs of decline by addressing problems causing deterioration or decline. Activities that achieve this objective include installation or reconstruction of necessary public improvements, and repair and rehabilitation of building facades.
- Economic Development – Economic development objectives include promoting investment of private capital, retaining local economic enterprises, and providing long-term jobs with growth potential primarily for very low-, low-, and moderate-income persons. Activities that achieve this objective include acquisition, construction, or rehabilitation of commercial and industrial buildings, and activities designed to provide job training and job placement. Eligible local governments may apply up to three times in any annual funding cycle for an Economic Development grant. Applicants may have up to two open Economic Development grants.³⁶
- Housing Rehabilitation – The objective of this category is to improve housing conditions and expand housing opportunities for very low-, low- and moderate-income persons. Activities that achieve this objective include rehabilitation of housing or publicly owned or acquired properties, and weatherization and energy-efficiency improvements.
- Neighborhood Revitalization – The objective of this category is to revitalize declining neighborhoods and improve infrastructure. Activities that may achieve this objective may involve street paving, construction, or rehabilitation of neighborhood facilities that provide health, social, or recreational services.

³² HUD, "Community Development Block Grant – CDBG," *available at* http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs (last visited March 10, 2014).

³³ DEO, "Florida Small Cities Community Development Block Grant Program," *available at* <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program> (last visited March 10, 2013).

³⁴ The DEO, "State of Florida Annual Action Plan" at 5. Pending Congressional action on funding for federal fiscal year 2013, the Plan uses the federal fiscal year 2012 funding levels.

³⁵ The DEO, "State of Florida Annual Action Plan."

³⁶ Rule 73C-23.0041(6)(f). F.A.C., stipulates that an economic development project must meet a national objective through the creation or retention of jobs, of which 51 percent must be jobs for persons from low to moderate-income households and must provide a public benefit by creating or retaining a number of full time equivalent jobs that divided into the subgrant amount results in a cost per job of under \$35,000.

Beyond the major funding categories, s. 290.044, F.S., also permits the DEO to annually set aside a portion of Small Cities CDBG funding for use in emergencies or natural disasters that have been declared by executive order. Funds not allocated under the emergency-related set-aside by the last quarter of the state Fiscal Year are distributed to unfunded applications from the other categories.

Local governments applying for Small Cities CDBG funds must consider national and state goals and objectives when developing applications for funding. Applications may reflect more than one activity, but each eligible activity must meet at least one of the three national objectives (i.e., benefit low- and moderate-income persons, eliminate slum or blight, or meet an urgent need).

Grant Selection Criteria and Process

Upon receipt of an application, an initial review is conducted by the DEO to determine if threshold criteria have been met. This review is used as a screening method to ensure compliance with minimum application requirements. Specific criteria established by s. 290.0475, F.S., govern whether the DEO may reject an application without regard to scoring. These criteria are:

- The application is not received by the specified deadline date;
- The proposed project activities fail to meet one of the three national objectives;
- The proposed activities are not eligible;
- The proposed activities are not in compliance with the adopted local comprehensive plan;
- The applicant has an open Housing, Neighborhood or Commercial Revitalization CDBG;
- The local government is not in compliance with citizen participation requirements; or
- Information provided in the application that affects eligibility or scoring is misrepresented.

Section 290.046(3), F.S., establishes grant application ranking components and their respective score weighting:

- Community need (25 percent) measures the extent of poverty in the community and the condition of physical structures. Each application, regardless of program category is scored on the same community need criteria.³⁷
- Project impact (65 percent) measures the direct benefit received by persons of low income and persons of moderate income, the extent to which the problem identified is addressed by the proposed activities, and the extent to which resources other than the funds being applied for are being used to carry out the proposed activities. Project impact criteria are unique to each program category.³⁸
- Equal opportunity employment and housing performance (10 percent) measures outstanding efforts in this area.

While the Small Cities CDBG Program does not require local governments to provide matching funds, the competitive scoring criteria do favor applications that leverage other funds. Local government general revenue, as well as other loan and grant funds, may be counted as leveraged funds.

³⁷ Rule 73C-23.0041(10)(b)4., F.A.C., specifies three factors to determine community need: 1) the number of low and moderate income persons, 2) the number of persons below poverty level, and 3) the number of year-round housing units with 1.01 or more persons per room.

³⁸ Section 290.046(3)(d), F.S., further provides that the criteria used to measure the direct benefit to persons of low income and persons of moderate income shall represent no less than 42 percent of the points assigned to the program impact factor.

The DEO may not award a grant until it has determined, based upon a site visit, that a project or activities are eligible, in accordance with the description contained in the application.³⁹

Local Government Citizen Participation Requirements

Section 290.046, F.S., and federal regulations, set out the requirements local governments must follow to obtain citizen input for Small Cities CDBGs. Local governments submitting a CDBG application must comply with citizen participation requirements as provided in the Housing and Community Development Act of 1974, and the DEO's rules. To ensure compliance, these provisions are incorporated in grant applications, the scoring system and award agreements.⁴⁰ Prior to the submission of an application for funding, a local government must:

- Publicize information concerning the amount of funds available to the local government and the range of activities that may be undertaken.
- Hold at least one public hearing to obtain citizens' views on community development needs.
- Publish a notice concerning the proposed application advising citizens of the application's location and notifying them that it is available for inspection and comment.
- Publicly state its plans to assist displaced persons should displacement occur.
- Hold at least one public hearing on the proposed application prior to its submission to the state.
- If appropriate, modify the proposed application to respond to citizens' comments.⁴¹

In addition, a Citizen's Advisory Task Force must be established to provide input throughout the project process.⁴² At least three of the task force members are required to be residents of the jurisdiction where the proposed project or activities are to be implemented. No task force members may be elected officials and only one may be an employee of the local government.⁴³ Failure to meet these or any other citizen participation requirements will result in the rejection of an application pursuant to s. 290.0475(6), F.S.

DEO Recommendation on Small Cities CDBG: January 2012

Chapter 2011-142 L.O.F., directed the DEO to provide recommendations for further reorganization and streamlining that improve the effectiveness and operation of economic development and workforce programs. In January of 2012, the DEO released the "Report on Further Streamlining & Reorganization of Florida's Economic Development & Workforce Functions."⁴⁴ As one of its recommendations, the DEO suggested revisions to the Florida Small Cities Community Development Block Grant Act set forth in ch. 290, F.S.

The DEO's explanation for this recommendation included the following:

The Florida Small Cities Community Development Block Grant Act currently contains a number of provisions that restrict the program's

³⁹ Section 290.046(2)(d), F.S.

⁴⁰ The DEO, "State of Florida Annual Action Plan" at 22-23.

⁴¹ Section 290.046(5), F.S.

⁴² Section 290.046(6), F.S.

⁴³ See Rule 73C-23.0041(3)(b), F.A.C.

⁴⁴ This report is available at <http://www.floridajobs.org/about%20awi/12.31.2011%20-%20DEO%20Streamlining%20Report%20Jan%202012.pdf> (last visited March 10, 2014).

ability to be flexible, agile or foster DEO's economic development emphasis. Revisions to the Act would allow DEO greater latitude to craft the program toward a more effective economic development outcome and would remove burdensome and unnecessary requirements beyond those required in the Code of Federal Regulations.

The desired outcome is to remove unnecessary regulation and competitive CDBG grant scoring criteria from statute and to put more of the framework of the CDBG grant scoring criteria in rule so that DEO has more agility and flexibility to work with our stakeholders to put more of an economic development focus on the Small Cities CDBG program and streamline the process for the other grant categories as well.

Space Florida

Space Florida⁴⁵ was created as an independent special district to “foster the growth and development of a sustainable and world-leading aerospace industry in this state.” Space Florida is required to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.

Space Florida's duties, among other things, include the development of a business plan to foster the growth and development of the aerospace industry, the creation of a marketing campaign, to help attract, develop, and retain aerospace research and technology, as well as other related activities. It is also charged with developing a space tourism marketing plan in consultation with Enterprise Florida, Inc.⁴⁶

FAA Center of Excellence for Commercial Space Transportation

In 2010, the Federal Aviation Administration (FAA) established the Air Transportation Center of Excellence for Commercial Space Transportation (Center of Excellence for CST). The Center of Excellence for CST is a partnership of academia, industry, and government, developed for the purpose of creating a world-class consortium that will address current and future challenges for commercial space transportation. There are nine member universities representing the entire commercial space transportation industry that bring in over 50 other government, industry and academic organizations as research partners.⁴⁷ Florida has a high representation in the Center of Excellence for CST in that 4 of the 9 university members are Florida universities – Florida Institute of Technology, Florida State University, University of Central Florida, and University of Florida.⁴⁸

⁴⁵ Space Florida was created by ch. 2006-60, L.O.F., and codified in part II, ch. 331, F.S.

⁴⁶ Section 331.3051, F.S.

⁴⁷ FAA. “Overview of the Federal Aviation Administration Center of Excellence for Commercial Space Transportation.” October 2011. Available at: http://www.coe-cst.org/publication/overview_of_the_federal_aviation_administration_center_of_excellence_for_commercial_space_transportation/index.html (last visited March 26, 2014).

⁴⁸ The other member universities of the Center of Excellence for CST include New Mexico Institute of Mining and Technology, New Mexico State University, Stanford University, University of Colorado at Boulder, and University of Texas Medical Branch at Galveston.

Background on Reemployment Assistance

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no fault of their own (as determined under state law) and who meet the requirements of state law.⁴⁹ Individual states collect payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).⁵⁰ FUTA collections go to the states for costs related to the administration of state unemployment insurance and job service programs. In addition, the FUTA pays one-half the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.⁵¹

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with the FUTA or the Social Security Act requirements. Florida's unemployment insurance program was created by the Legislature in 1937.⁵² The program was rebranded as the "reemployment assistance program" in 2012.⁵³ The DEO is responsible for administering Florida's reemployment assistance (RA) laws, primarily through its Division for Workforce Services. The DEO contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collection services.⁵⁴

A qualified claimant may receive RA benefits equal to 25 percent of wages, not to exceed \$6,325 in a benefit year.⁵⁵ Benefits range from a minimum of \$32 per week to a maximum weekly benefit amount of \$275 for up to 23 weeks, depending on the claimant's length of prior employment and wages earned, and the unemployment rate.⁵⁶

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

⁴⁹ USDOL, Employment and Training Administration, State Unemployment Insurance Benefits, available at <http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp> (last visited March 10, 2014).

⁵⁰ FUTA is codified at 26 U.S.C.

⁵¹ USDOL, Employment and Training Administration, Unemployment Insurance Tax Topic, available at <http://workforcesecurity.doleta.gov/unemploy/uitaxtopic.asp> (last visited March 10, 2014).

⁵² Chapter 18402, L.O.F.

⁵³ Chapter 2012-30, L.O.F.

⁵⁴ Section 443.1316, F.S.

⁵⁵ Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.

⁵⁶ Section 443.111(3), F.S. A benefit week begins on Sunday and ends on Saturday. If the average unemployment rate for the 3 months in the most recent third calendar year quarter is at or below 5 percent, then the maximum number of weeks of benefits available is 12; for each 0.5 percent that the unemployment rate is above 5 percent, an additional week of benefits becomes available up to 23 weeks at an unemployment rate of 10.5 percent.

Initial Skills Review

Florida requires claimants to participate in an initial skills review in order to be eligible to receive RA benefits.⁵⁷ The initial skills review must be completed within 14 days of filing of a benefits claim; if it is not completed during that time, benefits may be denied. The initial skills review is an online training program that is approved by the DEO and is designed to measure an individual's mastery level of workplace skills.⁵⁸ The program takes approximately 30-45 minutes to complete. The administrator or operator of the online education or training program is required to report to the DEO that an individual has taken the initial skills test for benefit eligibility purposes, and to the regional workforce board or One-Stop Career Center, the results of the initial skills review for purposes of reemployment services. The regional workforce board is required to develop a plan to use the initial skills review to refer individuals to training and employment opportunities.⁵⁹

An individual may take the initial skills review at the assessment center or online at any location with Internet access. The assessment measures general skills necessary for most jobs in three areas: locating information, reading, and applied math. All the questions are based on workplace scenarios. After taking the initial skills review, an individual may take additional course material to try to improve his or her skills.⁶⁰ In Fiscal Year 2012-13, 424,886 individuals completed the initial skills review, and 61,676 individuals were denied for failure to timely complete the initial skills review.⁶¹

In 2012, the USDOL Civil Rights Center issued an initial determination as a result of a complaint of discrimination filed by the Miami Workers Center that found that the initial skills review might violate federal disability law in one of two ways.⁶² It opined that the initial skills review, as implemented, had the tendency to screen out persons with disabilities from fully and equally enjoying the benefits of the RA program. Specifically, it was noted that the website required use of certain technology that could not easily be made accessible to persons with disabilities and no alternative method for completing the initial skills assessment was offered. Second, it found that the DEO did not effectively communicate to applicants that exemptions to the ISR were available to those with disabilities.

The DEO objected to the findings and there has been no resolution at this time.

⁵⁷ Individuals who are not Florida residents, temporarily laid off, union members who customarily obtain employment through a union hiring hall, claiming benefits under a short-time compensation plan, or unable to complete the ISR due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or language impediment are exempt from the ISR requirement.

⁵⁸ Section 443.036(26), F.S.

⁵⁹ Section 443.091(1)(c), F.S.

⁶⁰ Florida Department of Economic Opportunity, Division of Workforce Services, "Report on the Use, Effectiveness and Costs Associated with Training Opportunities and Related Services Provided to Reemployment Assistance Claimants As Required by Chapter 2012-30, Laws of Florida," 6-7 (Dec. 28, 2012), available at http://www.floridajobs.org/about%20awi/open_government/2013_Chapter2012-30LawsofFloridareportReemploymentAssistanceProgram.pdf (last visited March 10, 2014).

⁶¹ E-mail from Audra Wiggins, Operations Manager, Reemployment Assistance Program, Division of Workforce Services, Department of Economic Opportunity (Aug. 16, 2013) (on file with the Senate Commerce and Tourism Committee).

⁶² USDOL, Civil Rights Center, "Initial Determination," (Apr. 5, 2013), available at http://www.floridajobs.org/about%20awi/docs/media_InitialDetermination.pdf (last visited March 10, 2014).

Installment Plans

In Florida, RA benefits are financed solely through contributions by employers – employers pay taxes on the first \$8,000 of each employee’s wages.⁶³ The calculation for determining each employer’s tax rate is statutorily set, and takes into consideration an employer’s “experience” (as former employees collect RA benefits, these benefits are charged to the employer), the balance of the Unemployment Compensation Trust Fund, and other factors.

Since 2010, state law has allowed employers to elect to make quarterly contributions to the UC Trust Fund, instead of making a single, annual contribution.⁶⁴ Employers electing to pay quarterly are assessed an annual administrative fee of \$5. This fee is deposited into the DOR’s Operating Trust Fund. Currently, 2014 is the last year for this option.⁶⁵

Short Time Compensation Program

Short Time Compensation⁶⁶ (STC) is a voluntary program that allows employers to retain trained employees during a slow down or disruption to regular business activity by reducing the hours of work for an entire group of affected employees rather than laying off some while continuing others in full-time employment. An employer wishing to participate in the STC program must submit a signed, written short-time plan to the DEO for approval.⁶⁷ The plan will be approved if:

- The plan applies to and identifies each specific unit affected;
- The individuals in the affected unit are identified by name and social security number;
- The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent but not more than 40 percent;
- The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of temporary layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;
- The plan applies to at least 10 percent of the employees in the affected unit;
- The plan has written approval of all collective bargaining groups covering individuals in the affected unit;
- The plan does not serve to subsidize seasonal employees during the off-season or subsidize employers who traditionally use part-time employees; and
- The plan certifies the manner in which the employer will treat fringe benefits⁶⁸ of the individuals in the affected unit if the hours of the individuals are reduced to less than their normal weekly hours.

⁶³ Nonprofit employers may choose to finance compensation through either the contributory method or the reimbursement method. A reimbursing employer is one who must pay the Unemployment Compensation Trust Fund on a dollar-for-dollar basis for the benefits paid to its former employees. The employer is otherwise not required to make payments to the trust fund. See s. 443.1312, F.S. State and local governments are reimbursing employers. Most employers are contributory employers. In January 2015, the “wage base” will be reduced to \$7,000. See s. 443.1217(2)(a), F.S.

⁶⁴ Section 443.141(1)(d), F.S.

⁶⁵ Section 443.141(1)(f), F.S.

⁶⁶ Section 443.1116, F.S.

⁶⁷ Section 443.1116(2), F.S.

⁶⁸ Fringe benefits include, but are not limited to, health insurance, retirement benefits under defined benefit pension plans, paid vacation and holidays, and sick leave.

To be eligible to receive benefits under an approved STC, an employee must meet the following conditions:

- Must be employed as a member of an affected unit in an approved plan;
- Must be able to work and available to work additional hours or full-time with the short-time employer; and
- Must have had work hours reduced by at least 10 percent but no more than 40 percent, with a corresponding reduction in wages.

In 2012, the Middle Class Tax Relief and Job Creation Act of 2012, passed by the U.S. Congress, made several changes to the STC program.⁶⁹ States are not required to enact an STC program, but must conform to the new law in order to continue to offer an STC program.⁷⁰

Rural Areas of Critical Economic Concern

The Rural Economic Development Initiative (REDI), housed within the DEO, is a multi-agency endeavor that coordinates the efforts of state and regional agencies to address the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.⁷¹ The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs and economic development.

A rural area of critical economic concern (RACEC) is a community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, a natural disaster, or that presents a unique economic development opportunity of regional impact.⁷²

Upon a recommendation from the REDI, the Governor may designate up to three RACEC areas. This designation allows these areas to receive priority assignments for the REDI, and allows the Governor, acting through the REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Currently, there are three designated RACEC areas consisting of the following counties and communities:

- Northwest RACEC - Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
- South Central RACEC – DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the Cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County).
- North Central RACEC – Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.⁷³

⁶⁹ Pub. Law No. 112-96, H.R. 3630, 112th Cong. (Feb. 22, 2012).

⁷⁰ USDOL, Employment and Training Administration, UIPL No. 22-12 (Jun. 18, 2012), *available at* http://wdr.doleta.gov/directives/attach/UIPL/UIPL_22_12_Acc.pdf (last visited March 10, 2014).

⁷¹ Section 288.0656(3), F.S.

⁷² Section 288.0656(2)(d), F.S.

⁷³ The DEO, Annual Report 2012-2013 (October 2013), 37, *available at* http://sitefinity.floridajobs.org/about%20awi/open_government/2013_DEOAnnualReport.pdf (last visited March 10, 2014).

In 2012, Enterprise Florida, Inc., commissioned a study to help develop an economic development strategic plan for rural Florida.⁷⁴ The study found that Florida had a fragmented framework for addressing rural economic development; that although rural Florida is perceived to be distressed and an “an area of critical economic concern,” it has greater assets than its potential competition in other southeastern states; and finally, the name “Rural Areas of Critical Economic Concern,” may be counterproductive when seeking positive attention from economic development interests. One of the strategic recommendations is to change the RACEC name.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3202, F.S., to correct a cross-reference that inadvertently left newly-created cities out of the requirement to update their land development regulations.

Section 2 amends s. 288.0001, F.S., to require the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to include the New Markets Development Program established under ss. 288.991-288.9922, F.S., as part of the Economic Development Programs Evaluation. In 2013, the Legislature created the Economic Development Programs Evaluation to require the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to jointly evaluate economic development programs in a three year cycle.⁷⁵ Based on the findings, a report to the Governor and the Legislature is generated that details, among other things, economic benefits (return on investment) and the effectiveness and value for Florida taxpayers. The report must also provide recommendations based on the evaluation.

Loan Programs

Section 3 amends s. 288.005, F.S., to provide definitions for loan administrator and loan program. The bill defines “loan administrator” as a statutorily eligible recipient of state funds authorized by the DEO to make loans under a loan program. “Loan program” is defined as a program established under ch. 288, F.S. that provides appropriated funds to an eligible entity to further a specific state purpose for a limited time with a requirement that the funds be returned to the state. The term loan program also includes “loan fund” or “loan pilot program.”

Section 4 creates s. 288.006, F.S., which outlines the procedure for operating all loan programs under ch. 288, F.S.

The bill provides that state funds appropriated for loan programs may only be used by an eligible recipient or loan administrator and these funds may only be used to carry out the specific state purpose of the loan program, subject to any compensation due to a loan administrator. The DEO may award state funds directly to an eligible recipient or to a loan administrator. All state funds, including any accrued interest, remain state funds unless statutory requirements of the loan program state otherwise.

⁷⁴ Enterprise Florida, Inc., “Florida Rural Economic Development Study,” (December 2012), *available at* <http://www.enterpriseflorida.com/wp-content/uploads/12.31.2012-Rural-Strategy-Deliverable-Presentation.pdf> (last visited March 10, 2014).

⁷⁵ Chapter 2013-39, L.O.F.

Upon termination of a loan program, all appropriated funds will revert to the General Revenue Fund, minus any outstanding administrative expenses due. Upon termination of a contract between the DEO and an eligible recipient or loan administrator, any remaining funds will revert to the fund from which the appropriation was made. The DEO will become the successor entity for any outstanding loans and is directed to pay the former loan administrator for any allowable administrative expenses due to the loan administrator. However, this does not apply when the contract is terminated for fraud or a finding that the recipient or loan administrator was not meeting the terms of the program. The former loan administrator or recipient must execute all appropriate instruments to reconcile any remaining accounts associated with the terminated loan program or contract.

An eligible recipient or loan administrator must avoid any potential conflicts of interest regarding the use of loan program funds. Loan administrators, as well as their board members, employees, agents, or any immediate family members thereof, are not allowed to have a financial interest in an entity that is an eligible recipient of the loan program. "Immediate family" includes a parent, spouse, child, sibling, grandparent, or grandchild related by blood or marriage. The bill prohibits loans from being awarded to a person or entity if there is a conflict of interest between the parties involved.

To determine eligibility as a recipient or as a loan administrator for a loan program, an applicant must submit an application to the DEO. The DEO must evaluate the applicant's business practices, financial stability, past performance in other state programs, and ability to meet the statutory requirements of the loan program. An applicant's eligibility may be conditionally granted or denied if the DEO determines that the entity is not compliant with any law, rule, or program requirement.

Revolving loans or new negotiable instruments using appropriated state funds that have been repaid to a loan administrator may be entered into when a loan program's statutory structure permits. However, all revolving loans or new negotiable instruments made by a loan administrator remain subject to the loan program requirements and compensation to a recipient or administrator is prohibited from exceeding the provisions that are permitted under ch. 288, F.S.

The bill authorizes the Auditor General to perform audits to verify that loan funds are expended by eligible recipients and loan administrators as required for each loan program. If the Auditor General determines that the funds are not expended as required, DEO must be notified so that it may pursue recovery of the funds. However, this authority will not prevent DEO from pursuing recovery of program funds to protect the funds or as permitted by law. DEO is authorized to adopt rules to implement the provisions of the bill.

Florida Small Cities Community Development Block Grant Program

Section 5 amends s. 290.411, F.S., to reflect that the legislative intent and purpose of the Small Cities Community Development Block Grant Program Act also includes economic need as one of the factors to make a Florida community eligible to participate in the program and economic development programs as an activity for such communities to undertake.

Section 6 amends s. 290.044, F.S., to provide the DEO rule-making authority to establish guidelines to distribute the Small Cities CDBG program funds through a competitive selection process. Applicants will compete against each other in four grant program categories: housing rehabilitation, economic development, neighborhood revitalization, and commercial revitalization. The amendment deletes one program category: project planning and design. The DEO is directed to define broad community development objectives for the distribution of CDBG funds that are consistent with the national objectives, as established by federal law.

Section 7 amends s. 290.046, F.S., to substantially revise the application procedures for the Florida Small Cities CDBG Program. Eligible local governments may only submit one application for a noneconomic development project during an application cycle. An eligible local government may apply for an economic development grant up to three times each annual funding cycle but may only receive one such grant per annual funding cycle. A local government is permitted to have more than one open economic development grant.

A grant may not be awarded until the DEO has completed a site visit to verify the information contained in the award application.

The DEO must rank each application received based on criteria established by rule. The rankings must incorporate a procedure intended to reduce or eliminate any population-related bias that places exceptionally small communities at a competitive disadvantage. The bill repeals some specific criteria and procedures for scoring applications that currently exist in statute.

Project funding must be determined by the rankings established in each application cycle. If, at the conclusion of a funding cycle, economic development funding remains, those funds will be awarded to eligible projects on a first-come, first-served basis until funding for this category is fully obligated.

The application's program impact score, equal employment opportunity and fair housing score, and the communitywide needs score may take into consideration scoring factors that include: unemployment, poverty levels, benefits to low- and moderate-income residents, use of minority-owned or woman-owned businesses in previous grants, health and safety issues, and the condition of physical structures.

The bill makes the requirement that a local government must establish a Citizen's Advisory Task Force permissive. Local government citizen participation requirements are also substantially revised. An applicant must make information about the amount of funds available for various activities and the range of activities that may be undertaken available to the public. An applicant is also required to hold a minimum of two public meetings to solicit public input before submitting the final application. The applicant must conduct an initial hearing to solicit public input about community needs, to inform the public about funding opportunities to address those needs, and to discuss activities that may be undertaken. Prior to the second public hearing, the local government must publish a summary of the proposed application to give citizens the opportunity to review the contents of the application. A second public hearing must be held to obtain public comment about the proposed application and make appropriate modifications.

Section 8 amends s. 290.047, F.S., to provide that the maximum amount of block grant funds that may be spent on administrative costs under the economic development program category is \$120,000.⁷⁶ The maximum amount of block grant funds that may be spent on engineering and architectural costs for any grant must be in accordance with a method adopted by the DEO by rule.

Section 9 amends s. 290.0475, F.S., to update references to statutes and department rules.

Section 10 repeals s. 290.048(5), F.S., which grants the DEO the power to adopt and enforce requirements concerning an applicant's written description of a service area and required the inclusion of maps illustrating the proposed service area. This repeal is related to the substantial revisions to the application process.

Space Florida

Section 11 amends s. 331.3051, F.S., to require Space Florida to consult with the Florida Tourism Industry Marketing Corporation (VISIT Florida) in developing a space tourism marketing plan, and allows Space Florida and VISIT Florida to enter into a mutually beneficial agreement to implement the plan. VISIT Florida replaces Enterprise Florida, Inc., as Space Florida's partner in developing a space tourism marketing plan.

The bill repeals the requirement that Space Florida develop a proposal for a Center of Excellence for Aerospace and instead makes this task permissive. The bill also requires Space Florida to provide support to universities in Florida that are members of the FAA's Center of Excellence for Commercial Space Transportation.

Reemployment Assistance

Initial Skills Review

Section 12 repeals s. 443.036(26), F.S., which provides a definition for "initial skills review."

Section 13 amends s. 443.091, F.S., to repeal the requirement that applicants for reemployment assistance must complete an initial skills review requirement for receipt of benefits. The bill directs DEO to offer a voluntary online assessment that will identify an individual's skills, abilities, and career aptitude. The assessment must be made available to any person seeking services from a regional workforce board or one-stop center. The results of the online assessment must be made available to the claimant, the regional workforce board, and the one-stop center. The individual must be informed of and encouraged to participate in services, including career counseling, provision of skill match and job market information, skills upgrade, and other training opportunities offered at no cost to the individual through the one-stop delivery service.

Aggregate data on the assessment outcomes may also be made available to Workforce Florida, Inc., also known as CareerSource Florida, and Enterprise Florida, Inc., for use in the

⁷⁶ Under current law, the maximum Small Cities CDBG administration costs are capped at 15 percent for housing grants and 8 percent for all other program category grants. A schedule of maximum percentage used for engineering costs is adopted by the DEO consistent with the schedule used by the U.S. Farmers Home Administration or another comparable schedule. See s. 290.047, F.S.

development of policies related to education and training programs to ensure that businesses in this state have access to a skilled and competent workforce.

The bill authorizes DEO to competitively procure an online assessment system that will work seamlessly with the CONNECT system.⁷⁷

Short Time Compensation

Section 14 amends s. 443.1116, F.S., to bring Florida in conformity with federal law. As a part of its STC plan, the employer must certify that if fringe benefits are provided to an employee whose workweek is reduced under the program, the employer will continue to provide the fringe benefits while the employee is participating in the STC program under the same terms and conditions as if the employee were not a participant or to the same extent as other employees not participating in the STC program.

The STC plan must also describe the manner in which it will be implemented, including the provision of notice and an estimate of layoffs that would have occurred in the absence of the ability to participate in the STC program. The employer's written plan and its implementation must be consistent with the employer's obligations under applicable state and federal law.

The bill prohibits the DEO from denying STC benefits to an individual who is otherwise eligible due to her or his participation in employer-sponsored training or a training program under the Workforce Investment Act to improve job skills when the training is approved by the DEO. The bill defines "employer-sponsored training" as training sponsored by an employer to improve the skills of the employer's workers.

Installment Plans

Section 15 amends s. 443.141, F.S., to make the RA contribution installment plans a permanent option. Employers will continue to have the option of making quarterly contributions to the Unemployment Compensation Trust Fund for an annual administrative fee of \$5.

Sections 37 and 38 amend ss. 215.425 and 443.1216, F.S., to update statutory citations to conform to changes made by this bill.

Rural Areas of Critical Economic Concern

Section 16 through Section 36 amend ss. 125.271, 163.3177, 163.3187, 163.3246, 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 985.686, and 1011.76, F.S., to replace the phrase rural area of "critical economic concern" with rural area of "opportunity."

Section 39 provides an effective date of July 1, 2014.

⁷⁷ The CONNECT system is DEO's Reemployment Assistance Claims and Benefits Information System.

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:**

Continuation of the installment plan option for RA contributions may have an indeterminate effect on the balance of the Unemployment Compensation Trust Fund that could affect RA tax rates.

B. Private Sector Impact:

The availability of the STC program allows employers to avoid layoffs while retaining skilled employees.

For those employers that may experience difficulty in remitting an annual lump sum payment of RA contributions, the continuation of the installment plan option will provide an alternative means of payment and possibly reduce the risk of delinquency.

The rebranding of “rural areas of critical economic concern” to “rural areas of opportunity” may have a positive economic effect on these communities.

C. Government Sector Impact:

DEO anticipates that any administrative cost resulting from the bill will be absorbed through current resources.⁷⁸

The Auditor General will incur additional staffing costs associated with its new authority to audit DEO loan programs when necessary.⁷⁹

⁷⁸ DEO Agency Analysis. SB 1634. March 14, 2014. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.)

⁷⁹ Florida Auditor General Analysis. SB 1634. March 12, 2014. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.)

VI. Technical Deficiencies:

Section 290.0475(6), F.S., (line 559 of the bill) references the Housing and Community Development Act of 1984; however, the correct reference is the Housing and Community Development Act of 1974.

VII. Related Issues:

The bill authorizes the DEO to adopt rules relating to the general operation of loan programs and the Small Cities CDBG program.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.271, 163.3177, 163.3187, 163.3202, 163.3246, 211.3103, 212.098, 215.425, 218.67, 288.001, 288.005, 288.018, 288.065, 288.0655, 288.0656, 288.1088, 288.1089, 290.0055, 290.0411, 290.044, 290.046, 290.047, 290.0475, 331.3051, 339.2819, 339.63, 373.4595, 380.06, 380.0651, 443.091, 443.1116, 443.1216, 443.141, 985.686, and 1011.76.

This bill creates section 288.006 of the Florida Statutes.

This bill repeals sections 443.036(26) and 290.048(5) of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Military and Veterans Affairs, Space, and Domestic Security on March 25, 2014:**

The committee substitute:

- Requires the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to evaluate the New Markets Development Program as part of the Economic Development Programs Evaluation;
- Further clarifies prohibited conflicts of interest regarding the use of loan program funds;
- Provides that provisions in the bill will not prevent DEO from pursuing recovery of loan program funds when necessary.
- Provides Space Florida the option to develop a proposal to establish a Center of Excellence for Aerospace; and
- Requires Space Florida to provide support to universities in Florida that are members of the FAA's Center of Excellence for Commercial Space Transportation.

B. Amendments:

None.

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



123570

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 93 and 94

insert:

Section 2. Paragraph (a) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the



123570

11 Senate, the Speaker of the House of Representatives, and the
12 chairs of the legislative appropriations committees the Economic
13 Development Programs Evaluation.

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

17 (a) By January 1, 2014, and every 3 years thereafter, an
18 analysis of the following:

19 1. The capital investment tax credit established under s.
20 220.191.

21 2. The qualified target industry tax refund established
22 under s. 288.106.

23 3. The brownfield redevelopment bonus refund established
24 under s. 288.107.

25 4. High-impact business performance grants established
26 under s. 288.108.

27 5. The Quick Action Closing Fund established under s.
28 288.1088.

29 6. The Innovation Incentive Program established under s.
30 288.1089.

31 7. Enterprise Zone Program incentives established under ss.
32 212.08(5) and (15), 212.096, 220.181, and 220.182.

33 8. The New Markets Development Program established under
34 ss. 228.991 - 288.9922.

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete line 6

39 and insert:



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40 submitted comprehensive plan; amending s. 288.0001,
41 providing for the inclusion of the New Markets
42 Development Program in the economic development
43 programs evaluation; amending s. 288.005,



351830

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

Senate Amendment

Delete lines 97 - 179
and insert:

(5) "Loan administrator" means an entity statutorily eligible to receive state funds and authorized by the department to make loans under a loan program.

(6) "Loan program" means a program established in this chapter to provide appropriated funds to an eligible entity to further a specific state purpose for a limited period of time



351830

11 and with a requirement that such appropriated funds be repaid to
12 the state. The term includes a "loan fund" or "loan pilot
13 program" administered by the department under this chapter.

14 Section 3. Section 288.006, Florida Statutes, is created to
15 read:

16 288.006 General operation of loan programs.-

17 (1) The Legislature intends to promote the goals of
18 accountability and proper stewardship by recipients of loan
19 program funds. This section applies to all loan programs
20 established under this chapter.

21 (2) State funds appropriated for a loan program may be used
22 only by an eligible recipient or loan administrator, and the use
23 of such funds is restricted to the specific state purpose of the
24 loan program, subject to any compensation due to a loan
25 administrator as provided under this chapter. State funds may be
26 awarded directly by the department to an eligible recipient or
27 awarded by the department to a loan administrator. All state
28 funds, including any interest earned, remain state funds unless
29 otherwise stated in the statutory requirements of the loan
30 program.

31 (3) (a) Upon termination of a loan program by the
32 Legislature or by statute, all appropriated funds shall revert
33 to the General Revenue Fund. The department shall pay the entity
34 for any allowable administrative expenses due to the loan
35 administrator as provided under this chapter, unless otherwise
36 required by law.

37 (b) Upon termination of a contract between the department
38 and an eligible recipient or loan administrator, all remaining
39 appropriated funds shall revert to the fund from which the



351830

40 appropriation was made. The department shall become the
41 successor entity for any outstanding loans. Except in the case
42 of the termination of a contract for fraud or a finding that the
43 loan administrator was not meeting the terms of the program, the
44 department shall pay the entity for any allowable administrative
45 expenses due to the loan administrator as provided under this
46 chapter.

47 (c) The eligible recipient or loan administrator to which
48 this subsection applies shall execute all appropriate
49 instruments to reconcile any remaining accounts associated with
50 a terminated loan program or contract. The entity shall execute
51 all appropriate instruments to ensure that the department is
52 authorized to collect all receivables for outstanding loans,
53 including, but not limited to, assignments of promissory notes
54 and mortgages.

55 (4) An eligible recipient or loan administrator must avoid
56 any potential conflict of interest regarding the use of
57 appropriated funds for a loan program. An eligible recipient or
58 loan administrator or a board member, employee, or agent
59 thereof, or an immediate family member of a board member,
60 employee, or agent, may not have a financial interest in an
61 entity that is awarded a loan under a loan program. A loan may
62 not be made to a person or entity if a conflict of interest
63 exists between the parties involved. As used in this subsection,
64 the term "immediate family" means a parent, spouse, child,
65 sibling, grandparent, or grandchild related by blood or
66 marriage.

67 (5) In determining eligibility for an entity applying for
68 the award of funds directly by the department or applying for



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69 selection as a loan administrator for a loan program, the
70 department shall evaluate each applicant's business practices,
71 financial stability, and past performance in other state
72 programs, in addition to the loan program's statutory
73 requirements. Eligibility of an entity applying to be a
74 recipient or loan administrator may be conditionally granted or
75 denied outright if the department determines that the entity is
76 noncompliant with any law, rule, or program requirement.

77 (6) Recurring use of state funds, including revolving loans
78 or new negotiable instruments, which have been repaid to the
79 loan administrator may be made if the loan program's statutory
80 structure permits. However, any use of state funds made by a
81 loan administrator remains subject to subsections (2) and (3),
82 and compensation to a loan administrator may not exceed any
83 limitation provided by this chapter.

84 (7) The Auditor General may conduct audits as provided in
85 s. 11.45 to verify that the appropriations under each loan
86 program are expended by the eligible recipient or loan
87 administrator as required for each program. If the Auditor
88 General determines that the appropriations are not expended as
89 required, the Auditor General shall notify the department, which
90 may pursue recovery of the funds. This section does not prevent
91 the department from pursuing recovery of the appropriated loan
92 program funds when necessary to protect the funds or when
93 authorized by law.



474724

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/25/2014	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

Senate Amendment

Delete lines 560 - 563
and insert:
~~will~~ foster and promote the research necessary to develop commercially promising, advanced, and innovative science and technology and ~~will~~ transfer those discoveries to the commercial sector. This may include developing a proposal to establish a Center of Excellence for Aerospace.



388906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Altman) recommended the following:

Senate Substitute for Amendment (474724)

Delete lines 545 - 563

and insert:

Section 10. Subsections (5) and (8) of section 331.3051, Florida Statutes, are amended to read:

331.3051 Duties of Space Florida.—Space Florida shall:

(5) Consult with the Florida Tourism Industry Marketing Corporation Enterprise Florida, Inc., in developing a space tourism marketing plan. Space Florida and the Florida Tourism



388906

11 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, may
12 enter into a mutually beneficial agreement that provides funding
13 to the corporation ~~Enterprise Florida, Inc.~~, for its services to
14 implement this subsection.

15 (8) Carry out its responsibility for research and
16 development by:

17 (a) Contracting for the operations of the state's Space
18 Life Sciences Laboratory.

19 (b) Working in collaboration with one or more public or
20 private universities and other public or private entities to
21 ~~develop a proposal for a Center of Excellence for Aerospace that~~
22 ~~will~~ foster and promote the research necessary to develop
23 commercially promising, advanced, and innovative science and
24 technology and ~~will~~ transfer those discoveries to the commercial
25 sector. This may include developing a proposal to establish a
26 Center of Excellence for Aerospace.

27 (c) Supporting universities in this state that are members
28 of the Federal Aviation Administration's Center of Excellence
29 for Commercial Space Transportation to assure a safe,
30 environmentally compatible, and efficient commercial space
31 transportation system in this state.

By the Committee on Commerce and Tourism

577-02081-14

20141634__

1 A bill to be entitled
 2 An act relating to the Department of Economic
 3 Opportunity; amending s. 163.3202, F.S.; requiring
 4 each county and municipality to adopt and enforce land
 5 development regulations in accordance with the
 6 submitted comprehensive plan; amending s. 288.005,
 7 F.S.; defining terms; creating s. 288.006, F.S.;
 8 providing requirements for loan programs relating to
 9 accountability and proper stewardship of funds;
 10 authorizing the Auditor General to conduct audits for
 11 a specified purpose; authorizing the department to
 12 adopt rules; amending s. 290.0411, F.S.; revising
 13 legislative intent for purposes of the Florida Small
 14 Cities Community Development Block Grant Program;
 15 amending s. 290.044, F.S.; requiring the Department of
 16 Economic Opportunity to adopt rules establishing a
 17 competitive selection process for loan guarantees and
 18 grants awarded under the block grant program; revising
 19 the criteria for the award of grants; amending s.
 20 290.046, F.S.; revising limits on the number of grants
 21 that an applicant may apply for and receive; revising
 22 the requirement that the department conduct a site
 23 visit before awarding a grant; requiring the
 24 department to rank applications according to criteria
 25 established by rule and to distribute funds according
 26 to the rankings; revising scoring factors to consider
 27 in ranking applications; revising requirements for
 28 public hearings; providing that the creation of a
 29 citizen advisory task force is discretionary, rather

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30 than required; deleting a requirement that a local
 31 government obtain consent from the department for an
 32 alternative citizen participation plan; amending s.
 33 290.047, F.S.; revising the maximum amount and
 34 percentage of block grant funds that may be spent on
 35 certain costs and expenses; amending s. 290.0475,
 36 F.S.; conforming provisions to changes made by the
 37 act; amending s. 290.048, F.S.; deleting a provision
 38 authorizing the department to adopt and enforce strict
 39 requirements concerning an applicant's written
 40 description of a service area; amending s. 331.3051,
 41 F.S.; requiring Space Florida to consult with the
 42 Florida Tourism Industry Marketing Corporation, rather
 43 than with Enterprise Florida, Inc., in developing a
 44 space tourism marketing plan; authorizing Space
 45 Florida to enter into an agreement with the
 46 corporation, rather than with Enterprise Florida,
 47 Inc., for a specified purpose; revising the research
 48 and development duties of Space Florida; repealing s.
 49 443.036(26), relating to the definition of the term
 50 "initial skills review"; amending s. 443.091, F.S.;
 51 deleting the requirement that an unemployed individual
 52 take an initial skill review before he or she is
 53 eligible to receive reemployment assistance benefits;
 54 requiring the department to make available for such
 55 individual a voluntary online assessment that
 56 identifies an individual's skills, abilities, and
 57 career aptitude; requiring information from such
 58 assessment to be made available to certain groups;

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59 revising the requirement that the department offer
 60 certain training opportunities; amending s. 443.1116,
 61 F.S.; defining the term "employer sponsored training";
 62 revising the requirements for a short-term
 63 compensation plan to be approved by the department;
 64 revising the treatment of fringe benefits in such
 65 plan; requiring an employer to describe the manner in
 66 which the employer will implement the plan; requiring
 67 the director to approve the plan if it is consistent
 68 with employer obligations under law; prohibiting the
 69 department from denying short-time compensation
 70 benefits to certain individuals; amending s. 443.141,
 71 F.S.; providing an employer payment schedule for
 72 specified years' contributions to the Unemployment
 73 Compensation Trust Fund; providing applicability;
 74 amending ss. 125.271, 163.3177, 163.3187, 163.3246,
 75 211.3103, 212.098, 218.67, 288.018, 288.065, 288.0655,
 76 288.0656, 288.1088, 288.1089, 290.0055, 339.2819,
 77 339.63, 373.4595, 380.06, 380.0651, 985.686, and
 78 1011.76, F.S.; renaming "rural areas of critical
 79 economic concern" as "rural areas of opportunity";
 80 amending ss. 215.425 and 443.1216, F.S.; conforming
 81 cross-references to changes made by the act; providing
 82 an effective date.

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

85
 86 Section 1. Subsection (1) of section 163.3202, Florida
 87 Statutes, is amended to read:

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88 163.3202 Land development regulations.—
 89 (1) Within 1 year after submission of its comprehensive
 90 plan or revised comprehensive plan for review pursuant to s.
 91 163.3191 ~~s. 163.3167(2)~~, each county and each municipality shall
 92 adopt or amend and enforce land development regulations that are
 93 consistent with and implement their adopted comprehensive plan.
 94 Section 2. Subsections (5) and (6) are added to section
 95 288.005, Florida Statutes, to read:
 96 288.005 Definitions.—As used in this chapter, the term:
 97 (5) "Loan administrator" means a statutorily eligible
 98 recipient of state funds which is authorized by the department
 99 to make loans under a loan program.
 100 (6) "Loan program" means a program established in this
 101 chapter to provide appropriated funds to an eligible entity to
 102 further a specific state purpose for a limited period of time.
 103 The term includes a "loan fund" or "loan pilot program"
 104 administered by the department under this chapter.
 105 Section 3. Section 288.006, Florida Statutes, is created to
 106 read:
 107 288.006 General operation of loan programs.—
 108 (1) The Legislature intends to promote the goals of
 109 accountability and proper stewardship by recipients of loan
 110 program funds. This section applies to all loan programs
 111 established under this chapter.
 112 (2) State funds appropriated for a loan program may be used
 113 only by an eligible recipient or loan administrator, and the use
 114 of such funds is restricted to the specific state purpose of the
 115 loan program, subject to any compensation due to a recipient or
 116 loan administrator as provided under this chapter. State funds

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117 may be awarded directly by the department to an eligible
 118 recipient or awarded by the department to a loan administrator.
 119 All state funds, including any interest earned, remain state
 120 funds unless otherwise stated in the statutory requirements of
 121 the loan program.

122 (3) (a) Upon termination of a loan program by the
 123 Legislature or by statute, all appropriated funds shall revert
 124 to the General Revenue Fund. The department shall pay the entity
 125 for any allowable administrative expenses due to the loan
 126 administrator as provided under this chapter, unless otherwise
 127 required by law.

128 (b) Upon termination of a contract between the department
 129 and an eligible recipient or loan administrator, all remaining
 130 appropriated funds shall revert to the fund from which the
 131 appropriation was made. The department shall become the
 132 successor entity for any outstanding loans. Except in the case
 133 of the termination of a contract for fraud or a finding that the
 134 recipient or loan administrator was not meeting the terms of the
 135 program, the department shall pay the entity for any allowable
 136 administrative expenses due to the loan administrator as
 137 provided under this chapter.

138 (c) The eligible recipient or loan administrator to which
 139 this subsection applies shall execute all appropriate
 140 instruments to reconcile any remaining accounts associated with
 141 a terminated loan program or contract. The entity shall execute
 142 all appropriate instruments to ensure that the department is
 143 authorized to collect all receivables for outstanding loans,
 144 including, but not limited to, assignments of promissory notes
 145 and mortgages.

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146 (4) An eligible recipient or loan administrator must avoid
 147 any potential conflict of interest regarding the use of
 148 appropriated funds for a loan program. An eligible recipient or
 149 loan administrator or a board member, employee, or agent thereof
 150 may not have a financial interest in an entity that is awarded a
 151 loan under a loan program. A loan may not be made to a person or
 152 entity if a conflict of interest exists between the parties
 153 involved unless the eligible recipient or loan administrator
 154 provides the department with full disclosure of the conflict of
 155 interest.

156 (5) In determining eligibility for an entity applying for
 157 the award of funds directly by the department or applying for
 158 selection as a loan administrator for a loan program, the
 159 department shall evaluate each applicant's business practices,
 160 financial stability, and past performance in other state
 161 programs, in addition to the loan program's statutory
 162 requirements. Eligibility of an entity applying to be a
 163 recipient or loan administrator may be conditionally granted or
 164 denied outright if the department determines that the entity is
 165 noncompliant with any law, rule, or program requirement.

166 (6) Recurring use of state funds, including revolving loans
 167 or new negotiable instruments, which have been repaid to the
 168 loan administrator may be made if the loan program's statutory
 169 structure permits. However, any use of state funds made by a
 170 loan administrator remains subject to subsections (2) and (3),
 171 and compensation to a loan administrator may not exceed any
 172 limitation provided by this chapter.

173 (7) The Auditor General may conduct audits as provided in
 174 s. 11.45 to verify that the appropriations under each loan

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175 program are expended by the eligible recipient or loan
 176 administrator as required for each program. If the Auditor
 177 General determines that the appropriations are not expended as
 178 required, the Auditor General shall notify the department, which
 179 may pursue recovery of the funds.

180 (8) The department may adopt rules under ss. 120.536(1) and
 181 120.54 as necessary to carry out this section.

182 Section 4. Section 290.0411, Florida Statutes, is amended
 183 to read:

184 290.0411 Legislative intent and purpose of ss. 290.0401-
 185 290.048.—It is the intent of the Legislature to provide the
 186 necessary means to develop, preserve, redevelop, and revitalize
 187 Florida communities exhibiting signs of decline, ~~or~~ distress, or
 188 economic need by enabling local governments to undertake the
 189 necessary community and economic development programs. The
 190 overall objective is to create viable communities by eliminating
 191 slum and blight, fortifying communities in urgent need,
 192 providing decent housing and suitable living environments, and
 193 expanding economic opportunities, principally for persons of low
 194 or moderate income. The purpose of ss. 290.0401-290.048 is to
 195 assist local governments in carrying out effective community and
 196 economic development and project planning and design activities
 197 to arrest and reverse community decline and restore community
 198 vitality. Community and economic development and project
 199 planning activities to maintain viable communities, revitalize
 200 existing communities, expand economic development and employment
 201 opportunities, and improve housing conditions and expand housing
 202 opportunities, providing direct benefit to persons of low or
 203 moderate income, are the primary purposes of ss. 290.0401-

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204 290.048. The Legislature, therefore, declares that the
 205 development, redevelopment, preservation, and revitalization of
 206 communities in this state and all the purposes of ss. 290.0401-
 207 290.048 are public purposes for which public money may be
 208 borrowed, expended, loaned, pledged to guarantee loans, and
 209 granted.

210 Section 5. Section 290.044, Florida Statutes, is amended to
 211 read:

212 290.044 Florida Small Cities Community Development Block
 213 Grant Program Fund; administration; distribution.—

214 (1) The Florida Small Cities Community Development Block
 215 Grant Program Fund is created. All revenue designated for
 216 deposit in such fund shall be deposited by the appropriate
 217 agency. The department shall administer this fund as a grant and
 218 loan guarantee program for carrying out the purposes of ss.
 219 290.0401-290.048.

220 (2) The department shall distribute such funds as loan
 221 guarantees and grants to eligible local governments on the basis
 222 of a competitive selection process established by rule.

223 (3) The department shall require applicants for grants to
 224 compete against each other in the following grant program
 225 categories:

226 (a) Housing rehabilitation.

227 (b) Economic development.

228 (c) Neighborhood revitalization.

229 (d) Commercial revitalization.

230 (4)-(3) The department shall define ~~the~~ broad community
 231 development objectives ~~objective~~ to be achieved by the
 232 activities in each of the ~~following~~ grant program categories

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233 with the use of funds from the Florida Small Cities Community
 234 Development Block Grant Program Fund. Such objectives shall be
 235 designed to meet at least one of the national objectives
 236 provided in the Housing and Community Development Act of 1974,
 237 ~~and require applicants for grants to compete against each other~~
 238 ~~in these grant program categories:~~

239 ~~(a) Housing.~~
 240 ~~(b) Economic development.~~
 241 ~~(c) Neighborhood revitalization.~~
 242 ~~(d) Commercial revitalization.~~
 243 ~~(e) Project planning and design.~~

244 (5)(4) The department may set aside an amount of up to 5
 245 percent of the funds annually for use in any eligible local
 246 government jurisdiction for which an emergency or natural
 247 disaster has been declared by executive order. Such funds may
 248 only be provided to a local government to fund eligible
 249 emergency-related activities for which no other source of
 250 federal, state, or local disaster funds is available. The
 251 department may provide for such set-aside by rule. In the last
 252 quarter of the state fiscal year, any funds not allocated under
 253 the emergency-related set-aside shall be distributed to unfunded
 254 applications from the most recent funding cycle.

255 (6)(5) The department shall establish a system of
 256 monitoring grants, including site visits, to ensure the proper
 257 expenditure of funds and compliance with the conditions of the
 258 recipient's contract. The department shall establish criteria
 259 for implementation of internal control, to include, but not be
 260 limited to, the following measures:

261 (a) Ensuring that subrecipient audits performed by a

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262 certified public accountant are received and responded to in a
 263 timely manner.

264 (b) Establishing a uniform system of monitoring that
 265 documents appropriate followup as needed.

266 (c) Providing specific justification for contract
 267 amendments that takes into account any change in contracted
 268 activities and the resultant cost adjustments which shall be
 269 reflected in the amount of the grant.

270 Section 6. Section 290.046, Florida Statutes, is amended to
 271 read:

272 290.046 Applications for grants; procedures; requirements.-
 273 (1) In applying for a grant under a specific program
 274 category, an applicant shall propose eligible activities that
 275 directly address the objectives ~~objective~~ of that program
 276 category.

277 (2) (a) Except for applications for economic development
 278 grants as provided in subparagraph (b)1. paragraph (e), an each
 279 eligible local government may submit one an application for a
 280 grant under either the housing program category or the
 281 neighborhood revitalization program category during each
 282 application annual funding cycle. An applicant may not receive
 283 more than one grant in any state fiscal year from any of the
 284 following categories: housing, neighborhood revitalization, or
 285 commercial revitalization.

286 (b) 1. An Except as provided in paragraph (c), each eligible
 287 local government may apply up to three times in any one annual
 288 funding cycle for an economic development a grant under the
 289 economic development program category but may not shall receive
 290 ne more than one such grant per annual funding cycle. A local

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291 government may have more than one open economic development
 292 grant Applications for grants under the economic development
 293 program category may be submitted at any time during the annual
 294 funding cycle, and such grants shall be awarded no less
 295 frequently than three times per funding cycle.

296 2. The department shall establish minimum criteria
 297 pertaining to the number of jobs created for persons of low or
 298 moderate income, the degree of private sector financial
 299 commitment, and the economic feasibility of the proposed project
 300 and shall establish any other criteria the department deems
 301 appropriate. Assistance to a private, for-profit business may
 302 not be provided from a grant award unless sufficient evidence
 303 exists to demonstrate that without such public assistance the
 304 creation or retention of such jobs would not occur.

305 (c)1. A local government governments with an open housing
 306 rehabilitation, neighborhood revitalization, or commercial
 307 revitalization contract is shall not be eligible to apply for
 308 another housing rehabilitation, neighborhood revitalization, or
 309 commercial revitalization grant until administrative closeout of
 310 its their existing contract. The department shall notify a local
 311 government of administrative closeout or of any outstanding
 312 closeout issues within 45 days after ~~of~~ receipt of a closeout
 313 package from the local government. A local government
 314 governments with an open housing rehabilitation, neighborhood
 315 revitalization, or commercial revitalization community
 316 development block grant contract whose activities are on
 317 schedule in accordance with the expenditure rates and
 318 accomplishments described in the contract may apply for an
 319 economic development grant.

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320 2. A local government governments with an open economic
 321 development community development block grant contract whose
 322 activities are on schedule in accordance with the expenditure
 323 rates and accomplishments described in the contract may apply
 324 for a housing rehabilitation, ~~or~~ neighborhood revitalization, or
 325 ~~and a~~ commercial revitalization community development block
 326 grant. A local government governments with an open economic
 327 development contract whose activities are on schedule in
 328 accordance with the expenditure rates and accomplishments
 329 described in the contract may receive no more than one
 330 additional economic development grant in each fiscal year.

331 (d) ~~Beginning October 1, 1988,~~ The department may not shall
 332 award a no grant until it the department has conducted
 333 determined, based upon a site visit to verify the information
 334 contained in the local government's application, that the
 335 proposed area matches and adheres to the written description
 336 contained within the applicant's request. If, based upon review
 337 of the application or a site visit, the department determines
 338 that any information provided in the application which affects
 339 eligibility or scoring has been misrepresented, the applicant's
 340 request shall be rejected by the department pursuant to s.
 341 290.0475(7). Mathematical errors in applications which may be
 342 discovered and corrected by readily computing available numbers
 343 or formulas provided in the application shall not be a basis for
 344 such rejection.

345 (3) (a) The department shall rank each application received
 346 during the application cycle according to criteria established
 347 by rule. The ranking system shall include a procedure to
 348 eliminate or reduce any population-related bias that places

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349 ~~exceptionally small communities at a disadvantage in the~~
 350 ~~competition for funds. Each application shall be ranked~~
 351 ~~competitively based on community need and program impact.~~
 352 ~~Community need shall be weighted 25 percent. Program impact~~
 353 ~~shall be weighted 65 percent. Outstanding performance in equal~~
 354 ~~opportunity employment and housing shall be weighted 10 percent.~~

355 (b) Funds shall be distributed according to the rankings
 356 established in each application cycle. If economic development
 357 funds remain available after the application cycle closes, the
 358 remaining funds shall be awarded to eligible projects on a
 359 first-come, first-served basis until such funds are fully
 360 obligated. ~~The criteria used to measure community need shall~~
 361 ~~include, at a minimum, indicators of the extent of poverty in~~
 362 ~~the community and the condition of physical structures. Each~~
 363 ~~application, regardless of the program category for which it is~~
 364 ~~being submitted, shall be scored competitively on the same~~
 365 ~~community need criteria. In recognition of the benefits~~
 366 ~~resulting from the receipt of grant funds, the department shall~~
 367 ~~provide for the reduction of community need scores for specified~~
 368 ~~increments of grant funds provided to a local government since~~
 369 ~~the state began using the most recent census data. In the year~~
 370 ~~in which new census data are first used, no such reduction shall~~
 371 ~~occur.~~

372 (c) The application's program impact score, equal
 373 employment opportunity and fair housing score, and communitywide
 374 needs score may take into consideration scoring factors,
 375 including, but not limited to, unemployment, poverty levels,
 376 low-income and moderate-income populations, benefits to low-
 377 income and moderate-income residents, use of minority-owned and

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378 ~~woman-owned business enterprises in previous grants, health and~~
 379 ~~safety issues, and the condition of physical structures. The~~
 380 ~~criteria used to measure the impact of an applicant's proposed~~
 381 ~~activities shall include, at a minimum, indicators of the direct~~
 382 ~~benefit received by persons of low income and persons of~~
 383 ~~moderate income, the extent to which the problem identified is~~
 384 ~~addressed by the proposed activities, and the extent to which~~
 385 ~~resources other than the funds being applied for under this~~
 386 ~~program are being used to carry out the proposed activities.~~

387 ~~(d) Applications shall be scored competitively on program~~
 388 ~~impact criteria that are uniquely tailored to the community~~
 389 ~~development objective established in each program category. The~~
 390 ~~criteria used to measure the direct benefit to persons of low~~
 391 ~~income and persons of moderate income shall represent no less~~
 392 ~~than 42 percent of the points assigned to the program impact~~
 393 ~~factor. For the housing and neighborhood revitalization~~
 394 ~~categories, the department shall also include the following~~
 395 ~~criteria in the scoring of applications:~~

396 ~~1. The proportion of very-low-income and low-income~~
 397 ~~households served.~~

398 ~~2. The degree to which improvements are related to the~~
 399 ~~health and safety of the households served.~~

400 ~~(4) An applicant for a neighborhood revitalization or~~
 401 ~~commercial revitalization grant shall demonstrate that its~~
 402 ~~activities are to be carried out in distinct service areas which~~
 403 ~~are characterized by the existence of slums or blighted~~
 404 ~~conditions, or by the concentration of persons of low or~~
 405 ~~moderate income.~~

406 ~~(4)(5) In order to provide citizens with information~~

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407 concerning an applicant's proposed project, the applicant shall
 408 make available to the public information concerning the amounts
 409 of funds available for various activities and the range of
 410 activities that may be undertaken. In addition, the applicant
 411 shall hold a minimum of two public hearings in the local
 412 jurisdiction within which the project is to be implemented to
 413 obtain the views of citizens before submitting the final
 414 application to the department. The applicant shall conduct the
 415 initial hearing to solicit public input concerning community
 416 needs, inform the public about funding opportunities available
 417 to address community needs, and discuss activities that may be
 418 undertaken. Before a second public hearing is held, the
 419 applicant must publish a summary of the proposed application
 420 that provides citizens with an opportunity to examine the
 421 contents of the application and to submit comments. The
 422 applicant shall conduct a second hearing to obtain comments from
 423 citizens concerning the proposed application and to modify the
 424 proposed application if appropriate ~~program~~ before an
 425 application is submitted to the department, the applicant shall:
 426 ~~(a) Make available to the public information concerning the~~
 427 ~~amounts of funds available for various activities and the range~~
 428 ~~of activities that may be undertaken.~~
 429 ~~(b) Hold at least one public hearing to obtain the views of~~
 430 ~~citizens on community development needs.~~
 431 ~~(c) Develop and publish a summary of the proposed~~
 432 ~~application that will provide citizens with an opportunity to~~
 433 ~~examine its contents and submit their comments.~~
 434 ~~(d) Consider any comments and views expressed by citizens~~
 435 ~~on the proposed application and, if appropriate, modify the~~

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436 ~~proposed application.~~
 437 ~~(e) Hold at least one public hearing in the jurisdiction~~
 438 ~~within which the project is to be implemented to obtain the~~
 439 ~~views of citizens on the final application prior to its~~
 440 ~~submission to the department.~~
 441 ~~(5)(6)~~ The local government may ~~shall~~ establish a citizen
 442 advisory task force composed of citizens in the jurisdiction in
 443 which the proposed project is to be implemented to provide input
 444 relative to all phases of the project process. ~~The local~~
 445 ~~government must obtain consent from the department for any other~~
 446 ~~type of citizen participation plan upon a showing that such plan~~
 447 ~~is better suited to secure citizen participation for that~~
 448 ~~locality.~~
 449 ~~(6)(7)~~ The department shall, before ~~prior to~~ approving an
 450 application for a grant, determine that the applicant has the
 451 administrative capacity to carry out the proposed activities and
 452 has performed satisfactorily in carrying out past activities
 453 funded by community development block grants. The evaluation of
 454 past performance shall take into account procedural aspects of
 455 previous grants as well as substantive results. If the
 456 department determines that any applicant has failed to
 457 accomplish substantially the results it proposed in its last
 458 previously funded application, it may prohibit the applicant
 459 from receiving a grant or may penalize the applicant in the
 460 rating of the current application. An ~~No~~ application for grant
 461 funds may not be denied solely upon the basis of the past
 462 performance of the eligible applicant.
 463 Section 7. Subsections (3) and (6) of section 290.047,
 464 Florida Statutes, are amended to read:

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465 290.047 Establishment of grant ceilings and maximum
 466 administrative cost percentages; elimination of population bias;
 467 loans in default.-

468 (3) The maximum percentage of block grant funds that can be
 469 spent on administrative costs by an eligible local government
 470 shall be 15 percent for the housing rehabilitation program
 471 category, 8 percent for both the neighborhood and the commercial
 472 revitalization program categories, and 8 percent for the
 473 economic development program category. The maximum amount of
 474 block grant funds that may be spent on administrative costs by
 475 an eligible local government for the economic development
 476 program category is \$120,000. The purpose of the ceiling is to
 477 maximize the amount of block grant funds actually going toward
 478 the redevelopment of the area. The department will continue to
 479 encourage eligible local governments to consider ways to limit
 480 the amount of block grant funds used for administrative costs,
 481 consistent with the need for prudent management and
 482 accountability in the use of public funds. However, this
 483 subsection ~~does shall not be construed, however, to~~ prohibit
 484 eligible local governments from contributing their own funds or
 485 making in-kind contributions to cover administrative costs which
 486 exceed the prescribed ceilings, provided that all such
 487 contributions come from local government resources other than
 488 Community Development Block Grant funds.

489 (6) The maximum amount percentage of block grant funds that
 490 may be spent on engineering and architectural costs by an
 491 eligible local government shall be determined in accordance with
 492 a method schedule adopted by the department by rule. Any such
 493 method schedule so adopted shall be consistent with the schedule

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494 used by the United States Farmer's Home Administration as
 495 applied to projects in Florida or another comparable schedule as
 496 amended.

497 Section 8. Section 290.0475, Florida Statutes, is amended
 498 to read:

499 290.0475 Rejection of grant applications; penalties for
 500 failure to meet application conditions.-Applications are
 501 ineligible received for funding if under all program categories
 502 ~~shall be rejected without scoring only in the event that~~ any of
 503 the following circumstances arise:

504 (1) The application is not received by the department by
 505 the application deadline;-

506 (2) The proposed project does not meet one of the three
 507 national objectives as contained in federal and state
 508 legislation;-

509 (3) The proposed project is not an eligible activity as
 510 contained in the federal legislation;-

511 (4) The application is not consistent with the local
 512 government's comprehensive plan adopted pursuant to s.
 513 163.3184;-

514 (5) The applicant has an open community development block
 515 grant, except as provided in s. 290.046(2)(b) and (c) and
 516 department rules; 290.046(2)(e)-

517 (6) The local government is not in compliance with the
 518 citizen participation requirements prescribed in ss. 104(a)(1)
 519 and (2) and 106(d)(5)(c) of Title I of the Housing and Community
 520 Development Act of 1984, s. 290.046(4), and department rules;
 521 or-

522 (7) Any information provided in the application that

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523 affects eligibility or scoring is found to have been
 524 misrepresented, and the information is not a mathematical error
 525 which may be discovered and corrected by readily computing
 526 available numbers or formulas provided in the application.

527 Section 9. Subsection (5) of section 290.048, Florida
 528 Statutes, is amended to read:

529 290.048 General powers of department under ss. 290.0401-
 530 290.048.—The department has all the powers necessary or
 531 appropriate to carry out the purposes and provisions of the
 532 program, including the power to:

533 ~~(5) Adopt and enforce strict requirements concerning an~~
 534 ~~applicant's written description of a service area. Each such~~
 535 ~~description shall contain maps which illustrate the location of~~
 536 ~~the proposed service area. All such maps must be clearly legible~~
 537 ~~and must:~~

538 ~~(a) Contain a scale which is clearly marked on the map.~~
 539 ~~(b) Show the boundaries of the locality.~~
 540 ~~(c) Show the boundaries of the service area where the~~
 541 ~~activities will be concentrated.~~
 542 ~~(d) Display the location of all proposed area activities.~~
 543 ~~(e) Include the names of streets, route numbers, or easily~~
 544 ~~identifiable landmarks where all service activities are located.~~

545 Section 10. Subsection (5) and paragraph (b) of subsection
 546 (8) of section 331.3051, Florida Statutes, are amended to read:

547 331.3051 Duties of Space Florida.—Space Florida shall:

548 (5) Consult with the Florida Tourism Industry Marketing
 549 Corporation Enterprise Florida, Inc., in developing a space
 550 tourism marketing plan. Space Florida and the Florida Tourism
 551 Industry Marketing Corporation Enterprise Florida, Inc., may

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552 enter into a mutually beneficial agreement that provides funding
 553 to the corporation Enterprise Florida, Inc., for its services to
 554 implement this subsection.

555 (8) Carry out its responsibility for research and
 556 development by:

557 (b) Working in collaboration with one or more public or
 558 private universities and other public or private entities to
 559 ~~develop a proposal for a Center of Excellence for Aerospace that~~
 560 ~~will foster and~~ promote the research necessary to develop
 561 commercially promising, advanced, and innovative science and
 562 technology and ~~will~~ transfer those discoveries to the commercial
 563 sector.

564 Section 11. Subsection (26) of section 443.036, Florida
 565 Statutes, is repealed.

566 Section 12. Paragraph (c) of subsection (1) of section
 567 443.091, Florida Statutes, is amended to read:

568 443.091 Benefit eligibility conditions.—

569 (1) An unemployed individual is eligible to receive
 570 benefits for any week only if the Department of Economic
 571 Opportunity finds that:

572 (c) To make continued claims for benefits, she or he is
 573 reporting to the department in accordance with this paragraph
 574 and department rules, ~~and participating in an initial skills~~
 575 ~~review, as directed by the department.~~ Department rules may not
 576 conflict with s. 443.111(1)(b), which requires that each
 577 claimant continue to report regardless of any pending appeal
 578 relating to her or his eligibility or disqualification for
 579 benefits.

580 1. For each week of unemployment claimed, each report must,

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581 at a minimum, include the name, address, and telephone number of
 582 each prospective employer contacted, or the date the claimant
 583 reported to a one-stop career center, pursuant to paragraph (d).

584 2. The department must offer an online assessment that
 585 serves to identify an individual's skills, abilities, and career
 586 aptitude. The skills assessment must be voluntary, and the
 587 department must allow a claimant to choose whether to take the
 588 skills assessment. The online assessment shall be made available
 589 to any person seeking services from a regional workforce board
 590 or a one-stop career center ~~The administrator or operator of the~~
 591 ~~initial skills review shall notify the department when the~~
 592 ~~individual completes the initial skills review and report the~~
 593 ~~results of the review to the regional workforce board or the~~
 594 ~~one-stop career center as directed by the workforce board. The~~
 595 ~~department shall prescribe a numeric score on the initial skills~~
 596 ~~review that demonstrates a minimal proficiency in workforce~~
 597 ~~skills.~~

598 a. If the claimant chooses to take the online assessment,
 599 the outcome of the assessment must be made available to the
 600 claimant, regional workforce board, and one-stop career center.
 601 The department, workforce board, or one-stop career center shall
 602 use the assessment ~~initial skills review~~ to develop a plan for
 603 referring individuals to training and employment opportunities.
 604 Aggregate data on assessment outcomes may be made available to
 605 Workforce Florida, Inc., and Enterprise Florida, Inc., for use
 606 in the development of policies related to education and training
 607 programs that will ensure that businesses in this state have
 608 access to a skilled and competent workforce ~~The failure of the~~
 609 ~~individual to comply with this requirement will result in the~~

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610 ~~individual being determined ineligible for benefits for the week~~
 611 ~~in which the noncompliance occurred and for any subsequent week~~
 612 ~~of unemployment until the requirement is satisfied. However,~~
 613 ~~this requirement does not apply if the individual is exempt from~~
 614 ~~the work registration requirement as set forth in paragraph (b).~~

615 b.3- Individuals Any individual who falls below the minimal
 616 ~~proficiency score prescribed by the department in subparagraph~~
 617 ~~2. on the initial skills review shall be informed of and offered~~
 618 ~~services through the one-stop delivery system, including career~~
 619 ~~counseling, provision of skill match and job market information,~~
 620 ~~and skills upgrade and other training opportunities, and shall~~
 621 ~~be encouraged to participate in such services training at no~~
 622 ~~cost to the individuals individual in order to improve his or~~
 623 ~~her workforce skills to the minimal proficiency level.~~

624 4. The department shall coordinate with Workforce Florida,
 625 Inc., the workforce boards, and the one-stop career centers to
 626 identify, develop, and use utilize best practices for improving
 627 the skills of individuals who choose to participate in skills
 628 upgrade and other training opportunities. The department may
 629 contract with an entity to create the online assessment in
 630 accordance with the competitive bidding requirements in s.
 631 287.057. The online assessment must work seamlessly with the
 632 Reemployment Assistance Claims and Benefits Information System
 633 ~~and who have a minimal proficiency score below the score~~
 634 ~~prescribed in subparagraph 2.~~

635 5. The department, in coordination with Workforce Florida,
 636 Inc., the workforce boards, and the one-stop career centers,
 637 shall evaluate the use, effectiveness, and costs associated with
 638 the training prescribed in subparagraph 3. and report its

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639 ~~findings and recommendations for training and the use of best~~
 640 ~~practices to the Governor, the President of the Senate, and the~~
 641 ~~Speaker of the House of Representatives by January 1, 2013.~~

642 Section 13. Subsections (1), (2), and (5) of section
 643 443.1116, Florida Statutes, are amended to read:

644 443.1116 Short-time compensation.—

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

646 (a) "Affected unit" means a specified plant, department,
 647 shift, or other definable unit of two or more employees
 648 designated by the employer to participate in a short-time
 649 compensation plan.

650 (b) "Employer-sponsored training" means a training
 651 component sponsored by an employer to improve the skills of the
 652 employer's workers.

653 (c) ~~(b)~~ "Normal weekly hours of work" means the number of
 654 hours in a week that an individual would regularly work for the
 655 short-time compensation employer, not to exceed 40 hours,
 656 excluding overtime.

657 (d) ~~(e)~~ "Short-time compensation benefits" means benefits
 658 payable to individuals in an affected unit under an approved
 659 short-time compensation plan.

660 (e) ~~(d)~~ "Short-time compensation employer" means an employer
 661 with a short-time compensation plan in effect.

662 (f) ~~(e)~~ "Short-time compensation plan" or "plan" means an
 663 employer's written plan for reducing unemployment under which an
 664 affected unit shares the work remaining after its normal weekly
 665 hours of work are reduced.

666 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
 667 wishing to participate in the short-time compensation program

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668 must submit a signed, written, short-time plan to the Department
 669 of Economic Opportunity for approval. The director or his or her
 670 designee shall approve the plan if:

671 (a) The plan applies to and identifies each specific
 672 affected unit;

673 (b) The individuals in the affected unit are identified by
 674 name and social security number;

675 (c) The normal weekly hours of work for individuals in the
 676 affected unit are reduced by at least 10 percent and by not more
 677 than 40 percent;

678 (d) The plan includes a certified statement by the employer
 679 that the aggregate reduction in work hours is in lieu of
 680 ~~temporary~~ layoffs that would affect at least 10 percent of the
 681 employees in the affected unit and that would have resulted in
 682 an equivalent reduction in work hours;

683 (e) The plan applies to at least 10 percent of the
 684 employees in the affected unit;

685 (f) The plan is approved in writing by the collective
 686 bargaining agent for each collective bargaining agreement
 687 covering any individual in the affected unit;

688 (g) The plan does not serve as a subsidy to seasonal
 689 employers during the off-season or as a subsidy to employers who
 690 traditionally use part-time employees; ~~and~~

691 (h) The plan certifies that, if the employer provides
 692 fringe benefits to any employee whose workweek is reduced under
 693 the program, the fringe benefits will continue to be provided to
 694 the employee participating in the short-time compensation
 695 program under the same terms and conditions as though the
 696 workweek of such employee had not been reduced or to the same

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697 ~~extent as other employees not participating in the short-time~~
 698 ~~compensation program the manner in which the employer will treat~~
 699 ~~fringe benefits of the individuals in the affected unit if the~~
 700 ~~hours of the individuals are reduced to less than their normal~~
 701 ~~weekly hours of work.~~ As used in this paragraph, the term
 702 "fringe benefits" includes, but is not limited to, health
 703 insurance, retirement benefits under defined benefit pension
 704 plans as defined in subsection 35 of s. 1002 of the Employee
 705 Retirement Income Security Act of 1974, 29 U.S.C., contributions
 706 under a defined contribution plan as defined in s. 414(i) of the
 707 Internal Revenue Code, paid vacation and holidays, and sick
 708 leave;-

709 (i) The plan describes the manner in which the requirements
 710 of this subsection will be implemented, including a plan for
 711 giving notice, if feasible, to an employee whose workweek is to
 712 be reduced, together with an estimate of the number of layoffs
 713 that would have occurred absent the ability to participate in
 714 short-time compensation; and

715 (j) The terms of the employer's written plan and
 716 implementation are consistent with employer obligations under
 717 applicable federal laws and laws of this state.

718 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
 719 BENEFITS.-

720 (a) Except as provided in this subsection, an individual is
 721 eligible to receive short-time compensation benefits for any
 722 week only if she or he complies with this chapter and the
 723 Department of Economic Opportunity finds that:

724 1. The individual is employed as a member of an affected
 725 unit in an approved plan that was approved before the week and

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726 is in effect for the week;

727 2. The individual is able to work and is available for
 728 additional hours of work or for full-time work with the short-
 729 time employer; and

730 3. The normal weekly hours of work of the individual are
 731 reduced by at least 10 percent but not by more than 40 percent,
 732 with a corresponding reduction in wages.

733 (b) The department may not deny short-time compensation
 734 benefits to an individual who is otherwise eligible for these
 735 benefits for any week by reason of the application of any
 736 provision of this chapter relating to availability for work,
 737 active search for work, or refusal to apply for or accept work
 738 from other than the short-time compensation employer of that
 739 individual.

740 (c) The department may not deny short-time compensation
 741 benefits to an individual who is otherwise eligible for these
 742 benefits for any week because such individual is participating
 743 in an employer-sponsored training or a training under the
 744 Workforce Investment Act to improve job skills when the training
 745 is approved by the department.

746 ~~(d)(e)~~ Notwithstanding any other provision of this chapter,
 747 an individual is deemed unemployed in any week for which
 748 compensation is payable to her or him, as an employee in an
 749 affected unit, for less than her or his normal weekly hours of
 750 work in accordance with an approved short-time compensation plan
 751 in effect for the week.

752 Section 14. Paragraph (f) of subsection (1) of section
 753 443.141, Florida Statutes, is amended to read:

754 443.141 Collection of contributions and reimbursements.-

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755 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
756 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

757 (f) ~~Payments for 2012, 2013, and 2014 contributions.~~—For an
758 annual administrative fee not to exceed \$5, a contributing
759 employer may pay its quarterly contributions due for wages paid
760 in the first three quarters of each year ~~of 2012, 2013, and 2014~~
761 in equal installments if those contributions are paid as
762 follows:

763 1. For contributions due for wages paid in the first
764 quarter of each year, one-fourth of the contributions due must
765 be paid on or before April 30, one-fourth must be paid on or
766 before July 31, one-fourth must be paid on or before October 31,
767 and one-fourth must be paid on or before December 31.

768 2. In addition to the payments specified in subparagraph
769 1., for contributions due for wages paid in the second quarter
770 of each year, one-third of the contributions due must be paid on
771 or before July 31, one-third must be paid on or before October
772 31, and one-third must be paid on or before December 31.

773 3. In addition to the payments specified in subparagraphs
774 1. and 2., for contributions due for wages paid in the third
775 quarter of each year, one-half of the contributions due must be
776 paid on or before October 31, and one-half must be paid on or
777 before December 31.

778 4. The annual administrative fee assessed for electing to
779 pay under the installment method shall be collected at the time
780 the employer makes the first installment payment each year. The
781 fee shall be segregated from the payment and deposited into the
782 Operating Trust Fund of the Department of Revenue.

783 5. Interest does not accrue on any contribution that

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784 becomes due for wages paid in the first three quarters of each
785 year if the employer pays the contribution in accordance with
786 subparagraphs 1.-4. Interest and fees continue to accrue on
787 prior delinquent contributions and commence accruing on all
788 contributions due for wages paid in the first three quarters of
789 each year which are not paid in accordance with subparagraphs
790 1.-3. Penalties may be assessed in accordance with this chapter.
791 The contributions due for wages paid in the fourth quarter ~~of~~
792 ~~2012, 2013, and 2014~~ are not affected by this paragraph and are
793 due and payable in accordance with this chapter.

794 Section 15. Paragraph (a) of subsection (1) of section
795 125.271, Florida Statutes, is amended to read:

796 125.271 Emergency medical services; county emergency
797 medical service assessments.—

798 (1) As used in this section, the term "county" means:

799 (a) A county that is within a rural area of opportunity
800 ~~critical economic concern~~ as designated by the Governor pursuant
801 to s. 288.0656;

802
803 Once a county has qualified under this subsection, it always
804 retains the qualification.

805 Section 16. Paragraphs (a), (b), and (e) of subsection (7)
806 of section 163.3177, Florida Statutes, are amended to read:

807 163.3177 Required and optional elements of comprehensive
808 plan; studies and surveys.—

809 (7) (a) The Legislature finds that:

810 1. There are a number of rural agricultural industrial
811 centers in the state that process, produce, or aid in the
812 production or distribution of a variety of agriculturally based

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813 products, including, but not limited to, fruits, vegetables,
814 timber, and other crops, and juices, paper, and building
815 materials. Rural agricultural industrial centers have a
816 significant amount of existing associated infrastructure that is
817 used for processing, producing, or distributing agricultural
818 products.

819 2. Such rural agricultural industrial centers are often
820 located within or near communities in which the economy is
821 largely dependent upon agriculture and agriculturally based
822 products. The centers significantly enhance the economy of such
823 communities. However, these agriculturally based communities are
824 often socioeconomically challenged and designated as rural areas
825 of opportunity critical economic concern. If such rural
826 agricultural industrial centers are lost and not replaced with
827 other job-creating enterprises, the agriculturally based
828 communities will lose a substantial amount of their economies.

829 3. The state has a compelling interest in preserving the
830 viability of agriculture and protecting rural agricultural
831 communities and the state from the economic upheaval that would
832 result from short-term or long-term adverse changes in the
833 agricultural economy. To protect these communities and promote
834 viable agriculture for the long term, it is essential to
835 encourage and permit diversification of existing rural
836 agricultural industrial centers by providing for jobs that are
837 not solely dependent upon, but are compatible with and
838 complement, existing agricultural industrial operations and to
839 encourage the creation and expansion of industries that use
840 agricultural products in innovative ways. However, the expansion
841 and diversification of these existing centers must be

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842 accomplished in a manner that does not promote urban sprawl into
843 surrounding agricultural and rural areas.

844 (b) As used in this subsection, the term "rural
845 agricultural industrial center" means a developed parcel of land
846 in an unincorporated area on which there exists an operating
847 agricultural industrial facility or facilities that employ at
848 least 200 full-time employees in the aggregate and process and
849 prepare for transport a farm product, as defined in s. 163.3162,
850 or any biomass material that could be used, directly or
851 indirectly, for the production of fuel, renewable energy,
852 bioenergy, or alternative fuel as defined by law. The center may
853 also include land contiguous to the facility site which is not
854 used for the cultivation of crops, but on which other existing
855 activities essential to the operation of such facility or
856 facilities are located or conducted. The parcel of land must be
857 located within, or within 10 miles of, a rural area of
858 opportunity critical economic concern.

859 (e) ~~Nothing in~~ This subsection ~~does not shall be construed~~
860 ~~to~~ confer the status of rural area of opportunity critical
861 ~~economic concern~~, or any of the rights or benefits derived from
862 such status, on any land area not otherwise designated as such
863 pursuant to s. 288.0656(7).

864 Section 17. Subsection (3) of section 163.3187, Florida
865 Statutes, is amended to read:
866 163.3187 Process for adoption of small-scale comprehensive
867 plan amendment.—

868 (3) If the small scale development amendment involves a
869 site within a rural area of opportunity critical economic
870 ~~concern~~ as defined under s. 288.0656(2) (d) for the duration of

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871 such designation, the 10-acre limit listed in subsection (1)
 872 shall be increased by 100 percent to 20 acres. The local
 873 government approving the small scale plan amendment shall
 874 certify to the Office of Tourism, Trade, and Economic
 875 Development that the plan amendment furthers the economic
 876 objectives set forth in the executive order issued under s.
 877 288.0656(7), and the property subject to the plan amendment
 878 shall undergo public review to ensure that all concurrency
 879 requirements and federal, state, and local environmental permit
 880 requirements are met.

881 Section 18. Subsection (10) of section 163.3246, Florida
 882 Statutes, is amended to read:

883 163.3246 Local government comprehensive planning
 884 certification program.—

885 (10) Notwithstanding subsections (2), (4), (5), (6), and
 886 (7), any municipality designated as a rural area of opportunity
 887 ~~critical economic concern~~ pursuant to s. 288.0656 which is
 888 located within a county eligible to levy the Small County Surtax
 889 under s. 212.055(3) shall be considered certified during the
 890 effectiveness of the designation of rural area of opportunity
 891 ~~critical economic concern~~. The state land planning agency shall
 892 provide a written notice of certification to the local
 893 government of the certified area, which shall be considered
 894 final agency action subject to challenge under s. 120.569. The
 895 notice of certification shall include the following components:

896 (a) The boundary of the certification area.

897 (b) A requirement that the local government submit ~~either~~
 898 an annual or biennial monitoring report to the state land
 899 planning agency according to the schedule provided in the

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900 written notice. The monitoring report shall, at a minimum,
 901 include the number of amendments to the comprehensive plan
 902 adopted by the local government, the number of plan amendments
 903 challenged by an affected person, and the disposition of those
 904 challenges.

905 Section 19. Paragraph (a) of subsection (6) of section
 906 211.3103, Florida Statutes, is amended to read:

907 211.3103 Levy of tax on severance of phosphate rock; rate,
 908 basis, and distribution of tax.—

909 (6) (a) Beginning July 1 of the 2011-2012 fiscal year, the
 910 proceeds of all taxes, interest, and penalties imposed under
 911 this section are exempt from the general revenue service charge
 912 provided in s. 215.20, and such proceeds shall be paid into the
 913 State Treasury as follows:

914 1. To the credit of the Conservation and Recreation Lands
 915 Trust Fund, 25.5 percent.

916 2. To the credit of the General Revenue Fund of the state,
 917 35.7 percent.

918 3. For payment to counties in proportion to the number of
 919 tons of phosphate rock produced from a phosphate rock matrix
 920 located within such political boundary, 12.8 percent. The
 921 department shall distribute this portion of the proceeds
 922 annually based on production information reported by the
 923 producers on the annual returns for the taxable year. Any such
 924 proceeds received by a county shall be used only for phosphate-
 925 related expenses.

926 4. For payment to counties that have been designated as a
 927 rural area of opportunity ~~critical economic concern~~ pursuant to
 928 s. 288.0656 in proportion to the number of tons of phosphate

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929 rock produced from a phosphate rock matrix located within such
930 political boundary, 10.0 percent. The department shall
931 distribute this portion of the proceeds annually based on
932 production information reported by the producers on the annual
933 returns for the taxable year. Payments under this subparagraph
934 shall be made to the counties unless the Legislature by special
935 act creates a local authority to promote and direct the economic
936 development of the county. If such authority exists, payments
937 shall be made to that authority.

938 5. To the credit of the Nonmandatory Land Reclamation Trust
939 Fund, 6.2 percent.

940 6. To the credit of the Phosphate Research Trust Fund in
941 the Division of Universities of the Department of Education, 6.2
942 percent.

943 7. To the credit of the Minerals Trust Fund, 3.6 percent.

944 Section 20. Paragraph (c) of subsection (1) of section
945 212.098, Florida Statutes, is amended to read:

946 212.098 Rural Job Tax Credit Program.—

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

948 (c) "Qualified area" means any area that is contained
949 within a rural area of opportunity ~~critical economic concern~~
950 designated under s. 288.0656, a county that has a population of
951 fewer than 75,000 persons, or a county that has a population of
952 125,000 or less and is contiguous to a county that has a
953 population of less than 75,000, selected in the following
954 manner: every third year, the Department of Economic Opportunity
955 shall rank and tier the state's counties according to the
956 following four factors:

957 1. Highest unemployment rate for the most recent 36-month

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958 period.

959 2. Lowest per capita income for the most recent 36-month
960 period.

961 3. Highest percentage of residents whose incomes are below
962 the poverty level, based upon the most recent data available.

963 4. Average weekly manufacturing wage, based upon the most
964 recent data available.

965 Section 21. Subsection (1) of section 218.67, Florida
966 Statutes, is amended to read:

967 218.67 Distribution for fiscally constrained counties.—

968 (1) Each county that is entirely within a rural area of
969 opportunity ~~critical economic concern~~ as designated by the
970 Governor pursuant to s. 288.0656 or each county for which the
971 value of a mill will raise no more than \$5 million in revenue,
972 based on the taxable value certified pursuant to s.
973 1011.62(4)(a)1.a., from the previous July 1, shall be considered
974 a fiscally constrained county.

975 Section 22. Subsection (1) of section 288.018, Florida
976 Statutes, is amended to read:

977 288.018 Regional Rural Development Grants Program.—

978 (1) The department shall establish a matching grant program
979 to provide funding to regionally based economic development
980 organizations representing rural counties and communities for
981 the purpose of building the professional capacity of their
982 organizations. Such matching grants may also be used by an
983 economic development organization to provide technical
984 assistance to businesses within the rural counties and
985 communities that it serves. The department is authorized to
986 approve, on an annual basis, grants to such regionally based

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987 economic development organizations. The maximum amount an
 988 organization may receive in any year will be \$35,000, or
 989 \$100,000 in a rural area of opportunity ~~critical economic~~
 990 ~~concern~~ recommended by the Rural Economic Development Initiative
 991 and designated by the Governor, and must be matched each year by
 992 an equivalent amount of nonstate resources.

993 Section 23. Paragraphs (a) and (c) of subsection (2) of
 994 section 288.065, Florida Statutes, are amended to read:

995 288.065 Rural Community Development Revolving Loan Fund.—
 996 (2) (a) The program shall provide for long-term loans, loan
 997 guarantees, and loan loss reserves to units of local
 998 governments, or economic development organizations substantially
 999 underwritten by a unit of local government, within counties with
 1000 populations of 75,000 or fewer, or within any county with a
 1001 population of 125,000 or fewer which is contiguous to a county
 1002 with a population of 75,000 or fewer, based on the most recent
 1003 official population estimate as determined under s. 186.901,
 1004 including those residing in incorporated areas and those
 1005 residing in unincorporated areas of the county, or to units of
 1006 local government, or economic development organizations
 1007 substantially underwritten by a unit of local government, within
 1008 a rural area of opportunity ~~critical economic concern~~.

1009 (c) All repayments of principal and interest shall be
 1010 returned to the loan fund and made available for loans to other
 1011 applicants. However, in a rural area of opportunity ~~critical~~
 1012 ~~economic concern~~ designated by the Governor, and upon approval
 1013 by the department, repayments of principal and interest may be
 1014 retained by the applicant if such repayments are dedicated and
 1015 matched to fund regionally based economic development

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1016 organizations representing the rural area of opportunity
 1017 ~~critical economic concern~~.

1018 Section 24. Paragraphs (b), (c), and (e) of subsection (2)
 1019 of section 288.0655, Florida Statutes, are amended to read:
 1020 288.0655 Rural Infrastructure Fund.—
 1021 (2)
 1022 (b) To facilitate access of rural communities and rural
 1023 areas of opportunity ~~critical economic concern~~ as defined by the
 1024 Rural Economic Development Initiative to infrastructure funding
 1025 programs of the Federal Government, such as those offered by the
 1026 United States Department of Agriculture and the United States
 1027 Department of Commerce, and state programs, including those
 1028 offered by Rural Economic Development Initiative agencies, and
 1029 to facilitate local government or private infrastructure funding
 1030 efforts, the department may award grants for up to 30 percent of
 1031 the total infrastructure project cost. If an application for
 1032 funding is for a catalyst site, as defined in s. 288.0656, the
 1033 department may award grants for up to 40 percent of the total
 1034 infrastructure project cost. Eligible projects must be related
 1035 to specific job-creation or job-retention opportunities.
 1036 Eligible projects may also include improving any inadequate
 1037 infrastructure that has resulted in regulatory action that
 1038 prohibits economic or community growth or reducing the costs to
 1039 community users of proposed infrastructure improvements that
 1040 exceed such costs in comparable communities. Eligible uses of
 1041 funds shall include improvements to public infrastructure for
 1042 industrial or commercial sites and upgrades to or development of
 1043 public tourism infrastructure. Authorized infrastructure may
 1044 include the following public or public-private partnership

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1045 facilities: storm water systems; telecommunications facilities;
 1046 broadband facilities; roads or other remedies to transportation
 1047 impediments; nature-based tourism facilities; or other physical
 1048 requirements necessary to facilitate tourism, trade, and
 1049 economic development activities in the community. Authorized
 1050 infrastructure may also include publicly or privately owned
 1051 self-powered nature-based tourism facilities, publicly owned
 1052 telecommunications facilities, and broadband facilities, and
 1053 additions to the distribution facilities of the existing natural
 1054 gas utility as defined in s. 366.04(3)(c), the existing electric
 1055 utility as defined in s. 366.02, or the existing water or
 1056 wastewater utility as defined in s. 367.021(12), or any other
 1057 existing water or wastewater facility, which owns a gas or
 1058 electric distribution system or a water or wastewater system in
 1059 this state where:

1060 1. A contribution-in-aid of construction is required to
 1061 serve public or public-private partnership facilities under the
 1062 tariffs of any natural gas, electric, water, or wastewater
 1063 utility as defined herein; and

1064 2. Such utilities as defined herein are willing and able to
 1065 provide such service.

1066 (c) To facilitate timely response and induce the location
 1067 or expansion of specific job creating opportunities, the
 1068 department may award grants for infrastructure feasibility
 1069 studies, design and engineering activities, or other
 1070 infrastructure planning and preparation activities. Authorized
 1071 grants shall be up to \$50,000 for an employment project with a
 1072 business committed to create at least 100 jobs; up to \$150,000
 1073 for an employment project with a business committed to create at

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1074 least 300 jobs; and up to \$300,000 for a project in a rural area
 1075 of opportunity critical economic concern. Grants awarded under
 1076 this paragraph may be used in conjunction with grants awarded
 1077 under paragraph (b), provided that the total amount of both
 1078 grants does not exceed 30 percent of the total project cost. In
 1079 evaluating applications under this paragraph, the department
 1080 shall consider the extent to which the application seeks to
 1081 minimize administrative and consultant expenses.

1082 (e) To enable local governments to access the resources
 1083 available pursuant to s. 403.973(18), the department may award
 1084 grants for surveys, feasibility studies, and other activities
 1085 related to the identification and preclearance review of land
 1086 which is suitable for preclearance review. Authorized grants
 1087 under this paragraph may ~~shall~~ not exceed \$75,000 each, except
 1088 in the case of a project in a rural area of opportunity critical
 1089 ~~economic concern~~, in which case the grant may ~~shall~~ not exceed
 1090 \$300,000. Any funds awarded under this paragraph must be matched
 1091 at a level of 50 percent with local funds, except that any funds
 1092 awarded for a project in a rural area of opportunity critical
 1093 ~~economic concern~~ must be matched at a level of 33 percent with
 1094 local funds. If an application for funding is for a catalyst
 1095 site, as defined in s. 288.0656, the requirement for local match
 1096 may be waived pursuant to the process in s. 288.06561. In
 1097 evaluating applications under this paragraph, the department
 1098 shall consider the extent to which the application seeks to
 1099 minimize administrative and consultant expenses.

1100 Section 25. Paragraphs (a), (b), and (d) of subsection (2)
 1101 and subsection (7) of section 288.0656, Florida Statutes, are
 1102 amended to read:

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1103 288.0656 Rural Economic Development Initiative.-

1104 (2) As used in this section, the term:

1105 (a) "Catalyst project" means a business locating or

1106 expanding in a rural area of opportunity ~~critical economic~~

1107 ~~concern~~ to serve as an economic generator of regional

1108 significance for the growth of a regional target industry

1109 cluster. The project must provide capital investment on a scale

1110 significant enough to affect the entire region and result in the

1111 development of high-wage and high-skill jobs.

1112 (b) "Catalyst site" means a parcel or parcels of land

1113 within a rural area of opportunity ~~critical economic concern~~

1114 that has been prioritized as a geographic site for economic

1115 development through partnerships with state, regional, and local

1116 organizations. The site must be reviewed by REDI and approved by

1117 the department for the purposes of locating a catalyst project.

1118 (d) "Rural area of opportunity ~~critical economic concern~~"

1119 means a rural community, or a region composed of rural

1120 communities, designated by the Governor, which that has been

1121 adversely affected by an extraordinary economic event, severe or

1122 chronic distress, or a natural disaster or that presents a

1123 unique economic development opportunity of regional impact.

1124 (7) (a) REDI may recommend to the Governor up to three rural

1125 areas of opportunity ~~critical economic concern~~. The Governor may

1126 by executive order designate up to three rural areas of

1127 opportunity ~~critical economic concern~~ which will establish these

1128 areas as priority assignments for REDI as well as to allow the

1129 Governor, acting through REDI, to waive criteria, requirements,

1130 or similar provisions of any economic development incentive.

1131 Such incentives shall include, but are not ~~be~~ limited to, + the

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1132 Qualified Target Industry Tax Refund Program under s. 288.106,

1133 the Quick Response Training Program under s. 288.047, the Quick

1134 Response Training Program for participants in the welfare

1135 transition program under s. 288.047(8), transportation projects

1136 under s. 339.2821, the brownfield redevelopment bonus refund

1137 under s. 288.107, and the rural job tax credit program under ss.

1138 212.098 and 220.1895.

1139 (b) Designation as a rural area of opportunity ~~critical~~

1140 ~~economic concern~~ under this subsection shall be contingent upon

1141 the execution of a memorandum of agreement among the department;

1142 the governing body of the county; and the governing bodies of

1143 any municipalities to be included within a rural area of

1144 opportunity ~~critical economic concern~~. Such agreement shall

1145 specify the terms and conditions of the designation, including,

1146 but not limited to, the duties and responsibilities of the

1147 county and any participating municipalities to take actions

1148 designed to facilitate the retention and expansion of existing

1149 businesses in the area, as well as the recruitment of new

1150 businesses to the area.

1151 (c) Each rural area of opportunity ~~critical economic~~

1152 ~~concern~~ may designate catalyst projects, provided that each

1153 catalyst project is specifically recommended by REDI, identified

1154 as a catalyst project by Enterprise Florida, Inc., and confirmed

1155 as a catalyst project by the department. All state agencies and

1156 departments shall use all available tools and resources to the

1157 extent permissible by law to promote the creation and

1158 development of each catalyst project and the development of

1159 catalyst sites.

1160 Section 26. Paragraph (a) of subsection (3) of section

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1161 288.1088, Florida Statutes, is amended to read:
 1162 288.1088 Quick Action Closing Fund.—
 1163 (3) (a) The department and Enterprise Florida, Inc., shall
 1164 jointly review applications pursuant to s. 288.061 and determine
 1165 the eligibility of each project consistent with the criteria in
 1166 subsection (2). Waiver of these criteria may be considered under
 1167 the following criteria:
 1168 1. Based on extraordinary circumstances;
 1169 2. In order to mitigate the impact of the conclusion of the
 1170 space shuttle program; or
 1171 3. In rural areas of opportunity ~~critical economic concern~~
 1172 if the project would significantly benefit the local or regional
 1173 economy.
 1174 Section 27. Paragraphs (b), (c), and (d) of subsection (4)
 1175 of section 288.1089, Florida Statutes, are amended to read:
 1176 288.1089 Innovation Incentive Program.—
 1177 (4) To qualify for review by the department, the applicant
 1178 must, at a minimum, establish the following to the satisfaction
 1179 of the department:
 1180 (b) A research and development project must:
 1181 1. Serve as a catalyst for an emerging or evolving
 1182 technology cluster.
 1183 2. Demonstrate a plan for significant higher education
 1184 collaboration.
 1185 3. Provide the state, at a minimum, a cumulative break-even
 1186 economic benefit within a 20-year period.
 1187 4. Be provided with a one-to-one match from the local
 1188 community. The match requirement may be reduced or waived in
 1189 rural areas of opportunity ~~critical economic concern~~ or reduced

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1190 in rural areas, brownfield areas, and enterprise zones.
 1191 (c) An innovation business project in this state, other
 1192 than a research and development project, must:
 1193 1.a. Result in the creation of at least 1,000 direct, new
 1194 jobs at the business; or
 1195 b. Result in the creation of at least 500 direct, new jobs
 1196 if the project is located in a rural area, a brownfield area, or
 1197 an enterprise zone.
 1198 2. Have an activity or product that is within an industry
 1199 that is designated as a target industry business under s.
 1200 288.106 or a designated sector under s. 288.108.
 1201 3.a. Have a cumulative investment of at least \$500 million
 1202 within a 5-year period; or
 1203 b. Have a cumulative investment that exceeds \$250 million
 1204 within a 10-year period if the project is located in a rural
 1205 area, brownfield area, or an enterprise zone.
 1206 4. Be provided with a one-to-one match from the local
 1207 community. The match requirement may be reduced or waived in
 1208 rural areas of opportunity ~~critical economic concern~~ or reduced
 1209 in rural areas, brownfield areas, and enterprise zones.
 1210 (d) For an alternative and renewable energy project in this
 1211 state, the project must:
 1212 1. Demonstrate a plan for significant collaboration with an
 1213 institution of higher education;
 1214 2. Provide the state, at a minimum, a cumulative break-even
 1215 economic benefit within a 20-year period;
 1216 3. Include matching funds provided by the applicant or
 1217 other available sources. The match requirement may be reduced or
 1218 waived in rural areas of opportunity ~~critical economic concern~~

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1219 or reduced in rural areas, brownfield areas, and enterprise
 1220 zones;

1221 4. Be located in this state; and

1222 5. Provide at least 35 direct, new jobs that pay an
 1223 estimated annual average wage that equals at least 130 percent
 1224 of the average private sector wage.

1225 Section 28. Paragraph (d) of subsection (6) of section
 1226 290.0055, Florida Statutes, is amended to read:

1227 290.0055 Local nominating procedure.—

1228 (6)

1229 (d)1. The governing body of a jurisdiction which has
 1230 nominated an application for an enterprise zone that is at least
 1231 15 square miles and less than 20 square miles and includes a
 1232 portion of the state designated as a rural area of opportunity
 1233 ~~critical economic concern~~ under s. 288.0656(7) may apply to the
 1234 department to expand the boundary of the existing enterprise
 1235 zone by not more than 3 square miles.

1236 2. The governing body of a jurisdiction which has nominated
 1237 an application for an enterprise zone that is at least 20 square
 1238 miles and includes a portion of the state designated as a rural
 1239 area of opportunity ~~critical economic concern~~ under s.
 1240 288.0656(7) may apply to the department to expand the boundary
 1241 of the existing enterprise zone by not more than 5 square miles.

1242 3. An application to expand the boundary of an enterprise
 1243 zone under this paragraph must be submitted by December 31,
 1244 2013.

1245 4. Notwithstanding the area limitations specified in
 1246 subsection (4), the department may approve the request for a
 1247 boundary amendment if the area continues to satisfy the

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1248 remaining requirements of this section.

1249 5. The department shall establish the initial effective
 1250 date of an enterprise zone designated under this paragraph.

1251 Section 29. Paragraph (c) of subsection (4) of section
 1252 339.2819, Florida Statutes, is amended to read:

1253 339.2819 Transportation Regional Incentive Program.—

1254 (4)

1255 (c) The department shall give priority to projects that:

1256 1. Provide connectivity to the Strategic Intermodal System
 1257 developed under s. 339.64.

1258 2. Support economic development and the movement of goods
 1259 in rural areas of opportunity ~~critical economic concern~~
 1260 designated under s. 288.0656(7).

1261 3. Are subject to a local ordinance that establishes
 1262 corridor management techniques, including access management
 1263 strategies, right-of-way acquisition and protection measures,
 1264 appropriate land use strategies, zoning, and setback
 1265 requirements for adjacent land uses.

1266 4. Improve connectivity between military installations and
 1267 the Strategic Highway Network or the Strategic Rail Corridor
 1268 Network.

1269

1270 The department shall also consider the extent to which local
 1271 matching funds are available to be committed to the project.

1272 Section 30. Paragraph (b) of subsection (5) of section
 1273 339.63, Florida Statutes, is amended to read:

1274 339.63 System facilities designated; additions and
 1275 deletions.—

1276 (5)

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1277 (b) A facility designated part of the Strategic Intermodal
 1278 System pursuant to paragraph (a) that is within the jurisdiction
 1279 of a local government that maintains a transportation
 1280 concurrency system shall receive a waiver of transportation
 1281 concurrency requirements applicable to Strategic Intermodal
 1282 System facilities in order to accommodate any development at the
 1283 facility which occurs pursuant to a building permit issued on or
 1284 before December 31, 2017, but only if such facility is located:

1285 1. Within an area designated pursuant to s. 288.0656(7) as
 1286 a rural area of opportunity ~~critical economic concern~~;

1287 2. Within a rural enterprise zone as defined in s.
 1288 290.004(5); or

1289 3. Within 15 miles of the boundary of a rural area of
 1290 opportunity ~~critical economic concern~~ or a rural enterprise
 1291 zone.

1292 Section 31. Paragraph (c) of subsection (3) of section
 1293 373.4595, Florida Statutes, is amended to read:

1294 373.4595 Northern Everglades and Estuaries Protection
 1295 Program.—

1296 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—A
 1297 protection program for Lake Okeechobee that achieves phosphorus
 1298 load reductions for Lake Okeechobee shall be immediately
 1299 implemented as specified in this subsection. The program shall
 1300 address the reduction of phosphorus loading to the lake from
 1301 both internal and external sources. Phosphorus load reductions
 1302 shall be achieved through a phased program of implementation.
 1303 Initial implementation actions shall be technology-based, based
 1304 upon a consideration of both the availability of appropriate
 1305 technology and the cost of such technology, and shall include

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1306 phosphorus reduction measures at both the source and the
 1307 regional level. The initial phase of phosphorus load reductions
 1308 shall be based upon the district's Technical Publication 81-2
 1309 and the district's WOD program, with subsequent phases of
 1310 phosphorus load reductions based upon the total maximum daily
 1311 loads established in accordance with s. 403.067. In the
 1312 development and administration of the Lake Okeechobee Watershed
 1313 Protection Program, the coordinating agencies shall maximize
 1314 opportunities provided by federal cost-sharing programs and
 1315 opportunities for partnerships with the private sector.

1316 (c) *Lake Okeechobee Watershed Phosphorus Control Program.*—
 1317 The Lake Okeechobee Watershed Phosphorus Control Program is
 1318 designed to be a multifaceted approach to reducing phosphorus
 1319 loads by improving the management of phosphorus sources within
 1320 the Lake Okeechobee watershed through implementation of
 1321 regulations and best management practices, development and
 1322 implementation of improved best management practices,
 1323 improvement and restoration of the hydrologic function of
 1324 natural and managed systems, and utilization of alternative
 1325 technologies for nutrient reduction. The coordinating agencies
 1326 shall facilitate the application of federal programs that offer
 1327 opportunities for water quality treatment, including
 1328 preservation, restoration, or creation of wetlands on
 1329 agricultural lands.

1330 1. Agricultural nonpoint source best management practices,
 1331 developed in accordance with s. 403.067 and designed to achieve
 1332 the objectives of the Lake Okeechobee Watershed Protection
 1333 Program, shall be implemented on an expedited basis. The
 1334 coordinating agencies shall develop an interagency agreement

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1335 pursuant to ss. 373.046 and 373.406(5) that assures the
 1336 development of best management practices that complement
 1337 existing regulatory programs and specifies how those best
 1338 management practices are implemented and verified. The
 1339 interagency agreement shall address measures to be taken by the
 1340 coordinating agencies during any best management practice
 1341 reevaluation performed pursuant to sub-subparagraph d. The
 1342 department shall use best professional judgment in making the
 1343 initial determination of best management practice effectiveness.

1344 a. As provided in s. 403.067(7)(c), the Department of
 1345 Agriculture and Consumer Services, in consultation with the
 1346 department, the district, and affected parties, shall initiate
 1347 rule development for interim measures, best management
 1348 practices, conservation plans, nutrient management plans, or
 1349 other measures necessary for Lake Okeechobee watershed total
 1350 maximum daily load reduction. The rule shall include thresholds
 1351 for requiring conservation and nutrient management plans and
 1352 criteria for the contents of such plans. Development of
 1353 agricultural nonpoint source best management practices shall
 1354 initially focus on those priority basins listed in subparagraph
 1355 (b)1. The Department of Agriculture and Consumer Services, in
 1356 consultation with the department, the district, and affected
 1357 parties, shall conduct an ongoing program for improvement of
 1358 existing and development of new interim measures or best
 1359 management practices for the purpose of adoption of such
 1360 practices by rule. The Department of Agriculture and Consumer
 1361 Services shall work with the University of Florida's Institute
 1362 of Food and Agriculture Sciences to review and, where
 1363 appropriate, develop revised nutrient application rates for all

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1364 agricultural soil amendments in the watershed.
 1365 b. Where agricultural nonpoint source best management
 1366 practices or interim measures have been adopted by rule of the
 1367 Department of Agriculture and Consumer Services, the owner or
 1368 operator of an agricultural nonpoint source addressed by such
 1369 rule shall either implement interim measures or best management
 1370 practices or demonstrate compliance with the district's WOD
 1371 program by conducting monitoring prescribed by the department or
 1372 the district. Owners or operators of agricultural nonpoint
 1373 sources who implement interim measures or best management
 1374 practices adopted by rule of the Department of Agriculture and
 1375 Consumer Services shall be subject to the provisions of s.
 1376 403.067(7). The Department of Agriculture and Consumer Services,
 1377 in cooperation with the department and the district, shall
 1378 provide technical and financial assistance for implementation of
 1379 agricultural best management practices, subject to the
 1380 availability of funds.
 1381 c. The district or department shall conduct monitoring at
 1382 representative sites to verify the effectiveness of agricultural
 1383 nonpoint source best management practices.
 1384 d. Where water quality problems are detected for
 1385 agricultural nonpoint sources despite the appropriate
 1386 implementation of adopted best management practices, the
 1387 Department of Agriculture and Consumer Services, in consultation
 1388 with the other coordinating agencies and affected parties, shall
 1389 institute a reevaluation of the best management practices and
 1390 make appropriate changes to the rule adopting best management
 1391 practices.
 1392 2. Nonagricultural nonpoint source best management

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

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1393 practices, developed in accordance with s. 403.067 and designed
 1394 to achieve the objectives of the Lake Okeechobee Watershed
 1395 Protection Program, shall be implemented on an expedited basis.
 1396 The department and the district shall develop an interagency
 1397 agreement pursuant to ss. 373.046 and 373.406(5) that assures
 1398 the development of best management practices that complement
 1399 existing regulatory programs and specifies how those best
 1400 management practices are implemented and verified. The
 1401 interagency agreement shall address measures to be taken by the
 1402 department and the district during any best management practice
 1403 reevaluation performed pursuant to sub-subparagraph d.

1404 a. The department and the district are directed to work
 1405 with the University of Florida's Institute of Food and
 1406 Agricultural Sciences to develop appropriate nutrient
 1407 application rates for all nonagricultural soil amendments in the
 1408 watershed. As provided in s. 403.067(7)(c), the department, in
 1409 consultation with the district and affected parties, shall
 1410 develop interim measures, best management practices, or other
 1411 measures necessary for Lake Okeechobee watershed total maximum
 1412 daily load reduction. Development of nonagricultural nonpoint
 1413 source best management practices shall initially focus on those
 1414 priority basins listed in subparagraph (b)1. The department, the
 1415 district, and affected parties shall conduct an ongoing program
 1416 for improvement of existing and development of new interim
 1417 measures or best management practices. The district shall adopt
 1418 technology-based standards under the district's WOD program for
 1419 nonagricultural nonpoint sources of phosphorus. Nothing in this
 1420 sub-subparagraph shall affect the authority of the department or
 1421 the district to adopt basin-specific criteria under this part to

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1422 prevent harm to the water resources of the district.

1423 b. Where nonagricultural nonpoint source best management
 1424 practices or interim measures have been developed by the
 1425 department and adopted by the district, the owner or operator of
 1426 a nonagricultural nonpoint source shall implement interim
 1427 measures or best management practices and be subject to the
 1428 provisions of s. 403.067(7). The department and district shall
 1429 provide technical and financial assistance for implementation of
 1430 nonagricultural nonpoint source best management practices,
 1431 subject to the availability of funds.

1432 c. The district or the department shall conduct monitoring
 1433 at representative sites to verify the effectiveness of
 1434 nonagricultural nonpoint source best management practices.

1435 d. Where water quality problems are detected for
 1436 nonagricultural nonpoint sources despite the appropriate
 1437 implementation of adopted best management practices, the
 1438 department and the district shall institute a reevaluation of
 1439 the best management practices.

1440 3. The provisions of subparagraphs 1. and 2. may ~~shall~~ not
 1441 preclude the department or the district from requiring
 1442 compliance with water quality standards or with current best
 1443 management practices requirements set forth in any applicable
 1444 regulatory program authorized by law for the purpose of
 1445 protecting water quality. Additionally, subparagraphs 1. and 2.
 1446 are applicable only to the extent that they do not conflict with
 1447 any rules adopted ~~promulgated~~ by the department that are
 1448 necessary to maintain a federally delegated or approved program.

1449 4. Projects that reduce the phosphorus load originating
 1450 from domestic wastewater systems within the Lake Okeechobee

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1451 watershed shall be given funding priority in the department's
 1452 revolving loan program under s. 403.1835. The department shall
 1453 coordinate and provide assistance to those local governments
 1454 seeking financial assistance for such priority projects.

1455 5. Projects that make use of private lands, or lands held
 1456 in trust for Indian tribes, to reduce nutrient loadings or
 1457 concentrations within a basin by one or more of the following
 1458 methods: restoring the natural hydrology of the basin, restoring
 1459 wildlife habitat or impacted wetlands, reducing peak flows after
 1460 storm events, increasing aquifer recharge, or protecting range
 1461 and timberland from conversion to development, are eligible for
 1462 grants available under this section from the coordinating
 1463 agencies. For projects of otherwise equal priority, special
 1464 funding priority will be given to those projects that make best
 1465 use of the methods outlined above that involve public-private
 1466 partnerships or that obtain federal match money. Preference
 1467 ranking above the special funding priority will be given to
 1468 projects located in a rural area of opportunity ~~critical~~
 1469 ~~economic concern~~ designated by the Governor. Grant applications
 1470 may be submitted by any person or tribal entity, and eligible
 1471 projects may include, but are not limited to, the purchase of
 1472 conservation and flowage easements, hydrologic restoration of
 1473 wetlands, creating treatment wetlands, development of a
 1474 management plan for natural resources, and financial support to
 1475 implement a management plan.

1476 6.a. The department shall require all entities disposing of
 1477 domestic wastewater residuals within the Lake Okeechobee
 1478 watershed and the remaining areas of Okeechobee, Glades, and
 1479 Hendry Counties to develop and submit to the department an

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1480 agricultural use plan that limits applications based upon
 1481 phosphorus loading. By July 1, 2005, phosphorus concentrations
 1482 originating from these application sites ~~may shall~~ not exceed
 1483 the limits established in the district's WOD program. After
 1484 December 31, 2007, the department may not authorize the disposal
 1485 of domestic wastewater residuals within the Lake Okeechobee
 1486 watershed unless the applicant can affirmatively demonstrate
 1487 that the phosphorus in the residuals will not add to phosphorus
 1488 loadings in Lake Okeechobee or its tributaries. This
 1489 demonstration shall be based on achieving a net balance between
 1490 phosphorus imports relative to exports on the permitted
 1491 application site. Exports shall include only phosphorus removed
 1492 from the Lake Okeechobee watershed through products generated on
 1493 the permitted application site. This prohibition does not apply
 1494 to Class AA residuals that are marketed and distributed as
 1495 fertilizer products in accordance with department rule.

1496 b. Private and government-owned utilities within Monroe,
 1497 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
 1498 River, Okeechobee, Highlands, Hendry, and Glades Counties that
 1499 dispose of wastewater residual sludge from utility operations
 1500 and septic removal by land spreading in the Lake Okeechobee
 1501 watershed may use a line item on local sewer rates to cover
 1502 wastewater residual treatment and disposal if such disposal and
 1503 treatment is done by approved alternative treatment methodology
 1504 at a facility located within the areas designated by the
 1505 Governor as rural areas of opportunity ~~critical economic concern~~
 1506 pursuant to s. 288.0656. This additional line item is an
 1507 environmental protection disposal fee above the present sewer
 1508 rate and ~~may shall~~ not be considered a part of the present sewer

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 1509 rate to customers, notwithstanding provisions to the contrary in
 1510 chapter 367. The fee shall be established by the county
 1511 commission or its designated assignee in the county in which the
 1512 alternative method treatment facility is located. The fee shall
 1513 be calculated to be no higher than that necessary to recover the
 1514 facility's prudent cost of providing the service. Upon request
 1515 by an affected county commission, the Florida Public Service
 1516 Commission will provide assistance in establishing the fee.
 1517 Further, for utilities and utility authorities that use the
 1518 additional line item environmental protection disposal fee, such
 1519 fee may ~~shall~~ not be considered a rate increase under the rules
 1520 of the Public Service Commission and shall be exempt from such
 1521 rules. Utilities using the provisions of this section may
 1522 immediately include in their sewer invoicing the new
 1523 environmental protection disposal fee. Proceeds from this
 1524 environmental protection disposal fee shall be used for
 1525 treatment and disposal of wastewater residuals, including any
 1526 treatment technology that helps reduce the volume of residuals
 1527 that require final disposal, but such proceeds may ~~shall~~ not be
 1528 used for transportation or shipment costs for disposal or any
 1529 costs relating to the land application of residuals in the Lake
 1530 Okeechobee watershed.

1531 c. No less frequently than once every 3 years, the Florida
 1532 Public Service Commission or the county commission through the
 1533 services of an independent auditor shall perform a financial
 1534 audit of all facilities receiving compensation from an
 1535 environmental protection disposal fee. The Florida Public
 1536 Service Commission or the county commission through the services
 1537 of an independent auditor shall also perform an audit of the

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 1538 methodology used in establishing the environmental protection
 1539 disposal fee. The Florida Public Service Commission or the
 1540 county commission shall, within 120 days after completion of an
 1541 audit, file the audit report with the President of the Senate
 1542 and the Speaker of the House of Representatives and shall
 1543 provide copies to the county commissions of the counties set
 1544 forth in sub-subparagraph b. The books and records of any
 1545 facilities receiving compensation from an environmental
 1546 protection disposal fee shall be open to the Florida Public
 1547 Service Commission and the Auditor General for review upon
 1548 request.

1549 7. The Department of Health shall require all entities
 1550 disposing of septage within the Lake Okeechobee watershed to
 1551 develop and submit to that agency an agricultural use plan that
 1552 limits applications based upon phosphorus loading. By July 1,
 1553 2005, phosphorus concentrations originating from these
 1554 application sites may ~~shall~~ not exceed the limits established in
 1555 the district's WOD program.

1556 8. The Department of Agriculture and Consumer Services
 1557 shall initiate rulemaking requiring entities within the Lake
 1558 Okeechobee watershed which land-apply animal manure to develop
 1559 resource management system level conservation plans, according
 1560 to United States Department of Agriculture criteria, which limit
 1561 such application. Such rules may include criteria and thresholds
 1562 for the requirement to develop a conservation or nutrient
 1563 management plan, requirements for plan approval, and
 1564 recordkeeping requirements.

1565 9. The district, the department, or the Department of
 1566 Agriculture and Consumer Services, as appropriate, shall

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1567 implement those alternative nutrient reduction technologies
 1568 determined to be feasible pursuant to subparagraph (d)6.
 1569 Section 32. Paragraph (e) of subsection (2) and paragraph
 1570 (b) of subsection (26) of section 380.06, Florida Statutes, are
 1571 amended to read:
 1572 380.06 Developments of regional impact.—
 1573 (2) STATEWIDE GUIDELINES AND STANDARDS.—
 1574 (e) With respect to residential, hotel, motel, office, and
 1575 retail developments, the applicable guidelines and standards
 1576 shall be increased by 50 percent in urban central business
 1577 districts and regional activity centers of jurisdictions whose
 1578 local comprehensive plans are in compliance with part II of
 1579 chapter 163. With respect to multiuse developments, the
 1580 applicable individual use guidelines and standards for
 1581 residential, hotel, motel, office, and retail developments and
 1582 multiuse guidelines and standards shall be increased by 100
 1583 percent in urban central business districts and regional
 1584 activity centers of jurisdictions whose local comprehensive
 1585 plans are in compliance with part II of chapter 163, if one land
 1586 use of the multiuse development is residential and amounts to
 1587 not less than 35 percent of the jurisdiction's applicable
 1588 residential threshold. With respect to resort or convention
 1589 hotel developments, the applicable guidelines and standards
 1590 shall be increased by 150 percent in urban central business
 1591 districts and regional activity centers of jurisdictions whose
 1592 local comprehensive plans are in compliance with part II of
 1593 chapter 163 and where the increase is specifically for a
 1594 proposed resort or convention hotel located in a county with a
 1595 population greater than 500,000 and the local government

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1596 specifically designates that the proposed resort or convention
 1597 hotel development will serve an existing convention center of
 1598 more than 250,000 gross square feet built ~~before~~ prior to July
 1599 1, 1992. The applicable guidelines and standards shall be
 1600 increased by 150 percent for development in any area designated
 1601 by the Governor as a rural area of opportunity ~~critical economic~~
 1602 ~~concern~~ pursuant to s. 288.0656 during the effectiveness of the
 1603 designation.
 1604 (26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—
 1605 (b) Upon receipt of written confirmation from the state
 1606 land planning agency that any required mitigation applicable to
 1607 completed development has occurred, an industrial development of
 1608 regional impact located within the coastal high-hazard area of a
 1609 rural area of opportunity ~~county of economic concern~~ which was
 1610 approved ~~before~~ prior to the adoption of the local government's
 1611 comprehensive plan required under s. 163.3167 and which plan's
 1612 future land use map and zoning designates the land use for the
 1613 development of regional impact as commercial may be unilaterally
 1614 abandoned without the need to proceed through the process
 1615 described in paragraph (a) if the developer or owner provides a
 1616 notice of abandonment to the local government and records such
 1617 notice with the applicable clerk of court. Abandonment shall be
 1618 deemed to have occurred upon the recording of the notice. All
 1619 development following abandonment shall be fully consistent with
 1620 the current comprehensive plan and applicable zoning.
 1621 Section 33. Paragraph (g) of subsection (3) of section
 1622 380.0651, Florida Statutes, is amended to read:
 1623 380.0651 Statewide guidelines and standards.—
 1624 (3) The following statewide guidelines and standards shall

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1625 be applied in the manner described in s. 380.06(2) to determine
 1626 whether the following developments shall be required to undergo
 1627 development-of-regional-impact review:

1628 (g) *Residential development.*—~~A~~ ~~No~~ rule may not be adopted
 1629 concerning residential developments which treats a residential
 1630 development in one county as being located in a less populated
 1631 adjacent county unless more than 25 percent of the development
 1632 is located within 2 ~~or less~~ miles or less of the less populated
 1633 adjacent county. The residential thresholds of adjacent counties
 1634 with less population and a lower threshold may ~~shall~~ not be
 1635 controlling on any development wholly located within areas
 1636 designated as rural areas of opportunity ~~critical economic~~
 1637 ~~concern~~.

1638 Section 34. Paragraph (b) of subsection (2) of section
 1639 985.686, Florida Statutes, is amended to read:

1640 985.686 Shared county and state responsibility for juvenile
 1641 detention.—

1642 (2) As used in this section, the term:

1643 (b) "Fiscally constrained county" means a county within a
 1644 rural area of opportunity ~~critical economic concern~~ as
 1645 designated by the Governor pursuant to s. 288.0656 or each
 1646 county for which the value of a mill will raise no more than \$5
 1647 million in revenue, based on the certified school taxable value
 1648 certified pursuant to s. 1011.62(4)(a)1.a., from the previous
 1649 July 1.

1650 Section 35. Subsection (2) of section 1011.76, Florida
 1651 Statutes, is amended to read:

1652 1011.76 Small School District Stabilization Program.—

1653 (2) In order to participate in this program, a school

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1654 district must be located in a rural area of opportunity ~~critical~~
 1655 ~~economic concern~~ designated by the Executive Office of the
 1656 Governor, and the district school board must submit a resolution
 1657 to the Department of Economic Opportunity requesting
 1658 participation in the program. A rural area of opportunity
 1659 ~~critical economic concern~~ must be a rural community, or a region
 1660 composed of such, that has been adversely affected by an
 1661 extraordinary economic event or a natural disaster or that
 1662 presents a unique economic development concern or opportunity of
 1663 regional impact. The resolution must be accompanied by ~~with~~
 1664 documentation of the economic conditions in the community and,
 1665 provide information indicating the negative impact of these
 1666 conditions on the school district's financial stability, and the
 1667 school district must participate in a best financial management
 1668 practices review to determine potential efficiencies that could
 1669 be implemented to reduce program costs in the district.

1670 Section 36. Paragraph (a) of subsection (4) of section
 1671 215.425, Florida Statutes, is amended to read:

1672 215.425 Extra compensation claims prohibited; bonuses;
 1673 severance pay.—

1674 (4)(a) On or after July 1, 2011, a unit of government that
 1675 enters into a contract or employment agreement, or renewal or
 1676 renegotiation of an existing contract or employment agreement,
 1677 that contains a provision for severance pay with an officer,
 1678 agent, employee, or contractor must include the following
 1679 provisions in the contract:

1680 1. A requirement that severance pay provided may not exceed
 1681 an amount greater than 20 weeks of compensation.

1682 2. A prohibition of provision of severance pay when the

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1683 officer, agent, employee, or contractor has been fired for
1684 misconduct, as defined in s. 443.036(29) ~~s. 443.036(30)~~, by the
1685 unit of government.

1686 Section 37. Paragraph (f) of subsection (13) of section
1687 443.1216, Florida Statutes, is amended to read:

1688 443.1216 Employment.—Employment, as defined in s. 443.036,
1689 is subject to this chapter under the following conditions:

1690 (13) The following are exempt from coverage under this
1691 chapter:

1692 (f) Service performed in the employ of a public employer as
1693 defined in s. 443.036, except as provided in subsection (2), and
1694 service performed in the employ of an instrumentality of a
1695 public employer as described in s. 443.036(35)(b) or (c) ~~s.~~
1696 ~~443.036(36)(b) or (e)~~, to the extent that the instrumentality is
1697 immune under the United States Constitution from the tax imposed
1698 by s. 3301 of the Internal Revenue Code for that service.

1699 Section 38. This act shall take effect July 1, 2014.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/25/14

Meeting Date

Topic DEO

Bill Number 1034
(if applicable)

Name Carolyn Johnson

Amendment Barcode _____
(if applicable)

Job Title Policy Director

Address 130 S Bronaugh St

Phone 521-1235

Street

Tallahassee

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing FL Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/25/14

Meeting Date

Topic _____

Bill Number SB 1634
(if applicable)

Name BILL WILSON

Amendment Barcode _____
(if applicable)

Job Title LEGISLATIVE AFFAIRS, DEO
DIRECTOR

Address CADWELL BUILDING, ROOM 200

Phone (850) 245-7370

Street

TALLAHASSEE FL 32399

City

State

Zip

E-mail BILL.WILSON@DEO.
MVFLORIDA.GOV

Speaking: For Against Information

Representing DEO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/25/14

Meeting Date

Topic DEO

Bill Number SB 1634
(if applicable)

Name David Cruz

Amendment Barcode _____
(if applicable)

Job Title Assistant General Counsel

Address P.O. Box 1757

Phone 701-3676

Street

Tallahassee FL 32302

E-mail DCRUZ@FLCITIES.COM

City

State

Zip

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)



The Florida Senate

Committee Agenda Request

To: Senator Thad Altman, Chair
Committee on Military and Veterans Affairs, Space, And Domestic Security

Subject: Committee Agenda Request

Date: March 19, 2014

I respectfully request that **Senate Bill #1634**, relating to Department of Economic Opportunity, be placed on the:

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

A handwritten signature in cursive script, reading "Nancy Detert".

Senator Nancy C. Detert
Florida Senate, District 28

Florida's Domestic Security Program

Mark Perez

Special Agent in Charge

Florida Department of
Law Enforcement

Bryan W. Koon

Director

Florida Division of
Emergency Management



Florida's Domestic Security Authority



Florida Statute 943.03 (14)

Mandates responsibility for coordinating responses to acts of terrorism and other matters related to the domestic security of Florida to the Florida Department of Law Enforcement, but recognizes the importance of many public and private multi-disciplinary partners in accomplishing the domestic security mission.



RDSTF → **SWG** → **DSOC**



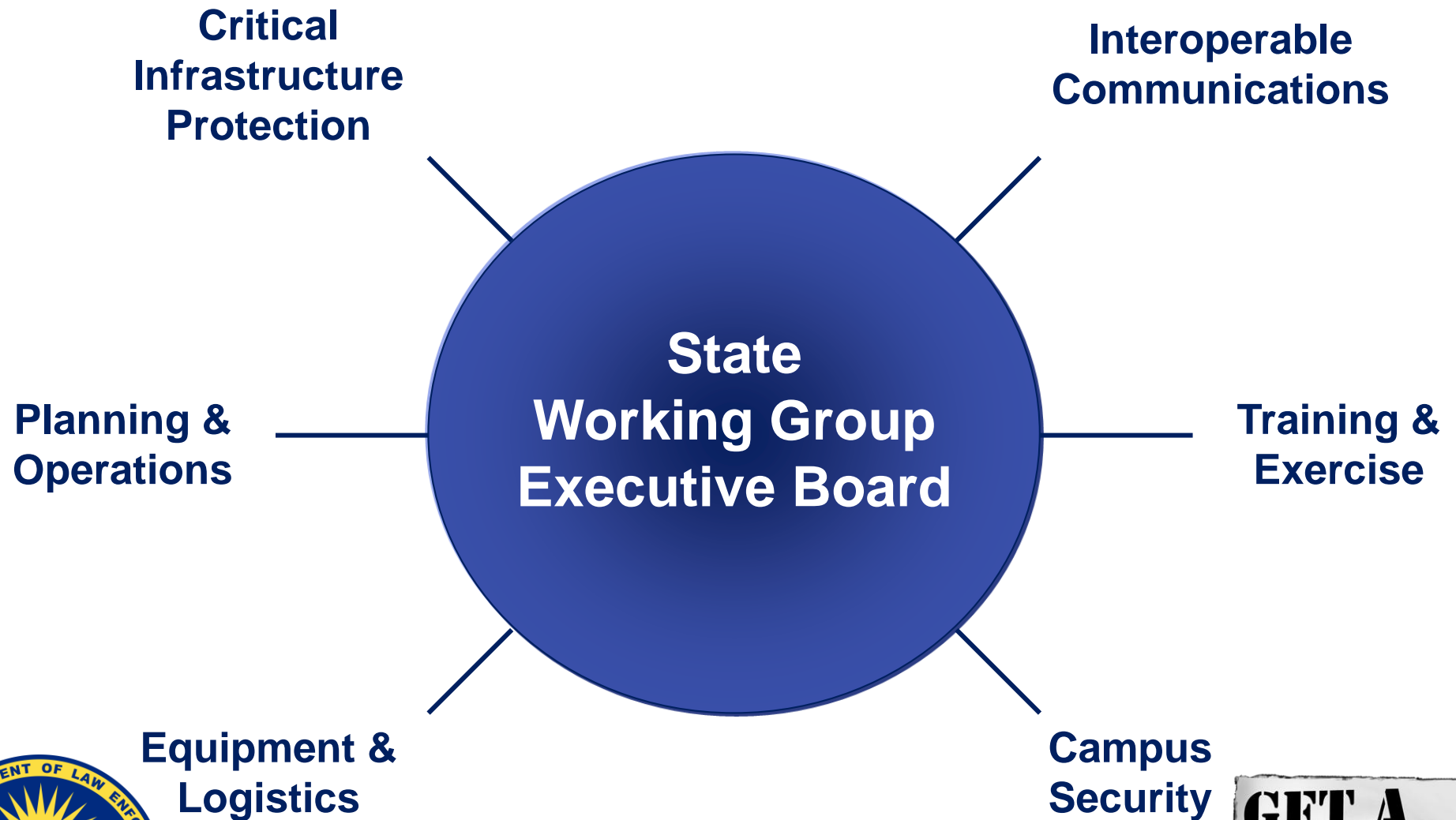
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FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Typical RDSTF Structure

REGIONAL DOMESTIC SECURITY TASK FORCE
Co-chairs - FDLE Regional SAC & 1 Sheriff/Chief of Police from Region

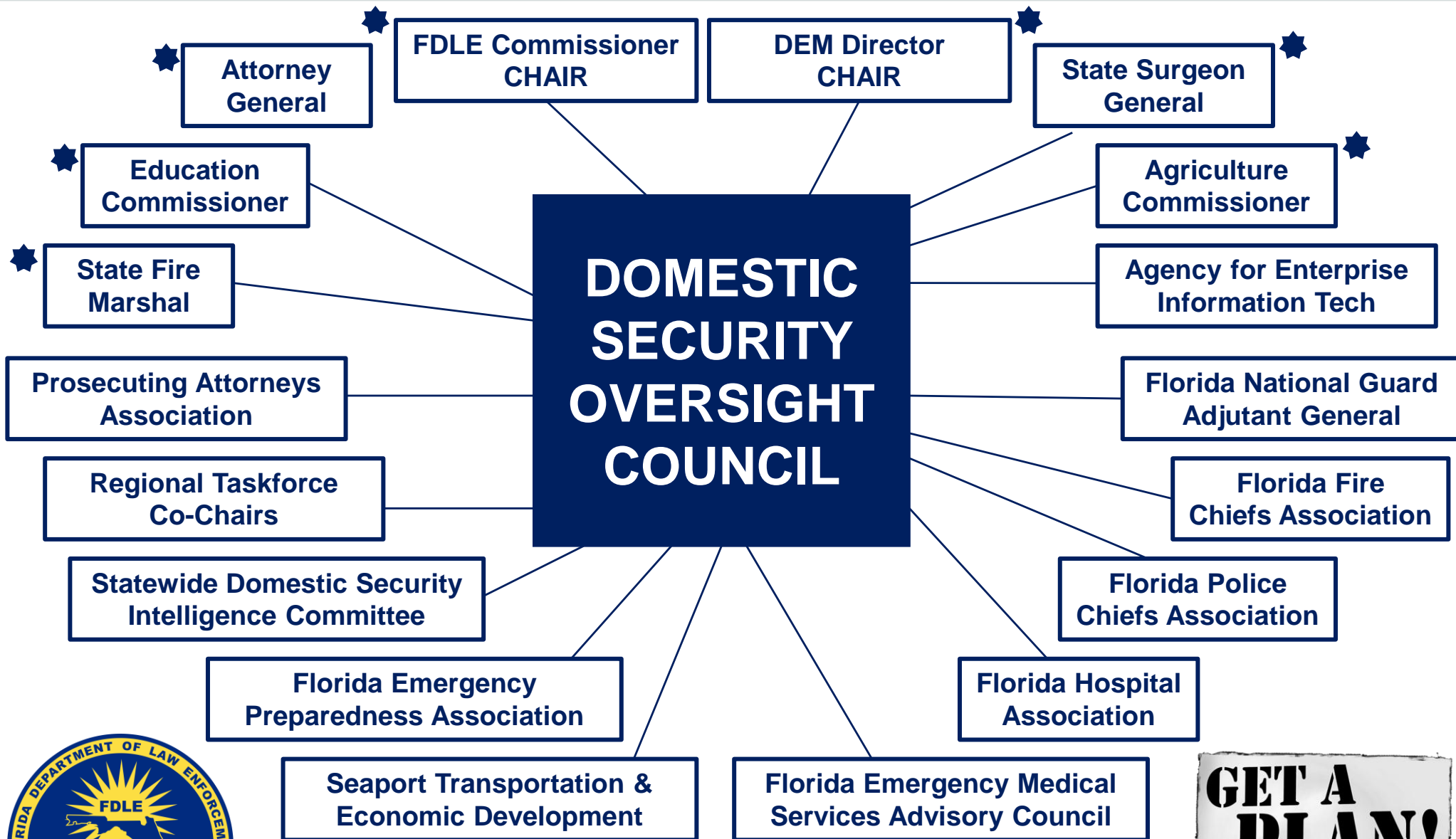


State Working Group on Domestic Preparedness



**GET A
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FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Florida's Domestic Security Governance



★ Executive Committee



Florida's Funding Process

Planning

Capability Review

Local Project Development and
State Working Group Review

Prioritized by Peer Review Panel
and Regional Voting Delegates

Recommendations presented
and approved by DSOC

Legislative Budget Authority

Funding

Federal Funding Source



State Administrative Agency

Local Agencies
80%

State Agencies
20%

Discipline and
Regional Input

State Oversight
and
Coordination



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FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Florida's Domestic Security

Funding Recommendations

FY '14 – '15



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FLORIDA DIVISION OF
EMERGENCY MANAGEMENT

Summary of Department of Homeland Security Funding Requested by Florida

Fiscal Year 2014

State Homeland Security Program (SHSP)	\$11,885,815
Urban Areas Security Initiative (UASI)	\$18,406,308
Operation Stonegarden	\$954,977
Urban Area Security Initiative (UASI) Nonprofit Security Grant Program (NSGP)	\$363,000
Total Funding Requested by Florida	\$31,610,100



Department of Homeland Security Funding Awarded to Florida

Fiscal Year 2014

State Homeland Security Program (SHSP)	\$11,010,000
Urban Areas Security Initiative (UASI)	\$9,500,000
Total Funding Awarded to Florida (as of 3.19.14)	\$20,510,100



Planner Positions

Final Project Priority	Funding Committee	Project Title / Description	Requested Amount	Running Total
N/A	Emergency Management and LE Response	RDSTF PLANNERS (EM and FDLE): Sustainment of RDSTF Planners will assist in strengthening regional collaboration and information sharing by providing planning expertise to all disciplines and by functioning as critical link between the Regional Domestic Security Task Force and the State.	\$910,000.00	\$1,460,500.00
N/A	LE Prevention	Meta Data Planners: Metadata Planners coordinate with law enforcement agencies and information technology staff operating the data sharing systems to identify, classify, extract, transmit, and load data between systems. They coordinate application administration, training and end user support for all participating agencies within their regions.	\$346,000.00	\$1,806,500.00
N/A	Agriculture	Agriculture Planner: The planner coordinates and facilitates the SART Project, providing training opportunities to the response community, and participate in all state emergencies or exercises under the direction of ESF 17.	\$60,000.00	\$1,866,500.00
N/A	LE Prevention	Fusion Center Analysts: Continues funding for regional analytical positions for a forward node of the Florida Fusion Center .These personnel are essential to successfully executing the Critical Operational Capabilities - Receive, Analyze, Disseminate, and Gather as well as the Enabling Capabilities of Privacy, Civil Rights, and Civil Liberties Protections, Sustainment Strategy, Communications and Outreach, and Security.	\$385,000.00	\$2,251,500.00
N/A	LE Prevention	Statewide Critical Infrastructure Planner: The CI Planner works in conjunction with the State of Florida Fusion Center(s) to assess threat intelligence information regarding Florida's critical infrastructure to enhances its resiliency.	\$ 65,000.00	\$2,316,500.00



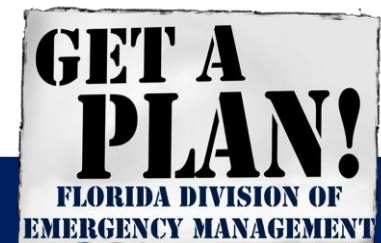
State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title / Description	Requested Amount	Running Total
1	Fire Rescue	Sustainment of US&R and HazMat Teams: This project funds the sustainment of specifically identified items from the equipment caches of Regional Hazardous Materials Response teams and Urban Search & Rescue. Funding provides the capability to maintain, repair and/or service specific high end technological equipment purchase with Federal grant funds.	\$276,795.00	\$2,593,295.00
2	Law Enforcement Response	Sustainment, Maintenance and Planning: This project supports the needs of the statewide recognized primary, secondary, and tertiary law enforcement response teams. Each requested resource provides a unique capability beyond that of a typical agency team.	\$155,307.00	\$2,748,602.00
3	Law Enforcement Prevention	Enhancement of Florida's Fusion Centers: Provides continued support of the established regional fusion centers as well as the Florida Fusion Center to ensure continued collaboration within all disciplines of Florida's domestic security structure. It enhances the dissemination of threat information and information sharing among the state's partners.	\$537,455.00	\$3,286,057.00
4	Law Enforcement Response	Critical Needs: This project seeks funds to increase current capabilities to provide for expanded levels of service to the regions and higher levels of protection for regional law enforcement team personnel.	\$692,529.00	\$3,978,586.00
5	Law Enforcement Prevention	Data-Sharing Projects: Offers continued support to State and local law enforcement working together to implement an information system to share data between regional systems under the Florida Law Enforcement Exchange (FLEX) and the Regional Law Enforcement Exchange (RLEX) projects.	\$1,938,200.00	\$5,916,786.00
6	Agriculture	State Agricultural Response Team (SART) Support: Florida SART supports county, regional and state emergency management efforts with coordinated incident response for animal & agricultural emergencies.	\$164,325.00	\$6,081,111.00



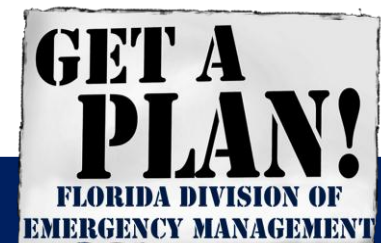
State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title / Description	Requested Amount	Running Total
7	Fire Rescue	US&R HazMat Training and Exercise: Provides mission specific operations training to Urban Search & Rescue Task Forces and WMD Regional Hazardous Materials Response Teams. Additionally, exercises will be conducted in support of the teams and task force training to test and evaluate response proficiency and readiness.	\$ 609,887.00	\$6,690,998.00
8	Law Enforcement Response	Specialty Team Training and Exercise: Provides training to members of law enforcement specialty teams and allows the teams the opportunity to test current capabilities based on the received training.	\$ 199,640.00	\$6,890,638.00
9	Fire Rescue	Mutual Aid Radio Cache (MARC) Sustainment: This project provides for the sustainment through maintenance of the communication equipment. The MARC teams provide immediate response assets to assist in the dispatch & safe arrival of initial fire suppression resources.	\$ 78,400.00	\$6,969,038.00
10	Emergency Management	Local Planning, Training & Exercise: Allows all seven regions to execute multi-disciplinary planning, training and exercises initiatives that will test the knowledge, skills and abilities of personnel, organizations, teams and the public/private partnerships.	\$1,120,000.00	\$8,089,038.00
11	Critical Infrastructure	Education Sector: K-12 School Target Hardening: To mitigate vulnerabilities at identified K-12 public schools. Based on a 2002-03 review conducted by FL school district superintendents, members of the FDLE, Education subcommittee members of the RDSTFs, access control was identified as the primary best practices for school safety & security. This project supports these efforts.	\$ 302,700.00	\$8,391,738.00
12	Critical Infrastructure	Education Sector: Higher Education Target Hardening: Provides funding for target hardening projects at the following six Florida Colleges and Universities: <ul style="list-style-type: none"> * College of Central FL * Polk State College * Lake Sumter Community College * University of Central Florida * New College of Florida * Palm Beach State College 	\$707,487.00	\$9,099,225.00



State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title / Description	Requested Amount	Running Total
13	Interoperable Communications	700 MHz Radio System Overlay: To strengthen interoperable/operable operational communications capabilities, strengthen intelligence and information sharing & operational coordination. The project is to acquire technical radio infrastructure equipment which will be utilized to build and deploy mobile coverage P25 radio sites to connect to other existing 700 MHz Interoperable systems.	\$1,387,312.00	\$10,486,537.00
14	Campus Security	Mass Notification: This project seeks to correct identified vulnerabilities in the areas of K – 20 Mass Communication/notification Systems for campuses at Florida's public K-12 schools and institutions of Higher Education. Through a collaborative process with RDSTF participation, the K-20 Campus Security Committee has identified projects based on critical needs utilizing the approved assessment tool, ACAMS.	\$205,686.00	\$10,692,223.00
15	Interoperable Communications	Florida Interoperability Network Training: This project will provide new training on the Florida Interoperable Network (FIN). By April 2015 (anticipated project implementation date), the current FIN software application version 4.8 is expected to be two version old; but, will provide the new graphical user interface if an alternate funding method is found to purchase and implement new hardware.	\$198,000.00	\$10,890,223.00
16	Critical Infrastructure	Government/Cyber Sector: State Network Data Traffic Monitoring: This project is a continuation of a state network traffic monitoring initiative managed through the Florida Fusion Center (FFC). Funds will be utilized for the continuation of monitoring services provided by the Center for Internet Security Multi-State Information Sharing and Analysis Center (MS-ISAC) and its subcontractor Symantec. (Request for \$203,360, project will be partially funded based on available funds.)	\$119,777.00	\$11,010,000.00



State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title / Description	Requested Amount	Running Total
17	Interoperable Communications	Multi-Band Radios for LE Aviation Units: Project is to procure and install (3) P25 multi-band, Vhf, Uhf, 700/800 aviation grade transceivers in primary helicopter assets in region three, which are currently utilizing non multi-band products.	\$118,581.00	\$11,212,164.00
18	Interoperable Communications	Florida Interoperability Network Remote Dispatch Application Software: This project will provide a new version of remote dispatch application software on the Florida Interoperable Network (FIN) to allow FIN visibility at other dispatch positions or by other public safety personnel without the cost of dedicated FIN workstation by leveraging existing FIN workstations and bandwidth of each respective network connection.	\$50,000.00	\$11,262,164.00
19	Critical Infrastructure	Health Sector: Tampa General Hospital Access Control Project: Provides funding to correct major access control vulnerabilities at Tampa General Hospital, the only level 1 Trauma Center for over 4 million people in a 12 county area.	\$10,000.00	\$11,272,164.00
20	Critical Infrastructure	Emergency Services Sector: Target Hardening: This item funds two projects - (1) the installation of security fence, electronic gates and gate operators around the Escambia Co Public Safety facility.; (2)Funding for the Sarasota County Sheriff's Office to purchase a sky watch unit for use at mass gathering events in the region.	\$286,252.00	\$11,558,416.00
21	Critical Infrastructure	Dam Sector: Hillsborough River Dam Target Hardening: This project will monitor, detect and track people who intrude into the dam's perimeter and create an immediate alarmed response to local law enforcement.	\$100,000.00	\$11,658,416.00
22	Critical Infrastructure	Water Sector: North District Waste Water Treatment Plant: To purchase and install video camera surveillance equipment for the water treatment plant protecting the North District waste Water Treatment Plant and the citizens of Miami-Dade County from potential terrorist attacks.	\$199,051.00	\$11,857,467.00



THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/25/2014

Meeting Date

Topic Domestic Security Funding

Bill Number _____
(if applicable)

Name Mark Perez

Amendment Barcode _____
(if applicable)

Job Title Special Agent in Charge

Address 2331 Phillips Road

Phone 850-410-8390

Street

Tallahassee

FL

32302

E-mail markperez@fdle.state.fl.us

City

State

Zip

Speaking: For Against Information

Representing Florida Department of Law Enforcement

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-25-14

Meeting Date

Topic Domestic Security Grant Recommendation

Bill Number _____
(if applicable)

Name Bryan Koon

Amendment Barcode _____
(if applicable)

Job Title Director

Address 2555 Shumard Oak Blvd

Phone 850-413-9969

Street

Tallahassee

FL

32399

City

State

Zip

E-mail bryan.koon@em.myflorida.com

Speaking: For Against Information

Representing Division of Emergency Mgmt

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ANDY GARDINER
13th District

COMMITTEES:
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Chair*
Appropriations
Appropriations Subcommittee on Finance and Tax
Environmental Preservation and Conservation
Ethics and Elections
Gaming
Judiciary
Military Affairs, Space, and Domestic Security
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

March 25, 2014


The Honorable Thad Altman, Chair
Committee on Military and Veterans Affairs, Space and Domestic Security
111 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Altman:

I am writing to respectfully request that I be excused from the Committee on Military and Veterans Affairs, Space and Domestic Security meeting scheduled for Tuesday March 25, 2014. An immediate issue came up which needed my attention.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,



Senator Andy Gardiner

AG:gh

Cc: Ms. Elizabeth Ryon, Staff Director
Ms. Lois Graham, Administrative Assistant

REPLY TO:

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Vice Chair*
Environmental Preservation and
Conservation, *Vice Chair*
Appropriations Subcommittee on Education
Appropriations Subcommittee on Finance and Tax
Communications, Energy, and Public Utilities
Gaming
Military Affairs, Space, and Domestic Security

JOINT COMMITTEE:

Joint Legislative Auditing Committee, *Chair*

SENATOR JOSEPH ABRUZZO

25th District

March 25th, 2014

Senator Thad Altman
111 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Altman:

Please accept this letter as a formal request to excuse myself from the Committee on Military and Veterans Affairs, Space, and Domestic Security meeting today, Tuesday, March 25th, 2014. I fell ill late last night and was taken to the hospital and will be resting up today in hopes of feeling better for the rest of the week.

If I can provide any additional information for my excusal, I would be more than happy to do so. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Joseph Abruzzo".

Joseph Abruzzo

Cc: Staff Director, Eliabeth Ryon

REPLY TO:

- 12300 Forest Hill Boulevard, Suite 200, Wellington, Florida 33414-5785 (561) 791-4774
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Military and Veterans Affairs, Space, and Domestic Security

Judge:

Started: 3/25/2014 2:06:50 PM

Ends: 3/25/2014 2:44:01 PM Length: 00:37:12

2:06:53 PM Meeting called to order by Chairman Altman
2:07:13 PM Roll call by Administrative Assistant, Lois Graham
2:07:20 PM Chairman Altman gives remarks reminding everyone to turn off electronic devices
2:07:39 PM TAB 1 - CS/SB 296 by Senator Brandes - An act relating to Carrying a Concealed Weapon or a Concealed Firearm
2:07:45 PM Senator Brandes moves to TP'd CS/SB 296
2:07:51 PM Chairman Altman states that the bill is TP'd
2:08:48 PM TAB 4 - SB 1634 by Commerce and Tourism Committee - An act relating to the Department of Economic Opportunity explained by Senator Deter
2:09:48 PM Senator Deter explains the bill
2:10:48 PM Chairman Altman ask for any questions from the committee members
2:10:58 PM Chairman Altman states that there are a number of amendments on the bill and the first one is barcode 123570 by Senator Evers which is a courtesy amendment Senator Deter explains the amendment
2:11:42 PM Chairman Altman ask for questions on the amendment and there were no questions
2:11:53 PM The amendment is adopted
2:11:58 PM The Chairman states that the next amendment is a courtesy by Senator Evers barcode 351830 which is explained by Senator Deter
2:12:13 PM Chairman Altman ask for questions - there is no question on the amendment
2:12:23 PM The amendment is adopted
2:12:31 PM Chairman Altman states the next amendment is barcode 474724 courtesy by Senator Evers
2:12:49 PM Chairman Altman states that there is a substitute amendment sponsored by the himself, barcode 388906 and that he will pass the gavel to Vice Chair Gibson
2:13:02 PM Vice Chair Gibson takes the gavel and states, Mr. Chair you may now explain your amendment
2:13:10 PM Chairman Altman explains the amendment
2:13:23 PM Question from Senator Deter
2:13:55 PM Vice Chair Gibson explains that this is an amendment to the amendment barcode 474724
2:14:15 PM Chairman Altman states that his amendment is a substitute amendment, barcode 388906 and it will not take out any of the language
2:15:20 PM Chairman Altman stated amendment 474724 by Senator Evers courtesy and Senator Deters explains the amendment
2:15:53 PM Chairman Altman offers his amendment - substitute amendment barcode 388906
2:16:35 PM Senator Deter would like for staff to explain the two amendments
2:16:54 PM Vice Chair Gibson explains both amendments
2:17:34 PM Senator Deter states that the amendment is good
2:17:54 PM Vice Chair Gibson ask for questions on the substitute amendment
2:18:11 PM No questions to the sponsor on the substitute amendment
2:18:17 PM Vice Chair Gibson ask if there were any questions from the public - no questions and the substitute amendment was adopted

2:18:35 PM Chairman Altman states we are now back on the bill as amended
2:18:48 PM Ms. Carolyn Johnson, Policy Director - waives in support
2:18:53 PM Mr. Bill Wilson, Legislative Affairs Director, DEO - waives in support
2:19:09 PM Mr. David Cruz, Assistant General Counsel, Florida League of City - waives in support
2:19:17 PM Chairman Altman ask if there were any questions from the members. Chairman Altman ask Senator Detert to close on her bill.
2:19:25 PM Senator Detert closes on her bill
2:19:33 PM Chairman Altman ask if Senator Detert would like a Committee Substitute
2:19:49 PM Senator Legg moves SB 1634 as a Committee Substitute
2:20:03 PM Chairman Altman ask for roll call on CS/SB 1634
2:20:14 PM Roll call on CS/SB 1634 by Administrative Assistant, Lois Graham
2:20:23 PM Chairman Altman states that the bill passes
2:20:28 PM Chairman Altman states that Senator Abruzzo has an excused absence
2:20:49 PM Chairman Altman states that Senator Abruzzo is ill. His Aide will be explaining the bill
2:21:14 PM TAB 3 - SB 1120 by Senator Abruzzo - An act relating to Military Affairs - Ms. Kimberly Diaz, Legislative Assistant to explain the bill
2:21:17 PM Explanation of the bill by Kimberly Diaz
2:21:45 PM Chairman Altman states that there is an amendment barcode 874964 by Senator Abruzzo. The amendment is a courtesy by Senator Gibson
2:22:03 PM Ms. Diaz explains the amendment
2:22:17 PM There is no objection to the late-file amendment
2:22:28 PM Chairman Altman ask for questions on the amendment
2:22:35 PM No questions or discussion on the amendment
2:22:49 PM The amendment is adopted
2:22:55 PM Chairman Altman states that we are now on the bill as amended
2:23:00 PM Chairman Altman ask Ms. Diaz to close on the bill
2:23:09 PM Ms. Diaz waive her closing
2:23:12 PM Chairman Altman ask did she want a committee substitute and Ms. Diaz stated yes
2:23:18 PM Senator Evers move for Committee Substitute
2:23:24 PM Roll call by Administrative Assistant, Lois Graham. The bill passes
2:23:34 PM TAB 2 - SB 338 by Senator Bullard - An act relating to Community Redevelopment
2:23:55 PM Senator Bullard explains the bill
2:24:02 PM Chairman Altman passes the gavel to Vice Chair Gibson to explain his amendment
2:24:13 PM Vice Chair Gibson states we have a late filed amendment which is barcode 595002 that requires a 2/3 vote for introduction.
2:24:44 PM Senator Bullard objects to the late filed amendment
2:25:25 PM Chairman Altman states that the he would like a roll call for the 2/3 vote
2:25:50 PM Roll call by Administrative Assistant, Lois Graham
2:25:57 PM Vice Chair states to show the late filed amendment was not introduced and passes the gavel back to the chairman
2:26:27 PM Senator Bullard states that he will work with the Chairman on the bill and his amendment
2:26:42 PM Chairman Altman ask the CAA to call the roll on SB 338
2:26:52 PM Roll call on SB 338 by Administrative Assistant, Lois Graham
2:27:06 PM The bill passes
2:27:17 PM TAB 5 - Joint Presentation by Florida Department of Law Enforcement and Florida Department of Emergency Management on Domestic Security Funding
2:27:51 PM Chairman Altman asked for Mr. Perez to present his presentations
2:29:31 PM Mr. Mark Perez, Special Agent in Charge, FDLE - giving his presentation
2:31:25 PM Mr. Bryon Koon, Director, Division of Emergency Management - Giving his presentation
2:35:07 PM Chairman Altman asked for questions from the members
2:35:19 PM Questions from Vice Chair Gibson

2:35:51 PM Response from Mr. Perez
2:37:51 PM Chairman Altman ask if there were any other questions
2:38:00 PM Question from Chairman Altman
2:38:09 PM Response from Mr. Perez
2:39:25 PM Questions from Senator Sachs
2:39:55 PM Response from Mr. Perez
2:42:39 PM Chairman Altman ask if there were additional questions
2:43:08 PM Chairman Altman recognizes two Generals that were in the audience
2:43:43 PM Comments by Chairman Altman
2:43:48 PM Senator Sachs moves to rise