

1                                   A bill to be entitled  
2           An act relating to economic development;  
3           amending s. 14.2015, F.S.; eliminating  
4           administrative responsibility of the Office of  
5           Tourism, Trade, and Economic Development for  
6           the sports franchise facility program, the  
7           professional golf hall of fame facility  
8           program, the Regional Rural Development Grants  
9           Program, the Florida Enterprise Zone Act, and  
10          the Florida State Rural Development Council;  
11          eliminating authority for the Office of  
12          Tourism, Trade, and Economic Development to  
13          enter into contracts in connection with duties  
14          relating to the Florida First Business Bond  
15          Pool, the Enterprise Zone Program, and foreign  
16          offices; conforming terminology; requiring a  
17          report on activities funded under the Economic  
18          Development Incentives Account and the Economic  
19          Development Transportation Trust Fund;  
20          providing for Front Porch Florida requirements;  
21          amending s. 159.705, F.S.; specifying that  
22          projects located in research and development  
23          parks may be operated by specified  
24          organizations; amending s. 159.8083, F.S.;  
25          providing for Enterprise Florida, Inc., to  
26          recommend Florida First Business projects to  
27          the Office of Tourism, Trade, and Economic  
28          Development; providing for consultation;  
29          amending s. 163.3164, F.S.; exempting certain  
30          activities from the term "development" for the  
31          purposes of the Local Government Comprehensive

1 Planning and Land Development Regulation Act;  
2 amending s. 212.08, F.S.; revising an exemption  
3 from taxation for machinery and equipment used  
4 in silicon-technology production and research  
5 and development; making the exemption  
6 applicable to semiconductor-technology  
7 production and research and development;  
8 providing an exemption from taxation for  
9 building materials purchased for use in  
10 manufacturing or expanding clean rooms for  
11 semiconductor-manufacturing facilities;  
12 revising definitions; revising criteria and  
13 procedures; specifying that a sales tax  
14 exemption for certain repair and labor charges  
15 applies to industrial machinery and equipment  
16 used in the production and shipping of tangible  
17 personal property; applying the exemption to  
18 SIC Industry Major Group Number 35; specifying  
19 that the sales tax exemption for industries in  
20 such group number is remedial in nature and  
21 applies retroactively; providing an exemption  
22 from the tax on sales, use, and other  
23 transactions for building materials used in the  
24 construction of certain single-family homes  
25 located in an enterprise zone, empowerment  
26 zone, or Front Porch Florida Community;  
27 providing an exemption from the tax on sales,  
28 use, and other transactions for building  
29 materials used in the construction of specified  
30 redevelopment projects; providing requirements  
31 for refund applications; providing for rules;

1 directing the agencies involved with specified  
2 housing programs to give priority consideration  
3 to specified projects in urban-core  
4 neighborhoods; directing the Department of  
5 Community Affairs to propose modifications to  
6 the Brownfields Redevelopment Act for  
7 consideration by the Legislature; amending ss.  
8 212.097, 212.098, F.S.; expanding the  
9 definition of the term "eligible business"  
10 under the Urban High-Crime Area Job Tax Credit  
11 Program and Rural Job Tax Credit Program to  
12 include certain businesses involved in motion  
13 picture production and allied services;  
14 amending s. 218.075, F.S.; expanding conditions  
15 under which the Department of Environmental  
16 Protection and water management districts shall  
17 reduce or waive certain fees for counties or  
18 municipalities; conforming to the definition of  
19 the term "rural community" used elsewhere in  
20 the Florida Statutes; amending s. 288.012,  
21 F.S.; revising the authority of the Office of  
22 Tourism, Trade, and Economic Development to  
23 establish foreign offices; providing for the  
24 office to approve the establishment and  
25 operation of such offices by Enterprise  
26 Florida, Inc.; providing for foreign offices to  
27 submit updated operating plans and activity  
28 reports; amending s. 288.018, F.S.; providing  
29 for Enterprise Florida, Inc., to administer the  
30 Regional Rural Development Grants Program and  
31 make recommendations for approval by the Office

1 of Tourism, Trade, and Economic Development;  
2 creating s. 288.064, F.S.; expressing the  
3 intent of the Legislature to provide for  
4 efficient and effective delivery of assistance  
5 to rural communities; amending s. 288.0655,  
6 F.S.; revising deadlines relating to  
7 implementation of the Rural Infrastructure  
8 Fund; amending s. 288.0656, F.S.; revising  
9 criteria for the Rural Economic Development  
10 Initiative; requiring certain communities to  
11 apply for rural designation; amending s.  
12 288.1088, F.S.; revising criteria and  
13 procedures related to the award of funds to  
14 certain target industries from the Quick Action  
15 Closing Fund; amending s. 288.1162, F.S.;  
16 providing for a specified direct-support  
17 organization to administer the professional  
18 sports franchises and spring training  
19 franchises facilities programs; providing for  
20 final approval of decisions under such programs  
21 by the Office of Tourism, Trade, and Economic  
22 Development; amending s. 288.1168, F.S.;  
23 deleting obsolete provisions relating to  
24 certification of the professional golf hall of  
25 fame; providing for a specified direct-support  
26 organization to administer that program;  
27 amending s. 288.1169, F.S.; providing for a  
28 specified direct-support organization to  
29 administer the certification program for the  
30 International Game Fish Association World  
31 Center facility; providing for annual

1 verification of attendance and sales tax  
2 revenue projections; transferring, renumbering,  
3 and amending s. 288.1185, F.S.; assigning  
4 administrative responsibility for the Recycling  
5 Markets Advisory Committee to the Department of  
6 Environmental Protection; amending s. 288.1229,  
7 F.S.; requiring an annual report on the status  
8 of specified sports projects; amending s.  
9 288.1251, F.S.; renaming the Office of the Film  
10 Commissioner the Governor's Office of Film and  
11 Entertainment; renaming the Film Commissioner  
12 as the Commissioner of Film and Entertainment;  
13 authorizing receipt and expenditure of certain  
14 grants and donations; amending s. 288.1252,  
15 F.S.; renaming the Florida Film Advisory  
16 Council the Florida Film and Entertainment  
17 Advisory Council; amending s. 288.1253, F.S.,  
18 relating to travel and entertainment expenses;  
19 conforming terminology; amending s. 288.7011,  
20 F.S.; revising conditions under which certain  
21 assistance and support for a statewide  
22 certified development corporation shall cease;  
23 amending s. 288.901, F.S.; correcting a  
24 cross-reference; providing that the Governor's  
25 designee may serve as chairperson of the board  
26 of directors of Enterprise Florida, Inc.;  
27 amending s. 288.9015, F.S.; requiring  
28 Enterprise Florida, Inc., to use specified  
29 programs to facilitate economic development;  
30 amending s. 288.980, F.S.; providing for  
31 Enterprise Florida, Inc., to administer defense

1 grant programs and make recommendations to the  
2 Office of Tourism, Trade, and Economic  
3 Development on approval of grant awards;  
4 providing that certain defense-related grants  
5 may be awarded only from specifically  
6 appropriated funds; amending s. 288.99, F.S.;  
7 assigning certain responsibility for ongoing  
8 administration of the Certified Capital Company  
9 Act to the Department of Banking and Finance;  
10 authorizing additional applications for  
11 certification as a certified capital company;  
12 amending s. 290.004, F.S.; repealing certain  
13 definitions under the enterprise zone program;  
14 defining the term "rural enterprise zone";  
15 amending s. 290.0056, F.S.; providing for a  
16 reporting requirement for enterprise zone  
17 development agencies to Enterprise Florida,  
18 Inc.; amending s. 290.0058, F.S.; conforming to  
19 administration of the enterprise zone program  
20 by Enterprise Florida, Inc.; amending s.  
21 290.0065, F.S.; providing for Enterprise  
22 Florida, Inc., to administer the enterprise  
23 zone program and make recommendations to the  
24 Office of Tourism, Trade, and Economic  
25 Development; conforming references; amending s.  
26 290.0066, F.S.; providing for Enterprise  
27 Florida, Inc., to make recommendations to the  
28 Office of Tourism, Trade, and Economic  
29 Development regarding revocations of enterprise  
30 zone designations; amending s. 290.00675, F.S.;  
31 providing for Enterprise Florida, Inc., to make

1 recommendations to the Office of Tourism,  
2 Trade, and Economic Development regarding  
3 amendment of enterprise zone boundaries;  
4 creating s. 290.00676, F.S.; authorizing the  
5 Office of Tourism, Trade, and Economic  
6 Development to amend the boundaries of a rural  
7 enterprise zone and providing requirements with  
8 respect thereto; creating s. 290.00677, F.S.;  
9 modifying the employee residency requirements  
10 for the enterprise zone job credit against the  
11 sales tax and corporate income tax if the  
12 business is located in a rural enterprise zone;  
13 modifying the employee residency requirements  
14 for maximum exemptions or credits with respect  
15 to the sales tax credits for enterprise zone  
16 job creation, for building materials used in  
17 the rehabilitation of real property in an  
18 enterprise zone, for business property used in  
19 an enterprise zone, and for electrical energy  
20 used in an enterprise zone, and the corporate  
21 income tax enterprise zone job creation and  
22 property tax credits if the business is located  
23 in a rural enterprise zone; providing  
24 application time limitations; providing an  
25 extended application period for certain  
26 businesses to claim tax incentives; amending s.  
27 290.00689, F.S.; conforming a cross-reference;  
28 revising the eligibility criteria for certain  
29 tax credits to include a review and  
30 recommendation by Enterprise Florida, Inc.;  
31 creating s. 290.00694, F.S.; authorizing the

1 Office of Tourism, Trade, and Economic  
2 Development to designate rural champion  
3 communities as enterprise zones; providing  
4 requirements with respect thereto; amending s.  
5 290.009, F.S.; specifying that Enterprise  
6 Florida, Inc., shall serve as staff to the  
7 Enterprise Zone Interagency Coordinating  
8 Council; amending s. 290.014, F.S.; conforming  
9 cross-references; amending s. 290.046, F.S.;  
10 eliminating a limitation on the number of  
11 economic development grants that an eligible  
12 local government may receive under the Florida  
13 Small Cities Community Development Block Grant  
14 Program; specifying that cumulative grant  
15 awards may not exceed certain ceilings;  
16 amending s. 290.048, F.S.; authorizing the  
17 Department of Community Affairs to establish  
18 advisory committees relating to the Florida  
19 Small Cities Community Development Block Grant  
20 Program; repealing s. 290.049, F.S., relating  
21 to the Community Development Block Grant  
22 Advisory Council; amending s. 373.4149, F.S.;  
23 removing the director of the Office of Tourism,  
24 Trade, and Economic Development from the  
25 membership of the Miami-Dade County Lake Belt  
26 Plan Implementation Committee; authorizing the  
27 Institute of Food and Agricultural Sciences to  
28 contract and receive money to support the  
29 Florida State Rural Development Council;  
30 requiring the Workforce Development Board of  
31 Enterprise Florida, Inc., to develop a policy



1 authorizing placement of certain  
2 workforce-training clients in self-employment  
3 as a means of job placement; directing the  
4 Office of Tourism, Trade, and Economic  
5 Development and Enterprise Florida, Inc., to  
6 establish a unit responsible for forecasting  
7 and responding to certain economic development  
8 events; creating an Economic Development  
9 Leadership Council to provide leadership  
10 related to such events; requiring a report and  
11 recommendations; providing legislative intent;  
12 providing for creation and purpose of the  
13 Toolkit for Economic Development; defining the  
14 term "economically distressed"; requiring the  
15 appointment of liaisons from agencies and  
16 organizations; providing for requirements and  
17 duties; creating coordinating partners to serve  
18 as the program's executive committee; providing  
19 for duties and powers; providing for waivers of  
20 state-required matching-funds requirements;  
21 requiring an inventory of programs that help  
22 economically distressed communities; requiring  
23 that the inventory be categorized; creating the  
24 Start-Up Initiative to promote the use of the  
25 inventory; providing for identification of  
26 communities; providing for solicitation of  
27 proposals; providing for proposal content;  
28 providing for review process and evaluation  
29 criteria; providing for funding; providing for  
30 the designation of communities of critical  
31 economic opportunity; providing an

1 appropriation to the coordinating partners;  
2 providing for use of funds and certification;  
3 providing for reporting; providing for  
4 expiration; creating s. 288.1260, F.S.;  
5 creating the Front Porch Florida initiative;  
6 providing legislative intent; providing for  
7 purposes and principles of the program;  
8 creating liaisons to Front Porch Florida  
9 communities; providing for liaison requirements  
10 and duties; providing for use of the inventory  
11 of federal and state resources; providing for  
12 application requirements; providing for the  
13 formation of a Governor's Revitalization  
14 Council; providing for duties; providing for  
15 monitoring and reporting; creating s. 239.521,  
16 F.S.; providing intent; providing for  
17 development of a 2-year vocational and  
18 technical distance-learning curriculum for  
19 information-technology workers; providing for  
20 internship opportunities for high school and  
21 postsecondary information-technology vocational  
22 faculty and students in information-technology  
23 businesses; providing a means for increasing  
24 the capability and accessibility of  
25 information-technology-training providers  
26 through state-of-the-art facilities; amending  
27 s. 240.311, F.S.; requiring the State Board of  
28 Community Colleges to identify training  
29 programs for broadband digital media  
30 specialists; requiring that such programs be  
31 added to lists for demand occupations under

1 certain circumstances; amending s. 240.3341,  
2 F.S.; encouraging community colleges to  
3 establish incubator facilities for digital  
4 media content and technology development;  
5 creating s. 240.710, F.S.; requiring the Board  
6 of Regents to create a Digital Media Education  
7 Coordination Group; providing membership;  
8 providing purposes; requiring development of a  
9 plan; requiring submission of plans to the  
10 Legislature; requiring the Workforce  
11 Development Board to reserve funds for digital  
12 media industry training; providing direction on  
13 training; requiring the Workforce Development  
14 Board to develop a plan for the use of certain  
15 funds to enhance workforce of digital media  
16 related industries; providing direction on plan  
17 development; providing a contingent  
18 appropriation to the Digital Media Education  
19 Infrastructure Fund; providing requirements for  
20 contracting and use of funds; requiring  
21 Enterprise Florida, Inc., to convene a  
22 broadband digital media industries group;  
23 requiring identification, designation, and  
24 priority of digital media sector in sector  
25 strategy; requiring Enterprise Florida, Inc.,  
26 to contract for establishment of digital media  
27 incubator; providing contract requirements;  
28 providing an appropriation; requiring industry  
29 participation in funding; providing direction  
30 for incubator location; requiring ITFlorida, in  
31 cooperation with Enterprise Florida, Inc., to

1 prepare a marketing plan promoting the state to  
2 digital media industries; providing that  
3 certain provisions relating to digital media  
4 are subject to legislative appropriation;  
5 amending s. 311.07, F.S.; authorizing the  
6 Seaport Transportation and Economic Development  
7 Council to use certain funds to develop trade  
8 market and shipping information products;  
9 expanding grant funding eligibility to include  
10 certain projects identified in seaport freight  
11 mobility plans, and construction or  
12 rehabilitation of certain port facilities;  
13 requiring rules and a final audit; amending s.  
14 331.368, F.S.; expanding the purpose of the  
15 Florida Space Research Institute; revising the  
16 membership of the institute; prescribing  
17 additional duties of the institute; creating  
18 the Space Industry Workforce Initiative;  
19 requiring the Workforce Development Board of  
20 Enterprise Florida, Inc., to develop  
21 initiatives to address the workforce needs of  
22 the industry; prescribing criteria; requiring  
23 the board to convene industry representatives;  
24 requiring a report; creating s. 331.3685, F.S.;  
25 creating the Florida Space-Industry  
26 Research-Development Program to finance  
27 space-related research projects and programs;  
28 providing for certain sales-tax collections to  
29 be retained by the Kennedy Space Center Visitor  
30 Complex and distributed to the Florida Space  
31 Research Institute; prescribing uses of such

1 funds; requiring an annual accounting of such  
2 funds; providing for review of funding  
3 proposals by the Office of Tourism, Trade, and  
4 Economic Development; requiring a contract with  
5 the office governing distribution of funds  
6 under the program; amending s. 212.08, F.S.;  
7 providing for sales-tax collections from the  
8 Kennedy Space Center Visitor Complex to be  
9 retained by the complex and distributed to the  
10 Florida Space Research Institute; providing for  
11 reporting of sales to the Department of Revenue  
12 as prescribed by rules; amending s. 556.108,  
13 F.S.; providing for performing the demolition  
14 or excavation of single-family residential  
15 property; creating the Commission on Basic  
16 Research for the Future of Florida; prescribing  
17 membership of the commission; providing a  
18 purpose for the commission; requiring the use  
19 of state resources; providing for staffing,  
20 administration, and information sharing;  
21 requiring a report; providing for the  
22 establishment of the Florida-Africa Market  
23 Expansion Program by Enterprise Florida, Inc.,  
24 contingent upon a specific appropriation;  
25 providing the purpose of the program;  
26 describing program components; providing  
27 responsibilities for Enterprise Florida, Inc.;  
28 providing for the establishment of the  
29 Florida-Caribbean Basin Trade Initiative by the  
30 Seaport Employment Training Grant Program  
31 contingent upon a specific appropriation;

1 providing purpose of the initiative; providing  
2 responsibilities of the Seaport Employment  
3 Training Grant Program; providing for a  
4 performance-based contract with the Office of  
5 Tourism, Trade, and Economic Development;  
6 requiring that applicants for assistance in  
7 state housing, economic development, and  
8 community revitalization programs who support  
9 the objectives of redeveloping HOPE VI grant  
10 neighborhoods be given priority; providing  
11 application requirements; requiring the  
12 Department of Community Affairs to submit to  
13 the Legislature an annual summary of certain  
14 HOPE VI assistance provided; creating the  
15 Community and Faith-based Organizations  
16 initiative within the Institute on Urban Policy  
17 and Commerce at Florida Agricultural and  
18 Mechanical University; providing for the  
19 initiative to promote community development  
20 through partnerships with community and  
21 faith-based organizations; specifying the  
22 activities to be conducted by the initiative;  
23 providing for financial assistance to community  
24 and faith-based organizations; requiring the  
25 development of grant-selection criteria;  
26 requiring leveraging of funds; creating the  
27 Community and Library Technology Access  
28 Partnership; specifying the activities to be  
29 conducted by the partnership; requiring the  
30 Institute on Urban Policy and Commerce at  
31 Florida Agricultural and Mechanical University

1 to administer the initiative and the Division  
2 of Library and Information Services of the  
3 Department of State to administer the Community  
4 and Library Technology Access Partnership;  
5 authorizing certain activities and uses of  
6 funds; prescribing eligibility of organizations  
7 for funding or assistance; requiring review and  
8 evaluation; providing appropriations; creating  
9 a community computer-access grant program, to  
10 be known as the Community High-Technology  
11 Investment Partnership, or "CHIP," program;  
12 providing for program administration pursuant  
13 to a performance-based contract; providing for  
14 performance measures; providing for grants to  
15 be awarded to eligible neighborhood facilities;  
16 providing requirements for grant applications;  
17 prescribing the maximum amount of a grant;  
18 requiring a grant agreement between the  
19 institute and the recipient facility; providing  
20 for establishing minimum specifications of  
21 computers purchased under the program;  
22 providing for an evaluation and a report;  
23 authorizing the institute to subcontract for  
24 specified assistance services; creating an  
25 inner city redevelopment assistance grants  
26 program; providing duties of the Office of  
27 Tourism, Trade, and Economic Development;  
28 prescribing eligibility requirements for  
29 grants; providing expected outcomes from  
30 grants; creating the Inner City Redevelopment  
31 Review Panel and providing its membership and

1 duties; repealing s. 288.039, F.S., relating to  
2 the Employing and Training our Youths (ENTRY)  
3 program; repealing s. 288.095(3)(c), F.S.,  
4 relating to a required report on activities  
5 under the Economic Development Incentives  
6 Account of the Economic Development Trust Fund;  
7 repealing s. 20.171, F.S., relating to the  
8 authority and organizational structure of the  
9 Department of Labor and Employment Security;  
10 providing for a type one transfer of the  
11 Division of Workers' Compensation and the  
12 Office of the Judges of Compensation Claims to  
13 the Department of Insurance; providing for a  
14 type two transfer of certain functions of the  
15 Division of Workforce and Employment  
16 Opportunities relating to labor organizations  
17 and child labor to the Department of Insurance;  
18 providing for a type two transfer of certain  
19 functions of the Division of Workforce and  
20 Employment Opportunities relating to migrant  
21 and farm labor registration to the Department  
22 of Insurance; providing for a type two transfer  
23 of other workplace regulation functions to the  
24 Department of Insurance; providing for a  
25 transfer of certain administrative resources of  
26 the Department of Labor and Employment Security  
27 to the Department of Insurance; providing  
28 exceptions relating to hiring and salary  
29 requirements; amending s. 20.13, F.S.;  
30 providing for a Division of Workers'  
31 Compensation in the Department of Insurance;



1           creating a Bureau of Workplace Regulation and a  
2           Bureau of Workplace Safety within the Division  
3           of Workers' Compensation of the Department of  
4           Insurance; providing for a type two transfer of  
5           the Division of Unemployment Compensation to  
6           the Agency for Workforce Innovation; providing  
7           an exception; providing for transfer of  
8           unemployment appeals referees to the  
9           Unemployment Appeals Commission; requiring a  
10          contract for the Department of Revenue to  
11          provide unemployment tax administration and  
12          collection services; providing for transfer of  
13          the Office of Information Systems from the  
14          Department of Labor and Employment Security to  
15          the Department of Management Services;  
16          providing an exception for certain portions of  
17          the office to be transferred to the Agency for  
18          Workforce Innovation; providing for a type two  
19          transfer of the Minority Business Advocacy and  
20          Assistance Office from the Department of Labor  
21          and Employment Security to the Department of  
22          Management Services; creating the Florida Task  
23          Force on Workplace Safety; prescribing  
24          membership of the task force; providing a  
25          purpose for the task force; providing for  
26          staffing, administration, and information  
27          sharing; requiring a report; authorizing the  
28          Division of Workers' Compensation to establish  
29          time-limited positions related to workplace  
30          safety; authorizing the division to establish  
31          permanent positions upon completion of the task

1 force report; providing for transfer of certain  
2 records and property; providing for termination  
3 of the task force; amending s. 39 of ch.  
4 99-240, Laws of Florida; providing for the  
5 transfer of the Division of Blind Services to  
6 the Department of Management Services rather  
7 than the Department of Education; revising the  
8 effective date of such transfer; providing  
9 legislative intent on the transfer of functions  
10 of the Department of Labor and Employment  
11 Security; providing for reemployment assistance  
12 to dislocated department employees; providing  
13 for hiring preferences for such employees;  
14 providing for the transfer of certain records  
15 and funds; creating the Labor and Employment  
16 Security Transition Team; prescribing  
17 membership of the transition team; providing  
18 for staffing; requiring reports; providing for  
19 the termination of the transition team;  
20 authorizing the transition team to use  
21 unexpended funds to settle certain claims;  
22 requiring the transition team to approve  
23 certain personnel hirings and transfers;  
24 requiring the submission of a budget amendment  
25 to allocate resources of the Department of  
26 Labor and Employment Security; exempting  
27 specified state agencies, on a temporary basis,  
28 from provisions relating to procurement of  
29 property and services and leasing of space;  
30 authorizing specified state agencies to develop  
31 temporary emergency rules relating to the

1 implementation of this act; requiring the  
2 Department of Revenue to notify businesses  
3 relating to the transfer of unemployment  
4 compensation tax responsibilities; amending s.  
5 287.012, F.S.; revising a definition to conform  
6 to the transfer of the Minority Business  
7 Advocacy and Assistance Office to the  
8 Department of Management Services; amending s.  
9 287.0947, F.S.; providing for the Florida  
10 Advisory Council on Small and Minority Business  
11 Development to be created within the Department  
12 of Management Services; amending s. 287.09451,  
13 F.S.; reassigning the Minority Business  
14 Advocacy and Assistance Office to the  
15 Department of Management Services; conforming  
16 provisions; amending s. 20.15, F.S.;  
17 establishing the Division of Occupational  
18 Access and Opportunity within the Department of  
19 Education; providing that the Occupational  
20 Access and Opportunity Commission is the  
21 director of the division; requiring the  
22 department to assign certain powers, duties,  
23 responsibilities, and functions to the  
24 division; excepting from appointment by the  
25 Commissioner of Education members of the  
26 commission, the Florida Rehabilitation Council,  
27 and the Florida Independent Living Council;  
28 amending s. 120.80, F.S.; providing that  
29 hearings on certain vocational rehabilitation  
30 determinations by the Occupational Access and  
31 Opportunity Commission need not be conducted by

1 an administrative law judge; amending s.  
2 413.011, F.S.; revising the internal  
3 organizational structure of the Division of  
4 Blind Services; requiring the division to  
5 implement the provisions of a 5-year plan;  
6 requiring the division to contract with  
7 community-based rehabilitation providers for  
8 the delivery of certain services; revising  
9 references to blind persons; requiring the  
10 Division of Blind Services to issue  
11 recommendations to the Legislature on a method  
12 of privatizing the Business Enterprise Program;  
13 providing definitions for the terms  
14 "community-based rehabilitation provider,"  
15 "council," "plan," and "state plan"; renaming  
16 the Advisory Council for the Blind; revising  
17 the membership and functions of the council to  
18 be consistent with federal law; requiring the  
19 council to prepare a 5-year strategic plan;  
20 requiring the council to coordinate with  
21 specified entities; deleting provisions  
22 providing for the Governor to resolve funding  
23 disagreements between the division and the  
24 council; directing that meetings be held in  
25 locations accessible to individuals with  
26 disabilities; amending s. 413.014, F.S.;  
27 requiring the Division of Blind Services to  
28 report on use of community-based providers to  
29 deliver services; amending s. 413.034, F.S.;  
30 revising the membership of the Commission for  
31 Purchase from the Blind or Other Severely

1 Handicapped to conform to transfer of the  
2 Division of Blind Services and renaming of the  
3 Division of Vocational Rehabilitation; amending  
4 ss. 413.051, 413.064, 413.066, 413.067,  
5 413.345, F.S.; conforming departmental  
6 references to reflect the transfer of the  
7 Division of Blind Services to the Department of  
8 Management Services; expressing the intent of  
9 the Legislature that the provisions of this act  
10 relating to blind services not conflict with  
11 federal law; providing procedures in the event  
12 such conflict is asserted; amending s. 413.82,  
13 F.S.; providing definitions for the terms  
14 "community rehabilitation provider," "plan,"  
15 and "state plan"; conforming references;  
16 amending s. 413.83, F.S.; specifying that  
17 appointment of members to the commission is  
18 subject to Senate confirmation; revising  
19 composition of and appointments to the  
20 commission; eliminating a requirement that the  
21 Rehabilitation Council serve the commission;  
22 authorizing the commission to establish an  
23 advisory council composed of representatives  
24 from not-for-profit organizations under certain  
25 conditions; clarifying the entitlement of  
26 commission members to reimbursement for certain  
27 expenses; amending s. 413.84, F.S.; designating  
28 the commission as the director of the Division  
29 of Occupational Access and Opportunity;  
30 specifying responsibilities of the commission;  
31 authorizing the commission to make

1 administrative rules; authorizing the  
2 commission to hire a division director;  
3 revising time for implementation of the 5-year  
4 plan prepared by the commission; expanding the  
5 authority of the commission to contract with  
6 the corporation; removing a requirement for  
7 federal approval to contract with a  
8 direct-support organization; authorizing the  
9 commission to appear on its own behalf before  
10 the Legislature; amending s. 413.85, F.S.;  
11 eliminating limitations on the tax status of  
12 the Occupational Access and Opportunity  
13 Corporation; specifying that the corporation is  
14 not an agency for purposes of certain  
15 government procurement laws; applying  
16 provisions relating to waiver of sovereign  
17 immunity to the corporation; providing that the  
18 board of directors of the corporation be  
19 composed of no fewer than seven and no more  
20 than 15 members and that a majority of its  
21 members be members of the commission;  
22 authorizing the corporation to hire certain  
23 individuals employed by the Division of  
24 Vocational Rehabilitation; providing for a  
25 lease agreement governing such employees;  
26 prescribing terms of such lease agreement;  
27 amending s. 413.86, F.S.; conforming an  
28 organizational reference; creating s. 413.865,  
29 F.S.; requiring coordination between vocational  
30 rehabilitation and other workforce activities;  
31 requiring development of performance

1 measurement methodologies; amending s. 413.87,  
2 F.S.; conforming provision to changes made in  
3 the act; amending s. 413.88, F.S.; conforming  
4 provision to changes made in the act; amending  
5 s. 413.89, F.S.; designating the department the  
6 state agency effective July 1, 2000, and the  
7 commission the state agency effective October  
8 1, 2000, for purposes of federal law; deleting  
9 an obsolete reference; authorizing the  
10 department and the commission to provide for  
11 continued administration during the time  
12 between July 1, 2000, and October 1, 2000;  
13 amending s. 413.90, F.S.; deleting provision  
14 relating to designation of an administrative  
15 entity; designating a state agency and state  
16 unit for specified purposes; transferring  
17 certain components of the Division of  
18 Vocational Rehabilitation to the Department of  
19 Education; requiring a reduction in positions;  
20 providing for a budget amendment; providing for  
21 a transfer of certain administrative resources  
22 of the Department of Labor and Employment  
23 Security to the Department of Education;  
24 amending s. 413.91, F.S.; deleting reference to  
25 designated administrative entity; requiring the  
26 commission to assure that all contractors  
27 maintain quality control and are fit to  
28 undertake responsibilities; amending s. 413.92,  
29 F.S.; specifying entities answerable to the  
30 Federal Government in the event of a conflict  
31 with federal law; repealing s. 413.93, F.S.,

1 relating to the designated state agency under  
2 federal law; amending s. 440.02, F.S.;  
3 conforming the definitions of "department" and  
4 "division" to the transfer of the Division of  
5 Workers' Compensation to the Department of  
6 Insurance; amending s. 440.207, F.S.;  
7 conforming a departmental reference; amending  
8 s. 440.385, F.S.; deleting obsolete provisions;  
9 conforming departmental references relating to  
10 the Florida Self-Insurance Guaranty  
11 Association, Inc.; amending s. 440.44, F.S.;  
12 conforming provisions; amending s. 440.4416,  
13 F.S.; reassigning the Workers' Compensation  
14 Oversight Board to the Department of Insurance;  
15 amending s. 440.45, F.S.; reassigning the  
16 Office of the Judges of Compensation Claims to  
17 the Department of Insurance; amending s.  
18 440.49, F.S.; reassigning responsibility for a  
19 report on the Special Disability Trust Fund to  
20 the Department of Insurance; amending ss.  
21 215.311, 413.091, 440.102, 440.125, 440.13,  
22 440.25, 440.525, and 440.59, F.S.; conforming  
23 agency references to reflect the transfer of  
24 programs from the Department of Labor and  
25 Employment Security to the Department of  
26 Management Services and the Department of  
27 Insurance; amending s. 443.012, F.S.; providing  
28 for the Unemployment Appeals Commission to be  
29 created within the Department of Management  
30 Services rather than the Department of Labor  
31 and Employment Security; conforming provisions;



1 providing for the transfer of the Unemployment  
2 Appeals Commission to the Department of  
3 Management Services by a type two transfer;  
4 amending s. 443.036, F.S.; conforming the  
5 definition of "commission" to the transfer of  
6 the Unemployment Appeals Commission to the  
7 Department of Management Services; conforming  
8 the definition of "division" to the transfer of  
9 the Division of Unemployment Compensation to  
10 the Agency for Workforce Innovation; amending  
11 s. 443.151, F.S.; providing for unemployment  
12 compensation appeals referees to be appointed  
13 by the Unemployment Appeals Commission;  
14 requiring the Department of Management Services  
15 to provide facilities to the appeals referees  
16 and the commission; requiring the Division of  
17 Unemployment Compensation to post certain  
18 notices in one-stop career centers; amending s.  
19 443.171, F.S.; conforming duties of the  
20 Division of Unemployment Compensation and  
21 appointment of the Unemployment Compensation  
22 Advisory Council to reflect program transfer to  
23 the Agency for Workforce Innovation; conforming  
24 cross-references; amending s. 443.211, F.S.;  
25 conforming provisions; authorizing the  
26 Unemployment Appeals Commission to approve  
27 payments from the Employment Security  
28 Administration Trust Fund; providing for use of  
29 funds in the Special Employment Security  
30 Administration Trust Fund by the Unemployment  
31 Appeals Commission and the Agency for Workforce

1           Innovation; amending ss. 447.02, 447.04,  
2           447.041, 447.045, 447.06, 447.12, 447.16, F.S.;  
3           providing for part I of ch. 447, F.S., relating  
4           to the regulation of labor organizations, to be  
5           administered by the Department of Insurance;  
6           deleting references to the Division of Jobs and  
7           Benefits and the Department of Labor and  
8           Employment Security; amending s. 447.203, F.S.;  
9           clarifying the definition of professional  
10          employee; amending s. 447.205, F.S.; conforming  
11          provisions to reflect the transfer of the  
12          Public Employees Relations Commission to the  
13          Department of Management Services and deleting  
14          obsolete provisions; amending s. 447.208, F.S.;  
15          clarifying the procedure for appeals, charges,  
16          and petitions; amending s. 447.305, F.S.,  
17          relating to the registration of employee  
18          organizations; providing for the Public  
19          Employees Relations Commission to share  
20          registration information with the Department of  
21          Insurance; amending s. 447.307, F.S.;  
22          authorizing the commission to modify existing  
23          bargaining units; amending s. 447.503, F.S.;  
24          specifying procedures when a party fails to  
25          appear for a hearing; amending s. 447.504,  
26          F.S.; authorizing the commission to stay  
27          certain procedures; providing for the transfer  
28          of the commission to the Department of  
29          Management Services by a type two transfer;  
30          repealing s. 447.609, F.S., relating to  
31          representation in certain public employee

1 proceedings; amending ss. 450.012, 450.061,  
2 450.081, 450.095, 450.121, 450.132, 450.141,  
3 F.S.; providing for part I of ch. 450, F.S.,  
4 relating to child labor, to be administered by  
5 the Department of Insurance; deleting  
6 references to the Division of Jobs and Benefits  
7 and the Department of Labor and Employment  
8 Security; amending s. 450.191, F.S., relating  
9 to the duties of the Executive Office of the  
10 Governor with respect to migrant labor;  
11 conforming provisions to changes made by the  
12 act; amending ss. 450.28, 450.30, 450.31,  
13 450.33, 450.35, 450.36, 450.37, 450.38, F.S.,  
14 relating to farm labor registration; providing  
15 for part III of ch. 450, F.S., to be  
16 administered by the Department of Insurance;  
17 deleting references to the Division of Jobs and  
18 Benefits and the Department of Labor and  
19 Employment Security; requiring the Department  
20 of Revenue to report on disbursement and  
21 cost-allocation of unemployment compensation  
22 funds; requiring the Department of Revenue to  
23 conduct a feasibility study on privatization of  
24 unemployment compensation activities;  
25 authorizing the Department of Labor and  
26 Employment Security to offer a voluntary  
27 reduction-in-force payment to certain  
28 employees; providing terms and conditions  
29 relating to such payments; requiring a plan to  
30 meet specified criteria; providing for  
31 legislative review; providing for the

1 continuation of contracts or agreements of the  
2 Department of Labor and Employment Security;  
3 providing for a successor department, agency,  
4 or entity to be substituted for the Department  
5 of Labor and Employment Security as a party in  
6 interest in pending proceedings; providing for  
7 severability; providing a conditional effective  
8 date.  
9

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

11  
12 Section 1. Subsections (2) and (9) of section 14.2015,  
13 Florida Statutes, are amended to read:

14 14.2015 Office of Tourism, Trade, and Economic  
15 Development; creation; powers and duties.--

16 (2) The purpose of the Office of Tourism, Trade, and  
17 Economic Development is to assist the Governor in working with  
18 the Legislature, state agencies, business leaders, and  
19 economic development professionals to formulate and implement  
20 coherent and consistent policies and strategies designed to  
21 provide economic opportunities for all Floridians. To  
22 accomplish such purposes, the Office of Tourism, Trade, and  
23 Economic Development shall:

24 (a) Contract, notwithstanding the provisions of part I  
25 of chapter 287, with the direct-support organization created  
26 under s. 288.1229 to guide, stimulate, and promote the sports  
27 industry in the state, to promote the participation of  
28 Florida's citizens in amateur athletic competition, and to  
29 promote Florida as a host for national and international  
30 amateur athletic competitions.  
31

1 (b) Monitor the activities of public-private  
2 partnerships and state agencies in order to avoid duplication  
3 and promote coordinated and consistent implementation of  
4 programs in areas including, but not limited to, tourism;  
5 international trade and investment; business recruitment,  
6 creation, retention, and expansion; minority and small  
7 business development; and rural community development.

8 (c) Facilitate the direct involvement of the Governor  
9 and the Lieutenant Governor in economic development projects  
10 designed to create, expand, and retain Florida businesses and  
11 to recruit worldwide business, as well as in other  
12 job-creating efforts.

13 (d) Assist the Governor, in cooperation with  
14 Enterprise Florida, Inc., and the Florida Commission on  
15 Tourism, in preparing an annual report to the Legislature on  
16 the state of the business climate in Florida and on the state  
17 of economic development in Florida which will include the  
18 identification of problems and the recommendation of  
19 solutions. This report shall be submitted to the President of  
20 the Senate, the Speaker of the House of Representatives, the  
21 Senate Minority Leader, and the House Minority Leader by  
22 January 1 of each year, and it shall be in addition to the  
23 Governor's message to the Legislature under the State  
24 Constitution and any other economic reports required by law.

25 (e) Plan and conduct at least one meeting per calendar  
26 year of leaders in business, government, and economic  
27 development called by the Governor to address the business  
28 climate in the state, develop a common vision for the economic  
29 future of the state, and identify economic development efforts  
30 to fulfill that vision.

31

1 (f)1. Administer ~~the Florida Enterprise Zone Act under~~  
2 ~~ss. 290.001-290.016~~, the community contribution tax credit  
3 program under ss. 220.183 and 624.5105, the tax refund program  
4 for qualified target industry businesses under s. 288.106, the  
5 tax-refund program for qualified defense contractors under s.  
6 288.1045, contracts for transportation projects under s.  
7 288.063, ~~the sports franchise facility program under s.~~  
8 ~~288.1162, the professional golf hall of fame facility program~~  
9 ~~under s. 288.1168~~, the expedited permitting process under s.  
10 403.973, the Rural Community Development Revolving Loan Fund  
11 under s. 288.065, ~~the Regional Rural Development Grants~~  
12 ~~Program under s. 288.018~~, the Certified Capital Company Act  
13 under s. 288.99, ~~the Florida State Rural Development Council,~~  
14 the Rural Economic Development Initiative, and other programs  
15 that are specifically assigned to the office by law, by the  
16 appropriations process, or by the Governor. Notwithstanding  
17 any other provisions of law, the office may expend interest  
18 earned from the investment of program funds deposited in the  
19 Economic Development Trust Fund, the Grants and Donations  
20 Trust Fund, the Brownfield Property Ownership Clearance  
21 Assistance Revolving Loan Trust Fund, and the Economic  
22 Development Transportation Trust Fund to contract for the  
23 administration of the programs, or portions of the programs,  
24 enumerated in this paragraph or assigned to the office by law,  
25 by the appropriations process, or by the Governor. Such  
26 expenditures shall be subject to review under chapter 216.

27 2. The office may enter into contracts in connection  
28 with the fulfillment of its duties concerning ~~the Florida~~  
29 ~~First Business Bond Pool under chapter 159~~, tax incentives  
30 under chapters 212 and 220, tax incentives under the Certified  
31 Capital Company Act in chapter 288, ~~foreign offices under~~

1 ~~chapter 288, the Enterprise Zone program under chapter 290,~~  
2 the Seaport Employment Training program under chapter 311, the  
3 Florida Professional Sports Team License Plates under chapter  
4 320, Spaceport Florida under chapter 331, Expedited Permitting  
5 under chapter 403, and in carrying out other functions that  
6 are specifically assigned to the office by law, by the  
7 appropriations process, or by the Governor.

8 (g) Serve as contract administrator for the state with  
9 respect to contracts with Enterprise Florida, Inc., the  
10 Florida Commission on Tourism, and all direct-support  
11 organizations under this act, excluding those relating to  
12 tourism. To accomplish the provisions of this act and  
13 applicable provisions of chapter 288, and notwithstanding the  
14 provisions of part I of chapter 287, the office shall enter  
15 into specific contracts with Enterprise Florida, Inc., the  
16 Florida Commission on Tourism, and other appropriate  
17 direct-support organizations. Such contracts may be multiyear  
18 and shall include specific performance measures for each year.

19 (h) Provide administrative oversight for the  
20 Governor's Office of the Film and Entertainment Commissioner,  
21 created under s. 288.1251, to develop, promote, and provide  
22 services to the state's entertainment industry and to  
23 administratively house the Florida Film and Entertainment  
24 Advisory Council created under s. 288.1252.

25 (i) Prepare and submit as a separate budget entity a  
26 unified budget request for tourism, trade, and economic  
27 development in accordance with chapter 216 for, and in  
28 conjunction with, Enterprise Florida, Inc., and its boards,  
29 the Florida Commission on Tourism and its direct-support  
30 organization, the Florida Black Business Investment Board, the  
31 Governor's Office of the Film and Entertainment Commissioner,

1 and the direct-support organization created to promote the  
2 sports industry.

3 (j) Adopt rules, as necessary, to carry out its  
4 functions in connection with the administration of the  
5 Qualified Target Industry program, the Qualified Defense  
6 Contractor program, the Certified Capital Company Act, the  
7 Enterprise Zone program, and the Florida First Business Bond  
8 pool.

9 (k) By January 15 of each year, the Office of Tourism,  
10 Trade, and Economic Development shall submit to the Governor,  
11 the President of the Senate, and the Speaker of the House of  
12 Representatives a complete and detailed report of all  
13 applications received and recommendations made or actions  
14 taken during the previous fiscal year under all programs  
15 funded out of the Economic Development Incentives Account or  
16 the Economic Development Transportation Trust Fund. The Office  
17 of Tourism, Trade, and Economic Development, with the  
18 cooperation of Enterprise Florida, Inc., shall also include in  
19 the report a detailed analysis of all final decisions issued;  
20 agreements or other contracts executed; and tax refunds paid  
21 or other payments made under all programs funded from the  
22 above named sources, including analysis of benefits and costs,  
23 types of projects supported, and employment and investment  
24 created. The report shall also include a separate analysis of  
25 the impact of such tax refunds and other payments approved for  
26 rural cities or communities as defined in s. 288.106(2)(s) and  
27 state enterprise zones designated pursuant to s. 290.0065.

28 (9)(a) The Office of Urban Opportunity is created  
29 within the Office of Tourism, Trade, and Economic Development.  
30 The director of the Office of Urban Opportunity shall be  
31 appointed by and serve at the pleasure of the Governor.



1 (b) The purpose of the Office of Urban Opportunity  
2 shall be to administer the Front Porch Florida initiative, a  
3 comprehensive, community-based urban core redevelopment  
4 program that will empower urban core residents to craft  
5 solutions to the unique challenges of each designated  
6 community. Front Porch Florida shall serve as a "civic  
7 switchboard," connecting each Front Porch Florida community  
8 with federal, state, and private-sector resources necessary to  
9 implement the program.

10 (c) The Office of Urban Opportunity may be assisted in  
11 carrying out its duties by the Department of Community  
12 Affairs.

13 Section 2. Subsection (10) of section 159.705, Florida  
14 Statutes, is amended to read:

15 159.705 Powers of the authority.--The authority is  
16 authorized and empowered:

17 (10) Other provisions of law to the contrary  
18 notwithstanding, to acquire by lease, without consideration,  
19 purchase, or option any lands owned, administered, managed,  
20 controlled, supervised, or otherwise protected by the state or  
21 any of its agencies, departments, boards, or commissions for  
22 the purpose of establishing a research and development park,  
23 subject to being first designated a research and development  
24 authority under the provisions of ss. 159.701-159.7095. The  
25 authority may cooperate with state and local political  
26 subdivisions and with private profit and nonprofit entities to  
27 implement the public purposes set out in s. 159.701. Such  
28 cooperation may include agreements for the use of the  
29 resources of state and local political subdivisions, agencies,  
30 or entities on a fee-for-service basis or on a cost-recovery  
31 basis. A project that is located in a research and development

1 park and is financed pursuant to the provisions of the Florida  
2 Industrial Development Financing Act may be operated by a  
3 research and development authority, a state university, a  
4 Florida community college, or a governmental agency, provided  
5 that the purpose and operation of such project is consistent  
6 with the purposes and policies enumerated in ss.  
7 159.701-159.7095.

8 Section 3. Section 159.8083, Florida Statutes, is  
9 amended to read:

10 159.8083 Florida First Business allocation pool.--The  
11 Florida First Business allocation pool is hereby established.  
12 The Florida First Business allocation pool shall be available  
13 solely to provide written confirmation for private activity  
14 bonds to finance Florida First Business projects recommended  
15 by Enterprise Florida, Inc., and certified by the Office of  
16 Tourism, Trade, and Economic Development as eligible to  
17 receive a written confirmation. Allocations from such pool  
18 shall be awarded statewide pursuant to procedures specified in  
19 s. 159.805, except that the provisions of s. 159.805(2), (3),  
20 and (6) do not apply. Florida First Business projects that are  
21 eligible for a carryforward shall not lose their allocation on  
22 November 16 if they have applied and have been granted a  
23 carryforward. In issuing written confirmations of allocations  
24 for Florida First Business projects, the division shall use  
25 the Florida First Business allocation pool. If allocation is  
26 not available from the Florida First Business allocation pool,  
27 the division shall issue written confirmations of allocations  
28 for Florida First Business projects pursuant to s. 159.806 or  
29 s. 159.807, in such order. For the purpose of determining  
30 priority within a regional allocation pool or the state  
31 allocation pool, notices of intent to issue bonds for Florida

1 First Business projects to be issued from a regional  
2 allocation pool or the state allocation pool shall be  
3 considered to have been received by the division at the time  
4 it is determined by the division that the Florida First  
5 Business allocation pool is unavailable to issue confirmation  
6 for such Florida First Business project. If the total amount  
7 requested in notices of intent to issue private activity bonds  
8 for Florida First Business projects exceeds the total amount  
9 of the Florida First Business allocation pool, the director  
10 shall forward all timely notices of intent to issue, which are  
11 received by the division for such projects, to the Office of  
12 Tourism, Trade, and Economic Development which shall render a  
13 decision as to which notices of intent to issue are to receive  
14 written confirmations. The Office of Tourism, Trade, and  
15 Economic Development, in consultation with the division and  
16 Enterprise Florida, Inc., shall develop rules to ensure that  
17 the allocation provided in such pool is available solely to  
18 provide written confirmations for private activity bonds to  
19 finance Florida First Business projects and that such projects  
20 are feasible and financially solvent.

21 Section 4. Subsection (6) of section 163.3164, Florida  
22 Statutes, is amended to read:

23 163.3164 Definitions.--As used in this act:

24 (6) "Development" has the meaning given it in s.  
25 380.04 and the exemption given it in s. 380.04(3).

26 Section 5. Paragraph (j) of subsection (5) and  
27 paragraph (eee) of subsection (7) of section 212.08, Florida  
28 Statutes, are amended and paragraphs (n) and (o) are added to  
29 subsection (5) of that section to read:

30 212.08 Sales, rental, use, consumption, distribution,  
31 and storage tax; specified exemptions.--The sale at retail,

1 the rental, the use, the consumption, the distribution, and  
2 the storage to be used or consumed in this state of the  
3 following are hereby specifically exempt from the tax imposed  
4 by this chapter.

5 (5) EXEMPTIONS; ACCOUNT OF USE.--

6 (j) Machinery and equipment used in semiconductor  
7 ~~silicon~~ technology production and research and development.--

8 1. Industrial machinery and equipment purchased for  
9 use in semiconductor ~~silicon~~ technology facilities certified  
10 under subparagraph 6.5 to manufacture, process, compound, or  
11 produce semiconductor ~~silicon~~ technology products for sale or  
12 for use by these facilities are exempt from the tax imposed by  
13 this chapter.

14 2. Machinery and equipment are exempt from the tax  
15 imposed by this chapter if purchased for use predominately in  
16 semiconductor ~~silicon~~ wafer research and development  
17 activities in a semiconductor ~~silicon~~ technology research and  
18 development facility certified under subparagraph 6.5.

19 3. Building materials purchased for use in  
20 manufacturing or expanding clean rooms in  
21 semiconductor-manufacturing facilities are exempt from the tax  
22 imposed by this chapter.

23 ~~4.3.~~ In addition to meeting the criteria mandated by  
24 subparagraph 1. ~~or~~ subparagraph 2., or subparagraph 3., a  
25 business must be certified by the Office of Tourism, Trade,  
26 and Economic Development as authorized in this paragraph in  
27 order to qualify for exemption under this paragraph.

28 ~~5.4.~~ For items purchased tax exempt pursuant to this  
29 paragraph, possession of a written certification from the  
30 purchaser, certifying the purchaser's entitlement to exemption  
31 pursuant to this paragraph, relieves the seller of the

1 responsibility of collecting the tax on the sale of such  
2 items, and the department shall look solely to the purchaser  
3 for recovery of tax if it determines that the purchaser was  
4 not entitled to the exemption.

5 6.5.a. To be eligible to receive the exemption  
6 provided by subparagraph 1. ~~or~~ subparagraph 2., or  
7 subparagraph 3., a qualifying business entity shall apply to  
8 Enterprise Florida, Inc. The application shall be developed by  
9 the Office of Tourism, Trade, and Economic Development in  
10 consultation with Enterprise Florida, Inc.

11 b. Enterprise Florida, Inc., shall review each  
12 submitted application and information and determine whether or  
13 not the application is complete within 5 working days. Once an  
14 application is complete, Enterprise Florida, Inc., shall,  
15 within 10 working days, evaluate the application and recommend  
16 approval or disapproval of the application to the Office of  
17 Tourism, Trade, and Economic Development.

18 c. Upon receipt of the application and recommendation  
19 from Enterprise Florida, Inc., the Office of Tourism, Trade,  
20 and Economic Development shall certify within 5 working days  
21 those applicants who are found to meet the requirements of  
22 this section and notify the applicant, Enterprise Florida,  
23 Inc., and the department of the certification. If the Office  
24 of Tourism, Trade, and Economic Development finds that the  
25 applicant does not meet the requirements of this section, it  
26 shall notify the applicant and Enterprise Florida, Inc.,  
27 within 10 working days that the application for certification  
28 has been denied and the reasons for denial. The Office of  
29 Tourism, Trade, and Economic Development has final approval  
30 authority for certification under this section.

31

1           ~~7.6.a.~~ A business ~~certified to receive this exemption~~  
2 may apply once each year for the exemption.

3           ~~b.~~ ~~The first claim submitted by a business may include~~  
4 ~~all eligible expenditures made after the date the business was~~  
5 ~~certified.~~

6           ~~b.c.~~ ~~To apply for the annual exemption, the business~~  
7 ~~shall submit a claim to the Office of Tourism, Trade, and~~  
8 ~~Economic Development, which claim indicates and documents the~~  
9 ~~sales and use taxes otherwise payable on eligible machinery~~  
10 ~~and equipment.~~ The application claim must also indicate, for  
11 program evaluation purposes only, the average number of  
12 full-time equivalent employees at the facility over the  
13 preceding calendar year, the average wage and benefits paid to  
14 those employees over the preceding calendar year, ~~and~~ the  
15 total investment made in real and tangible personal property  
16 over the preceding calendar year, and the total value of  
17 tax-exempt purchases and taxes exempted during the previous  
18 year or, for the first claim submitted, since the date of  
19 ~~certification.~~ The department shall assist the Office of  
20 Tourism, Trade, and Economic Development in evaluating and  
21 verifying information provided in the application for  
22 exemption.

23           ~~c.d.~~ The Office of Tourism, Trade, and Economic  
24 Development may use the information reported on the  
25 application claims for evaluation purposes only and shall  
26 prepare an annual report on the exemption program and its cost  
27 and impact. The annual report for the preceding fiscal year  
28 shall be submitted to the Governor, the President of the  
29 Senate, and the Speaker of the House of Representatives by  
30 September 30 of each fiscal year. This report may be submitted  
31

1 in conjunction with the annual report required in s.  
2 288.095(3)(c).

3 ~~8.7.~~ A business certified to receive this exemption  
4 may elect to designate one or more state universities or  
5 community colleges as recipients of up to 100 percent of the  
6 amount of the exemption for which they may qualify. To receive  
7 these funds, the institution must agree to match the funds so  
8 earned with equivalent cash, programs, services, or other  
9 in-kind support on a one-to-one basis in the pursuit of  
10 research and development projects as requested by the  
11 certified business. The rights to any patents, royalties, or  
12 real or intellectual property must be vested in the business  
13 unless otherwise agreed to by the business and the university  
14 or community college.

15 ~~9.8.~~ As used in this paragraph, the term:

16 a. "Predominately" means at least 50 percent of the  
17 time in qualifying research and development.

18 b. "Research and development" means basic and applied  
19 research in the science or engineering, as well as the design,  
20 development, and testing of prototypes or processes of new or  
21 improved products. Research and development does not include  
22 market research, routine consumer product testing, sales  
23 research, research in the social sciences or psychology,  
24 nontechnological activities, or technical services.

25 c. "Semiconductor ~~silicon~~ technology products" means  
26 raw semiconductor ~~silicon~~ wafers or semiconductor thin films  
27 that are transformed into semiconductor memory or logic  
28 wafers, including wafers containing mixed memory and logic  
29 circuits; related assembly and test operations; active-matrix  
30 flat panel displays; semiconductor chips; semiconductor  
31 lasers; optoelectronic elements; and related semiconductor

1 ~~silicon~~ technology products as determined by the Office of  
2 Tourism, Trade, and Economic Development.

3 d. "Clean rooms" means manufacturing facilities  
4 enclosed in a manner that meets the clean manufacturing  
5 requirements necessary for high-technology  
6 semiconductor-manufacturing environments.

7 (n) Materials for construction of single-family homes  
8 in certain areas.--

9 1. As used in this paragraph, the term:

10 a. "Building materials" means tangible personal  
11 property that becomes a component part of a qualified home.

12 b. "Qualified home" means a single-family home having  
13 an appraised value of no more than \$160,000 which is located  
14 in an enterprise zone, empowerment zone, or Front Porch  
15 Florida Community and which is constructed and occupied by the  
16 owner thereof for residential purposes.

17 c. "Substantially completed" has the same meaning as  
18 provided in s. 192.042(1).

19 2. Building materials used in the construction of a  
20 qualified home and the costs of labor associated with the  
21 construction of a qualified home are exempt from the tax  
22 imposed by this chapter upon an affirmative showing to the  
23 satisfaction of the department that the requirements of this  
24 paragraph have been met. This exemption inures to the owner  
25 through a refund of previously paid taxes. To receive this  
26 refund, the owner must file an application under oath with the  
27 department which includes:

28 a. The name and address of the owner.

29 b. The address and assessment roll parcel number of  
30 the home for which a refund is sought.

31 c. A copy of the building permit issued for the home.



1           d. A certification by the local building inspector  
2 that the home is substantially completed.

3           e. A sworn statement, under penalty of perjury, from  
4 the general contractor licensed in this state with whom the  
5 owner contracted to construct the home, which statement lists  
6 the building materials used in the construction of the home  
7 and the actual cost thereof, the labor costs associated with  
8 such construction, and the amount of sales tax paid on these  
9 materials and labor costs. If a general contractor was not  
10 used, the owner shall provide this information in a sworn  
11 statement, under penalty of perjury. Copies of invoices  
12 evidencing payment of sales tax must be attached to the sworn  
13 statement.

14           f. A sworn statement, under penalty of perjury, from  
15 the owner affirming that he or she is occupying the home for  
16 residential purposes.

17           3. An application for a refund under this paragraph  
18 must be submitted to the department within 6 months after the  
19 date the home is deemed to be substantially completed by the  
20 local building inspector. Within 30 working days after receipt  
21 of the application, the department shall determine if it meets  
22 the requirements of this paragraph. A refund approved pursuant  
23 to this paragraph shall be made within 30 days after formal  
24 approval of the application by the department. The provisions  
25 of s. 212.095 do not apply to any refund application made  
26 under this paragraph.

27           4. The department shall establish by rule an  
28 application form and criteria for establishing eligibility for  
29 exemption under this paragraph.

30           5. The exemption shall apply to purchases of materials  
31 on or after July 1, 2000.

- 1           (o) Building materials in redevelopment projects.--  
2           1. As used in this paragraph, the term:  
3           a. "Building materials" means tangible personal  
4 property that becomes a component part of a housing project or  
5 a mixed-use project.  
6           b. "Housing project" means the conversion of an  
7 existing manufacturing or industrial building to housing units  
8 in an urban high-crime area, enterprise zone, empowerment  
9 zone, Front Porch Community, designated brownfield area, or  
10 urban infill area and in which the developer agrees to set  
11 aside at least 20 percent of the housing units in the project  
12 for low-income and moderate-income persons.  
13           c. "Mixed-use project" means the conversion of an  
14 existing manufacturing or industrial building to mixed-use  
15 units that include artists' studios, art and entertainment  
16 services, or other compatible uses. A mixed-use project must  
17 be located in an urban high-crime area, enterprise zone,  
18 empowerment zone, Front Porch Community, designated brownfield  
19 area, or urban infill area and the developer must agree to set  
20 aside at least 20 percent of the square footage of the project  
21 for low-income and moderate-income housing.  
22           d. "Substantially completed" has the same meaning as  
23 provided in s. 192.042(1).  
24           2. Building materials used in the construction of a  
25 housing project or mixed-use project are exempt from the tax  
26 imposed by this chapter upon an affirmative showing to the  
27 satisfaction of the department that the requirements of this  
28 paragraph have been met. This exemption inures to the owner  
29 through a refund of previously paid taxes. To receive this  
30 refund, the owner must file an application under oath with the  
31 department which includes:

- 1           a. The name and address of the owner.  
2           b. The address and assessment roll parcel number of  
3 the project for which a refund is sought.  
4           c. A copy of the building permit issued for the  
5 project.  
6           d. A certification by the local building inspector  
7 that the project is substantially completed.  
8           e. A sworn statement, under penalty of perjury, from  
9 the general contractor licensed in this state with whom the  
10 owner contracted to construct the project, which statement  
11 lists the building materials used in the construction of the  
12 project and the actual cost thereof, and the amount of sales  
13 tax paid on these materials. If a general contractor was not  
14 used, the owner shall provide this information in a sworn  
15 statement, under penalty of perjury. Copies of invoices  
16 evidencing payment of sales tax must be attached to the sworn  
17 statement.  
18           3. An application for a refund under this paragraph  
19 must be submitted to the department within 6 months after the  
20 date the project is deemed to be substantially completed by  
21 the local building inspector. Within 30 working days after  
22 receipt of the application, the department shall determine if  
23 it meets the requirements of this paragraph. A refund approved  
24 pursuant to this paragraph shall be made within 30 days after  
25 formal approval of the application by the department. The  
26 provisions of s. 212.095 do not apply to any refund  
27 application made under this paragraph.  
28           4. The department shall establish by rule an  
29 application form and criteria for establishing eligibility for  
30 exemption under this paragraph.  
31

1           5. The exemption shall apply to purchases of materials  
2 on or after July 1, 2000.

3           (7) MISCELLANEOUS EXEMPTIONS.--

4           (eee) Certain repair and labor charges.--

5           1. Subject to the provisions of subparagraphs 2. and  
6 3., there is exempt from the tax imposed by this chapter all  
7 labor charges for the repair of, and parts and materials used  
8 in the repair of and incorporated into, industrial machinery  
9 and equipment that ~~which~~ is used for the manufacture,  
10 processing, compounding, ~~or~~ production, or production and  
11 shipping of items of tangible personal property at a fixed  
12 location within this state.

13           2. This exemption applies only to industries  
14 classified under SIC Industry Major Group Numbers 10, 12, 13,  
15 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,  
16 35,36, 37, 38, and 39 and Industry Group Number 212. As used  
17 in this subparagraph, "SIC" means those classifications  
18 contained in the Standard Industrial Classification Manual,  
19 1987, as published by the Office of Management and Budget,  
20 Executive Office of the President.

21           3. This exemption shall be applied as follows:

22           a. Beginning July 1, 1999, 25 percent of such charges  
23 for repair parts and labor shall be exempt.

24           b. Beginning July 1, 2000, 50 percent of such charges  
25 for repair parts and labor shall be exempt.

26           c. Beginning July 1, 2001, 75 percent of such charges  
27 for repair parts and labor shall be exempt.

28           d. Beginning July 1, 2002, 100 percent of such charges  
29 for repair parts and labor shall be exempt.

30

31

1 Exemptions provided to any entity by this subsection shall not  
2 inure to any transaction otherwise taxable under this chapter  
3 when payment is made by a representative or employee of such  
4 entity by any means, including, but not limited to, cash,  
5 check, or credit card even when that representative or  
6 employee is subsequently reimbursed by such entity.

7       Section 6. The amendment to section 212.08(7)(eee)2.,  
8 Florida Statutes, made by this act is remedial in nature and  
9 shall have the force and effect as if SIC Code 35 had been  
10 included from July 1, 1999.

11       Section 7. The agencies involved with the Urban Infill  
12 Implementation Project Grants Program under section 163.2523,  
13 Florida Statutes, the State Apartment Incentive Loan Program  
14 under section 420.5087, Florida Statutes, the HOME Investment  
15 Partnership Program under section 420.5089, Florida Statutes,  
16 and the State Housing Tax Credit Program under section  
17 420.5093, Florida Statutes, shall give priority consideration  
18 to projects that would convert vacant industrial and  
19 manufacturing facilities to affordable housing units within  
20 urban high-crime areas, enterprise zones, empowerment zones,  
21 Front Porch Communities, designated brownfield areas, or urban  
22 infill areas.

23       Section 8. The Department of Community Affairs, in  
24 conjunction with the Office of Tourism, Trade, and Economic  
25 Development, the Office of Urban Opportunities, and Enterprise  
26 Florida, Inc., shall recommend new economic incentives or  
27 revisions to existing economic incentives in order to promote  
28 the reuse of vacant industrial and manufacturing facilities  
29 for affordable housing and mixed-use development. The report  
30 must also identify any state regulatory or programmatic  
31 barriers to the reuse of such facilities. The department

1 shall submit a report to the President of the Senate and the  
2 Speaker of the House of Representatives containing its  
3 recommendations by January 31, 2001. Based upon consultation  
4 with the Department of Environmental Protection, the  
5 department shall include, as a component of the report, any  
6 recommended modifications to the Brownfields Redevelopment  
7 Act, sections 376.77-376.85, Florida Statutes, for revising  
8 liability protection or economic incentives under the act to  
9 promote reuse of such facilities.

10 Section 9. Subsection (2) of section 212.097, Florida  
11 Statutes, is amended to read:

12 212.097 Urban High-Crime Area Job Tax Credit  
13 Program.--

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

15 (a) "Eligible business" means any sole proprietorship,  
16 firm, partnership, or corporation that is located in a  
17 qualified county and is predominantly engaged in, or is  
18 headquarters for a business predominantly engaged in,  
19 activities usually provided for consideration by firms  
20 classified within the following standard industrial  
21 classifications: SIC 01 through SIC 09 (agriculture,  
22 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
23 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public  
24 warehousing and storage); SIC 70 (hotels and other lodging  
25 places); SIC 7391 (research and development); SIC 781 (motion  
26 picture production and allied services); SIC 7992 (public golf  
27 courses); and SIC 7996 (amusement parks). A call center or  
28 similar customer service operation that services a multistate  
29 market or international market is also an eligible business.  
30 In addition, the Office of Tourism, Trade, and Economic  
31 Development may, as part of its final budget request submitted

1 pursuant to s. 216.023, recommend additions to or deletions  
2 from the list of standard industrial classifications used to  
3 determine an eligible business, and the Legislature may  
4 implement such recommendations. Excluded from eligible  
5 receipts are receipts from retail sales, except such receipts  
6 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other  
7 lodging places classified in SIC 70, public golf courses in  
8 SIC 7992, and amusement parks in SIC 7996. For purposes of  
9 this paragraph, the term "predominantly" means that more than  
10 50 percent of the business's gross receipts from all sources  
11 is generated by those activities usually provided for  
12 consideration by firms in the specified standard industrial  
13 classification. The determination of whether the business is  
14 located in a qualified high-crime area and the tier ranking of  
15 that area must be based on the date of application for the  
16 credit under this section. Commonly owned and controlled  
17 entities are to be considered a single business entity.

18 (b) "Qualified employee" means any employee of an  
19 eligible business who performs duties in connection with the  
20 operations of the business on a regular, full-time basis for  
21 an average of at least 36 hours per week for at least 3 months  
22 within the qualified high-crime area in which the eligible  
23 business is located. An owner or partner of the eligible  
24 business is not a qualified employee. The term also includes  
25 an employee leased from an employee leasing company licensed  
26 under chapter 468, if such employee has been continuously  
27 leased to the employer for an average of at least 36 hours per  
28 week for more than 6 months.

29 (c) "New business" means any eligible business first  
30 beginning operation on a site in a qualified high-crime area  
31 and clearly separate from any other commercial or business

1 operation of the business entity within a qualified high-crime  
2 area. A business entity that operated an eligible business  
3 within a qualified high-crime area within the 48 months before  
4 the period provided for application by subsection (3) is not  
5 considered a new business.

6 (d) "Existing business" means any eligible business  
7 that does not meet the criteria for a new business.

8 (e) "Qualified high-crime area" means an area selected  
9 by the Office of Tourism, Trade, and Economic Development in  
10 the following manner: every third year, the office shall rank  
11 and tier those areas nominated under subsection (8), according  
12 to the following prioritized criteria:

13 1. Highest arrest rates within the geographic area for  
14 violent crime and for such other crimes as drug sale, drug  
15 possession, prostitution, vandalism, and civil disturbances;

16 2. Highest reported crime volume and rate of specific  
17 property crimes such as business and residential burglary,  
18 motor vehicle theft, and vandalism;

19 3. Highest percentage of reported index crimes that  
20 are violent in nature;

21 4. Highest overall index crime volume for the area;  
22 and

23 5. Highest overall index crime rate for the geographic  
24 area.

25  
26 Tier-one areas are ranked 1 through 5 and represent the  
27 highest crime areas according to this ranking. Tier-two areas  
28 are ranked 6 through 10 according to this ranking. Tier-three  
29 areas are ranked 11 through 15. Notwithstanding this  
30 definition, "qualified high-crime area" also means an area  
31 that has been designated as a federal Empowerment Zone



1 pursuant to the Taxpayer Relief Act of 1997. Such a designated  
2 area is ranked in tier three until the areas are reevaluated  
3 by the Office of Tourism, Trade, and Economic Development.

4 Section 10. Subsection (2) of section 212.098, Florida  
5 Statutes, is amended to read:

6 212.098 Rural Job Tax Credit Program.--

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

8 (a) "Eligible business" means any sole proprietorship,  
9 firm, partnership, or corporation that is located in a  
10 qualified county and is predominantly engaged in, or is  
11 headquarters for a business predominantly engaged in,  
12 activities usually provided for consideration by firms  
13 classified within the following standard industrial  
14 classifications: SIC 01 through SIC 09 (agriculture,  
15 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
16 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
17 other lodging places); SIC 7391 (research and development);  
18 SIC 781 (motion picture production and allied services);SIC  
19 7992 (public golf courses); and SIC 7996 (amusement parks). A  
20 call center or similar customer service operation that  
21 services a multistate market or an international market is  
22 also an eligible business. In addition, the Office of Tourism,  
23 Trade, and Economic Development may, as part of its final  
24 budget request submitted pursuant to s. 216.023, recommend  
25 additions to or deletions from the list of standard industrial  
26 classifications used to determine an eligible business, and  
27 the Legislature may implement such recommendations. Excluded  
28 from eligible receipts are receipts from retail sales, except  
29 such receipts for hotels and other lodging places classified  
30 in SIC 70, public golf courses in SIC 7992, and amusement  
31 parks in SIC 7996. For purposes of this paragraph, the term

1 "predominantly" means that more than 50 percent of the  
2 business's gross receipts from all sources is generated by  
3 those activities usually provided for consideration by firms  
4 in the specified standard industrial classification. The  
5 determination of whether the business is located in a  
6 qualified county and the tier ranking of that county must be  
7 based on the date of application for the credit under this  
8 section. Commonly owned and controlled entities are to be  
9 considered a single business entity.

10 (b) "Qualified employee" means any employee of an  
11 eligible business who performs duties in connection with the  
12 operations of the business on a regular, full-time basis for  
13 an average of at least 36 hours per week for at least 3 months  
14 within the qualified county in which the eligible business is  
15 located. An owner or partner of the eligible business is not a  
16 qualified employee.

17 (c) "Qualified county" means a county that has a  
18 population of fewer than 75,000 persons, or any county that  
19 has a population of 100,000 or less and is contiguous to a  
20 county that has a population of less than 75,000, selected in  
21 the following manner: every third year, the Office of  
22 Tourism, Trade, and Economic Development shall rank and tier  
23 the state's counties according to the following four factors:

24 1. Highest unemployment rate for the most recent  
25 36-month period.

26 2. Lowest per capita income for the most recent  
27 36-month period.

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

31

1           4. Average weekly manufacturing wage, based upon the  
2 most recent data available.

3  
4 Tier-one qualified counties are those ranked 1 through 5 and  
5 represent the state's least-developed counties according to  
6 this ranking. Tier-two qualified counties are those ranked 6  
7 through 10, and tier-three counties are those ranked 11  
8 through 17. Notwithstanding this definition, "qualified  
9 county" also means a county that contains an area that has  
10 been designated as a federal Enterprise Community pursuant to  
11 the 1999 Agricultural Appropriations Act. Such a designated  
12 area shall be ranked in tier three until the areas are  
13 reevaluated by the Office of Tourism, Trade, and Economic  
14 Development.

15           (d) "New business" means any eligible business first  
16 beginning operation on a site in a qualified county and  
17 clearly separate from any other commercial or business  
18 operation of the business entity within a qualified county. A  
19 business entity that operated an eligible business within a  
20 qualified county within the 48 months before the period  
21 provided for application by subsection (3) is not considered a  
22 new business.

23           (e) "Existing business" means any eligible business  
24 that does not meet the criteria for a new business.

25           Section 11. Section 218.075, Florida Statutes, is  
26 amended to read:

27           218.075 Reduction or waiver of permit processing  
28 fees.--Notwithstanding any other provision of law, the  
29 Department of Environmental Protection and the water  
30 management districts shall reduce or waive permit processing  
31 fees for a county ~~counties~~ with a population of 75,000 ~~50,000~~

1 or less, or a county with a population of 100,000 or less  
2 which is contiguous to a county with a population of 75,000 or  
3 less, based upon the most current census data, ~~on April 1,~~  
4 ~~1994, until such counties exceed a population of 75,000 and a~~  
5 municipality municipalities with a population of 25,000 or  
6 less, or any county or municipality not included within a  
7 metropolitan statistical area. Fee reductions or waivers shall  
8 be approved on the basis of fiscal hardship or environmental  
9 need for a particular project or activity. The governing body  
10 must certify that the cost of the permit processing fee is a  
11 fiscal hardship due to one of the following factors:

- 12 (1) Per capita taxable value is less than the  
13 statewide average for the current fiscal year;  
14 (2) Percentage of assessed property value that is  
15 exempt from ad valorem taxation is higher than the statewide  
16 average for the current fiscal year;  
17 (3) Any condition specified in s. 218.503, that  
18 determines a state of financial emergency;  
19 (4) Ad valorem operating millage rate for the current  
20 fiscal year is greater than 8 mills; or  
21 (5) A financial condition that is documented in annual  
22 financial statements at the end of the current fiscal year and  
23 indicates an inability to pay the permit processing fee during  
24 that fiscal year.

25  
26 The permit applicant must be the governing body of a county or  
27 municipality or a third party under contract with a county or  
28 municipality and the project for which the fee reduction or  
29 waiver is sought must serve a public purpose. If a permit  
30 processing fee is reduced, the total fee shall not exceed  
31 \$100.

1           Section 12. Section 288.012, Florida Statutes, is  
2 amended to read:

3           288.012 State of Florida foreign offices.--The  
4 Legislature finds that the expansion of international trade  
5 and tourism is vital to the overall health and growth of the  
6 economy of this state. This expansion is hampered by the lack  
7 of technical and business assistance, financial assistance,  
8 and information services for businesses in this state. The  
9 Legislature finds that these businesses could be assisted by  
10 providing these services at State of Florida foreign offices.  
11 The Legislature further finds that the accessibility and  
12 provision of services at these offices can be enhanced through  
13 cooperative agreements or strategic alliances between state  
14 entities, local entities, foreign entities, and private  
15 businesses.

16           (1)(a) The Office of Tourism, Trade, and Economic  
17 Development is authorized to+

18           ~~(a)~~ approve the establishment and operation by  
19 Enterprise Florida, Inc., of ~~Establish and operate~~ offices in  
20 foreign countries for the purpose of promoting the trade and  
21 economic development of the state, and promoting the gathering  
22 of trade data information and research on trade opportunities  
23 in specific countries.

24           (b) Enterprise Florida, Inc., as an agent for the  
25 Office of Tourism, Trade, and Economic Development, may enter  
26 into agreements with governmental and private sector entities  
27 to establish and operate offices in foreign countries  
28 containing provisions which may be in conflict with general  
29 laws of the state pertaining to the purchase of office space,  
30 employment of personnel, and contracts for services. When  
31 agreements pursuant to this section are made which set

1 compensation in foreign currency, such agreements shall be  
2 subject to the requirements of s. 215.425, ~~but the purchase of~~  
3 ~~foreign currency by the Office of Tourism, Trade, and Economic~~  
4 ~~Development to meet such obligations shall be subject only to~~  
5 ~~s. 216.311.~~

6 ~~(c) By September 1, 1997, the Office of Tourism,~~  
7 ~~Trade, and Economic Development shall develop a plan for the~~  
8 ~~disposition of the current foreign offices and the development~~  
9 ~~and location of additional foreign offices. The plan shall~~  
10 ~~include, but is not limited to, a determination of the level~~  
11 ~~of funding needed to operate the current offices and any~~  
12 ~~additional offices and whether any of the current offices need~~  
13 ~~to be closed or relocated. Enterprise Florida, Inc., the~~  
14 ~~Florida Tourism Commission, the Florida Ports Council, the~~  
15 ~~Department of State, the Department of Citrus, and the~~  
16 ~~Department of Agriculture shall assist the Office of Tourism,~~  
17 ~~Trade, and Economic Development in the preparation of the~~  
18 ~~plan. All parties shall cooperate on the disposition or~~  
19 ~~establishment of the offices and ensure that needed space,~~  
20 ~~technical assistance, and support services are provided to~~  
21 ~~such entities at such foreign offices.~~

22 (2) ~~By June 30, 1998,~~Each foreign office shall have  
23 in place an operational plan approved by the participating  
24 boards or other governing authority, a copy of which shall be  
25 provided to the Office of Tourism, Trade, and Economic  
26 Development. These operating plans shall be reviewed and  
27 updated each fiscal year and submitted annually thereafter to  
28 Enterprise Florida, Inc., for review and approval. The plans  
29 shall include, at a minimum, the following:

30 (a) Specific policies and procedures encompassing the  
31 entire scope of the operation and management of each office.

1 (b) A comprehensive, commercial strategic plan  
2 identifying marketing opportunities and industry sector  
3 priorities for the foreign country or area in which a foreign  
4 office is located.

5 (c) Provisions for access to information for Florida  
6 businesses through Enterprise Florida, Inc ~~the Florida Trade~~  
7 ~~Data Center~~. Each foreign office shall obtain and forward  
8 trade leads and inquiries to Enterprise Florida, Inc.,~~the~~  
9 ~~center~~ on a regular basis ~~as called for in the plan pursuant~~  
10 ~~to paragraph (1)(c)~~.

11 (d) Identification of new and emerging market  
12 opportunities for Florida businesses. Each foreign office  
13 shall provide Enterprise Florida, Inc.,~~the Florida Trade Data~~  
14 ~~Center~~ with a compilation of foreign buyers and importers in  
15 industry sector priority areas annually ~~on an annual basis~~.  
16 Enterprise Florida, Inc.,~~In return, the Florida Trade Data~~  
17 ~~Center~~ shall make available to each foreign office, and to the  
18 Florida Commission on Tourism, The Florida Seaport  
19 Transportation and Economic Development Council, the  
20 Department of State, the Department of Citrus, and the  
21 Department of Agriculture ~~entities identified in paragraph~~  
22 ~~(1)(c)~~, trade industry, commodity, and opportunity information  
23 ~~as specified in the plan required in that paragraph~~. This  
24 information shall be provided to such ~~the~~ offices and ~~the~~  
25 ~~entities identified in paragraph (1)(c)~~ either free of charge  
26 or on a fee basis with fees set only to recover the costs of  
27 providing the information.

28 (e) Provision of access for Florida businesses to ~~the~~  
29 ~~services of the Florida Trade Data Center,~~ international trade  
30 assistance services provided by state and local entities,  
31 seaport and airport information, and other services identified

1 in the plan developed by the Office of Tourism, Trade, and  
2 Economic Development for the disposition of the foreign  
3 offices pursuant to paragraph (1)(c).

4 (f) Qualitative and quantitative performance measures  
5 for each office including, but not limited to, the number of  
6 businesses assisted, the number of trade leads and inquiries  
7 generated, the number of foreign buyers and importers  
8 contacted, and the amount and type of marketing conducted.

9 (3) By October 1 of each year, each foreign office  
10 shall submit to Enterprise Florida, Inc.,~~the Office of~~  
11 ~~Tourism, Trade, and Economic Development~~ a complete and  
12 detailed report on its activities and accomplishments during  
13 the preceding fiscal year. In a format provided by Enterprise  
14 Florida, Inc., the report must set forth information on:

15 (a) The number of Florida companies assisted.

16 (b) The number of inquiries received about investment  
17 opportunities in this state.

18 (c) The number of trade leads generated.

19 (d) The number of investment projects announced.

20 (e) The estimated U.S. dollar value of sales  
21 confirmations.

22 (f) The number of representation agreements.

23 (g) The number of company consultations.

24 (h) Barriers or other issues affecting the effective  
25 operation of the office.

26 (i) Changes in office operations which are planned for  
27 the current fiscal year.

28 (j) Marketing activities conducted.

29 (k) Strategic alliances formed with organizations in  
30 the country in which the office is located.

31



1           (1) Activities conducted with other Florida foreign  
2 offices.

3           (m) Any other information that the office believes  
4 would contribute to an understanding of its activities.

5           (4) The Office of Tourism, Trade, and Economic  
6 Development, in connection with the establishment, operation,  
7 and management of any of the ~~its~~ offices located in a foreign  
8 country, is exempt from the provisions of ss. 255.21, 255.25,  
9 and 255.254 relating to leasing of buildings; ss. 283.33 and  
10 283.35 relating to bids for printing; ss. 287.001-287.20  
11 relating to purchasing and motor vehicles; and ss.  
12 282.003-282.111 relating to communications, and from all  
13 statutory provisions relating to state employment.

14           (a) Such exemptions ~~The Office of Tourism, Trade, and~~  
15 ~~Economic Development~~ may be exercised ~~exercise such exemptions~~  
16 only upon prior approval of the Governor.

17           (b) If approval for an exemption under this section is  
18 granted as an integral part of a plan of operation for a  
19 specified foreign office, such action shall constitute  
20 continuing authority for the ~~Office of Tourism, Trade, and~~  
21 ~~Economic Development~~ to exercise of the exemption, but only in  
22 the context and upon the terms originally granted. Any  
23 modification of the approved plan of operation with respect to  
24 an exemption contained therein must be resubmitted to the  
25 Governor for his or her approval. An approval granted to  
26 exercise an exemption in any other context shall be restricted  
27 to the specific instance for which the exemption is to be  
28 exercised.

29           (c) As used in this subsection, the term "plan of  
30 operation" means the plan developed pursuant to subsection  
31 (2).

1           (d) Upon final action by the Governor with respect to  
2 a request to exercise the exemption authorized in this  
3 subsection, the Office of Tourism, Trade, and Economic  
4 Development shall report such action, along with the original  
5 request and any modifications thereto, to the President of the  
6 Senate and the Speaker of the House of Representatives within  
7 30 days.

8           (5) Where feasible and appropriate, and subject to s.  
9 288.1224(10), foreign offices established and operated under  
10 this section may provide one-stop access to the economic  
11 development, trade, and tourism information, services, and  
12 programs of the state. Where feasible and appropriate, and  
13 subject to s. 288.1224(10), such offices may also be  
14 collocated with other foreign offices of the state.

15           (6) The Office of Tourism, Trade, and Economic  
16 Development is authorized to make and to enter into contracts  
17 with Enterprise Florida, Inc., and the Florida Commission on  
18 Tourism to carry out the provisions of this section. The  
19 authority, duties, and exemptions provided in this section  
20 apply to Enterprise Florida, Inc., and the Florida Commission  
21 on Tourism ~~to the same degree and subject to the same~~  
22 ~~conditions as applied to the Office of Tourism, Trade, and~~  
23 ~~Economic Development~~. To the greatest extent possible, such  
24 contracts shall include provisions for cooperative agreements  
25 or strategic alliances between state entities, foreign  
26 entities, local entities, and private businesses to operate  
27 foreign offices.

28           Section 13. Section 288.018, Florida Statutes, is  
29 amended to read:

30           288.018 Regional Rural Development Grants Program.--  
31

1           (1) Enterprise Florida, Inc., shall administer ~~The~~  
2 ~~Office of Tourism, Trade, and Economic Development shall~~  
3 ~~establish~~ a matching grant program to provide funding to  
4 regionally based economic development organizations  
5 representing rural counties and communities for the purpose of  
6 building the professional capacity of their organizations.  
7 Upon recommendation by Enterprise Florida, Inc., the Office of  
8 Tourism, Trade, and Economic Development is authorized to  
9 approve, on an annual basis, grants to such regionally based  
10 economic development organizations. The maximum amount an  
11 organization may receive in any year will be \$35,000, or  
12 \$100,000 in a rural area of critical economic concern  
13 recommended by the Rural Economic Development Initiative and  
14 designated by the Governor, and must be matched each year by  
15 an equivalent amount of nonstate resources.

16           (2) In recommending the awards for funding, Enterprise  
17 Florida, Inc., ~~approving the participants, the Office of~~  
18 ~~Tourism, Trade, and Economic Development~~ shall consider the  
19 demonstrated need of the applicant for assistance and require  
20 the following:

21           (a) Documentation of official commitments of support  
22 from each of the units of local government represented by the  
23 regional organization.

24           (b) Demonstration that each unit of local government  
25 has made a financial or in-kind commitment to the regional  
26 organization.

27           (c) Demonstration that the private sector has made  
28 financial or in-kind commitments to the regional organization.

29           (d) Demonstration that the organization is in  
30 existence and actively involved in economic development  
31 activities serving the region.

1 (e) Demonstration of the manner in which the  
2 organization is or will coordinate its efforts with those of  
3 other local and state organizations.

4 (3) The Office of Tourism, Trade, and Economic  
5 Development may approve awards ~~expend~~ up to a total of  
6 \$600,000 each fiscal year from funds appropriated to the Rural  
7 Community Development Revolving Loan Fund for the purposes  
8 outlined in this section.

9 Section 14. Section 288.064, Florida Statutes, is  
10 created to read:

11 288.064 Legislative intent on rural economic  
12 development.--

13 (1) The Legislature finds and declares that, because  
14 of climate, tourism, industrialization, technological  
15 advances, federal and state government policies,  
16 transportation, and migration, Florida's urban communities  
17 have grown rapidly over the past 40 years. This growth and  
18 prosperity, however, have not been shared by Florida's rural  
19 communities, although these communities are the stewards of  
20 the vast majority of the land and natural resources. Without  
21 this land and these resources, the state's growth and  
22 prosperity cannot continue. In short, successful rural  
23 communities are essential to the overall success of the  
24 state's economy.

25 (2) The Legislature further finds and declares that  
26 many rural areas of the state are experiencing not only a lack  
27 of growth but severe and sustained economic distress. Median  
28 household incomes are significantly less than the state's  
29 median household income level. Job creation rates trail those  
30 in more urbanized areas. In many cases, rural counties have  
31 lost jobs, which handicaps local economies and drains wealth

1 from these communities. These and other factors, including  
2 government policies, amplify and compound social, health, and  
3 community problems, making job creation and economic  
4 development even more difficult. Moreover, the Legislature  
5 finds that traditional program and service delivery is often  
6 hampered by the necessarily rigid structure of the programs  
7 themselves and the lack of local resources.

8 (3) It is the intent of the Legislature to provide for  
9 the most efficient and effective delivery of programs of  
10 assistance and support to rural communities, including the  
11 use, where appropriate, of regulatory flexibility through  
12 multiagency coordination and adequate funding. The Legislature  
13 determines and declares that the provision of such assistance  
14 and support in this manner fulfills an important state  
15 interest.

16 Section 15. Paragraph (d) of subsection (2) and  
17 subsection (4) of section 288.0655, Florida Statutes, are  
18 amended to read:

19 288.0655 Rural Infrastructure Fund.--

20 (2)

21 (d) By September 1, 2000 ~~1999~~, the office shall pursue  
22 execution of a memorandum of agreement with the United States  
23 Department of Agriculture under which state funds available  
24 through the Rural Infrastructure Fund may be advanced, in  
25 excess of the prescribed state share, for a project that has  
26 received from the department a preliminary determination of  
27 eligibility for federal financial support. State funds in  
28 excess of the prescribed state share which are advanced  
29 pursuant to this paragraph and the memorandum of agreement  
30 shall be reimbursed when funds are awarded under an  
31 application for federal funding.

1           (4) By September 1, 2000 ~~1999~~, the office shall, in  
2 consultation with the organizations listed in subsection (3),  
3 and other organizations, develop guidelines and criteria  
4 governing submission of applications for funding, review and  
5 evaluation of such applications, and approval of funding under  
6 this section. The office shall consider factors including, but  
7 not limited to, the project's potential for enhanced job  
8 creation or increased capital investment, the demonstration of  
9 local public and private commitment, the location of the  
10 project in an enterprise zone, the location of the project in  
11 a community development corporation service area ~~as defined in~~  
12 ~~s. 290.035(2)~~, the location of the project in a county  
13 designated under s. 212.097, the unemployment rate of the  
14 surrounding area, and the poverty rate of the community.

15           Section 16. Subsection (2) of section 288.0656,  
16 Florida Statutes, is amended and subsection (9) is added to  
17 that section to read:

18           288.0656 Rural Economic Development Initiative.--

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

20           (a) "Economic distress" means conditions affecting the  
21 fiscal and economic viability of a rural community, including  
22 such factors as low per capita income, low per capita taxable  
23 values, high unemployment, high underemployment, low weekly  
24 earned wages compared to the state average, low housing values  
25 compared to the state average, high percentages of the  
26 population receiving public assistance, high poverty levels  
27 compared to the state average, and a lack of year-round stable  
28 employment opportunities.

29           (b) "Rural community" means:

30           1. A county with a population of 75,000 or less.

31

1           2. A county with a population of 100,000 or less that  
2 is contiguous to a county with a population of 75,000 or less.

3           3. A municipality within a county described in  
4 subparagraph 1. or subparagraph 2.

5           4. An unincorporated federal enterprise community or  
6 an incorporated rural city with a population of 25,000 or less  
7 and an employment base focused on traditional agricultural or  
8 resource-based industries, located in a county not described  
9 in subparagraph 1. or subparagraph 2. which meets the criteria  
10 established in subsection (9).defined as rural, which has at  
11 least three or more of the economic distress factors  
12 identified in paragraph (a) and verified by the Office of  
13 Tourism, Trade, and Economic Development.

14  
15 For purposes of this paragraph, population shall be determined  
16 in accordance with the most recent official estimate pursuant  
17 to s. 186.901.

18           (9)(a) An unincorporated federal enterprise community  
19 or an incorporated rural city as described in subparagraph  
20 (2)(b)4. must apply to REDI for designation as rural by  
21 resolution of the municipal governing body and demonstrate  
22 that three or more of the factors of economic distress as  
23 provided in paragraph (2)(a) exist within the community. REDI  
24 shall verify such factors prior to approving the designation.

25           (b) Upon receiving such designation, an unincorporated  
26 federal enterprise community or an incorporated rural city in  
27 a nonrural county shall be eligible to apply for any program  
28 specifically identified in statute as a rural program,  
29 provided that it demonstrates that the county of jurisdiction  
30 for such unincorporated federal enterprise community or rural  
31 city is also providing support for each program application.

1 REDI may recommend criteria for the evaluation of such county  
2 support to the administrative agency of each program. Such  
3 communities shall also be eligible for any preferential  
4 criteria or waivers of any program requirements specifically  
5 identified in statute as available for rural counties, cities,  
6 or communities when necessary to encourage and facilitate  
7 long-term private capital investment and job creation.

8 Section 17. Section 288.1088, Florida Statutes, is  
9 amended to read:

10 288.1088 Quick Action Closing Fund.--

11 (1)(a) The Legislature finds that attracting,  
12 retaining, and providing favorable conditions for the growth  
13 of certain target industries provides high-quality employment  
14 opportunities for residents of this state and enhances the  
15 economic foundations of the state high-impact business  
16 ~~facilities provides widespread economic benefits to the public~~  
17 ~~through high-quality employment opportunities in such~~  
18 ~~facilities and in related facilities attracted to the state,~~  
19 ~~through the increased tax base provided by the high-impact~~  
20 ~~facility and businesses in related sectors, through an~~  
21 ~~enhanced entrepreneurial climate in the state and the~~  
22 ~~resulting business and employment opportunities, and through~~  
23 ~~the stimulation and enhancement of the state's universities~~  
24 ~~and community colleges. In the global economy, there exists~~  
25 ~~serious and fierce international competition for these~~  
26 ~~facilities, and in most instances, when all available~~  
27 ~~resources for economic development have been used, the state~~  
28 ~~continues to encounter severe competitive disadvantages in~~  
29 ~~vying for these high-impact business facilities.~~

30 (b) The Legislature therefore declares that sufficient  
31 resources shall be available to respond to extraordinary



1 economic opportunities,and to compete effectively for these  
2 high-value-added employment opportunities, and to enhance the  
3 state's economic base by providing incentives to qualifying  
4 businesses that require inducement beyond that available  
5 through other sources to invest, grow, and create new  
6 high-wage employment opportunities in this state and its  
7 communities ~~high-impact business facilities~~.

8 (2) There is created within the Office of Tourism,  
9 Trade, and Economic Development the Quick Action Closing Fund,  
10 also known as the 21st Century Fund.

11 (3)(a) Enterprise Florida, Inc., shall evaluate  
12 individual proposals for target-industry businesses  
13 ~~high-impact business facilities~~ and forward recommendations  
14 regarding the use of moneys in the fund for such projects  
15 ~~facilities~~ to the director of the Office of Tourism, Trade,  
16 and Economic Development. Such evaluation and recommendation  
17 must include, but need not be limited to:

18 1. A description of the type of facility, its business  
19 operation, and the product or service associated with the  
20 project facility.

21 2. The number of full-time-equivalent jobs that will  
22 be created by the project facility and the total estimated  
23 average annual wages of those jobs.

24 3. The cumulative amount of investment to be dedicated  
25 to the project facility within a specified period.

26 4. A statement of any special impacts the project  
27 facility is expected to stimulate in a particular business  
28 sector in the state or regional economy,or in the state's  
29 universities and community colleges, or in a distressed  
30 Florida community.

31

1           5. A statement of the role the incentive is expected  
2 to play in the decision of the applicant business to locate or  
3 expand in this state, an analysis of all other state and local  
4 incentives that have been offered in this state, and an  
5 analysis of the conditions and incentives offered by other  
6 states and their communities.

7           (b) Upon receipt of the evaluation and recommendation  
8 from Enterprise Florida, Inc., the director shall recommend  
9 approval or disapproval of a project for receipt of funds from  
10 the Quick Action Closing Fund to the Governor. In recommending  
11 a target-industry business for this incentive ~~high-impact~~  
12 ~~business facility~~, the director shall include proposed  
13 performance conditions that the business ~~facility~~ must meet to  
14 obtain incentive funds. The Governor shall consult with the  
15 President of the Senate and the Speaker of the House of  
16 Representatives before giving final approval for a project.  
17 The Executive Office of the Governor shall recommend approval  
18 of a project and release of funds pursuant to the legislative  
19 consultation and review requirements set forth in s. 216.177.  
20 The recommendation must include proposed performance  
21 conditions the project must meet to obtain funds.

22           (c) If a project is approved for the receipt of funds  
23 ~~Upon the approval of the Governor~~, the director of the Office  
24 of Tourism, Trade, and Economic Development and the  
25 ~~high-impact~~ business shall enter into a contract that sets  
26 forth the conditions for payment of moneys from the fund. The  
27 contract must include the total amount of funds awarded; the  
28 performance conditions that must be met to obtain the award,  
29 including, but not limited to, net new employment in the  
30 state, average salary, and total capital investment; the  
31 methodology for validating performance; the schedule of

1 payments from the fund; and sanctions for failure to meet  
2 performance conditions.

3 (d) Enterprise Florida, Inc., shall validate  
4 contractor performance. Such validation shall be reported  
5 within 6 months after completion of the contract to the  
6 Governor, President of the Senate, and the Speaker of the  
7 House of Representatives.

8 Section 18. Subsections (1), (2), (4), (6), (8), and  
9 (10) of section 288.1162, Florida Statutes, are amended to  
10 read:

11 288.1162 Professional sports franchises; spring  
12 training franchises; duties.--

13 (1) The direct-support organization authorized under  
14 s. 288.1229 Office of Tourism, Trade, and Economic Development  
15 shall serve as the ~~state~~ agency for screening applicants and  
16 shall make recommendations to the Office of Tourism, Trade,  
17 and Economic Development for state funding pursuant to s.  
18 212.20 and for certifying an applicant as a "facility for a  
19 new professional sports franchise," a "facility for a retained  
20 professional sports franchise," or a "new spring training  
21 franchise facility." The Office of Tourism, Trade, and  
22 Economic Development shall have the final approval for any  
23 decision under this section.

24 (2) The direct-support organization authorized under  
25 s. 288.1229 Office of Tourism, Trade, and Economic Development  
26 shall develop guidelines ~~rules~~ for the receipt and processing  
27 of applications for funding pursuant to s. 212.20.

28 (4) Prior to certifying an applicant as a "facility  
29 for a new professional sports franchise" or a "facility for a  
30 retained professional sports franchise," the direct-support

31

1 organization authorized under s. 288.1229 ~~Office of Tourism,~~  
2 ~~Trade, and Economic Development~~ must determine that:

3 (a) A "unit of local government" as defined in s.  
4 218.369 is responsible for the construction, management, or  
5 operation of the professional sports franchise facility or  
6 holds title to the property on which the professional sports  
7 franchise facility is located.

8 (b) The applicant has a verified copy of a signed  
9 agreement with a new professional sports franchise for the use  
10 of the facility for a term of at least 10 years, or in the  
11 case of a retained professional sports franchise, an agreement  
12 for use of the facility for a term of at least 20 years.

13 (c) The applicant has a verified copy of the approval  
14 from the governing authority of the league in which the new  
15 professional sports franchise exists authorizing the location  
16 of the professional sports franchise in this state after April  
17 1, 1987, or in the case of a retained professional sports  
18 franchise, verified evidence that it has had a  
19 league-authorized location in this state on or before December  
20 31, 1976. The term "league" means the National League or the  
21 American League of Major League Baseball, the National  
22 Basketball Association, the National Football League, or the  
23 National Hockey League.

24 (d) The applicant has projections, verified by the  
25 direct-support organization ~~Office of Tourism, Trade, and~~  
26 ~~Economic Development~~, which demonstrate that the new or  
27 retained professional sports franchise will attract a paid  
28 attendance of more than 300,000 annually.

29 (e) The applicant has an independent analysis or  
30 study, verified by the direct-support organization ~~Office of~~  
31 ~~Tourism, Trade, and Economic Development~~, which demonstrates

1 that the amount of the revenues generated by the taxes imposed  
2 under chapter 212 with respect to the use and operation of the  
3 professional sports franchise facility will equal or exceed \$2  
4 million annually.

5 (f) The municipality in which the facility for a new  
6 or retained professional sports franchise is located, or the  
7 county if the facility for a new or retained professional  
8 sports franchise is located in an unincorporated area, has  
9 certified by resolution after a public hearing that the  
10 application serves a public purpose.

11 (g) The applicant has demonstrated that it has  
12 provided, is capable of providing, or has financial or other  
13 commitments to provide more than one-half of the costs  
14 incurred or related to the improvement and development of the  
15 facility.

16 (h) No applicant previously certified under any  
17 provision of this section who has received funding under such  
18 certification shall be eligible for an additional  
19 certification.

20 (6) Prior to certifying an applicant as a "new spring  
21 training franchise facility," the direct-support organization  
22 authorized under s. 288.1229 ~~Office of Tourism, Trade, and~~  
23 ~~Economic Development~~ must determine that:

24 (a) A "unit of local government" as defined in s.  
25 218.369 is responsible for the construction, management, or  
26 operation of the new spring training franchise facility or  
27 holds title to the property on which the new spring training  
28 franchise facility is located.

29 (b) The applicant has a verified copy of a signed  
30 agreement with a new spring training franchise for the use of  
31 the facility for a term of at least 15 years.

1 (c) The applicant has a financial commitment to  
2 provide 50 percent or more of the funds required by an  
3 agreement for the use of the facility by the new spring  
4 training franchise.

5 (d) The proposed facility for the new spring training  
6 franchise is located within 20 miles of an interstate or other  
7 limited-access highway system.

8 (e) The applicant has projections, verified by the  
9 direct-support organization ~~Office of Tourism, Trade, and~~  
10 ~~Economic Development~~, which demonstrate that the new spring  
11 training franchise facility will attract a paid attendance of  
12 at least 50,000 annually.

13 (f) The new spring training franchise facility is  
14 located in a county that is levying a tourist development tax  
15 pursuant to s. 125.0104(3)(b), (c), (d), and (1), at the rate  
16 of 4 percent by March 1, 1992, and, 87.5 percent of the  
17 proceeds from such tax are dedicated for the construction of a  
18 spring training complex.

19 (8) The direct-support organization authorized under  
20 s. 288.1229 ~~Office of Tourism, Trade, and Economic Development~~  
21 shall notify the Department of Revenue of any facility  
22 certified as a facility for a new professional sports  
23 franchise or a facility for a retained professional sports  
24 franchise or as a new spring training franchise facility. The  
25 direct-support organization ~~Office of Tourism, Trade, and~~  
26 ~~Economic Development~~ may certify no more than eight facilities  
27 as facilities for a new professional sports franchise, as  
28 facilities for a retained professional sports franchise, or as  
29 new spring training franchise facilities, including in such  
30 total any facilities certified by the Department of Commerce  
31 before July 1, 1996, and by the Office of Tourism, Trade, and

1 Economic Development before July 1, 2000. ~~The office may make~~  
2 No more than one certification may be made for any facility.

3 (10) An applicant shall not be qualified for  
4 certification under this section if the franchise formed the  
5 basis for a previous certification, unless the previous  
6 certification was withdrawn by the facility or invalidated by  
7 the direct-support organization authorized under s. 288.1229,  
8 the Office of Tourism, Trade, and Economic Development, or the  
9 Department of Commerce before any funds were distributed  
10 pursuant to s. 212.20. This subsection does not disqualify an  
11 applicant if the previous certification occurred between May  
12 23, 1993, and May 25, 1993; however, any funds to be  
13 distributed pursuant to s. 212.20 for the second certification  
14 shall be offset by the amount distributed to the previous  
15 certified facility. Distribution of funds for the second  
16 certification shall not be made until all amounts payable for  
17 the first certification have been distributed.

18 Section 19. Section 288.1168, Florida Statutes, is  
19 amended to read:

20 288.1168 Professional golf hall of fame facility;  
21 duties.--

22 ~~(1) The Department of Commerce shall serve as the~~  
23 ~~state agency for screening applicants for state funding~~  
24 ~~pursuant to s. 212.20 and for certifying one applicant as the~~  
25 ~~professional golf hall of fame facility in the state.~~

26 ~~(2) Prior to certifying the professional golf hall of~~  
27 ~~fame facility, the Department of Commerce must determine that:~~

28 ~~(a) The professional golf hall of fame facility is the~~  
29 ~~only professional golf hall of fame in the United States~~  
30 ~~recognized by the PGA Tour, Inc.~~

31

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

5           ~~(c) The municipality in which the professional golf~~  
6 ~~hall of fame facility is located, or the county if the~~  
7 ~~facility is located in an unincorporated area, has certified~~  
8 ~~by resolution after a public hearing that the application~~  
9 ~~serves a public purpose.~~

10           ~~(d) There are existing projections that the~~  
11 ~~professional golf hall of fame facility will attract a paid~~  
12 ~~attendance of more than 300,000 annually.~~

13           ~~(e) There is an independent analysis or study, using~~  
14 ~~methodology approved by the department, which demonstrates~~  
15 ~~that the amount of the revenues generated by the taxes imposed~~  
16 ~~under chapter 212 with respect to the use and operation of the~~  
17 ~~professional golf hall of fame facility will equal or exceed~~  
18 ~~\$2 million annually.~~

19           (1)(f) Prior to certification, the applicant for the  
20 certified professional golf hall of fame facility must submit  
21 ~~The applicant has submitted~~ an agreement to provide \$2 million  
22 annually in national and international media promotion of the  
23 professional golf hall of fame facility, Florida, and Florida  
24 tourism, through the PGA Tour, Inc., or its affiliates, at the  
25 then-current commercial rate, during the period of time that  
26 the facility receives funds pursuant to s. 212.20. The  
27 direct-support organization authorized under s. 288.1229  
28 ~~Office of Tourism, Trade, and Economic Development~~ and the PGA  
29 Tour, Inc., or its affiliates, must agree annually on a  
30 reasonable percentage of advertising specifically allocated  
31 for generic Florida advertising. The direct-support



1 organization authorized under s. 288.1229 ~~Office of Tourism,~~  
2 ~~Trade, and Economic Development~~ shall have final approval of  
3 all generic advertising. Failure on the part of the PGA Tour,  
4 Inc., or its affiliates to annually provide the advertising as  
5 provided in this subsection ~~paragraph~~ or subsection ~~(4)(6)~~  
6 shall result in the termination of funding as provided in s.  
7 212.20.

8 ~~(g) Documentation exists that demonstrates that the~~  
9 ~~applicant has provided, is capable of providing, or has~~  
10 ~~financial or other commitments to provide more than one-half~~  
11 ~~of the costs incurred or related to the improvement and~~  
12 ~~development of the facility.~~

13 ~~(h) The application is signed by an official senior~~  
14 ~~executive of the applicant and is notarized according to~~  
15 ~~Florida law providing for penalties for falsification.~~

16 ~~(2)(3)~~ The certified professional golf hall of fame  
17 facility applicant may use funds provided pursuant to s.  
18 212.20 for the public purpose of paying for the construction,  
19 reconstruction, renovation, or operation of the ~~professional~~  
20 ~~golf hall of fame~~ facility, or to pay or pledge for payment of  
21 debt service on, or to fund debt service reserve funds,  
22 arbitrage rebate obligations, or other amounts payable with  
23 respect to, bonds issued for the construction, reconstruction,  
24 or renovation of the facility or for the reimbursement of such  
25 costs or the refinancing of bonds issued for such purpose.

26 ~~(4) Upon determining that an applicant is or is not~~  
27 ~~certifiable, the Secretary of Commerce shall notify the~~  
28 ~~applicant of his or her status by means of an official letter.~~  
29 ~~If certifiable, the secretary shall notify the executive~~  
30 ~~director of the Department of Revenue and the applicant of~~  
31 ~~such certification by means of an official letter granting~~

1 ~~certification. From the date of such certification, the~~  
2 ~~applicant shall have 5 years to open the professional golf~~  
3 ~~hall of fame facility to the public and notify the Office of~~  
4 ~~Tourism, Trade, and Economic Development of such opening. The~~  
5 ~~Department of Revenue shall not begin distributing funds until~~  
6 ~~30 days following notice by the Office of Tourism, Trade, and~~  
7 ~~Economic Development that the professional golf hall of fame~~  
8 ~~facility is open to the public.~~

9 (3)(5) The Department of Revenue may audit as provided  
10 in s. 213.34 to verify that the distributions under this  
11 section have been expended as required by this section.

12 (4)(6) The direct-support organization authorized  
13 under s. 288.1229 ~~Office of Tourism, Trade, and Economic~~  
14 ~~Development~~ must recertify every 10 years that the facility is  
15 open, continues to be the only professional golf hall of fame  
16 in the United States recognized by the PGA Tour, Inc., and is  
17 meeting the minimum projections for attendance or sales tax  
18 revenue as required at the time of original certification. If  
19 the facility is not certified as meeting the minimum  
20 projections, the PGA Tour, Inc., shall increase its required  
21 advertising contribution of \$2 million annually to \$2.5  
22 million annually in lieu of reduction of any funds as provided  
23 by s. 212.20. The additional \$500,000 must be allocated in its  
24 entirety for the use and promotion of generic Florida  
25 advertising as determined by the direct-support organization  
26 authorized under s. 288.1229 ~~Office of Tourism, Trade, and~~  
27 ~~Economic Development~~. If the facility is not open to the  
28 public or is no longer in use as the only professional golf  
29 hall of fame in the United States recognized by the PGA Tour,  
30 Inc., the entire \$2.5 million for advertising must be used for  
31 generic Florida advertising as determined by the

1 direct-support organization authorized under s. 288.1229  
2 ~~Office of Tourism, Trade, and Economic Development.~~

3 Section 20. Section 288.1169, Florida Statutes, is  
4 amended to read:

5 288.1169 International Game Fish Association World  
6 Center facility; ~~department~~ duties.--

7 (1) The direct-support organization authorized under  
8 s. 288.1229 ~~Department of Commerce~~ shall serve as the ~~state~~  
9 agency approving applicants for funding pursuant to s. 212.20  
10 and for certifying the applicant as the International Game  
11 Fish Association World Center facility. For purposes of this  
12 section, "facility" means the International Game Fish  
13 Association World Center, and "project" means the  
14 International Game Fish Association World Center and new  
15 colocated improvements by private sector concerns who have  
16 made cash or in-kind contributions to the facility of \$1  
17 million or more.

18 (2) Prior to certifying this facility, the  
19 direct-support organization authorized under s. 288.1229  
20 ~~department~~ must determine that:

21 (a) The International Game Fish Association World  
22 Center is the only fishing museum, Hall of Fame, and  
23 international administrative headquarters in the United States  
24 recognized by the International Game Fish Association, and  
25 that one or more private sector concerns have committed to  
26 donate to the International Game Fish Association land upon  
27 which the International Game Fish Association World Center  
28 will operate.

29 (b) International Game Fish Association is a  
30 not-for-profit Florida corporation that has contracted to  
31 construct and operate the facility.

1 (c) The municipality in which the facility is located,  
2 or the county if the facility is located in an unincorporated  
3 area, has certified by resolution after a public hearing that  
4 the facility serves a public purpose.

5 (d) There are existing projections that the  
6 International Game Fish Association World Center facility and  
7 the colocated facilities of private sector concerns will  
8 attract an attendance of more than 1.8 million annually.

9 (e) There is an independent analysis or study, using  
10 methodology approved by the direct-support organization  
11 ~~department~~, which demonstrates that the amount of the revenues  
12 generated by the taxes imposed under chapter 212 with respect  
13 to the use and operation of the project will exceed \$1 million  
14 annually.

15 (f) There are existing projections that the project  
16 will attract more than 300,000 persons annually who are not  
17 residents of the state.

18 (g) The applicant has submitted an agreement to  
19 provide \$500,000 annually in national and international media  
20 promotion of the facility, at the then-current commercial  
21 rates, during the period of time that the facility receives  
22 funds pursuant to s. 212.20. Failure on the part of the  
23 applicant to annually provide the advertising as provided in  
24 this paragraph shall result in the termination of the funding  
25 as provided in s. 212.20. The applicant can discharge its  
26 obligation under this paragraph by contracting with other  
27 persons, including private sector concerns who participate in  
28 the project.

29 (h) Documentation exists that demonstrates that the  
30 applicant has provided, and is capable of providing, or has  
31 financial or other commitments to provide, more than one-half

1 of the cost incurred or related to the improvements and the  
2 development of the facility.

3 (i) The application is signed by senior officials of  
4 the International Game Fish Association and is notarized  
5 according to Florida law providing for penalties for  
6 falsification.

7 (3) The applicant may use funds provided pursuant to  
8 s. 212.20 for the purpose of paying for the construction,  
9 reconstruction, renovation, promotion, or operation of the  
10 facility, or to pay or pledge for payment of debt service on,  
11 or to fund debt service reserve funds, arbitrage rebate  
12 obligations, or other amounts payable with respect to, bonds  
13 issued for the construction, reconstruction, or renovation of  
14 the facility or for the reimbursement of such costs or by  
15 refinancing of bonds issued for such purposes.

16 (4) Upon determining that an applicant is or is not  
17 certifiable, the direct-support organization authorized under  
18 s. 288.1229 ~~Department of Commerce~~ shall notify the applicant  
19 of its status by means of an official letter. If certifiable,  
20 the direct-support organization ~~Department of Commerce~~ shall  
21 notify the executive director of the Department of Revenue and  
22 the applicant of such certification by means of an official  
23 letter granting certification. From the date of such  
24 certification, the applicant shall have 5 years to open the  
25 facility to the public and notify the direct-support  
26 organization ~~Department of Commerce~~ of such opening. The  
27 Department of Revenue shall not begin distributing funds until  
28 30 days following notice by the direct-support organization  
29 ~~Department of Commerce~~ that the facility is open to the  
30 public.

31

1 (5) The Department of Revenue may audit as provided in  
2 s. 213.34 to verify that the contributions pursuant to this  
3 section have been expended as required by this section.

4 (6) The direct-support organization authorized under  
5 s. 288.1229 ~~Department of Commerce~~ must recertify every 10  
6 years that the facility is open, that the International Game  
7 Fish Association World Center continues to be the only  
8 international administrative headquarters, fishing museum, and  
9 Hall of Fame in the United States recognized by the  
10 International Game Fish Association, and must verify annually  
11 that the project is meeting the minimum projections for  
12 attendance or sales tax revenues as required at the time of  
13 original certification. If the facility is not recertified  
14 during this 10-year review as meeting the minimum projections,  
15 then funding will be abated until certification criteria are  
16 met. If the project fails to generate \$1 million of annual  
17 revenues pursuant to paragraph (2)(e), the distribution of  
18 revenues pursuant to s. 212.20(6)(f)5.c. shall be reduced to  
19 an amount equal to \$83,333 multiplied by a fraction, the  
20 numerator of which is the actual revenues generated and the  
21 denominator of which is \$1 million. Such reduction shall  
22 remain in effect until revenues generated by the project in a  
23 12-month period equal or exceed \$1 million.

24 Section 21. Section 288.1185, Florida Statutes, is  
25 transferred, renumbered as section 403.7155, Florida Statutes,  
26 and amended to read:

27 403.7155 ~~288.1185~~ Recycling Markets Advisory  
28 Committee.--

29 (1) There is created the Recycling Markets Advisory  
30 Committee, hereinafter referred to as the "committee," to be  
31 administratively housed in the Department of Environmental

1 Protection Office of Tourism, Trade, and Economic Development.

2 The purpose of the committee shall be to serve as the  
3 mechanism for coordination among state agencies and the  
4 private sector to coordinate policy and overall strategic  
5 planning for developing new markets and expanding and  
6 enhancing existing markets for recovered materials. The  
7 committee may not duplicate or replace agency programs, but  
8 shall enhance, coordinate, and recommend priorities for those  
9 programs.

10 (2)(a) The committee shall consist of 12 members, 10  
11 of whom shall be appointed by the Governor, each of whom is or  
12 has been actively engaged in the recycling industry or a  
13 related business area, including the use of product packaging  
14 materials, or is a local government official with a  
15 demonstrated knowledge of recycling; a member of the House of  
16 Representatives to be appointed by the Speaker of the House of  
17 Representatives, who shall serve without voting rights as an  
18 ex officio member of the committee; and a member of the Senate  
19 to be appointed by the President of the Senate, who shall  
20 serve without voting rights as an ex officio member of the  
21 committee.

22 (b) Members of the committee shall be appointed within  
23 60 days after this section takes effect.

24 (c) A chairperson shall be appointed by the Governor  
25 from among the members of the committee.

26 (d) The committee shall meet at the call of its  
27 chairperson or at the request of a majority of its membership,  
28 but at least biannually. A majority of the members shall  
29 constitute a quorum, and the affirmative vote of a majority of  
30 a quorum is necessary to take official action.

31

1 (e) Members of the committee shall serve without  
2 compensation but are entitled to receive reimbursement for per  
3 diem and travel expenses as provided in s. 112.061.

4 (f) The committee may appoint ad hoc committees, which  
5 may include persons who are not members of the committee, to  
6 study recycled materials market development problems and  
7 issues and advise the committee on these subjects. Ad hoc  
8 committee members may be reimbursed for per diem and travel  
9 expenses as provided in s. 112.061.

10 (g) The Department of Environmental Protection ~~Office~~  
11 ~~of Tourism, Trade, and Economic Development~~ shall coordinate  
12 with agencies listed in paragraph (3)(a) to provide support as  
13 necessary to enable the committee to adequately carry out its  
14 functions.

15 (3)(a) The heads of the Department of Transportation,  
16 the Department of Environmental Protection, the Department of  
17 Management Services, the Department of Agriculture and  
18 Consumer Services, the Florida Energy Office, and the Governor  
19 shall each designate a staff member from within the agency to  
20 serve as the recycling market development liaison for the  
21 agency. This person shall have knowledge of recycling and the  
22 issues and problems related to recycling and recycled  
23 materials market development. This person shall be the primary  
24 point of contact for the agency on issues related to recycled  
25 materials market development. These liaisons shall be  
26 available for committee meetings and shall work closely with  
27 the committee and other recycling market development liaisons  
28 to further the goals of the committee, as appropriate.

29 (b) Whenever it is necessary to change the designee,  
30 the head of each agency shall notify the Governor in writing  
31



1 of the person designated as the recycling market development  
2 liaison for such agency.

3 (4)(a) By October 1, 1993, the committee shall develop  
4 a plan to set goals and provide direction for developing new  
5 markets and expanding and enhancing existing markets for  
6 recovered materials.

7 (b) In developing the plan and any needed legislation,  
8 the committee shall consider:

9 1. Developing new markets and expanding and enhancing  
10 existing markets for recovered materials.

11 2. Pursuing expanded end uses for recycled materials.

12 3. Targeting materials for concentrated market  
13 development efforts.

14 4. Developing proposals for new incentives for market  
15 development, particularly focusing on targeted materials.

16 5. Providing guidance on issues such as permitting,  
17 finance options for recycling market development, site  
18 location, research and development, grant program criteria for  
19 recycled materials markets, recycling markets education and  
20 information, and minimum content.

21 6. Coordinating the efforts of various government  
22 entities with market development responsibilities.

23 7. Evaluating the need for competitively solicited,  
24 cooperative ventures in rural areas for collecting,  
25 processing, marketing, and procuring collected materials.

26 8. Evaluating source-reduced products as they relate  
27 to state procurement policy. The evaluation shall include,  
28 but is not limited to, the environmental and economic impact  
29 of source-reduced product purchases on the state. For the  
30 purposes of this section, "source-reduced" means any method,  
31 process, product, or technology which significantly or

1 substantially reduces the volume or weight of a product while  
2 providing, at a minimum, equivalent or generally similar  
3 performance and service to and for the users of such  
4 materials.

5 (5) By November 1 of each year, beginning in 1994, the  
6 committee shall submit to the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives a  
8 complete and detailed report setting forth in appropriate  
9 detail the operations and accomplishments of the committee and  
10 the activities of existing agencies and programs in support of  
11 the goals established by the committee, including any  
12 recommendations for statutory changes.

13 (6) In order to support the functions of the  
14 committee, the Department of Environmental Protection Office  
15 ~~of Tourism, Trade, and Economic Development~~ may hire staff or  
16 contract with other agencies for staff support and enter into  
17 contracts for support, research, planning, evaluation, and  
18 communication and promotion services.

19 Section 22. Subsection (10) is added to section  
20 288.1229, Florida Statutes, to read:

21 288.1229 Promotion and development of sports-related  
22 industries and amateur athletics; direct-support organization;  
23 powers and duties.--

24 (10) The direct-support organization authorized under  
25 this section shall provide an annual report to the Office of  
26 Tourism, Trade, and Economic Development on the status of the  
27 professional golf hall of fame facility certified under s.  
28 288.1168 and the level of attendance and sales tax revenue  
29 associated with the facility as compared to the minimum  
30 projections established at the time the facility was  
31 certified. This report is due within 30 days after the annual

1 agreement required under s. 288.1168(1). The direct-support  
2 organization also shall provide by October 1 of each year a  
3 report to the Office of Tourism, Trade, and Economic  
4 Development on the status of the International Game Fish  
5 Association World Center facility certified under s. 288.1169.

6 Section 23. Section 288.1251, Florida Statutes, is  
7 amended to read:

8 288.1251 Promotion and development of entertainment  
9 industry; Governor's Office of the Film and Entertainment  
10 Commissioner; creation; purpose; powers and duties.--

11 (1) CREATION.--

12 (a) There is hereby created within the Office of  
13 Tourism, Trade, and Economic Development the Governor's Office  
14 of the Film and Entertainment Commissioner for the purpose of  
15 developing, marketing, promoting, and providing services to  
16 the state's entertainment industry.

17 (b) The Office of Tourism, Trade, and Economic  
18 Development shall conduct a national search for a qualified  
19 person to fill the position of Film Commissioner of Film and  
20 Entertainment, and the Executive Director of the Office of  
21 Tourism, Trade, and Economic Development shall hire the Film  
22 commissioner. Guidelines for selection of the Film  
23 commissioner shall include, but not be limited to, the Film  
24 commissioner having the following:

25 1. A working knowledge of the equipment, personnel,  
26 financial, and day-to-day production operations of the  
27 industries to be served by the office;

28 2. Marketing and promotion experience related to the  
29 industries to be served by the office;

30 3. Experience working with a variety of individuals  
31 representing large and small entertainment-related businesses,

1 industry associations, local community entertainment industry  
2 liaisons, and labor organizations; and

3 4. Experience working with a variety of state and  
4 local governmental agencies.

5 (2) POWERS AND DUTIES.--

6 (a) The Governor's Office of the Film and  
7 Entertainment Commissioner, in performance of its duties,  
8 shall:

9 1. In consultation with the Florida Film and  
10 Entertainment Advisory Council, develop and implement a 5-year  
11 strategic plan to guide the activities of the Governor's  
12 Office of the Film and Entertainment Commissioner in the areas  
13 of entertainment industry development, marketing, promotion,  
14 liaison services, field office administration, and  
15 information. The plan, to be developed by no later than June  
16 30, 2000, shall:

17 a. Be annual in construction and ongoing in nature.

18 b. Include recommendations relating to the  
19 organizational structure of the office.

20 c. Include an annual budget projection for the office  
21 for each year of the plan.

22 d. Include an operational model for the office to use  
23 in implementing programs for rural and urban areas designed  
24 to:

25 (I) Develop and promote the state's entertainment  
26 industry.

27 (II) Have the office serve as a liaison between the  
28 entertainment industry and other state and local governmental  
29 agencies, local film commissions, and labor organizations.

30 (III) Gather statistical information related to the  
31 state's entertainment industry.

1 (IV) Provide information and service to businesses,  
2 communities, organizations, and individuals engaged in  
3 entertainment industry activities.

4 (V) Administer field offices outside the state and  
5 coordinate with regional offices maintained by counties and  
6 regions of the state, as described in sub-sub-subparagraph  
7 (II), as necessary.

8 e. Include performance standards and measurable  
9 outcomes for the programs to be implemented by the office.

10 f. Include an assessment of, and make recommendations  
11 on, the feasibility of creating an alternative public-private  
12 partnership for the purpose of contracting with such a  
13 partnership for the administration of the state's  
14 entertainment industry promotion, development, marketing, and  
15 service programs.

16 2. Develop, market, and facilitate a smooth working  
17 relationship between state agencies and local governments in  
18 cooperation with local film commission offices for  
19 out-of-state and indigenous entertainment industry production  
20 entities.

21 3. Implement a structured methodology prescribed for  
22 coordinating activities of local offices with each other and  
23 the commissioner's office.

24 4. Represent the state's indigenous entertainment  
25 industry to key decisionmakers within the national and  
26 international entertainment industry, and to state and local  
27 officials.

28 5. Prepare an inventory and analysis of the state's  
29 entertainment industry, including, but not limited to,  
30 information on crew, related businesses, support services, job  
31

1 creation, talent, and economic impact and coordinate with  
2 local offices to develop an information tool for common use.

3 6. Represent key decisionmakers within the national  
4 and international entertainment industry to the indigenous  
5 entertainment industry and to state and local officials.

6 7. Serve as liaison between entertainment industry  
7 producers and labor organizations.

8 8. Identify, solicit, and recruit entertainment  
9 production opportunities for the state.

10 9. Assist rural communities and other small  
11 communities in the state in developing the expertise and  
12 capacity necessary for such communities to develop, market,  
13 promote, and provide services to the state's entertainment  
14 industry.

15 (b) The Governor's Office of the Film and  
16 Entertainment Commissioner, in the performance of its duties,  
17 may:

18 1. Conduct or contract for specific promotion and  
19 marketing functions, including, but not limited to, production  
20 of a statewide directory, production and maintenance of an  
21 Internet web site, establishment and maintenance of a  
22 toll-free number, organization of trade show participation,  
23 and appropriate cooperative marketing opportunities.

24 2. Conduct its affairs, carry on its operations,  
25 establish offices, and exercise the powers granted by this act  
26 in any state, territory, district, or possession of the United  
27 States.

28 3. Carry out any program of information, special  
29 events, or publicity designed to attract entertainment  
30 industry to Florida.

31

1           4. Develop relationships and leverage resources with  
2 other public and private organizations or groups in their  
3 efforts to publicize to the entertainment industry in this  
4 state, other states, and other countries the depth of  
5 Florida's entertainment industry talent, crew, production  
6 companies, production equipment resources, related businesses,  
7 and support services, including the establishment of and  
8 expenditure for a program of cooperative advertising with  
9 these public and private organizations and groups in  
10 accordance with the provisions of chapter 120.

11           5. Provide and arrange for reasonable and necessary  
12 promotional items and services for such persons as the office  
13 deems proper in connection with the performance of the  
14 promotional and other duties of the office.

15           6. Prepare an annual economic impact analysis on  
16 entertainment industry-related activities in the state.

17           7. Request or accept any grant or gift of funds or  
18 property made by this state or by the United States, or any  
19 department or agency thereof, or by any individual, firm,  
20 corporation, municipality, county, or organization for any or  
21 all of the purposes of the Governor's Office of Film and  
22 Entertainment which are consistent with this or any other  
23 provision of law. The office may expend such funds in  
24 accordance with the terms and conditions of any such grant or  
25 gift, in the pursuit of its administration, or in support of  
26 the programs it administers.

27           Section 24. Section 288.1252, Florida Statutes, is  
28 amended to read:

29           288.1252 Florida Film and Entertainment Advisory  
30 Council; creation; purpose; membership; powers and duties.--

31

1           (1) CREATION.--There is ~~hereby~~ created within the  
2 Office of Tourism, Trade, and Economic Development of the  
3 Executive Office of the Governor, for administrative purposes  
4 only, the Florida Film and Entertainment Advisory Council.

5           (2) PURPOSE.--The purpose of the council shall be to  
6 serve as an advisory body to the Office of Tourism, Trade, and  
7 Economic Development and to the Governor's Office of ~~the~~ Film  
8 and Entertainment ~~Commissioner~~ to provide these offices with  
9 industry insight and expertise related to developing,  
10 marketing, promoting, and providing service to the state's  
11 entertainment industry.

12           (3) MEMBERSHIP.--

13           (a) The council shall consist of 17 members, seven to  
14 be appointed by the Governor, five to be appointed by the  
15 President of the Senate, and five to be appointed by the  
16 Speaker of the House of Representatives, with the initial  
17 appointments being made no later than August 1, 1999.

18           (b) When making appointments to the council, the  
19 Governor, the President of the Senate, and the Speaker of the  
20 House of Representatives shall appoint persons who are  
21 residents of the state and who are highly knowledgeable of,  
22 active in, and recognized leaders in Florida's motion picture,  
23 television, video, sound recording, or other entertainment  
24 industries. These persons shall include, but not be limited  
25 to, representatives of local film commissions, representatives  
26 of entertainment associations, a representative of the  
27 broadcast industry, representatives of labor organizations in  
28 the entertainment industry, and board chairs, presidents,  
29 chief executive officers, chief operating officers, or persons  
30 of comparable executive position or stature of leading or  
31 otherwise important entertainment industry businesses and



1 offices. Council members shall be appointed in such a manner  
2 as to equitably represent the broadest spectrum of the  
3 entertainment industry and geographic areas of the state.

4 (c) Council members shall serve for 4-year terms,  
5 except that the initial terms shall be staggered:

6 1. The Governor shall appoint one member for a 1-year  
7 term, two members for 2-year terms, two members for 3-year  
8 terms, and two members for 4-year terms.

9 2. The President of the Senate shall appoint one  
10 member for a 1-year term, one member for a 2-year term, two  
11 members for 3-year terms, and one member for a 4-year term.

12 3. The Speaker of the House of Representatives shall  
13 appoint one member for a 1-year term, one member for a 2-year  
14 term, two members for 3-year terms, and one member for a  
15 4-year term.

16 (d) Subsequent appointments shall be made by the  
17 official who appointed the council member whose expired term  
18 is to be filled.

19 (e) The ~~Film~~ Commissioner of Film and Entertainment, a  
20 representative of Enterprise Florida, Inc., and a  
21 representative of the Florida Tourism Industry Marketing  
22 Corporation shall serve as ex officio, nonvoting members of  
23 the council, and shall be in addition to the 17 appointed  
24 members of the council.

25 (f) Absence from three consecutive meetings shall  
26 result in automatic removal from the council.

27 (g) A vacancy on the council shall be filled for the  
28 remainder of the unexpired term by the official who appointed  
29 the vacating member.

30 (h) No more than one member of the council may be an  
31 employee of any one company, organization, or association.

1 (i) Any member shall be eligible for reappointment but  
2 may not serve more than two consecutive terms.

3 (4) MEETINGS; ORGANIZATION.--

4 (a) The council shall meet no less frequently than  
5 once each quarter of the calendar year, but may meet more  
6 often as set by the council.

7 (b) The council shall annually elect one member to  
8 serve as chair of the council and one member to serve as vice  
9 chair. The Governor's Office of the Film and Entertainment  
10 ~~Commissioner~~ shall provide staff assistance to the council,  
11 which shall include, but not be limited to, keeping records of  
12 the proceedings of the council, and serving as custodian of  
13 all books, documents, and papers filed with the council.

14 (c) A majority of the members of the council shall  
15 constitute a quorum.

16 (d) Members of the council shall serve without  
17 compensation, but shall be entitled to reimbursement for per  
18 diem and travel expenses in accordance with s. 112.061 while  
19 in performance of their duties.

20 (5) POWERS AND DUTIES.--The Florida Film and  
21 Entertainment Advisory Council shall have all the powers  
22 necessary or convenient to carry out and effectuate the  
23 purposes and provisions of this act, including, but not  
24 limited to, the power to:

25 (a) Adopt bylaws for the governance of its affairs and  
26 the conduct of its business.

27 (b) Advise and consult with the Governor's Office of  
28 ~~the Film and Entertainment Commissioner~~ on the content,  
29 development, and implementation of the 5-year strategic plan  
30 to guide the activities of the office.

31

1 (c) Review the ~~Film Commissioner's~~ administration by  
2 the Commissioner of Film and Entertainment of the programs  
3 related to the strategic plan, and advise the commissioner on  
4 the programs and any changes that might be made to better meet  
5 the strategic plan.

6 (d) Consider and study the needs of the entertainment  
7 industry for the purpose of advising the commissioner and the  
8 Office of Tourism, Trade, and Economic Development.

9 (e) Identify and make recommendations on state agency  
10 and local government actions that may have an impact on the  
11 entertainment industry or that may appear to industry  
12 representatives as an official state or local action affecting  
13 production in the state.

14 (f) Consider all matters submitted to it by the  
15 commissioner and the Office of Tourism, Trade, and Economic  
16 Development.

17 (g) Advise and consult with the commissioner and the  
18 Office of Tourism, Trade, and Economic Development, at their  
19 request or upon its own initiative, regarding the  
20 promulgation, administration, and enforcement of all laws and  
21 rules relating to the entertainment industry.

22 (h) Suggest policies and practices for the conduct of  
23 business by the Governor's Office of ~~the Film and~~  
24 Entertainment Commissioner or by the Office of Tourism, Trade,  
25 and Economic Development that will improve internal operations  
26 affecting the entertainment industry and will enhance the  
27 economic development initiatives of the state for the  
28 industry.

29 (i) Appear on its own behalf before boards,  
30 commissions, departments, or other agencies of municipal,  
31 county, or state government, or the Federal Government.

1           Section 25. Section 288.1253, Florida Statutes, is  
2 amended to read:

3           288.1253 Travel and entertainment expenses.--

4           (1) As used in this section:

5           (a) "Business client" means any person, other than a  
6 state official or state employee, who receives the services of  
7 representatives of the Governor's Office of ~~the~~ Film and  
8 Entertainment Commissioner in connection with the performance  
9 of its statutory duties, including persons or representatives  
10 of entertainment industry companies considering location,  
11 relocation, or expansion of an entertainment industry business  
12 within the state.

13           (b) "Entertainment expenses" means the actual,  
14 necessary, and reasonable costs of providing hospitality for  
15 business clients or guests, which costs are defined and  
16 prescribed by rules adopted by the Office of Tourism, Trade,  
17 and Economic Development, subject to approval by the  
18 Comptroller.

19           (c) "Guest" means a person, other than a state  
20 official or state employee, authorized by the Office of  
21 Tourism, Trade, and Economic Development to receive the  
22 hospitality of the Governor's Office of ~~the~~ Film and  
23 Entertainment Commissioner in connection with the performance  
24 of its statutory duties.

25           (d) "Travel expenses" means the actual, necessary, and  
26 reasonable costs of transportation, meals, lodging, and  
27 incidental expenses normally incurred by a traveler, which  
28 costs are defined and prescribed by rules adopted by the  
29 Office of Tourism, Trade, and Economic Development, subject to  
30 approval by the Comptroller.

31

1           (2) Notwithstanding the provisions of s. 112.061, the  
2 Office of Tourism, Trade, and Economic Development shall adopt  
3 rules by which it may make expenditures by advancement or  
4 reimbursement, or a combination thereof, to:

5           (a) The Governor, the Lieutenant Governor, security  
6 staff of the Governor or Lieutenant Governor, the ~~Film~~  
7 Commissioner of Film and Entertainment, or staff of the  
8 Governor's Office of the Film and Entertainment Commissioner  
9 for travel expenses or entertainment expenses incurred by such  
10 individuals solely and exclusively in connection with the  
11 performance of the statutory duties of the Governor's Office  
12 of the Film and Entertainment Commissioner.

13           (b) The Governor, the Lieutenant Governor, security  
14 staff of the Governor or Lieutenant Governor, the ~~Film~~  
15 Commissioner of Film and Entertainment, or staff of the  
16 Governor's Office of the Film and Entertainment Commissioner  
17 for travel expenses or entertainment expenses incurred by such  
18 individuals on behalf of guests, business clients, or  
19 authorized persons as defined in s. 112.061(2)(e) solely and  
20 exclusively in connection with the performance of the  
21 statutory duties of the Governor's Office of the Film and  
22 Entertainment Commissioner.

23           (c) Third-party vendors for the travel or  
24 entertainment expenses of guests, business clients, or  
25 authorized persons as defined in s. 112.061(2)(e) incurred  
26 solely and exclusively while such persons are participating in  
27 activities or events carried out by the Governor's Office of  
28 the Film and Entertainment Commissioner in connection with  
29 that office's statutory duties.

30  
31

1 The rules shall be subject to approval by the Comptroller  
2 prior to promulgation. The rules shall require the submission  
3 of paid receipts, or other proof of expenditure prescribed by  
4 the Comptroller, with any claim for reimbursement and shall  
5 require, as a condition for any advancement of funds, an  
6 agreement to submit paid receipts or other proof of  
7 expenditure and to refund any unused portion of the  
8 advancement within 15 days after the expense is incurred or,  
9 if the advancement is made in connection with travel, within  
10 10 working days after the traveler's return to headquarters.  
11 However, with respect to an advancement of funds made solely  
12 for travel expenses, the rules may allow paid receipts or  
13 other proof of expenditure to be submitted, and any unused  
14 portion of the advancement to be refunded, within 10 working  
15 days after the traveler's return to headquarters. Operational  
16 or promotional advancements, as defined in s. 288.35(4),  
17 obtained pursuant to this section shall not be commingled with  
18 any other state funds.

19 (3) The Office of Tourism, Trade, and Economic  
20 Development shall prepare an annual report of the expenditures  
21 of the Governor's Office of the Film and Entertainment  
22 ~~Commissioner~~ and provide such report to the Legislature no  
23 later than December 30 of each year for the expenditures of  
24 the previous fiscal year. The report shall consist of a  
25 summary of all travel, entertainment, and incidental expenses  
26 incurred within the United States and all travel,  
27 entertainment, and incidental expenses incurred outside the  
28 United States, as well as a summary of all successful projects  
29 that developed from such travel.

30 (4) The Governor's Office of the Film and  
31 Entertainment ~~Commissioner~~ and its employees and

1 representatives, when authorized, may accept and use  
2 complimentary travel, accommodations, meeting space, meals,  
3 equipment, transportation, and any other goods or services  
4 necessary for or beneficial to the performance of the office's  
5 duties and purposes, so long as such acceptance or use is not  
6 in conflict with part III of chapter 112. The Office of  
7 Tourism, Trade, and Economic Development shall, by rule,  
8 develop internal controls to ensure that such goods or  
9 services accepted or used pursuant to this subsection are  
10 limited to those that will assist solely and exclusively in  
11 the furtherance of the office's goals and are in compliance  
12 with part III of chapter 112.

13 (5) Any claim submitted under this section shall not  
14 be required to be sworn to before a notary public or other  
15 officer authorized to administer oaths, but any claim  
16 authorized or required to be made under any provision of this  
17 section shall contain a statement that the expenses were  
18 actually incurred as necessary travel or entertainment  
19 expenses in the performance of official duties of the  
20 Governor's Office of the Film and Entertainment Commissioner  
21 and shall be verified by written declaration that it is true  
22 and correct as to every material matter. Any person who  
23 willfully makes and subscribes to any claim which he or she  
24 does not believe to be true and correct as to every material  
25 matter or who willfully aids or assists in, procures, or  
26 counsels or advises with respect to, the preparation or  
27 presentation of a claim pursuant to this section that is  
28 fraudulent or false as to any material matter, whether or not  
29 such falsity or fraud is with the knowledge or consent of the  
30 person authorized or required to present the claim, commits a  
31 misdemeanor of the second degree, punishable as provided in s.

1 775.082 or s. 775.083. Whoever receives an advancement or  
2 reimbursement by means of a false claim is civilly liable, in  
3 the amount of the overpayment, for the reimbursement of the  
4 public fund from which the claim was paid.

5 Section 26. Section 288.7011, Florida Statutes, is  
6 amended to read:

7 288.7011 Assistance to certified development  
8 corporation.--The Office of Tourism, Trade, and Economic  
9 Development is authorized to enter into contracts with a  
10 nonprofit, statewide development corporation certified  
11 pursuant to s. 503 of the Small Business Investment Act of  
12 1958, as amended, to permit such corporation to locate and  
13 contract for administrative and technical staff assistance and  
14 support, including, without limitation, assistance to the  
15 development corporation in the packaging and servicing of  
16 loans for the purpose of stimulating and expanding the  
17 availability of private equity capital and long-term loans to  
18 small businesses. Such assistance and support will cease when  
19 the corporation has received state support in an amount the  
20 equivalent of \$250,000 per year over a 4-year ~~5-year~~ period  
21 beginning July 1, 1997. Any contract between the office and  
22 such corporation shall specify that the records of the  
23 corporation must be available for audit by the office and by  
24 the Auditor General.

25 Section 27. Subsections (2) and (7) of section  
26 288.901, Florida Statutes, are amended to read:

27 288.901 Enterprise Florida, Inc.; creation;  
28 membership; organization; meetings; disclosure.--

29 (2) Enterprise Florida, Inc., shall establish one or  
30 more corporate offices, at least one of which shall be located  
31 in Leon County. The Department of Management Services may



1 establish a lease agreement program under which Enterprise  
2 Florida, Inc., may hire any individual who, as of June 30,  
3 1996, is employed by the Department of Commerce or who, as of  
4 January 1, 1997, is employed by the Executive Office of the  
5 Governor and has responsibilities specifically in support of  
6 the Workforce Development Board established under s. 288.9952  
7 ~~s. 288.9620~~. Under such agreement, the employee shall retain  
8 his or her status as a state employee but shall work under the  
9 direct supervision of Enterprise Florida, Inc. Retention of  
10 state employee status shall include the right to participate  
11 in the Florida Retirement System. The Department of Management  
12 Services shall establish the terms and conditions of such  
13 lease agreements.

14 (7) The Governor or the Governor's designee, who must  
15 be from the public sector, shall serve as chairperson of the  
16 board of directors. The board of directors shall biennially  
17 elect one of its appointive members as vice chairperson. The  
18 president shall keep a record of the proceedings of the board  
19 of directors and is the custodian of all books, documents, and  
20 papers filed with the board of directors, the minutes of the  
21 board of directors, and the official seal of Enterprise  
22 Florida, Inc.

23 Section 28. Subsection (2) of section 288.9015,  
24 Florida Statutes, is amended to read:

25 288.9015 Enterprise Florida, Inc.; purpose; duties.--

26 (2) It shall be the responsibility of Enterprise  
27 Florida, Inc., to aggressively market Florida's rural  
28 communities and distressed urban communities as locations for  
29 potential new investment, to aggressively assist in the  
30 retention and expansion of existing businesses in these  
31 communities, and to aggressively assist these communities in

1 the identification and development of new economic development  
2 opportunities for job creation. Enterprise Florida, Inc.,  
3 shall use and promote existing state programs to facilitate  
4 the location of new investment, the retention and expansion of  
5 existing businesses, and the identification and development of  
6 new economic development opportunities for job creation. Such  
7 programs include, but are not limited to: the Community  
8 Contribution Tax Credit Program, as provided in ss. 220.183  
9 and 624.5105; the Urban High-Crime Area Job Tax Credit Program  
10 as provided in ss. 212.097 and 220.1895; the Rural Job Tax  
11 Credit Program as provided in ss. 212.098 and 220.1895; and  
12 the state incentives available in enterprise zones as provided  
13 in s. 290.007.

14 Section 29. Section 288.980, Florida Statutes, is  
15 amended to read:

16 288.980 Military base retention; legislative intent;  
17 grants program.--

18 (1)(a) It is the intent of this state to provide the  
19 necessary means to assist communities with military  
20 installations that would be adversely affected by federal base  
21 realignment or closure actions. It is further the intent to  
22 encourage communities to initiate a coordinated program of  
23 response and plan of action in advance of future actions of  
24 the federal Base Realignment and Closure Commission. It is  
25 critical that closure-vulnerable communities develop such a  
26 program to preserve affected military installations. The  
27 Legislature hereby recognizes that the state needs to  
28 coordinate all efforts that can facilitate the retention of  
29 all remaining military installations in the state. The  
30 Legislature, therefore, declares that providing such  
31 assistance to support the defense-related initiatives within

1 this section is a public purpose for which public money may be  
2 used.

3 (b) The Florida Defense Alliance, an organization  
4 within Enterprise Florida, is designated as the organization  
5 to ensure that Florida, its resident military bases and  
6 missions, and its military host communities are in competitive  
7 positions as the United States continues its defense  
8 realignment and downsizing. The defense alliance shall serve  
9 as an overall advisory body for Enterprise Florida  
10 defense-related activity. The Florida Defense Alliance may  
11 receive funding from appropriations made for that purpose to  
12 ~~administered by~~ the Office of Tourism, Trade, and Economic  
13 Development and administered by Enterprise Florida, Inc.

14 (2)(a) The Office of Tourism, Trade, and Economic  
15 Development is authorized to award grants based upon the  
16 recommendation of Enterprise Florida, Inc., and for  
17 administration by Enterprise Florida, Inc., from funds  
18 specifically appropriated ~~any funds available~~ to it to support  
19 activities related to the retention of military installations  
20 potentially affected by federal base closure or realignment.

21 (b) The term "activities" as used in this section  
22 means studies, presentations, analyses, plans, and modeling.  
23 Staff salaries are not considered an "activity" for which  
24 grant funds may be awarded. Travel costs and costs incidental  
25 thereto incurred by a grant recipient shall be considered an  
26 "activity" for which grant funds may be awarded.

27 (c) Except for grants issued pursuant to the Florida  
28 Military Installation Reuse Planning and Marketing Grant  
29 Program as described in paragraph (3)(c), the amount of any  
30 grant provided to an applicant may not exceed \$250,000. In  
31 making recommendations to the Office of Tourism, Trade, and

1 Economic Development, Enterprise Florida, Inc., shall require  
2 that an applicant:

3 1. Represent a local government with a military  
4 installation or military installations that could be adversely  
5 affected by federal base realignment or closure.

6 2. Agree to match at least 30 percent of any grant  
7 awarded.

8 3. Prepare a coordinated program or plan of action  
9 delineating how the eligible project will be administered and  
10 accomplished.

11 4. Provide documentation describing the potential for  
12 realignment or closure of a military installation located in  
13 the applicant's community and the adverse impacts such  
14 realignment or closure will have on the applicant's community.

15 (d) In making recommendations for grant awards,  
16 Enterprise Florida, Inc., ~~the office~~ shall consider, at a  
17 minimum, the following factors:

18 1. The relative value of the particular military  
19 installation in terms of its importance to the local and state  
20 economy relative to other military installations vulnerable to  
21 closure.

22 2. The potential job displacement within the local  
23 community should the military installation be closed.

24 3. The potential adverse impact on industries and  
25 technologies which service the military installation.

26 (3) The Florida Economic Reinvestment Initiative is  
27 established to respond to the need for this state and  
28 defense-dependent communities in this state to develop  
29 alternative economic diversification strategies to lessen  
30 reliance on national defense dollars in the wake of base  
31 closures and reduced federal defense expenditures and the need

1 to formulate specific base reuse plans and identify any  
2 specific infrastructure needed to facilitate reuse. The  
3 initiative shall consist of the following three distinct grant  
4 programs to be administered by Enterprise Florida, Inc.~~the~~  
5 ~~Office of Tourism, Trade, and Economic Development:~~

6 (a) The Florida Defense Planning Grant Program,  
7 through which funds shall be used to analyze the extent to  
8 which the state is dependent on defense dollars and defense  
9 infrastructure and prepare alternative economic development  
10 strategies. The state shall work in conjunction with  
11 defense-dependent communities in developing strategies and  
12 approaches that will help communities make the transition from  
13 a defense economy to a nondefense economy. Grant awards may  
14 not exceed \$250,000 per applicant and shall be available on a  
15 competitive basis.

16 (b) The Florida Defense Implementation Grant Program,  
17 through which funds shall be made available to  
18 defense-dependent communities to implement the diversification  
19 strategies developed pursuant to paragraph (a). Eligible  
20 applicants include defense-dependent counties and cities, and  
21 local economic development councils located within such  
22 communities. Grant awards may not exceed \$100,000 per  
23 applicant and shall be available on a competitive basis.  
24 Awards shall be matched on a one-to-one basis.

25 (c) The Florida Military Installation Reuse Planning  
26 and Marketing Grant Program, through which funds shall be used  
27 to help counties, cities, and local economic development  
28 councils develop and implement plans for the reuse of closed  
29 or realigned military installations, including any necessary  
30 infrastructure improvements needed to facilitate reuse and  
31 related marketing activities.

1  
2 Applications for grants under this subsection must include a  
3 coordinated program of work or plan of action delineating how  
4 the eligible project will be administered and accomplished,  
5 which must include a plan for ensuring close cooperation  
6 between civilian and military authorities in the conduct of  
7 the funded activities and a plan for public involvement. The  
8 director of the Office of Tourism, Trade, and Economic  
9 Development shall make the final decision on all grant awards.

10 (4)(a) The Defense-Related Business Adjustment Program  
11 is ~~hereby~~ created. Enterprise Florida, Inc., ~~The Director of~~  
12 ~~the Office of Tourism, Trade, and Economic Development~~ shall  
13 coordinate the development of the Defense-Related Business  
14 Adjustment Program. Funds shall be available to assist  
15 defense-related companies in the creation of increased  
16 commercial technology development through investments in  
17 technology. Such technology must have a direct impact on  
18 critical state needs for the purpose of generating  
19 investment-grade technologies and encouraging the partnership  
20 of the private sector and government defense-related business  
21 adjustment. The following areas shall receive precedence in  
22 consideration for funding commercial technology development:  
23 law enforcement or corrections, environmental protection,  
24 transportation, education, and health care. Travel and costs  
25 incidental thereto, and staff salaries, are not considered an  
26 "activity" for which grant funds may be awarded.

27 (b) In making recommendations to the Office of  
28 Tourism, Trade, and Economic Development for grant awards,  
29 Enterprise Florida, Inc., ~~The office~~ shall require that an  
30 applicant:  
31

1           1. Be a defense-related business that could be  
2 adversely affected by federal base realignment or closure or  
3 reduced defense expenditures.

4           2. Agree to match at least 50 percent of any funds  
5 awarded by the department in cash or in-kind services. Such  
6 match shall be directly related to activities for which the  
7 funds are being sought.

8           3. Prepare a coordinated program or plan delineating  
9 how the funds will be administered.

10          4. Provide documentation describing how  
11 defense-related realignment or closure will adversely impact  
12 defense-related companies.

13          (5) The Retention of Military Installations Program is  
14 created. The Director of the Office of Tourism, Trade, and  
15 Economic Development shall coordinate and implement this  
16 program. The sum of \$1.2 million is appropriated from the  
17 General Revenue Fund for fiscal year 1999-2000 to the Office  
18 of Tourism, Trade, and Economic Development to implement this  
19 program for military installations located in counties with a  
20 population greater than 824,000. The funds shall be used to  
21 assist military installations potentially affected by federal  
22 base closure or realignment in covering current operating  
23 costs in an effort to retain the installation in this state.  
24 An eligible military installation for this program shall  
25 include a provider of simulation solutions for war-fighting  
26 experimentation, testing, and training which employs at least  
27 500 civilian and military employees and has been operating in  
28 the state for a period of more than 10 years.

29          (6) The director of the Office of Tourism, Trade, and  
30 Economic Development may award nonfederal matching funds  
31 specifically appropriated for construction, maintenance, and

1 analysis of a Florida defense workforce database. Such funds  
2 will be used to create a registry of worker skills that can be  
3 used to match the worker needs of companies that are  
4 relocating to this state or to assist workers in relocating to  
5 other areas within this state where similar or related  
6 employment is available.

7 (7) Payment of administrative expenses shall be  
8 limited to no more than 10 percent of any grants issued  
9 pursuant to this section.

10 (8) Enterprise Florida, Inc.,~~The Office of Tourism,~~  
11 ~~Trade, and Economic Development~~ shall develop ~~establish~~  
12 guidelines to implement and carry out the purpose and intent  
13 of this section. The Office of Tourism, Trade, and Economic  
14 Development must approve the guidelines before their  
15 implementation.

16 Section 30. Subsections (8) and (12), paragraph (h) of  
17 subsection (10), and paragraph (b) of subsection (14) of  
18 section 288.99, Florida Statutes, are amended, and subsection  
19 (15) is added to that section, to read:

20 288.99 Certified Capital Company Act.--

21 (8) ANNUAL TAX CREDIT; CLAIM PROCESS.--

22 (a) On an annual basis, on or before December 31, each  
23 certified capital company shall file with the department and  
24 the office, in consultation with the office ~~department~~, on a  
25 form prescribed by the office, for each calendar year:

26 1. The total dollar amount the certified capital  
27 company received from certified investors, the identity of the  
28 certified investors, and the amount received from each  
29 certified investor during the calendar year.

30 2. The total dollar amount the certified capital  
31 company invested and the amount invested in qualified



1 businesses, together with the identity and location of those  
2 businesses and the amount invested in each qualified business.

3 3. For informational purposes only, the total number  
4 of permanent, full-time jobs either created or retained by the  
5 qualified business during the calendar year, the average wage  
6 of the jobs created or retained, the industry sectors in which  
7 the qualified businesses operate, and any additional capital  
8 invested in qualified businesses from sources other than  
9 certified capital companies.

10 (b) The form shall be verified by one or more  
11 principals of the certified capital company submitting the  
12 form. Verification shall be accomplished as provided in s.  
13 92.525(1)(b) and subject to the provisions of s. 92.525(3).

14 (c) The department ~~office~~ shall review the form, and  
15 any supplemental documentation, submitted by each certified  
16 capital company for the purpose of verifying:

17 1. That the businesses in which certified capital has  
18 been invested by the certified capital company are in fact  
19 qualified businesses, and that the amount of certified capital  
20 invested by the certified capital company is as represented in  
21 the form.

22 2. The amount of certified capital invested in the  
23 certified capital company by the certified investors.

24 3. The amount of premium tax credit available to  
25 certified investors.

26 (d) The Department of Revenue is authorized to audit  
27 and examine the accounts, books, or records of certified  
28 capital companies and certified investors for the purpose of  
29 ascertaining the correctness of any report and financial  
30 return which has been filed, and to ascertain a certified  
31

1 capital company's compliance with the tax-related provisions  
2 of this act.

3 (e) This subsection shall take effect January 1, 1999.

4 (10) DECERTIFICATION.--

5 (h) The department ~~office~~ shall send written notice to  
6 the address of each certified investor whose premium tax  
7 credit has been subject to recapture or forfeiture, using the  
8 address last shown on the last premium tax filing.

9 (12) REPORTING REQUIREMENTS.--The office shall report  
10 annually ~~on an annual basis~~ to the Governor, the President of  
11 the Senate, and the Speaker of the House of Representatives on  
12 or before April 1:

13 (a) The total dollar amount each certified capital  
14 company received from all certified investors and any other  
15 investor, the identity of the certified investors, and the  
16 total amount of premium tax credit used by each certified  
17 investor for the previous calendar year.

18 (b) The total dollar amount invested by each certified  
19 capital company and that portion invested in qualified  
20 businesses, the identity and location of those businesses, the  
21 amount invested in each qualified business, and the total  
22 number of permanent, full-time jobs created or retained by  
23 each qualified business.

24 (c) The return for the state as a result of the  
25 certified capital company investments, including the extent to  
26 which:

27 1. Certified capital company investments have  
28 contributed to employment growth.

29 2. The wage level of businesses in which certified  
30 capital companies have invested exceed the average wage for  
31 the county in which the jobs are located.

1           3. The investments of the certified capital companies  
2 in qualified businesses have contributed to expanding or  
3 diversifying the economic base of the state.

4           (14) RULEMAKING AUTHORITY.--

5           (b) The department and the office may adopt any rules  
6 necessary to carry out its duties, obligations, and powers  
7 related to the administration, review, and reporting  
8 provisions of this section and may perform any other acts  
9 necessary for the proper administration and enforcement of  
10 such duties, obligations, and powers.

11           (15) ADDITIONAL CERTIFICATIONS.--Notwithstanding the  
12 dates established in paragraphs (4)(b), (c), and (e), an  
13 applicant for certification as a certified capital company may  
14 file an application of the type specified in paragraph (4)(b)  
15 to become a "certified capital company" under this section  
16 between July 1, 2000, and September 1, 2000, in the manner  
17 prescribed in subsection (4). A certified capital company  
18 certified after July 1, 2000, and any certified investor  
19 therein may not earn any premium tax credits allocated by the  
20 office before its date of certification.

21           Section 31. Section 290.004, Florida Statutes, is  
22 amended to read:

23           290.004 Definitions.--As used in ss. 290.001-290.016:

24           (1) "Community investment corporation" means a black  
25 business investment corporation, a certified development  
26 corporation, a small business investment corporation, or other  
27 similar entity incorporated under Florida law that has limited  
28 its investment policy to making investments solely in minority  
29 business enterprises.

30           ~~(2) "Department" means the Department of Commerce.~~

31

1           ~~(2)(3)~~ "Director" means the director of the Office of  
2 Tourism, Trade, and Economic Development.

3           ~~(3)(4)~~ "Governing body" means the council or other  
4 legislative body charged with governing the county or  
5 municipality.

6           ~~(4)(5)~~ "Interagency coordinating council" means the  
7 Enterprise Zone Interagency Coordinating Council created  
8 pursuant to s. 290.009.

9           ~~(5)(6)~~ "Minority business enterprise" has the same  
10 meaning as in s. 288.703.

11           ~~(6)(7)~~ "Office" means the Office of Tourism, Trade,  
12 and Economic Development.

13           ~~(7)~~ "Rural enterprise zone" means an enterprise zone  
14 that is nominated by a county having a population of 75,000 or  
15 fewer, or a county having a population of 100,000 or fewer  
16 which is contiguous to a county having a population of 75,000  
17 or fewer, or by a municipality in such a county, or by such a  
18 county and one or more municipalities. An enterprise zone  
19 designated in accordance with s. 370.28 shall be considered a  
20 rural enterprise zone.

21           ~~(8)~~ ~~"Secretary" means the Secretary of Commerce.~~

22           ~~(8)(9)~~ "Small business" has the same meaning as in s.  
23 288.703.

24           Section 32. Subsections (11) and (12) of section  
25 290.0056, Florida Statutes, are amended to read:

26           290.0056 Enterprise zone development agency.--

27           (11) Prior to December 1 of each year, the agency  
28 shall submit to Enterprise Florida, Inc., ~~the Office of~~  
29 ~~Tourism, Trade, and Economic Development~~ a complete and  
30 detailed written report setting forth:  
31

1 (a) Its operations and accomplishments during the  
2 fiscal year.

3 (b) The accomplishments and progress concerning the  
4 implementation of the strategic plan.

5 (c) The number and type of businesses assisted by the  
6 agency during the fiscal year.

7 (d) The number of jobs created within the enterprise  
8 zone during the fiscal year.

9 (e) The usage and revenue impact of state and local  
10 incentives granted during the calendar year.

11 (f) Any other information required by Enterprise  
12 Florida, Inc.~~the office.~~

13 (12) In the event that the nominated area selected by  
14 the governing body is not designated a state enterprise zone,  
15 the governing body may dissolve the agency after receiving  
16 notification ~~from the department or the office~~ that the area  
17 was not designated as an enterprise zone.

18 Section 33. Subsection (5) of section 290.0058,  
19 Florida Statutes, is amended to read:

20 290.0058 Tests of pervasive poverty, unemployment, and  
21 general distress.--

22 (5) In making the calculations required by this  
23 section, the local government and Enterprise Florida, Inc.,  
24 ~~the department~~ shall round all fractional percentages of  
25 one-half percent or more up to the next highest whole  
26 percentage figure.

27 Section 34. Subsections (1), (4), (5), (6), (7), and  
28 (9) of section 290.0065, Florida Statutes, are amended to  
29 read:

30 290.0065 State designation of enterprise zones.--

31

1           (1) Upon application to Enterprise Florida, Inc., of  
2 the governing body of a county or municipality or of a county  
3 and one or more municipalities jointly pursuant to s.  
4 290.0055, Enterprise Florida, Inc.~~the department~~, in  
5 consultation with the interagency coordinating council, shall  
6 determine which areas nominated by such governing bodies meet  
7 the criteria outlined in s. 290.0055 and are the most  
8 appropriate for recommendation to the director of the Office  
9 of Tourism, Trade, and Economic Development for designation as  
10 state enterprise zones. The office department is authorized to  
11 designate up to 5 areas within each of the categories  
12 established in subparagraphs (3)(a)1., 2., 3., 4., and 5.,  
13 except that the office department may only designate a total  
14 of 20 areas as enterprise zones. The office department shall  
15 not designate more than three enterprise zones in any one  
16 county. All designations, including any provision for  
17 redesignations, of state enterprise zones pursuant to this  
18 section shall be effective July 1, 1995.

19           (4)(a) Notwithstanding s. 290.0055, any area existing  
20 as a state enterprise zone as of the effective date of this  
21 section and originally approved through a joint application  
22 from a county and municipality, or through an application from  
23 a county as defined in s. 125.011(1), shall be redesignated as  
24 a state enterprise zone upon the creation of an enterprise  
25 zone development agency pursuant to s. 290.0056 and the  
26 completion of a strategic plan pursuant to s. 290.0057. Any  
27 area redesignated pursuant to this subsection, other than an  
28 area located in a county defined in s. 125.011(1), may be  
29 relocated or modified by the appropriate governmental bodies.  
30 Such relocation or modification shall be identified in the  
31 strategic plan and shall meet the requirements for designation

1 as established by s. 290.005. Any relocation or modification  
2 shall be submitted on or before June 1, 1996.

3 (b) The office ~~department~~ shall place any area  
4 designated as a state enterprise zone pursuant to this  
5 subsection in the appropriate category established in  
6 subsection (3), and include such designations within the  
7 limitations on state enterprise zone designations set out in  
8 subsection (1).

9 (c) Any county or municipality having jurisdiction  
10 over an area designated as a state enterprise zone pursuant to  
11 this subsection, other than a county defined by s. 125.011(1),  
12 may not apply for designation of another area.

13 (5) Notwithstanding s. 290.0055, an area designated as  
14 a federal empowerment zone or enterprise community pursuant to  
15 Title XIII of the Omnibus Budget Reconciliation Act of 1993,  
16 the Taxpayer Relief Act of 1997, or the 1999 Agricultural  
17 Appropriations Act shall be designated a state enterprise zone  
18 as follows:

19 (a) An area designated as an urban empowerment zone or  
20 urban enterprise community pursuant to Title XIII of the  
21 Omnibus Budget Reconciliation Act of 1993 or the Taxpayer  
22 Relief Act of 1997 shall be designated a state enterprise zone  
23 by the office ~~department~~ upon completion of the requirements  
24 set out in paragraph (d), except in the case of a county as  
25 defined in s. 125.011(1) which, notwithstanding s. 290.0055,  
26 may incorporate and include such designated urban empowerment  
27 zone or urban enterprise community areas within the boundaries  
28 of its state enterprise zones without any limitation as to  
29 size.

30 (b) An area designated as a rural empowerment zone or  
31 rural enterprise community pursuant to Title XIII of the

1 Omnibus Budget Reconciliation Act of 1993 or the 1999  
2 Agricultural Appropriations Act shall be designated a state  
3 enterprise zone by the office ~~department~~ upon completion of  
4 the requirements set out in paragraph (d).

5 (c) Any county or municipality having jurisdiction  
6 over an area designated as a state enterprise zone pursuant to  
7 this subsection, other than a county defined in s. 125.011(1),  
8 may not apply for designation of another area.

9 (d) Prior to recommending that the office designate  
10 ~~designating~~ such areas as state enterprise zones, Enterprise  
11 Florida, Inc., ~~the department~~ shall ensure that the governing  
12 body having jurisdiction over the zone submits the strategic  
13 plan required pursuant to 7 C.F.R. part 25 or 24 C.F.R. part  
14 597 to Enterprise Florida, Inc. ~~the department~~, and creates an  
15 enterprise zone development agency pursuant to s. 290.0056.

16 (e) The office ~~department~~ shall place any area  
17 designated as a state enterprise zone pursuant to this  
18 subsection in the appropriate category established in  
19 subsection (3), and include such designations within the  
20 limitations on state enterprise zone designations set out in  
21 subsection (1).

22 (6)(a) The office ~~department~~, in consultation with  
23 Enterprise Florida, Inc., and the interagency coordinating  
24 council, may develop guidelines ~~shall promulgate any rules~~  
25 necessary for the approval of areas under this section by the  
26 director ~~secretary~~.

27 (b) Such guidelines may ~~rules shall~~ provide for the  
28 measurement of pervasive poverty, unemployment, and general  
29 distress using the criteria outlined by s. 290.0058.

30 (c) Such guidelines may ~~rules shall~~ provide for the  
31 evaluation of the strategic plan and local fiscal and



1 regulatory incentives for effectiveness, including how the  
2 following key principles will be implemented by the governing  
3 body or bodies:

4 1. Economic opportunity, including job creation within  
5 the community and throughout the region, as well as  
6 entrepreneurial initiatives, small business expansion, and  
7 training for jobs that offer upward mobility.

8 2. Sustainable community development that advances the  
9 creation of livable and vibrant communities through  
10 comprehensive approaches that coordinate economic, physical,  
11 community, and human development.

12 3. Community-based partnerships involving the  
13 participation of all segments of the community.

14 4. Strategic vision for change that identifies how the  
15 community will be revitalized. This vision should include  
16 methods for building on community assets and coordinate a  
17 response to community needs in a comprehensive fashion. This  
18 vision should provide goals and performance benchmarks for  
19 measuring progress and establish a framework for evaluating  
20 and adjusting the strategic plan.

21 5. Local fiscal and regulatory incentives enacted  
22 pursuant to s. 290.0057(1)(e). These incentives should induce  
23 economic revitalization, including job creation and small  
24 business expansion.

25 (d) Such guidelines may ~~rules shall~~ provide methods  
26 for evaluating the prospects for new investment and economic  
27 development in the area, including a review and evaluation of  
28 any previous state enterprise zones located in the area.

29 (7) Upon approval by the director ~~secretary~~ of a  
30 resolution authorizing an area to be an enterprise zone  
31 pursuant to this section, the office ~~department~~ shall assign a

1 unique identifying number to that resolution. The office  
2 ~~department~~ shall provide the Department of Revenue and  
3 Enterprise Florida, Inc., with a copy of each resolution  
4 approved, together with its identifying number.

5 (9) Upon recommendation by Enterprise Florida, Inc.,  
6 the Office of Tourism, Trade, and Economic Development may  
7 amend the boundaries of any enterprise zone designated by the  
8 state pursuant to this section, consistent with the  
9 categories, criteria, and limitations imposed in this section  
10 upon the establishment of such enterprise zone and only if  
11 consistent with the determinations made in s. 290.0058(2).

12 Section 35. Subsection (1) of section 290.0066,  
13 Florida Statutes, is amended to read:

14 290.0066 Revocation of enterprise zone designation.--

15 (1) Upon recommendation by Enterprise Florida, Inc.,  
16 the director may revoke the designation of an enterprise zone  
17 if Enterprise Florida, Inc., ~~the director~~ determines that the  
18 governing body or bodies:

19 (a) Have failed to make progress in achieving the  
20 benchmarks set forth in the strategic plan; or

21 (b) Have not complied substantially with the strategic  
22 plan.

23 Section 36. Section 290.00675, Florida Statutes, is  
24 amended to read:

25 290.00675 Amendment of certain enterprise zone  
26 boundaries.--Notwithstanding any other provisions of law, upon  
27 recommendation by Enterprise Florida, Inc., the Office of  
28 Tourism, Trade, and Economic Development may amend the  
29 boundaries of an area designated as an enterprise zone in a  
30 community having a population of 235,000 persons but less than  
31 245,000, so long as the area does not increase the overall

1 size of the zone by greater than 25 acres and the increased  
2 area is contiguous to the existing enterprise zone. The  
3 amendment must also be consistent with the limitations imposed  
4 by s. 290.0055 upon establishment of the enterprise zone.

5 Section 37. Section 290.00676, Florida Statutes, is  
6 created to read:

7 290.00676 Amendment of rural enterprise zone  
8 boundaries.--Notwithstanding any other provision of law, upon  
9 recommendation by Enterprise Florida, Inc., the Office of  
10 Tourism, Trade, and Economic Development may amend the  
11 boundaries of a rural enterprise zone. For purposes of  
12 boundary amendments, an enterprise zone designated under s.  
13 370.28 shall be considered a rural enterprise zone and is  
14 eligible for amendment of its boundaries. Boundary amendments  
15 authorized by this section are subject to the following  
16 requirements:

17 (1) The amendment may increase the size of the rural  
18 enterprise zone to 15 square miles.

19 (2) The amendment may increase the number of  
20 noncontiguous areas by one, if that noncontiguous area has  
21 zero population. For purposes of this subsection, the  
22 pervasive poverty criteria may be set aside for the addition  
23 of a noncontiguous parcel.

24 (3) The local enterprise zone development agency must  
25 request the amendment from Enterprise Florida, Inc., prior to  
26 December 30, 2000. The request must contain maps and  
27 sufficient information to allow the office to determine the  
28 number of noncontiguous areas and the total size of the rural  
29 enterprise zone.

30 Section 38. Section 290.00677, Florida Statutes, is  
31 created to read:

1           290.00677 Rural enterprise zones; special  
2 qualifications.--

3           (1) Notwithstanding the enterprise zone residency  
4 requirements set out in ss. 212.096(1)(c) and 220.03(1)(q),  
5 businesses located in rural enterprise zones may receive the  
6 credit provided under s. 212.096 or s. 220.181 for hiring any  
7 person within the jurisdiction of a rural county, as defined  
8 by s. 288.106(2)(r). All other provisions of ss. 212.096,  
9 220.03(1)(q), and 220.181 apply to such businesses.

10           (2) Notwithstanding the requirement specified in ss.  
11 212.08(5)(g)5., (5)(h)5., and (15)(a), 212.096(2)(b)1.,  
12 220.181(1)(a)1., and 220.182(1)(b) that no less than 20  
13 percent of a business's employees, excluding temporary and  
14 part-time employees, must be residents of an enterprise zone  
15 for the business to qualify for the maximum exemption or  
16 credit provided in ss. 212.08(5)(g) and (h) and (15),  
17 212.096(2)(b)1., 220.181(1)(a)1., and 220.182, a business that  
18 is located in a rural enterprise zone shall be qualified for  
19 those maximum exemptions or credits if no less than 20 percent  
20 of such employees of the business are residents of a rural  
21 county, as defined by s. 288.106(2)(r). All other provisions  
22 of ss. 212.08(5)(g) and (h) and (15), 212.096, 220.181, and  
23 220.182 apply to such business.

24           (3) Notwithstanding the time limitations contained in  
25 chapters 212 and 220, a business eligible to receive tax  
26 credits under this section from January 1, 2000, to June 1,  
27 2000, must submit an application for the tax credits by  
28 December 1, 2000. All other requirements of the enterprise  
29 zone program apply to such a business.

30           Section 39. Section 290.00689, Florida Statutes, is  
31 amended to read:

1           290.00689 Designation of enterprise zone pilot project  
2 area.--

3           (1) The Office of Tourism, Trade, and Economic  
4 Development shall designate one pilot project area within one  
5 state enterprise zone. The Office of Tourism, Trade, and  
6 Economic Development shall select a pilot project area by July  
7 1, 1999, which meets the following qualifications:

8           (a) The area is contained within an enterprise zone  
9 that is composed of one contiguous area and is placed in the  
10 category delineated in s. 290.0065(3)(a)1.

11           (b) The local government having jurisdiction over the  
12 enterprise zone grants economic development ad valorem tax  
13 exemptions in the enterprise zone pursuant to s. 196.1995, and  
14 electrical energy public service tax exemptions pursuant to s.  
15 166.231(8).

16           (c) The local government having jurisdiction over the  
17 enterprise zone has developed a plan for revitalizing the  
18 pilot project area or for revitalizing an area within the  
19 enterprise zone that contains the pilot project area, and has  
20 committed at least \$5 million to redevelop an area including  
21 the pilot project area.

22           (d) The pilot project area is contiguous and is  
23 limited to no more than 70 acres, or equivalent square miles,  
24 to avoid a dilution of additional state assistance and  
25 effectively concentrate these additional resources on  
26 revitalizing the acute area of economic distress.

27           (e) The pilot project area contains a diverse cluster  
28 or grouping of facilities or space for a mix of retail,  
29 restaurant, or service related businesses necessary to an  
30 overall revitalization of surrounding neighborhoods through  
31

1 community involvement, investment, and enhancement of  
2 employment markets.

3 (2)(a) Beginning December 1, 1999, no more than four  
4 businesses located within the pilot project area are eligible  
5 for a credit against any tax due for a taxable year under  
6 chapters 212 and 220.

7 (b) The credit shall be computed as \$5,000 times the  
8 number of full-time employees of the business and \$2,500 times  
9 the number of part-time employees of the business. For  
10 purposes of this section, a person shall be deemed to be  
11 employed by such a business on a full-time basis if the person  
12 performs duties in connection with the operations of the  
13 business for an average of at least 36 hours per week each  
14 month, or on a part-time basis if the person is performing  
15 such duties for an average of at least 20 hours per week each  
16 month throughout the year. The person must be performing such  
17 duties at a business site located in the pilot project area.

18 (c) The total amount of tax credits that may be  
19 granted under this section is \$1 million annually. In the  
20 event Enterprise Florida, Inc., ~~the Office of Tourism, Trade,~~  
21 ~~and Economic Development~~ receives applications that total more  
22 than \$1 million in any year, the director shall prorate the  
23 amount of tax credit each applicant is eligible to receive to  
24 ensure that all eligible applicants receive a tax credit.

25 (d) In order to be eligible to apply to Enterprise  
26 Florida, Inc., ~~the Office of Tourism, Trade, and Economic~~  
27 ~~Development~~ for tax credits under this section a business  
28 must:

29 1. Have entered into a contract with the developer of  
30 the diverse cluster or grouping of facilities or space located  
31

1 in the pilot project area, governing lease of commercial space  
2 in a facility.

3 2. Have commenced operations in the facility after  
4 July 1, 1999, and before July 1, 2000.

5 3. Be a business predominantly engaged in activities  
6 usually provided for consideration by firms classified under  
7 the Standard Industrial Classification Manual Industry Number  
8 5311, Industry Number 5399, or Industry Number 7832.

9 (e) All applications for the granting of the tax  
10 credits allowed under this section shall require the prior  
11 review and recommendation of Enterprise Florida, Inc., and  
12 approval of the director of the Office of Tourism, Trade, and  
13 Economic Development. At the recommendation of Enterprise  
14 Florida, Inc., the director shall establish one submittal date  
15 each year for the receipt of applications for such tax  
16 credits.

17 (f) Any business wishing to receive tax credits  
18 pursuant to this section must submit an application to  
19 Enterprise Florida, Inc., ~~the Office of Tourism, Trade, and~~  
20 ~~Economic Development~~ which sets forth the business name and  
21 address and the number of employees of the business.

22 (g) Upon the recommendation of Enterprise Florida,  
23 Inc., the decision of the director shall be in writing, and,  
24 if approved, ~~the application~~ shall state the maximum credits  
25 allowable to the business. A copy of the decision shall be  
26 transmitted to Enterprise Florida, Inc., and to the executive  
27 director of the Department of Revenue, who shall apply such  
28 credits to the tax liabilities of the business firm.

29 (h) If any credit granted pursuant to this section is  
30 not fully used in any one year because of insufficient tax  
31

1 liability on the part of the business, the unused amount may  
2 be carried forward for a period not to exceed 5 years.

3 ~~(3) The Office of Tourism, Trade, and Economic~~  
4 ~~Development is authorized to adopt all rules necessary to~~  
5 ~~administer this section, including rules for the approval or~~  
6 ~~disapproval of applications for tax incentives by businesses.~~

7 (3)~~(4)~~ The Department of Revenue shall adopt any rules  
8 necessary to ensure the orderly implementation and  
9 administration of this section.

10 (4)~~(5)~~ For purposes of this section, "business" and  
11 "taxable year" shall have the same meaning as in s. 220.03.

12 (5)~~(6)~~ Prior to the 2004 Regular Session of the  
13 Legislature, the Office of Program Policy Analysis and  
14 Government Accountability shall review and evaluate the  
15 effectiveness and viability of the pilot project area created  
16 under this section, using the research design prescribed  
17 pursuant to s. 290.015. The office shall specifically evaluate  
18 whether relief from certain taxes induced new investment and  
19 development in the area; increased the number of jobs created  
20 or retained in the area; induced the renovation,  
21 rehabilitation, restoration, improvement, or new construction  
22 of businesses or housing within the area; and contributed to  
23 the economic viability and profitability of business and  
24 commerce located within the area. The office shall submit a  
25 report of its findings and recommendations to the Speaker of  
26 the House of Representatives and the President of the Senate  
27 no later than January 15, 2004.

28 (6)~~(7)~~ This section shall stand repealed on June 30,  
29 2010, and any designation made pursuant to this section shall  
30 be revoked on that date.

31



1           Section 40. Section 290.00694, Florida Statutes, is  
2 created to read:

3           290.00694 Enterprise zone designation for rural  
4 champion communities.--An area designated as a rural champion  
5 community pursuant to the Taxpayer Relief Act of 1997 may  
6 apply to Enterprise Florida, Inc., for designation as an  
7 enterprise zone. The application must be submitted by December  
8 31, 2000, and must comply with the requirements of s.  
9 290.0055. Notwithstanding the provisions of s. 290.0065  
10 limiting the total number of enterprise zones designated and  
11 the number of enterprise zones within a population category,  
12 the Office of Tourism, Trade, and Economic Development upon  
13 recommendation of Enterprise Florida, Inc., may designate  
14 enterprise zones under this section. The Office of Tourism,  
15 Trade, and Economic Development shall establish the initial  
16 effective date of the enterprise zones designated pursuant to  
17 this section.

18           Section 41. Section 290.009, Florida Statutes, is  
19 amended to read:

20           290.009 Enterprise Zone Interagency Coordinating  
21 Council.--

22           (1) There is created within the Office of Tourism,  
23 Trade, and Economic Development the Enterprise Zone  
24 Interagency Coordinating Council. The council shall be  
25 composed of the secretaries or executive directors, or their  
26 designees, of the Department of Community Affairs, the Office  
27 of Tourism, Trade, and Economic Development, the Department of  
28 Children and Family Services, the Department of Health, the  
29 Department of Juvenile Justice, the Department of Labor and  
30 Employment Security, the Department of State, the Department  
31 of Transportation, the Department of Environmental Protection,

1 the Department of Law Enforcement, and the Department of  
2 Revenue; the Attorney General or his or her designee; and the  
3 executive directors or their designees of the Florida  
4 Community College System, the Florida Black Business  
5 Investment Board, and the Florida State Rural Development  
6 Council. Enterprise Florida, Inc., shall serve as staff to the  
7 council.

8 (2) The purpose of the council is to:

9 (a) Advise Enterprise Florida, Inc., and the office in  
10 planning, developing, implementing, and performing evaluation  
11 and reporting activities related to the Florida Enterprise  
12 Zone Act of 1994.

13 (b) Assist in the evaluation and review of enterprise  
14 zone designation applications pursuant to s. 290.0065.

15 (c) Assist in the selection of designated enterprise  
16 zones for participation in the enterprise zone linked deposit  
17 program pursuant to s. 290.0075.

18 (d) Encourage state agencies to administer programs in  
19 a manner that supports the purposes of this act and the goals  
20 and objectives of strategic enterprise zone development plans  
21 prepared by local governments.

22 (3) The director of the office or his or her designee  
23 shall serve as the chair of the council.

24 Section 42. Section 290.014, Florida Statutes, is  
25 amended to read:

26 290.014 Annual reports on enterprise zones.--

27 (1) By February 1 of each year, the Department of  
28 Revenue shall submit an annual report to Enterprise Florida,  
29 Inc., ~~the Office of Tourism, Trade, and Economic Development~~  
30 detailing the usage and revenue impact by county of the state  
31 incentives listed in s. 290.007.

1           (2) By March 1 of each year, Enterprise Florida, Inc.,  
2 ~~the office~~ shall submit an annual report to the Governor, the  
3 Speaker of the House of Representatives, ~~and~~ the President of  
4 the Senate, and the director of the Office of Tourism, Trade,  
5 and Economic Development. The report shall include the  
6 information provided by the Department of Revenue pursuant to  
7 subsection (1) and the information provided by enterprise zone  
8 development agencies pursuant to s. 290.0056. In addition, the  
9 report shall include an analysis of the activities and  
10 accomplishments of each enterprise zone, and any additional  
11 information prescribed pursuant to s. 290.015.

12           Section 43. Subsection (2) of section 290.046, Florida  
13 Statutes, is amended to read:

14           290.046 Applications for grants; procedures;  
15 requirements.--

16           (2)(a) Except as provided in paragraph (c), each  
17 eligible local government may submit an application for a  
18 grant under either the housing program category or the  
19 neighborhood revitalization program category during each  
20 annual funding cycle. An applicant may not receive more than  
21 one grant in any state fiscal year from any of the following  
22 categories: housing, neighborhood revitalization, or  
23 commercial revitalization.

24           (b) Except as provided in paragraph (c), each eligible  
25 local government may apply during each ~~up to three times in~~  
26 ~~any one~~ annual funding cycle for grants ~~a grant~~ under the  
27 economic development program category but shall receive  
28 cumulative awards no more than the applicable grant ceiling  
29 established by the department ~~one such grant~~ per annual  
30 funding cycle under s. 290.047(2). Applications for grants  
31 under the economic development program category may be

1 submitted at any time during the annual funding cycle, and  
2 such grants shall be awarded no less frequently than three  
3 times per funding cycle. The department shall establish  
4 minimum criteria pertaining to the number of jobs created for  
5 persons of low or moderate income, the degree of private  
6 sector financial commitment, and the economic feasibility of  
7 the proposed project and shall establish any other criteria  
8 the department deems appropriate. Assistance to a private,  
9 for-profit business may not be provided from a grant award  
10 unless sufficient evidence exists to demonstrate that without  
11 such public assistance the creation or retention of such jobs  
12 would not occur.

13 (c)1. Local governments with an open housing,  
14 neighborhood revitalization, or commercial revitalization  
15 contract shall not be eligible to apply for another housing,  
16 neighborhood revitalization, or commercial revitalization  
17 grant until administrative closeout of their existing  
18 contract. The department shall notify a local government of  
19 administrative closeout or of any outstanding closeout issues  
20 within 45 days of receipt of a closeout package from the local  
21 government. Local governments with an open housing,  
22 neighborhood revitalization, or commercial revitalization  
23 community development block grant contract whose activities  
24 are on schedule in accordance with the expenditure rates and  
25 accomplishments described in the contract may apply for an  
26 economic development grant.

27 2. Local governments with an open economic development  
28 community development block grant contract or contracts whose  
29 activities are on schedule in accordance with the expenditure  
30 rates and accomplishments described in the contract or  
31 contracts may apply for a housing or neighborhood

1 revitalization and a commercial revitalization community  
2 development block grant. Local governments with an open  
3 economic development contract or contracts whose activities  
4 are on schedule in accordance with the expenditure rates and  
5 accomplishments described in the contract or contracts may  
6 receive ~~no more than one~~ additional economic development  
7 grants grant in each fiscal year subject to the grant ceilings  
8 established by the department under s. 290.047.

9 (d) Beginning October 1, 1988, the department shall  
10 award no grant until the department has determined, based upon  
11 a site visit, that the proposed area matches and adheres to  
12 the written description contained within the applicant's  
13 request. If, based upon review of the application or a site  
14 visit, the department determines that any information provided  
15 in the application which affects eligibility or scoring has  
16 been misrepresented, the applicant's request shall be rejected  
17 by the department pursuant to s. 290.0475(7). Mathematical  
18 errors in applications which may be discovered and corrected  
19 by readily computing available numbers or formulas provided in  
20 the application shall not be a basis for such rejection.

21 Section 44. Subsection (7) is added to section  
22 290.048, Florida Statutes, to read:

23 290.048 General powers of Department of Community  
24 Affairs under ss. 290.0401-290.049.--The department has all  
25 the powers necessary or appropriate to carry out the purposes  
26 and provisions of the program, including the power to:

27 (7) Establish advisory committees and solicit  
28 participation in the design, implementation, and evaluation of  
29 the program and its linkages with other housing, community  
30 development, and economic development resources.

31

1           Section 45. Section 290.049, Florida Statutes, is  
2 repealed.

3           Section 46. Subsection (6) of section 373.4149,  
4 Florida Statutes, is amended to read:

5           373.4149 Miami-Dade County Lake Belt Plan.--

6           (6) The Miami-Dade County Lake Belt Plan  
7 Implementation Committee shall be appointed by the governing  
8 board of the South Florida Water Management District to  
9 develop a strategy for the design and implementation of the  
10 Miami-Dade County Lake Belt Plan. The committee shall consist  
11 of the chair of the governing board of the South Florida Water  
12 Management District, who shall serve as chair of the  
13 committee, the policy director of Environmental and Growth  
14 Management in the office of the Governor, the secretary of the  
15 Department of Environmental Protection, the director of the  
16 Division of Water Facilities or its successor division within  
17 the Department of Environmental Protection, ~~the director of~~  
18 ~~the Office of Tourism, Trade, and Economic Development within~~  
19 ~~the office of the Governor,~~ the secretary of the Department of  
20 Community Affairs, the executive director of the Game and  
21 Freshwater Fish Commission, the director of the Department of  
22 Environmental Resource Management of Miami-Dade County, the  
23 director of the Miami-Dade County Water and Sewer Department,  
24 the Director of Planning in Miami-Dade County, a  
25 representative of the Friends of the Everglades, a  
26 representative of the Florida Audubon Society, a  
27 representative of the Florida chapter of the Sierra Club, four  
28 representatives of the nonmining private landowners within the  
29 Miami-Dade County Lake Belt Area, and four representatives  
30 from the limestone mining industry to be appointed by the  
31 governing board of the South Florida Water Management

1 District. Two ex officio seats on the committee will be filled  
2 by one member of the Florida House of Representatives to be  
3 selected by the Speaker of the House of Representatives from  
4 among representatives whose districts, or some portion of  
5 whose districts, are included within the geographical scope of  
6 the committee as described in subsection (3), and one member  
7 of the Florida Senate to be selected by the President of the  
8 Senate from among senators whose districts, or some portion of  
9 whose districts, are included within the geographical scope of  
10 the committee as described in subsection (3). The committee  
11 may appoint other ex officio members, as needed, by a majority  
12 vote of all committee members. A committee member may  
13 designate in writing an alternate member who, in the member's  
14 absence, may participate and vote in committee meetings.

15       Section 47. The Institute of Food and Agricultural  
16 Sciences at the University of Florida is authorized to enter  
17 into contracts with the U.S. Department of Agriculture and may  
18 receive grants of money to support the Florida State Rural  
19 Development Council.

20       Section 48. The Workforce Development Board of  
21 Enterprise Florida, Inc., shall develop, in consultation with  
22 the State Board of Community Colleges and the Division of  
23 Workforce Development of the Department of Education, a policy  
24 authorizing the placement of Workforce Investment Act clients  
25 and other training program clients in self-employment as a  
26 means job placement. Notwithstanding any other provision of  
27 law, such policy shall define the conditions necessary,  
28 including documentation of income, for self-employment to  
29 qualify as job placement for Workforce Investment Act programs  
30 and Workforce Development Education Fund programs.

31

1           Section 49. Extraordinary economic development  
2 opportunities and threats; responsibilities of the Office of  
3 Tourism, Trade, and Economic Development and Enterprise  
4 Florida, Inc.; creation of Economic Development Leadership  
5 Council.--

6           (1) The Office of Tourism, Trade, and Economic  
7 Development, in conjunction with Enterprise Florida, Inc.,  
8 shall establish a unit within the office responsible for  
9 forecasting extraordinary economic development opportunities  
10 and extraordinary economic development threats with the  
11 potential to affect significantly the economy of the state.  
12 The unit also shall be responsible for coordinating  
13 development and implementation of an action plan to address,  
14 in a proactive manner, such opportunities or threats. The unit  
15 shall be composed of staff members from the office and from  
16 Enterprise Florida, Inc., who are designated by the director  
17 of the office and the president of Enterprise Florida, Inc.

18           (2) For the purposes of this section, the term  
19 "extraordinary economic development opportunity" includes an  
20 economic development project, whether associated with the  
21 expansion of an existing business in the state or the location  
22 of a new business to the state, which has the potential to  
23 result in the creation of at least 500 jobs in the state or a  
24 cumulative investment in the state of at least \$100 million.  
25 The term "extraordinary economic development threat" includes  
26 the potential loss of at least 500 jobs in the state because  
27 of the reorganization, closure, or relocation out of the state  
28 by an existing business in the state.

29           (3) Duties of the forecast unit in the Office of  
30 Tourism, Trade, and Economic Development shall include, but is  
31 not limited to:



1           (a) Analyzing market conditions for business sectors  
2 that are strategically important to the state economy;

3           (b) Monitoring economic development activities in  
4 other states which have the potential to affect this state;

5           (c) Reviewing and understanding trade publications for  
6 business sectors that are strategically important to the state  
7 economy;

8           (d) Identifying private-sector points of contact  
9 inside and outside the state which can provide the unit with  
10 expertise and insights on matters affecting business sectors  
11 that are strategically important to the state economy;

12           (e) Preparing contingency plans to enable the state to  
13 respond rapidly and effectively to extraordinary economic  
14 development opportunities or threats;

15           (f) Documenting lessons learned from extraordinary  
16 economic development opportunities and threats once they have  
17 occurred; and

18           (g) Working with local and regional economic  
19 development organizations to forecast extraordinary economic  
20 development opportunities and threats.

21           (4) There is created the Economic Development  
22 Leadership Council, which shall be responsible for providing  
23 state leadership in response to an extraordinary economic  
24 development opportunity or an extraordinary economic  
25 development threat.

26           (a) The council shall be composed of the following  
27 members;

28                 1. The Governor;

29                 2. The President of the Senate;

30                 3. The Speaker of the House of Representatives;

31

1           4. The director of the Office of Tourism, Trade, and  
2 Economic Development; and

3           5. The president of Enterprise Florida, Inc.

4           (b) The council shall convene at the recommendation of  
5 the director of the Office of Tourism, Trade, and Economic  
6 Development. Staff of the forecast unit within the office  
7 shall serve as staff to the council. The forecast unit within  
8 the office shall inform the council about the extraordinary  
9 economic development opportunity or threat and shall seek the  
10 advice of the council members on development and  
11 implementation of a plan of action to address the opportunity  
12 or threat. Staff of the forecast unit shall maintain the  
13 confidentiality provided under section 288.075, Florida  
14 Statutes.

15           (5) By January 31, 2001, the Office of Tourism, Trade,  
16 and Economic Development, in conjunction with Enterprise  
17 Florida, Inc., shall submit a report to the Governor, the  
18 President of the Senate, and the Speaker of the House of  
19 Representatives which includes specific recommendations for  
20 vesting the Economic Development Leadership Council with  
21 powers to respond to an extraordinary economic development  
22 opportunity or an extraordinary economic development threat.

23           Section 50. Toolkit for Economic Development.--

24           (1) LEGISLATIVE INTENT.--The Legislature finds that  
25 the state has numerous economically distressed communities  
26 with a high proportion of needy families who are current or  
27 former recipients of public assistance or who are at risk of  
28 becoming dependent upon public assistance. The Legislature  
29 also finds that the existence of safe and strong communities  
30 with prosperous economies is crucial to reduce dependence on  
31 public assistance and to promote employment retention and

1 self-sufficiency. It is the intent of the Legislature to  
2 reduce reliance on public assistance, to promote employment  
3 retention, and to increase self-sufficiency by providing  
4 easily accessed and useable tools that support local  
5 initiatives that create economically prosperous communities  
6 for needy families.

7 (2) CREATION; PURPOSE.--There is created a program to  
8 be known as the "Toolkit for Economic Development," the  
9 purpose of which is to enable economically distressed  
10 communities to access easily, and use effectively, federal and  
11 state tools to improve conditions in the communities and  
12 thereby help needy families in the communities avoid public  
13 assistance, retain employment, and become self-sufficient.

14 (3) DEFINITIONS.--For the purposes of this section, a  
15 community is "economically distressed" if the community is  
16 experiencing conditions affecting its economic viability and  
17 hampering the self-sufficiency of its residents, including,  
18 but not limited to, low per capita income, low property  
19 values, high unemployment, high under-employment, low weekly  
20 wages compared to the state average, low housing values  
21 compared to the state or area average, high percentage of the  
22 population receiving public assistance, high poverty levels  
23 compared to the state average, and high percentage of needy  
24 families.

25 (4) LIAISONS.--

26 (a) By August 1, 2000, the head of each of the  
27 following agencies or organizations shall designate a  
28 high-level staff person from within the agency or organization  
29 to serve as a liaison to this program:

- 30 1. Office of Tourism, Trade, and Economic Development;
- 31 2. Office of Urban Opportunity;

- 1           3. Department of Community Affairs;  
2           4. Department of Law Enforcement;  
3           5. Department of Juvenile Justice;  
4           6. Department of Transportation;  
5           7. Department of Environmental Protection;  
6           8. Department of Agriculture and Consumer Services;  
7           9. Department of State;  
8           10. Department of Health;  
9           11. Department of Children and Family Services;  
10          12. Department of Corrections;  
11          13. Department of Labor and Employment Security;  
12          14. Department of Education;  
13          15. Department of Military Affairs;  
14          16. Florida Housing Finance Corporation;  
15          17. Institute of Food and Agricultural Sciences;  
16          18. Institute on Urban Policy and Commerce;  
17          19. Florida Tourism Industry Marketing Corporation;  
18          20. Enterprise Florida, Inc.;  
19          21. Workforce Development Board of Enterprise Florida,  
20 Inc.;  
21          22. Executive Office of the Governor; and  
22          23. Any other agencies or organizations as determined  
23 by the coordinating partners.  
24          (b) An alternate for each designee shall also be  
25 chosen, and the names of the designees and alternates shall be  
26 sent to the coordinating partners, which shall convene the  
27 liaisons as necessary.  
28          (c) Each liaison must have a comprehensive knowledge  
29 of the functions, whether regulatory or service-based, of his  
30 or her agency or organization. The liaison shall be the  
31 primary contact for the agency or organization for the Toolkit

1 for Economic Development, assisting in expediting proposal  
2 review, resolving problems, promoting flexible assistance, and  
3 identifying opportunities for support within the agency or  
4 organization.

5 (d) As deemed necessary by the coordinating partners,  
6 liaisons shall review proposals from economically distressed  
7 communities to determine if they would be properly referred or  
8 submitted to their agencies or organizations. If such referral  
9 and submittal is appropriate, the liaison shall then assist  
10 the community as an ombudsman.

11 (e) The liaisons shall work at the request of the  
12 coordinating partners to review statutes and rules for their  
13 adverse effects on economically distressed communities and to  
14 develop alternative proposals to mitigate these effects.

15 (f) Liaisons shall review their agencies' or  
16 organizations' evaluation and scoring procedures for grant,  
17 loan, and aid programs to ensure that economically distressed  
18 communities are not unfairly disadvantaged, hampered, or  
19 handicapped in competing for awards because of community  
20 economic hardship. If they are, new evaluation criteria and  
21 scoring procedures shall be considered that recognize  
22 disproportionate requirements which an application process  
23 makes of a community that lacks the resources of other more  
24 prosperous communities. The evaluation criteria should weight  
25 contribution in proportion to the amount of resources  
26 available at the local level.

27 (g) Annually, the coordinating partners shall report  
28 to the Governor and the head of each agency or organization on  
29 the work and accomplishments of the liaisons.

30 (5) COORDINATING PARTNERS.--  
31

1           (a) The liaisons from the WAGES State Board of  
2 Directors, or its successor organization, the Office of Urban  
3 Opportunity, the Department of Community Affairs, Enterprise  
4 Florida, Inc., and the Workforce Development Board of  
5 Enterprise Florida, Inc., shall serve as the coordinating  
6 partners of the Toolkit for Economic Development and act as an  
7 executive committee for the liaisons. The coordinating  
8 partners shall review any request from a Front Porch Community  
9 and shall provide whatever assistance that this section can  
10 afford to them.

11           (b) From time to time, the coordinating partners may  
12 recommend to the head of an agency or organization, approval  
13 of a project that in the unanimous judgment of the  
14 coordinating partners will have an extraordinary positive  
15 impact on an economically distressed community. Upon such  
16 recommendation, the head of an agency or organization shall  
17 give priority consideration for approval of such project.

18           (6) MATCHING-FUNDS OPTIONS.--Notwithstanding any other  
19 provision of law, an agency or organization may waive any  
20 state-required matching-funds requirements at the request of  
21 the coordinating partners. This waiver is contingent upon the  
22 determination by the coordinating partners that the community  
23 is fully committed to the success of a project, but lacks the  
24 community resources to meet match requirements. In-kind  
25 matches shall be allowed and applied as matching-funds  
26 utilizing the same determination criteria. The coordinating  
27 partners must unanimously endorse each request to an agency or  
28 organization. Any funds appropriated to the coordinating  
29 partners may be used to meet matching-funds requirements or  
30 fees for federal, state, or foundation application  
31 requirements.

1           (7) INVENTORY.--The coordinating partners shall  
2 develop, in consultation with the liaisons, an inventory of  
3 recommended federal and state tax credits, incentives,  
4 inducements, programs, opportunities, demonstrations or pilot  
5 programs, grants, and other resources available through the  
6 agencies and organizations which could assist Front Porch  
7 Florida or economically distressed communities. Each entry in  
8 the inventory must include a summary; a contact person; a  
9 simple description of the application process and a timetable;  
10 a profile of funding awards and funds availability; and a  
11 complexity ranking. The inventory shall be organized into  
12 seven categories, including:

13           (a) Leadership.--Entries that promote the skills and  
14 capacities of local leaders, volunteers, organizations, and  
15 employees that work on other categories of the inventory.  
16 These entries shall include, but are not limited to, grants;  
17 scholarships; Individual Training Accounts; Retention  
18 Incentive Training Account programs; and other programs that  
19 build the resident capacity to create a better community.  
20 These entries shall include educational-based institutes that  
21 can assist with research, consulting, technical assistance,  
22 capacity building, training, and program assistance to  
23 communities.

24           (b) Safety.--Entries that increase safety and reduce  
25 crime. These entries shall include, but are not limited to,  
26 the training and employment of public safety employees and  
27 volunteers; establishing safer businesses and neighborhoods;  
28 training residents in safety practices; organizing safety  
29 networks and cooperatives; improving lighting; improving the  
30 safety of homes, buildings, and streets; and providing for  
31 community police and safety projects, including those designed

1 to protect youth in the community. Other entries may be  
2 included that reinforce community and local law enforcement.

3 (c) Clean Up.--Entries that support clean up and  
4 enhancement projects that quickly create visible improvements  
5 in neighborhoods, including the demolition of drug havens and  
6 abandoned buildings. These entries shall include, but are not  
7 limited to, projects that plan, design, or implement clean up  
8 strategies; main street redevelopment; and renovation  
9 projects. These entries may also include planning and  
10 implementation for larger neighborhood revitalization and  
11 economic development projects.

12 (d) Business.--Entries that support small business  
13 development, including, but not limited to, attraction of  
14 national franchises; micro-loans; guaranteed commercial loans;  
15 technical assistance; self-employment; linked deposit; loan  
16 loss reserves; business incubators; and other activities that  
17 support the market economy.

18 (e) Schools.--Entries that upgrade schools through  
19 repair or renovation, as well as training and employment  
20 entries to assist with school transportation, services, and  
21 security. These entries shall include, but are not limited to,  
22 programs that enable school-based childcare; before, after,  
23 and summer school programs; programs that broaden the use of  
24 school facilities as a hub and haven within the community;  
25 scholarships; and grant programs that assist families and  
26 individuals to complete and enhance their education.

27 (f) Partners.--Entries that provide tax credits,  
28 incentives, and other inducements to businesses that  
29 contribute to community projects, such as the community  
30 contribution tax credit under sections 220.183 and 624.5105,  
31



1 Florida Statutes. These entries shall include any programs  
2 that help raise federal or foundation grant funds.

3 (g) Redevelopment.--Entries that support the planning,  
4 preparation, construction, marketing, and financing of  
5 residential, mixed-use, and commercial redevelopment, as well  
6 as residential and business infrastructure projects. These  
7 entries shall include, but are not limited to, the workforce  
8 development programs that influence business decisions such as  
9 the Quick-Response Training Program and Quick-Response  
10 Training Program for Work and Gain Economic Self-sufficiency  
11 (WAGES) participants.

12 (8) START-UP INITIATIVE.--

13 (a) Subject to legislative appropriation and the  
14 provisions of this act, the Start-Up Initiative is created to  
15 promote the use of the inventory, to boost a community's  
16 efforts, and to ensure that federal funds do not go unexpended  
17 or unobligated, or are not returned to federal agencies.

18 (b) The coordinating partners, in consultation with  
19 the liaisons, local economic development organizations, and  
20 regional workforce development boards, shall identify 15  
21 communities, seven of which must be from the state's seven  
22 largest counties, three of which must be from rural counties,  
23 and five of which must be from other counties in the state.  
24 These communities must be compact, congruent, and contiguous  
25 census tracts that have high concentrations of needy families  
26 who are current, former, or likely recipients of public  
27 assistance. To the maximum extent possible, these communities  
28 should coincide with federal empowerment zones, enterprise  
29 communities, or similar designations; HOPE VI communities;  
30 Front Porch Florida communities; enterprise zones established  
31 under chapter 290 or chapter 370, Florida Statutes;

1 Neighborhood Improvement Districts established under chapter  
2 163, Florida Statutes; community redevelopment areas  
3 established under chapter 163, Florida Statutes; and Urban  
4 High Crime Areas or Rural Job Tax Credit Areas established  
5 under chapter 212, Florida Statutes.

6 (c) The coordinating partners shall solicit proposals  
7 from Front Porch Advisory Committees, community-based  
8 organizations, local governments, and neighborhood  
9 associations located in the communities identified in  
10 paragraph (b) and Front Porch communities. The coordinating  
11 partners shall provide each applicant with the inventory and  
12 recommendations on proposals that can be funded.

13 (d) Communities may prepare a proposal to access and  
14 use various entries from the inventory which will launch or  
15 boost their economic development efforts. Proposals must be no  
16 more than 20 pages long and include:

17 1. A brief description of how the community would use  
18 entries from the inventory in the community's economic  
19 development strategy;

20 2. Specific evidence of community support for the  
21 proposal from community-based organizations, local government,  
22 regional workforce development boards, and local economic  
23 development organizations;

24 3. Identification and commitment of local resources  
25 for the proposal from community-based organizations, local  
26 government, regional workforce development boards, and local  
27 economic development organizations;

28 4. Identification of the specific entity or person  
29 responsible for coordinating the community's proposal; and

30 5. Identification of a local fiscal entity for  
31 contracting, administration, and accountability.

1           (e) The coordinating partners shall appoint a liaison  
2 to assist each community with the proposal and its  
3 implementation, if awarded.

4           (f) The coordinating partners shall design an  
5 impartial and competitive proposal-review process and  
6 evaluation criteria. Based on the evaluation criteria, up to  
7 nine communities shall be designated to participate in the  
8 Start Up Initiative. Once a community is designated, the  
9 coordinating partners and the community's liaison will work to  
10 finalize the proposal, including the addition of funding  
11 sources for each inventory entry. The finalized proposal shall  
12 serve as the contract between the community and the Start-Up  
13 Initiative. If sufficient funding does not exist for an entry  
14 that is essential for the community's proposal or a community  
15 is ineligible for a specific inventory entry, the coordinating  
16 partners may allocate funding that is under their control to  
17 fulfill the entry. The proposal must be operational within 3  
18 months after approval.

19           (g) Proposals that would mainly result in  
20 gentrification of the community, that would not employ a  
21 preponderance of residents, and that predominately create  
22 residences or businesses that are beyond the anticipated  
23 income level of the working residents of the community are not  
24 eligible.

25           (h) Proposal awards shall be obligated for federal  
26 funding purposes, and shall be considered appropriated for  
27 purposes of section 216.301, Florida Statutes. The  
28 coordinating partners may allocate funding that is under their  
29 control to fund this initiative. Any funding appropriated to  
30 assist needy families, or to promote job placement and  
31 employment retention, which is in excess of revenues necessary

1 to fulfill the appropriated purpose, and which may not be  
2 obligated during the budget year, may be allocated to this  
3 initiative to support an approved proposal.

4 (i) Any federal funds must be used for purposes  
5 consistent with applicable federal law; however, the  
6 coordinating partners, with the assistance of the Department  
7 of Children and Family Services, shall aggressively pursue  
8 innovative uses of federal funds to support projects that  
9 train community leaders, upgrade individuals skills, promote  
10 safety, clean up communities, beautify neighborhoods,  
11 encourage small business, stimulate employment, increase  
12 educational opportunity, promote community partnering, advance  
13 community redevelopment, and upgrade housing because it  
14 assists needy families, promoting self-sufficiency and job  
15 retention.

16 (j) The coordinating partners shall adopt procedures  
17 for the Start-Up Initiative and may, if necessary, adopt,  
18 through the Department of Community Affairs, emergency rules  
19 to govern the submission of proposals, the evaluation of  
20 proposals, the initiative awards, and the implementation  
21 procedures for administration of awards.

22 (9) COMMUNITIES OF CRITICAL ECONOMIC OPPORTUNITY.--The  
23 coordinating partners may recommend to the Governor up to  
24 three communities of critical economic opportunity. A  
25 community of critical economic opportunity must be a community  
26 that is economically distressed, that presents a unique  
27 economic development opportunity, and that will create more  
28 than 1,000 jobs over a 5-year period. The Governor may, by  
29 executive order, designate up to three communities of critical  
30 economic opportunity which will establish these areas as  
31 priority assignments for the liaisons and coordinating

1 partners as well as to allow the Governor, acting through  
2 them, to waive criteria, requirements, or similar provisions  
3 of any economic development incentive. Such incentives shall  
4 include, but not be limited to: the Qualified Target Industry  
5 Tax Refund Program under section 288.106, Florida Statutes,  
6 the Quick Response Training Program under section 288.047,  
7 Florida Statutes, the WAGES Quick Response Training Program  
8 under section 288.047(10), Florida Statutes, transportation  
9 projects under section 288.063, Florida Statutes, the  
10 brownfield redevelopment bonus refund under section 288.107,  
11 Florida Statutes, and the job and employment tax credit  
12 programs. Designation as a community of critical economic  
13 opportunity under this subsection shall be contingent upon the  
14 execution of a memorandum or agreement among the coordinating  
15 partners; the governing body of the county; and the governing  
16 bodies of any municipalities to be included within an area of  
17 critical economic opportunity. Such agreement shall specify  
18 the terms and conditions of the designation, including, but  
19 not limited to, the duties and responsibilities of the county  
20 and any participating municipalities to take actions designed  
21 to facilitate the retention and expansion of existing  
22 businesses in the area, as well as the recruitment of new  
23 businesses to the area.

24 (10) FUNDING.--

25 (a) To implement the provisions of this act, the  
26 coordinating partners are authorized to spend, contingent on a  
27 specific appropriation, up to \$25 million from the Temporary  
28 Assistance for Needy Families (TANF) Block Grant through the  
29 TANF administrative entity at the Department of Management  
30 Services.

31

1           (b) Any expenditure from the TANF Block Grant shall be  
2 in accordance with the requirements and limitations of Title  
3 IV of the Social Security Act, as amended, or any other  
4 applicable federal requirement or limitation in law. Prior to  
5 any expenditure of such funds, the Workforce Development Board  
6 of Enterprise Florida, Inc., and the secretary of the  
7 Department of Children and Family Services, or his or her  
8 designee, shall certify that controls are in place to ensure  
9 that such funds are expended and reported in accordance with  
10 the requirements and limitations of federal law. It shall be  
11 the responsibility of any entity to which funds are awarded to  
12 obtain the required certification prior to any expenditure of  
13 funds.

14           (11) REPORTING.--The Office of Program Policy Analysis  
15 and Government Accountability and the coordinating partners,  
16 shall develop measures and criteria by October 1, 2001, for  
17 evaluating the effectiveness of the Toolkit for Economic  
18 Development including the liaisons, coordinating partners,  
19 waivers and matching options, inventory, Start-Up Initiative,  
20 and Communities of Critical Economic Opportunity. The Office  
21 of Program Policy and Government Accountability shall submit  
22 to the Governor, the President of the Senate, and the Speaker  
23 of the House of Representatives, by January 1, 2002, a report  
24 detailing the progress that the Toolkit for Economic  
25 Development has made toward achievement of established  
26 measures.

27           (12) EXPIRATION.--This section expires June 30, 2002.

28           Section 51. Section 288.1260, Florida Statutes, is  
29 created to read:

30           288.1260 Front Porch Florida Initiative.--  
31

1           (1) LEGISLATIVE INTENT.--The Legislature finds that  
2 the State of Florida has many communities that, in times of  
3 general fiscal prosperity, have not experienced the same  
4 levels of economic fulfillment as other areas of our state.  
5 These neighborhoods and communities are often found in the  
6 urban core areas of our cities, and have been the recipients  
7 of top down imposed state and federal programs that have  
8 lacked a comprehensive approach to revitalization. The  
9 Legislature further finds that these distressed urban cores  
10 have often had a narrow set of solutions imposed on them  
11 without regard to the unique nature of the problems that face  
12 each neighborhood.

13           (2) CREATION.--The Front Porch Florida initiative will  
14 be a community-based effort, giving residents the power to  
15 define the causes of their problems and harnessing the  
16 collective power of individual neighborhoods to craft unique  
17 solutions to these problems. The Front Porch Florida  
18 initiative is created to provide a comprehensive,  
19 community-based approach to neighborhood revitalization in  
20 Florida, engaging the resources of the state as a facilitator  
21 for community solutions and a civic switchboard to match  
22 communities with resources.

23           (3) PRINCIPLES.--The Front Porch Florida initiative is  
24 built upon the following principles:

25           (a) Urban revitalization begins in Florida's  
26 neighborhoods and not in state government. The resources for  
27 solving some of their problems may reside in part in state and  
28 local government, but the solutions to the unique challenges  
29 of each neighborhood must come from citizens who live in these  
30 neighborhoods.

31

1           (b) Expanded business opportunities and access to  
2 capital are critical to sustaining any urban renewal efforts.  
3 There must be a multi-faceted commitment of fiscal resources  
4 and increased business opportunities that stimulates  
5 entrepreneurship in urban core neighborhoods.

6           (c) Government cannot raise expectations beyond its  
7 capacity to deliver. State and local governments have roles in  
8 our urban cores, but government is not the panacea.

9           (d) An effective state urban policy must support  
10 existing efforts and work with the on-going activities of  
11 local communities, mayors, and municipalities. The state must  
12 also leverage faith-based and community-based groups into the  
13 equation in a way that has never been tried before. Churches,  
14 ministers, pastors, rabbis, and other community leaders are  
15 often the greatest agents of improvement in our urban cores.  
16 They must be empowered to be involved in Front Porch Florida  
17 to the greatest extent possible.

18           (4) LIAISONS TO FRONT PORCH FLORIDA COMMUNITIES.--No  
19 later than August 1, 2000, the head of each of the following  
20 agencies or organizations shall designate a high-level staff  
21 person from within the agency or organization to serve as the  
22 Front Porch Florida liaison to the Front Porch Florida "A"  
23 Team:

- 24           1. Department of Community Affairs;
- 25           2. Department of Law Enforcement;
- 26           3. Department of Juvenile Justice;
- 27           4. Department of Corrections;
- 28           5. Department of Transportation;
- 29           6. Department of Environmental Protection;
- 30           7. Department of Agriculture and Consumer Services;
- 31           8. Department of State;



- 1           9. Department of Health;  
2           10. Department of Children and Family Services;  
3           11. Department of Labor and Employment Security;  
4           12. Department of Education;  
5           13. Department of Military Affairs;  
6           14. Institute of Food and Agricultural Sciences;  
7           15. Enterprise Florida, Inc.;  
8           16. Workforce Development Board of Enterprise Florida,  
9 Inc.; and  
10           17. Executive Office of the Governor.  
11

12 Each Front Porch Florida liaison must have comprehensive  
13 knowledge of his or her agency's functions. This person shall  
14 be the primary point of contact for his or her agency on  
15 issues and projects relating to economically distressed  
16 communities, shall ensure a prompt effective response to  
17 problems arising with regard to community issues, and shall  
18 assist in the identification of opportunities for preferential  
19 awards of program funds to facilitate the civic switchboard  
20 function of Front Porch Florida.

21           (5) INVENTORY.--Front Porch Florida communities shall  
22 use the inventory of federal and state resources developed as  
23 part of the Toolkit for Economic Development to facilitate  
24 solutions to their unique challenges.

25           (6) SELECTION OF FRONT PORCH FLORIDA COMMUNITIES.--

26           (a) The Office of Urban Opportunity, created in  
27 section 14.2015(9)(a), Florida Statutes, will solicit  
28 applications from Florida communities that wish to be  
29 designated as Front Porch Florida communities. The application  
30 should specify the boundaries of the nominated area, quantify  
31 the need for revitalization, demonstrate a history of

1 grass-roots activities in the neighborhood, and identify the  
2 resources within each community that will contribute to their  
3 success as Front Porch Florida communities.

4 (b) Successful applications for designation may  
5 include strategies for expanding business opportunities and  
6 access to capital, closing the gap in education, building upon  
7 the activities of faith-based and community-based groups,  
8 providing affordable, quality housing, strengthening public  
9 safety, and creating a healthy environment.

10 (c) Upon designation as a Front Porch Florida  
11 community, the neighborhood will form a Governor's  
12 Revitalization Council, comprised of partners and stakeholders  
13 in each community. Each council should be representative of  
14 the broad diversity and interests in the community and should  
15 include residents, neighborhood associations, faith-based  
16 organizations, and community-based organizations. Each council  
17 should also develop partnerships with local government, law  
18 enforcement agencies, lenders, schools, and health care  
19 providers. Each council will prepare a specialized  
20 Neighborhood Action Plan that will assist the Office of Urban  
21 Opportunity in identifying and garnering the resources that  
22 are needed to help successfully implement community  
23 revitalization.

24 (7) MONITORING AND REPORTING.--The Office of Urban  
25 Opportunity shall require each designated Front Porch Florida  
26 community to submit a monthly report which details the  
27 activities and accomplishments of the neighborhood. On a  
28 quarterly basis, each designated community must submit a  
29 report that specifically addresses the elements of each  
30 Neighborhood Action Plan to determine progress toward  
31 achieving stated goals. The community's Governor's

1 Revitalization Council will submit an annual progress report  
2 as part of their recertification process in order to maintain  
3 designation as a Front Porch Florida community.

4 Section 52. Section 239.521, Florida Statutes, is  
5 created to read:

6 239.521 Information-technology workforce-development  
7 projects.--The Legislature recognizes that  
8 information-technology industries are adding substantial  
9 numbers of high-paying, high-technology jobs in the state. The  
10 Legislature also recognizes the important contribution of this  
11 industry as one of the targeted industries vital to the  
12 state's current and future economic growth. The Legislature  
13 further recognizes that information-technology industries are  
14 in need of a highly skilled workforce to meet the growing  
15 demands of the industry as well as to address the needs of  
16 additional information-technology companies relocating to the  
17 state. The Information Technology Development Task Force,  
18 appointed by the 1999 Florida Legislature for the study of key  
19 issues in the development of the state's economy, recommended  
20 several means for further supporting this valued industry.  
21 Therefore, it is the intent of the Legislature that the  
22 following initiatives be funded to support the workforce needs  
23 of this growing industry consistent with recognized needs of  
24 the state.

25 (1) COMPREHENSIVE DISTANCE-LEARNING CURRICULUM  
26 INITIATIVES.--

27 (a) The Legislature recognizes that there are multiple  
28 levels of employee competencies embedded within the various  
29 information-technology-industry jobs. Using these competencies  
30 as the basis of a curriculum for training incumbent workers to  
31 develop additional skills and potential workers to develop

1 entry-level skills, the Legislature intends that a  
2 comprehensive vocational-certificate or 2-year  
3 distance-learning curriculum be developed.

4 (b) The comprehensive distance-learning initiative  
5 involves the State Technology Office and the State Board of  
6 Community Colleges acting through the Florida Community  
7 College Distance Learning Consortium to ensure that the  
8 curriculum is up-to-date, responsive to industry's changing  
9 needs, and delivered in the most cost-effective manner  
10 possible. The development of the distance-learning curriculum  
11 for statewide dissemination is to be co-built by industry  
12 content experts and educational providers. The process should  
13 coordinate the existing efforts of individual institutions and  
14 consortiums into a combined, comprehensive, and cohesive  
15 methodology for providing training through the use of  
16 technology and should involve:

17 1. A statewide review of existing distance-learning  
18 courses;

19 2. Evaluation and purchase of appropriate  
20 off-the-shelf products to be licensed for use on a statewide  
21 basis; and

22 3. Development of missing competency training using  
23 multi-media methodologies.

24 (c) The comprehensive distance-learning curriculum  
25 developed under this subsection will be by one or more  
26 institutions or consortiums. Participation in this project  
27 will be competitively based and approved by the State Board of  
28 Community Colleges based upon recommendations of the Florida  
29 Community College Distance Learning Consortium. Participants  
30 must meet the following criteria:

31

1           1. Experience in providing training for  
2 information-technology companies.

3           2. Availability of technical infrastructure to support  
4 this project.

5           3. Endorsement from information-technology  
6 economic-development agencies and local information-technology  
7 business commitments to be actively involved.

8           4. Demonstrated multi-media course and program  
9 development capabilities.

10           5. Existing consortium efforts.

11           6. Availability of local support.

12           (d) Contingent on a specific appropriation, these  
13 funds must be used to support, among others, salaries,  
14 licensing commercial courseware, purchasing existing  
15 courseware and equipment, and related course-development  
16 expenses.

17           (2) INFORMATION TECHNOLOGY INTERNSHIP OPPORTUNITIES  
18 FOR FACULTY AND STUDENTS.--

19           (a) The Legislature recognizes that the preparedness  
20 of both high school and postsecondary education students  
21 emerging from an educational experience ready to enter the  
22 information-technology workplace is dependent upon the quality  
23 of instruction provided by faculty and information-technology  
24 business interaction with their program of study. The  
25 Legislature further recognizes that faculty at high school and  
26 postsecondary school levels are better able to integrate  
27 technology and current business standards into the curriculum  
28 if they can verify from personal experience and knowledge the  
29 importance of these for students' future success. Faculty also  
30 require the ability to continuously update their knowledge and  
31 skills as technology changes, and faculty will be able to

1 increase their skills and knowledge from structured internship  
2 opportunities within information-technology businesses.  
3 Further, students gain increased knowledge and skills from  
4 on-the-job training and direct work experience in a structured  
5 internship opportunity. The Legislature, therefore, creates  
6 the Information Technology Internship Program to encourage and  
7 support information-technology-program faculty and student  
8 internships with direct exposure to information-technology  
9 industries. The Legislature further intends that the program  
10 will provide a minimum of 200 faculty and 200 student  
11 internships at various locations across the state.

12 (b) Local faculty and student internship initiatives  
13 will be selected to be part of this project by the State  
14 Technology Office, based on the following criteria:

15 1. Information-technology businesses providing faculty  
16 and student internships will pay 50 percent of the salary for  
17 each intern as well as provide workers' compensation benefits.

18 2. Economic-development agencies such as chambers of  
19 commerce, economic-development commissions, or regional  
20 consortia will be eligible to apply and serve as a local  
21 fiscal agent for the program.

22 3. Establishment of qualifying criteria and process  
23 for matching faculty and students with business-internship  
24 opportunities.

25 4. Priority will be given to existing local efforts  
26 that have proven successful and can be duplicated statewide.

27 5. Projects may be combined with federal tax-relief  
28 efforts encouraging educational internship programs.

29 (c) Salaries and other conditions of work shall be set  
30 by the Commissioner of Education, the Executive Director of  
31

1 the Florida Community College System, and the Chancellor of  
2 the State University System.

3 (d) The Division of Workforce Development of the  
4 Department of Education shall assume administrative  
5 responsibility and act as fiscal agent for the  
6 information-technology internships.

7 (e) Contingent on a specific appropriation, these  
8 funds must be used to support programs established under this  
9 subsection on a statewide basis.

10 (3) INFORMATION-TECHNOLOGY-TRAINING  
11 FACILITY-IMPROVEMENT-STRATEGY INITIATIVES.--

12 (a) The Legislature recognizes that  
13 information-technology businesses need increased numbers of  
14 highly skilled workers. The shortage of a qualified labor  
15 force has become a barrier to this dynamic industry's  
16 continued growth in the state. The limited numbers of highly  
17 skilled incumbent workers constantly need to update skills in  
18 response to the evolving technologies and in order to move to  
19 higher-paid positions within the industry. These incumbent  
20 workers require a continuous work-and-learn cycle to maintain  
21 their knowledge of new technologies and tools. Businesses  
22 demand cutting-edge training opportunities for their employees  
23 in order to meet the constantly changing globally competitive  
24 marketplace. The Legislature recognizes that increased  
25 accessibility and quality facilities are required to address  
26 the increasing efforts of educational institutions to respond  
27 to information-technology businesses and that  
28 information-technology-training providers are expected to have  
29 appropriate facilities to address the needs of this dynamic  
30 industry. The Legislature further recognizes that additional  
31 high-tech labs are required to provide the training for

1 computer-systems engineers, software developers, and related  
2 cutting-edge job types. These labs are more expensive than  
3 regular facilities because of the additional infrastructure  
4 and continuous turnover of equipment in response to changes in  
5 global technology. Therefore, it is the intent of the  
6 Legislature to provide a process and funding for appropriate  
7 and needed information-technology-training-facility upgrades.

8 (b) The State Board of Community Colleges will  
9 administer funds appropriated under paragraph (c) for  
10 distribution on a competitive basis by October 1 of each year  
11 to support approved projects. Projects may address upgrading  
12 current facilities, planning new facilities, and combining the  
13 efforts of institutions to serve the information-technology  
14 business sector through state-of-the-art training facilities  
15 designated to address the multi-media needs of this industry.  
16 The projects would be competitively selected based on the  
17 following criteria:

18 1. A concentration of information-technology  
19 industries and workers in the service area.

20 2. Other local funding initiatives or federal funding  
21 of an equal value to the state funds requested. These funds  
22 must demonstrate a synergistic effort to support  
23 information-technology industries.

24 3. Priority may be given to projects, including  
25 partnership effort between two or more educational  
26 institutions, so that a broader range of educational services  
27 may be provided for information-technology industries.

28 4. Priorities may be given to projects that include  
29 partnerships with a local municipality, county, or  
30 economic-development agency as a way of demonstrating a  
31 synergy of efforts to support this industry.



1           (c) Contingent on a specific appropriation, these  
2 funds must be used to support two or more projects approved  
3 under this subsection.

4           Section 53. Present subsections (4) through (8) of  
5 section 240.311, Florida Statutes, are redesignated as  
6 subsections (5) through (9), respectively, and a new  
7 subsection (4) is added to that section to read:

8           240.311 State Board of Community Colleges; powers and  
9 duties.--

10           (4) The State Board of Community Colleges shall  
11 identify, using the Critical Jobs Initiative, the occupational  
12 forecasting process, or any other compatible mechanism, a  
13 collection of programs designed to train broadband digital  
14 media specialists. Programs identified by the board shall be  
15 added to the statewide lists for demand occupations, if they  
16 meet the high-skill/high-wage criteria as established by the  
17 Workforce Estimating Conference created under s. 216.136(10).

18           Section 54. Subsection (5) is added to section  
19 240.3341, Florida Statutes, to read:

20           240.3341 Incubator facilities for small business  
21 concerns.--

22           (5) Community colleges are encouraged to establish  
23 incubator facilities through which emerging small businesses  
24 supportive of the development of content and technology for  
25 digital broadband media and digital broadcasting may be  
26 served.

27           Section 55. Section 240.710, Florida Statutes, is  
28 created to read:

29           240.710 Digital Media Education Coordination Group.--

30           (1) The Board of Regents shall create a Digital Media  
31 Education Coordination Group composed of representatives of

1 the universities within the State University System which  
2 shall work in conjunction with the State Board of Community  
3 Colleges and the Articulation Coordinating Committee on the  
4 development of a plan to enhance Florida's ability to meet the  
5 current and future workforce needs of the digital media  
6 industry. The following purposes of the group shall be  
7 included in its plan-development process:

8 (a) Coordination of the use of existing academic  
9 programs, research, and faculty resources to promote the  
10 development of a digital media industry in Florida;

11 (b) Addressing strategies to improve opportunities for  
12 interdisciplinary study and research within the emerging field  
13 of digital media through the development of tracts in existing  
14 degree programs, new interdisciplinary degree programs, and  
15 interdisciplinary research centers; and

16 (c) Addressing the sharing of resources among  
17 universities in such a way as to allow a student to take  
18 courses from multiple departments or multiple educational  
19 institutions in pursuit of competency, certification, and  
20 degrees in digital information and media technology.

21 (2) Where practical, private accredited institutions  
22 of higher learning in Florida should be encouraged to  
23 participate.

24 (3) In addition to the elements of the plan governed  
25 by the purposes described in subsection (1), the plan shall  
26 include, to the maximum extent practicable, the coordination  
27 of educational resources to be provided by distance learning  
28 and shall facilitate, to the maximum extent, possible  
29 articulation and transfer of credits between community  
30 colleges and the state universities. The plan must address  
31

1 student enrollment in affected programs with emphasis on  
2 enrollment beginning as early as the Fall Term in 2001.

3 (4) The Digital Media Education Coordination Group  
4 shall submit its plan to the President of the Senate and the  
5 Speaker of the House of Representatives by January 1, 2001.

6 Section 56. The Workforce Development Board of  
7 Enterprise Florida, Inc., should reserve up to \$1 million of  
8 funds dedicated in Fiscal Year 2000-2001 for Incumbent Worker  
9 Training for the digital media industry. Training may be  
10 provided by public or private training providers for broadband  
11 digital media jobs listed on the Occupational Forecast List  
12 developed by the Workforce Estimating Conference or the  
13 Targeted Occupations List of the Workforce Development Board.  
14 Programs that operate outside the normal semester time periods  
15 and coordinate the use of industry and public resources should  
16 be given priority status for such reserved funds.

17 Section 57. The Workforce Development Board of  
18 Enterprise Florida, Inc., shall by August 31, 2000, develop a  
19 plan for the use of Targeted Assistance to Needy Families  
20 funds, Workforce Investment Act funds, Quick Response funds,  
21 Incumbent Worker Training funds, and other training-related  
22 resources to enhance the workforce of digital-media-related  
23 industries. The plan must provide the industries with a  
24 program to train and assess the status of industry workforce  
25 readiness for the digital era and should be done in  
26 conjunction with the broadcast and cable industries.

27 Section 58. The sum of \$1 million is appropriated from  
28 the General Revenue Fund to the Digital Media Education  
29 Infrastructure Fund for the 2000-2001 fiscal year, provided  
30 such infrastructure fund is enacted into law as a result of  
31 action taken during the 2000 Regular Session of the

1 Legislature. The Office of Tourism, Trade, and Economic  
2 Development shall be responsible for contracting with eligible  
3 entities for receipt of such funds. The funds must be spent  
4 according to the priorities established by the industry sector  
5 group on broadband digital media established by Enterprise  
6 Florida, Inc., and must be matched by industry contributions.

7 Section 59. Enterprise Florida, Inc., shall convene an  
8 organizational meeting for industries involved in broadband  
9 digital media to organize and facilitate future activities of  
10 associated industry groups or facilitate the ongoing  
11 activities of a similar group. Enterprise Florida, Inc., shall  
12 make all necessary preparations to identify and designate a  
13 digital-media sector as part of its sector strategy and  
14 identify the sector as a priority recruitment/retention set of  
15 industries.

16 Section 60. (1) Enterprise Florida, Inc., shall award  
17 a contract for the establishment of a digital media incubator  
18 to encourage companies developing content and technology for  
19 digital broadband media and digital broadcasting to locate and  
20 develop their businesses in Florida. Qualifications of an  
21 applicant for a contract as a digital media incubator shall at  
22 a minimum include the following:

23 (a) Demonstrated expertise in developing content and  
24 technology for digital broadband media and digital  
25 broadcasting;

26 (b) Demonstrated ability in venture capital  
27 fund-raising;

28 (c) Demonstrated expertise in the development of  
29 digital media businesses; and

30 (d) Demonstrated ability in coordinating public and  
31 private educational institutions and business entities in

1 digital technology joint business ventures. The awarding of  
2 the contract must follow the procedures outlined in chapter  
3 287, Florida Statutes.

4 (2) There is appropriated the sum of \$2 million from  
5 the General Revenue Fund to Enterprise Florida, Inc., for the  
6 purpose of providing operational and investment seed funding  
7 to encourage the financial and strategic participation of  
8 venture capital firms, corporate and institutional sponsors,  
9 and targeted start-up companies in the establishment of the  
10 digital incubator. Initial state investment in the incubator  
11 must be matched with contributions from the industry with  
12 participating industry partners, including, but not limited  
13 to, venture capitalists, digital media manufacturers, and  
14 digital media content providers.

15 (3) Maximized leveraging of funds must be a priority  
16 consideration in the location of the digital media incubator.  
17 Consideration must be given to collocation of the incubator  
18 with an existing state of the art media lab or an upgraded or  
19 newly created media lab funded through the Digital Media  
20 Education Infrastructure Fund in the Office of Tourism, Trade,  
21 and Economic Development.

22 Section 61. ITFlorida, in consultation with Enterprise  
23 Florida, Inc., shall develop a marketing plan to promote the  
24 state as digital-media-friendly, as a digital-media-ready  
25 environment, and as a national leader in the development and  
26 distribution of broadband digital media content, technology,  
27 and education. The marketing plan must identify critical roles  
28 for various public and private partners and establish a  
29 marketing timeline and goals. The plan must be completed by  
30 December 31, 2000.

31

1           Section 62. The provisions of this act relating to  
2 workforce or economic development for digital media are  
3 subject to legislative appropriation.

4           Section 63. Subsections (3) and (6) of section 311.07,  
5 Florida Statutes, are amended to read:

6           311.07 Florida seaport transportation and economic  
7 development funding.--

8           (3)(a) Program funds shall be used to fund approved  
9 projects on a 50-50 matching basis with any of the deepwater  
10 ports, as listed in s. 403.021(9)(b), which is governed by a  
11 public body or any other deepwater port which is governed by a  
12 public body and which complies with the water quality  
13 provisions of s. 403.061, the comprehensive master plan  
14 requirements of s. 163.3178(2)(k), the local financial  
15 management and reporting provisions of part III of chapter  
16 218, and the auditing provisions of s. 11.45(3)(a)4. Program  
17 funds also may be used by the Seaport Transportation and  
18 Economic Development Council to develop trade market and  
19 shipping with the Florida Trade Data Center such trade data  
20 information products which will assist Florida's seaports and  
21 international trade.

22           (b) Projects eligible for funding by grants under the  
23 program are limited to the following port facilities or port  
24 transportation projects:

25           1. Transportation facilities within the jurisdiction  
26 of the port.

27           2. The dredging or deepening of channels, turning  
28 basins, or harbors.

29           3. The construction or rehabilitation of wharves,  
30 docks, structures, jetties, piers, storage facilities, cruise  
31

1 terminals, automated people mover systems, or any facilities  
2 necessary or useful in connection with any of the foregoing.

3 4. The acquisition of container cranes or other  
4 mechanized equipment used in the movement of cargo or  
5 passengers in international commerce.

6 5. The acquisition of land to be used for port  
7 purposes.

8 6. The acquisition, improvement, enlargement, or  
9 extension of existing port facilities.

10 7. Environmental protection projects which are  
11 necessary because of requirements imposed by a state agency as  
12 a condition of a permit or other form of state approval; which  
13 are necessary for environmental mitigation required as a  
14 condition of a state, federal, or local environmental permit;  
15 which are necessary for the acquisition of spoil disposal  
16 sites and improvements to existing and future spoil sites; or  
17 which result from the funding of eligible projects listed  
18 herein.

19 8. Transportation facilities as defined in s.  
20 334.03(31) which are not otherwise part of the Department of  
21 Transportation's adopted work program.

22 9. Seaport intermodal access projects identified in  
23 the 5-year Florida Seaport Mission Plan as provided in s.  
24 311.09(3) and seaport freight mobility plans as provided in s.  
25 311.14.

26 10. Construction or rehabilitation of port facilities  
27 as defined in s. 315.02 in ports listed in s. 311.09(1) with  
28 operating revenues of \$5 million or less, provided such  
29 projects create economic development opportunities, capital  
30 improvements, and positive financial returns to such ports.

31

1 (c) To be eligible for consideration by the council  
2 pursuant to this section, a project must be consistent with  
3 the port comprehensive master plan which is incorporated as  
4 part of the approved local government comprehensive plan as  
5 required by s. 163.3178(2)(k) or other provisions of the Local  
6 Government Comprehensive Planning and Land Development  
7 Regulation Act, part II of chapter 163.

8 (6) The Department of Transportation shall subject any  
9 project that receives funds pursuant to this section and s.  
10 320.20 to a final audit. The department shall ~~may~~ adopt rules  
11 and perform such other acts as are necessary or convenient to  
12 ensure that the final audits are conducted and that any  
13 deficiency or questioned costs noted by the audit are  
14 resolved.

15 Section 64. Section 331.368, Florida Statutes, is  
16 amended to read:

17 331.368 Florida Space Research Institute.--

18 (1) There is created the Florida Space Research  
19 Institute, the purpose of which is to serve as an  
20 industry-driven center for research, leveraging the state's  
21 resources in a collaborative effort to support Florida's space  
22 industry and its expansion, diversification, and transition to  
23 commercialization.

24 (2) The institute shall operate as a public/private  
25 partnership under the direction of a board composed ~~comprised~~  
26 of:

27 (a) A representative of the Spaceport Florida  
28 Authority.

29 (b) A representative of Enterprise Florida, Inc.

30 (c) A representative of the Florida Aviation Aerospace  
31 Alliance.



1           (d) A representative of the Florida Space Business  
2 Roundtable.

3           (e) Additional private-sector representatives from the  
4 space industry selected collaboratively by the core members  
5 specified in paragraphs (a)-(d). The additional space industry  
6 representatives under this paragraph must comprise the  
7 majority of members of the board and must be from geographic  
8 regions throughout the state.

9           (f) Two representatives from the educational community  
10 who are selected collaboratively by the core members specified  
11 in paragraphs (a)-(d) and who are engaged in research or  
12 instruction related to the space industry. One representative  
13 must be from a community college and one representative must  
14 be from a public or private university.

15  
16 Annually, the members of the board shall select one of the  
17 members to serve as chair, who shall be responsible for  
18 convening and leading meetings of the board.~~representatives~~  
19 ~~of the Spaceport Florida Authority, Enterprise Florida, Inc.,~~  
20 ~~the Florida Aviation and Aerospace Alliance, and four~~  
21 ~~additional space industry representatives selected by the core~~  
22 ~~membership of the board.~~

23           (3) The board of the Florida Space Research Institute  
24 shall:

25           (a) Set the strategic direction for the space-related  
26 ~~institute, including~~ research priorities of the state and its  
27 space-related businesses, the scope of research projects for  
28 the institute, and the timeframes for completion.

29           (b) Invite the participation of public and private  
30 universities, including, but not limited to, the University of  
31 Central Florida, the University of Florida, the University of

1 South Florida, Florida State University, Florida Institute of  
2 Technology, and the University of Miami.

3 (c) Select a lead university to:

4 1. Serve as coordinator of research and as the  
5 administrative entity of the institute;

6 2. Support the institute's development of a statewide  
7 space research agenda and programs; and

8 3. Develop, and update as necessary, a report  
9 recommending ways that the state's public and private  
10 universities can work in partnership to support the state's  
11 space-industry requirements, which report must be completed by  
12 December 15, 2000.

13 (d) Establish a partnership with the state Workforce  
14 Development Board, or its successor entity, under which the  
15 institute coordinates the workforce-training requirements  
16 identified by the space industry and supports development of  
17 workforce-training initiatives to meet such requirements,  
18 using training providers approved by the board or its  
19 successor entity.

20 (e) Co-manage, with the National Aeronautics and Space  
21 Administration and subject to the terms of an agreement with  
22 NASA, operation of a Space Experiment Research and Processing  
23 Laboratory, if such a facility is constructed on land of the  
24 John F. Kennedy Space Center. The institute shall carry out  
25 such responsibility through a consortium of public and private  
26 universities in the state led by the University of Florida.

27 (f) Develop initiatives to foster the participation of  
28 the state's space industry in the International Space Station  
29 and to help the state maintain and enhance its competitive  
30 position in the commercial space-transportation industry.

31

1           (g) Pursue partnerships with the National Aeronautics  
2 and Space Administration to coordinate and conduct research in  
3 fields, including, but not limited to, environmental  
4 monitoring; agriculture; aquatics; resource reutilization  
5 technologies for long-duration space missions; and spaceport  
6 technologies which support current or next-generation launch  
7 vehicles and range systems.

8           (h) Pursue partnerships with the National Aeronautics  
9 and Space Administration for the conduct of space-related  
10 research using computer technology to connect experts in a  
11 given field of science who are in disparate locations and to  
12 perform research experiments in a real-time, virtual  
13 environment.

14           (4) By December 15 ~~†~~ of each year, the institute shall  
15 submit a report of its activities and accomplishments for the  
16 ~~prior fiscal~~ year to the Governor, the President of the  
17 Senate, and the Speaker of the House of Representatives. The  
18 report shall also include recommendations regarding actions  
19 the state should take to enhance the development of  
20 space-related businesses, including:

21           (a) Future research activities.

22           (b) The development of capital and technology  
23 assistance to new and expanding industries.

24           (c) The removal of regulatory impediments.

25           (d) The establishment of business development  
26 incentives.

27           (e) The initiation of education and training programs  
28 to ensure a skilled workforce.

29           Section 65. Space Industry Workforce Initiative.--

30           (1) The Legislature finds that the space industry is  
31 critical to the economic future of the state and that the

1 competitiveness of the industry in the state depends upon the  
2 development and maintenance of a qualified workforce. The  
3 Legislature further finds that the space industry in this  
4 state has diverse and complex workforce needs, including, but  
5 not limited to, the need for qualified entry-level workers,  
6 the need to upgrade the skills of technician-level incumbent  
7 workers, and the need to ensure continuing education  
8 opportunities for workers with advanced educational degrees.  
9 It is the intent of the Legislature to support programs  
10 designed to address the workforce development needs of the  
11 space industry in this state.

12 (2) The Workforce Development Board of Enterprise  
13 Florida, Inc., or its successor entity, shall coordinate  
14 development of a Space Industry Workforce Initiative in  
15 partnership with the Florida Space Research Institute, the  
16 institute's consortium of public and private universities,  
17 community colleges, and other training providers approved by  
18 the board. The purpose of the initiative is to use or revise  
19 existing programs and to develop innovative new programs to  
20 address the workforce needs of the space industry.

21 (3) The initiative shall emphasize:

22 (a) Curricula content and timeframes developed with  
23 industry participation and endorsed by the industry;

24 (b) Programs that certify persons completing training  
25 as meeting industry-approved standards or competencies;

26 (c) Use of distance-learning and computer-based  
27 training modules as appropriate and feasible;

28 (d) Industry solicitation of public and private  
29 universities to develop continuing education programs at the  
30 master's and doctoral levels;

31

1           (e) Agreements with the National Aeronautics and Space  
2 Administration to replicate on a national level successful  
3 training programs developed through the initiative; and

4           (f) Leveraging of state and federal workforce funds.

5           (4) The Workforce Development Board of Enterprise  
6 Florida, Inc., or its successor entity, with the assistance of  
7 the Florida Space Research Institute, shall convene  
8 representatives from the space industry to identify the  
9 priority training and education needs of the industry and to  
10 appoint a team to design programs to meet such priority needs.

11           (5) The Workforce Development Board of Enterprise  
12 Florida, Inc., or its successor entity, as part of its  
13 statutorily prescribed annual report to the Legislature, shall  
14 provide recommendations for policies, programs, and funding to  
15 enhance the workforce needs of the space industry.

16           Section 66. Section 331.3685, Florida Statutes, is  
17 created to read:

18           331.3685 Florida Space-Industry Research-Development  
19 Program.--

20           (1) There is created the Florida Space-Industry  
21 Research-Development Program within the Florida Space Research  
22 Institute to finance space-industry research and other support  
23 projects and programs that will improve the statewide  
24 development of space-related economic and academic  
25 opportunities.

26           (2) State taxes imposed pursuant to chapter 212 which  
27 are collected at the Kennedy Space Center Visitor Complex  
28 shall be retained by the complex and distributed to the  
29 Florida Space Research Institute as provided by s. 212.08(18)  
30 and shall be used to fund the Florida Space-Industry  
31 Research-Development Program. As part of the annual report

1 under s. 331.368(4), the institute shall submit a complete  
2 accounting each year of funds distributed and expended under  
3 this program. Any funds distributed in a given fiscal year  
4 that are not obligated by the end of that fiscal year shall  
5 revert to the General Revenue Fund.

6 (3) Program funds shall be used to support activities  
7 authorized under s. 331.368 and this section. The Office of  
8 Tourism, Trade, and Economic Development shall review and  
9 certify funding proposals for consistency with s. 331.368 and  
10 this section.

11 (4) The Office of Tourism, Trade, and Economic  
12 Development shall execute a contract with the Florida Space  
13 Research Institute prescribing guidelines and procedures  
14 governing the use of, and accountability for, funds  
15 distributed under s. 212.08(18).

16 Section 67. Subsection (18) is added to section  
17 212.08, Florida Statutes, to read:

18 212.08 Sales, rental, use, consumption, distribution,  
19 and storage tax; specified exemptions.--The sale at retail,  
20 the rental, the use, the consumption, the distribution, and  
21 the storage to be used or consumed in this state of the  
22 following are hereby specifically exempt from the tax imposed  
23 by this chapter.

24 (18) SALES GENERATED BY KENNEDY SPACE CENTER VISITOR  
25 COMPLEX.--The Kennedy Space Center Visitor Complex shall  
26 retain proceeds of sales taxes generated by the complex and  
27 distribute such proceeds to the Florida Space Research  
28 Institute for use as prescribed in s. 331.3685. The complex  
29 shall report sales to the Department of Revenue but shall  
30 remit the tax revenues directly to the Florida Space Research  
31

1 Institute in a manner prescribed by rules adopted by the  
2 department.

3 Section 68. Subsection (1) of section 556.108, Florida  
4 Statutes, is amended to read:

5 556.108 Exemptions.--The notification requirements  
6 provided in s. 556.105(1) do not apply to:

7 (1) Any excavation or demolition performed by the  
8 owner of single-family residential property, or for such owner  
9 by a member operator or an agent of a member operator, when  
10 such excavation or demolition is made entirely on such land  
11 and only up to a depth of 10 inches, provided that due care is  
12 used and that there is no encroachment on any member  
13 operator's right-of-way, easement, or permitted use.

14 Section 69. (1) Effective upon this act becoming a  
15 law, the Commission on Basic Research for the Future of  
16 Florida is hereby established. All members of the commission  
17 shall be appointed prior to August 1, 2000, and the commission  
18 shall hold its first meeting no later than September 1, 2000.  
19 The commission shall be composed of 13 members who represent a  
20 broad range of experience in basic scientific research and  
21 possess an appreciation of the importance of basic scientific  
22 research to the future of Florida. Members shall include  
23 performers and users of research from public and private  
24 universities, the armed forces, defense and high technology  
25 businesses, and other interested nongovernmental  
26 organizations. Five members shall be appointed to the  
27 commission by the Governor, four members shall be appointed by  
28 the President of the Senate, and four members shall be  
29 appointed by the Speaker of the House of Representatives. The  
30 Governor shall name one of the appointees as chair of the  
31 commission. Members of the commission shall serve 4-year

1 terms, except that two of the initial appointees by the  
2 Governor, by the President of the Senate, and by the Speaker  
3 of the House of Representatives shall be appointed for 2-year  
4 terms. Members of the commission are eligible for  
5 reappointment.

6 (2) The purpose of the commission is to serve as an  
7 economic development tool to increase the scientific research  
8 dollars allocated to the state by the Federal Government. The  
9 commission shall:

10 (a) Focus attention on the importance of improving the  
11 state's basic science research infrastructure;

12 (b) Provide advice to scientific research driven  
13 stakeholders;

14 (c) Assist in the development of long-range strategies  
15 for increasing the state's share of scientific research  
16 dollars from all sources; and

17 (d) Raise public awareness of the importance of basic  
18 scientific research to the future of the state.

19 (3) The commission shall use the resources of the  
20 state in implementing the work of the commission, including,  
21 but not limited to, the Institute for Science and Health  
22 Policy at the University of Florida and similar public and  
23 private research groups. The commission shall coordinate with,  
24 and not duplicate the efforts of, other scientific  
25 research-related organizations.

26 (4) The commission shall consult with Enterprise  
27 Florida, Inc., to ensure that economic development  
28 considerations are factored into the work of the commission.

29 (5) The commission shall be located in the Executive  
30 Office of the Governor and staff of the office shall serve as  
31 staff for the commission.



1           (6) The commission may procure information and  
2 assistance from any officer or agency of the state or any  
3 subdivision thereof. All such officials and agencies shall  
4 give the commission all relevant information and assistance on  
5 any matter within their knowledge or control.

6           (7) By February 1 of each year, the commission shall  
7 submit a report to the Governor, the President of the Senate,  
8 and the Speaker of the House of Representatives. The report  
9 shall outline activities of the commission and provide  
10 specific recommendations for consideration by the Governor and  
11 Legislature which are designed to increase the state's share  
12 of scientific research dollars.

13           Section 70. Florida-Africa Market Expansion Program.--

14           (1) Contingent upon a specific appropriation, there is  
15 created within Enterprise Florida, Inc., the Florida-Africa  
16 Market Expansion Program to enhance the Florida economy by  
17 increasing international trade between Florida and the nations  
18 of Africa. This initiative shall be a multilevel market  
19 expansion program designed to expand trade and business  
20 opportunities between Florida and Africa, containing, but not  
21 limited to, the following components:

22           (a) The establishment and maintenance of a strategic  
23 alliance between Enterprise Florida, Inc., and the United  
24 States Agency for International Development which will focus  
25 on identifying and qualifying business opportunities in  
26 sub-Saharan Africa through the United States Agency for  
27 International Development's 12 African offices, and matching  
28 those leads with Florida companies.

29           (b) A team Florida mission, which the Governor of  
30 Florida will be invited to lead, to South Africa in the winter  
31 of fiscal year 2000-2001.

1           (c) The establishment of a certified trade events  
2 program to provide financial and technical support for  
3 business development initiatives targeting Africa, organized  
4 by qualified economic development organizations in Florida.  
5 Priority shall be given to qualified not-for-profit minority  
6 organizations.

7           (d) Support for local business-development programs  
8 that provide business information on Africa and promote  
9 bilateral business opportunities.

10           (e) Provision of export counseling services for  
11 Florida businesses through Enterprise Florida's seven state  
12 field offices and staff located in Miami.

13           (f) Establishment of Florida international  
14 representation in South Africa for the purpose of dramatically  
15 expanding business and cultural and infrastructure ties  
16 between Florida and Africa, as well as promoting Florida's  
17 advantages in Africa.

18           (2) Enterprise Florida, Inc., shall coordinate with  
19 appropriate organizations and educational institutions in  
20 executing this market-expansion program to maximize the  
21 resources and information services for the expansion of trade  
22 between Florida and the nations of Africa.

23           (3)(a) As part of the annual report required under  
24 section 288.906, Florida Statutes, Enterprise Florida, Inc.,  
25 shall provide detailed information concerning activities and  
26 accomplishments under this program, including, but not limited  
27 to, information concerning:

28           1. The number of businesses, categorized by size,  
29 participating in the program;

30           2. The number of minority-owned businesses  
31 participating in the program;

1           3. The increase in the value of Florida exports to  
2 African nations attributable to the program; and

3           4. The increase in foreign direct investment in  
4 Florida by African businesses attributable to the program.

5           (b) The report shall include recommendations  
6 concerning continuation of the program and any changes for  
7 enhancing the program.

8           Section 71. Florida-Caribbean Basin Trade  
9 Initiative.--

10           (1) Contingent upon a specific appropriation, the  
11 Seaport Employment Training Grant Program (STEP) shall  
12 establish and administer the Florida-Caribbean Basin Trade  
13 Initiative for the purpose of assisting small and medium-sized  
14 businesses to become involved in international activities and  
15 helping them to identify markets with product demand, identify  
16 strategic alliances in those markets, and obtain the financing  
17 to effectuate trade opportunities in the Caribbean Basin. The  
18 initiative must focus assistance to businesses located in  
19 urban communities. The initiative shall offer export  
20 readiness, assistance and referral services, internships,  
21 seminars, workshops, conferences, and e-commerce plus  
22 mentoring and matchmaking services, but shall coordinate with  
23 and not duplicate those services provided by Enterprise  
24 Florida, Inc.

25           (2) To enhance initiative effectiveness and leverage  
26 resources, STEP shall coordinate initiative activities with  
27 Enterprise Florida, Inc., United States Export Assistance  
28 Centers, Florida Export Finance Corporation, Florida Trade  
29 Data Center, Small Business Development Centers, and any other  
30 organizations STEP deems appropriate. The coordination may  
31 encompass export assistance and referral services, export

1 financing, job-training programs, educational programs, market  
2 research and development, market promotion, trade missions,  
3 e-commerce, and mentoring and matchmaking services relative to  
4 the expansion of trade between Florida and the Caribbean  
5 Basin. The initiative shall also form alliances with  
6 multilateral, international, and domestic funding programs  
7 from Florida, the United States, and the Caribbean Basin to  
8 coordinate systems and programs for fundamental assistance in  
9 facilitating trade and investment.

10 (3) STEP shall administer the Florida-Caribbean Basin  
11 Trade Initiative pursuant to a performance-based contract with  
12 the Office of Tourism, Trade, and Economic Development. The  
13 Office of Tourism, Trade, and Economic Development shall  
14 develop performance measures, standards, and sanctions for the  
15 initiative. Performance measures must include, but are not  
16 limited to, the number of businesses assisted; the number of  
17 urban businesses assisted; and the increase in value of  
18 exports to the Caribbean which is attributable to the  
19 initiative.

20 Section 72. (1) State agencies shall give priority to  
21 applicants for assistance in state housing, economic  
22 development, and community revitalization programs where that  
23 application supports the objectives of redeveloping HOPE VI  
24 grant neighborhoods. The following programs shall provide  
25 priority consideration to HOPE VI applications; SAIL, State  
26 Housing Tax Credit, Federal Low Income Housing Tax Credit,  
27 HOME program, Urban Infill Program, Urban High Crime Tax  
28 Credits, brownfields, state empowerment zone.

29 (2) To qualify for priority consideration in the above  
30 mentioned programs, a HOPE VI project applicant must document  
31 the following actions in the application for assistance.

1 (a) There is an active and open grant award from the  
2 United States Department of Housing and Urban Development  
3 under the HOPE VI program in the community.

4 (b) There is tangible and documented support committed  
5 by the unit of local government to redeveloping the  
6 neighborhoods surrounding the HOPE VI project.

7 (c) There is a written agreement between the public  
8 housing authority and the unit of local government that  
9 outlines the joint agreement to redevelop the entire HOPE VI  
10 neighborhoods and not to focus solely upon the public housing  
11 site.

12 (d) There is a clearly defined plan with goals and  
13 objectives to promote the redevelopment of the HOPE VI  
14 neighborhoods to be a mixed income neighborhood, and to  
15 deconcentrate the location of publicly assisted housing within  
16 the neighborhood, promote home ownership, and involve the  
17 residents of the neighborhood in the redevelopment planning  
18 and improvement process.

19 (3) The Department of Community Affairs shall annually  
20 submit to the Legislature a summary of all assistance provided  
21 to local HOPE VI applicants, and the percentage of HOPE VI  
22 projects to all program awards.

23 Section 73. Community and Faith-based Organizations  
24 Initiative; Community and Library Technology Access  
25 Partnership.--

26 (1) CREATION.--There is created the Community and  
27 Faith-based Organizations Initiative which shall be  
28 administered by the Institute on Urban Policy and Commerce at  
29 Florida Agricultural and Mechanical University and the  
30 Community and Library Technology Access Partnership which  
31

1 shall be administered by the Division of Library and  
2 Information Services of the Department of State.

3 (2) INTENT.--The purpose of the initiative is to  
4 promote community development in low-income communities  
5 through partnerships with not-for-profit community and  
6 faith-based organizations. The purpose of the partnership is  
7 to encourage public libraries eligible for e-rate discounted  
8 telecommunications services to partner with community and  
9 faith-based organizations to provide technology access and  
10 training to assist other state efforts to close the digital  
11 divide.

12 (3) AUTHORIZED ACTIVITIES.--

13 (a) Authorized activities of the initiative.--The  
14 Institute on Urban Policy and Commerce at Florida Agricultural  
15 and Mechanical University may conduct the following activities  
16 as part of the Community and Faith-based Organizations  
17 Initiative:

18 1. Create and operate training programs to enhance the  
19 professional skills of individuals in community and  
20 faith-based organizations.

21 2. Create and operate a program to select and place  
22 students and recent graduates from business and related  
23 professional schools as interns with community and faith-based  
24 organizations for a period not to exceed 1 year, and provide  
25 stipends for such interns.

26 3. Organize an annual conference for community and  
27 faith-based organizations to discuss and share information on  
28 best practices regarding issues relevant to the creation,  
29 operation, and sustainability of these organizations.

30 4. Provide funding for the development of materials  
31 for courses on topics in the area of community development,

1 and for research on economic, operational, and policy issues  
2 relating to community development.

3 5. Provide financial assistance to community and  
4 faith-based organizations through small grants for  
5 partnerships with universities and the operation of programs  
6 to build strong communities and future community development  
7 leaders. The Institute on Urban Policy and Commerce at Florida  
8 Agricultural and Mechanical University shall develop selection  
9 criteria for awarding such grants which are based on the goals  
10 of the initiative.

11  
12 The institute, to the maximum extent possible, shall leverage  
13 state funding for the initiative with any federal funding that  
14 the institute may receive to support similar community-based  
15 activities.

16 (b) Authorized activities of the partnership.--The  
17 Division of Library and Information Services of the Department  
18 of State may conduct the following activities as part of the  
19 Community and Library Technology Access Partnership:

20 1. Provide funding for e-rate eligible public  
21 libraries to provide technology access and training to  
22 community and faith-based organizations. Funding provided  
23 under this subparagraph must be for eligible public libraries  
24 in distressed communities in the state. The division shall  
25 consult with the Institute on Urban Policy and Commerce to  
26 identify such communities and to develop criteria to be used  
27 in evaluating funding proposals. The division shall coordinate  
28 with the institute to ensure that, to the maximum extent  
29 possible, the division and the institute leverage their  
30 resources under the programs authorized by this section in  
31 order to focus efforts on addressing the most distressed

1 communities in the state. The division shall include a  
2 representative of the institute on a review team to evaluate  
3 funding proposals under this subparagraph.

4 2. Provide a method of assessment and outcome  
5 measurement for e-rate eligible public libraries to assess  
6 progress in closing the digital divide and in training for  
7 individuals to succeed in the emerging information economy.

8 (4) ELIGIBILITY.--A community or faith-based  
9 organization receiving funding or other assistance under the  
10 Community and Faith-based Organizations Initiative or the  
11 Community Library Technology Access Partnership must be a  
12 nonprofit organization holding a current exemption from  
13 federal taxation under s. 501(c)(3) or (4) of the Internal  
14 Revenue Code. Funding under this section shall not be used for  
15 religious or sectarian purposes.

16 (5) REVIEW AND EVALUATION.--

17 (a) By January 1, 2001, the Institute on Urban Policy  
18 and Commerce and the Division of Library and Information  
19 Services shall submit to the Governor, the President of the  
20 Senate, and the Speaker of the House of Representatives brief  
21 status reports on their respective implementation of the  
22 activities authorized under this section. The institute and  
23 the division may elect to collaborate on the submission of a  
24 combined status report covering both programs. At a minimum,  
25 the status reports or combined report shall address:

26 1. The activities and accomplishments to date;

27 2. Any impediments to the effective implementation or  
28 utilization of each program; and

29 3. The initial progress toward achievement of  
30 measurable program outcomes.

31



1           (b) By January 1, 2002, the Institute on Urban Policy  
2 and Commerce and the Division of Library and Information  
3 Services shall submit to the Governor, the President of the  
4 Senate, and the Speaker of the House of Representatives final  
5 reports on the activities authorized under this section. The  
6 institute and the division may elect to collaborate on the  
7 submission of a combined final report covering both programs.  
8 In addition to updating the elements addressed under paragraph  
9 (a), the reports or combined report shall include  
10 recommendations on whether it would be sound public policy to  
11 continue the programs and recommendations on any changes  
12 designed to enhance the effectiveness of the programs.

13           Section 74. Community computer access grant program.--

14           (1) The Legislature finds that there is a growing  
15 digital divide in the state, manifested in the fact that many  
16 youths from distressed urban communities do not possess the  
17 degree and ease of access to computers and information  
18 technologies which youths in other communities in the state  
19 possess. This disparity in access to rapidly changing and  
20 commercially significant technologies has a negative impact on  
21 the educational, workforce development, and employment  
22 competitiveness of these needy youths, and thereby impedes the  
23 economic development of the distressed urban communities in  
24 which these youths reside. Although many public libraries  
25 offer users access to computers and are increasingly making  
26 library materials available to the public through electronic  
27 means, many youths from distressed urban communities do not  
28 live near a library that has such technology and do not have  
29 computers to access Internet-based virtual libraries.  
30 Neighborhood organizations, such as churches, are more likely,  
31 however, to be located in closer proximity to the homes of

1 these youths than are educational institutions or libraries,  
2 and these youths are more likely to gain the desirable  
3 computer access at church-related or other neighborhood  
4 facilities than at other institutions. The Legislature  
5 therefore finds that a public purpose is served in enhancing  
6 the ability of youths from these communities to have access to  
7 computers and the Internet within the neighborhoods in which  
8 they reside.

9 (2) Subject to legislative appropriation, there is  
10 created the Community High-Technology Investment Partnership  
11 (CHIP) program to assist distressed urban communities in  
12 securing computers for access by youths between the ages of 5  
13 years and 18 years who reside in these communities. The  
14 program shall be administered by the Institute on Urban Policy  
15 and Commerce at Florida Agricultural and Mechanical University  
16 pursuant to a performance-based contract with the Division of  
17 Library and Information Services of the Department of State.  
18 The division shall develop performance measures, standards,  
19 and sanctions for the program. Performance measures must  
20 include, but are not limited to: the number of youth obtaining  
21 access to computers purchased under this program; the number  
22 of hours computers are made available to youth; and the number  
23 of hours spent by youth on computers purchased under this  
24 program for educational purposes. The administrative costs for  
25 administration of this program cannot exceed 10 percent of the  
26 amount appropriated to the division for the program.

27 (3)(a) Under this program, neighborhood facilities,  
28 through their governing bodies, may apply to the institute for  
29 grants to purchase computers that will be available for use by  
30 eligible youths who reside in the immediate vicinity of the  
31 neighborhood facility. For purposes of this program, eligible

1 neighborhood facilities include, but are not limited to,  
2 facilities operated by:

3 1. Units of local government, including school  
4 districts;

5 2. Nonprofit, faith-based organizations, including  
6 neighborhood churches;

7 3. Nonprofit civic associations or homeowners'  
8 associations; and

9 4. Nonprofit organizations, the missions of which  
10 include improving conditions for residents of distressed urban  
11 communities.

12  
13 To be eligible for funding under this program, a nonprofit  
14 organization or association must hold a current exemption from  
15 federal taxation under s. 501(c)(3) or (4) of the Internal  
16 Revenue Code.

17 (b) Notwithstanding the eligibility of the  
18 organizations identified in paragraph (a), the institute shall  
19 give priority consideration for funding under this program to  
20 applications submitted by neighborhood churches or by  
21 neighborhood-based, nonprofit organizations that have as a  
22 principal part of their missions the improvement of conditions  
23 for residents of the same neighborhoods in which the  
24 organizations are located. The institute also shall give  
25 priority consideration to organizations that demonstrate that  
26 they have not been awarded community enhancement or similar  
27 community support grants from state or local government on a  
28 regular basis in the past. The institute shall develop  
29 weighted criteria to be used in evaluating applications from  
30 such churches or organizations. Funding under this section  
31 shall not be used for religious or sectarian purposes.

1           (4) The institute shall develop guidelines governing  
2 the administration of this program and shall establish  
3 criteria to be used in evaluating an application for funding.  
4 At a minimum, the institute must find that:

5           (a) The neighborhood that is to be served by the grant  
6 suffers from general economic distress;

7           (b) Eligible youths who reside in the vicinity of the  
8 neighborhood facility have difficulty obtaining access to a  
9 library or schools that have sufficient computers; and

10           (c) The neighborhood facility has developed a detailed  
11 plan, as required under subsection (5), for:

12           1. Providing youths who reside in the vicinity of the  
13 facility with access to any computer purchased with grant  
14 funds, including evening and weekend access when libraries and  
15 schools are closed; and

16           2. Promoting the maximum participation of neighborhood  
17 youths in use of any computers purchased with grant funds.

18           (5) As part of an application for funding, the  
19 neighborhood facility must submit a plan that demonstrates:

20           (a) The manner in which eligible youths who reside in  
21 the immediate vicinity of the facility will be provided with  
22 access to any computer purchased with grant funds, including  
23 access during hours when libraries and schools are closed;

24           (b) The existence of safeguards to ensure that any  
25 computer purchased with grant funds is reserved for the  
26 educational use of eligible youths who reside in the immediate  
27 vicinity of the facility and is not used to support the  
28 business operations of the neighborhood facility or its  
29 governing body; and

30           (c) The existence, in the neighborhood facility, of  
31 telecommunications infrastructure necessary to guarantee

1 access to the Internet through any computer purchased with  
2 grant funds.

3 (6) To the maximum extent possible, funding shall be  
4 awarded under this program in a manner designed to ensure the  
5 participation of distressed urban communities from regions  
6 throughout the state.

7 (7) The maximum amount of a grant which may be awarded  
8 to any single neighborhood facility under this program is  
9 \$25,000.

10 (8) Before the institute may allocate funds for a  
11 grant under this program, the institute and the eligible  
12 neighborhood facility must execute a grant agreement that  
13 governs the terms and conditions of the grant.

14 (9) The institute, based upon guidance from the State  
15 Technology Office and the state's Chief Information Officer,  
16 shall establish minimum requirements governing the  
17 specifications and capabilities of any computers purchased  
18 with funds awarded under this grant program.

19 (10) Before the 2002 Regular Session of the  
20 Legislature, the institute shall evaluate the outcomes of this  
21 program and report the results of the evaluation to the  
22 Governor, the President of the Senate, and the Speaker of the  
23 House of Representatives. At a minimum, the evaluation must  
24 assess the extent to which the program has improved access to  
25 computers for youths who reside in distressed urban  
26 communities. As part of this report, the institute shall  
27 identify any impediments to the effective implementation and  
28 utilization of the program and shall make recommendations on  
29 methods to eliminate any such impediments. In addition, the  
30 institute shall make recommendations as to whether it would be  
31 sound public policy to continue the program; whether the

1 program should be expanded to address additional target  
2 populations, including, but not limited to, youths in  
3 distressed rural communities and adults in distressed urban or  
4 rural communities; and whether the list of neighborhood  
5 facilities eligible to participate in the program should be  
6 revised or whether priority consideration for funding should  
7 be revised to emphasize a particular type of neighborhood  
8 facility. The report required under this subsection must be  
9 submitted by January 1, 2002.

10 (11) The institute may subcontract with the  
11 Information Service Technology Development Task Force for  
12 assistance in carrying out the provisions of this section,  
13 including, but not limited to, technical guidance, assistance  
14 in developing and evaluating program outcomes, and preparation  
15 or distribution of materials designed to educate the public  
16 about community access centers and other relevant resources.

17 Section 75. There is created an Inner City  
18 Redevelopment Assistance Grants Program to be administered by  
19 the Office of Tourism, Trade, and Economic Development. The  
20 office shall develop criteria for awarding these grants which  
21 give weighted consideration to urban high-crime areas as  
22 identified by the Florida Department of Law Enforcement. These  
23 criteria shall also be weighted to immediate creation of jobs  
24 for residents in the targeted areas.

25 Section 76. Eligibility requirements for grant  
26 proposals are as follows:

27 (1) An eligible grant recipient must serve within one  
28 of the 13 urban high-crime job tax credit areas and be:

29 (a) A community-based organization;

30 (b) A community development corporation;

31 (c) A faith-based organization;

1           (d) A nonprofit community development organization;  
2           (e) A nonprofit economic development organization; or  
3           (f) Another nonprofit organization serving the  
4 nominated area.

5           (2) Each applicant must submit a letter of support  
6 from the local government serving the targeted urban area.

7           (3) Each applicant must submit a proposal response  
8 outlining the work plan proposed using the grant funding, as  
9 well as proposed performance measures and expected, measurable  
10 outcomes.

11           (4) Eligible uses of grant funding must result in the  
12 creation of job opportunities for residents of targeted areas.

13           (5) Applicants are urged to leverage grant funds with  
14 other existing resources.

15           Section 77. In order to enhance public participation  
16 and involvement in the redevelopment of inner city areas,  
17 there is created within the Office of Tourism, Trade, and  
18 Economic Development the Inner City Redevelopment Review  
19 Panel.

20           (1) The review panel shall consist of seven members  
21 who represent different areas of the state, who are appointed  
22 by the Director of the Office of Tourism, Trade, and Economic  
23 Development, and who are qualified, through the demonstration  
24 of special interest, experience, or education, in the  
25 redevelopment of the state's inner-city areas, as follows:

26           (a) One member must be affiliated with the Black  
27 Business Investment Board;

28           (b) One member must be affiliated with the Institute  
29 on Urban Policy and Commerce at Florida Agricultural and  
30 Mechanical University;

31

1           (c) One member must be affiliated with the Office of  
2 Tourism, Trade, and Economic Development;

3           (d) One member must be the president of Enterprise  
4 Florida, Inc., or the president's designee;

5           (e) One member must be the Secretary of Community  
6 Affairs or the secretary's designee;

7           (f) One member must be affiliated with Better  
8 Jobs/Better Wages of Workforce Florida, Inc., if such body is  
9 created. Otherwise, one member must be the president and chief  
10 operating officer of the Florida Workforce Development Board;  
11 and

12           (g) One member must be affiliated with the First  
13 Job/First Wages Council of Workforce Florida, Inc., if such  
14 body is created. Otherwise, one member must be the Secretary  
15 of Labor and Employment Security or the secretary's designee.

16           (2) The importance of minority and gender  
17 representation must be considered when making appointments to  
18 the panel, and the geographic representation of panel members  
19 must also be considered.

20           (3) Members of the review panel shall be appointed for  
21 4-year terms. A person may not serve more than two consecutive  
22 terms on the panel.

23           (4) Members shall elect a chairperson annually. A  
24 member may not be elected to consecutive terms as chairperson.

25           (5) All action taken by the review panel shall be by  
26 majority vote of those present. The Director of the Office of  
27 Tourism, Trade, and Economic Development or the director's  
28 designee shall serve without voting rights as secretary to the  
29 panel. The Office of Tourism, Trade, and Economic Development  
30 shall provide necessary staff assistance to the panel.

31



1           (6) It is the responsibility of the panel to evaluate  
2 proposals for awards of inner city redevelopment grants  
3 administered by the Office of Tourism, Trade, and Economic  
4 Development. The panel shall review and evaluate all proposals  
5 for grants and shall make recommendations, including a  
6 priority ranking, reflecting such evaluation.

7           Section 78. Each provision of sections 73-77 of this  
8 act will be implemented to the extent that funds are  
9 specifically appropriated in the General Appropriations Act  
10 for Fiscal Year 2000-2001.

11           Section 79. Section 288.039 and paragraph (c) of  
12 subsection (3) of section 288.095, Florida Statutes, are  
13 repealed.

14           Section 80. Section 20.171, Florida Statutes, is  
15 repealed effective January 1, 2001.

16           Section 81. (1) Effective July 1, 2000, the Division  
17 of Workers' Compensation and the Office of the Judges of  
18 Compensation Claims are transferred by a type one transfer, as  
19 defined in section 20.06(1), Florida Statutes, from the  
20 Department of Labor and Employment Security to the Department  
21 of Insurance.

22           (2) Effective July 1, 2000, all powers, duties,  
23 functions, rules, records, personnel, property, and unexpended  
24 balances of appropriations, allocations, and other funds of  
25 the Division of Workforce and Employment Opportunities related  
26 to the regulation of labor organizations under chapter 447,  
27 Florida Statutes; the administration of child labor laws under  
28 chapter 450, Florida Statutes; and the administration of  
29 migrant labor and farm labor laws under chapter 450, Florida  
30 Statutes, are transferred by a type two transfer, as defined  
31 in section 20.06(2), Florida Statutes, from the Department of

1 Labor and Employment Security to the Bureau of Workplace  
2 Regulation in the Division of Workers' Compensation of the  
3 Department of Insurance.

4 (3) Effective July 1, 2000, any other powers, duties,  
5 functions, rules, records, personnel, property, and unexpended  
6 balances of appropriations, allocations, and other funds of  
7 the Department of Labor and Employment Security, not otherwise  
8 transferred by this act, relating to workplace regulation and  
9 enforcement, including, but not limited to, those under  
10 chapter 448, Florida Statutes, are transferred by a type two  
11 transfer, as defined in section 20.06(2), Florida Statutes,  
12 from the department to the Bureau of Workplace Regulation in  
13 the Division of Workers' Compensation of the Department of  
14 Insurance.

15 (4) Effective July 1, 2000, the records, property, and  
16 unexpended balances of appropriations, allocations, and other  
17 funds and resources of the Office of the Secretary and the  
18 Office of Administrative Services of the Department of Labor  
19 and Employment Security which support the activities and  
20 functions transferred under subsections (1), (2), and (3) are  
21 transferred as provided in section 20.06(2), Florida Statutes,  
22 to the Division of Worker's Compensation and the Office of the  
23 Judges of Compensation Claims. The Department of Insurance, in  
24 consultation with the Department of Labor and Employment  
25 Security, shall determine the number of positions needed for  
26 administrative support of the programs within the Division of  
27 Workers' Compensation and the Office of the Judges of  
28 Compensation Claims as transferred to the Department of  
29 Insurance. The number of administrative support positions that  
30 the Department of Insurance determines are needed shall not  
31 exceed the number of administrative support positions that

1 prior to the transfer were authorized to the Department of  
2 Labor and Employment Security for this purpose. Upon transfer  
3 of the Division of Workers' Compensation and the Office of the  
4 Judges of Compensation Claims, the number of required  
5 administrative support positions as determined by the  
6 Department of Insurance shall be authorized within the  
7 Department of Insurance. The Department of Insurance may  
8 transfer and reassign positions as deemed necessary to  
9 effectively integrate the activities of the Division of  
10 Workers' Compensation. Appointments to time-limited positions  
11 under this act and authorized positions under this section may  
12 be made without regard to the provisions of 60K-3, 4 and 17,  
13 Florida Administrative Code. Notwithstanding the provisions of  
14 section 216.181(8), Florida Statutes, the Department of  
15 Insurance is authorized, during Fiscal Year 2000-2001, to  
16 exceed the approved salary in the budget entities affected by  
17 this act.

18 Section 82. Subsection (2) of section 20.13, Florida  
19 Statutes, is amended, and subsection (7) is added to that  
20 section, to read:

21 20.13 Department of Insurance.--There is created a  
22 Department of Insurance.

23 (2) The following divisions of the Department of  
24 Insurance are established:

- 25 (a) Division of Insurer Services.  
26 (b) Division of Insurance Consumer Services.  
27 (c) Division of Agents and Agencies Services.  
28 (d) Division of Rehabilitation and Liquidation.  
29 (e) Division of Risk Management.  
30 (f) Division of State Fire Marshal.  
31 (g) Division of Insurance Fraud.

1 (h) Division of Administration.

2 (i) Division of Treasury.

3 (j) Division of Legal Services.

4 (k) Division of Workers' Compensation.

5 (7)(a) A Bureau of Workplace Regulation is created  
6 within the Division of Workers' Compensation.

7 (b) A Bureau of Workplace Safety is created within the  
8 Division of Workers' Compensation.

9 Section 83. Effective January 1, 2001, the Division of  
10 Unemployment Compensation is transferred by a type two  
11 transfer, as defined in section 20.06(2), Florida Statutes,  
12 from the Department of Labor and Employment Security to the  
13 Agency for Workforce Innovation, except that all powers,  
14 duties, functions, rules, records, personnel, property, and  
15 unexpended balances of appropriations, allocations, and other  
16 funds of the division related to the resolution of disputed  
17 claims for unemployment compensation benefits through the use  
18 of appeals referees are transferred by a type two transfer, as  
19 defined in section 20.06(2), Florida Statutes, to the  
20 Unemployment Appeals Commission. Additionally, by January 1,  
21 2001, the Agency for Workforce Innovation shall enter into a  
22 contract with the Department of Revenue to have the Department  
23 of Revenue provide unemployment tax administration and  
24 collection services to the Agency for Workforce Innovation.  
25 Upon entering into such contract with the Agency for Workforce  
26 Innovation to provide unemployment tax administration and  
27 collection services, the Department of Revenue may transfer  
28 from the agency or is authorized to establish the number of  
29 positions determined by that contract. The Department of  
30 Revenue, as detailed in that contract, may exercise all and  
31 any authority that is provided in law to the Division of

1 Unemployment Compensation to fulfill the duties of that  
2 contract as the division's tax-administration and  
3 collection-services agent including, but not limited to, the  
4 promulgating of rules necessary to administer and collect  
5 unemployment taxes. The Department of Revenue is authorized to  
6 contract with the Department of Management Services or other  
7 appropriate public or private entities for professional  
8 services, regarding the development, revision, implementation,  
9 maintenance, and monitoring of electronic data systems and  
10 management information systems associated with the  
11 administration and collection of unemployment taxes.

12           Section 84. Effective January 1, 2001, the Office of  
13 Information Systems is transferred by a type two transfer, as  
14 defined in section 20.06(2), Florida Statutes, from the  
15 Department of Labor and Employment Security to the Department  
16 of Management Services, except that all powers, duties,  
17 functions, rules, records, personnel, property, and unexpended  
18 balances of appropriations, allocations, and other funds of  
19 the office related to workforce information systems planning  
20 are transferred effective October 1, 2000, by a type two  
21 transfer as defined in section 20.06(2), Florida Statutes, to  
22 the Agency for Workforce Innovation.

23           Section 85. Effective October 1, 2000, the Minority  
24 Business Advocacy and Assistance Office is transferred by a  
25 type two transfer as defined in section 20.06(2), Florida  
26 Statutes, from the Department of Labor and Employment Security  
27 to the Department of Management Services.

28           Section 86. (1) Effective upon this act becoming a  
29 law, the Florida Task Force on Workplace Safety is established  
30 within the Department of Insurance. All members of the task  
31 force shall be appointed prior to July 15, 2000, and the task

1 force shall hold its first meeting by August 15, 2000. The  
2 task force shall be composed of 15 members as follows:

3 (a) Five members appointed by the Governor, one of  
4 whom must be a representative of a statewide business  
5 organization, one of whom must be a representative of  
6 organized labor, and three of whom must be from private-sector  
7 businesses. The Governor shall name one of the appointees  
8 under this paragraph as chair of the task force;

9 (b) Four members appointed by the President of the  
10 Senate, one of whom must be a representative of a statewide  
11 business organization, one of whom must be a representative of  
12 organized labor, and two of whom must be from private-sector  
13 businesses;

14 (c) Four members appointed by the Speaker of the House  
15 of Representatives, one of whom must be a representative of a  
16 statewide business organization, one of whom must be a  
17 representative of organized labor, and two of whom must be  
18 from private-sector businesses;

19 (d) One member appointed from the private-sector by  
20 the Insurance Commissioner; and

21 (e) The president of Enterprise Florida, Inc., or his  
22 or her designee from the organization.

23  
24 The Insurance Commissioner or the commissioner's designee from  
25 the Department of Insurance shall serve as an ex officio  
26 nonvoting member of the task force.

27 (2) The purpose of the task force is to develop  
28 findings and issue recommendations on innovative ways in which  
29 the state may employ state or federal resources to reduce the  
30 incidence of employee accidents, occupational diseases, and  
31 fatalities compensable under the workers' compensation law.

1 The task force shall address issues including, but not limited  
2 to:

3 (a) Alternative organizational structures for the  
4 delivery of workplace safety assistance services to businesses  
5 following the repeal of the Division of Safety of the  
6 Department of Labor and Employment Security under chapter  
7 99-240, Laws of Florida;

8 (b) The extent to which workplace safety assistance  
9 services are or may be provided through private-sector  
10 sources;

11 (c) The potential contribution of workplace safety  
12 assistance services to a reduction in workers' compensation  
13 rates for employers;

14 (d) Differences in the workplace safety needs of  
15 businesses based upon the size of the businesses and the  
16 nature of the businesses;

17 (e) Differences in the workplace safety needs of  
18 private-sector employers and public-sector employers;

19 (f) The relationship between federal and state  
20 workplace safety activities; and

21 (g) The impact of workplace safety and workers'  
22 compensation on the economic development efforts of the state.

23 (3) The task force shall be located in the Department  
24 of Insurance, and staff of the department shall serve as staff  
25 for the task force.

26 (4) Members of the task force shall serve without  
27 compensation but will be entitled to per diem and travel  
28 expenses pursuant to section 112.061, Florida Statutes, while  
29 in the performance of their duties.

30 (5) The task force may procure information and  
31 assistance from any officer or agency of the state or any

1 subdivision thereof. All such officials and agencies shall  
2 give the task force all relevant information and assistance on  
3 any matter within their knowledge or control.

4 (6) The task force shall submit a report and  
5 recommendations to the Governor, the Insurance Commissioner,  
6 the President of the Senate, and the Speaker of the House of  
7 Representatives no later than January 1, 2001. The report  
8 shall include recommendations on the organizational structure,  
9 mission, staffing structure and qualifications, and funding  
10 level for the Bureau of Workplace Safety within the Division  
11 of Workers' Compensation of the Department of Insurance. The  
12 report also shall include any specific recommendations for  
13 legislative action during the 2001 Regular Session of the  
14 Legislature.

15 (7)(a) During Fiscal Year 2000-2001, the Division of  
16 Workers' Compensation of the Department of Insurance is  
17 authorized to establish 40 time-limited positions on July 1,  
18 2000, responsible for the 21(d) federal grant from the  
19 Occupational Safety and Health Administration and for the core  
20 responsibilities under a program for enforcement of safety and  
21 health regulations in the public sector.

22 (b) After the Task Force on Workplace Safety has  
23 issued its report and recommendations, the Division of  
24 Workers' Compensation may eliminate the 40 time-limited  
25 positions and establish and classify permanent positions as  
26 authorized in the Fiscal Year 2000-2001 General Appropriations  
27 Act or seek a budget amendment as provided in chapter 216,  
28 Florida Statutes, to implement the recommendations of the task  
29 force.

30 (c) All records, property, and equipment of the  
31 Division of Safety of the Department of Labor and Employment



1 Security, repealed under chapter 99-240, Laws of Florida,  
2 shall be transferred to the Bureau of Workplace Safety of the  
3 Division of Workers' Compensation of the Department of  
4 Insurance for the bureau to retain, use, and maintain during  
5 the deliberations of the task force.

6 (8) The task force shall terminate upon submission of  
7 its report.

8 Section 87. Effective upon this act becoming a law,  
9 section 39 of chapter 99-240, Laws of Florida, is amended to  
10 read:

11 Section 39. Effective October 1, 2000 ~~January 1, 2001~~,  
12 the Division of Blind Services is transferred by a type two  
13 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida  
14 Statutes, from the Department of Labor and Employment Security  
15 to the Department of Management Services ~~Education~~.

16 Section 88. (1) It is the intent of the Legislature  
17 that the transfer of responsibilities from the Department of  
18 Labor and Employment Security to other units of state  
19 government as prescribed by this act be accomplished with  
20 minimal disruption of services provided to the public and with  
21 minimal disruption to the employees of the department. To that  
22 end, the Legislature believes that a transition period during  
23 which the activities of the department can be systematically  
24 reduced and the activities of the other applicable units of  
25 state government can be strategically increased is appropriate  
26 and warranted.

27 (2) The Department of Labor and Employment Security  
28 and the Department of Management Services shall provide  
29 coordinated reemployment assistance to employees of the  
30 Department of Labor and Employment Security who are dislocated  
31 as a result of this act. The state Workforce Development

1 Board, the regional workforce boards, and staff of the  
2 one-stop career centers shall provide assistance to the  
3 departments in carrying out the provisions of this section.

4 (3) The state and its political subdivisions shall  
5 give preference in the appointment and the retention of  
6 employment to employees of the Department of Labor and  
7 Employment Security who are dislocated as a result of this  
8 act. Furthermore, for those positions for which an examination  
9 is used to determine the qualifications for entrance into  
10 employment with the state or its political subdivisions, 10  
11 points shall be added to the earned ratings of any employee of  
12 the Department of Labor and Employment Security who is  
13 dislocated as a result of this act if such person has obtained  
14 a qualifying score on the examination for the position.  
15 Preference is considered to have expired once such person has  
16 been employed by any state agency or any agency of a political  
17 subdivision of the state.

18 (4)(a) There is created the Labor and Employment  
19 Security Transition Team, which will be responsible for  
20 coordinating and overseeing actions necessary to ensure the  
21 timely, comprehensive, efficient, and effective implementation  
22 of the provisions of this act, as well as implementation of  
23 any statutory changes to the Department of Labor and  
24 Employment Security's provision of workforce placement and  
25 development services through the Division of Workforce and  
26 Employment Opportunities. By February 1, 2001, the transition  
27 team shall submit to the Governor, the President of the  
28 Senate, and the Speaker of the House of Representatives a  
29 comprehensive report on the transition of the Department of  
30 Labor and Employment Security. The report shall include any  
31 recommendations on legislative action necessary during the

1 2001 Regular Session of the Legislature to address substantive  
2 or technical issues related to the department's transition.

3 The transition team shall terminate on May 15, 2001.

4 (b) The transition team shall consist of the following  
5 members:

6 1. The Governor or the Governor's designee, who shall  
7 serve as chair of the transition team and who shall convene  
8 meetings of the transition team;

9 2. The Secretary of Labor and Employment Security or  
10 the secretary's designee;

11 3. The Secretary of Management Services or the  
12 secretary's designee;

13 4. The Commissioner of Insurance or the commissioner's  
14 designee;

15 5. The executive director of the Department of Revenue  
16 or the executive director's designee;

17 6. The director of the Agency for Workforce Innovation  
18 or the director's designee;

19 7. The president of Workforce Florida, Inc., or the  
20 president's designee;

21 8. The Chief Information Officer for the State; and

22 9. Any other members as deemed necessary by and  
23 appointed by the Governor.

24 (c) Staff of the Office of Policy and Budget in the  
25 Executive Office of the Governor shall serve as staff for the  
26 transition team. In addition, each member of the transition  
27 team shall appoint appropriate staff members from the  
28 organization that he or she represents to serve as liaisons to  
29 the transition team and to assist the transition team as  
30 necessary. Each member of the transition team shall be  
31

1 responsible for ensuring that the organization that he or she  
2 represents cooperates fully in the implementation of this act.

3 (d) Between the date this act becomes a law and  
4 January 1, 2001, the transition team shall submit bimonthly to  
5 the President of the Senate and the Speaker of the House of  
6 Representatives brief status reports on the progress and on  
7 any significant problems in implementing this act.

8 (5) The transfer of any programs, activities, and  
9 functions under this act shall include the transfer of any  
10 records and unexpended balances of appropriations,  
11 allocations, or other funds related to such programs,  
12 activities, and functions. Any surplus records and unexpended  
13 balances of appropriations, allocations, or other funds not so  
14 transferred shall be transferred to the Department of  
15 Management Services for proper disposition. The Department of  
16 Management Services shall become the custodian of any property  
17 of the Department of Labor and Employment Security which is  
18 not otherwise transferred for the purposes of chapter 273,  
19 Florida Statutes. The Department of Management Services is  
20 authorized to permit the use of such property by organizations  
21 as necessary to implement the provisions of this act.

22 (6) The transition team, in conjunction with the  
23 Office of the Attorney General, may use any unexpended  
24 balances of the Department of Labor and Employment Security to  
25 settle any claims or leases, pay out personnel annual leave or  
26 sick leave, or close out other costs owed by the department,  
27 regardless of whether such costs relate to federal, state, or  
28 local governments; department employees; or the private  
29 sector. Any remaining balances of the department shall be  
30 transferred as directed by this act or by budget amendment.

31

1           (7) The transition team shall monitor any personnel  
2 plans of the Department of Labor and Employment Security and  
3 any implementation activities of the department required by  
4 this act. The department shall not fill a vacant position or  
5 transfer an employee laterally between any divisions or other  
6 units of the department without the approval of the transition  
7 team.

8           (8) The transition team may submit proposals to the  
9 Governor and recommend budget amendments to ensure the  
10 effective implementation of this act, maintenance of federal  
11 funding, and continuation of services to customers without  
12 interruption. Prior to October 1, 2000, the transition team,  
13 through the Office of Policy and Budget, shall prepare a  
14 budget amendment to allocate the resources of the Office of  
15 the Secretary, Office of Administrative Services, Division of  
16 Unemployment Compensation, and other resources of the  
17 Department of Labor and Employment Security not otherwise  
18 transferred by this act. The allocation of resources under  
19 this budget amendment must provide for the maintenance of the  
20 department until January 1, 2001, in order to complete  
21 activities related to the dissolution of the department and  
22 must reserve any remaining funds or positions.

23           (9) This section shall take effect upon this act  
24 becoming a law.

25           Section 89. To expedite the acquisition of goods and  
26 services for implementing the provisions of this act, the  
27 Department of Revenue, the Department of Insurance, the  
28 Department of Management Services, and the Agency for  
29 Workforce Innovation are exempt from the provisions of chapter  
30 287, Florida Statutes, when contracting for the purchase or  
31 lease of goods or services under this act. This section shall

1 take effect upon this act becoming a law and shall expire  
2 January 1, 2001.

3       Section 90. To expedite the leasing of facilities for  
4 implementing the provisions of this act, the Department of  
5 Revenue, the Department of Insurance, the Department of  
6 Management Services, and the Agency for Workforce Innovation  
7 are exempt from the requirements of any state laws relating to  
8 the leasing of space, including, but not limited to, the  
9 requirements imposed by section 255.25, Florida Statutes, and  
10 any rules adopted under such laws, provided, however, that all  
11 leases entered into under this act through January 1, 2001,  
12 must be submitted for approval to the Department of Management  
13 Services at the earliest practicable time. This section shall  
14 take effect upon this act becoming a law and shall expire  
15 January 1, 2001.

16       Section 91. Notwithstanding the provisions of chapter  
17 120, Florida Statutes, to the contrary, the Department of  
18 Revenue, the Department of Insurance, the Department of  
19 Management Services, and the Agency for Workforce Innovation  
20 are authorized to develop emergency rules relating to and in  
21 furtherance of the orderly implementation of the provisions of  
22 this act. These emergency rules shall be valid for a period of  
23 270 days after the effective date of this act.

24       Section 92. (1) The Department of Revenue shall  
25 develop and issue notification to all businesses registered  
26 with the Department of Labor and Employment Security for the  
27 purpose of paying unemployment compensation tax imposed  
28 pursuant to chapter 443, Florida Statutes. Such notification  
29 shall include, but not be limited to, information on the  
30 transfer of responsibilities from the Department of Labor and  
31

1 Employment Security to the Department of Revenue and other  
2 agencies relating to unemployment compensation activities.

3 (2) The Department of Revenue is authorized to issue  
4 any notices, forms, documents, or publications relating to the  
5 unemployment compensation tax which the Division of  
6 Unemployment Compensation of the Department of Labor and  
7 Employment Security was authorized to issue or publish under  
8 chapter 443, Florida Statutes, prior to the transfer of any  
9 responsibilities under this act.

10 (3) The Department of Revenue is authorized to  
11 determine the most efficient and effective method for  
12 administering, collecting, enforcing, and auditing the  
13 unemployment compensation tax in consultation with the  
14 businesses that pay such tax and consistent with the  
15 provisions of chapter 443, Florida Statutes.

16 Section 93. Effective October 1, 2000, subsection (19)  
17 of section 287.012, Florida Statutes, is amended to read:

18 287.012 Definitions.--The following definitions shall  
19 apply in this part:

20 (19) "Office" means the Minority Business Advocacy and  
21 Assistance Office of the Department of Management Services  
22 ~~Labor and Employment Security~~.

23 Section 94. Effective October 1, 2000, subsection (1)  
24 of section 287.0947, Florida Statutes, is amended to read:

25 287.0947 Florida Council on Small and Minority  
26 Business Development; creation; membership; duties.--

27 (1) On or after October 1, 2000 ~~1996~~, the secretary of  
28 the Department of Management Services ~~Labor and Employment~~  
29 ~~Security~~ may create the Florida Advisory Council on Small and  
30 Minority Business Development with the purpose of advising and  
31 assisting the secretary in carrying out the secretary's duties

1 with respect to minority businesses and economic and business  
2 development. It is the intent of the Legislature that the  
3 membership of such council include practitioners, laypersons,  
4 financiers, and others with business development experience  
5 who can provide invaluable insight and expertise for this  
6 state in the diversification of its markets and networking of  
7 business opportunities. The council shall initially consist of  
8 19 persons, each of whom is or has been actively engaged in  
9 small and minority business development, either in private  
10 industry, in governmental service, or as a scholar of  
11 recognized achievement in the study of such matters.

12 Initially, the council shall consist of members representing  
13 all regions of the state and shall include at least one member  
14 from each group identified within the definition of "minority  
15 person" in s. 288.703(3), considering also gender and  
16 nationality subgroups, and shall consist of the following:

17 (a) Four members consisting of representatives of  
18 local and federal small and minority business assistance  
19 programs or community development programs.

20 (b) Eight members composed of representatives of the  
21 minority private business sector, including certified minority  
22 business enterprises and minority supplier development  
23 councils, among whom at least two shall be women and at least  
24 four shall be minority persons.

25 (c) Two representatives of local government, one of  
26 whom shall be a representative of a large local government,  
27 and one of whom shall be a representative of a small local  
28 government.

29 (d) Two representatives from the banking and insurance  
30 industry.

31



1 (e) Two members from the private business sector,  
2 representing the construction and commodities industries.

3 (f) The chairperson of the Florida Black Business  
4 Investment Board or the chairperson's designee.

5  
6 A candidate for appointment may be considered if eligible to  
7 be certified as an owner of a minority business enterprise, or  
8 if otherwise qualified under the criteria above. Vacancies may  
9 be filled by appointment of the secretary, in the manner of  
10 the original appointment.

11 Section 95. Effective October 1, 2000, subsections (2)  
12 and (3) and paragraph (h) of subsection (4) of section  
13 287.09451, Florida Statutes, are amended to read:

14 287.09451 Minority Business Advocacy and Assistance  
15 Office; powers, duties, and functions.--

16 (2) The Minority Business Advocacy and Assistance  
17 Office is established within the Department of Management  
18 Services ~~Labor and Employment Security~~ to assist minority  
19 business enterprises in becoming suppliers of commodities,  
20 services, and construction to state government.

21 (3) The Secretary of the Department of Management  
22 Services ~~secretary~~ shall appoint an executive director for the  
23 Minority Business Advocacy and Assistance Office, who shall  
24 serve at the pleasure of the secretary.

25 (4) The Minority Business Advocacy and Assistance  
26 Office shall have the following powers, duties, and functions:

27 (h) To develop procedures to investigate complaints  
28 against minority business enterprises or contractors alleged  
29 to violate any provision related to this section or s.  
30 287.0943, that may include visits to worksites or business  
31 premises, and to refer all information on businesses suspected

1 of misrepresenting minority status to the Department of  
2 Management Services ~~Labor and Employment Security~~ for  
3 investigation. When an investigation is completed and there is  
4 reason to believe that a violation has occurred, the  
5 Department of Management Services ~~Labor and Employment~~  
6 ~~Security~~ shall refer the matter to the office of the Attorney  
7 General, Department of Legal Affairs, for prosecution.

8 Section 96. Effective upon this act becoming a law,  
9 subsections (3), (4), and (6) of section 20.15, Florida  
10 Statutes, are amended and paragraph (d) is added to subsection  
11 (5) of that section to read:

12 20.15 Department of Education.--There is created a  
13 Department of Education.

14 (3) DIVISIONS.--The following divisions of the  
15 Department of Education are established:

16 (a) Division of Community Colleges.

17 (b) Division of Public Schools and Community  
18 Education.

19 (c) Division of Universities.

20 (d) Division of Workforce Development.

21 (e) Division of Human Resource Development.

22 (f) Division of Administration.

23 (g) Division of Financial Services.

24 (h) Division of Support Services.

25 (i) Division of Technology.

26 (j) Division of Occupational Access and Opportunity.

27 (4) DIRECTORS.--The Board of Regents is the director  
28 of the Division of Universities, the Occupational Access and  
29 Opportunity Commission is the director of the Division of  
30 Occupational Access and Opportunity, and the State Board of  
31 Community Colleges is the director of the Division of

1 Community Colleges, pursuant to chapter 240. The directors of  
2 all other divisions shall be appointed by the commissioner  
3 subject to approval by the state board.

4 (5) POWERS AND DUTIES.--The State Board of Education  
5 and the Commissioner of Education:

6 (d) Shall assign to the Division of Occupational  
7 Access and Opportunity such powers, duties, responsibilities,  
8 and functions as are necessary to ensure the coordination,  
9 efficiency, and effectiveness of its programs, including, but  
10 not limited to, vocational rehabilitation and independent  
11 living services to persons with disabilities which services  
12 are funded under the Rehabilitation Act of 1973, as amended,  
13 except:

14 1. Those duties specifically assigned to the Division  
15 of Blind Services of the Department of Management Services;

16 2. Those duties specifically assigned to the  
17 Commissioner of Education in ss. 229.512 and 229.551;

18 3. Those duties concerning physical facilities in  
19 chapter 235;

20 4. Those duties assigned to the State Board of  
21 Community Colleges in chapter 240; and

22 5. Those duties assigned to the Division of Workforce  
23 Development in chapter 239.

24  
25 Effective October 1, 2000, the Occupational Access and  
26 Opportunity Commission shall assume all responsibilities  
27 necessary to be the designated state agency for purposes of  
28 compliance with the Rehabilitation Act of 1973, as amended.

29 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
30 contained in law to the contrary, the Commissioner of  
31 Education shall appoint all members of all councils and

1 committees of the Department of Education, except the Board of  
2 Regents, the State Board of Community Colleges, the community  
3 college district boards of trustees, the Postsecondary  
4 Education Planning Commission, the Education Practices  
5 Commission, the Education Standards Commission, the State  
6 Board of Independent Colleges and Universities, the  
7 Occupational Access and Opportunity Commission, the Florida  
8 Rehabilitation Council, the Florida Independent Living  
9 Council, and the State Board of Nonpublic Career Education.

10 Section 97. Subsection (16) is added to section  
11 120.80, Florida Statutes, to read:

12 120.80 Exceptions and special requirements;  
13 agencies.--

14 (16) OCCUPATIONAL ACCESS AND OPPORTUNITY  
15 COMMISSION.--Notwithstanding s. 120.57(1)(a), hearings  
16 concerning determinations by the Occupational Access and  
17 Opportunity Commission on eligibility, plans of services, or  
18 closure need not be conducted by an administrative law judge  
19 assigned by the division. The commission may choose to  
20 contract with another appropriate resource in these matters.

21 Section 98. Effective October 1, 2000, section  
22 413.011, Florida Statutes, is amended to read:

23 413.011 Division of Blind Services, internal  
24 organizational structure; Florida Rehabilitation Advisory  
25 Council for ~~the~~ Blind Services.--

26 (1) The internal organizational structure of the  
27 Division of Blind Services shall be designed for the purpose  
28 of ensuring the greatest possible efficiency and effectiveness  
29 of services to the blind and to be consistent with chapter 20.  
30 The Division of Blind Services shall ~~plan, supervise, and~~  
31 carry out the following activities under planning and policy

1 guidance from the Florida Rehabilitation Council for Blind  
2 Services:

3 (a) Implement the provisions of the 5-year strategic  
4 plan prepared by the council under paragraph (3)(a) to provide  
5 services to individuals who are blind.

6 (b)~~(a)~~ Recommend personnel as may be necessary to  
7 carry out the purposes of this section.

8 (c)~~(b)~~ Cause to be compiled and maintained a complete  
9 register of individuals in the state who are ~~the blind in the~~  
10 ~~state~~, which shall describe the condition, cause of blindness,  
11 and capacity for education and industrial training, with such  
12 other facts as may seem to the division to be of value. Any  
13 information in the register of individuals who are ~~the~~ blind  
14 which, when released, could identify an individual is  
15 confidential and exempt from the provisions of s. 119.07(1).

16 (d)~~(c)~~ Inquire into the cause of blindness, inaugurate  
17 preventive measures, and provide for the examination and  
18 treatment of individuals who are ~~the~~ blind, or those  
19 threatened with blindness, for the benefit of such persons,  
20 and shall pay therefor, including necessary incidental  
21 expenses.

22 (e)~~(d)~~ Contract with community-based rehabilitation  
23 providers, to the maximum extent allowable under federal law,  
24 to assist individuals who are blind in obtaining ~~Aid the blind~~  
25 ~~in finding~~ employment, teach them trades and occupations  
26 within their capacities, assist them in disposing of products  
27 made by them in home industries, assist them in obtaining  
28 funds for establishing enterprises where federal funds  
29 reimburse the state, and do such things as will contribute to  
30 the efficiency of self-support of individuals who are ~~the~~  
31 blind.

1           (f)(e) Establish one or more training schools and  
2 workshops for the employment of suitable individuals who are  
3 ~~blind persons~~; make expenditures of funds for such purposes;  
4 receive moneys from sales of commodities involved in such  
5 activities and from such funds make payments of wages,  
6 repairs, insurance premiums and replacements of equipment. All  
7 of the activities provided for in this section may be carried  
8 on in cooperation with private workshops for individuals who  
9 are ~~the~~ blind, except that all tools and equipment furnished  
10 by the division shall remain the property of the state.

11           (g)(f) Contract with community-based rehabilitation  
12 providers, to the maximum extent allowable under federal law,  
13 to provide special services and benefits for individuals who  
14 are ~~the~~ blind in order to assist them in ~~for~~ developing their  
15 social life through community activities and recreational  
16 facilities.

17           (h)(g) Undertake such other activities as may  
18 ameliorate the condition of ~~blind~~ citizens of this state who  
19 are blind.

20           (i)(h) Cooperate with other agencies, public or  
21 private, especially the Division of the Blind and Physically  
22 Handicapped of the Library of Congress and the Division of  
23 Library and Information Services of the Department of State,  
24 to provide library service to individuals who are ~~the~~ blind  
25 and individuals who have other disabilities ~~other handicapped~~  
26 ~~persons~~ as defined in federal law and regulations in carrying  
27 out any or all of the provisions of this law.

28           (j)(i) Recommend contracts and agreements with  
29 federal, state, county, municipal and private corporations,  
30 and individuals.

31

1           ~~(k)(j)~~ Receive moneys or properties by gift or bequest  
2 from any person, firm, corporation, or organization for any of  
3 the purposes herein set out, but without authority to bind the  
4 state to any expenditure or policy except such as may be  
5 specifically authorized by law. All such moneys or properties  
6 so received by gift or bequest as herein authorized may be  
7 disbursed and expended by the division upon its own warrant  
8 for any of the purposes herein set forth, and such moneys or  
9 properties shall not constitute or be considered a part of any  
10 legislative appropriation made by the state for the purpose of  
11 carrying out the provisions of this law.

12           ~~(l)(k)~~ Prepare and make available to individuals who  
13 are the blind, in braille and on electronic recording  
14 equipment, Florida Statutes chapters 20, 120, 121, and 413, in  
15 their entirety.

16           ~~(m)(i)~~ Adopt by rule procedures necessary to comply  
17 with any plans prepared by the council for providing  
18 vocational rehabilitation services for individuals who are the  
19 blind.

20           ~~(n)(m)~~ Adopt by rule forms and instructions to be used  
21 by the division in its general administration.

22           ~~(o)~~ Recommend to the Legislature a method to privatize  
23 the Business Enterprise Program established under s. 413.051  
24 by creating a not-for-profit entity. The entity shall conform  
25 to requirements of the federal Randolph Sheppard Act and shall  
26 be composed of blind licensees with expertise in operating  
27 business enterprises. The division shall submit its  
28 recommendations to the Governor, the President of the Senate,  
29 and the Speaker of the House of Representatives, as well as to  
30 the appropriate substantive committees of the Legislature, by  
31 January 1, 2001.

1 (2) As used in this section:

2 (a) "Act," unless the context indicates otherwise,  
3 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797,  
4 as amended.

5 (b) "Blind" or "blindness" means the condition of any  
6 person for whom blindness is a disability as defined by the  
7 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

8 (c) "Community-based rehabilitation provider" means a  
9 provider of services to individuals in a community setting  
10 which has as its primary function services directed toward  
11 individuals who are blind.

12 (d) "Council" means the Florida Rehabilitation Council  
13 for Blind Services.

14 (e)~~(c)~~ "Department" means the Department of Management  
15 Services Labor and Employment Security.

16 (f) "Plan" means the 5-year strategic plan developed  
17 by the council under paragraph (3)(a).

18 (g) "State plan" means the state plan for vocational  
19 rehabilitation required by the federal Rehabilitation Act of  
20 1973, as amended.

21 (3) There is ~~hereby~~ created in the department the  
22 Florida Rehabilitation Advisory Council for the Blind  
23 Services. The council shall be established in accordance with  
24 the act and must include at least four representatives of  
25 private-sector businesses that are not providers of vocational  
26 rehabilitation services. Members of the council shall serve  
27 without compensation, but may be reimbursed for per diem and  
28 travel expenses pursuant to s. 112.061.~~to assist the division~~  
29 ~~in the planning and development of statewide rehabilitation~~  
30 ~~programs and services, to recommend improvements to such~~

31



1 ~~programs and services, and to perform the functions provided~~  
2 ~~in this section.~~

3 ~~(a) The advisory council shall be composed of:~~

4 ~~1. At least one representative of the Independent~~  
5 ~~Living Council, which representative may be the chair or other~~  
6 ~~designee of the council;~~

7 ~~2. At least one representative of a parent training~~  
8 ~~and information center established pursuant to s. 631(c)(9) of~~  
9 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~  
10 ~~1431(c)(9);~~

11 ~~3. At least one representative of the client~~  
12 ~~assistance program established under the act;~~

13 ~~4. At least one vocational rehabilitation counselor~~  
14 ~~who has knowledge of and experience in vocational~~  
15 ~~rehabilitation services for the blind, who shall serve as an~~  
16 ~~ex officio nonvoting member of the council if the counselor is~~  
17 ~~an employee of the department;~~

18 ~~5. At least one representative of community~~  
19 ~~rehabilitation program service providers;~~

20 ~~6. Four representatives of business, industry, and~~  
21 ~~labor;~~

22 ~~7. At least one representative of a disability~~  
23 ~~advocacy group representing individuals who are blind;~~

24 ~~8. At least one parent, family member, guardian,~~  
25 ~~advocate, or authorized representative of an individual who is~~  
26 ~~blind, has multiple disabilities, and either has difficulties~~  
27 ~~representing himself or herself or is unable, due to~~  
28 ~~disabilities, to represent himself or herself;~~

29 ~~9. Current or former applicants for, or recipients of,~~  
30 ~~vocational rehabilitation services; and~~

31

1           ~~10. The director of the division, who shall be an ex~~  
2 ~~officio member of the council.~~

3           ~~(b) Members of the council shall be appointed by the~~  
4 ~~Governor, who shall select members after soliciting~~  
5 ~~recommendations from representatives of organizations~~  
6 ~~representing a broad range of individuals who have~~  
7 ~~disabilities, and organizations interested in those~~  
8 ~~individuals.~~

9           ~~(c) A majority of council members shall be persons who~~  
10 ~~are:~~

11           ~~1. Blind; and~~

12           ~~2. >Not employed by the division.~~

13           ~~(d) The council shall select a chair from among its~~  
14 ~~membership.~~

15           ~~(e) Each member of the council shall serve for a term~~  
16 ~~of not more than 3 years, except that:~~

17           ~~1. A member appointed to fill a vacancy occurring~~  
18 ~~prior to the expiration of the term for which a predecessor~~  
19 ~~was appointed shall be appointed for the remainder of such~~  
20 ~~term; and~~

21           ~~2. The terms of service of the members initially~~  
22 ~~appointed shall be, as specified by the Governor, for such~~  
23 ~~fewer number of years as will provide for the expiration of~~  
24 ~~terms on a staggered basis.~~

25           ~~(f) No member of the council may serve more than two~~  
26 ~~consecutive full terms.~~

27           ~~(g) Any vacancy occurring in the membership of the~~  
28 ~~council shall be filled in the same manner as the original~~  
29 ~~appointment. A vacancy does not affect the power of the~~  
30 ~~remaining members to execute the duties of the council.~~

31

1           (a)(h) In addition to the other functions specified in  
2 ~~the act this section~~, the council shall:

3           1. Review, analyze, and direct ~~advise~~ the division  
4 regarding the performance of the responsibilities of the  
5 division under Title I of the act, particularly  
6 responsibilities relating to:

7           a. Eligibility, including order of selection;

8           b. The extent, scope, and effectiveness of services  
9 provided; and

10           c. Functions performed by state agencies that affect  
11 or potentially affect the ability of individuals who are blind  
12 to achieve rehabilitation goals and objectives under Title I.

13           2. Advise the department and the division, and provide  
14 direction for, ~~at the discretion of the department or~~  
15 ~~division, assist in~~ the preparation of applications, the state  
16 plan as required by federal law, the strategic plan, and  
17 amendments to the plans, reports, needs assessments, and  
18 evaluations required by Title I.

19           3. Prepare by March 1, 2001, and begin implementing,  
20 by July 1, 2001, subject to approval by the Federal  
21 Government, a 5-year strategic plan to provide services to  
22 individuals who are blind. The council must consult with  
23 stakeholders and conduct public hearings as part of the  
24 development of the plan. The plan must be submitted to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives. The council annually shall make  
27 amendments to the plan, which also must be submitted to the  
28 Governor, the President of the Senate, and the Speaker of the  
29 House of Representatives. The plan must provide for the  
30 maximum use of community-based rehabilitation providers for  
31 the delivery of services and a corresponding reduction in the

1 number of state employees in the division to the minimum  
2 number necessary to carry out the functions required under  
3 this section. The plan also must provide for 90 percent of the  
4 funds provided for services to individuals who are blind to be  
5 used for direct customer services.

6 ~~4.3.~~ To the extent feasible, conduct a review and  
7 analysis of the effectiveness of, and consumer satisfaction  
8 with:

9 a. The functions performed by state agencies and other  
10 public and private entities responsible for performing  
11 functions for individuals who are blind.

12 b. Vocational rehabilitation services:

13 (I) Provided or paid for from funds made available  
14 under the act or through other public or private sources.

15 (II) Provided by state agencies and other public and  
16 private entities responsible for providing vocational  
17 rehabilitation services to individuals who are blind.

18 ~~5.4.~~ Prepare and submit an annual report on the status  
19 of vocational rehabilitation services for individuals who are  
20 ~~the~~ blind in the state to the Governor and the Commissioner of  
21 the Rehabilitative Services Administration, established under  
22 s. 702 of the act, and make the report available to the  
23 public.

24 ~~6.5.~~ Coordinate with other councils within the state,  
25 including the Independent Living Council, the advisory panel  
26 established under s. 613(a)(12) of the Individuals with  
27 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
28 Planning Council described in s. 124 of the Developmental  
29 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
30 6024, and the state mental health planning council established  
31 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.

1 300X-4(e), the Occupational Access and Opportunity Commission,  
2 and the state Workforce Development Board under the federal  
3 Workforce Investment Act.

4 ~~7.6.~~ Advise the department and division and provide  
5 for coordination and the establishment of working  
6 relationships among the department, the division, the  
7 Independent Living Council, and centers for independent living  
8 in the state.

9 ~~8.7.~~ Perform such other functions consistent with the  
10 purposes of the act as the council determines to be  
11 appropriate that are comparable to functions performed by the  
12 council.

13 ~~(b)(i)~~1. The council shall prepare, in conjunction  
14 with the division, a plan for the provision of such resources,  
15 including such staff and other personnel, as may be necessary  
16 to carry out the functions of the council. The resource plan  
17 shall, to the maximum extent possible, rely on the use of  
18 resources in existence during the period of implementation of  
19 the plan.

20 ~~2. If there is a disagreement between the council and~~  
21 ~~the division in regard to the resources necessary to carry out~~  
22 ~~the functions of the council as set forth in this section, the~~  
23 ~~disagreement shall be resolved by the Governor.~~

24 ~~2.3.~~ The council shall, consistent with law, supervise  
25 and evaluate such staff and other personnel as may be  
26 necessary to carry out its functions.

27 ~~3.4.~~ While assisting the council in carrying out its  
28 duties, staff and other personnel shall not be assigned duties  
29 by the division or any other state agency or office that would  
30 create a conflict of interest.

31

1           ~~(c)(j)~~ No council member shall cast a vote on any  
2 matter that would provide direct financial benefit to the  
3 member or otherwise give the appearance of a conflict of  
4 interest under state law.

5           ~~(d)(k)~~ The council shall convene at least four  
6 meetings each year. These meetings shall occur in such places  
7 as the council deems necessary to conduct council business.  
8 The council may conduct such forums or hearings as the council  
9 considers appropriate. The meetings, hearings, and forums  
10 shall be publicly announced. The meetings shall be open and  
11 accessible to the public. To the maximum extent possible, the  
12 meetings shall be held in locations that are accessible to  
13 individuals with disabilities. The council shall make a report  
14 of each meeting which shall include a record of its  
15 discussions and recommendations, all of which reports shall be  
16 made available to the public.

17           Section 99. Effective October 1, 2000, section  
18 413.014, Florida Statutes, is amended to read:

19           413.014 Community-based rehabilitation providers  
20 ~~programs.~~ --The 5-year plan prepared under s. 413.011(3)(a)3.  
21 shall require the Division of Blind Services to shall enter  
22 into cooperative agreements with community-based  
23 rehabilitation providers ~~programs~~ to be the service providers  
24 for the blind citizens of their communities. State employees,  
25 however, shall provide all services that may not be delegated  
26 under federal law. The division shall, as rapidly as feasible,  
27 increase the amount of such services provided by  
28 community-based rehabilitation providers ~~programs~~. The goal  
29 shall be to decrease the amount of such services provided by  
30 division employees and to increase to the maximum extent  
31 allowed by federal law the amount of such services provided

1 through cooperative agreements with community-based service  
 2 providers. The division shall seek, to the maximum extent  
 3 allowed by federal and state law and regulation, all available  
 4 federal funds for such purposes. Funds and in-kind matching  
 5 contributions from community and private sources shall be used  
 6 to maximize federal funds. Unless prohibited by federal law or  
 7 regulation, the share of the federal vocational rehabilitation  
 8 grant apportioned for services to the blind shall be not less  
 9 than 17 percent. By December 31 of each year, the division  
 10 shall submit to the Governor, the President of the Senate, and  
 11 the Speaker of the House of Representatives a status report on  
 12 its progress on increasing the amount of services provided by  
 13 community-based rehabilitation providers as required by this  
 14 section. The report shall include recommendations on  
 15 reductions in the number of division employees based upon  
 16 increased use of community-based rehabilitation providers.

17 Section 100. Effective October 1, 2000, subsection (1)  
 18 of section 413.034, Florida Statutes, is amended to read:

19 413.034 Commission established; membership.--

20 (1) There is created within the Department of  
 21 Management Services the Commission for Purchase from the Blind  
 22 or Other Severely Handicapped, to be composed of the secretary  
 23 of the Department of Management Services; the director of the  
 24 Division of Occupational Access and Opportunity ~~Vocational~~  
 25 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~  
 26 ~~Employment Security~~, who shall be an ex officio member with  
 27 voting rights; the director of the Division of Blind Services  
 28 of the Department of Management Services ~~Labor and Employment~~  
 29 ~~Security~~; and four members to be appointed by the Governor,  
 30 which four members shall be an executive director of a  
 31 nonprofit agency for the blind, an executive director of a

1 nonprofit agency for other severely handicapped persons, a  
2 representative of private enterprise, and a representative of  
3 other political subdivisions. All appointed members shall  
4 serve for terms of 4 years. Appointed commission members  
5 shall serve subject to confirmation by the Senate.

6 Section 101. Effective October 1, 2000, paragraph (a)  
7 of subsection (2) and subsection (3) of section 413.051,  
8 Florida Statutes, are amended to read:

9 413.051 Eligible blind persons; operation of vending  
10 stands.--

11 (2) As used in this section:

12 (a) "Blind licensee" means any person who is blind and  
13 who is ~~person~~ trained and licensed by the Division of Blind  
14 Services of the Department of Management Services ~~Labor and~~  
15 ~~Employment Security~~ to operate a vending stand.

16 (3) Blind licensees shall be given the first  
17 opportunity to participate in the operation of vending stands  
18 on all state properties acquired after July 1, 1979, when such  
19 facilities are operated under the supervision of the Division  
20 of Blind Services of the Department of Management Services  
21 ~~Labor and Employment Security~~.

22 Section 102. Effective October 1, 2000, section  
23 413.064, Florida Statutes, is amended to read:

24 413.064 Rules.--The Department of Management Services  
25 ~~Labor and Employment Security~~ shall adopt all necessary rules  
26 pertaining to the conduct of a solicitation for the benefit of  
27 individuals who are blind ~~persons~~, including criteria for  
28 approval of an application for a permit for such solicitation.

29 Section 103. Effective October 1, 2000, section  
30 413.066, Florida Statutes, is amended to read:

31



1           413.066 Revocation of permit.--Any failure on the part  
2 of a person or organization holding a permit under the  
3 provisions of ss. 413.061-413.068 to comply with the law or  
4 with all rules promulgated by the Department of Management  
5 Services ~~Labor and Employment Security~~ as authorized by s.  
6 413.064 constitutes a ground for revocation of the permit by  
7 the Division of Blind Services.

8           Section 104. Effective October 1, 2000, section  
9 413.067, Florida Statutes, is amended to read:

10           413.067 Penalty.--Any person who violates the  
11 provisions of ss. 413.061-413.068 or any rule promulgated by  
12 the Department of Management Services ~~Labor and Employment~~  
13 ~~Security~~ pursuant thereto commits a misdemeanor of the second  
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15           Section 105. Effective October 1, 2000, subsection (1)  
16 of section 413.395, Florida Statutes, is amended to read:

17           413.395 Florida Independent Living Council.--

18           (1) There is created the Florida Independent Living  
19 Council to assist the division and the Division of Blind  
20 Services of the Department of Management Services ~~Labor and~~  
21 ~~Employment Security~~, as well as other state agencies and local  
22 planning and administrative entities assisted under Title VII  
23 of the act, in the expansion and development of statewide  
24 independent living policies, programs, and concepts and to  
25 recommend improvements for such programs and services. The  
26 council shall function independently of the division and,  
27 unless the council elects to incorporate as a not-for-profit  
28 corporation, is assigned to the division for administrative  
29 purposes only. The council may elect to be incorporated as a  
30 Florida corporation not for profit and, upon such election,  
31 shall be assisted in the incorporation by the division for the

1 purposes stated in this section. The appointed members of the  
2 council may constitute the board of directors for the  
3 corporation.

4           Section 106. It is the intent of the Legislature that  
5 the provisions of this act relating to services for  
6 individuals who are blind not conflict with any federal  
7 statute or implementing regulation governing federal  
8 grant-in-aid programs administered by the Division of Blind  
9 Services or the Florida Rehabilitation Council for Blind  
10 Services. Whenever such a conflict is asserted by the U.S.  
11 Department of Education or other applicable agency of the  
12 Federal Government, the council shall submit to the U.S.  
13 Department of Education or other applicable federal agency a  
14 request for a favorable policy interpretation of the  
15 conflicting portions of such statute or regulation. If the  
16 request is approved, as certified in writing by the Secretary  
17 of the U.S. Department of Education or the head of the other  
18 applicable federal agency, the council or the division is  
19 authorized to adjust the plan as necessary to achieve  
20 conformity with federal statutes or regulations. Before  
21 adjusting the plan, the council or the division shall provide  
22 to the President of the Senate and the Speaker of the House of  
23 Representatives an explanation and justification of the  
24 position of the council or division and shall outline all  
25 feasible alternatives that are consistent with this act. These  
26 alternatives may include the state supervision of local  
27 service agencies by the council or the division if the  
28 agencies are designated by the Governor.

29           Section 107. Effective upon this act becoming a law,  
30 section 413.82, Florida Statutes, is amended to read:

31

1           413.82 Definitions.--As used in ss. 413.81-413.93, the  
2 term:

3           (1) "Commission" means the Commission on Occupational  
4 Access and Opportunity.

5           (2) "Community rehabilitation provider" means a  
6 provider of services to people in a community setting which  
7 has as its primary function services directed toward  
8 employment outcomes for people with disabilities.

9           ~~(3)(2)~~ "Corporation" means the Occupational Access and  
10 Opportunity Corporation.

11           ~~(4)(3)~~ "Division" means the Division of Occupational  
12 Access and Opportunity Vocational Rehabilitation.

13           (5) "Plan" means the plan required by ss.  
14 413.81-413.93.~~(4) "Office" means the Executive Office of the~~  
15 ~~Governor.~~

16           ~~(6)(5)~~ "State plan" means the state plan for  
17 vocational rehabilitation required by Title I of the federal  
18 Rehabilitation Act of 1973, as amended, and ~~ss. 413.81-413.93.~~

19           ~~(7)(6)~~ "Region" means a service area for a regional  
20 workforce development board established by the Workforce  
21 Development Board.

22           Section 108. Effective upon this act becoming a law,  
23 subsections (2), (3), (6), (7), (8), and (10) of section  
24 413.83, Florida Statutes, are amended to read:

25           413.83 Occupational Access and Opportunity Commission;  
26 creation; purpose; membership.--

27           (2) The commission shall consist of 16 voting members,  
28 including 15 members appointed, as provided in this section  
29 herein, by the Governor, the President of the Senate, and the  
30 Speaker of the House of Representatives, and four ex-officio,  
31 nonvoting members. ~~The commission must contain a minimum of 50~~

1 ~~percent representation from the private sector.~~Appointment of  
2 members is subject to confirmation by the Senate. The  
3 membership of the commission may not include more than two  
4 individuals who are, or are employed by, community  
5 rehabilitation providers who contract to provide vocational  
6 rehabilitation services to individuals who qualify for the  
7 program.The members of the commission shall include:

8 (a) The Commissioner of Education, or his or her  
9 designee, who shall serve as chair until October 1, 2000;  
10 after October 1, 2000, the commission shall elect a chair from  
11 its membership;

12 (b) Eight employers from the private sector, three of  
13 whom shall be appointed by the Governor for a term of 4 years,  
14 three of whom shall be appointed by the President of the  
15 Senate for a term of 4 years, and two of whom shall be  
16 appointed by the Speaker of the House of Representatives for a  
17 term of 4 years;

18 (c) An individual who is a consumer of vocational  
19 rehabilitation services, who shall be appointed by the  
20 Governor for a term of 4 years;

21 (d) A community rehabilitation provider who contracts  
22 to provide vocational rehabilitation services to individuals  
23 who qualify for the program and who shall be appointed by the  
24 Governor for a term of 4 years;

25 (e) Five representatives of business, workforce  
26 development, education, state government, local government, a  
27 consumer advocate group, or a community organization, three of  
28 whom shall be appointed by the Governor for a term of 4 years,  
29 one of whom shall be appointed by the President of the Senate  
30 for a term of 4 years, and one of whom shall be appointed by  
31

1 the Speaker of the House of Representatives for a term of 4  
2 years; and  
3 (f) As exofficio, nonvoting members:  
4 1. The executive director or his or her designee from  
5 the Advocacy Center for Persons with Disabilities;  
6 2. The chair of the Florida Rehabilitation Council;  
7 3. The chair of the Council for Independent Living;  
8 and  
9 4. The chair of the Commission for the Purchase from  
10 the Blind or Other Severely Handicapped.  
11 ~~(b) The chair of the Florida Rehabilitation Council;~~  
12 ~~(c) The chair of the Council for Independent Living;~~  
13 ~~(d) The chair of the Commission for the Purchase from~~  
14 ~~the Blind or Other Severely Handicapped;~~  
15 ~~(e) A community rehabilitation provider who contracts~~  
16 ~~to provide vocational rehabilitation services to individuals~~  
17 ~~who qualify for the program, who shall be appointed by the~~  
18 ~~Governor for a term of 4 years;~~  
19 ~~(f) A representative from the Advocacy Center for~~  
20 ~~Persons With Disabilities, who shall be appointed by the~~  
21 ~~President of the Senate for a term of 4 years;~~  
22 ~~(g) A consumer of vocational rehabilitation services,~~  
23 ~~who shall be appointed by the Speaker of the House of~~  
24 ~~Representatives for a term of 4 years; and~~  
25 ~~(h) Other individuals with disabilities and~~  
26 ~~representatives of business, workforce development, education,~~  
27 ~~state government, local government, consumer advocate groups,~~  
28 ~~employers of individuals with disabilities, or community~~  
29 ~~organizations.~~  
30 (3) By September 1, 2000, after receiving  
31 recommendations from the commission, the Governor, the

1 President of the Senate, and the Speaker of the House of  
2 Representatives shall consult together and take actions  
3 necessary to bring the membership of the commission into  
4 compliance with the requirements of this section. In taking  
5 such action, initial terms shall be staggered as necessary to  
6 ensure that the terms of no more than one-fourth of the  
7 commission's total appointed membership shall expire in any  
8 1-year period.~~Initially, the Governor, the President of the~~  
9 ~~Senate, and the Speaker of the House of Representatives shall~~  
10 ~~each appoint as members meeting the qualifications contained~~  
11 ~~in paragraph (2)(h), one member for a term of 3 years, one~~  
12 ~~member for a term of 2 years, and one member for a term of 1~~  
13 ~~year.~~Thereafter, after receiving recommendations from the  
14 commission, the Governor, the President of the Senate, and the  
15 Speaker of the House of Representatives shall appoint all  
16 members for terms of 4 years. Any vacancy shall be filled by  
17 appointment by the original appointing authority for the  
18 unexpired portion of the term by a person who possesses the  
19 proper qualifications for the vacancy.

20 (6) ~~The Governor shall name the chair of the~~  
21 ~~commission from its appointed members.~~The commission shall  
22 biennially elect one of its members as vice chair, who shall  
23 preside in the absence of the chair. Neither the chair, nor  
24 the vice chair, may be a provider of client services funded  
25 through the commission.

26 (7) The Rehabilitation Council created by s. 413.405  
27 ~~shall serve the commission and shall continue to perform its~~  
28 designated duties, with the commission as the designated state  
29 vocational rehabilitation agency. ~~The commission shall~~  
30 ~~consider the recommendations made by the council.~~

31

1           (8) The commission may appoint advisory committees  
2 that the commission considers appropriate, which may include  
3 members from outside the commission to study special problems  
4 or issues and advise the commission on those subjects. The  
5 commission shall establish an advisory council composed of  
6 representatives from not-for-profit organizations that have  
7 submitted a resolution requesting membership and have had the  
8 request approved by the commission.~~Any existing advisory~~  
9 ~~board, commission, or council may seek to become an official~~  
10 ~~advisory committee to the commission by submitting to the~~  
11 ~~commission a resolution requesting affiliation and having the~~  
12 ~~request approved by the commission.~~The commission shall  
13 establish the operating procedures of the committees.

14           (10) The members of the commission may rely on and are  
15 subject to ~~are entitled to be reimbursed for reasonable and~~  
16 ~~necessary expenses of attending meetings and performing~~  
17 ~~commission duties, including per diem and travel expenses, and~~  
18 ~~for personal care attendants and interpreters needed by~~  
19 ~~members during meetings, as provided in s. 413.273.~~

20           Section 109. Effective upon this act becoming a law,  
21 section 413.84, Florida Statutes, is amended to read:

22           413.84 Powers and duties.--The commission:

23           (1) Effective July 1, 2000, shall serve as the  
24 director of the Division of Occupational Access and  
25 Opportunity of the Department of Education.

26           (2) Is responsible for establishing policy, planning,  
27 and quality assurance for the programs assigned and funded to  
28 the division, including, but not limited to, vocational  
29 rehabilitation and independent living services to persons with  
30 disabilities which services are funded under the federal  
31 Rehabilitation Act of 1973, as amended, in a coordinated,

1 efficient, and effective manner. The Occupational Access and  
2 Opportunity Commission has authority to adopt rules pursuant  
3 to ss. 120.536(1) and 120.54 to implement provisions of law  
4 conferring duties upon it. Such rules and policies shall be  
5 submitted to the State Board of Education for approval. If any  
6 rule is not disapproved by the State Board of Education within  
7 45 days after its receipt by the State Board of Education, the  
8 rule shall be filed immediately with the Department of State.  
9 Effective October 1, 2000, rules adopted by the commission do  
10 not require approval by the State Board of Education.

11 (3) Shall, in consultation with the Commissioner of  
12 Education, hire a division director to be responsible to the  
13 commission for operation and maintenance of the programs  
14 assigned and funded to the division.

15 (4)(1) Shall, no later than January July 1, 2001 2000,  
16 after consulting with stakeholders and holding public  
17 hearings, develop and implement a 5-year plan to promote  
18 occupational access and opportunities for Floridians with  
19 disabilities, ~~and to fulfill the federal plan requirements.~~  
20 The plan must be submitted to the Governor, the President of  
21 the Senate, and the Speaker of the House of Representatives.  
22 The commission may make amendments annually to the plan, which  
23 must be submitted to the Governor, the President of the  
24 Senate, and the Speaker of the House of Representatives by the  
25 first of January.

26 (a) The plan must explore the use of Individual  
27 Training Accounts, as described in the federal Workforce Act  
28 of 1998, Pub. L. No. 105-220, for eligible clients. If  
29 developed, these accounts must be distributed under a written  
30 memorandum of understanding with One-Stop Career Center  
31 operators.



1 (b) The plan must include an emergency response  
2 component to address economic downturns.

3 (c) The plan must designate an administrative entity  
4 that will support the commission's work; provide technical  
5 assistance, training, and capacity-building assistance; help  
6 raise additional federal, state, and local funds; and promote  
7 innovative contracts that upgrade or enhance direct services  
8 to Floridians with disabilities.

9 (d) The plan must require that the commission enter  
10 into cooperative agreements with community-based  
11 rehabilitation programs by workforce region to be the service  
12 providers for the program; however, state ~~career service~~  
13 employees shall provide all services that may not be delegated  
14 under ~~mandated by~~ federal law. The commission shall, as  
15 rapidly as is feasible, increase the amount of such services  
16 provided by community-based rehabilitation programs. The plan  
17 must incorporate, to the maximum extent allowed by federal and  
18 state law and regulation, all available funds for such  
19 purposes. Funds and in-kind contributions from community and  
20 private sources shall be used to enhance federal and state  
21 resources.

22 (e) The plan must include recommendations regarding  
23 specific performance standards and measurable outcomes, and  
24 must outline procedures for monitoring operations of the  
25 commission, the corporation, the division,~~commission's~~ and  
26 all providers of services under contract to the commission's  
27 ~~designated administrative entity's~~ operations to ensure that  
28 performance data is maintained and supported by records of  
29 such entities. The commission shall consult with the Office of  
30 Program Policy Analysis and Government Accountability in the  
31

1 establishment of performance standards, measurable outcomes,  
2 and monitoring procedures.

3 ~~(5)(2)~~ Notwithstanding the provisions of part I of  
4 chapter 287, shall contract, no later than July 1, 2000, with  
5 the corporation ~~administrative entity designated in the plan~~  
6 to execute the services, functions, and programs prescribed in  
7 the plan. The commission shall serve as contract  
8 administrator. ~~If approved by the federal Department of~~  
9 ~~Education, the administrative entity may be a direct support~~  
10 ~~organization.~~The commission shall define the terms of the  
11 contract.

12 ~~(6)(3)~~ Shall work with the employer community to  
13 better define, address, and meet its business needs with  
14 qualified Floridians with disabilities.

15 ~~(7)(4)~~ Is responsible for the prudent use of all  
16 public and private funds provided for the commission's use,  
17 ensuring that the use of all funds is in accordance with all  
18 applicable laws, bylaws, and contractual requirements.

19 ~~(8)(5)~~ Shall develop an operational structure to carry  
20 out the plan developed by the commission.

21 ~~(9)(6)~~ May appear on its own behalf before the  
22 Legislature, boards, commissions, departments, or other  
23 agencies of municipal, county, state, or Federal Government.

24 ~~(10)(7)~~ In the performance of its duties, may  
25 undertake or commission research and studies.

26 ~~(11)(8)~~ Shall develop a budget, which is in keeping  
27 with the plan, for the operation and activities of the  
28 commission and functions of its designated administrative  
29 entity. The budget shall be submitted to the Governor for  
30 inclusion in the Governor's budget recommendations.

31

1           ~~(12)(9)~~ May assign staff from the ~~office or~~ division  
2 to assist in implementing the provisions of this act relating  
3 to the Occupational Access and Opportunity Commission.

4           Section 110. Effective upon this act becoming a law,  
5 subsections (1), (3), and (4) of section 413.85, Florida  
6 Statutes, are amended to read:

7           413.85 Occupational Access and Opportunity  
8 Corporation; use of property; board of directors; duties;  
9 audit.--

10           (1) ESTABLISHMENT.--If the commission elects to  
11 contract with the corporation to provide services ~~designate a~~  
12 ~~direct support organization as its administrative entity~~, such  
13 organization shall be designated the Occupational Access and  
14 Opportunity Corporation:

15           (a) Which is a corporation not for profit, as defined  
16 in s. 501(c)s. 501(c)(6) of the Internal Revenue Code of  
17 1986, as amended, and is incorporated under the provisions of  
18 chapter 617 and approved by the Department of State.

19           (b) Which is organized and operated exclusively to  
20 carry out such activities and tasks as the commission assigns  
21 through contract. ~~request, receive, hold, invest, and~~  
22 ~~administer property and to manage and make expenditures for~~  
23 ~~the operation of the activities, services, functions, and~~  
24 ~~programs of the provisions of this act relating to the~~  
25 ~~Occupational Access and Opportunity Commission.~~

26           (c) Which the commission, after review, has certified  
27 to be operating in a manner consistent with the policies and  
28 goals of the commission and the plan.

29           (d) Which shall not be considered an agency for the  
30 purposes of chapters 120, and 216, and 287; ss. 255.25 and  
31 255.254, relating to leasing of buildings; ss. 283.33 and

1 283.35, relating to bids for printing; s. 215.31; and parts IV  
2 through VIII of chapter 112.

3 (e) Which shall be subject to the provisions of  
4 chapter 119, relating to public records; ~~and the provisions~~  
5 of chapter 286, relating to public meetings; and the  
6 provisions of s. 768.28 as a corporation primarily acting as  
7 an instrumentality of this state.

8 (3) BOARD OF DIRECTORS.--The board of directors of the  
9 corporation shall be composed of no fewer than 7 and no more  
10 than 15 members appointed by the commission, and a majority of  
11 its members must be members of the commission ~~15 members,~~  
12 ~~appointed by the commission from its own membership.~~ The vice  
13 chair of the commission shall serve as chair of the  
14 corporation's board of directors.

15 (4) POWERS AND DUTIES.--The corporation, in the  
16 performance of its duties:

17 (a) May make and enter into contracts and assume such  
18 other functions as are necessary to carry out the provisions  
19 of the plan and the corporation's contract with the commission  
20 which are not inconsistent with this or any other provision of  
21 law.

22 (b) May develop a program to leverage the existing  
23 federal and state funding and to provide upgraded or expanded  
24 services to Floridians with disabilities if directed by the  
25 commission.

26 (c) May commission and adopt, in cooperation with the  
27 commission, an official business name and logo to be used in  
28 all promotional materials directly produced by the  
29 corporation.

30 (d) The corporation shall establish cooperative and  
31 collaborative memoranda of understanding with One-Stop Career

1 Center operators to increase, upgrade, or expand services to  
2 Floridians with disabilities who are seeking employment and  
3 self-sufficiency.

4 (e) May hire any individual who, as of June 30, 2000,  
5 is employed by the Division of Vocational Rehabilitation. Such  
6 hiring may be done through a lease agreement established by  
7 the Department of Management Services for the corporation.  
8 Under such agreement, the employee shall retain his or her  
9 status as a state employee, but shall work under the direct  
10 supervision of the corporation. Retention of state employee  
11 status shall include the right to participate in the Florida  
12 Retirement System. The Department of Management Services shall  
13 establish the terms and conditions of such lease agreements.

14 Section 111. Effective upon this act becoming a law,  
15 section 413.86, Florida Statutes, is amended to read:

16 413.86 Public-private partnerships.--The Division of  
17 Occupational Access and Opportunity ~~Vocational Rehabilitation~~  
18 will enter into local public-private partnerships to the  
19 extent that it is beneficial to increasing employment outcomes  
20 for persons with disabilities and ensuring their full  
21 involvement in the comprehensive workforce investment system.

22 Section 112. Effective upon this act becoming law,  
23 section 413.865, Florida Statutes, is created to read:

24 413.865 Coordination with workforce system.--

25 (1) The Occupational Access and Opportunity  
26 Commission, the Division of Occupational Access and  
27 Opportunity, the corporation, and community-based service  
28 providers shall coordinate and integrate their planning,  
29 programs, and services with the planning, programs, and  
30 services of Workforce Florida, Inc., the Agency for Workforce  
31 Innovation, regional workforce boards, and one-stop center

1 operators to ensure that persons with disabilities can easily  
2 receive all intended and available federal, state, and local  
3 program services.

4 (2) These public and private partners shall work  
5 together to ensure and provide continuity of service to  
6 persons with disabilities throughout the state, as well as to  
7 provide consistent and upgraded services to persons with  
8 disabilities throughout the state.

9 (3) These public and private partners shall work  
10 together to ensure that Florida's design and implementation of  
11 the federal Workforce Investment Act:

12 (a) Integrates these partners in the One-Stop Delivery  
13 System through memorandums of understanding;

14 (b) Includes qualified and eligible providers of  
15 services to persons with disabilities in consumer reports to  
16 promote choice;

17 (c) Develops, using the Untried Worker Placement and  
18 Employment Incentive Act, a tailored Individual Training  
19 Account design for persons with disabilities; and

20 (d) Provides electronic access for persons with  
21 disabilities to workforce development services.

22 (4) These partners, with resources under their control  
23 or by budget amendment, shall establish the collaboration  
24 prescribed by this section. The Commission and Workforce  
25 Florida, Inc., may adopt a joint agreement that commits,  
26 contracts, redirects, and obligates resources under their  
27 control to support the strategy detailed in this section.

28 (5) The commission, in cooperation with its public and  
29 private partners, shall be responsible for developing and  
30 implementing comprehensive performance measurement  
31 methodologies to monitor and evaluate the progress of the

1 commission and its public and private partners in meeting the  
2 statutory responsibilities for providing services to  
3 individuals with disabilities. These methodologies shall  
4 include, but are not limited to, measures to evaluate the  
5 performance of community rehabilitation providers who contract  
6 with the commission. The commission shall emphasize  
7 integration with performance measurement methodologies of the  
8 state's workforce development system.

9           Section 113. Effective upon this act becoming a law,  
10 subsection (2) of section 413.87, Florida Statutes, is amended  
11 to read:

12           413.87 Annual audit.--

13           (2) The corporation shall provide to the commission a  
14 quarterly report that:

15           (a) Updates its progress and impact in creating  
16 employment and increasing the personal income of individuals  
17 with disabilities;

18           (b) Provides detailed, unaudited financial statements  
19 of sources and uses of public and private funds;

20           (c) Measures progress towards annual goals and  
21 objectives set forth in the contract ~~commission's plan~~;

22           (d) Reviews all pertinent research findings and  
23 training efforts; and

24           (e) Provides other measures of accountability as  
25 requested by the commission.

26           Section 114. Effective upon this act becoming a law,  
27 section 413.88, Florida Statutes, is amended to read:

28           413.88 Annual report of the Occupational Access and  
29 Opportunity Commission; audits.--

30           (1) Before January 1 of each year, the commission  
31 shall submit to the Governor, the President of the Senate, and

1 the Speaker of the House of Representatives a complete and  
2 detailed report setting forth for itself and its designated  
3 administrative entity:

4 (a) Its operations and accomplishments during the  
5 fiscal year.

6 (b) Its business and operational plan.

7 (c) The assets and liabilities of the corporation  
8 ~~designated administrative entity~~ at the end of its most recent  
9 fiscal year.

10 (d) A copy of the annual financial and compliance  
11 audit.

12 (2) The Auditor General may, pursuant to his or her  
13 own authority or at the direction of the Legislative Auditing  
14 Committee, conduct an audit of the commission or the  
15 corporation ~~its designated administrative entity~~.

16 Section 115. Effective upon this act becoming a law,  
17 section 413.89, Florida Statutes, is amended to read:

18 413.89 State vocational rehabilitation plan;  
19 preparation and submittal; administration.--Effective July 1,  
20 2000, the Department of Education is the designated state  
21 agency and the Division of Occupational Access and Opportunity  
22 is the designated state unit for purposes of compliance with  
23 the federal Rehabilitation Act of 1973, as amended. Effective  
24 October 1, 2000, ~~Upon appointment,~~ the Occupational Access and  
25 Opportunity Commission is the designated state agency for  
26 purposes of compliance with the Rehabilitation Act of 1973, as  
27 amended, and authorized to prepare and submit the federally  
28 required state vocational rehabilitation plan and to serve as  
29 the governing authority of programs administered by the  
30 commission, including, but not limited to: administering the  
31 state's plan under the Rehabilitation Act of 1973, as amended;



1 receiving federal funds as the state vocational rehabilitation  
2 agency; directing the expenditure of legislative  
3 appropriations for rehabilitative services through its  
4 designated administrative entity or other agents; and, if  
5 necessary, making any changes to the plan that the commission  
6 considers necessary to maintain compliance with the federal  
7 Rehabilitation Act of 1973, as amended, and implementing such  
8 changes in order to continue to qualify and maintain federal  
9 funding support. During the period of time between July 1,  
10 2000, and October 1, 2000, the department and ~~the appointment~~  
11 ~~of the commission and the designation of the administrative~~  
12 ~~entity, the commission and the division may, by agreement,~~  
13 provide for continued administration consistent with federal  
14 and state law.

15 Section 116. Effective upon this act becoming a law,  
16 section 413.90, Florida Statutes, is amended to read:

17 413.90 Designated State Agency and Designated State  
18 Unit ~~Designation of administrative entity.~~ -- Effective July 1,  
19 2000, The division must comply with the transitional direction  
20 ~~of the plan. If the commission designates an administrative~~  
21 ~~entity other than the division, all powers, duties, and~~  
22 functions of and all related records, property, and equipment  
23 and all contractual rights, obligations of, and unexpended  
24 balances of appropriations and other funds or allocations of  
25 the ~~division's~~ component programs of the Division of  
26 Vocational Rehabilitation of the Department of Labor and  
27 Employment Security shall be transferred to the Division of  
28 Occupational Access and Opportunity of the Department of  
29 Education ~~commission as provided in the plan, pursuant to s.~~  
30 20.06(2). The commission and the Department of Education, in  
31 establishing the Division of Occupational Access and

1 Opportunity, may establish no more than 700 positions  
2 inclusive of those positions leased by the corporation. These  
3 positions may be filled initially by former employees of the  
4 Division of Vocational Rehabilitation. By October 1, 2000, the  
5 division shall reduce the number of positions to no more than  
6 300. Notwithstanding the provisions of s. 110.227, if a layoff  
7 becomes necessary with respect to the Division of Occupational  
8 Access and Opportunity, the competitive area identified for  
9 such layoff shall not include any other division of the  
10 Department of Education. If unforeseen transition activities  
11 occur in moving service delivery from division employees to  
12 community rehabilitation providers and create situations  
13 negatively affecting client services, and the remedy to those  
14 temporary situations would require more than 300 positions,  
15 the division may request a budget amendment to retain  
16 positions. The request must provide full justification for the  
17 continuation and include the number of positions and duration  
18 of time required. In no instance shall the time required  
19 exceed 3 months. Effective July 1, 2000, the records,  
20 property, and unexpended balances of appropriations,  
21 allocations, and other funds and resources of the Office of  
22 the Secretary and the Office of Administrative Services of the  
23 Department of Labor and Employment Security which support the  
24 activities and functions of the Division of Vocational  
25 Rehabilitation are transferred as provided in s. 20.06(2), to  
26 the Division of Occupational Access and Opportunity at the  
27 Department of Education.The Department of Labor and  
28 Employment Security shall assist the commission in carrying  
29 out the intent of this chapter and achieving an orderly  
30 transition. The Office of Planning and Budget shall submit the  
31

1 necessary budget amendments to the Legislature in order to  
2 bring the budget into compliance with the plan.

3 Section 117. Effective upon this act becoming a law,  
4 section 413.91, Florida Statutes, is amended to read:

5 413.91 Service providers; quality assurance and  
6 fitness for responsibilities.--The Occupational Access and  
7 Opportunity Commission shall assure that all contractors ~~the~~  
8 ~~designated administrative entity~~ and providers of direct  
9 service maintain an internal system of quality assurance, have  
10 proven functional systems, and are subject to a due-diligence  
11 inquiry for their fitness to undertake service  
12 responsibilities regardless of whether a contract for services  
13 is competitively or noncompetitively procured.

14 Section 118. Effective upon this act becoming a law,  
15 section 413.92, Florida Statutes, is amended to read:

16 413.92 Conflict of laws.--It is the intent of the  
17 Legislature that the provisions of this act relating to the  
18 Occupational Access and Opportunity Commission not conflict  
19 with any federal statute or implementing regulation governing  
20 federal grant-in-aid programs administered by the division or  
21 the commission. Whenever such a conflict is asserted by the  
22 applicable agency of the Federal Government, until October 1,  
23 2000, the department, and after October 1, 2000, the  
24 commission shall submit to the federal Department of  
25 Education, or other applicable federal agency, a request for a  
26 favorable policy interpretation of the conflicting portions.  
27 If the request is approved, as certified in writing by the  
28 secretary of the federal Department of Education, or the head  
29 of the other applicable federal agency, the commission or the  
30 division is authorized to make the adjustments in the plan  
31 which are necessary for achieving conformity to federal

1 statutes and regulations. Before making such adjustments, the  
2 commission or the division shall provide to the President of  
3 the Senate and the Speaker of the House of Representatives an  
4 explanation and justification of the position of the division  
5 or the commission and shall outline all feasible alternatives  
6 that are consistent with this section. These alternatives may  
7 include the state supervision of local service agencies by the  
8 commission or the division if the agencies are designated by  
9 the Governor.

10 Section 119. Effective upon this act becoming a law,  
11 section 413.93, Florida Statutes, is repealed.

12 Section 120. Subsections (11) and (13) of section  
13 440.02, Florida Statutes, are amended to read:

14 440.02 Definitions.--When used in this chapter, unless  
15 the context clearly requires otherwise, the following terms  
16 shall have the following meanings:

17 (11) "Department" means the Department of Insurance  
18 ~~Labor and Employment Security~~.

19 (13) "Division" means the Division of Workers'  
20 Compensation of the Department of Insurance ~~Labor and~~  
21 ~~Employment Security~~.

22 Section 121. Subsection (1) of section 440.207,  
23 Florida Statutes, is amended to read:

24 440.207 Workers' compensation system guide.--

25 (1) The Division of Workers' Compensation of the  
26 Department of Insurance ~~Labor and Employment Security~~ shall  
27 educate all persons providing or receiving benefits pursuant  
28 to this chapter as to their rights and responsibilities under  
29 this chapter.

30 Section 122. Subsections (2), (4), (5), (6), (9), and  
31 (10); paragraph (c) of subsection (3); and paragraph (a) of

1 subsection (8) of section 440.385, Florida Statutes, are  
2 amended to read:

3 440.385 Florida Self-Insurers Guaranty Association,  
4 Incorporated.--

5 (2) BOARD OF DIRECTORS.--The board of directors of the  
6 association shall consist of nine persons and shall be  
7 organized as established in the plan of operation. ~~With~~  
8 ~~respect to initial appointments, the Secretary of Labor and~~  
9 ~~Employment Security shall, by July 15, 1982, approve and~~  
10 ~~appoint to the board persons who are experienced with~~  
11 ~~self-insurance in this state and who are recommended by the~~  
12 ~~individual self-insurers in this state required to become~~  
13 ~~members of the association pursuant to the provisions of~~  
14 ~~paragraph (1)(a). In the event the secretary finds that any~~  
15 ~~person so recommended does not have the necessary~~  
16 ~~qualifications for service on the board and a majority of the~~  
17 ~~board has been appointed, the secretary shall request the~~  
18 ~~directors thus far approved and appointed to recommend another~~  
19 ~~person for appointment to the board.~~Each director shall serve  
20 for a 4-year term and may be reappointed. Appointments ~~other~~  
21 ~~than initial appointments~~ shall be made by the Insurance  
22 Commissioner and Treasurer ~~Secretary of Labor and Employment~~  
23 ~~Security~~ upon recommendation of members of the association.  
24 Any vacancy on the board shall be filled for the remaining  
25 period of the term in the same manner as appointments other  
26 than initial appointments are made. Each director shall be  
27 reimbursed for expenses incurred in carrying out the duties of  
28 the board on behalf of the association.

29 (3) POWERS AND DUTIES.--

30 (c)1. To the extent necessary to secure funds for the  
31 payment of covered claims and also to pay the reasonable costs

1 to administer them, the Department of Insurance ~~Labor and~~  
2 ~~Employment Security~~, upon certification of the board of  
3 directors, shall levy assessments based on the annual normal  
4 premium each employer would have paid had the employer not  
5 been self-insured. Every assessment shall be made as a  
6 uniform percentage of the figure applicable to all individual  
7 self-insurers, provided that the assessment levied against any  
8 self-insurer in any one year shall not exceed 1 percent of the  
9 annual normal premium during the calendar year preceding the  
10 date of the assessment. Assessments shall be remitted to and  
11 administered by the board of directors in the manner specified  
12 by the approved plan. Each employer so assessed shall have at  
13 least 30 days' written notice as to the date the assessment is  
14 due and payable. The association shall levy assessments  
15 against any newly admitted member of the association so that  
16 the basis of contribution of any newly admitted member is the  
17 same as previously admitted members, provision for which shall  
18 be contained in the plan of operation.

19 2. If, in any one year, funds available from such  
20 assessments, together with funds previously raised, are not  
21 sufficient to make all the payments or reimbursements then  
22 owing, the funds available shall be prorated, and the unpaid  
23 portion shall be paid as soon thereafter as sufficient  
24 additional funds become available.

25 3. No state funds of any kind shall be allocated or  
26 paid to the association or any of its accounts except those  
27 state funds accruing to the association by and through the  
28 assignment of rights of an insolvent employer.

29 (4) INSOLVENCY FUND.--Upon the adoption of a plan of  
30 operation ~~or the adoption of rules by the Department of Labor~~  
31 ~~and Employment Security~~ pursuant to subsection (5), there

1 shall be created an Insolvency Fund to be managed by the  
2 association.

3 (a) The Insolvency Fund is created for purposes of  
4 meeting the obligations of insolvent members incurred while  
5 members of the association and after the exhaustion of any  
6 bond, as required under this chapter. However, if such bond,  
7 surety, or reinsurance policy is payable to the Florida  
8 Self-Insurers Guaranty Association, the association shall  
9 commence to provide benefits out of the Insolvency Fund and be  
10 reimbursed from the bond, surety, or reinsurance policy. The  
11 method of operation of the Insolvency Fund shall be defined in  
12 the plan of operation as provided in subsection (5).

13 (b) The department shall have the authority to audit  
14 the financial soundness of the Insolvency Fund annually.

15 (c) The department may offer certain amendments to the  
16 plan of operation to the board of directors of the association  
17 for purposes of assuring the ongoing financial soundness of  
18 the Insolvency Fund and its ability to meet the obligations of  
19 this section.

20 (d) The department actuary may make certain  
21 recommendations to improve the orderly payment of claims.

22 (5) PLAN OF OPERATION.--~~By September 15, 1982, The~~  
23 board of directors shall use ~~submit to the Department of Labor~~  
24 ~~and Employment Security~~ a proposed plan of operation for the  
25 administration of the association and the Insolvency Fund.

26 (a) The purpose of the plan of operation shall be to  
27 provide the association and the board of directors with the  
28 authority and responsibility to establish the necessary  
29 programs and to take the necessary actions to protect against  
30 the insolvency of a member of the association. In addition,  
31 the plan shall provide that the members of the association

1 shall be responsible for maintaining an adequate Insolvency  
2 Fund to meet the obligations of insolvent members provided for  
3 under this act and shall authorize the board of directors to  
4 contract and employ those persons with the necessary expertise  
5 to carry out this stated purpose.

6 ~~(b) The plan of operation, and any amendments thereto,~~  
7 ~~shall take effect upon approval in writing by the department.~~  
8 ~~If the board of directors fails to submit a plan by September~~  
9 ~~15, 1982, or fails to make required amendments to the plan~~  
10 ~~within 30 days thereafter, the department shall promulgate~~  
11 ~~such rules as are necessary to effectuate the provisions of~~  
12 ~~this subsection. Such rules shall continue in force until~~  
13 ~~modified by the department or superseded by a plan submitted~~  
14 ~~by the board of directors and approved by the department.~~

15 (b)(c) All member employers shall comply with the plan  
16 of operation.

17 (c)(d) The plan of operation shall:

18 1. Establish the procedures whereby all the powers and  
19 duties of the association under subsection (3) will be  
20 performed.

21 2. Establish procedures for handling assets of the  
22 association.

23 3. Establish the amount and method of reimbursing  
24 members of the board of directors under subsection (2).

25 4. Establish procedures by which claims may be filed  
26 with the association and establish acceptable forms of proof  
27 of covered claims. Notice of claims to the receiver or  
28 liquidator of the insolvent employer shall be deemed notice to  
29 the association or its agent, and a list of such claims shall  
30 be submitted periodically to the association or similar  
31 organization in another state by the receiver or liquidator.



1           5. Establish regular places and times for meetings of  
2 the board of directors.

3           6. Establish procedures for records to be kept of all  
4 financial transactions of the association and its agents and  
5 the board of directors.

6           7. Provide that any member employer aggrieved by any  
7 final action or decision of the association may appeal to the  
8 department within 30 days after the action or decision.

9           8. Establish the procedures whereby recommendations of  
10 candidates for the board of directors shall be submitted to  
11 the department.

12           9. Contain additional provisions necessary or proper  
13 for the execution of the powers and duties of the association.

14           (d)~~(e)~~ The plan of operation may provide that any or  
15 all of the powers and duties of the association, except those  
16 specified under subparagraphs (c)1.~~(d)1.~~ and 2., be delegated  
17 to a corporation, association, or other organization which  
18 performs or will perform functions similar to those of this  
19 association or its equivalent in two or more states. Such a  
20 corporation, association, or organization shall be reimbursed  
21 as a servicing facility would be reimbursed and shall be paid  
22 for its performance of any other functions of the association.  
23 A delegation of powers or duties under this subsection shall  
24 take effect only with the approval of both the board of  
25 directors and the department and may be made only to a  
26 corporation, association, or organization which extends  
27 protection which is not substantially less favorable and  
28 effective than the protection provided by this section.

29           (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE ~~LABOR~~  
30 ~~AND EMPLOYMENT SECURITY~~.--

31           (a) The department shall:

1           1. Notify the association of the existence of an  
2 insolvent employer not later than 3 days after it receives  
3 notice of the determination of insolvency.

4           2. Upon request of the board of directors, provide the  
5 association with a statement of the annual normal premiums of  
6 each member employer.

7           (b) The department may:

8           1. Require that the association notify the member  
9 employers and any other interested parties of the  
10 determination of insolvency and of their rights under this  
11 section. Such notification shall be by mail at the last known  
12 address thereof when available; but, if sufficient information  
13 for notification by mail is not available, notice by  
14 publication in a newspaper of general circulation shall be  
15 sufficient.

16           2. Suspend or revoke the authority of any member  
17 employer failing to pay an assessment when due or failing to  
18 comply with the plan of operation to self-insure in this  
19 state. As an alternative, the department may levy a fine on  
20 any member employer failing to pay an assessment when due.  
21 Such fine shall not exceed 5 percent of the unpaid assessment  
22 per month, except that no fine shall be less than \$100 per  
23 month.

24           3. Revoke the designation of any servicing facility if  
25 the department finds that claims are being handled  
26 unsatisfactorily.

27           (8) PREVENTION OF INSOLVENCIES.--To aid in the  
28 detection and prevention of employer insolvencies:

29           (a) Upon determination by majority vote that any  
30 member employer may be insolvent or in a financial condition  
31 hazardous to the employees thereof or to the public, it shall

1 be the duty of the board of directors to notify the Department  
2 of Insurance ~~Labor and Employment Security~~ of any information  
3 indicating such condition.

4 (9) EXAMINATION OF THE ASSOCIATION.--The association  
5 shall be subject to examination and regulation by the  
6 Department of Insurance ~~Labor and Employment Security~~. No  
7 later than March 30 of each year, the board of directors shall  
8 submit a financial report for the preceding calendar year in a  
9 form approved by the department.

10 (10) IMMUNITY.--There shall be no liability on the  
11 part of, and no cause of action of any nature shall arise  
12 against, any member employer, the association or its agents or  
13 employees, the board of directors, or the Department of  
14 Insurance ~~Labor and Employment Security~~ or its representatives  
15 for any action taken by them in the performance of their  
16 powers and duties under this section.

17 Section 123. Subsection (6) of section 440.44, Florida  
18 Statutes, is amended to read:

19 440.44 Workers' compensation; staff organization.--

20 (6) SEAL.--The division, the judges of compensation  
21 claims, and the Chief Judge shall have a seal upon which shall  
22 be inscribed the words "State of Florida Department of  
23 Insurance ~~Labor and Employment Security~~--Seal."

24 Section 124. Subsections (1) and (3) of section  
25 440.4416, Florida Statutes, are amended to read:

26 440.4416 Workers' Compensation Oversight Board.--

27 (1) There is created within the Department of  
28 Insurance ~~Labor and Employment Security~~ the Workers'  
29 Compensation Oversight Board. The board shall be composed of  
30 the following members, each of whom has knowledge of, or  
31 experience with, the workers' compensation system:

1 (a) Six members selected by the Governor, none of whom  
2 shall be a member of the Legislature at the time of  
3 appointment, consisting of the following:

4 1. Two representatives of employers.

5 2. Four representatives of employees, one of whom must  
6 be a representative of an employee's union whose members are  
7 covered by workers' compensation pursuant to this chapter.

8 (b) Three members selected by the President of the  
9 Senate, none of whom shall be members of the Legislature at  
10 the time of appointment, consisting of:

11 1. A representative of employers who employs at least  
12 10 employees in Florida for which workers' compensation  
13 coverage is provided pursuant to this chapter, and who is a  
14 licensed general contractor actively engaged in the  
15 construction industry in this state.

16 2. A representative of employers who employs fewer  
17 than 10 employees in Florida for which workers' compensation  
18 coverage is provided pursuant to this chapter.

19 3. A representative of employees.

20 (c) Three members selected by the Speaker of the House  
21 of Representatives, none of whom shall be members of the  
22 Legislature at the time of appointment, consisting of:

23 1. A representative of employers who employs fewer  
24 than 10 employees in Florida and who is a licensed general  
25 contractor actively engaged in the construction industry in  
26 this state for which workers' compensation coverage is  
27 provided pursuant to this chapter.

28 2. A representative of employers who employs at least  
29 10 employees in Florida for which workers' compensation  
30 coverage is provided pursuant to this chapter.

31 3. A representative of employees.

1 (d) Additionally, the Insurance Commissioner ~~and the~~  
2 ~~secretary of the Department of Labor and Employment Security~~  
3 shall be a nonvoting ex officio member ~~members~~.

4 (e) The original appointments to the board shall be  
5 made on or before January 1, 1994. Vacancies in the membership  
6 of the board shall be filled in the same manner as the  
7 original appointments. Except as to ex officio members of the  
8 board, three appointees of the Governor, two appointees of the  
9 President of the Senate, and two appointees of the Speaker of  
10 the House of Representatives shall serve for terms of 2 years,  
11 and the remaining appointees shall serve for terms of 4 years.  
12 Thereafter, all members shall serve for terms of 4 years;  
13 except that a vacancy shall be filled by appointment for the  
14 remainder of the term. The board shall have an organizational  
15 meeting on or before March 1, 1994, the time and place of such  
16 meeting to be determined by the Governor.

17 (f) Each member is accountable to the Governor for  
18 proper performance of his or her duties as a member of the  
19 board. The Governor may remove from office any member for  
20 malfeasance, misfeasance, neglect of duty, drunkenness,  
21 incompetence, permanent inability to perform official duties,  
22 or for pleading guilty or nolo contendere to, or having been  
23 adjudicated guilty of, a first degree misdemeanor or a felony.

24 (g) A vacancy shall occur upon failure of a member to  
25 attend four consecutive meetings of the board or 50 percent of  
26 the meetings of the board during a 12-month period, unless the  
27 board by majority votes to excuse the absence of such member.

28 (3) EXECUTIVE DIRECTOR; EXPENSES.--

29 (a) The board shall appoint an executive director to  
30 direct and supervise the administrative affairs and general  
31 management of the board who shall be subject to the provisions

1 of part IV of chapter 110. The executive director may employ  
2 persons and obtain technical assistance as authorized by the  
3 board and shall attend all meetings of the board. Board  
4 employees shall be exempt from part II of chapter 110.

5 (b) In addition to per diem and travel expenses  
6 authorized by s. 112.061, board members shall receive  
7 compensation of \$50 for each full day allocable to business of  
8 the board. The board shall promulgate procedures defining  
9 "business" for purposes of receiving compensation. Such  
10 procedures shall require each member to maintain time records  
11 and submit such records to the executive director on a monthly  
12 basis. Failure to timely file such monthly record shall  
13 extinguish the member's entitlement to compensation for the  
14 subject period. Travel outside this state shall be approved by  
15 the Insurance Commissioner and Treasurer ~~secretary of the~~  
16 ~~department~~. Expenses associated with the administration of  
17 this section shall be appropriated and paid for from the trust  
18 fund created by s. 440.50.

19 Section 125. Subsection (1) of section 440.45, Florida  
20 Statutes, is amended to read:

21 440.45 Office of the Judges of Compensation Claims.--

22 (1) There is hereby created the Office of the Judges  
23 of Compensation Claims within the Department of Insurance  
24 ~~Labor and Employment Security~~. The Office of the Judges of  
25 Compensation Claims shall be headed by a Chief Judge. The  
26 Chief Judge shall be appointed by the Governor for a term of 4  
27 years from a list of three names submitted by the statewide  
28 nominating commission created under subsection (2). The Chief  
29 Judge must possess the same qualifications for appointment as  
30 a judge of compensation claims, and the procedure for  
31 reappointment of the Chief Judge will be the same as for

1 reappointment of a judge of compensation claims. The office  
2 shall be a separate budget entity and the Chief Judge shall be  
3 its agency head for all purposes. The Department of Insurance  
4 ~~Labor and Employment Security~~ shall provide administrative  
5 support and service to the office to the extent requested by  
6 the Chief Judge but shall not direct, supervise, or control  
7 the Office of the Judges of Compensation Claims in any manner,  
8 including, but not limited to, personnel, purchasing,  
9 budgetary matters, or property transactions. The operating  
10 budget of the Office of the Judges of Compensation Claims  
11 shall be paid out of the Workers' Compensation Administration  
12 Trust Fund established in s. 440.50.

13 Section 126. Paragraph (e) of subsection (9) of  
14 section 440.49, Florida Statutes, is amended to read:

15 440.49 Limitation of liability for subsequent injury  
16 through Special Disability Trust Fund.--

17 (9) SPECIAL DISABILITY TRUST FUND.--

18 (e) The Department of Insurance ~~Labor and Employment~~  
19 ~~Security~~ or administrator shall report annually on the status  
20 of the Special Disability Trust Fund. The report shall update  
21 the estimated undiscounted and discounted fund liability, as  
22 determined by an independent actuary, change in the total  
23 number of notices of claim on file with the fund in addition  
24 to the number of newly filed notices of claim, change in the  
25 number of proofs of claim processed by the fund, the fee  
26 revenues refunded and revenues applied to pay down the  
27 liability of the fund, the average time required to reimburse  
28 accepted claims, and the average administrative costs per  
29 claim. The department or administrator shall submit its  
30 report to the Governor, the President of the Senate, and the  
31

1 Speaker of the House of Representatives by December 1 of each  
2 year.

3 Section 127. Effective October 1, 2000, section  
4 215.311, Florida Statutes, is amended to read:

5 215.311 State funds; exceptions.--The provisions of s.  
6 215.31 shall not apply to funds collected by and under the  
7 direction and supervision of the Division of Blind Services of  
8 the Department of Management Services ~~Labor and Employment~~  
9 ~~Security~~ as provided under ss. 413.011, 413.041, and 413.051;  
10 however, nothing in this section shall be construed to except  
11 from the provisions of s. 215.31 any appropriations made by  
12 the state to the division.

13 Section 128. Effective October 1, 2000, subsection (1)  
14 of section 413.091, Florida Statutes, is amended to read:

15 413.091 Identification cards.--

16 (1) The Division of Blind Services of the Department  
17 of Management Services ~~Labor and Employment Security~~ is hereby  
18 empowered to issue identification cards to persons known to be  
19 blind or partially sighted, upon the written request of such  
20 individual.

21 Section 129. Subsection (3) of section 440.102,  
22 Florida Statutes, is amended to read:

23 440.102 Drug-free workplace program requirements.--The  
24 following provisions apply to a drug-free workplace program  
25 implemented pursuant to law or to rules adopted by the Agency  
26 for Health Care Administration:

27 (3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.--

28 (a) One time only, prior to testing, an employer shall  
29 give all employees and job applicants for employment a written  
30 policy statement which contains:

31



- 1           1. A general statement of the employer's policy on  
2 employee drug use, which must identify:
- 3           a. The types of drug testing an employee or job  
4 applicant may be required to submit to, including  
5 reasonable-suspicion drug testing or drug testing conducted on  
6 any other basis.
- 7           b. The actions the employer may take against an  
8 employee or job applicant on the basis of a positive confirmed  
9 drug test result.
- 10          2. A statement advising the employee or job applicant  
11 of the existence of this section.
- 12          3. A general statement concerning confidentiality.
- 13          4. Procedures for employees and job applicants to  
14 confidentially report to a medical review officer the use of  
15 prescription or nonprescription medications to a medical  
16 review officer both before and after being tested.
- 17          5. A list of the most common medications, by brand  
18 name or common name, as applicable, as well as by chemical  
19 name, which may alter or affect a drug test. A list of such  
20 medications as developed by the Agency for Health Care  
21 Administration shall be available to employers through the  
22 Division of Workers' Compensation of the Department of  
23 Insurance ~~Labor and Employment Security~~.
- 24          6. The consequences of refusing to submit to a drug  
25 test.
- 26          7. A representative sampling of names, addresses, and  
27 telephone numbers of employee assistance programs and local  
28 drug rehabilitation programs.
- 29          8. A statement that an employee or job applicant who  
30 receives a positive confirmed test result may contest or  
31 explain the result to the medical review officer within 5

1 working days after receiving written notification of the test  
2 result; that if an employee's or job applicant's explanation  
3 or challenge is unsatisfactory to the medical review officer,  
4 the medical review officer shall report a positive test result  
5 back to the employer; and that a person may contest the drug  
6 test result pursuant to law or to rules adopted by the Agency  
7 for Health Care Administration.

8           9. A statement informing the employee or job applicant  
9 of his or her responsibility to notify the laboratory of any  
10 administrative or civil action brought pursuant to this  
11 section.

12           10. A list of all drugs for which the employer will  
13 test, described by brand name or common name, as applicable,  
14 as well as by chemical name.

15           11. A statement regarding any applicable collective  
16 bargaining agreement or contract and the right to appeal to  
17 the Public Employees Relations Commission or applicable court.

18           12. A statement notifying employees and job applicants  
19 of their right to consult with a medical review officer for  
20 technical information regarding prescription or  
21 nonprescription medication.

22           (b) An employer not having a drug-testing program  
23 shall ensure that at least 60 days elapse between a general  
24 one-time notice to all employees that a drug-testing program  
25 is being implemented and the beginning of actual drug testing.  
26 An employer having a drug-testing program in place prior to  
27 July 1, 1990, is not required to provide a 60-day notice  
28 period.

29           (c) An employer shall include notice of drug testing  
30 on vacancy announcements for positions for which drug testing  
31 is required. A notice of the employer's drug-testing policy

1 must also be posted in an appropriate and conspicuous location  
2 on the employer's premises, and copies of the policy must be  
3 made available for inspection by the employees or job  
4 applicants of the employer during regular business hours in  
5 the employer's personnel office or other suitable locations.

6 Section 130. Subsection (1) of section 440.125,  
7 Florida Statutes, is amended to read:

8 440.125 Medical records and reports; identifying  
9 information in employee medical bills; confidentiality.--

10 (1) Any medical records and medical reports of an  
11 injured employee and any information identifying an injured  
12 employee in medical bills which are provided to the Division  
13 of Workers' Compensation of the Department of Insurance ~~Labor~~  
14 ~~and Employment Security~~ pursuant to s. 440.13 are confidential  
15 and exempt from the provisions of s. 119.07(1) and s. 24(a),  
16 Art. I of the State Constitution, except as otherwise provided  
17 by this chapter.

18 Section 131. Paragraph (a) of subsection (11) of  
19 section 440.13, Florida Statutes, is amended to read:

20 440.13 Medical services and supplies; penalty for  
21 violations; limitations.--

22 (11) AUDITS BY DIVISION; JURISDICTION.--

23 (a) The Division of Workers' Compensation of the  
24 Department of Insurance ~~Labor and Employment Security~~ may  
25 investigate health care providers to determine whether  
26 providers are complying with this chapter and with rules  
27 adopted by the division, whether the providers are engaging in  
28 overutilization, and whether providers are engaging in  
29 improper billing practices. If the division finds that a  
30 health care provider has improperly billed, overutilized, or  
31 failed to comply with division rules or the requirements of

1 this chapter it must notify the provider of its findings and  
2 may determine that the health care provider may not receive  
3 payment from the carrier or may impose penalties as set forth  
4 in subsection (8) or other sections of this chapter. If the  
5 health care provider has received payment from a carrier for  
6 services that were improperly billed or for overutilization,  
7 it must return those payments to the carrier. The division may  
8 assess a penalty not to exceed \$500 for each overpayment that  
9 is not refunded within 30 days after notification of  
10 overpayment by the division or carrier.

11 Section 132. Paragraph (f) of subsection (4) and  
12 paragraph (b) of subsection (5) of section 440.25, Florida  
13 Statutes, are amended to read:

14 440.25 Procedures for mediation and hearings.--

15 (4)

16 (f) Each judge of compensation claims is required to  
17 submit a special report to the Chief Judge in each contested  
18 workers' compensation case in which the case is not determined  
19 within 14 days of final hearing. Said form shall be provided  
20 by the Chief Judge and shall contain the names of the judge of  
21 compensation claims and of the attorneys involved and a brief  
22 explanation by the judge of compensation claims as to the  
23 reason for such a delay in issuing a final order. The Chief  
24 Judge shall compile these special reports into an annual  
25 public report to the Governor, the Insurance Commissioner  
26 ~~Secretary of Labor and Employment Security~~, the Legislature,  
27 The Florida Bar, and the appellate district judicial  
28 nominating commissions.

29 (5)

30 (b) An appellant may be relieved of any necessary  
31 filing fee by filing a verified petition of indigency for

1 approval as provided in s. 57.081(1) and may be relieved in  
2 whole or in part from the costs for preparation of the record  
3 on appeal if, within 15 days after the date notice of the  
4 estimated costs for the preparation is served, the appellant  
5 files with the judge of compensation claims a copy of the  
6 designation of the record on appeal, and a verified petition  
7 to be relieved of costs. A verified petition filed prior to  
8 the date of service of the notice of the estimated costs shall  
9 be deemed not timely filed. The verified petition relating to  
10 record costs shall contain a sworn statement that the  
11 appellant is insolvent and a complete, detailed, and sworn  
12 financial affidavit showing all the appellant's assets,  
13 liabilities, and income. Failure to state in the affidavit all  
14 assets and income, including marital assets and income, shall  
15 be grounds for denying the petition with prejudice. The  
16 division shall promulgate rules as may be required pursuant to  
17 this subsection, including forms for use in all petitions  
18 brought under this subsection. The appellant's attorney, or  
19 the appellant if she or he is not represented by an attorney,  
20 shall include as a part of the verified petition relating to  
21 record costs an affidavit or affirmation that, in her or his  
22 opinion, the notice of appeal was filed in good faith and that  
23 there is a probable basis for the District Court of Appeal,  
24 First District, to find reversible error, and shall state with  
25 particularity the specific legal and factual grounds for the  
26 opinion. Failure to so affirm shall be grounds for denying the  
27 petition. A copy of the verified petition relating to record  
28 costs shall be served upon all interested parties, including  
29 the division and the Office of the General Counsel, Department  
30 of Insurance ~~Labor and Employment Security~~, in Tallahassee.  
31 The judge of compensation claims shall promptly conduct a

1 hearing on the verified petition relating to record costs,  
2 giving at least 15 days' notice to the appellant, the  
3 division, and all other interested parties, all of whom shall  
4 be parties to the proceedings. The judge of compensation  
5 claims may enter an order without such hearing if no objection  
6 is filed by an interested party within 20 days from the  
7 service date of the verified petition relating to record  
8 costs. Such proceedings shall be conducted in accordance with  
9 the provisions of this section and with the workers'  
10 compensation rules of procedure, to the extent applicable. In  
11 the event an insolvency petition is granted, the judge of  
12 compensation claims shall direct the division to pay record  
13 costs and filing fees from the Workers' Compensation Trust  
14 Fund pending final disposition of the costs of appeal. The  
15 division may transcribe or arrange for the transcription of  
16 the record in any proceeding for which it is ordered to pay  
17 the cost of the record. In the event the insolvency petition  
18 is denied, the judge of compensation claims may enter an order  
19 requiring the petitioner to reimburse the division for costs  
20 incurred in opposing the petition, including investigation and  
21 travel expenses.

22 Section 133. Section 440.525, Florida Statutes, is  
23 amended to read:

24 440.525 Examination of carriers.--~~Beginning July 1,~~  
25 ~~1994,~~The Division of Workers' Compensation of the Department  
26 of Insurance ~~Labor and Employment Security~~ may examine each  
27 carrier as often as is warranted to ensure that carriers are  
28 fulfilling their obligations under the law, and shall examine  
29 each carrier not less frequently than once every 3 years. The  
30 examination must cover the preceding 3 fiscal years of the  
31 carrier's operations and must commence within 12 months after

1 the end of the most recent fiscal year being covered by the  
2 examination. The examination may cover any period of the  
3 carrier's operations since the last previous examination.

4 Section 134. Subsections (1) and (2) of section  
5 440.59, Florida Statutes, are amended to read:

6 440.59 Reporting requirements.--

7 (1) The Department of Insurance ~~Labor and Employment~~  
8 ~~Security~~ shall annually prepare a report of the administration  
9 of this chapter for the preceding calendar year, including a  
10 detailed statement of the receipts of and expenditures from  
11 the fund established in s. 440.50 and a statement of the  
12 causes of the accidents leading to the injuries for which the  
13 awards were made, together with such recommendations as the  
14 department considers advisable. On or before September 15 of  
15 each year, the department shall submit a copy of the report to  
16 the Governor, the President of the Senate, the Speaker of the  
17 House of Representatives, the Democratic and Republican  
18 Leaders of the Senate and the House of Representatives, and  
19 the chairs of the legislative committees having jurisdiction  
20 over workers' compensation.

21 (2) The Division of Workers' Compensation of the  
22 Department of Insurance ~~Labor and Employment Security~~ shall  
23 complete on a quarterly basis an analysis of the previous  
24 quarter's injuries which resulted in workers' compensation  
25 claims. The analysis shall be broken down by risk  
26 classification, shall show for each such risk classification  
27 the frequency and severity for the various types of injury,  
28 and shall include an analysis of the causes of such injuries.  
29 The division shall distribute to each employer and  
30 self-insurer in the state covered by the Workers' Compensation  
31 Law the data relevant to its workforce. The report shall also

1 be distributed to the insurers authorized to write workers'  
2 compensation insurance in the state.

3 Section 135. Effective January 1, 2001, subsections  
4 (1), (4), and (5) of section 443.012, Florida Statutes, are  
5 amended to read:

6 443.012 Unemployment Appeals Commission.--

7 (1) There is created within the Department of  
8 Management Services ~~Labor and Employment Security~~ an  
9 Unemployment Appeals Commission, hereinafter referred to as  
10 the "commission." The commission shall consist of a chair and  
11 two other members to be appointed by the Governor, subject to  
12 confirmation by the Senate. Not more than one appointee must  
13 be a person who, on account of previous vocation, employment,  
14 or affiliation, is classified as a representative of  
15 employers; and not more than one such appointee must be a  
16 person who, on account of previous vocation, employment, or  
17 affiliation, is classified as a representative of employees.

18 (a) The chair shall devote his or her entire time to  
19 commission duties and shall be responsible for the  
20 administrative functions of the commission.

21 (b) The chair shall have the authority to appoint a  
22 general counsel, a chief appeals referee, and such other  
23 personnel as may be necessary to carry out the duties and  
24 responsibilities of the commission.

25 (c) The chair shall have the qualifications required  
26 by law for a judge of the circuit court and shall not engage  
27 in any other business vocation or employment. Notwithstanding  
28 any other provisions of existing law, the chair shall be paid  
29 a salary equal to that paid under state law to a judge of the  
30 circuit court.

31



1 (d) The remaining members shall be paid a stipend of  
2 \$100 for each day they are engaged in the work of the  
3 commission. The chair and other members shall also be  
4 reimbursed for travel expenses, as provided in s. 112.061.

5 (e) The total salary and travel expenses of each  
6 member of the commission shall be paid from the Employment  
7 Security Administration Trust Fund.

8 (4) The property, personnel, and appropriations  
9 relating to the specified authority, powers, duties, and  
10 responsibilities of the commission shall be provided to the  
11 commission by the Department of Management Services ~~Labor and~~  
12 ~~Employment Security~~.

13 (5) The commission shall not be subject to control,  
14 supervision, or direction by the Department of Management  
15 Services ~~Labor and Employment Security~~ in the performance of  
16 its powers and duties under this chapter.

17 Section 136. Effective January 1, 2001, all powers,  
18 duties, functions, rules, records, personnel, property, and  
19 unexpended balances of appropriations, allocations, and other  
20 funds of the Unemployment Appeals Commission relating to the  
21 commission's specified authority, powers, duties, and  
22 responsibilities are transferred by a type two transfer, as  
23 defined in section 20.06(2), Florida Statutes, to the  
24 Department of Management Services.

25 Section 137. Effective January 1, 2001, subsections  
26 (12) and (15) of section 443.036, Florida Statutes, are  
27 amended to read:

28 443.036 Definitions.--As used in this chapter, unless  
29 the context clearly requires otherwise:  
30  
31

1           (12) COMMISSION.--"Commission" means the Unemployment  
2 Appeals Commission ~~of the Department of Labor and Employment~~  
3 ~~Security~~.

4           (15) DIVISION.--"Division" means the Division of  
5 Unemployment Compensation of the Agency for Workforce  
6 Innovation ~~Department of Labor and Employment Security~~.

7           Section 138. Effective January 1, 2001, paragraph (a)  
8 of subsection (4) and subsection (8) of section 443.151,  
9 Florida Statutes, are amended to read:

10           443.151 Procedure concerning claims.--

11           (4) APPEALS.--

12           (a) Appeals referees.--The commission ~~division~~ shall  
13 appoint one or more impartial salaried appeals referees  
14 selected in accordance with s. 443.171(4) to hear and decide  
15 appealed or disputed claims. Such appeals referees shall have  
16 such qualifications as may be established by the Department of  
17 Management Services upon the advice and consent of the  
18 commission ~~division~~. No person shall participate on behalf of  
19 the commission ~~division~~ as an appeals referee in any case in  
20 which she or he is an interested party. The commission  
21 ~~division~~ may designate alternates to serve in the absence or  
22 disqualification of any appeals referee upon a temporary basis  
23 and pro hac vice which alternate shall be possessed of the  
24 same qualifications required of appeals referees. The  
25 Department of Management Services ~~division~~ shall provide the  
26 commission and the appeals referees with proper facilities and  
27 assistance for the execution of their functions.

28           (8) BILINGUAL REQUIREMENTS.--

29           (a) Based on the estimated total number of households  
30 in a county which speak the same non-English language, a  
31 single-language minority, the division shall provide printed

1 bilingual instructional and educational materials in the  
2 appropriate language in those counties in which 5 percent or  
3 more of the households in the county are classified as a  
4 single-language minority.

5 (b) The division shall ensure that one-stop career  
6 centers ~~jobs and benefits offices and appeals bureaus~~ in  
7 counties subject to the requirements of paragraph (c)  
8 prominently post notices in the appropriate languages that  
9 translators are available in those offices and bureaus.

10 (c) Single-language minority refers to households  
11 which speak the same non-English language and which do not  
12 contain an adult fluent in English. The division shall develop  
13 estimates of the percentages of single-language minority  
14 households for each county by using data made available by the  
15 United States Bureau of the Census.

16 Section 139. Effective January 1, 2001, subsections  
17 (1), (5), and (7) of section 443.171, Florida Statutes, are  
18 amended to read:

19 443.171 Division and commission; powers and duties;  
20 rules; advisory council; records and reports.--

21 (1) POWERS AND DUTIES OF DIVISION.--It shall be the  
22 duty of the division to administer this chapter; and it shall  
23 have power and authority to employ such persons, make such  
24 expenditures, require such reports, make such investigations,  
25 and take such other action as it deems necessary or suitable  
26 to that end. The division shall determine its own  
27 organization and methods of procedure in accordance with the  
28 provisions of this chapter. Not later than March 15 of each  
29 year, the division, through the Agency for Workforce  
30 Innovation and in conjunction with the Unemployment Appeals  
31 Commission ~~Department of Labor and Employment Security~~, shall

1 submit to the Governor a report covering the administration  
2 and operation of this chapter during the preceding calendar  
3 year and shall make such recommendations for amendment to this  
4 chapter as it deems proper.

5 (5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.--There  
6 is created a state Unemployment Compensation Advisory Council  
7 to assist the division in reviewing the unemployment insurance  
8 program and to recommend improvements for such program.

9 (a) The council shall consist of 18 members, including  
10 equal numbers of employer representatives and employee  
11 representatives who may fairly be regarded as representative  
12 because of their vocations, employments, or affiliations, and  
13 representatives of the general public.

14 (b) The members of the council shall be appointed by  
15 the executive director ~~secretary~~ of the Agency for Workforce  
16 Innovation ~~Department of Labor and Employment Security~~.  
17 ~~Initially, the secretary shall appoint five members for terms~~  
18 ~~of 4 years, five members for terms of 3 years, five members~~  
19 ~~for terms of 2 years, and three members for terms of 1 year.~~  
20 ~~Thereafter,~~Members shall be appointed for 4-year terms. A  
21 vacancy shall be filled for the remainder of the unexpired  
22 term.

23 (c) The council shall meet at the call of its chair,  
24 at the request of a majority of its membership, at the request  
25 of the division, or at such times as may be prescribed by its  
26 rules, but not less than twice a year. The council shall make  
27 a report of each meeting, which shall include a record of its  
28 discussions and recommendations. The division shall make such  
29 reports available to any interested person or group.

30  
31

1 (d) Members of the council shall serve without  
2 compensation but shall be entitled to receive reimbursement  
3 for per diem and travel expenses as provided in s. 112.061.

4 (7) RECORDS AND REPORTS.--Each employing unit shall  
5 keep true and accurate work records, containing such  
6 information as the division may prescribe. Such records shall  
7 be open to inspection and be subject to being copied by the  
8 division at any reasonable time and as often as may be  
9 necessary. The division or an appeals referee may require from  
10 any employing unit any sworn or unsworn reports, with respect  
11 to persons employed by it, deemed necessary for the effective  
12 administration of this chapter. However, a state or local  
13 governmental agency performing intelligence or  
14 counterintelligence functions need not report an employee if  
15 the head of such agency has determined that reporting the  
16 employee could endanger the safety of the employee or  
17 compromise an ongoing investigation or intelligence mission.  
18 Information revealing the employing unit's or individual's  
19 identity thus obtained from the employing unit or from any  
20 individual pursuant to the administration of this chapter,  
21 shall, except to the extent necessary for the proper  
22 presentation of a claim or upon written authorization of the  
23 claimant who has a workers' compensation claim pending, be  
24 held confidential and exempt from the provisions of s.  
25 119.07(1). Such information shall be available only to public  
26 employees in the performance of their public duties, including  
27 employees of the Department of Education in obtaining  
28 information for the Florida Education and Training Placement  
29 Information Program and the Office of Tourism, Trade, and  
30 Economic Development ~~Department of Commerce~~ in its  
31 administration of the qualified defense contractor tax refund

1 program authorized by s. 288.1045 ~~s. 288.104~~, the qualified  
2 target industry business tax refund program authorized by s.  
3 288.106. Any claimant, or the claimant's legal representative,  
4 at a hearing before an appeals referee or the commission shall  
5 be supplied with information from such records to the extent  
6 necessary for the proper presentation of her or his claim. Any  
7 employee or member of the commission or any employee of the  
8 division, or any other person receiving confidential  
9 information, who violates any provision of this subsection is  
10 guilty of a misdemeanor of the second degree, punishable as  
11 provided in s. 775.082 or s. 775.083. However, the division  
12 may furnish to any employer copies of any report previously  
13 submitted by such employer, upon the request of such employer,  
14 and the division is authorized to charge therefor such  
15 reasonable fee as the division may by rule prescribe not to  
16 exceed the actual reasonable cost of the preparation of such  
17 copies. Fees received by the division for copies provided  
18 under this subsection shall be deposited to the credit of the  
19 Employment Security Administration Trust Fund.

20 Section 140. Effective January 1, 2001, subsections  
21 (1) and (2) of section 443.211, Florida Statutes, are amended  
22 to read:

23 443.211 Employment Security Administration Trust Fund;  
24 appropriation; reimbursement.--

25 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST  
26 FUND.--There is created in the State Treasury a special fund  
27 to be known as the "Employment Security Administration Trust  
28 Fund." All moneys that are deposited into this fund remain  
29 continuously available ~~to the division~~ for expenditure in  
30 accordance with the provisions of this chapter and do not  
31 lapse at any time and may not be transferred to any other

1 fund. All moneys in this fund which are received from the  
2 Federal Government or any agency thereof or which are  
3 appropriated by this state for the purposes described in ss.  
4 443.171 and 443.181, except money received under s.  
5 443.191(5)(c), must be expended solely for the purposes and in  
6 the amounts found necessary by the authorized cooperating  
7 federal agencies for the proper and efficient administration  
8 of this chapter. The fund shall consist of all moneys  
9 appropriated by this state; all moneys received from the  
10 United States or any agency thereof; all moneys received from  
11 any other source for such purpose; any moneys received from  
12 any agency of the United States or any other state as  
13 compensation for services or facilities supplied to such  
14 agency; any amounts received pursuant to any surety bond or  
15 insurance policy or from other sources for losses sustained by  
16 the Employment Security Administration Trust Fund or by reason  
17 of damage to equipment or supplies purchased from moneys in  
18 such fund; and any proceeds realized from the sale or  
19 disposition of any such equipment or supplies which may no  
20 longer be necessary for the proper administration of this  
21 chapter. Notwithstanding any provision of this section, all  
22 money requisitioned and deposited in this fund under s.  
23 443.191(5)(c) remains part of the Unemployment Compensation  
24 Trust Fund and must be used only in accordance with the  
25 conditions specified in s. 443.191(5). All moneys in this  
26 fund must be deposited, administered, and disbursed in the  
27 same manner and under the same conditions and requirements as  
28 is provided by law for other special funds in the State  
29 Treasury. Such moneys must be secured by the depositary in  
30 which they are held to the same extent and in the same manner  
31 as required by the general depositary law of the state, and

1 collateral pledged must be maintained in a separate custody  
2 account. All payments from the Employment Security  
3 Administration Trust Fund must be approved by the division,  
4 the commission, or by a duly authorized agent and must be made  
5 by the Treasurer upon warrants issued by the Comptroller. Any  
6 balances in this fund do not lapse at any time and must remain  
7 continuously available ~~to the division~~ for expenditure  
8 consistent with this chapter.

9 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
10 FUND.--There is created in the State Treasury a special fund,  
11 to be known as the "Special Employment Security Administration  
12 Trust Fund," into which shall be deposited or transferred all  
13 interest on contributions, penalties, and fines or fees  
14 collected under this chapter. Interest on contributions,  
15 penalties, and fines or fees deposited during any calendar  
16 quarter in the clearing account in the Unemployment  
17 Compensation Trust Fund shall, as soon as practicable after  
18 the close of such calendar quarter and upon certification of  
19 the division, be transferred to the Special Employment  
20 Security Administration Trust Fund. However, there shall be  
21 withheld from any such transfer the amount certified by the  
22 division to be required under this chapter to pay refunds of  
23 interest on contributions, penalties, and fines or fees  
24 collected and erroneously deposited into the clearing account  
25 in the Unemployment Compensation Trust Fund. Such amounts of  
26 interest and penalties so certified for transfer shall be  
27 deemed to have been erroneously deposited in the clearing  
28 account, and the transfer thereof to the Special Employment  
29 Security Administration Trust Fund shall be deemed to be a  
30 refund of such erroneous deposits. All moneys in this fund  
31 shall be deposited, administered, and disbursed in the same



1 manner and under the same conditions and requirements as are  
2 provided by law for other special funds in the State Treasury.  
3 These moneys shall not be expended or be available for  
4 expenditure in any manner which would permit their  
5 substitution for, or permit a corresponding reduction in,  
6 federal funds which would, in the absence of these moneys, be  
7 available to finance expenditures for the administration of  
8 the Unemployment Compensation Law. But nothing in this  
9 section shall prevent these moneys from being used as a  
10 revolving fund to cover expenditures, necessary and proper  
11 under the law, for which federal funds have been duly  
12 requested but not yet received, subject to the charging of  
13 such expenditures against such funds when received. The  
14 moneys in this fund, with the approval of the Executive Office  
15 of the Governor, shall be used by the Division of Unemployment  
16 Compensation, the Unemployment Appeals Commission, and the  
17 Agency for Workforce Innovation ~~Division of Jobs and Benefits~~  
18 for the payment of costs of administration which are found not  
19 to have been properly and validly chargeable against funds  
20 obtained from federal sources. All moneys in the Special  
21 Employment Security Administration Trust Fund shall be  
22 continuously available ~~to the division~~ for expenditure in  
23 accordance with the provisions of this chapter and shall not  
24 lapse at any time. All payments from the Special Employment  
25 Security Administration Trust Fund shall be approved by the  
26 division or by a duly authorized agent thereof and shall be  
27 made by the Treasurer upon warrants issued by the Comptroller.  
28 The moneys in this fund are hereby specifically made available  
29 to replace, as contemplated by subsection (3), expenditures  
30 from the Employment Security Administration Trust Fund,  
31 established by subsection (1), which have been found by the

1 Bureau of Employment Security, or other authorized federal  
2 agency or authority, because of any action or contingency, to  
3 have been lost or improperly expended. The Treasurer shall be  
4 liable on her or his official bond for the faithful  
5 performance of her or his duties in connection with the  
6 Special Employment Security Administration Trust Fund.

7 Section 141. Subsection (3) of section 447.02, Florida  
8 Statutes, is amended to read:

9 447.02 Definitions.--The following terms, when used in  
10 this chapter, shall have the meanings ascribed to them in this  
11 section:

12 (3) The term "department" ~~"division"~~ means the  
13 ~~Division of Jobs and Benefits of the Bureau of Workplace~~  
14 Regulation of the Division of Workers' Compensation of the  
15 Department of Insurance Labor and Employment Security.

16 Section 142. Subsections (2), (3), and (4) of section  
17 447.04, Florida Statutes, are amended to read:

18 447.04 Business agents; licenses, permits.--

19 (2)(a) Every person desiring to act as a business  
20 agent in this state shall, before doing so, obtain a license  
21 or permit by filing an application under oath therefor with  
22 ~~the Division of Jobs and Benefits of the department of Labor~~  
23 ~~and Employment Security~~, accompanied by a fee of \$25 and a  
24 full set of fingerprints of the applicant taken by a law  
25 enforcement agency qualified to take fingerprints. There  
26 shall accompany the application a statement signed by the  
27 president and the secretary of the labor organization for  
28 which he or she proposes to act as agent, showing his or her  
29 authority to do so. The department ~~division~~ shall hold such  
30 application on file for a period of 30 days, during which time

31

1 any person may file objections to the issuing of such license  
2 or permit.

3 (b) The department ~~division~~ may also conduct an  
4 independent investigation of the applicant; and, if objections  
5 are filed, it may hold, or cause to be held, a hearing in  
6 accordance with the requirements of chapter 120. The  
7 objectors and the applicant shall be permitted to attend such  
8 hearing and present evidence.

9 (3) After the expiration of the 30-day period,  
10 regardless of whether or not any objections have been filed,  
11 the department ~~division~~ shall review the application, together  
12 with all information that it may have, including, but not  
13 limited to, any objections that may have been filed to such  
14 application, any information that may have been obtained  
15 pursuant to an independent investigation, and the results of  
16 any hearing on the application. If the department ~~division~~,  
17 from a review of the information, finds that the applicant is  
18 qualified, pursuant to the terms of this chapter, it shall  
19 issue such license or permit; and such license or permit shall  
20 run for the calendar year for which issued, unless sooner  
21 surrendered, suspended, or revoked.

22 (4) Licenses and permits shall expire at midnight,  
23 December 31, but may be renewed by the department ~~division~~ on  
24 a form prescribed by it; however, if any such license or  
25 permit has been surrendered, suspended, or revoked during the  
26 year, then such applicant must go through the same formalities  
27 as a new applicant.

28 Section 143. Section 447.041, Florida Statutes, is  
29 amended to read:

30 447.041 Hearings.--  
31

1 (1) Any person or labor organization denied a license,  
2 permit, or registration shall be afforded the opportunity for  
3 a hearing by the department ~~division~~ in accordance with the  
4 requirements of chapter 120.

5 (2) The department ~~division~~ may, pursuant to the  
6 requirements of chapter 120, suspend or revoke the license or  
7 permit of any business agent or the registration of any labor  
8 organization for the violation of any provision of this  
9 chapter.

10 Section 144. Section 447.045, Florida Statutes, is  
11 amended to read:

12 447.045 Information confidential.--Neither the  
13 department ~~division~~ nor any investigator or employee of the  
14 department ~~division~~ shall divulge in any manner the  
15 information obtained pursuant to the processing of applicant  
16 fingerprint cards, and such information is confidential and  
17 exempt from the provisions of s. 119.07(1).

18 Section 145. Section 447.06, Florida Statutes, is  
19 amended to read:

20 447.06 Registration of labor organizations required.--

21 (1) Every labor organization operating in the state  
22 shall make a report under oath, in writing, to ~~the Division of~~  
23 ~~Jobs and Benefits of the department of Labor and Employment~~  
24 ~~Security~~ annually, on or before December 31. Such report shall  
25 be filed by the secretary or business agent of such labor  
26 organization, shall be in such form as the department  
27 prescribes ~~division may prescribe~~, and shall show the  
28 following facts:

29 (a) The name of the labor organization;

30 (b) The location of its office; and

31

1 (c) The name and address of the president, secretary,  
2 treasurer, and business agent.

3 (2) At the time of filing such report, it shall be the  
4 duty of every such labor organization to pay the department  
5 ~~division~~ an annual fee therefor in the sum of \$1.

6 Section 146. Section 447.12, Florida Statutes, is  
7 amended to read:

8 447.12 Fees for registration.--All fees collected by  
9 ~~the Division of Jobs and Benefits of the department under this~~  
10 ~~part of Labor and Employment Security hereunder~~ shall be paid  
11 to the Treasurer and credited to the General Revenue Fund.

12 Section 147. Section 447.16, Florida Statutes, is  
13 amended to read:

14 447.16 Applicability of chapter ~~when effective~~--Any  
15 labor business agent licensed on July 1, 1965, may renew such  
16 license each year on forms provided by ~~the Division of Jobs~~  
17 ~~and Benefits of the department of Labor and Employment~~  
18 ~~Security~~ without submitting fingerprints so long as such  
19 license or permit has not expired or has not been surrendered,  
20 suspended, or revoked. The fingerprinting requirements of  
21 this act shall become effective for a new applicant for a  
22 labor business agent license immediately upon this act  
23 becoming a law.

24 Section 148. Paragraph (a) of subsection (13) of  
25 section 447.203, Florida Statutes, is amended to read:

26 447.203 Definitions.--As used in this part:

27 (13) "Professional employee" means:

28 (a) Any employee engaged in work requiring advanced  
29 knowledge in a field of science or learning customarily  
30 acquired by a prolonged course of specialized intellectual  
31 instruction and study in an institution of higher learning or

1 a hospital, as distinguished from a general academic  
2 education, an apprenticeship, or training in the performance  
3 of routine mental or physical processes and in any two or more  
4 of the following categories:

5 1. Work predominantly intellectual and varied in  
6 character as opposed to routine mental, manual, mechanical, or  
7 physical work;

8 2. Work involving the consistent exercise of  
9 discretion and judgment in its performance; and

10 3. Work of such a character that the output produced  
11 or the result accomplished cannot be standardized in relation  
12 to a given period of time. ~~7~~ and

13 ~~4. Work requiring advanced knowledge in a field of~~  
14 ~~science or learning customarily acquired by a prolonged course~~  
15 ~~of specialized intellectual instruction and study in an~~  
16 ~~institution of higher learning or a hospital, as distinguished~~  
17 ~~from a general academic education, an apprenticeship, or~~  
18 ~~training in the performance of routine mental or physical~~  
19 ~~processes.~~

20 Section 149. Effective October 1, 2000, subsections  
21 (1), (3), and (4) of section 447.205, Florida Statutes, are  
22 amended to read:

23 447.205 Public Employees Relations Commission.--

24 (1) There is hereby created within the Department of  
25 Management Services ~~labor and Employment Security~~ the Public  
26 Employees Relations Commission, hereinafter referred to as the  
27 "commission." The commission shall be composed of a chair and  
28 two full-time members to be appointed by the Governor, subject  
29 to confirmation by the Senate, from persons representative of  
30 the public and known for their objective and independent  
31 judgment, who shall not be employed by, or hold any commission

1 with, any governmental unit in the state or any employee  
2 organization, as defined in this part, while in such office.  
3 In no event shall more than one appointee be a person who, on  
4 account of previous vocation, employment, or affiliation, is,  
5 or has been, classified as a representative of employers; and  
6 in no event shall more than one such appointee be a person  
7 who, on account of previous vocation, employment, or  
8 affiliation, is, or has been, classified as a representative  
9 of employees or employee organizations. The commissioners  
10 shall devote full time to commission duties and shall not  
11 engage in any other business, vocation, or employment while in  
12 such office. ~~Beginning January 1, 1980, the chair shall be~~  
13 ~~appointed for a term of 4 years, one commissioner for a term~~  
14 ~~of 1 year, and one commissioner for a term of 2 years.~~  
15 ~~Thereafter,~~Every term of office shall be for 4 years; and  
16 each term of the office of chair shall commence on January 1  
17 of the second year following each regularly scheduled general  
18 election at which a Governor is elected to a full term of  
19 office. In the event of a vacancy prior to the expiration of  
20 a term of office, an appointment shall be made for the  
21 unexpired term of that office. The chair shall be responsible  
22 for the administrative functions of the commission and shall  
23 have the authority to employ such personnel as may be  
24 necessary to carry out the provisions of this part. Once  
25 appointed to the office of chair, the chair shall serve as  
26 chair for the duration of the term of office of chair.  
27 Nothing contained herein prohibits a chair or commissioner  
28 from serving multiple terms.

29 (3) The commission, in the performance of its powers  
30 and duties under this part, shall not be subject to control,  
31

1 supervision, or direction by the Department of Management  
2 Services ~~Labor and Employment Security~~.

3 (4) The property, personnel, and appropriations  
4 related to the commission's specified authority, powers,  
5 duties, and responsibilities shall be provided to the  
6 commission by the Department of Management Services ~~Labor and~~  
7 ~~Employment Security~~.

8 Section 150. Subsections (1) and (3) of section  
9 447.208, Florida Statutes, are amended to read:

10 447.208 Procedure with respect to certain appeals  
11 under s. 447.207.--

12 (1) Any person filing an appeal, charge, or petition  
13 pursuant to subsection (6), subsection (8), or subsection (9)  
14 of s. 447.207 shall be entitled to a hearing pursuant to  
15 subsections (4) and (5) of s. 447.503 and in accordance with  
16 chapter 120; however, the hearing shall be conducted within 30  
17 days of the filing of an appeal with the commission, unless an  
18 extension of time is granted by the commission for good cause  
19 or unless the basis for the appeal is an allegation of abuse  
20 or neglect under s. 415.1075, in which case the hearing by the  
21 Public Employees Relations Commission may not be held until  
22 the confirmed report of abuse or neglect has been upheld  
23 pursuant to the procedures for appeal in s. 415.1075.  
24 Discovery may be granted only upon a showing of extraordinary  
25 circumstances. A party requesting discovery shall demonstrate  
26 a substantial need for the information requested and an  
27 inability to obtain relevant information by other means. To  
28 the extent that chapter 120 is inconsistent with these  
29 provisions, the procedures contained in this section shall  
30 govern.

31



1           (3) With respect to career service appeal hearings  
2 relating to demotions, suspensions, or dismissals pursuant to  
3 the provisions of this section:

4           (a) Upon a finding that just cause existed for the  
5 demotion, suspension, or dismissal, the commission shall  
6 affirm the demotion, suspension, or dismissal.

7           (b) Upon a finding that just cause did not exist for  
8 the demotion, suspension, or dismissal, the commission may  
9 order the reinstatement of the employee, with or without back  
10 pay.

11           (c) Upon a finding that just cause for disciplinary  
12 action existed, but did not justify the severity of the action  
13 taken, the commission may, in its limited discretion, reduce  
14 the penalty.

15           (d) The commission is limited in its discretionary  
16 reduction of dismissals and suspensions to consider only the  
17 following circumstances:

18           1. The seriousness of the conduct as it relates to the  
19 employee's duties and responsibilities.

20           2. Action taken with respect to similar conduct by  
21 other employees.

22           3. The previous employment record and disciplinary  
23 record of the employee.

24           4. Extraordinary circumstances beyond the employee's  
25 control which temporarily diminished the employee's capacity  
26 to effectively perform his or her duties or which  
27 substantially contributed to the violation for which  
28 punishment is being considered.

29  
30 The agency may present evidence to refute the existence of  
31 these circumstances.

1           (e) Any order of the commission issued pursuant to  
2 this subsection may include back pay, if applicable, and an  
3 amount, to be determined by the commission and paid by the  
4 agency, for reasonable attorney's fees, witness fees, and  
5 other out-of-pocket expenses incurred during the prosecution  
6 of an appeal against an agency in which the commission  
7 sustains the employee. In determining the amount of an  
8 attorney's fee, the commission shall consider only the number  
9 of hours reasonably spent on the appeal, comparing the number  
10 of hours spent on similar Career Service System appeals and  
11 the reasonable hourly rate charged in the geographic area for  
12 similar appeals, but not including litigation over the amount  
13 of the attorney's fee. This paragraph applies to future and  
14 pending cases.

15           Section 151. Subsection (4) of section 447.305,  
16 Florida Statutes, is amended to read:

17           447.305 Registration of employee organization.--

18           (4) Notification of registrations and renewals of  
19 registration shall be furnished at regular intervals by the  
20 commission to the Bureau of Workplace Regulation of the  
21 Division of Workers' Compensation ~~Division of Jobs and~~  
22 ~~Benefits~~ of the Department of Insurance ~~Labor and Employment~~  
23 ~~Security~~.

24           Section 152. Paragraph (b) of subsection (3) of  
25 section 447.307, Florida Statutes, is amended to read:

26           447.307 Certification of employee organization.--

27           (3)

28           (b) When an employee organization is selected by a  
29 majority of the employees voting in an election, the  
30 commission shall certify the employee organization as the  
31 exclusive collective bargaining representative of all

1 employees in the unit. Certification is effective upon the  
2 issuance of the final order by the commission or, if the final  
3 order is appealed, at the time the appeal is exhausted or any  
4 stay is vacated by the commission or the court. A party may  
5 petition the commission, pursuant to its established  
6 procedures, to modify an existing certification due to changed  
7 circumstances, an inadvertent mistake by the commission in the  
8 original bargaining unit description, or newly created or  
9 deleted jobs, or to recognize a name change of the employee  
10 organization.

11 Section 153. Paragraph (a) of subsection (5) of  
12 section 447.503, Florida Statutes, is amended to read:

13 447.503 Charges of unfair labor practices.--It is the  
14 intent of the Legislature that the commission act as  
15 expeditiously as possible to settle disputes regarding alleged  
16 unfair labor practices. To this end, violations of the  
17 provisions of s. 447.501 shall be remedied by the commission  
18 in accordance with the following procedures and in accordance  
19 with chapter 120; however, to the extent that chapter 120 is  
20 inconsistent with the provisions of this section, the  
21 procedures contained in this section shall govern:

22 (5) Whenever the proceeding involves a disputed issue  
23 of material fact and an evidentiary hearing is to be  
24 conducted:

25 (a) The commission shall issue and serve upon all  
26 parties a notice of hearing before an assigned hearing officer  
27 at a time and place specified therein. Such notice shall be  
28 issued at least 14 days prior to the scheduled hearing. If a  
29 party fails to appear for the hearing, the hearing officer  
30 shall, after waiting a reasonable time, open the record, note  
31 the nonappearance, and close the hearing. Thereafter, the

1 hearing may be reconvened only if the party establishes that  
2 the failure to appear was due to circumstances beyond his or  
3 her control.

4 Section 154. Subsection (4) of section 447.504,  
5 Florida Statutes, is amended to read:

6 447.504 Judicial review.--

7 (4) The commencement of proceedings under this section  
8 shall not, unless specifically ordered by the district court  
9 of appeal, operate as a stay of the commission's order.

10 However, the commission may stay determination of the amount  
11 of back pay, benefits, or attorney's fees until the court  
12 decides the appeal.

13 Section 155. Effective October 1, 2000, all powers,  
14 duties, functions, rules, records, personnel, property, and  
15 unexpended balances of appropriations, allocations, and other  
16 funds of the Public Employees Relations Commission relating to  
17 the commission's specified authority, powers, duties, and  
18 responsibilities are transferred by a type two transfer, as  
19 defined in section 20.06, Florida Statutes, to the Department  
20 of Management Services.

21 Section 156. Section 447.609, Florida Statutes, is  
22 repealed.

23 Section 157. Subsection (4) of section 450.012,  
24 Florida Statutes, is amended to read:

25 450.012 Definitions.--For the purpose of this chapter,  
26 the word, phrase, or term:

27 (4) "Department"~~"Division"~~ means the Bureau of  
28 Workplace Regulation of the Division of Workers' Compensation  
29 ~~Division of Jobs and Benefits~~ of the Department of Insurance  
30 ~~Labor and Employment Security~~.

31

1           Section 158. Subsection (3) of section 450.061,  
2 Florida Statutes, is amended to read:

3           450.061 Hazardous occupations prohibited;  
4 exemptions.--

5           (3) No minor under 18 years of age, whether such  
6 person's disabilities of nonage have been removed by marriage  
7 or otherwise, shall be employed or permitted or suffered to  
8 work in any place of employment or at any occupation hazardous  
9 or injurious to the life, health, safety, or welfare of such  
10 minor, as such places of employment or occupations may be  
11 determined and declared by ~~the Division of Jobs and Benefits~~  
12 ~~of the department of Labor and Employment Security~~ to be  
13 hazardous and injurious to the life, health, safety, or  
14 welfare of such minor.

15           Section 159. Paragraph (c) of subsection (5) of  
16 section 450.081, Florida Statutes, is amended to read:

17           450.081 Hours of work in certain occupations.--

18           (5) The provisions of subsections (1) through (4)  
19 shall not apply to:

20           (c) Minors enrolled in a public educational  
21 institution who qualify on a hardship basis such as economic  
22 necessity or family emergency. Such determination shall be  
23 made by the school superintendent or his or her designee, and  
24 a waiver of hours shall be issued to the minor and the  
25 employer. The form and contents thereof shall be prescribed by  
26 the department ~~division~~.

27           Section 160. Section 450.095, Florida Statutes, is  
28 amended to read:

29           450.095 Waivers.--In extenuating circumstances when it  
30 clearly appears to be in the best interest of the child, the  
31 department ~~division~~ may grant a waiver of the restrictions

1 imposed by the Child Labor Law on the employment of a child.  
2 Such waivers shall be granted upon a case-by-case basis and  
3 shall be based upon such factors as the department ~~division~~,  
4 by rule, establishes as determinative of whether such waiver  
5 is in the best interest of a child.

6 Section 161. Subsections (1), (2), and (5) of section  
7 450.121, Florida Statutes, are amended to read:

8 450.121 Enforcement of Child Labor Law.--

9 (1) The department ~~Division of Jobs and Benefits~~ shall  
10 administer this chapter. It shall employ such help as is  
11 necessary to effectuate the purposes of this chapter. Other  
12 agencies of the state may cooperate with the department  
13 ~~division~~ in the administration and enforcement of this part.  
14 To accomplish this joint, cooperative effort, the department  
15 ~~division~~ may enter into intergovernmental agreements with  
16 other agencies of the state whereby the other agencies may  
17 assist the department ~~division~~ in the administration and  
18 enforcement of this part. Any action taken by an agency  
19 pursuant to an intergovernmental agreement entered into  
20 pursuant to this section shall be considered to have been  
21 taken by the department ~~division~~.

22 (2) It is the duty of the department ~~division~~ and its  
23 agents and all sheriffs or other law enforcement officers of  
24 the state or of any municipality of the state to enforce the  
25 provisions of this law, to make complaints against persons  
26 violating its provisions, and to prosecute violations of the  
27 same. The department ~~division~~ and its agents have authority to  
28 enter and inspect at any time any place or establishment  
29 covered by this law and to have access to age certificates  
30 kept on file by the employer and such other records as may aid  
31 in the enforcement of this law. A designated school

1 representative acting in accordance with s. 232.17 shall  
2 report to the department ~~division~~ all violations of the Child  
3 Labor Law that may come to his or her knowledge.

4 (5) The department ~~division~~ may adopt rules:

5 (a) Defining words, phrases, or terms used in the  
6 child labor rule or in this part, as long as the word, phrase,  
7 or term is not a word, phrase, or term defined in s. 450.012.

8 (b) Prescribing additional documents that may be used  
9 to prove the age of a minor and the procedure to be followed  
10 before a person who claims his or her disability of nonage has  
11 been removed by a court of competent jurisdiction may be  
12 employed.

13 (c) Requiring certain safety equipment and a safe  
14 workplace environment for employees who are minors.

15 (d) Prescribing the deadlines applicable to a response  
16 to a request for records under subsection (2).

17 (e) Providing an official address from which child  
18 labor forms, rules, laws, and posters may be requested and  
19 prescribing the forms to be used in connection with this part.

20 Section 162. Subsections (1), (2), (3), (4), and (5)  
21 of section 450.132, Florida Statutes, are amended to read:

22 450.132 Employment of children by the entertainment  
23 industry; rules; procedures.--

24 (1) Children within the protection of our child labor  
25 statutes may, notwithstanding such statutes, be employed by  
26 the entertainment industry in the production of motion  
27 pictures, legitimate plays, television shows, still  
28 photography, recording, publicity, musical and live  
29 performances, circuses, and rodeos, in any work not determined  
30 by the department ~~Division of Jobs and Benefits~~ to be  
31

1 hazardous, or detrimental to their health, morals, education,  
2 or welfare.

3           (2) The department ~~Division of Jobs and Benefits~~  
4 shall, as soon as convenient, and after such investigation as  
5 to the department ~~division~~ may seem necessary or advisable,  
6 determine what work in connection with the entertainment  
7 industry is not hazardous or detrimental to the health,  
8 morals, education, or welfare of minors within the purview and  
9 protection of our child labor laws. When so adopted, such  
10 rules shall have the force and effect of law in this state.

11           (3) Entertainment industry employers or agents wishing  
12 to qualify for the employment of minors in work not hazardous  
13 or detrimental to their health, morals, or education shall  
14 make application to the department ~~division~~ for a permit  
15 qualifying them to employ minors in the entertainment  
16 industry. The form and contents thereof shall be prescribed by  
17 the department ~~division~~.

18           (4) Any duly qualified entertainment industry employer  
19 may employ any minor. However, if any entertainment industry  
20 employer employing a minor causes, permits, or suffers such  
21 minor to be placed under conditions which are dangerous to the  
22 life or limb or injurious or detrimental to the health or  
23 morals or education of the minor, the right of that  
24 entertainment industry employer and its representatives and  
25 agents to employ minors as provided herein shall stand  
26 revoked, unless otherwise ordered by the department ~~division~~,  
27 and the person responsible for such unlawful employment is  
28 guilty of a misdemeanor of the second degree, punishable as  
29 provided in s. 775.082 or s. 775.083.

30           (5) Any entertainment industry employer and its agents  
31 employing minors hereunder are required to notify the



1 department division, showing the date of the commencement of  
2 work, the number of days worked, the location of the work, and  
3 the date of termination.

4 Section 163. Subsections (2) and (3) of section  
5 450.141, Florida Statutes, are amended to read:

6 450.141 Employing minor children in violation of law;  
7 penalties.--

8 (2) Any person, firm, corporation, or governmental  
9 agency, or agent thereof, that has employed minors in  
10 violation of this part, or any rule adopted pursuant thereto,  
11 may be subject by the department division to fines not to  
12 exceed \$2,500 per offense. The department division shall  
13 adopt, by rule, disciplinary guidelines specifying a  
14 meaningful range of designated penalties based upon the  
15 severity and repetition of the offenses, and which distinguish  
16 minor violations from those which endanger a minor's health  
17 and safety.

18 (3) If the department division has reasonable grounds  
19 for believing there has been a violation of this part or any  
20 rule adopted pursuant thereto, it shall give written notice to  
21 the person alleged to be in violation. Such notice shall  
22 include the provision or rule alleged to be violated, the  
23 facts alleged to constitute such violation, and requirements  
24 for remedial action within a time specified in the notice. No  
25 fine may be levied unless the person alleged to be in  
26 violation fails to take remedial action within the time  
27 specified in the notice.

28 Section 164. Paragraph (j) of subsection (1) of  
29 section 450.191, Florida Statutes, is amended to read:

30 450.191 Executive Office of the Governor; powers and  
31 duties.--

1           (1) The Executive Office of the Governor is authorized  
2 and directed to:

3           (j) Cooperate with the regional workforce boards and  
4 one-stop career centers ~~farm labor office of the Florida State~~  
5 ~~Employment Service~~ in the recruitment and referral of migrant  
6 laborers and other persons for the planting, cultivation, and  
7 harvesting of agricultural crops in Florida.

8           Section 165. Subsection (2) of section 450.28, Florida  
9 Statutes, is amended to read:

10           450.28 Definitions.--

11           (2) "Department" ~~"Division"~~ means the Bureau of  
12 Workplace Regulation of the Division of Workers' Compensation  
13 ~~Jobs and Benefits~~ of the Department of Insurance ~~Labor and~~  
14 ~~Employment Security~~.

15           Section 166. Section 450.30, Florida Statutes, is  
16 amended to read:

17           450.30 Requirement of certificate of registration;  
18 education and examination program.--

19           (1) No person may act as a farm labor contractor until  
20 a certificate of registration has been issued to him or her by  
21 the department ~~division~~ and unless such certificate is in full  
22 force and effect and is in his or her possession.

23           (2) No certificate of registration may be transferred  
24 or assigned.

25           (3) Unless sooner revoked, each certificate of  
26 registration, regardless of the date of issuance, shall be  
27 renewed on the last day of the birth month following the date  
28 of issuance and, thereafter, each year on the last day of the  
29 birth month of the registrant. The date of incorporation shall  
30 be used in lieu of birthdate for registrants that are  
31 corporations. Applications for certificates of registration

1 and renewal thereof shall be on a form prescribed by the  
2 department ~~division~~.

3 (4) The department ~~division~~ shall provide a program of  
4 education and examination for applicants under this part. The  
5 program may be provided by the department ~~division~~ or through  
6 a contracted agent. The program shall be designed to ensure  
7 the competency of those persons to whom the department  
8 ~~division~~ issues certificates of registration.

9 (5) The department ~~division~~ shall require each  
10 applicant to demonstrate competence by a written or oral  
11 examination in the language of the applicant, evidencing that  
12 he or she is knowledgeable concerning the duties and  
13 responsibilities of a farm labor contractor. The examination  
14 shall be prepared, administered, and evaluated by the  
15 department ~~division~~ or through a contracted agent.

16 (6) The department ~~division~~ shall require an applicant  
17 for renewal of a certificate of registration to retake the  
18 examination only if:

19 (a) During the prior certification period, the  
20 division issued a final order assessing a civil monetary  
21 penalty or revoked or refused to renew or issue a certificate  
22 of registration; or

23 (b) The department ~~division~~ determines that new  
24 requirements related to the duties and responsibilities of a  
25 farm labor contractor necessitate a new examination.

26 (7) The department ~~division~~ shall charge each  
27 applicant a \$35 fee for the education and examination program.  
28 Such fees shall be deposited in the Crew Chief Registration  
29 Trust Fund.

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1           (8) The department ~~division~~ may adopt rules  
2 prescribing the procedures to be followed to register as a  
3 farm labor contractor.

4           Section 167. Subsections (1), (2), and (4) of section  
5 450.31, Florida Statutes, are amended to read:

6           450.31 Issuance, revocation, and suspension of, and  
7 refusal to issue or renew, certificate of registration.--

8           (1) The department ~~division~~ shall not issue to any  
9 person a certificate of registration as a farm labor  
10 contractor, nor shall it renew such certificate, until:

11           (a) Such person has executed a written application  
12 therefor in a form and pursuant to regulations prescribed by  
13 the department ~~division~~ and has submitted such information as  
14 the department ~~division~~ may prescribe.

15           (b) Such person has obtained and holds a valid federal  
16 certificate of registration as a farm labor contractor, or a  
17 farm labor contractor employee, unless exempt by federal law.

18           (c) Such person pays to the department ~~division~~, in  
19 cash, certified check, or money order, a nonrefundable  
20 application fee of \$75. Fees collected by the department  
21 ~~division~~ under this subsection shall be deposited in the State  
22 Treasury into the Crew Chief Registration Trust Fund, which is  
23 hereby created, and shall be utilized for administration of  
24 this part.

25           (d) Such person has successfully taken and passed the  
26 farm labor contractor examination.

27           (2) The department ~~division~~ may revoke, suspend, or  
28 refuse to renew any certificate of registration when it is  
29 shown that the farm labor contractor has:

30           (a) Violated or failed to comply with any provision of  
31 this part or the rules adopted pursuant to s. 450.36.

1 (b) Made any misrepresentation or false statement in  
2 his or her application for a certificate of registration.

3 (c) Given false or misleading information concerning  
4 terms, conditions, or existence of employment to persons who  
5 are recruited or hired to work on a farm.

6 (4) The department ~~division~~ may refuse to issue or  
7 renew, or may suspend or revoke, a certificate of registration  
8 if the applicant or holder is not the real party in interest  
9 in the application or certificate of registration and the real  
10 party in interest is a person who has been refused issuance or  
11 renewal of a certificate, has had a certificate suspended or  
12 revoked, or does not qualify under this section for a  
13 certificate.

14 Section 168. Subsections (1), (4), (5), (6), (8), (9),  
15 and (10) of section 450.33, Florida Statutes, are amended to  
16 read:

17 450.33 Duties of farm labor contractor.--Every farm  
18 labor contractor must:

19 (1) Carry his or her certificate of registration with  
20 him or her at all times and exhibit it to all persons with  
21 whom the farm labor contractor intends to deal in his or her  
22 capacity as a farm labor contractor prior to so dealing and,  
23 upon request, to persons designated by the department  
24 ~~division~~.

25 (4) Display prominently, at the site where the work is  
26 to be performed and on all vehicles used by the registrant for  
27 the transportation of employees, a single posting containing a  
28 written statement in English and in the language of the  
29 majority of the non-English-speaking employees disclosing the  
30 terms and conditions of employment in a form prescribed by the  
31

1 department ~~division~~ or by the United States Department of  
2 Labor for this purpose.

3 (5) Take out a policy of insurance with any insurance  
4 carrier which policy insures such registrant against liability  
5 for damage to persons or property arising out of the operation  
6 or ownership of any vehicle or vehicles for the transportation  
7 of individuals in connection with his or her business,  
8 activities, or operations as a farm labor contractor. In no  
9 event may the amount of such liability insurance be less than  
10 that required by the provisions of the financial  
11 responsibility law of this state. Any insurance carrier that  
12 is licensed to operate in this state and that has issued a  
13 policy of liability insurance to operate a vehicle used to  
14 transport farm workers shall notify the department ~~division~~  
15 when it intends to cancel such policy.

16 (6) Maintain such records as may be designated by the  
17 department ~~division~~.

18 (8) File, within such time as the department ~~division~~  
19 may prescribe, a set of his or her fingerprints.

20 (9) Produce evidence to the department ~~division~~ that  
21 each vehicle he or she uses for the transportation of  
22 employees complies with the requirements and specifications  
23 established in chapter 316, s. 316.620, or Pub. L. No. 93-518  
24 as amended by Pub. L. No. 97-470 meeting Department of  
25 Transportation requirements or, in lieu thereof, bears a valid  
26 inspection sticker showing that the vehicle has passed the  
27 inspection in the state in which the vehicle is registered.

28 (10) Comply with all applicable statutes, rules, and  
29 regulations of the United States and of the State of Florida  
30 for the protection or benefit of labor, including, but not  
31 limited to, those providing for wages, hours, fair labor

1 standards, social security, workers' compensation,  
2 unemployment compensation, child labor, and transportation.

3 The department ~~division~~ shall not suspend or revoke a  
4 certificate of registration pursuant to this subsection  
5 unless:

6 (a) A court or agency of competent jurisdiction  
7 renders a judgment or other final decision that a violation of  
8 one of the laws, rules, or regulations has occurred and, if  
9 invoked, the appellate process is exhausted;

10 (b) An administrative hearing pursuant to ss. 120.569  
11 and 120.57 is held on the suspension or revocation and the  
12 administrative law judge finds that a violation of one of the  
13 laws, rules, or regulations has occurred and, if invoked, the  
14 appellate process is exhausted; or

15 (c) The holder of a certificate of registration  
16 stipulates that a violation has occurred or defaults in the  
17 administrative proceedings brought to suspend or revoke his or  
18 her registration.

19 Section 169. Section 450.35, Florida Statutes, is  
20 amended to read:

21 450.35 Certain contracts prohibited.--It is unlawful  
22 for any person to contract for the employment of farm workers  
23 with any farm labor contractor as defined in this act until  
24 the labor contractor displays to him or her a current  
25 certificate of registration issued by the department ~~division~~  
26 pursuant to the requirements of this part.

27 Section 170. Section 450.36, Florida Statutes, is  
28 amended to read:

29 450.36 Rules and regulations.--The department ~~division~~  
30 may adopt rules necessary to enforce and administer this part.

31

1           Section 171. Section 450.37, Florida Statutes, is  
2 amended to read:

3           450.37 Cooperation with federal agencies.--The  
4 department ~~division~~ shall, whenever appropriate, cooperate  
5 with any federal agency.

6           Section 172. Subsections (2), (3), and (4) of section  
7 450.38, Florida Statutes, are amended to read:

8           450.38 Enforcement of farm labor contractor laws.--

9           (2) Any person who, on or after June 19, 1985, commits  
10 a violation of this part or of any rule adopted thereunder may  
11 be assessed a civil penalty of not more than \$1,000 for each  
12 such violation. Such assessed penalties shall be paid in cash,  
13 certified check, or money order and shall be deposited into  
14 the General Revenue Fund. The department ~~division~~ shall not  
15 institute or maintain any administrative proceeding to assess  
16 a civil penalty under this subsection when the violation is  
17 the subject of a criminal indictment or information under this  
18 section which results in a criminal penalty being imposed, or  
19 of a criminal, civil, or administrative proceeding by the  
20 United States government or an agency thereof which results in  
21 a criminal or civil penalty being imposed. The department  
22 ~~division~~ may adopt rules prescribing the criteria to be used  
23 to determine the amount of the civil penalty and to provide  
24 notification to persons assessed a civil penalty under this  
25 section.

26           (3) Upon a complaint of the department ~~division~~ being  
27 filed in the circuit court of the county in which the farm  
28 labor contractor may be doing business, any farm labor  
29 contractor who fails to obtain a certificate of registration  
30 as required by this part may, in addition to such penalties,  
31 be enjoined from engaging in any activity which requires the



1 farm labor contractor to possess a certificate of  
2 registration.

3 (4) For the purpose of any investigation or proceeding  
4 conducted by the ~~department division~~, the secretary of the  
5 department or the secretary's designee shall have the power to  
6 administer oaths, take depositions, make inspections when  
7 authorized by statute, issue subpoenas which shall be  
8 supported by affidavit, serve subpoenas and other process, and  
9 compel the attendance of witnesses and the production of  
10 books, papers, documents, and other evidence. The secretary of  
11 the department or the secretary's designee shall exercise this  
12 power on the secretary's own initiative.

13 Section 173. (1) In anticipation of its assumption of  
14 responsibilities from the Department of Labor and Employment  
15 Security relating to unemployment compensation, as provided in  
16 this act, the Department of Revenue shall prepare a report  
17 with recommendations on the fiscal management of funds under  
18 the Unemployment Compensation Trust Fund and any other funds  
19 related to unemployment compensation activities conducted  
20 under state or federal law. The report shall include, but is  
21 not limited to, an analysis of options and recommendations for  
22 distributing unemployment compensation funds to units of state  
23 government with responsibilities under the unemployment  
24 compensation program and for allocating costs associated with  
25 such program and funds. The report and recommendations shall  
26 be submitted to the Governor, the President of the Senate, the  
27 Speaker of the House of Representatives, and members of the  
28 Labor and Employment Security Transition Team by September 1,  
29 2000.

30 (2) The Department of Revenue shall conduct a  
31 feasibility study regarding the privatization of unemployment

1 tax collection services or other functions of the state  
2 related to unemployment compensation activities conducted  
3 under state or federal law. The study findings and  
4 recommendations shall be submitted in a report to the  
5 Governor, the President of the Senate, and the Speaker of the  
6 House of Representatives by March 1, 2001.

7 (3) This section shall take effect upon this act  
8 becoming a law.

9 Section 174. (1) The Department of Labor and  
10 Employment Security, in conjunction with the Department of  
11 Management Services, may offer, subject to the provisions of  
12 this section, active employees of the Department of Labor and  
13 Employment Security who have 27 or more years of creditable  
14 service in a state-administered retirement system, a one-time  
15 voluntary reduction-in-force payment. Such payment shall  
16 represent a payment of insurance costs and shall be paid as an  
17 annuity to be purchased by the Department of Labor and  
18 Employment Security within the amounts appropriated for salary  
19 and benefits in the General Appropriations Act for fiscal year  
20 2000-2001, which shall include funds derived from eliminating  
21 vacated positions. There shall be no annualization costs  
22 associated with this plan. The Secretary of Labor and  
23 Employment Security shall be deemed to be the public employer  
24 for purposes of negotiating the terms and conditions related  
25 to the reduction-in-force payments authorized by this section.  
26 All persons retiring under this program must do so by  
27 September 30, 2000.

28 (2) The department, in consultation with the  
29 Department of Management Services, shall prepare a plan to  
30 implement the reduction-in-force payment authority for  
31 approval by the Office of Policy and Budget. The plan must

1 meet all applicable federal requirements regarding the  
2 expenditure of federal funds; all applicable federal tax laws;  
3 and all other federal and state laws regarding special  
4 compensation to employees, including the Age Discrimination in  
5 Employment Act and the Older Workers' Benefit Protection Act.  
6 The plan must specify the savings created through the payment  
7 mechanism and the reduction-in-force, specify the source of  
8 funding of the payments, and delineate a timetable for  
9 implementation.

10 (3) If approved by the Office of Policy and Budget,  
11 the plan shall be submitted to the Legislature subject to the  
12 notice, review, and objection process authorized in section  
13 216.177, Florida Statutes.

14 (4) This section shall take effect upon this act  
15 becoming a law.

16 Section 175. Notwithstanding any other provision of  
17 law, any binding contract or interagency agreement existing on  
18 or before January 1, 2001, between the Department of Labor and  
19 Employment Security, or an entity or agent of the department,  
20 and any other agency, entity, or person shall continue as a  
21 binding contract or agreement for the remainder of the term of  
22 such contract or agreement with the successor department,  
23 agency, or entity responsible for the program, activity, or  
24 functions relative to the contract or agreement.

25 Section 176. This act does not affect the validity of  
26 any judicial or administrative proceeding involving the  
27 Department of Labor and Employment Security which is pending  
28 as of the effective date of any transfer under this act. The  
29 successor department, agency, or entity responsible for the  
30 program, activity, or function relative to the proceeding  
31 shall be substituted, as of the effective date of the

1 applicable transfer under this act, for the Department of  
2 Labor and Employment Security as a party in interest in any  
3 such proceedings.

4 Section 177. If any provision of this act or its  
5 application to any person or circumstance is held invalid, the  
6 invalidity does not affect other provisions or applications of  
7 the act which can be given effect without the invalid  
8 provision or application, and to this end the provisions of  
9 this act are severable.

10 Section 178. Except as otherwise expressly provided in  
11 this act, this act shall take effect July 1, 2000, except that  
12 this act shall not take effect unless Committee Substitute for  
13 Senate Bill 2050, or similar legislation reassigning  
14 responsibilities of the Division of Workforce and Employment  
15 Opportunities of the Department of Labor and Employment  
16 Security to another agency or entity, becomes a law.

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