

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; creating s.  
5 290.00695, F.S.; authorizing the office to  
6 designate an enterprise zone within a described  
7 area of Hernando County or Hernando County and  
8 the City of Brooksville jointly; amending s.  
9 290.009, F.S.; specifying that Enterprise  
10 Florida, Inc., shall serve as staff to the  
11 Enterprise Zone Interagency Coordinating  
12 Council; amending s. 290.014, F.S.; conforming  
13 cross-references; amending s. 290.046, F.S.;  
14 eliminating a limitation on the number of  
15 economic development grants that an eligible  
16 local government may receive under the Florida  
17 Small Cities Community Development Block Grant  
18 Program; specifying that cumulative grant  
19 awards may not exceed certain ceilings;  
20 amending s. 290.048, F.S.; authorizing the  
21 Department of Community Affairs to establish  
22 advisory committees relating to the Florida  
23 Small Cities Community Development Block Grant  
24 Program; repealing s. 290.049, F.S., relating  
25 to the Community Development Block Grant  
26 Advisory Council; amending s. 373.4149, F.S.;  
27 removing the director of the Office of Tourism,  
28 Trade, and Economic Development from the  
29 membership of the Miami-Dade County Lake Belt  
30 Plan Implementation Committee; authorizing the  
31 Institute of Food and Agricultural Sciences to



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

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

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

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

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

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

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

1       prescribing eligibility requirements for  
2       grants; providing expected outcomes from  
3       grants; creating the Inner City Redevelopment  
4       Review Panel and providing its membership and  
5       duties; repealing s. 288.039, F.S., relating to  
6       the Employing and Training our Youths (ENTRY)  
7       program; repealing s. 288.095(3)(c), F.S.,  
8       relating to a required report on activities  
9       under the Economic Development Incentives  
10       Account of the Economic Development Trust Fund;  
11       expressing the intent of the Legislature;  
12       providing that changes made by this act to the  
13       Department of Labor and Employment Security are  
14       enacted as part of the state's ongoing economic  
15       development efforts and are designed to improve  
16       the business climate for employers in this  
17       state who create jobs; repealing s. 20.171,  
18       F.S., relating to the authority and  
19       organizational structure of the Department of  
20       Labor and Employment Security; providing for  
21       transfer of the Division of Workers'  
22       Compensation and the Office of the Judges of  
23       Compensation Claims to the Department of  
24       Insurance; providing an exception; providing  
25       for transfer of certain workers' compensation  
26       medical services positions to the Agency for  
27       Health Care Administration; providing for  
28       transfer of certain functions of the Division  
29       of Workforce and Employment Opportunities of  
30       the Department of Labor and Employment Security  
31       relating to labor organizations, child labor



1 laws, and migrant and farm labor registration  
2 to the Department of Insurance; providing for  
3 transfer of other workplace regulation  
4 functions to the Department of Insurance;  
5 providing for transfer of certain  
6 administrative resources of the Department of  
7 Labor and Employment Security to the Department  
8 of Insurance and the Agency for Health Care  
9 Administration; providing exceptions relating  
10 to hiring and salary requirements; amending s.  
11 20.13, F.S.; providing for a Division of  
12 Workers' Compensation in the Department of  
13 Insurance; creating a Bureau of Workplace  
14 Regulation and a Bureau of Workplace Safety  
15 within the Division of Workers' Compensation of  
16 the Department of Insurance; providing for a  
17 type two transfer of the Division of  
18 Unemployment Compensation to the Agency for  
19 Workforce Innovation; providing an exception;  
20 providing for transfer of unemployment appeals  
21 referees to the Unemployment Appeals  
22 Commission; requiring a contract for the  
23 Department of Revenue to provide unemployment  
24 tax administration and collection services;  
25 providing for transfer of the Office of  
26 Information Systems from the Department of  
27 Labor and Employment Security to the Department  
28 of Management Services; providing an exception  
29 for certain portions of the office to be  
30 transferred to the Agency for Workforce  
31 Innovation; providing for a type two transfer

1 of the Minority Business Advocacy and  
2 Assistance Office from the Department of Labor  
3 and Employment Security to the Department of  
4 Management Services; creating the Florida Task  
5 Force on Workplace Safety; prescribing  
6 membership of the task force; providing a  
7 purpose for the task force; providing for  
8 staffing, administration, and information  
9 sharing; requiring a report; authorizing the  
10 Division of Workers' Compensation to establish  
11 time-limited positions related to workplace  
12 safety; authorizing the division to establish  
13 permanent positions upon completion of the task  
14 force report; providing for transfer of certain  
15 records and property; providing for termination  
16 of the task force; amending s. 39 of ch.  
17 99-240, Laws of Florida; providing for the  
18 transfer of the Division of Blind Services to  
19 the Department of Management Services rather  
20 than the Department of Education; revising the  
21 effective date of such transfer; providing  
22 legislative intent on the transfer of functions  
23 of the Department of Labor and Employment  
24 Security; providing for reemployment assistance  
25 to dislocated department employees; providing  
26 for hiring preferences for such employees;  
27 providing for the transfer of certain records  
28 and funds; creating the Labor and Employment  
29 Security Transition Team; prescribing  
30 membership of the transition team; providing  
31 for staffing; requiring reports; providing for

1 the termination of the transition team;  
2 authorizing the transition team to use  
3 unexpended funds to settle certain claims;  
4 requiring the transition team to approve  
5 certain personnel hirings and transfers;  
6 requiring the submission of a budget amendment  
7 to allocate resources of the Department of  
8 Labor and Employment Security; exempting  
9 specified state agencies, on a temporary basis,  
10 from provisions relating to procurement of  
11 property and services and leasing of space;  
12 authorizing specified state agencies to develop  
13 temporary emergency rules relating to the  
14 implementation of this act; requiring the  
15 Department of Revenue to notify businesses  
16 relating to the transfer of unemployment  
17 compensation tax responsibilities; amending s.  
18 287.012, F.S.; revising a definition to conform  
19 to the transfer of the Minority Business  
20 Advocacy and Assistance Office to the  
21 Department of Management Services; amending s.  
22 287.0947, F.S.; providing for the Florida  
23 Advisory Council on Small and Minority Business  
24 Development to be created within the Department  
25 of Management Services; amending s. 287.09451,  
26 F.S.; reassigning the Minority Business  
27 Advocacy and Assistance Office to the  
28 Department of Management Services; conforming  
29 provisions; amending s. 20.15, F.S.;  
30 establishing the Division of Occupational  
31 Access and Opportunity within the Department of

1 Education; providing that the Occupational  
2 Access and Opportunity Commission is the  
3 director of the division; requiring the  
4 department to assign certain powers, duties,  
5 responsibilities, and functions to the  
6 division; excepting from appointment by the  
7 Commissioner of Education members of the  
8 commission, the Florida Rehabilitation Council,  
9 and the Florida Independent Living Council;  
10 amending s. 120.80, F.S.; providing that  
11 hearings on certain vocational rehabilitation  
12 determinations by the Occupational Access and  
13 Opportunity Commission need not be conducted by  
14 an administrative law judge; amending s.  
15 413.011, F.S.; revising the internal  
16 organizational structure of the Division of  
17 Blind Services; requiring the division to  
18 implement the provisions of a 5-year plan;  
19 requiring the division to contract with  
20 community-based rehabilitation providers for  
21 the delivery of certain services; revising  
22 references to blind persons; requiring the  
23 Division of Blind Services to issue  
24 recommendations to the Legislature on a method  
25 of privatizing the Business Enterprise Program;  
26 providing definitions for the terms  
27 "community-based rehabilitation provider,"  
28 "council," "plan," and "state plan"; renaming  
29 the Advisory Council for the Blind; revising  
30 the membership and functions of the council to  
31 be consistent with federal law; requiring the

1 council to prepare a 5-year strategic plan;  
2 requiring the council to coordinate with  
3 specified entities; deleting provisions  
4 providing for the Governor to resolve funding  
5 disagreements between the division and the  
6 council; directing that meetings be held in  
7 locations accessible to individuals with  
8 disabilities; amending s. 413.014, F.S.;  
9 requiring the Division of Blind Services to  
10 report on use of community-based providers to  
11 deliver services; amending s. 413.034, F.S.;  
12 revising the membership of the Commission for  
13 Purchase from the Blind or Other Severely  
14 Handicapped to conform to transfer of the  
15 Division of Blind Services and renaming of the  
16 Division of Vocational Rehabilitation; amending  
17 ss. 413.051, 413.064, 413.066, 413.067,  
18 413.345, F.S.; conforming departmental  
19 references to reflect the transfer of the  
20 Division of Blind Services to the Department of  
21 Management Services; expressing the intent of  
22 the Legislature that the provisions of this act  
23 relating to blind services not conflict with  
24 federal law; providing procedures in the event  
25 such conflict is asserted; amending s. 413.82,  
26 F.S.; providing definitions for the terms  
27 "community rehabilitation provider," "plan,"  
28 and "state plan"; conforming references;  
29 amending s. 413.83, F.S.; specifying that  
30 appointment of members to the commission is  
31 subject to Senate confirmation; revising

1 composition of and appointments to the  
2 commission; eliminating a requirement that the  
3 Rehabilitation Council serve the commission;  
4 authorizing the commission to establish an  
5 advisory council composed of representatives  
6 from not-for-profit organizations under certain  
7 conditions; clarifying the entitlement of  
8 commission members to reimbursement for certain  
9 expenses; amending s. 413.84, F.S.; designating  
10 the commission as the director of the Division  
11 of Occupational Access and Opportunity;  
12 specifying responsibilities of the commission;  
13 authorizing the commission to make  
14 administrative rules; authorizing the  
15 commission to hire a division director;  
16 revising time for implementation of the 5-year  
17 plan prepared by the commission; expanding the  
18 authority of the commission to contract with  
19 the corporation; removing a requirement for  
20 federal approval to contract with a  
21 direct-support organization; authorizing the  
22 commission to appear on its own behalf before  
23 the Legislature; amending s. 413.85, F.S.;  
24 eliminating limitations on the tax status of  
25 the Occupational Access and Opportunity  
26 Corporation; specifying that the corporation is  
27 not an agency for purposes of certain  
28 government procurement laws; applying  
29 provisions relating to waiver of sovereign  
30 immunity to the corporation; providing that the  
31 board of directors of the corporation be

1 composed of no fewer than seven and no more  
2 than 15 members and that a majority of its  
3 members be members of the commission;  
4 authorizing the corporation to hire certain  
5 individuals employed by the Division of  
6 Vocational Rehabilitation; providing for a  
7 lease agreement governing such employees;  
8 prescribing terms of such lease agreement;  
9 amending s. 413.86, F.S.; conforming an  
10 organizational reference; creating s. 413.865,  
11 F.S.; requiring coordination between vocational  
12 rehabilitation and other workforce activities;  
13 requiring development of performance  
14 measurement methodologies; amending s. 413.87,  
15 F.S.; conforming provision to changes made in  
16 the act; amending s. 413.88, F.S.; conforming  
17 provision to changes made in the act; amending  
18 s. 413.89, F.S.; designating the department the  
19 state agency effective July 1, 2000, and the  
20 commission the state agency effective October  
21 1, 2000, for purposes of federal law; deleting  
22 an obsolete reference; authorizing the  
23 department and the commission to provide for  
24 continued administration during the time  
25 between July 1, 2000, and October 1, 2000;  
26 amending s. 413.90, F.S.; deleting provision  
27 relating to designation of an administrative  
28 entity; designating a state agency and state  
29 unit for specified purposes; transferring  
30 certain components of the Division of  
31 Vocational Rehabilitation to the Department of

1 Education; requiring a reduction in positions;  
2 providing for a budget amendment; providing for  
3 a transfer of certain administrative resources  
4 of the Department of Labor and Employment  
5 Security to the Department of Education;  
6 amending s. 413.91, F.S.; deleting reference to  
7 designated administrative entity; requiring the  
8 commission to assure that all contractors  
9 maintain quality control and are fit to  
10 undertake responsibilities; amending s. 413.92,  
11 F.S.; specifying entities answerable to the  
12 Federal Government in the event of a conflict  
13 with federal law; repealing s. 413.93, F.S.,  
14 relating to the designated state agency under  
15 federal law; amending s. 440.02, F.S.;  
16 providing a definition for the term "agency";  
17 conforming definitions of "department" and  
18 "division" to the transfer of the Division of  
19 Workers' Compensation to the Department of  
20 Insurance; amending s. 440.13, F.S., relating  
21 to medical services and supplies under the  
22 workers' compensation law; reassigning certain  
23 functions from the Division of Workers'  
24 Compensation to the Agency for Health Care  
25 Administration; amending s. 440.15, F.S.;  
26 providing for the agency to participate in the  
27 establishment and use of a uniform permanent  
28 impairment rating schedule; amending s.  
29 440.491, F.S.; providing for agency oversight  
30 of workers' compensation rehabilitation  
31 providers; amending s. 440.207, F.S.;



1 conforming a departmental reference; amending  
2 s. 440.385, F.S.; deleting obsolete provisions;  
3 conforming departmental references relating to  
4 the Florida Self-Insurance Guaranty  
5 Association, Inc.; amending s. 440.44, F.S.;  
6 conforming provisions; amending s. 440.4416,  
7 F.S.; reassigning the Workers' Compensation  
8 Oversight Board to the Department of Insurance;  
9 amending s. 440.45, F.S.; reassigning the  
10 Office of the Judges of Compensation Claims to  
11 the Department of Insurance; amending s.  
12 440.49, F.S.; reassigning responsibility for a  
13 report on the Special Disability Trust Fund to  
14 the Department of Insurance; amending ss.  
15 215.311, 413.091, 440.102, 440.125, 440.25,  
16 440.525, and 440.59, F.S.; conforming agency  
17 references to reflect the transfer of programs  
18 from the Department of Labor and Employment  
19 Security to the Department of Management  
20 Services and the Department of Insurance;  
21 amending s. 443.012, F.S.; providing for the  
22 Unemployment Appeals Commission to be created  
23 within the Department of Management Services  
24 rather than the Department of Labor and  
25 Employment Security; conforming provisions;  
26 providing for the transfer of the Unemployment  
27 Appeals Commission to the Department of  
28 Management Services by a type two transfer;  
29 amending s. 443.036, F.S.; conforming the  
30 definition of "commission" to the transfer of  
31 the Unemployment Appeals Commission to the

1 Department of Management Services; conforming  
2 the definition of "division" to the transfer of  
3 the Division of Unemployment Compensation to  
4 the Agency for Workforce Innovation; amending  
5 s. 443.151, F.S.; providing for unemployment  
6 compensation appeals referees to be appointed  
7 by the Unemployment Appeals Commission;  
8 requiring the Department of Management Services  
9 to provide facilities to the appeals referees  
10 and the commission; requiring the Division of  
11 Unemployment Compensation to post certain  
12 notices in one-stop career centers; amending s.  
13 443.171, F.S.; conforming duties of the  
14 Division of Unemployment Compensation and  
15 appointment of the Unemployment Compensation  
16 Advisory Council to reflect program transfer to  
17 the Agency for Workforce Innovation; conforming  
18 cross-references; amending s. 443.211, F.S.;  
19 conforming provisions; authorizing the  
20 Unemployment Appeals Commission to approve  
21 payments from the Employment Security  
22 Administration Trust Fund; providing for use of  
23 funds in the Special Employment Security  
24 Administration Trust Fund by the Unemployment  
25 Appeals Commission and the Agency for Workforce  
26 Innovation; amending ss. 447.02, 447.04,  
27 447.041, 447.045, 447.06, 447.12, 447.16, F.S.;  
28 providing for part I of ch. 447, F.S., relating  
29 to the regulation of labor organizations, to be  
30 administered by the Department of Insurance;  
31 deleting references to the Division of Jobs and

1 Benefits and the Department of Labor and  
2 Employment Security; amending s. 447.203, F.S.;  
3 clarifying the definition of professional  
4 employee; amending s. 447.205, F.S.; conforming  
5 provisions to reflect the transfer of the  
6 Public Employees Relations Commission to the  
7 Department of Management Services and deleting  
8 obsolete provisions; amending s. 447.208, F.S.;  
9 clarifying the procedure for appeals, charges,  
10 and petitions; amending s. 447.305, F.S.,  
11 relating to the registration of employee  
12 organizations; providing for the Public  
13 Employees Relations Commission to share  
14 registration information with the Department of  
15 Insurance; amending s. 447.307, F.S.;  
16 authorizing the commission to modify existing  
17 bargaining units; amending s. 447.503, F.S.;  
18 specifying procedures when a party fails to  
19 appear for a hearing; amending s. 447.504,  
20 F.S.; authorizing the commission to stay  
21 certain procedures; providing for the transfer  
22 of the commission to the Department of  
23 Management Services by a type two transfer;  
24 amending ss. 450.012, 450.061, 450.081,  
25 450.095, 450.121, 450.132, 450.141, F.S.;  
26 providing for part I of ch. 450, F.S., relating  
27 to child labor, to be administered by the  
28 Department of Insurance; deleting references to  
29 the Division of Jobs and Benefits and the  
30 Department of Labor and Employment Security;  
31 amending s. 450.191, F.S., relating to the

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

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

2

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

5 14.2015 Office of Tourism, Trade, and Economic  
6 Development; creation; powers and duties.--

7 (2) The purpose of the Office of Tourism, Trade, and  
8 Economic Development is to assist the Governor in working with  
9 the Legislature, state agencies, business leaders, and  
10 economic development professionals to formulate and implement  
11 coherent and consistent policies and strategies designed to  
12 provide economic opportunities for all Floridians. To  
13 accomplish such purposes, the Office of Tourism, Trade, and  
14 Economic Development shall:

15 (a) Contract, notwithstanding the provisions of part I  
16 of chapter 287, with the direct-support organization created  
17 under s. 288.1229 to guide, stimulate, and promote the sports  
18 industry in the state, to promote the participation of  
19 Florida's citizens in amateur athletic competition, and to  
20 promote Florida as a host for national and international  
21 amateur athletic competitions.

22 (b) Monitor the activities of public-private  
23 partnerships and state agencies in order to avoid duplication  
24 and promote coordinated and consistent implementation of  
25 programs in areas including, but not limited to, tourism;  
26 international trade and investment; business recruitment,  
27 creation, retention, and expansion; minority and small  
28 business development; and rural community development.

29 (c) Facilitate the direct involvement of the Governor  
30 and the Lieutenant Governor in economic development projects  
31 designed to create, expand, and retain Florida businesses and

1 to recruit worldwide business, as well as in other  
2 job-creating efforts.

3 (d) Assist the Governor, in cooperation with  
4 Enterprise Florida, Inc., and the Florida Commission on  
5 Tourism, in preparing an annual report to the Legislature on  
6 the state of the business climate in Florida and on the state  
7 of economic development in Florida which will include the  
8 identification of problems and the recommendation of  
9 solutions. This report shall be submitted to the President of  
10 the Senate, the Speaker of the House of Representatives, the  
11 Senate Minority Leader, and the House Minority Leader by  
12 January 1 of each year, and it shall be in addition to the  
13 Governor's message to the Legislature under the State  
14 Constitution and any other economic reports required by law.

15 (e) Plan and conduct at least one meeting per calendar  
16 year of leaders in business, government, and economic  
17 development called by the Governor to address the business  
18 climate in the state, develop a common vision for the economic  
19 future of the state, and identify economic development efforts  
20 to fulfill that vision.

21 (f)1. Administer ~~the Florida Enterprise Zone Act under~~  
22 ~~ss. 290.001-290.016~~, the community contribution tax credit  
23 program under ss. 220.183 and 624.5105, the tax refund program  
24 for qualified target industry businesses under s. 288.106, the  
25 tax-refund program for qualified defense contractors under s.  
26 288.1045, contracts for transportation projects under s.  
27 288.063, ~~the sports franchise facility program under s.~~  
28 ~~288.1162~~, ~~the professional golf hall of fame facility program~~  
29 ~~under s. 288.1168~~, the expedited permitting process under s.  
30 403.973, the Rural Community Development Revolving Loan Fund  
31 under s. 288.065, ~~the Regional Rural Development Grants~~

1 ~~Program under s. 288.018,~~the Certified Capital Company Act  
2 under s. 288.99, ~~the Florida State Rural Development Council,~~  
3 the Rural Economic Development Initiative, and other programs  
4 that are specifically assigned to the office by law, by the  
5 appropriations process, or by the Governor. Notwithstanding  
6 any other provisions of law, the office may expend interest  
7 earned from the investment of program funds deposited in the  
8 Economic Development Trust Fund, the Grants and Donations  
9 Trust Fund, the Brownfield Property Ownership Clearance  
10 Assistance Revolving Loan Trust Fund, and the Economic  
11 Development Transportation Trust Fund to contract for the  
12 administration of the programs, or portions of the programs,  
13 enumerated in this paragraph or assigned to the office by law,  
14 by the appropriations process, or by the Governor. Such  
15 expenditures shall be subject to review under chapter 216.

16 2. The office may enter into contracts in connection  
17 with the fulfillment of its duties concerning ~~the Florida~~  
18 ~~First Business Bond Pool under chapter 159,~~tax incentives  
19 under chapters 212 and 220, tax incentives under the Certified  
20 Capital Company Act in chapter 288, ~~foreign offices under~~  
21 ~~chapter 288, the Enterprise Zone program under chapter 290,~~  
22 the Seaport Employment Training program under chapter 311, the  
23 Florida Professional Sports Team License Plates under chapter  
24 320, Spaceport Florida under chapter 331, Expedited Permitting  
25 under chapter 403, and in carrying out other functions that  
26 are specifically assigned to the office by law, by the  
27 appropriations process, or by the Governor.

28 (g) Serve as contract administrator for the state with  
29 respect to contracts with Enterprise Florida, Inc., the  
30 Florida Commission on Tourism, and all direct-support  
31 organizations under this act, excluding those relating to

1 tourism. To accomplish the provisions of this act and  
2 applicable provisions of chapter 288, and notwithstanding the  
3 provisions of part I of chapter 287, the office shall enter  
4 into specific contracts with Enterprise Florida, Inc., the  
5 Florida Commission on Tourism, and other appropriate  
6 direct-support organizations. Such contracts may be multiyear  
7 and shall include specific performance measures for each year.

8 (h) Provide administrative oversight for the  
9 Governor's Office of the Film and Entertainment Commissioner,  
10 created under s. 288.1251, to develop, promote, and provide  
11 services to the state's entertainment industry and to  
12 administratively house the Florida Film and Entertainment  
13 Advisory Council created under s. 288.1252.

14 (i) Prepare and submit as a separate budget entity a  
15 unified budget request for tourism, trade, and economic  
16 development in accordance with chapter 216 for, and in  
17 conjunction with, Enterprise Florida, Inc., and its boards,  
18 the Florida Commission on Tourism and its direct-support  
19 organization, the Florida Black Business Investment Board, the  
20 Governor's Office of the Film and Entertainment Commissioner,  
21 and the direct-support organization created to promote the  
22 sports industry.

23 (j) Adopt rules, as necessary, to carry out its  
24 functions in connection with the administration of the  
25 Qualified Target Industry program, the Qualified Defense  
26 Contractor program, the Certified Capital Company Act, the  
27 Enterprise Zone program, and the Florida First Business Bond  
28 pool.

29 (k) By January 15 of each year, the Office of Tourism,  
30 Trade, and Economic Development shall submit to the Governor,  
31 the President of the Senate, and the Speaker of the House of



1 Representatives a complete and detailed report of all  
2 applications received and recommendations made or actions  
3 taken during the previous fiscal year under all programs  
4 funded out of the Economic Development Incentives Account or  
5 the Economic Development Transportation Trust Fund. The Office  
6 of Tourism, Trade, and Economic Development, with the  
7 cooperation of Enterprise Florida, Inc., shall also include in  
8 the report a detailed analysis of all final decisions issued;  
9 agreements or other contracts executed; and tax refunds paid  
10 or other payments made under all programs funded from the  
11 above named sources, including analysis of benefits and costs,  
12 types of projects supported, and employment and investment  
13 created. The report shall also include a separate analysis of  
14 the impact of such tax refunds and other payments approved for  
15 rural cities or communities as defined in s. 288.106(2)(s) and  
16 state enterprise zones designated pursuant to s. 290.0065.

17 (9)(a) The Office of Urban Opportunity is created  
18 within the Office of Tourism, Trade, and Economic Development.  
19 The director of the Office of Urban Opportunity shall be  
20 appointed by and serve at the pleasure of the Governor.

21 (b) The purpose of the Office of Urban Opportunity  
22 shall be to administer the Front Porch Florida initiative, a  
23 comprehensive, community-based urban core redevelopment  
24 program that will empower urban core residents to craft  
25 solutions to the unique challenges of each designated  
26 community. Front Porch Florida shall serve as a "civic  
27 switchboard," connecting each Front Porch Florida community  
28 with federal, state, and private-sector resources necessary to  
29 implement the program.

30  
31

1           (c) The Office of Urban Opportunity may be assisted in  
2 carrying out its duties by the Department of Community  
3 Affairs.

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

6           159.705 Powers of the authority.--The authority is  
7 authorized and empowered:

8           (10) Other provisions of law to the contrary  
9 notwithstanding, to acquire by lease, without consideration,  
10 purchase, or option any lands owned, administered, managed,  
11 controlled, supervised, or otherwise protected by the state or  
12 any of its agencies, departments, boards, or commissions for  
13 the purpose of establishing a research and development park,  
14 subject to being first designated a research and development  
15 authority under the provisions of ss. 159.701-159.7095. The  
16 authority may cooperate with state and local political  
17 subdivisions and with private profit and nonprofit entities to  
18 implement the public purposes set out in s. 159.701. Such  
19 cooperation may include agreements for the use of the  
20 resources of state and local political subdivisions, agencies,  
21 or entities on a fee-for-service basis or on a cost-recovery  
22 basis. A project that is located in a research and development  
23 park and is financed pursuant to the provisions of the Florida  
24 Industrial Development Financing Act may be operated by a  
25 research and development authority, a state university, a  
26 Florida community college, or a governmental agency, provided  
27 that the purpose and operation of such project is consistent  
28 with the purposes and policies enumerated in ss.  
29 159.701-159.7095.

30           Section 3. Section 159.8083, Florida Statutes, is  
31 amended to read:

1           159.8083 Florida First Business allocation pool.--The  
2 Florida First Business allocation pool is hereby established.  
3 The Florida First Business allocation pool shall be available  
4 solely to provide written confirmation for private activity  
5 bonds to finance Florida First Business projects recommended  
6 by Enterprise Florida, Inc., and certified by the Office of  
7 Tourism, Trade, and Economic Development as eligible to  
8 receive a written confirmation. Allocations from such pool  
9 shall be awarded statewide pursuant to procedures specified in  
10 s. 159.805, except that the provisions of s. 159.805(2), (3),  
11 and (6) do not apply. Florida First Business projects that are  
12 eligible for a carryforward shall not lose their allocation on  
13 November 16 if they have applied and have been granted a  
14 carryforward. In issuing written confirmations of allocations  
15 for Florida First Business projects, the division shall use  
16 the Florida First Business allocation pool. If allocation is  
17 not available from the Florida First Business allocation pool,  
18 the division shall issue written confirmations of allocations  
19 for Florida First Business projects pursuant to s. 159.806 or  
20 s. 159.807, in such order. For the purpose of determining  
21 priority within a regional allocation pool or the state  
22 allocation pool, notices of intent to issue bonds for Florida  
23 First Business projects to be issued from a regional  
24 allocation pool or the state allocation pool shall be  
25 considered to have been received by the division at the time  
26 it is determined by the division that the Florida First  
27 Business allocation pool is unavailable to issue confirmation  
28 for such Florida First Business project. If the total amount  
29 requested in notices of intent to issue private activity bonds  
30 for Florida First Business projects exceeds the total amount  
31 of the Florida First Business allocation pool, the director

1 shall forward all timely notices of intent to issue, which are  
2 received by the division for such projects, to the Office of  
3 Tourism, Trade, and Economic Development which shall render a  
4 decision as to which notices of intent to issue are to receive  
5 written confirmations. The Office of Tourism, Trade, and  
6 Economic Development, in consultation with the division and  
7 Enterprise Florida, Inc., shall develop rules to ensure that  
8 the allocation provided in such pool is available solely to  
9 provide written confirmations for private activity bonds to  
10 finance Florida First Business projects and that such projects  
11 are feasible and financially solvent.

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

14 163.3164 Definitions.--As used in this act:

15 (6) "Development" has the meaning given it in s.  
16 380.04 and the exemption given it in s. 380.04(3).

17 Section 5. Paragraph (j) of subsection (5) and  
18 paragraph (eee) of subsection (7) of section 212.08, Florida  
19 Statutes, are amended and paragraphs (n) and (o) are added to  
20 subsection (5) of that section to read:

21 212.08 Sales, rental, use, consumption, distribution,  
22 and storage tax; specified exemptions.--The sale at retail,  
23 the rental, the use, the consumption, the distribution, and  
24 the storage to be used or consumed in this state of the  
25 following are hereby specifically exempt from the tax imposed  
26 by this chapter.

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

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

30 1. Industrial machinery and equipment purchased for  
31 use in semiconductor ~~silicon~~ technology facilities certified

1 under subparagraph ~~6.5~~ to manufacture, process, compound, or  
2 produce semiconductor ~~silicon~~ technology products for sale or  
3 for use by these facilities are exempt from the tax imposed by  
4 this chapter.

5         2. Machinery and equipment are exempt from the tax  
6 imposed by this chapter if purchased for use predominately in  
7 semiconductor ~~silicon~~ wafer research and development  
8 activities in a semiconductor ~~silicon~~ technology research and  
9 development facility certified under subparagraph ~~6.5~~.

10         3. Building materials purchased for use in  
11 manufacturing or expanding clean rooms in  
12 semiconductor-manufacturing facilities are exempt from the tax  
13 imposed by this chapter.

14         ~~4.3~~. In addition to meeting the criteria mandated by  
15 subparagraph 1., ~~or~~ subparagraph 2., or subparagraph 3., a  
16 business must be certified by the Office of Tourism, Trade,  
17 and Economic Development as authorized in this paragraph in  
18 order to qualify for exemption under this paragraph.

19         ~~5.4~~. For items purchased tax exempt pursuant to this  
20 paragraph, possession of a written certification from the  
21 purchaser, certifying the purchaser's entitlement to exemption  
22 pursuant to this paragraph, relieves the seller of the  
23 responsibility of collecting the tax on the sale of such  
24 items, and the department shall look solely to the purchaser  
25 for recovery of tax if it determines that the purchaser was  
26 not entitled to the exemption.

27         ~~6.5~~.a. To be eligible to receive the exemption  
28 provided by subparagraph 1., ~~or~~ subparagraph 2., or  
29 subparagraph 3., a qualifying business entity shall apply to  
30 Enterprise Florida, Inc. The application shall be developed by  
31

1 the Office of Tourism, Trade, and Economic Development in  
2 consultation with Enterprise Florida, Inc.

3       b. Enterprise Florida, Inc., shall review each  
4 submitted application and information and determine whether or  
5 not the application is complete within 5 working days. Once an  
6 application is complete, Enterprise Florida, Inc., shall,  
7 within 10 working days, evaluate the application and recommend  
8 approval or disapproval of the application to the Office of  
9 Tourism, Trade, and Economic Development.

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

23       7.6.a. ~~A business certified to receive this exemption~~  
24 ~~may apply once each year for the exemption.~~

25       ~~b. The first claim submitted by a business may include~~  
26 ~~all eligible expenditures made after the date the business was~~  
27 ~~certified.~~

28       ~~b.c. To apply for the annual exemption, the business~~  
29 ~~shall submit a claim to the Office of Tourism, Trade, and~~  
30 ~~Economic Development, which claim indicates and documents the~~  
31 ~~sales and use taxes otherwise payable on eligible machinery~~

1 ~~and equipment.~~ The application claim must also indicate, for  
2 program evaluation purposes only, the average number of  
3 full-time equivalent employees at the facility over the  
4 preceding calendar year, the average wage and benefits paid to  
5 those employees over the preceding calendar year, ~~and~~ the  
6 total investment made in real and tangible personal property  
7 over the preceding calendar year, and the total value of  
8 tax-exempt purchases and taxes exempted during the previous  
9 year or, for the first claim submitted, since the date of  
10 certification. The department shall assist the Office of  
11 Tourism, Trade, and Economic Development in evaluating and  
12 verifying information provided in the application for  
13 exemption.

14 ~~c.d.~~ The Office of Tourism, Trade, and Economic  
15 Development may use the information reported on the  
16 application claims for evaluation purposes only and shall  
17 prepare an annual report on the exemption program and its cost  
18 and impact. The annual report for the preceding fiscal year  
19 shall be submitted to the Governor, the President of the  
20 Senate, and the Speaker of the House of Representatives by  
21 September 30 of each fiscal year. This report may be submitted  
22 in conjunction with the annual report required in s.  
23 288.095(3)(c).

24 ~~8.7.~~ A business certified to receive this exemption  
25 may elect to designate one or more state universities or  
26 community colleges as recipients of up to 100 percent of the  
27 amount of the exemption for which they may qualify. To receive  
28 these funds, the institution must agree to match the funds so  
29 earned with equivalent cash, programs, services, or other  
30 in-kind support on a one-to-one basis in the pursuit of  
31 research and development projects as requested by the

1 certified business. The rights to any patents, royalties, or  
2 real or intellectual property must be vested in the business  
3 unless otherwise agreed to by the business and the university  
4 or community college.

5 ~~9.8.~~ As used in this paragraph, the term:

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

8 b. "Research and development" means basic and applied  
9 research in the science or engineering, as well as the design,  
10 development, and testing of prototypes or processes of new or  
11 improved products. Research and development does not include  
12 market research, routine consumer product testing, sales  
13 research, research in the social sciences or psychology,  
14 nontechnological activities, or technical services.

15 c. "Semiconductor ~~Silicon~~ technology products" means  
16 raw semiconductor ~~silicon~~ wafers or semiconductor thin films  
17 that are transformed into semiconductor memory or logic  
18 wafers, including wafers containing mixed memory and logic  
19 circuits; related assembly and test operations; active-matrix  
20 flat panel displays; semiconductor chips; semiconductor  
21 lasers; optoelectronic elements; and related semiconductor  
22 ~~silicon~~ technology products as determined by the Office of  
23 Tourism, Trade, and Economic Development.

24 d. "Clean rooms" means manufacturing facilities  
25 enclosed in a manner that meets the clean manufacturing  
26 requirements necessary for high-technology  
27 semiconductor-manufacturing environments.

28 (n) Materials for construction of single-family homes  
29 in certain areas.--

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

31



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

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

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

10           2. Building materials used in the construction of a  
11 qualified home and the costs of labor associated with the  
12 construction of a qualified home are exempt from the tax  
13 imposed by this chapter upon an affirmative showing to the  
14 satisfaction of the department that the requirements of this  
15 paragraph have been met. This exemption inures to the owner  
16 through a refund of previously paid taxes. To receive this  
17 refund, the owner must file an application under oath with the  
18 department which includes:

19           a. The name and address of the owner.

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

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

23           d. A certification by the local building inspector  
24 that the home is substantially completed.

25           e. A sworn statement, under penalty of perjury, from  
26 the general contractor licensed in this state with whom the  
27 owner contracted to construct the home, which statement lists  
28 the building materials used in the construction of the home  
29 and the actual cost thereof, the labor costs associated with  
30 such construction, and the amount of sales tax paid on these  
31 materials and labor costs. If a general contractor was not

1 used, the owner shall provide this information in a sworn  
2 statement, under penalty of perjury. Copies of invoices  
3 evidencing payment of sales tax must be attached to the sworn  
4 statement.

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

8 3. An application for a refund under this paragraph  
9 must be submitted to the department within 6 months after the  
10 date the home is deemed to be substantially completed by the  
11 local building inspector. Within 30 working days after receipt  
12 of the application, the department shall determine if it meets  
13 the requirements of this paragraph. A refund approved pursuant  
14 to this paragraph shall be made within 30 days after formal  
15 approval of the application by the department. The provisions  
16 of s. 212.095 do not apply to any refund application made  
17 under this paragraph.

18 4. The department shall establish by rule an  
19 application form and criteria for establishing eligibility for  
20 exemption under this paragraph.

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

23 (o) Building materials in redevelopment projects.--

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

25 a. "Building materials" means tangible personal  
26 property that becomes a component part of a housing project or  
27 a mixed-use project.

28 b. "Housing project" means the conversion of an  
29 existing manufacturing or industrial building to housing units  
30 in an urban high-crime area, enterprise zone, empowerment  
31 zone, Front Porch Community, designated brownfield area, or

1 urban infill area and in which the developer agrees to set  
2 aside at least 20 percent of the housing units in the project  
3 for low-income and moderate-income persons.

4 c. "Mixed-use project" means the conversion of an  
5 existing manufacturing or industrial building to mixed-use  
6 units that include artists' studios, art and entertainment  
7 services, or other compatible uses. A mixed-use project must  
8 be located in an urban high-crime area, enterprise zone,  
9 empowerment zone, Front Porch Community, designated brownfield  
10 area, or urban infill area and the developer must agree to set  
11 aside at least 20 percent of the square footage of the project  
12 for low-income and moderate-income housing.

13 d. "Substantially completed" has the same meaning as  
14 provided in s. 192.042(1).

15 2. Building materials used in the construction of a  
16 housing project or mixed-use project are exempt from the tax  
17 imposed by this chapter upon an affirmative showing to the  
18 satisfaction of the department that the requirements of this  
19 paragraph have been met. This exemption inures to the owner  
20 through a refund of previously paid taxes. To receive this  
21 refund, the owner must file an application under oath with the  
22 department which includes:

23 a. The name and address of the owner.

24 b. The address and assessment roll parcel number of  
25 the project for which a refund is sought.

26 c. A copy of the building permit issued for the  
27 project.

28 d. A certification by the local building inspector  
29 that the project is substantially completed.

30 e. A sworn statement, under penalty of perjury, from  
31 the general contractor licensed in this state with whom the

1 owner contracted to construct the project, which statement  
2 lists the building materials used in the construction of the  
3 project and the actual cost thereof, and the amount of sales  
4 tax paid on these materials. If a general contractor was not  
5 used, the owner shall provide this information in a sworn  
6 statement, under penalty of perjury. Copies of invoices  
7 evidencing payment of sales tax must be attached to the sworn  
8 statement.

9 3. An application for a refund under this paragraph  
10 must be submitted to the department within 6 months after the  
11 date the project is deemed to be substantially completed by  
12 the local building inspector. Within 30 working days after  
13 receipt of the application, the department shall determine if  
14 it meets the requirements of this paragraph. A refund approved  
15 pursuant to this paragraph shall be made within 30 days after  
16 formal approval of the application by the department. The  
17 provisions of s. 212.095 do not apply to any refund  
18 application made under this paragraph.

19 4. The department shall establish by rule an  
20 application form and criteria for establishing eligibility for  
21 exemption under this paragraph.

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

24 (7) MISCELLANEOUS EXEMPTIONS.--

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

26 1. Subject to the provisions of subparagraphs 2. and  
27 3., there is exempt from the tax imposed by this chapter all  
28 labor charges for the repair of, and parts and materials used  
29 in the repair of and incorporated into, industrial machinery  
30 and equipment that ~~which~~ is used for the manufacture,  
31 processing, compounding, or production, or production and

1 shipping of items of tangible personal property at a fixed  
2 location within this state.

3           2. This exemption applies only to industries  
4 classified under SIC Industry Major Group Numbers 10, 12, 13,  
5 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,  
6 35,36, 37, 38, and 39 and Industry Group Number 212. As used  
7 in this subparagraph, "SIC" means those classifications  
8 contained in the Standard Industrial Classification Manual,  
9 1987, as published by the Office of Management and Budget,  
10 Executive Office of the President.

11           3. This exemption shall be applied as follows:

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

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

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

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

20

21 Exemptions provided to any entity by this subsection shall not  
22 inure to any transaction otherwise taxable under this chapter  
23 when payment is made by a representative or employee of such  
24 entity by any means, including, but not limited to, cash,  
25 check, or credit card even when that representative or  
26 employee is subsequently reimbursed by such entity.

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

31

1           Section 7. The agencies involved with the Urban Infill  
2 Implementation Project Grants Program under section 163.2523,  
3 Florida Statutes, the State Apartment Incentive Loan Program  
4 under section 420.5087, Florida Statutes, the HOME Investment  
5 Partnership Program under section 420.5089, Florida Statutes,  
6 and the State Housing Tax Credit Program under section  
7 420.5093, Florida Statutes, shall give priority consideration  
8 to projects that would convert vacant industrial and  
9 manufacturing facilities to affordable housing units within  
10 urban high-crime areas, enterprise zones, empowerment zones,  
11 Front Porch Communities, designated brownfield areas, or urban  
12 infill areas.

13           Section 8. The Department of Community Affairs, in  
14 conjunction with the Office of Tourism, Trade, and Economic  
15 Development, the Office of Urban Opportunities, and Enterprise  
16 Florida, Inc., shall recommend new economic incentives or  
17 revisions to existing economic incentives in order to promote  
18 the reuse of vacant industrial and manufacturing facilities  
19 for affordable housing and mixed-use development. The report  
20 must also identify any state regulatory or programmatic  
21 barriers to the reuse of such facilities. The department  
22 shall submit a report to the President of the Senate and the  
23 Speaker of the House of Representatives containing its  
24 recommendations by January 31, 2001. Based upon consultation  
25 with the Department of Environmental Protection, the  
26 department shall include, as a component of the report, any  
27 recommended modifications to the Brownfields Redevelopment  
28 Act, sections 376.77-376.85, Florida Statutes, for revising  
29 liability protection or economic incentives under the act to  
30 promote reuse of such facilities.

31

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

3           212.097 Urban High-Crime Area Job Tax Credit  
4 Program.--

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

6           (a) "Eligible business" means any sole proprietorship,  
7 firm, partnership, or corporation that is located in a  
8 qualified county and is predominantly engaged in, or is  
9 headquarters for a business predominantly engaged in,  
10 activities usually provided for consideration by firms  
11 classified within the following standard industrial  
12 classifications: SIC 01 through SIC 09 (agriculture,  
13 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
14 SIC 52 through SIC 57 and SIC 59 (retail); SIC 422 (public  
15 warehousing and storage); SIC 70 (hotels and other lodging  
16 places); SIC 7391 (research and development); SIC 781 (motion  
17 picture production and allied services); SIC 7992 (public golf  
18 courses); and SIC 7996 (amusement parks). A call center or  
19 similar customer service operation that services a multistate  
20 market or international market is also an eligible business.  
21 In addition, the Office of Tourism, Trade, and Economic  
22 Development may, as part of its final budget request submitted  
23 pursuant to s. 216.023, recommend additions to or deletions  
24 from the list of standard industrial classifications used to  
25 determine an eligible business, and the Legislature may  
26 implement such recommendations. Excluded from eligible  
27 receipts are receipts from retail sales, except such receipts  
28 for SIC 52 through SIC 57 and SIC 59 (retail) hotels and other  
29 lodging places classified in SIC 70, public golf courses in  
30 SIC 7992, and amusement parks in SIC 7996. For purposes of  
31 this paragraph, the term "predominantly" means that more than

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

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

20 (c) "New business" means any eligible business first  
21 beginning operation on a site in a qualified high-crime area  
22 and clearly separate from any other commercial or business  
23 operation of the business entity within a qualified high-crime  
24 area. A business entity that operated an eligible business  
25 within a qualified high-crime area within the 48 months before  
26 the period provided for application by subsection (3) is not  
27 considered a new business.

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

30 (e) "Qualified high-crime area" means an area selected  
31 by the Office of Tourism, Trade, and Economic Development in



1 the following manner: every third year, the office shall rank  
2 and tier those areas nominated under subsection (8), according  
3 to the following prioritized criteria:

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

7 2. Highest reported crime volume and rate of specific  
8 property crimes such as business and residential burglary,  
9 motor vehicle theft, and vandalism;

10 3. Highest percentage of reported index crimes that  
11 are violent in nature;

12 4. Highest overall index crime volume for the area;  
13 and

14 5. Highest overall index crime rate for the geographic  
15 area.

16  
17 Tier-one areas are ranked 1 through 5 and represent the  
18 highest crime areas according to this ranking. Tier-two areas  
19 are ranked 6 through 10 according to this ranking. Tier-three  
20 areas are ranked 11 through 15. Notwithstanding this  
21 definition, "qualified high-crime area" also means an area  
22 that has been designated as a federal Empowerment Zone  
23 pursuant to the Taxpayer Relief Act of 1997. Such a designated  
24 area is ranked in tier three until the areas are reevaluated  
25 by the Office of Tourism, Trade, and Economic Development.

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

28 212.098 Rural Job Tax Credit Program.--

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

30 (a) "Eligible business" means any sole proprietorship,  
31 firm, partnership, or corporation that is located in a

1 qualified county and is predominantly engaged in, or is  
2 headquarters for a business predominantly engaged in,  
3 activities usually provided for consideration by firms  
4 classified within the following standard industrial  
5 classifications: SIC 01 through SIC 09 (agriculture,  
6 forestry, and fishing); SIC 20 through SIC 39 (manufacturing);  
7 SIC 422 (public warehousing and storage); SIC 70 (hotels and  
8 other lodging places); SIC 7391 (research and development);  
9 SIC 781 (motion picture production and allied services);SIC  
10 7992 (public golf courses); and SIC 7996 (amusement parks). A  
11 call center or similar customer service operation that  
12 services a multistate market or an international market is  
13 also an eligible business. In addition, the Office of Tourism,  
14 Trade, and Economic Development may, as part of its final  
15 budget request submitted pursuant to s. 216.023, recommend  
16 additions to or deletions from the list of standard industrial  
17 classifications used to determine an eligible business, and  
18 the Legislature may implement such recommendations. Excluded  
19 from eligible receipts are receipts from retail sales, except  
20 such receipts for hotels and other lodging places classified  
21 in SIC 70, public golf courses in SIC 7992, and amusement  
22 parks in SIC 7996. For purposes of this paragraph, the term  
23 "predominantly" means that more than 50 percent of the  
24 business's gross receipts from all sources is generated by  
25 those activities usually provided for consideration by firms  
26 in the specified standard industrial classification. The  
27 determination of whether the business is located in a  
28 qualified county and the tier ranking of that county must be  
29 based on the date of application for the credit under this  
30 section. Commonly owned and controlled entities are to be  
31 considered a single business entity.

1 (b) "Qualified employee" means any employee of an  
2 eligible business who performs duties in connection with the  
3 operations of the business on a regular, full-time basis for  
4 an average of at least 36 hours per week for at least 3 months  
5 within the qualified county in which the eligible business is  
6 located. An owner or partner of the eligible business is not a  
7 qualified employee.

8 (c) "Qualified county" means a county that has a  
9 population of fewer than 75,000 persons, or any county that  
10 has a population of 100,000 or less and is contiguous to a  
11 county that has a population of less than 75,000, selected in  
12 the following manner: every third year, the Office of  
13 Tourism, Trade, and Economic Development shall rank and tier  
14 the state's counties according to the following four factors:

15 1. Highest unemployment rate for the most recent  
16 36-month period.

17 2. Lowest per capita income for the most recent  
18 36-month period.

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

22 4. Average weekly manufacturing wage, based upon the  
23 most recent data available.

24  
25 Tier-one qualified counties are those ranked 1 through 5 and  
26 represent the state's least-developed counties according to  
27 this ranking. Tier-two qualified counties are those ranked 6  
28 through 10, and tier-three counties are those ranked 11  
29 through 17. Notwithstanding this definition, "qualified  
30 county" also means a county that contains an area that has  
31 been designated as a federal Enterprise Community pursuant to

1 the 1999 Agricultural Appropriations Act. Such a designated  
2 area shall be ranked in tier three until the areas are  
3 reevaluated by the Office of Tourism, Trade, and Economic  
4 Development.

5 (d) "New business" means any eligible business first  
6 beginning operation on a site in a qualified county and  
7 clearly separate from any other commercial or business  
8 operation of the business entity within a qualified county. A  
9 business entity that operated an eligible business within a  
10 qualified county within the 48 months before the period  
11 provided for application by subsection (3) is not considered a  
12 new business.

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

15 Section 11. Section 218.075, Florida Statutes, is  
16 amended to read:

17 218.075 Reduction or waiver of permit processing  
18 fees.--Notwithstanding any other provision of law, the  
19 Department of Environmental Protection and the water  
20 management districts shall reduce or waive permit processing  
21 fees for a county ~~counties~~ with a population of 75,000 ~~50,000~~  
22 or less, or a county with a population of 100,000 or less  
23 which is contiguous to a county with a population of 75,000 or  
24 less, based upon the most current census data, on April 1,  
25 ~~1994, until such counties exceed a population of 75,000 and a~~  
26 municipality ~~municipalities~~ with a population of 25,000 or  
27 less, or any county or municipality not included within a  
28 metropolitan statistical area. Fee reductions or waivers shall  
29 be approved on the basis of fiscal hardship or environmental  
30 need for a particular project or activity. The governing body  
31

1 must certify that the cost of the permit processing fee is a  
2 fiscal hardship due to one of the following factors:

3 (1) Per capita taxable value is less than the  
4 statewide average for the current fiscal year;

5 (2) Percentage of assessed property value that is  
6 exempt from ad valorem taxation is higher than the statewide  
7 average for the current fiscal year;

8 (3) Any condition specified in s. 218.503, that  
9 determines a state of financial emergency;

10 (4) Ad valorem operating millage rate for the current  
11 fiscal year is greater than 8 mills; or

12 (5) A financial condition that is documented in annual  
13 financial statements at the end of the current fiscal year and  
14 indicates an inability to pay the permit processing fee during  
15 that fiscal year.

16

17 The permit applicant must be the governing body of a county or  
18 municipality or a third party under contract with a county or  
19 municipality and the project for which the fee reduction or  
20 waiver is sought must serve a public purpose. If a permit  
21 processing fee is reduced, the total fee shall not exceed  
22 \$100.

23 Section 12. Section 288.012, Florida Statutes, is  
24 amended to read:

25 288.012 State of Florida foreign offices.--The  
26 Legislature finds that the expansion of international trade  
27 and tourism is vital to the overall health and growth of the  
28 economy of this state. This expansion is hampered by the lack  
29 of technical and business assistance, financial assistance,  
30 and information services for businesses in this state. The  
31 Legislature finds that these businesses could be assisted by

1 providing these services at State of Florida foreign offices.  
2 The Legislature further finds that the accessibility and  
3 provision of services at these offices can be enhanced through  
4 cooperative agreements or strategic alliances between state  
5 entities, local entities, foreign entities, and private  
6 businesses.

7 (1)(a) The Office of Tourism, Trade, and Economic  
8 Development is authorized to:

9 (a) approve the establishment and operation by  
10 Enterprise Florida, Inc., of Establish and operate offices in  
11 foreign countries for the purpose of promoting the trade and  
12 economic development of the state, and promoting the gathering  
13 of trade data information and research on trade opportunities  
14 in specific countries.

15 (b) Enterprise Florida, Inc., as an agent for the  
16 Office of Tourism, Trade, and Economic Development, may enter  
17 into agreements with governmental and private sector entities  
18 to establish and operate offices in foreign countries  
19 containing provisions which may be in conflict with general  
20 laws of the state pertaining to the purchase of office space,  
21 employment of personnel, and contracts for services. When  
22 agreements pursuant to this section are made which set  
23 compensation in foreign currency, such agreements shall be  
24 subject to the requirements of s. 215.425, ~~but the purchase of~~  
25 ~~foreign currency by the Office of Tourism, Trade, and Economic~~  
26 ~~Development to meet such obligations shall be subject only to~~  
27 ~~s. 216.311.~~

28 (c) ~~By September 1, 1997, the Office of Tourism,~~  
29 ~~Trade, and Economic Development shall develop a plan for the~~  
30 ~~disposition of the current foreign offices and the development~~  
31 ~~and location of additional foreign offices. The plan shall~~

1 ~~include, but is not limited to, a determination of the level~~  
2 ~~of funding needed to operate the current offices and any~~  
3 ~~additional offices and whether any of the current offices need~~  
4 ~~to be closed or relocated. Enterprise Florida, Inc., the~~  
5 ~~Florida Tourism Commission, the Florida Ports Council, the~~  
6 ~~Department of State, the Department of Citrus, and the~~  
7 ~~Department of Agriculture shall assist the Office of Tourism,~~  
8 ~~Trade, and Economic Development in the preparation of the~~  
9 ~~plan. All parties shall cooperate on the disposition or~~  
10 ~~establishment of the offices and ensure that needed space,~~  
11 ~~technical assistance, and support services are provided to~~  
12 ~~such entities at such foreign offices.~~

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

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

23 (b) A comprehensive, commercial strategic plan  
24 identifying marketing opportunities and industry sector  
25 priorities for the foreign country or area in which a foreign  
26 office is located.

27 (c) Provisions for access to information for Florida  
28 businesses through Enterprise Florida, Inc ~~the Florida Trade~~  
29 ~~Data Center~~. Each foreign office shall obtain and forward  
30 trade leads and inquiries to Enterprise Florida, Inc.,~~the~~  
31

1 ~~center~~ on a regular basis ~~as called for in the plan pursuant~~  
2 ~~to paragraph (1)(c).~~

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

20 (e) Provision of access for Florida businesses to ~~the~~  
21 ~~services of the Florida Trade Data Center,~~ international trade  
22 assistance services provided by state and local entities,  
23 seaport and airport information, and other services identified  
24 in the plan developed by the Office of Tourism, Trade, and  
25 Economic Development for the disposition of the foreign  
26 offices pursuant to paragraph (1)(c).

27 (f) Qualitative and quantitative performance measures  
28 for each office including, but not limited to, the number of  
29 businesses assisted, the number of trade leads and inquiries  
30 generated, the number of foreign buyers and importers  
31 contacted, and the amount and type of marketing conducted.



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

7           (a) The number of Florida companies assisted.

8           (b) The number of inquiries received about investment  
9 opportunities in this state.

10          (c) The number of trade leads generated.

11          (d) The number of investment projects announced.

12          (e) The estimated U.S. dollar value of sales  
13 confirmations.

14          (f) The number of representation agreements.

15          (g) The number of company consultations.

16          (h) Barriers or other issues affecting the effective  
17 operation of the office.

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

20          (j) Marketing activities conducted.

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

23          (l) Activities conducted with other Florida foreign  
24 offices.

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

27          (4) The Office of Tourism, Trade, and Economic  
28 Development, in connection with the establishment, operation,  
29 and management of any of the ~~its~~ offices located in a foreign  
30 country, is exempt from the provisions of ss. 255.21, 255.25,  
31 and 255.254 relating to leasing of buildings; ss. 283.33 and

1 283.35 relating to bids for printing; ss. 287.001-287.20  
2 relating to purchasing and motor vehicles; and ss.  
3 282.003-282.111 relating to communications, and from all  
4 statutory provisions relating to state employment.

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

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

20 (c) As used in this subsection, the term "plan of  
21 operation" means the plan developed pursuant to subsection  
22 (2).

23 (d) Upon final action by the Governor with respect to  
24 a request to exercise the exemption authorized in this  
25 subsection, the Office of Tourism, Trade, and Economic  
26 Development shall report such action, along with the original  
27 request and any modifications thereto, to the President of the  
28 Senate and the Speaker of the House of Representatives within  
29 30 days.

30 (5) Where feasible and appropriate, and subject to s.  
31 288.1224(10), foreign offices established and operated under

1 this section may provide one-stop access to the economic  
2 development, trade, and tourism information, services, and  
3 programs of the state. Where feasible and appropriate, and  
4 subject to s. 288.1224(10), such offices may also be  
5 collocated with other foreign offices of the state.

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

19 Section 13. Section 288.018, Florida Statutes, is  
20 amended to read:

21 288.018 Regional Rural Development Grants Program.--

22 (1) Enterprise Florida, Inc., shall administer ~~The~~  
23 ~~Office of Tourism, Trade, and Economic Development shall~~  
24 ~~establish~~ a matching grant program to provide funding to  
25 regionally based economic development organizations  
26 representing rural counties and communities for the purpose of  
27 building the professional capacity of their organizations.  
28 Upon recommendation by Enterprise Florida, Inc., the Office of  
29 Tourism, Trade, and Economic Development is authorized to  
30 approve, on an annual basis, grants to such regionally based  
31 economic development organizations. The maximum amount an

1 organization may receive in any year will be \$35,000, or  
2 \$100,000 in a rural area of critical economic concern  
3 recommended by the Rural Economic Development Initiative and  
4 designated by the Governor, and must be matched each year by  
5 an equivalent amount of nonstate resources.

6 (2) In recommending the awards for funding, Enterprise  
7 Florida, Inc., ~~approving the participants, the Office of~~  
8 ~~Tourism, Trade, and Economic Development~~ shall consider the  
9 demonstrated need of the applicant for assistance and require  
10 the following:

11 (a) Documentation of official commitments of support  
12 from each of the units of local government represented by the  
13 regional organization.

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

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

19 (d) Demonstration that the organization is in  
20 existence and actively involved in economic development  
21 activities serving the region.

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

25 (3) The Office of Tourism, Trade, and Economic  
26 Development may approve awards ~~expend~~ up to a total of  
27 \$600,000 each fiscal year from funds appropriated to the Rural  
28 Community Development Revolving Loan Fund for the purposes  
29 outlined in this section.

30 Section 14. Section 288.064, Florida Statutes, is  
31 created to read:

1           288.064 Legislative intent on rural economic  
2 development.--

3           (1) The Legislature finds and declares that, because  
4 of climate, tourism, industrialization, technological  
5 advances, federal and state government policies,  
6 transportation, and migration, Florida's urban communities  
7 have grown rapidly over the past 40 years. This growth and  
8 prosperity, however, have not been shared by Florida's rural  
9 communities, although these communities are the stewards of  
10 the vast majority of the land and natural resources. Without  
11 this land and these resources, the state's growth and  
12 prosperity cannot continue. In short, successful rural  
13 communities are essential to the overall success of the  
14 state's economy.

15           (2) The Legislature further finds and declares that  
16 many rural areas of the state are experiencing not only a lack  
17 of growth but severe and sustained economic distress. Median  
18 household incomes are significantly less than the state's  
19 median household income level. Job creation rates trail those  
20 in more urbanized areas. In many cases, rural counties have  
21 lost jobs, which handicaps local economies and drains wealth  
22 from these communities. These and other factors, including  
23 government policies, amplify and compound social, health, and  
24 community problems, making job creation and economic  
25 development even more difficult. Moreover, the Legislature  
26 finds that traditional program and service delivery is often  
27 hampered by the necessarily rigid structure of the programs  
28 themselves and the lack of local resources.

29           (3) It is the intent of the Legislature to provide for  
30 the most efficient and effective delivery of programs of  
31 assistance and support to rural communities, including the

1 use, where appropriate, of regulatory flexibility through  
2 multiagency coordination and adequate funding. The Legislature  
3 determines and declares that the provision of such assistance  
4 and support in this manner fulfills an important state  
5 interest.

6 Section 15. Paragraph (d) of subsection (2) and  
7 subsection (4) of section 288.0655, Florida Statutes, are  
8 amended to read:

9 288.0655 Rural Infrastructure Fund.--

10 (2)

11 (d) By September 1, 2000 ~~1999~~, the office shall pursue  
12 execution of a memorandum of agreement with the United States  
13 Department of Agriculture under which state funds available  
14 through the Rural Infrastructure Fund may be advanced, in  
15 excess of the prescribed state share, for a project that has  
16 received from the department a preliminary determination of  
17 eligibility for federal financial support. State funds in  
18 excess of the prescribed state share which are advanced  
19 pursuant to this paragraph and the memorandum of agreement  
20 shall be reimbursed when funds are awarded under an  
21 application for federal funding.

22 (4) By September 1, 2000 ~~1999~~, the office shall, in  
23 consultation with the organizations listed in subsection (3),  
24 and other organizations, develop guidelines and criteria  
25 governing submission of applications for funding, review and  
26 evaluation of such applications, and approval of funding under  
27 this section. The office shall consider factors including, but  
28 not limited to, the project's potential for enhanced job  
29 creation or increased capital investment, the demonstration of  
30 local public and private commitment, the location of the  
31 project in an enterprise zone, the location of the project in

1 a community development corporation service area ~~as defined in~~  
2 ~~s. 290.035(2)~~, the location of the project in a county  
3 designated under s. 212.097, the unemployment rate of the  
4 surrounding area, and the poverty rate of the community.

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

8 288.0656 Rural Economic Development Initiative.--

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

10 (a) "Economic distress" means conditions affecting the  
11 fiscal and economic viability of a rural community, including  
12 such factors as low per capita income, low per capita taxable  
13 values, high unemployment, high underemployment, low weekly  
14 earned wages compared to the state average, low housing values  
15 compared to the state average, high percentages of the  
16 population receiving public assistance, high poverty levels  
17 compared to the state average, and a lack of year-round stable  
18 employment opportunities.

19 (b) "Rural community" means:

- 20 1. A county with a population of 75,000 or less.
- 21 2. A county with a population of 100,000 or less that  
22 is contiguous to a county with a population of 75,000 or less.
- 23 3. A municipality within a county described in  
24 subparagraph 1. or subparagraph 2.
- 25 4. An unincorporated federal enterprise community or  
26 an incorporated rural city with a population of 25,000 or less  
27 and an employment base focused on traditional agricultural or  
28 resource-based industries, located in a county not described  
29 in subparagraph 1. or subparagraph 2. which meets the criteria  
30 established in subsection (9). ~~defined as rural, which has at~~  
31 ~~least three or more of the economic distress factors~~

1 ~~identified in paragraph (a) and verified by the Office of~~  
2 ~~Tourism, Trade, and Economic Development.~~

3  
4 For purposes of this paragraph, population shall be determined  
5 in accordance with the most recent official estimate pursuant  
6 to s. 186.901.

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

14 (b) Upon receiving such designation, an unincorporated  
15 federal enterprise community or an incorporated rural city in  
16 a nonrural county shall be eligible to apply for any program  
17 specifically identified in statute as a rural program,  
18 provided that it demonstrates that the county of jurisdiction  
19 for such unincorporated federal enterprise community or rural  
20 city is also providing support for each program application.  
21 REDI may recommend criteria for the evaluation of such county  
22 support to the administrative agency of each program. Such  
23 communities shall also be eligible for any preferential  
24 criteria or waivers of any program requirements specifically  
25 identified in statute as available for rural counties, cities,  
26 or communities when necessary to encourage and facilitate  
27 long-term private capital investment and job creation.

28 Section 17. Section 288.1088, Florida Statutes, is  
29 amended to read:

30 288.1088 Quick Action Closing Fund.--  
31



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

20           (b) The Legislature therefore declares that sufficient  
21 resources shall be available to respond to extraordinary  
22 economic opportunities, and to compete effectively for these  
23 high-value-added employment opportunities, and to enhance the  
24 state's economic base by providing incentives to qualifying  
25 businesses that require inducement beyond that available  
26 through other sources to invest, grow, and create new  
27 high-wage employment opportunities in this state and its  
28 communities ~~high-impact business facilities.~~

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

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

8 1. A description of the type of facility, its business  
9 operation, and the product or service associated with the  
10 project facility.

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

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

16 4. A statement of any special impacts the project  
17 facility is expected to stimulate in a particular business  
18 sector in the state or regional economy, or in the state's  
19 universities and community colleges, or in a distressed  
20 Florida community.

21 5. A statement of the role the incentive is expected  
22 to play in the decision of the applicant business to locate or  
23 expand in this state, an analysis of all other state and local  
24 incentives that have been offered in this state, and an  
25 analysis of the conditions and incentives offered by other  
26 states and their communities.

27 (b) Upon receipt of the evaluation and recommendation  
28 from Enterprise Florida, Inc., the director shall recommend  
29 approval or disapproval of a project for receipt of funds from  
30 the Quick Action Closing Fund to the Governor. In recommending  
31 a target-industry business for this incentive ~~high-impact~~

1 ~~business facility~~, the director shall include proposed  
2 performance conditions that the business facility must meet to  
3 obtain incentive funds. The Governor shall consult with the  
4 President of the Senate and the Speaker of the House of  
5 Representatives before giving final approval for a project.  
6 The Executive Office of the Governor shall recommend approval  
7 of a project and release of funds pursuant to the legislative  
8 consultation and review requirements set forth in s. 216.177.  
9 The recommendation must include proposed performance  
10 conditions the project must meet to obtain funds.

11 (c) If a project is approved for the receipt of funds  
12 ~~Upon the approval of the Governor~~, the director of the Office  
13 of Tourism, Trade, and Economic Development and the  
14 ~~high-impact~~ business shall enter into a contract that sets  
15 forth the conditions for payment of moneys from the fund. The  
16 contract must include the total amount of funds awarded; the  
17 performance conditions that must be met to obtain the award,  
18 including, but not limited to, net new employment in the  
19 state, average salary, and total capital investment; the  
20 methodology for validating performance; the schedule of  
21 payments from the fund; and sanctions for failure to meet  
22 performance conditions.

23 (d) Enterprise Florida, Inc., shall validate  
24 contractor performance. Such validation shall be reported  
25 within 6 months after completion of the contract to the  
26 Governor, President of the Senate, and the Speaker of the  
27 House of Representatives.

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

31

1           288.1162 Professional sports franchises; spring  
2 training franchises; duties.--

3           (1) The direct-support organization authorized under  
4 s. 288.1229 Office of Tourism, Trade, and Economic Development  
5 shall serve as the ~~state~~ agency for screening applicants and  
6 shall make recommendations to the Office of Tourism, Trade,  
7 and Economic Development for state funding pursuant to s.  
8 212.20 and for certifying an applicant as a "facility for a  
9 new professional sports franchise," a "facility for a retained  
10 professional sports franchise," or a "new spring training  
11 franchise facility." The Office of Tourism, Trade, and  
12 Economic Development shall have the final approval for any  
13 decision under this section.

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

18           (4) Prior to certifying an applicant as a "facility  
19 for a new professional sports franchise" or a "facility for a  
20 retained professional sports franchise," the direct-support  
21 organization authorized under s. 288.1229 Office of Tourism,  
22 ~~Trade, and Economic Development~~ must determine that:

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

28           (b) The applicant has a verified copy of a signed  
29 agreement with a new professional sports franchise for the use  
30 of the facility for a term of at least 10 years, or in the  
31

1 case of a retained professional sports franchise, an agreement  
2 for use of the facility for a term of at least 20 years.

3 (c) The applicant has a verified copy of the approval  
4 from the governing authority of the league in which the new  
5 professional sports franchise exists authorizing the location  
6 of the professional sports franchise in this state after April  
7 1, 1987, or in the case of a retained professional sports  
8 franchise, verified evidence that it has had a  
9 league-authorized location in this state on or before December  
10 31, 1976. The term "league" means the National League or the  
11 American League of Major League Baseball, the National  
12 Basketball Association, the National Football League, or the  
13 National Hockey League.

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

19 (e) The applicant has an independent analysis or  
20 study, verified by the direct-support organization ~~Office of~~  
21 ~~Tourism, Trade, and Economic Development~~, which demonstrates  
22 that the amount of the revenues generated by the taxes imposed  
23 under chapter 212 with respect to the use and operation of the  
24 professional sports franchise facility will equal or exceed \$2  
25 million annually.

26 (f) The municipality in which the facility for a new  
27 or retained professional sports franchise is located, or the  
28 county if the facility for a new or retained professional  
29 sports franchise is located in an unincorporated area, has  
30 certified by resolution after a public hearing that the  
31 application serves a public purpose.

1 (g) The applicant has demonstrated that it has  
2 provided, is capable of providing, or has financial or other  
3 commitments to provide more than one-half of the costs  
4 incurred or related to the improvement and development of the  
5 facility.

6 (h) No applicant previously certified under any  
7 provision of this section who has received funding under such  
8 certification shall be eligible for an additional  
9 certification.

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

14 (a) A "unit of local government" as defined in s.  
15 218.369 is responsible for the construction, management, or  
16 operation of the new spring training franchise facility or  
17 holds title to the property on which the new spring training  
18 franchise facility is located.

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

22 (c) The applicant has a financial commitment to  
23 provide 50 percent or more of the funds required by an  
24 agreement for the use of the facility by the new spring  
25 training franchise.

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

29 (e) The applicant has projections, verified by the  
30 direct-support organization ~~Office of Tourism, Trade, and~~  
31 ~~Economic Development~~, which demonstrate that the new spring

1 training franchise facility will attract a paid attendance of  
2 at least 50,000 annually.

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

9 (8) The direct-support organization authorized under  
10 s. 288.1229 ~~Office of Tourism, Trade, and Economic Development~~  
11 shall notify the Department of Revenue of any facility  
12 certified as a facility for a new professional sports  
13 franchise or a facility for a retained professional sports  
14 franchise or as a new spring training franchise facility. The  
15 direct-support organization ~~Office of Tourism, Trade, and~~  
16 ~~Economic Development~~ may certify no more than eight facilities  
17 as facilities for a new professional sports franchise, as  
18 facilities for a retained professional sports franchise, or as  
19 new spring training franchise facilities, including in such  
20 total any facilities certified by the Department of Commerce  
21 before July 1, 1996, and by the Office of Tourism, Trade, and  
22 Economic Development before July 1, 2000. ~~The office may make~~  
23 No more than one certification may be made for any facility.

24 (10) An applicant shall not be qualified for  
25 certification under this section if the franchise formed the  
26 basis for a previous certification, unless the previous  
27 certification was withdrawn by the facility or invalidated by  
28 the direct-support organization authorized under s. 288.1229,  
29 the Office of Tourism, Trade, and Economic Development, or the  
30 Department of Commerce before any funds were distributed  
31 pursuant to s. 212.20. This subsection does not disqualify an

1 applicant if the previous certification occurred between May  
2 23, 1993, and May 25, 1993; however, any funds to be  
3 distributed pursuant to s. 212.20 for the second certification  
4 shall be offset by the amount distributed to the previous  
5 certified facility. Distribution of funds for the second  
6 certification shall not be made until all amounts payable for  
7 the first certification have been distributed.

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

10 288.1168 Professional golf hall of fame facility;  
11 duties.--

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

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

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

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

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

30  
31



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

4 ~~(e) There is an independent analysis or study, using~~  
5 ~~methodology approved by the department, which demonstrates~~  
6 ~~that the amount of the revenues generated by the taxes imposed~~  
7 ~~under chapter 212 with respect to the use and operation of the~~  
8 ~~professional golf hall of fame facility will equal or exceed~~  
9 ~~\$2 million annually.~~

10 (1)(f) Prior to certification, the applicant for the  
11 certified professional golf hall of fame facility must submit  
12 ~~The applicant has submitted~~ an agreement to provide \$2 million  
13 annually in national and international media promotion of the  
14 professional golf hall of fame facility, Florida, and Florida  
15 tourism, through the PGA Tour, Inc., or its affiliates, at the  
16 then-current commercial rate, during the period of time that  
17 the facility receives funds pursuant to s. 212.20. The  
18 direct-support organization authorized under s. 288.1229  
19 ~~Office of Tourism, Trade, and Economic Development~~ and the PGA  
20 Tour, Inc., or its affiliates, must agree annually on a  
21 reasonable percentage of advertising specifically allocated  
22 for generic Florida advertising. The direct-support  
23 organization authorized under s. 288.1229 ~~Office of Tourism,~~  
24 ~~Trade, and Economic Development~~ shall have final approval of  
25 all generic advertising. Failure on the part of the PGA Tour,  
26 Inc., or its affiliates to annually provide the advertising as  
27 provided in this subsection paragraph or subsection (4)(6)  
28 shall result in the termination of funding as provided in s.  
29 212.20.

30 ~~(g) Documentation exists that demonstrates that the~~  
31 ~~applicant has provided, is capable of providing, or has~~

1 ~~financial or other commitments to provide more than one-half~~  
2 ~~of the costs incurred or related to the improvement and~~  
3 ~~development of the facility.~~

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

7 ~~(2)(3)~~ The certified professional golf hall of fame  
8 facility applicant may use funds provided pursuant to s.  
9 212.20 for the public purpose of paying for the construction,  
10 reconstruction, renovation, or operation of the professional  
11 golf hall of fame facility, or to pay or pledge for payment of  
12 debt service on, or to fund debt service reserve funds,  
13 arbitrage rebate obligations, or other amounts payable with  
14 respect to, bonds issued for the construction, reconstruction,  
15 or renovation of the facility or for the reimbursement of such  
16 costs or the refinancing of bonds issued for such purpose.

17 ~~(4) Upon determining that an applicant is or is not~~  
18 ~~certifiable, the Secretary of Commerce shall notify the~~  
19 ~~applicant of his or her status by means of an official letter.~~  
20 ~~If certifiable, the secretary shall notify the executive~~  
21 ~~director of the Department of Revenue and the applicant of~~  
22 ~~such certification by means of an official letter granting~~  
23 ~~certification. From the date of such certification, the~~  
24 ~~applicant shall have 5 years to open the professional golf~~  
25 ~~hall of fame facility to the public and notify the Office of~~  
26 ~~Tourism, Trade, and Economic Development of such opening. The~~  
27 ~~Department of Revenue shall not begin distributing funds until~~  
28 ~~30 days following notice by the Office of Tourism, Trade, and~~  
29 ~~Economic Development that the professional golf hall of fame~~  
30 ~~facility is open to the public.~~

31

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

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

26           Section 20. Section 288.1169, Florida Statutes, is  
27 amended to read:

28           288.1169 International Game Fish Association World  
29 Center facility; ~~department~~ duties.--

30           (1) The direct-support organization authorized under  
31 s. 288.1229 ~~Department of Commerce~~ shall serve as the ~~state~~

1 agency approving applicants for funding pursuant to s. 212.20  
2 and for certifying the applicant as the International Game  
3 Fish Association World Center facility. For purposes of this  
4 section, "facility" means the International Game Fish  
5 Association World Center, and "project" means the  
6 International Game Fish Association World Center and new  
7 colocated improvements by private sector concerns who have  
8 made cash or in-kind contributions to the facility of \$1  
9 million or more.

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

13 (a) The International Game Fish Association World  
14 Center is the only fishing museum, Hall of Fame, and  
15 international administrative headquarters in the United States  
16 recognized by the International Game Fish Association, and  
17 that one or more private sector concerns have committed to  
18 donate to the International Game Fish Association land upon  
19 which the International Game Fish Association World Center  
20 will operate.

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

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

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

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

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

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

21 (h) Documentation exists that demonstrates that the  
22 applicant has provided, and is capable of providing, or has  
23 financial or other commitments to provide, more than one-half  
24 of the cost incurred or related to the improvements and the  
25 development of the facility.

26 (i) The application is signed by senior officials of  
27 the International Game Fish Association and is notarized  
28 according to Florida law providing for penalties for  
29 falsification.

30 (3) The applicant may use funds provided pursuant to  
31 s. 212.20 for the purpose of paying for the construction,

1 reconstruction, renovation, promotion, or operation of the  
2 facility, or to pay or pledge for payment of debt service on,  
3 or to fund debt service reserve funds, arbitrage rebate  
4 obligations, or other amounts payable with respect to, bonds  
5 issued for the construction, reconstruction, or renovation of  
6 the facility or for the reimbursement of such costs or by  
7 refinancing of bonds issued for such purposes.

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

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

26 (6) The direct-support organization authorized under  
27 s. 288.1229 ~~Department of Commerce~~ must recertify every 10  
28 years that the facility is open, that the International Game  
29 Fish Association World Center continues to be the only  
30 international administrative headquarters, fishing museum, and  
31 Hall of Fame in the United States recognized by the

1 International Game Fish Association, and must verify annually  
2 that the project is meeting the minimum projections for  
3 attendance or sales tax revenues as required at the time of  
4 original certification. If the facility is not recertified  
5 during this 10-year review as meeting the minimum projections,  
6 then funding will be abated until certification criteria are  
7 met. If the project fails to generate \$1 million of annual  
8 revenues pursuant to paragraph (2)(e), the distribution of  
9 revenues pursuant to s. 212.20(6)(f)5.c. shall be reduced to  
10 an amount equal to \$83,333 multiplied by a fraction, the  
11 numerator of which is the actual revenues generated and the  
12 denominator of which is \$1 million. Such reduction shall  
13 remain in effect until revenues generated by the project in a  
14 12-month period equal or exceed \$1 million.

15 Section 21. Section 288.1185, Florida Statutes, is  
16 transferred, renumbered as section 403.7155, Florida Statutes,  
17 and amended to read:

18 403.7155 ~~288.1185~~ Recycling Markets Advisory  
19 Committee.--

20 (1) There is created the Recycling Markets Advisory  
21 Committee, hereinafter referred to as the "committee," to be  
22 administratively housed in the Department of Environmental  
23 Protection ~~Office of Tourism, Trade, and Economic Development~~.  
24 The purpose of the committee shall be to serve as the  
25 mechanism for coordination among state agencies and the  
26 private sector to coordinate policy and overall strategic  
27 planning for developing new markets and expanding and  
28 enhancing existing markets for recovered materials. The  
29 committee may not duplicate or replace agency programs, but  
30 shall enhance, coordinate, and recommend priorities for those  
31 programs.

1           (2)(a) The committee shall consist of 12 members, 10  
2 of whom shall be appointed by the Governor, each of whom is or  
3 has been actively engaged in the recycling industry or a  
4 related business area, including the use of product packaging  
5 materials, or is a local government official with a  
6 demonstrated knowledge of recycling; a member of the House of  
7 Representatives to be appointed by the Speaker of the House of  
8 Representatives, who shall serve without voting rights as an  
9 ex officio member of the committee; and a member of the Senate  
10 to be appointed by the President of the Senate, who shall  
11 serve without voting rights as an ex officio member of the  
12 committee.

13           (b) Members of the committee shall be appointed within  
14 60 days after this section takes effect.

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

17           (d) The committee shall meet at the call of its  
18 chairperson or at the request of a majority of its membership,  
19 but at least biannually. A majority of the members shall  
20 constitute a quorum, and the affirmative vote of a majority of  
21 a quorum is necessary to take official action.

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

25           (f) The committee may appoint ad hoc committees, which  
26 may include persons who are not members of the committee, to  
27 study recycled materials market development problems and  
28 issues and advise the committee on these subjects. Ad hoc  
29 committee members may be reimbursed for per diem and travel  
30 expenses as provided in s. 112.061.

31



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

6           (3)(a) The heads of the Department of Transportation,  
7 the Department of Environmental Protection, the Department of  
8 Management Services, the Department of Agriculture and  
9 Consumer Services, the Florida Energy Office, and the Governor  
10 shall each designate a staff member from within the agency to  
11 serve as the recycling market development liaison for the  
12 agency. This person shall have knowledge of recycling and the  
13 issues and problems related to recycling and recycled  
14 materials market development. This person shall be the primary  
15 point of contact for the agency on issues related to recycled  
16 materials market development. These liaisons shall be  
17 available for committee meetings and shall work closely with  
18 the committee and other recycling market development liaisons  
19 to further the goals of the committee, as appropriate.

20           (b) Whenever it is necessary to change the designee,  
21 the head of each agency shall notify the Governor in writing  
22 of the person designated as the recycling market development  
23 liaison for such agency.

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

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

30           1. Developing new markets and expanding and enhancing  
31 existing markets for recovered materials.

1           2. Pursuing expanded end uses for recycled materials.

2           3. Targeting materials for concentrated market  
3 development efforts.

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

6           5. Providing guidance on issues such as permitting,  
7 finance options for recycling market development, site  
8 location, research and development, grant program criteria for  
9 recycled materials markets, recycling markets education and  
10 information, and minimum content.

11           6. Coordinating the efforts of various government  
12 entities with market development responsibilities.

13           7. Evaluating the need for competitively solicited,  
14 cooperative ventures in rural areas for collecting,  
15 processing, marketing, and procuring collected materials.

16           8. Evaluating source-reduced products as they relate  
17 to state procurement policy. The evaluation shall include,  
18 but is not limited to, the environmental and economic impact  
19 of source-reduced product purchases on the state. For the  
20 purposes of this section, "source-reduced" means any method,  
21 process, product, or technology which significantly or  
22 substantially reduces the volume or weight of a product while  
23 providing, at a minimum, equivalent or generally similar  
24 performance and service to and for the users of such  
25 materials.

26           (5) By November 1 of each year, beginning in 1994, the  
27 committee shall submit to the Governor, the President of the  
28 Senate, and the Speaker of the House of Representatives a  
29 complete and detailed report setting forth in appropriate  
30 detail the operations and accomplishments of the committee and  
31 the activities of existing agencies and programs in support of

1 the goals established by the committee, including any  
2 recommendations for statutory changes.

3 (6) In order to support the functions of the  
4 committee, the Department of Environmental Protection ~~Office~~  
5 ~~of Tourism, Trade, and Economic Development~~ may hire staff or  
6 contract with other agencies for staff support and enter into  
7 contracts for support, research, planning, evaluation, and  
8 communication and promotion services.

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

11 288.1229 Promotion and development of sports-related  
12 industries and amateur athletics; direct-support organization;  
13 powers and duties.--

14 (10) The direct-support organization authorized under  
15 this section shall provide an annual report to the Office of  
16 Tourism, Trade, and Economic Development on the status of the  
17 professional golf hall of fame facility certified under s.  
18 288.1168 and the level of attendance and sales tax revenue  
19 associated with the facility as compared to the minimum  
20 projections established at the time the facility was  
21 certified. This report is due within 30 days after the annual  
22 agreement required under s. 288.1168(1). The direct-support  
23 organization also shall provide by October 1 of each year a  
24 report to the Office of Tourism, Trade, and Economic  
25 Development on the status of the International Game Fish  
26 Association World Center facility certified under s. 288.1169.

27 Section 23. Section 288.1251, Florida Statutes, is  
28 amended to read:

29 288.1251 Promotion and development of entertainment  
30 industry; Governor's Office of the Film and Entertainment  
31 ~~Commissioner~~; creation; purpose; powers and duties.--

1 (1) CREATION.--

2 (a) There is hereby created within the Office of  
3 Tourism, Trade, and Economic Development the Governor's Office  
4 of ~~the Film and Entertainment Commissioner~~ for the purpose of  
5 developing, marketing, promoting, and providing services to  
6 the state's entertainment industry.

7 (b) The Office of Tourism, Trade, and Economic  
8 Development shall conduct a national search for a qualified  
9 person to fill the position of ~~Film Commissioner~~ of Film and  
10 Entertainment, and the Executive Director of the Office of  
11 Tourism, Trade, and Economic Development shall hire the ~~Film~~  
12 commissioner. Guidelines for selection of the ~~Film~~  
13 commissioner shall include, but not be limited to, the ~~Film~~  
14 commissioner having the following:

15 1. A working knowledge of the equipment, personnel,  
16 financial, and day-to-day production operations of the  
17 industries to be served by the office;

18 2. Marketing and promotion experience related to the  
19 industries to be served by the office;

20 3. Experience working with a variety of individuals  
21 representing large and small entertainment-related businesses,  
22 industry associations, local community entertainment industry  
23 liaisons, and labor organizations; and

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

26 (2) POWERS AND DUTIES.--

27 (a) The Governor's Office of ~~the Film and~~  
28 Entertainment Commissioner, in performance of its duties,  
29 shall:

30 1. In consultation with the Florida Film and  
31 Entertainment Advisory Council, develop and implement a 5-year

1 strategic plan to guide the activities of the Governor's  
2 Office of ~~the Film and Entertainment Commissioner~~ in the areas  
3 of entertainment industry development, marketing, promotion,  
4 liaison services, field office administration, and  
5 information. The plan, to be developed by no later than June  
6 30, 2000, shall:

7       a. Be annual in construction and ongoing in nature.  
8       b. Include recommendations relating to the  
9 organizational structure of the office.

10       c. Include an annual budget projection for the office  
11 for each year of the plan.

12       d. Include an operational model for the office to use  
13 in implementing programs for rural and urban areas designed  
14 to:

15           (I) Develop and promote the state's entertainment  
16 industry.

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

20           (III) Gather statistical information related to the  
21 state's entertainment industry.

22           (IV) Provide information and service to businesses,  
23 communities, organizations, and individuals engaged in  
24 entertainment industry activities.

25           (V) Administer field offices outside the state and  
26 coordinate with regional offices maintained by counties and  
27 regions of the state, as described in sub-sub-subparagraph  
28 (II), as necessary.

29       e. Include performance standards and measurable  
30 outcomes for the programs to be implemented by the office.  
31

1           f. Include an assessment of, and make recommendations  
2 on, the feasibility of creating an alternative public-private  
3 partnership for the purpose of contracting with such a  
4 partnership for the administration of the state's  
5 entertainment industry promotion, development, marketing, and  
6 service programs.

7           2. Develop, market, and facilitate a smooth working  
8 relationship between state agencies and local governments in  
9 cooperation with local film commission offices for  
10 out-of-state and indigenous entertainment industry production  
11 entities.

12           3. Implement a structured methodology prescribed for  
13 coordinating activities of local offices with each other and  
14 the commissioner's office.

15           4. Represent the state's indigenous entertainment  
16 industry to key decisionmakers within the national and  
17 international entertainment industry, and to state and local  
18 officials.

19           5. Prepare an inventory and analysis of the state's  
20 entertainment industry, including, but not limited to,  
21 information on crew, related businesses, support services, job  
22 creation, talent, and economic impact and coordinate with  
23 local offices to develop an information tool for common use.

24           6. Represent key decisionmakers within the national  
25 and international entertainment industry to the indigenous  
26 entertainment industry and to state and local officials.

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

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

31

1           9. Assist rural communities and other small  
2 communities in the state in developing the expertise and  
3 capacity necessary for such communities to develop, market,  
4 promote, and provide services to the state's entertainment  
5 industry.

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

9           1. Conduct or contract for specific promotion and  
10 marketing functions, including, but not limited to, production  
11 of a statewide directory, production and maintenance of an  
12 Internet web site, establishment and maintenance of a  
13 toll-free number, organization of trade show participation,  
14 and appropriate cooperative marketing opportunities.

15           2. Conduct its affairs, carry on its operations,  
16 establish offices, and exercise the powers granted by this act  
17 in any state, territory, district, or possession of the United  
18 States.

19           3. Carry out any program of information, special  
20 events, or publicity designed to attract entertainment  
21 industry to Florida.

22           4. Develop relationships and leverage resources with  
23 other public and private organizations or groups in their  
24 efforts to publicize to the entertainment industry in this  
25 state, other states, and other countries the depth of  
26 Florida's entertainment industry talent, crew, production  
27 companies, production equipment resources, related businesses,  
28 and support services, including the establishment of and  
29 expenditure for a program of cooperative advertising with  
30 these public and private organizations and groups in  
31 accordance with the provisions of chapter 120.

1           5. Provide and arrange for reasonable and necessary  
2 promotional items and services for such persons as the office  
3 deems proper in connection with the performance of the  
4 promotional and other duties of the office.

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

7           7. Request or accept any grant or gift of funds or  
8 property made by this state or by the United States, or any  
9 department or agency thereof, or by any individual, firm,  
10 corporation, municipality, county, or organization for any or  
11 all of the purposes of the Governor's Office of Film and  
12 Entertainment which are consistent with this or any other  
13 provision of law. The office may expend such funds in  
14 accordance with the terms and conditions of any such grant or  
15 gift, in the pursuit of its administration, or in support of  
16 the programs it administers.

17           Section 24. Section 288.1252, Florida Statutes, is  
18 amended to read:

19           288.1252 Florida Film and Entertainment Advisory  
20 Council; creation; purpose; membership; powers and duties.--

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

25           (2) PURPOSE.--The purpose of the council shall be to  
26 serve as an advisory body to the Office of Tourism, Trade, and  
27 Economic Development and to the Governor's Office of ~~the~~ Film  
28 and Entertainment ~~Commissioner~~ to provide these offices with  
29 industry insight and expertise related to developing,  
30 marketing, promoting, and providing service to the state's  
31 entertainment industry.



1 (3) MEMBERSHIP.--

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

7 (b) When making appointments to the council, the  
8 Governor, the President of the Senate, and the Speaker of the  
9 House of Representatives shall appoint persons who are  
10 residents of the state and who are highly knowledgeable of,  
11 active in, and recognized leaders in Florida's motion picture,  
12 television, video, sound recording, or other entertainment  
13 industries. These persons shall include, but not be limited  
14 to, representatives of local film commissions, representatives  
15 of entertainment associations, a representative of the  
16 broadcast industry, representatives of labor organizations in  
17 the entertainment industry, and board chairs, presidents,  
18 chief executive officers, chief operating officers, or persons  
19 of comparable executive position or stature of leading or  
20 otherwise important entertainment industry businesses and  
21 offices. Council members shall be appointed in such a manner  
22 as to equitably represent the broadest spectrum of the  
23 entertainment industry and geographic areas of the state.

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

26 1. The Governor shall appoint one member for a 1-year  
27 term, two members for 2-year terms, two members for 3-year  
28 terms, and two members for 4-year terms.

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

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

5           (d) Subsequent appointments shall be made by the  
6 official who appointed the council member whose expired term  
7 is to be filled.

8           (e) The ~~Film~~ Commissioner of Film and Entertainment, a  
9 representative of Enterprise Florida, Inc., and a  
10 representative of the Florida Tourism Industry Marketing  
11 Corporation shall serve as ex officio, nonvoting members of  
12 the council, and shall be in addition to the 17 appointed  
13 members of the council.

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

16           (g) A vacancy on the council shall be filled for the  
17 remainder of the unexpired term by the official who appointed  
18 the vacating member.

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

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

23           (4) MEETINGS; ORGANIZATION.--

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

27           (b) The council shall annually elect one member to  
28 serve as chair of the council and one member to serve as vice  
29 chair. The Governor's Office of the Film and Entertainment  
30 ~~Commissioner~~ shall provide staff assistance to the council,  
31 which shall include, but not be limited to, keeping records of

1 the proceedings of the council, and serving as custodian of  
2 all books, documents, and papers filed with the council.

3 (c) A majority of the members of the council shall  
4 constitute a quorum.

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

9 (5) POWERS AND DUTIES.--The Florida Film and  
10 Entertainment Advisory Council shall have all the powers  
11 necessary or convenient to carry out and effectuate the  
12 purposes and provisions of this act, including, but not  
13 limited to, the power to:

14 (a) Adopt bylaws for the governance of its affairs and  
15 the conduct of its business.

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

20 (c) Review the ~~Film Commissioner's~~ administration by  
21 the Commissioner of Film and Entertainment of the programs  
22 related to the strategic plan, and advise the commissioner on  
23 the programs and any changes that might be made to better meet  
24 the strategic plan.

25 (d) Consider and study the needs of the entertainment  
26 industry for the purpose of advising the commissioner and the  
27 Office of Tourism, Trade, and Economic Development.

28 (e) Identify and make recommendations on state agency  
29 and local government actions that may have an impact on the  
30 entertainment industry or that may appear to industry  
31

1 representatives as an official state or local action affecting  
2 production in the state.

3 (f) Consider all matters submitted to it by the  
4 commissioner and the Office of Tourism, Trade, and Economic  
5 Development.

6 (g) Advise and consult with the commissioner and the  
7 Office of Tourism, Trade, and Economic Development, at their  
8 request or upon its own initiative, regarding the  
9 promulgation, administration, and enforcement of all laws and  
10 rules relating to the entertainment industry.

11 (h) Suggest policies and practices for the conduct of  
12 business by the Governor's Office of ~~the~~ Film and  
13 Entertainment ~~Commissioner~~ or by the Office of Tourism, Trade,  
14 and Economic Development that will improve internal operations  
15 affecting the entertainment industry and will enhance the  
16 economic development initiatives of the state for the  
17 industry.

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

21 Section 25. Section 288.1253, Florida Statutes, is  
22 amended to read:

23 288.1253 Travel and entertainment expenses.--

24 (1) As used in this section:

25 (a) "Business client" means any person, other than a  
26 state official or state employee, who receives the services of  
27 representatives of the Governor's Office of ~~the~~ Film and  
28 Entertainment ~~Commissioner~~ in connection with the performance  
29 of its statutory duties, including persons or representatives  
30 of entertainment industry companies considering location,  
31

1 relocation, or expansion of an entertainment industry business  
2 within the state.

3 (b) "Entertainment expenses" means the actual,  
4 necessary, and reasonable costs of providing hospitality for  
5 business clients or guests, which costs are defined and  
6 prescribed by rules adopted by the Office of Tourism, Trade,  
7 and Economic Development, subject to approval by the  
8 Comptroller.

9 (c) "Guest" means a person, other than a state  
10 official or state employee, authorized by the Office of  
11 Tourism, Trade, and Economic Development to receive the  
12 hospitality of the Governor's Office of the Film and  
13 Entertainment Commissioner in connection with the performance  
14 of its statutory duties.

15 (d) "Travel expenses" means the actual, necessary, and  
16 reasonable costs of transportation, meals, lodging, and  
17 incidental expenses normally incurred by a traveler, which  
18 costs are defined and prescribed by rules adopted by the  
19 Office of Tourism, Trade, and Economic Development, subject to  
20 approval by the Comptroller.

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

25 (a) The Governor, the Lieutenant Governor, security  
26 staff of the Governor or Lieutenant Governor, the ~~Film~~  
27 Commissioner of Film and Entertainment, or staff of the  
28 Governor's Office of the Film and Entertainment Commissioner  
29 for travel expenses or entertainment expenses incurred by such  
30 individuals solely and exclusively in connection with the  
31

1 performance of the statutory duties of the Governor's Office  
2 of ~~the~~ Film and Entertainment Commissioner.

3 (b) The Governor, the Lieutenant Governor, security  
4 staff of the Governor or Lieutenant Governor, the ~~Film~~  
5 Commissioner of Film and Entertainment, or staff of the  
6 Governor's Office of ~~the~~ Film and Entertainment Commissioner  
7 for travel expenses or entertainment expenses incurred by such  
8 individuals on behalf of guests, business clients, or  
9 authorized persons as defined in s. 112.061(2)(e) solely and  
10 exclusively in connection with the performance of the  
11 statutory duties of the Governor's Office of ~~the~~ Film and  
12 Entertainment Commissioner.

13 (c) Third-party vendors for the travel or  
14 entertainment expenses of guests, business clients, or  
15 authorized persons as defined in s. 112.061(2)(e) incurred  
16 solely and exclusively while such persons are participating in  
17 activities or events carried out by the Governor's Office of  
18 ~~the~~ Film and Entertainment Commissioner in connection with  
19 that office's statutory duties.

20  
21 The rules shall be subject to approval by the Comptroller  
22 prior to promulgation. The rules shall require the submission  
23 of paid receipts, or other proof of expenditure prescribed by  
24 the Comptroller, with any claim for reimbursement and shall  
25 require, as a condition for any advancement of funds, an  
26 agreement to submit paid receipts or other proof of  
27 expenditure and to refund any unused portion of the  
28 advancement within 15 days after the expense is incurred or,  
29 if the advancement is made in connection with travel, within  
30 10 working days after the traveler's return to headquarters.  
31 However, with respect to an advancement of funds made solely

1 for travel expenses, the rules may allow paid receipts or  
2 other proof of expenditure to be submitted, and any unused  
3 portion of the advancement to be refunded, within 10 working  
4 days after the traveler's return to headquarters. Operational  
5 or promotional advancements, as defined in s. 288.35(4),  
6 obtained pursuant to this section shall not be commingled with  
7 any other state funds.

8 (3) The Office of Tourism, Trade, and Economic  
9 Development shall prepare an annual report of the expenditures  
10 of the Governor's Office of the Film and Entertainment  
11 ~~Commissioner~~ and provide such report to the Legislature no  
12 later than December 30 of each year for the expenditures of  
13 the previous fiscal year. The report shall consist of a  
14 summary of all travel, entertainment, and incidental expenses  
15 incurred within the United States and all travel,  
16 entertainment, and incidental expenses incurred outside the  
17 United States, as well as a summary of all successful projects  
18 that developed from such travel.

19 (4) The Governor's Office of the Film and  
20 Entertainment ~~Commissioner~~ and its employees and  
21 representatives, when authorized, may accept and use  
22 complimentary travel, accommodations, meeting space, meals,  
23 equipment, transportation, and any other goods or services  
24 necessary for or beneficial to the performance of the office's  
25 duties and purposes, so long as such acceptance or use is not  
26 in conflict with part III of chapter 112. The Office of  
27 Tourism, Trade, and Economic Development shall, by rule,  
28 develop internal controls to ensure that such goods or  
29 services accepted or used pursuant to this subsection are  
30 limited to those that will assist solely and exclusively in  
31

1 the furtherance of the office's goals and are in compliance  
2 with part III of chapter 112.

3 (5) Any claim submitted under this section shall not  
4 be required to be sworn to before a notary public or other  
5 officer authorized to administer oaths, but any claim  
6 authorized or required to be made under any provision of this  
7 section shall contain a statement that the expenses were  
8 actually incurred as necessary travel or entertainment  
9 expenses in the performance of official duties of the  
10 Governor's Office of the Film and Entertainment Commissioner  
11 and shall be verified by written declaration that it is true  
12 and correct as to every material matter. Any person who  
13 willfully makes and subscribes to any claim which he or she  
14 does not believe to be true and correct as to every material  
15 matter or who willfully aids or assists in, procures, or  
16 counsels or advises with respect to, the preparation or  
17 presentation of a claim pursuant to this section that is  
18 fraudulent or false as to any material matter, whether or not  
19 such falsity or fraud is with the knowledge or consent of the  
20 person authorized or required to present the claim, commits a  
21 misdemeanor of the second degree, punishable as provided in s.  
22 775.082 or s. 775.083. Whoever receives an advancement or  
23 reimbursement by means of a false claim is civilly liable, in  
24 the amount of the overpayment, for the reimbursement of the  
25 public fund from which the claim was paid.

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

28 288.7011 Assistance to certified development  
29 corporation.--The Office of Tourism, Trade, and Economic  
30 Development is authorized to enter into contracts with a  
31 nonprofit, statewide development corporation certified



1 pursuant to s. 503 of the Small Business Investment Act of  
2 1958, as amended, to permit such corporation to locate and  
3 contract for administrative and technical staff assistance and  
4 support, including, without limitation, assistance to the  
5 development corporation in the packaging and servicing of  
6 loans for the purpose of stimulating and expanding the  
7 availability of private equity capital and long-term loans to  
8 small businesses. Such assistance and support will cease when  
9 the corporation has received state support in an amount the  
10 equivalent of \$250,000 per year over a 4-year ~~5-year~~ period  
11 beginning July 1, 1997. Any contract between the office and  
12 such corporation shall specify that the records of the  
13 corporation must be available for audit by the office and by  
14 the Auditor General.

15 Section 27. Subsections (2) and (7) of section  
16 288.901, Florida Statutes, are amended to read:

17 288.901 Enterprise Florida, Inc.; creation;  
18 membership; organization; meetings; disclosure.--

19 (2) Enterprise Florida, Inc., shall establish one or  
20 more corporate offices, at least one of which shall be located  
21 in Leon County. The Department of Management Services may  
22 establish a lease agreement program under which Enterprise  
23 Florida, Inc., may hire any individual who, as of June 30,  
24 1996, is employed by the Department of Commerce or who, as of  
25 January 1, 1997, is employed by the Executive Office of the  
26 Governor and has responsibilities specifically in support of  
27 the Workforce Development Board established under s. 288.9952  
28 ~~s. 288.9620~~. Under such agreement, the employee shall retain  
29 his or her status as a state employee but shall work under the  
30 direct supervision of Enterprise Florida, Inc. Retention of  
31 state employee status shall include the right to participate

1 in the Florida Retirement System. The Department of Management  
2 Services shall establish the terms and conditions of such  
3 lease agreements.

4 (7) The Governor or the Governor's designee, who must  
5 be from the public sector, shall serve as chairperson of the  
6 board of directors. The board of directors shall biennially  
7 elect one of its appointive members as vice chairperson. The  
8 president shall keep a record of the proceedings of the board  
9 of directors and is the custodian of all books, documents, and  
10 papers filed with the board of directors, the minutes of the  
11 board of directors, and the official seal of Enterprise  
12 Florida, Inc.

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

15 288.9015 Enterprise Florida, Inc.; purpose; duties.--

16 (2) It shall be the responsibility of Enterprise  
17 Florida, Inc., to aggressively market Florida's rural  
18 communities and distressed urban communities as locations for  
19 potential new investment, to aggressively assist in the  
20 retention and expansion of existing businesses in these  
21 communities, and to aggressively assist these communities in  
22 the identification and development of new economic development  
23 opportunities for job creation. Enterprise Florida, Inc.,  
24 shall use and promote existing state programs to facilitate  
25 the location of new investment, the retention and expansion of  
26 existing businesses, and the identification and development of  
27 new economic development opportunities for job creation. Such  
28 programs include, but are not limited to: the Community  
29 Contribution Tax Credit Program, as provided in ss. 220.183  
30 and 624.5105; the Urban High-Crime Area Job Tax Credit Program  
31 as provided in ss. 212.097 and 220.1895; the Rural Job Tax

1 Credit Program as provided in ss. 212.098 and 220.1895; and  
2 the state incentives available in enterprise zones as provided  
3 in s. 290.007.

4 Section 29. Section 288.980, Florida Statutes, is  
5 amended to read:

6 288.980 Military base retention; legislative intent;  
7 grants program.--

8 (1)(a) It is the intent of this state to provide the  
9 necessary means to assist communities with military  
10 installations that would be adversely affected by federal base  
11 realignment or closure actions. It is further the intent to  
12 encourage communities to initiate a coordinated program of  
13 response and plan of action in advance of future actions of  
14 the federal Base Realignment and Closure Commission. It is  
15 critical that closure-vulnerable communities develop such a  
16 program to preserve affected military installations. The  
17 Legislature hereby recognizes that the state needs to  
18 coordinate all efforts that can facilitate the retention of  
19 all remaining military installations in the state. The  
20 Legislature, therefore, declares that providing such  
21 assistance to support the defense-related initiatives within  
22 this section is a public purpose for which public money may be  
23 used.

24 (b) The Florida Defense Alliance, an organization  
25 within Enterprise Florida, is designated as the organization  
26 to ensure that Florida, its resident military bases and  
27 missions, and its military host communities are in competitive  
28 positions as the United States continues its defense  
29 realignment and downsizing. The defense alliance shall serve  
30 as an overall advisory body for Enterprise Florida  
31 defense-related activity. The Florida Defense Alliance may

1 receive funding from appropriations made for that purpose to  
2 ~~administered by~~ the Office of Tourism, Trade, and Economic  
3 Development and administered by Enterprise Florida, Inc.

4 (2)(a) The Office of Tourism, Trade, and Economic  
5 Development is authorized to award grants based upon the  
6 recommendation of Enterprise Florida, Inc., and for  
7 administration by Enterprise Florida, Inc., from funds  
8 specifically appropriated ~~any funds available~~ to it to support  
9 activities related to the retention of military installations  
10 potentially affected by federal base closure or realignment.

11 (b) The term "activities" as used in this section  
12 means studies, presentations, analyses, plans, and modeling.  
13 Staff salaries are not considered an "activity" for which  
14 grant funds may be awarded. Travel costs and costs incidental  
15 thereto incurred by a grant recipient shall be considered an  
16 "activity" for which grant funds may be awarded.

17 (c) Except for grants issued pursuant to the Florida  
18 Military Installation Reuse Planning and Marketing Grant  
19 Program as described in paragraph (3)(c), the amount of any  
20 grant provided to an applicant may not exceed \$250,000. In  
21 making recommendations to the Office of Tourism, Trade, and  
22 Economic Development, Enterprise Florida, Inc., shall require  
23 that an applicant:

24 1. Represent a local government with a military  
25 installation or military installations that could be adversely  
26 affected by federal base realignment or closure.

27 2. Agree to match at least 30 percent of any grant  
28 awarded.

29 3. Prepare a coordinated program or plan of action  
30 delineating how the eligible project will be administered and  
31 accomplished.

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

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

8           1. The relative value of the particular military  
9 installation in terms of its importance to the local and state  
10 economy relative to other military installations vulnerable to  
11 closure.

12           2. The potential job displacement within the local  
13 community should the military installation be closed.

14           3. The potential adverse impact on industries and  
15 technologies which service the military installation.

16           (3) The Florida Economic Reinvestment Initiative is  
17 established to respond to the need for this state and  
18 defense-dependent communities in this state to develop  
19 alternative economic diversification strategies to lessen  
20 reliance on national defense dollars in the wake of base  
21 closures and reduced federal defense expenditures and the need  
22 to formulate specific base reuse plans and identify any  
23 specific infrastructure needed to facilitate reuse. The  
24 initiative shall consist of the following three distinct grant  
25 programs to be administered by Enterprise Florida, Inc. ~~the~~  
26 ~~Office of Tourism, Trade, and Economic Development~~:

27           (a) The Florida Defense Planning Grant Program,  
28 through which funds shall be used to analyze the extent to  
29 which the state is dependent on defense dollars and defense  
30 infrastructure and prepare alternative economic development  
31 strategies. The state shall work in conjunction with

1 defense-dependent communities in developing strategies and  
2 approaches that will help communities make the transition from  
3 a defense economy to a nondefense economy. Grant awards may  
4 not exceed \$250,000 per applicant and shall be available on a  
5 competitive basis.

6 (b) The Florida Defense Implementation Grant Program,  
7 through which funds shall be made available to  
8 defense-dependent communities to implement the diversification  
9 strategies developed pursuant to paragraph (a). Eligible  
10 applicants include defense-dependent counties and cities, and  
11 local economic development councils located within such  
12 communities. Grant awards may not exceed \$100,000 per  
13 applicant and shall be available on a competitive basis.  
14 Awards shall be matched on a one-to-one basis.

15 (c) The Florida Military Installation Reuse Planning  
16 and Marketing Grant Program, through which funds shall be used  
17 to help counties, cities, and local economic development  
18 councils develop and implement plans for the reuse of closed  
19 or realigned military installations, including any necessary  
20 infrastructure improvements needed to facilitate reuse and  
21 related marketing activities.

22  
23 Applications for grants under this subsection must include a  
24 coordinated program of work or plan of action delineating how  
25 the eligible project will be administered and accomplished,  
26 which must include a plan for ensuring close cooperation  
27 between civilian and military authorities in the conduct of  
28 the funded activities and a plan for public involvement. The  
29 director of the Office of Tourism, Trade, and Economic  
30 Development shall make the final decision on all grant awards.

31

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

18           (b) In making recommendations to the Office of  
19 Tourism, Trade, and Economic Development for grant awards,  
20 Enterprise Florida, Inc., ~~The office~~ shall require that an  
21 applicant:

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

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

29           3. Prepare a coordinated program or plan delineating  
30 how the funds will be administered.

31

1           4. Provide documentation describing how  
2 defense-related realignment or closure will adversely impact  
3 defense-related companies.

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

20           (6) The director of the Office of Tourism, Trade, and  
21 Economic Development may award nonfederal matching funds  
22 specifically appropriated for construction, maintenance, and  
23 analysis of a Florida defense workforce database. Such funds  
24 will be used to create a registry of worker skills that can be  
25 used to match the worker needs of companies that are  
26 relocating to this state or to assist workers in relocating to  
27 other areas within this state where similar or related  
28 employment is available.

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



1           (8) Enterprise Florida, Inc.,~~The Office of Tourism,~~  
2 ~~Trade, and Economic Development~~ shall develop ~~establish~~  
3 guidelines to implement and carry out the purpose and intent  
4 of this section. The Office of Tourism, Trade, and Economic  
5 Development must approve the guidelines before their  
6 implementation.

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

11           288.99 Certified Capital Company Act.--

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

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

17           1. The total dollar amount the certified capital  
18 company received from certified investors, the identity of the  
19 certified investors, and the amount received from each  
20 certified investor during the calendar year.

21           2. The total dollar amount the certified capital  
22 company invested and the amount invested in qualified  
23 businesses, together with the identity and location of those  
24 businesses and the amount invested in each qualified business.

25           3. For informational purposes only, the total number  
26 of permanent, full-time jobs either created or retained by the  
27 qualified business during the calendar year, the average wage  
28 of the jobs created or retained, the industry sectors in which  
29 the qualified businesses operate, and any additional capital  
30 invested in qualified businesses from sources other than  
31 certified capital companies.

1 (b) The form shall be verified by one or more  
2 principals of the certified capital company submitting the  
3 form. Verification shall be accomplished as provided in s.  
4 92.525(1)(b) and subject to the provisions of s. 92.525(3).

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

8 1. That the businesses in which certified capital has  
9 been invested by the certified capital company are in fact  
10 qualified businesses, and that the amount of certified capital  
11 invested by the certified capital company is as represented in  
12 the form.

13 2. The amount of certified capital invested in the  
14 certified capital company by the certified investors.

15 3. The amount of premium tax credit available to  
16 certified investors.

17 (d) The Department of Revenue is authorized to audit  
18 and examine the accounts, books, or records of certified  
19 capital companies and certified investors for the purpose of  
20 ascertaining the correctness of any report and financial  
21 return which has been filed, and to ascertain a certified  
22 capital company's compliance with the tax-related provisions  
23 of this act.

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

25 (10) DECERTIFICATION.--

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

30 (12) REPORTING REQUIREMENTS.--The office shall report  
31 annually ~~on an annual basis~~ to the Governor, the President of

1 the Senate, and the Speaker of the House of Representatives on  
2 or before April 1:

3 (a) The total dollar amount each certified capital  
4 company received from all certified investors and any other  
5 investor, the identity of the certified investors, and the  
6 total amount of premium tax credit used by each certified  
7 investor for the previous calendar year.

8 (b) The total dollar amount invested by each certified  
9 capital company and that portion invested in qualified  
10 businesses, the identity and location of those businesses, the  
11 amount invested in each qualified business, and the total  
12 number of permanent, full-time jobs created or retained by  
13 each qualified business.

14 (c) The return for the state as a result of the  
15 certified capital company investments, including the extent to  
16 which:

17 1. Certified capital company investments have  
18 contributed to employment growth.

19 2. The wage level of businesses in which certified  
20 capital companies have invested exceed the average wage for  
21 the county in which the jobs are located.

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

25 (14) RULEMAKING AUTHORITY.--

26 (b) The department and the office may adopt any rules  
27 necessary to carry out its duties, obligations, and powers  
28 related to the administration, review, and reporting  
29 provisions of this section and may perform any other acts  
30 necessary for the proper administration and enforcement of  
31 such duties, obligations, and powers.

1           (15) ADDITIONAL CERTIFICATIONS.--Notwithstanding the  
2 dates established in paragraphs (4)(b), (c), and (e), an  
3 applicant for certification as a certified capital company may  
4 file an application of the type specified in paragraph (4)(b)  
5 to become a "certified capital company" under this section  
6 between July 1, 2000, and September 1, 2000, in the manner  
7 prescribed in subsection (4). A certified capital company  
8 certified after July 1, 2000, and any certified investor  
9 therein may not earn any premium tax credits allocated by the  
10 office before its date of certification.

11           Section 31. Section 290.004, Florida Statutes, is  
12 amended to read:

13           290.004 Definitions.--As used in ss. 290.001-290.016:

14           (1) "Community investment corporation" means a black  
15 business investment corporation, a certified development  
16 corporation, a small business investment corporation, or other  
17 similar entity incorporated under Florida law that has limited  
18 its investment policy to making investments solely in minority  
19 business enterprises.

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

21           (2)(3) "Director" means the director of the Office of  
22 Tourism, Trade, and Economic Development.

23           (3)(4) "Governing body" means the council or other  
24 legislative body charged with governing the county or  
25 municipality.

26           (4)(5) "Interagency coordinating council" means the  
27 Enterprise Zone Interagency Coordinating Council created  
28 pursuant to s. 290.009.

29           (5)(6) "Minority business enterprise" has the same  
30 meaning as in s. 288.703.

31

1           ~~(6)(7)~~ "Office" means the Office of Tourism, Trade,  
2 and Economic Development.

3           (7) "Rural enterprise zone" means an enterprise zone  
4 that is nominated by a county having a population of 75,000 or  
5 fewer, or a county having a population of 100,000 or fewer  
6 which is contiguous to a county having a population of 75,000  
7 or fewer, or by a municipality in such a county, or by such a  
8 county and one or more municipalities. An enterprise zone  
9 designated in accordance with s. 370.28 shall be considered a  
10 rural enterprise zone.

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

12           ~~(8)(9)~~ "Small business" has the same meaning as in s.  
13 288.703.

14           Section 32. Subsections (11) and (12) of section  
15 290.0056, Florida Statutes, are amended to read:

16           290.0056 Enterprise zone development agency.--

17           (11) Prior to December 1 of each year, the agency  
18 shall submit to Enterprise Florida, Inc. ~~the Office of~~  
19 ~~Tourism, Trade, and Economic Development~~ a complete and  
20 detailed written report setting forth:

21           (a) Its operations and accomplishments during the  
22 fiscal year.

23           (b) The accomplishments and progress concerning the  
24 implementation of the strategic plan.

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

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

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

31

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

3 (12) In the event that the nominated area selected by  
4 the governing body is not designated a state enterprise zone,  
5 the governing body may dissolve the agency after receiving  
6 notification ~~from the department or the office~~ that the area  
7 was not designated as an enterprise zone.

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

10 290.0058 Tests of pervasive poverty, unemployment, and  
11 general distress.--

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

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

20 290.0065 State designation of enterprise zones.--

21 (1) Upon application to Enterprise Florida, Inc., of  
22 the governing body of a county or municipality or of a county  
23 and one or more municipalities jointly pursuant to s.  
24 290.0055, Enterprise Florida, Inc.~~the department~~, in  
25 consultation with the interagency coordinating council, shall  
26 determine which areas nominated by such governing bodies meet  
27 the criteria outlined in s. 290.0055 and are the most  
28 appropriate for recommendation to the director of the Office  
29 of Tourism, Trade, and Economic Development for designation as  
30 state enterprise zones. The office ~~department~~ is authorized to  
31 designate up to 5 areas within each of the categories

1 established in subparagraphs (3)(a)1., 2., 3., 4., and 5.,  
2 except that the office ~~department~~ may only designate a total  
3 of 20 areas as enterprise zones. The office ~~department~~ shall  
4 not designate more than three enterprise zones in any one  
5 county. All designations, including any provision for  
6 redesignations, of state enterprise zones pursuant to this  
7 section shall be effective July 1, 1995.

8 (4)(a) Notwithstanding s. 290.0055, any area existing  
9 as a state enterprise zone as of the effective date of this  
10 section and originally approved through a joint application  
11 from a county and municipality, or through an application from  
12 a county as defined in s. 125.011(1), shall be redesignated as  
13 a state enterprise zone upon the creation of an enterprise  
14 zone development agency pursuant to s. 290.0056 and the  
15 completion of a strategic plan pursuant to s. 290.0057. Any  
16 area redesignated pursuant to this subsection, other than an  
17 area located in a county defined in s. 125.011(1), may be  
18 relocated or modified by the appropriate governmental bodies.  
19 Such relocation or modification shall be identified in the  
20 strategic plan and shall meet the requirements for designation  
21 as established by s. 290.005. Any relocation or modification  
22 shall be submitted on or before June 1, 1996.

23 (b) The office ~~department~~ shall place any area  
24 designated as a state enterprise zone pursuant to this  
25 subsection in the appropriate category established in  
26 subsection (3), and include such designations within the  
27 limitations on state enterprise zone designations set out in  
28 subsection (1).

29 (c) Any county or municipality having jurisdiction  
30 over an area designated as a state enterprise zone pursuant to  
31

1 this subsection, other than a county defined by s. 125.011(1),  
2 may not apply for designation of another area.

3 (5) Notwithstanding s. 290.0055, an area designated as  
4 a federal empowerment zone or enterprise community pursuant to  
5 Title XIII of the Omnibus Budget Reconciliation Act of 1993,  
6 the Taxpayer Relief Act of 1997, or the 1999 Agricultural  
7 Appropriations Act shall be designated a state enterprise zone  
8 as follows:

9 (a) An area designated as an urban empowerment zone or  
10 urban enterprise community pursuant to Title XIII of the  
11 Omnibus Budget Reconciliation Act of 1993 or the Taxpayer  
12 Relief Act of 1997 shall be designated a state enterprise zone  
13 by the office ~~department~~ upon completion of the requirements  
14 set out in paragraph (d), except in the case of a county as  
15 defined in s. 125.011(1) which, notwithstanding s. 290.0055,  
16 may incorporate and include such designated urban empowerment  
17 zone or urban enterprise community areas within the boundaries  
18 of its state enterprise zones without any limitation as to  
19 size.

20 (b) An area designated as a rural empowerment zone or  
21 rural enterprise community pursuant to Title XIII of the  
22 Omnibus Budget Reconciliation Act of 1993 or the 1999  
23 Agricultural Appropriations Act shall be designated a state  
24 enterprise zone by the office ~~department~~ upon completion of  
25 the requirements set out in paragraph (d).

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

30 (d) Prior to recommending that the office designate  
31 ~~designating~~ such areas as state enterprise zones, Enterprise



1 Florida, Inc.,~~the department~~ shall ensure that the governing  
2 body having jurisdiction over the zone submits the strategic  
3 plan required pursuant to 7 C.F.R. part 25 or 24 C.F.R. part  
4 597 to Enterprise Florida, Inc.~~the department~~, and creates an  
5 enterprise zone development agency pursuant to s. 290.0056.

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

12 (6)(a) The office ~~department~~, in consultation with  
13 Enterprise Florida, Inc., and the interagency coordinating  
14 council, may develop guidelines ~~shall promulgate any rules~~  
15 necessary for the approval of areas under this section by the  
16 director ~~secretary~~.

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

20 (c) Such guidelines may ~~rules shall~~ provide for the  
21 evaluation of the strategic plan and local fiscal and  
22 regulatory incentives for effectiveness, including how the  
23 following key principles will be implemented by the governing  
24 body or bodies:

25 1. Economic opportunity, including job creation within  
26 the community and throughout the region, as well as  
27 entrepreneurial initiatives, small business expansion, and  
28 training for jobs that offer upward mobility.

29 2. Sustainable community development that advances the  
30 creation of livable and vibrant communities through  
31

1 comprehensive approaches that coordinate economic, physical,  
2 community, and human development.

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

5 4. Strategic vision for change that identifies how the  
6 community will be revitalized. This vision should include  
7 methods for building on community assets and coordinate a  
8 response to community needs in a comprehensive fashion. This  
9 vision should provide goals and performance benchmarks for  
10 measuring progress and establish a framework for evaluating  
11 and adjusting the strategic plan.

12 5. Local fiscal and regulatory incentives enacted  
13 pursuant to s. 290.0057(1)(e). These incentives should induce  
14 economic revitalization, including job creation and small  
15 business expansion.

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

20 (7) Upon approval by the director ~~secretary~~ of a  
21 resolution authorizing an area to be an enterprise zone  
22 pursuant to this section, the office ~~department~~ shall assign a  
23 unique identifying number to that resolution. The office  
24 ~~department~~ shall provide the Department of Revenue and  
25 Enterprise Florida, Inc., with a copy of each resolution  
26 approved, together with its identifying number.

27 (9) Upon recommendation by Enterprise Florida, Inc.,  
28 the Office of Tourism, Trade, and Economic Development may  
29 amend the boundaries of any enterprise zone designated by the  
30 state pursuant to this section, consistent with the  
31 categories, criteria, and limitations imposed in this section

1 upon the establishment of such enterprise zone and only if  
2 consistent with the determinations made in s. 290.0058(2).

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

5 290.0066 Revocation of enterprise zone designation.--

6 (1) Upon recommendation by Enterprise Florida, Inc.,  
7 the director may revoke the designation of an enterprise zone  
8 if Enterprise Florida, Inc.,~~the director~~ determines that the  
9 governing body or bodies:

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

12 (b) Have not complied substantially with the strategic  
13 plan.

14 Section 36. Section 290.00675, Florida Statutes, is  
15 amended to read:

16 290.00675 Amendment of certain enterprise zone  
17 boundaries.--Notwithstanding any other provisions of law, upon  
18 recommendation by Enterprise Florida, Inc., the Office of  
19 Tourism, Trade, and Economic Development may amend the  
20 boundaries of an area designated as an enterprise zone in a  
21 community having a population of 235,000 persons but less than  
22 245,000, so long as the area does not increase the overall  
23 size of the zone by greater than 25 acres and the increased  
24 area is contiguous to the existing enterprise zone. The  
25 amendment must also be consistent with the limitations imposed  
26 by s. 290.0055 upon establishment of the enterprise zone.

27 Section 37. Section 290.00676, Florida Statutes, is  
28 created to read:

29 290.00676 Amendment of rural enterprise zone  
30 boundaries.--Notwithstanding any other provision of law, upon  
31 recommendation by Enterprise Florida, Inc., the Office of

1 Tourism, Trade, and Economic Development may amend the  
2 boundaries of a rural enterprise zone. For purposes of  
3 boundary amendments, an enterprise zone designated under s.  
4 370.28 shall be considered a rural enterprise zone and is  
5 eligible for amendment of its boundaries. Boundary amendments  
6 authorized by this section are subject to the following  
7 requirements:

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

10 (2) The amendment may increase the number of  
11 noncontiguous areas by one, if that noncontiguous area has  
12 zero population. For purposes of this subsection, the  
13 pervasive poverty criteria may be set aside for the addition  
14 of a noncontiguous parcel.

15 (3) The local enterprise zone development agency must  
16 request the amendment from Enterprise Florida, Inc., prior to  
17 December 30, 2000. The request must contain maps and  
18 sufficient information to allow the office to determine the  
19 number of noncontiguous areas and the total size of the rural  
20 enterprise zone.

21 Section 38. Section 290.00677, Florida Statutes, is  
22 created to read:

23 290.00677 Rural enterprise zones; special  
24 qualifications.--

25 (1) Notwithstanding the enterprise zone residency  
26 requirements set out in ss. 212.096(1)(c) and 220.03(1)(q),  
27 businesses located in rural enterprise zones may receive the  
28 credit provided under s. 212.096 or s. 220.181 for hiring any  
29 person within the jurisdiction of a rural county, as defined  
30 by s. 288.106(2)(r). All other provisions of ss. 212.096,  
31 220.03(1)(q), and 220.181 apply to such businesses.

1           (2) Notwithstanding the requirement specified in ss.  
2 212.08(5)(g)5., (5)(h)5., and (15)(a), 212.096(2)(b)1.,  
3 220.181(1)(a)1., and 220.182(1)(b) that no less than 20  
4 percent of a business's employees, excluding temporary and  
5 part-time employees, must be residents of an enterprise zone  
6 for the business to qualify for the maximum exemption or  
7 credit provided in ss. 212.08(5)(g) and (h) and (15),  
8 212.096(2)(b)1., 220.181(1)(a)1., and 220.182, a business that  
9 is located in a rural enterprise zone shall be qualified for  
10 those maximum exemptions or credits if no less than 20 percent  
11 of such employees of the business are residents of a rural  
12 county, as defined by s. 288.106(2)(r). All other provisions  
13 of ss. 212.08(5)(g) and (h) and (15), 212.096, 220.181, and  
14 220.182 apply to such business.

15           (3) Notwithstanding the time limitations contained in  
16 chapters 212 and 220, a business eligible to receive tax  
17 credits under this section from January 1, 2000, to June 1,  
18 2000, must submit an application for the tax credits by  
19 December 1, 2000. All other requirements of the enterprise  
20 zone program apply to such a business.

21           Section 39. Section 290.00689, Florida Statutes, is  
22 amended to read:

23           290.00689 Designation of enterprise zone pilot project  
24 area.--

25           (1) The Office of Tourism, Trade, and Economic  
26 Development shall designate one pilot project area within one  
27 state enterprise zone. The Office of Tourism, Trade, and  
28 Economic Development shall select a pilot project area by July  
29 1, 1999, which meets the following qualifications:

30  
31

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

4 (b) The local government having jurisdiction over the  
5 enterprise zone grants economic development ad valorem tax  
6 exemptions in the enterprise zone pursuant to s. 196.1995, and  
7 electrical energy public service tax exemptions pursuant to s.  
8 166.231(8).

9 (c) The local government having jurisdiction over the  
10 enterprise zone has developed a plan for revitalizing the  
11 pilot project area or for revitalizing an area within the  
12 enterprise zone that contains the pilot project area, and has  
13 committed at least \$5 million to redevelop an area including  
14 the pilot project area.

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

20 (e) The pilot project area contains a diverse cluster  
21 or grouping of facilities or space for a mix of retail,  
22 restaurant, or service related businesses necessary to an  
23 overall revitalization of surrounding neighborhoods through  
24 community involvement, investment, and enhancement of  
25 employment markets.

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

30 (b) The credit shall be computed as \$5,000 times the  
31 number of full-time employees of the business and \$2,500 times

1 the number of part-time employees of the business. For  
2 purposes of this section, a person shall be deemed to be  
3 employed by such a business on a full-time basis if the person  
4 performs duties in connection with the operations of the  
5 business for an average of at least 36 hours per week each  
6 month, or on a part-time basis if the person is performing  
7 such duties for an average of at least 20 hours per week each  
8 month throughout the year. The person must be performing such  
9 duties at a business site located in the pilot project area.

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

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

21 1. Have entered into a contract with the developer of  
22 the diverse cluster or grouping of facilities or space located  
23 in the pilot project area, governing lease of commercial space  
24 in a facility.

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

27 3. Be a business predominantly engaged in activities  
28 usually provided for consideration by firms classified under  
29 the Standard Industrial Classification Manual Industry Number  
30 5311, Industry Number 5399, or Industry Number 7832.

31

1 (e) All applications for the granting of the tax  
2 credits allowed under this section shall require the prior  
3 review and recommendation of Enterprise Florida, Inc., and  
4 approval of the director of the Office of Tourism, Trade, and  
5 Economic Development. At the recommendation of Enterprise  
6 Florida, Inc., the director shall establish one submittal date  
7 each year for the receipt of applications for such tax  
8 credits.

9 (f) Any business wishing to receive tax credits  
10 pursuant to this section must submit an application to  
11 Enterprise Florida, Inc., ~~the Office of Tourism, Trade, and~~  
12 ~~Economic Development~~ which sets forth the business name and  
13 address and the number of employees of the business.

14 (g) Upon the recommendation of Enterprise Florida,  
15 Inc., the decision of the director shall be in writing, and,  
16 if approved, ~~the application~~ shall state the maximum credits  
17 allowable to the business. A copy of the decision shall be  
18 transmitted to Enterprise Florida, Inc., and to the executive  
19 director of the Department of Revenue, who shall apply such  
20 credits to the tax liabilities of the business firm.

21 (h) If any credit granted pursuant to this section is  
22 not fully used in any one year because of insufficient tax  
23 liability on the part of the business, the unused amount may  
24 be carried forward for a period not to exceed 5 years.

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

29 ~~(3)(4)~~ The Department of Revenue shall adopt any rules  
30 necessary to ensure the orderly implementation and  
31 administration of this section.



1           ~~(4)(5)~~ For purposes of this section, "business" and  
2 "taxable year" shall have the same meaning as in s. 220.03.

3           ~~(5)(6)~~ Prior to the 2004 Regular Session of the  
4 Legislature, the Office of Program Policy Analysis and  
5 Government Accountability shall review and evaluate the  
6 effectiveness and viability of the pilot project area created  
7 under this section, using the research design prescribed  
8 pursuant to s. 290.015. The office shall specifically evaluate  
9 whether relief from certain taxes induced new investment and  
10 development in the area; increased the number of jobs created  
11 or retained in the area; induced the renovation,  
12 rehabilitation, restoration, improvement, or new construction  
13 of businesses or housing within the area; and contributed to  
14 the economic viability and profitability of business and  
15 commerce located within the area. The office shall submit a  
16 report of its findings and recommendations to the Speaker of  
17 the House of Representatives and the President of the Senate  
18 no later than January 15, 2004.

19           ~~(6)(7)~~ This section shall stand repealed on June 30,  
20 2010, and any designation made pursuant to this section shall  
21 be revoked on that date.

22           Section 40. Section 290.00695, Florida Statutes, is  
23 created to read:

24           290.00695 Enterprise zone designation for Hernando  
25 County or Hernando County and Brooksville.--Hernando County,  
26 or Hernando County and the City of Brooksville jointly, may  
27 apply to the Office of Tourism, Trade, and Economic  
28 Development for designation of one enterprise zone within the  
29 county, or within both the county and the city, which zone  
30 encompasses an area starting north of the City of Brooksville  
31 with properties within the Gregg Mine Industrial Park; those

1 lands located on the east side of Cobb Road south of Yontz  
2 Road to the intersection of Jefferson Street and State Road  
3 50; lands adjacent to the State Road 50 Bypass east to the  
4 intersection of Jefferson Street and State Road 50 in the  
5 southeast area of the City of Brooksville; those lands  
6 encompassing the areas north and south of Summit Road from  
7 Hale Avenue to the west, east to Jefferson Street; lands  
8 adjacent to U.S. Route 41 from the State Road 50 Bypass south  
9 to the proposed Ayers Road Extension; those lands encompassing  
10 the Hernando County Airport east of U.S. Route 41 west to the  
11 Suncoast Parkway with Spring Hill Drive and Powell Road to the  
12 north including portions along Spring Hill Drive east and west  
13 of the intersection with California Street; and those lands  
14 adjacent to Anderson Snow Road and Corporate Boulevard known  
15 as Holland Springs Industrial Park. The application must be  
16 submitted by December 31, 2000, and must comply with the  
17 requirements of s. 290.0055. Notwithstanding the provisions of  
18 s. 290.0065 limiting the total number of enterprise zones  
19 designated and the number of enterprise zones within a  
20 population category, the Office of Tourism, Trade, and  
21 Economic Development may designate one enterprise zone under  
22 this section. The Office of Tourism, Trade, and Economic  
23 Development shall establish the initial effective date of the  
24 enterprise zone designated under this section.

25 Section 41. Section 290.00694, Florida Statutes, is  
26 created to read:

27 290.00694 Enterprise zone designation for rural  
28 champion communities.--An area designated as a rural champion  
29 community pursuant to the Taxpayer Relief Act of 1997 may  
30 apply to Enterprise Florida, Inc., for designation as an  
31 enterprise zone. The application must be submitted by December

1 31, 2000, and must comply with the requirements of s.  
2 290.0055. Notwithstanding the provisions of s. 290.0065  
3 limiting the total number of enterprise zones designated and  
4 the number of enterprise zones within a population category,  
5 the Office of Tourism, Trade, and Economic Development upon  
6 recommendation of Enterprise Florida, Inc., may designate  
7 enterprise zones under this section. The Office of Tourism,  
8 Trade, and Economic Development shall establish the initial  
9 effective date of the enterprise zones designated pursuant to  
10 this section.

11 Section 42. Section 290.009, Florida Statutes, is  
12 amended to read:

13 290.009 Enterprise Zone Interagency Coordinating  
14 Council.--

15 (1) There is created within the Office of Tourism,  
16 Trade, and Economic Development the Enterprise Zone  
17 Interagency Coordinating Council. The council shall be  
18 composed of the secretaries or executive directors, or their  
19 designees, of the Department of Community Affairs, the Office  
20 of Tourism, Trade, and Economic Development, the Department of  
21 Children and Family Services, the Department of Health, the  
22 Department of Juvenile Justice, the Department of Labor and  
23 Employment Security, the Department of State, the Department  
24 of Transportation, the Department of Environmental Protection,  
25 the Department of Law Enforcement, and the Department of  
26 Revenue; the Attorney General or his or her designee; and the  
27 executive directors or their designees of the Florida  
28 Community College System, the Florida Black Business  
29 Investment Board, and the Florida State Rural Development  
30 Council. Enterprise Florida, Inc., shall serve as staff to the  
31 council.

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

2 (a) Advise Enterprise Florida, Inc., and the office in  
3 planning, developing, implementing, and performing evaluation  
4 and reporting activities related to the Florida Enterprise  
5 Zone Act of 1994.

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

8 (c) Assist in the selection of designated enterprise  
9 zones for participation in the enterprise zone linked deposit  
10 program pursuant to s. 290.0075.

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

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

17 Section 43. Section 290.014, Florida Statutes, is  
18 amended to read:

19 290.014 Annual reports on enterprise zones.--

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

25 (2) By March 1 of each year, Enterprise Florida, Inc.,  
26 ~~the office~~ shall submit an annual report to the Governor, the  
27 Speaker of the House of Representatives, ~~and~~ the President of  
28 the Senate, and the director of the Office of Tourism, Trade,  
29 and Economic Development. The report shall include the  
30 information provided by the Department of Revenue pursuant to  
31 subsection (1) and the information provided by enterprise zone

1 development agencies pursuant to s. 290.0056. In addition, the  
2 report shall include an analysis of the activities and  
3 accomplishments of each enterprise zone, and any additional  
4 information prescribed pursuant to s. 290.015.

5 Section 44. Subsection (2) of section 290.046, Florida  
6 Statutes, is amended to read:

7 290.046 Applications for grants; procedures;  
8 requirements.--

9 (2)(a) Except as provided in paragraph (c), each  
10 eligible local government may submit an application for a  
11 grant under either the housing program category or the  
12 neighborhood revitalization program category during each  
13 annual funding cycle. An applicant may not receive more than  
14 one grant in any state fiscal year from any of the following  
15 categories: housing, neighborhood revitalization, or  
16 commercial revitalization.

17 (b) Except as provided in paragraph (c), each eligible  
18 local government may apply during each ~~up to three times in~~  
19 ~~any one~~ annual funding cycle for grants ~~a grant~~ under the  
20 economic development program category but shall receive  
21 cumulative awards no more than the applicable grant ceiling  
22 established by the department ~~one such grant~~ per annual  
23 funding cycle under s. 290.047(2). Applications for grants  
24 under the economic development program category may be  
25 submitted at any time during the annual funding cycle, and  
26 such grants shall be awarded no less frequently than three  
27 times per funding cycle. The department shall establish  
28 minimum criteria pertaining to the number of jobs created for  
29 persons of low or moderate income, the degree of private  
30 sector financial commitment, and the economic feasibility of  
31 the proposed project and shall establish any other criteria

1 the department deems appropriate. Assistance to a private,  
2 for-profit business may not be provided from a grant award  
3 unless sufficient evidence exists to demonstrate that without  
4 such public assistance the creation or retention of such jobs  
5 would not occur.

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

20 2. Local governments with an open economic development  
21 community development block grant contract or contracts whose  
22 activities are on schedule in accordance with the expenditure  
23 rates and accomplishments described in the contract or  
24 contracts may apply for a housing or neighborhood  
25 revitalization and a commercial revitalization community  
26 development block grant. Local governments with an open  
27 economic development contract or contracts whose activities  
28 are on schedule in accordance with the expenditure rates and  
29 accomplishments described in the contract or contracts may  
30 receive ~~no more than one~~ additional economic development  
31

1 grants grant in each fiscal year subject to the grant ceilings  
2 established by the department under s. 290.047.

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

15 Section 45. Subsection (7) is added to section  
16 290.048, Florida Statutes, to read:

17 290.048 General powers of Department of Community  
18 Affairs under ss. 290.0401-290.049.--The department has all  
19 the powers necessary or appropriate to carry out the purposes  
20 and provisions of the program, including the power to:

21 (7) Establish advisory committees and solicit  
22 participation in the design, implementation, and evaluation of  
23 the program and its linkages with other housing, community  
24 development, and economic development resources.

25 Section 46. Section 290.049, Florida Statutes, is  
26 repealed.

27 Section 47. Subsection (6) of section 373.4149,  
28 Florida Statutes, is amended to read:

29 373.4149 Miami-Dade County Lake Belt Plan.--

30 (6) The Miami-Dade County Lake Belt Plan  
31 Implementation Committee shall be appointed by the governing

1 board of the South Florida Water Management District to  
2 develop a strategy for the design and implementation of the  
3 Miami-Dade County Lake Belt Plan. The committee shall consist  
4 of the chair of the governing board of the South Florida Water  
5 Management District, who shall serve as chair of the  
6 committee, the policy director of Environmental and Growth  
7 Management in the office of the Governor, the secretary of the  
8 Department of Environmental Protection, the director of the  
9 Division of Water Facilities or its successor division within  
10 the Department of Environmental Protection, ~~the director of~~  
11 ~~the Office of Tourism, Trade, and Economic Development within~~  
12 ~~the office of the Governor,~~ the secretary of the Department of  
13 Community Affairs, the executive director of the Game and  
14 Freshwater Fish Commission, the director of the Department of  
15 Environmental Resource Management of Miami-Dade County, the  
16 director of the Miami-Dade County Water and Sewer Department,  
17 the Director of Planning in Miami-Dade County, a  
18 representative of the Friends of the Everglades, a  
19 representative of the Florida Audubon Society, a  
20 representative of the Florida chapter of the Sierra Club, four  
21 representatives of the nonmining private landowners within the  
22 Miami-Dade County Lake Belt Area, and four representatives  
23 from the limestone mining industry to be appointed by the  
24 governing board of the South Florida Water Management  
25 District. Two ex officio seats on the committee will be filled  
26 by one member of the Florida House of Representatives to be  
27 selected by the Speaker of the House of Representatives from  
28 among representatives whose districts, or some portion of  
29 whose districts, are included within the geographical scope of  
30 the committee as described in subsection (3), and one member  
31 of the Florida Senate to be selected by the President of the



1 Senate from among senators whose districts, or some portion of  
2 whose districts, are included within the geographical scope of  
3 the committee as described in subsection (3). The committee  
4 may appoint other ex officio members, as needed, by a majority  
5 vote of all committee members. A committee member may  
6 designate in writing an alternate member who, in the member's  
7 absence, may participate and vote in committee meetings.

8       Section 48. The Institute of Food and Agricultural  
9 Sciences at the University of Florida is authorized to enter  
10 into contracts with the U.S. Department of Agriculture and may  
11 receive grants of money to support the Florida State Rural  
12 Development Council.

13       Section 49. The Workforce Development Board of  
14 Enterprise Florida, Inc., shall develop, in consultation with  
15 the State Board of Community Colleges and the Division of  
16 Workforce Development of the Department of Education, a policy  
17 authorizing the placement of Workforce Investment Act clients  
18 and other training program clients in self-employment as a  
19 means job placement. Notwithstanding any other provision of  
20 law, such policy shall define the conditions necessary,  
21 including documentation of income, for self-employment to  
22 qualify as job placement for Workforce Investment Act programs  
23 and Workforce Development Education Fund programs.

24       Section 50. Extraordinary economic development  
25 opportunities and threats; responsibilities of the Office of  
26 Tourism, Trade, and Economic Development and Enterprise  
27 Florida, Inc.; creation of Economic Development Leadership  
28 Council.--

29       (1) The Office of Tourism, Trade, and Economic  
30 Development, in conjunction with Enterprise Florida, Inc.,  
31 shall establish a unit within the office responsible for

1 forecasting extraordinary economic development opportunities  
2 and extraordinary economic development threats with the  
3 potential to affect significantly the economy of the state.  
4 The unit also shall be responsible for coordinating  
5 development and implementation of an action plan to address,  
6 in a proactive manner, such opportunities or threats. The unit  
7 shall be composed of staff members from the office and from  
8 Enterprise Florida, Inc., who are designated by the director  
9 of the office and the president of Enterprise Florida, Inc.

10 (2) For the purposes of this section, the term  
11 "extraordinary economic development opportunity" includes an  
12 economic development project, whether associated with the  
13 expansion of an existing business in the state or the location  
14 of a new business to the state, which has the potential to  
15 result in the creation of at least 500 jobs in the state or a  
16 cumulative investment in the state of at least \$100 million.  
17 The term "extraordinary economic development threat" includes  
18 the potential loss of at least 500 jobs in the state because  
19 of the reorganization, closure, or relocation out of the state  
20 by an existing business in the state.

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

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

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

28 (c) Reviewing and understanding trade publications for  
29 business sectors that are strategically important to the state  
30 economy;

31

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

5           (e) Preparing contingency plans to enable the state to  
6 respond rapidly and effectively to extraordinary economic  
7 development opportunities or threats;

8           (f) Documenting lessons learned from extraordinary  
9 economic development opportunities and threats once they have  
10 occurred; and

11           (g) Working with local and regional economic  
12 development organizations to forecast extraordinary economic  
13 development opportunities and threats.

14           (4) There is created the Economic Development  
15 Leadership Council, which shall be responsible for providing  
16 state leadership in response to an extraordinary economic  
17 development opportunity or an extraordinary economic  
18 development threat.

19           (a) The council shall be composed of the following  
20 members;

21           1. The Governor;

22           2. The President of the Senate;

23           3. The Speaker of the House of Representatives;

24           4. The director of the Office of Tourism, Trade, and  
25 Economic Development; and

26           5. The president of Enterprise Florida, Inc.

27           (b) The council shall convene at the recommendation of  
28 the director of the Office of Tourism, Trade, and Economic  
29 Development. Staff of the forecast unit within the office  
30 shall serve as staff to the council. The forecast unit within  
31 the office shall inform the council about the extraordinary

1 economic development opportunity or threat and shall seek the  
2 advice of the council members on development and  
3 implementation of a plan of action to address the opportunity  
4 or threat. Staff of the forecast unit shall maintain the  
5 confidentiality provided under section 288.075, Florida  
6 Statutes.

7 (5) By January 31, 2001, the Office of Tourism, Trade,  
8 and Economic Development, in conjunction with Enterprise  
9 Florida, Inc., shall submit a report to the Governor, the  
10 President of the Senate, and the Speaker of the House of  
11 Representatives which includes specific recommendations for  
12 vesting the Economic Development Leadership Council with  
13 powers to respond to an extraordinary economic development  
14 opportunity or an extraordinary economic development threat.

15 Section 51. Toolkit for Economic Development.--

16 (1) LEGISLATIVE INTENT.--The Legislature finds that  
17 the state has numerous economically distressed communities  
18 with a high proportion of needy families who are current or  
19 former recipients of public assistance or who are at risk of  
20 becoming dependent upon public assistance. The Legislature  
21 also finds that the existence of safe and strong communities  
22 with prosperous economies is crucial to reduce dependence on  
23 public assistance and to promote employment retention and  
24 self-sufficiency. It is the intent of the Legislature to  
25 reduce reliance on public assistance, to promote employment  
26 retention, and to increase self-sufficiency by providing  
27 easily accessed and useable tools that support local  
28 initiatives that create economically prosperous communities  
29 for needy families.

30 (2) CREATION; PURPOSE.--There is created a program to  
31 be known as the "Toolkit for Economic Development," the

1 purpose of which is to enable economically distressed  
2 communities to access easily, and use effectively, federal and  
3 state tools to improve conditions in the communities and  
4 thereby help needy families in the communities avoid public  
5 assistance, retain employment, and become self-sufficient.

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

17 (4) LIAISONS.--

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

- 22 1. Office of Tourism, Trade, and Economic Development;
- 23 2. Office of Urban Opportunity;
- 24 3. Department of Community Affairs;
- 25 4. Department of Law Enforcement;
- 26 5. Department of Juvenile Justice;
- 27 6. Department of Transportation;
- 28 7. Department of Environmental Protection;
- 29 8. Department of Agriculture and Consumer Services;
- 30 9. Department of State;
- 31 10. Department of Health;

- 1           11. Department of Children and Family Services;  
2           12. Department of Corrections;  
3           13. Department of Labor and Employment Security;  
4           14. Department of Education;  
5           15. Department of Military Affairs;  
6           16. Florida Housing Finance Corporation;  
7           17. Institute of Food and Agricultural Sciences;  
8           18. Institute on Urban Policy and Commerce;  
9           19. Florida Tourism Industry Marketing Corporation;  
10          20. Enterprise Florida, Inc.;  
11          21. Workforce Development Board of Enterprise Florida,  
12 Inc.;  
13          22. Executive Office of the Governor; and  
14          23. Any other agencies or organizations as determined  
15 by the coordinating partners.

16           (b) An alternate for each designee shall also be  
17 chosen, and the names of the designees and alternates shall be  
18 sent to the coordinating partners, which shall convene the  
19 liaisons as necessary.

20           (c) Each liaison must have a comprehensive knowledge  
21 of the functions, whether regulatory or service-based, of his  
22 or her agency or organization. The liaison shall be the  
23 primary contact for the agency or organization for the Toolkit  
24 for Economic Development, assisting in expediting proposal  
25 review, resolving problems, promoting flexible assistance, and  
26 identifying opportunities for support within the agency or  
27 organization.

28           (d) As deemed necessary by the coordinating partners,  
29 liaisons shall review proposals from economically distressed  
30 communities to determine if they would be properly referred or  
31 submitted to their agencies or organizations. If such referral

1 and submittal is appropriate, the liaison shall then assist  
2 the community as an ombudsman.

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

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

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

22 (5) COORDINATING PARTNERS.--

23 (a) The liaisons from the WAGES State Board of  
24 Directors, or its successor organization, the Office of Urban  
25 Opportunity, the Department of Community Affairs, Enterprise  
26 Florida, Inc., and the Workforce Development Board of  
27 Enterprise Florida, Inc., shall serve as the coordinating  
28 partners of the Toolkit for Economic Development and act as an  
29 executive committee for the liaisons. The coordinating  
30 partners shall review any request from a Front Porch Community  
31

1 and shall provide whatever assistance that this section can  
2 afford to them.

3 (b) From time to time, the coordinating partners may  
4 recommend to the head of an agency or organization, approval  
5 of a project that in the unanimous judgment of the  
6 coordinating partners will have an extraordinary positive  
7 impact on an economically distressed community. Upon such  
8 recommendation, the head of an agency or organization shall  
9 give priority consideration for approval of such project.

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

24 (7) INVENTORY.--The coordinating partners shall  
25 develop, in consultation with the liaisons, an inventory of  
26 recommended federal and state tax credits, incentives,  
27 inducements, programs, opportunities, demonstrations or pilot  
28 programs, grants, and other resources available through the  
29 agencies and organizations which could assist Front Porch  
30 Florida or economically distressed communities. Each entry in  
31 the inventory must include a summary; a contact person; a



1 simple description of the application process and a timetable;  
2 a profile of funding awards and funds availability; and a  
3 complexity ranking. The inventory shall be organized into  
4 seven categories, including:

5 (a) Leadership.--Entries that promote the skills and  
6 capacities of local leaders, volunteers, organizations, and  
7 employees that work on other categories of the inventory.

8 These entries shall include, but are not limited to, grants;  
9 scholarships; Individual Training Accounts; Retention

10 Incentive Training Account programs; and other programs that  
11 build the resident capacity to create a better community.

12 These entries shall include educational-based institutes that  
13 can assist with research, consulting, technical assistance,  
14 capacity building, training, and program assistance to  
15 communities.

16 (b) Safety.--Entries that increase safety and reduce  
17 crime. These entries shall include, but are not limited to,

18 the training and employment of public safety employees and  
19 volunteers; establishing safer businesses and neighborhoods;

20 training residents in safety practices; organizing safety  
21 networks and cooperatives; improving lighting; improving the

22 safety of homes, buildings, and streets; and providing for  
23 community police and safety projects, including those designed

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

26 (c) Clean Up.--Entries that support clean up and  
27 enhancement projects that quickly create visible improvements

28 in neighborhoods, including the demolition of drug havens and  
29 abandoned buildings. These entries shall include, but are not

30 limited to, projects that plan, design, or implement clean up  
31 strategies; main street redevelopment; and renovation

1 projects. These entries may also include planning and  
2 implementation for larger neighborhood revitalization and  
3 economic development projects.

4 (d) Business.--Entries that support small business  
5 development, including, but not limited to, attraction of  
6 national franchises; micro-loans; guaranteed commercial loans;  
7 technical assistance; self-employment; linked deposit; loan  
8 loss reserves; business incubators; and other activities that  
9 support the market economy.

10 (e) Schools.--Entries that upgrade schools through  
11 repair or renovation, as well as training and employment  
12 entries to assist with school transportation, services, and  
13 security. These entries shall include, but are not limited to,  
14 programs that enable school-based childcare; before, after,  
15 and summer school programs; programs that broaden the use of  
16 school facilities as a hub and haven within the community;  
17 scholarships; and grant programs that assist families and  
18 individuals to complete and enhance their education.

19 (f) Partners.--Entries that provide tax credits,  
20 incentives, and other inducements to businesses that  
21 contribute to community projects, such as the community  
22 contribution tax credit under sections 220.183 and 624.5105,  
23 Florida Statutes. These entries shall include any programs  
24 that help raise federal or foundation grant funds.

25 (g) Redevelopment.--Entries that support the planning,  
26 preparation, construction, marketing, and financing of  
27 residential, mixed-use, and commercial redevelopment, as well  
28 as residential and business infrastructure projects. These  
29 entries shall include, but are not limited to, the workforce  
30 development programs that influence business decisions such as  
31 the Quick-Response Training Program and Quick-Response

1 Training Program for Work and Gain Economic Self-sufficiency  
2 (WAGES) participants.

3 (8) START-UP INITIATIVE.--

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

9 (b) The coordinating partners, in consultation with  
10 the liaisons, local economic development organizations, and  
11 regional workforce development boards, shall identify 15  
12 communities, seven of which must be from the state's seven  
13 largest counties, three of which must be from rural counties,  
14 and five of which must be from other counties in the state.  
15 These communities must be compact, congruent, and contiguous  
16 census tracts that have high concentrations of needy families  
17 who are current, former, or likely recipients of public  
18 assistance. To the maximum extent possible, these communities  
19 should coincide with federal empowerment zones, enterprise  
20 communities, or similar designations; HOPE VI communities;  
21 Front Porch Florida communities; enterprise zones established  
22 under chapter 290 or chapter 370, Florida Statutes;  
23 Neighborhood Improvement Districts established under chapter  
24 163, Florida Statutes; community redevelopment areas  
25 established under chapter 163, Florida Statutes; and Urban  
26 High Crime Areas or Rural Job Tax Credit Areas established  
27 under chapter 212, Florida Statutes.

28 (c) The coordinating partners shall solicit proposals  
29 from Front Porch Advisory Committees, community-based  
30 organizations, local governments, and neighborhood  
31 associations located in the communities identified in

1 paragraph (b) and Front Porch communities. The coordinating  
2 partners shall provide each applicant with the inventory and  
3 recommendations on proposals that can be funded.

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

8 1. A brief description of how the community would use  
9 entries from the inventory in the community's economic  
10 development strategy;

11 2. Specific evidence of community support for the  
12 proposal from community-based organizations, local government,  
13 regional workforce development boards, and local economic  
14 development organizations;

15 3. Identification and commitment of local resources  
16 for the proposal from community-based organizations, local  
17 government, regional workforce development boards, and local  
18 economic development organizations;

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

21 5. Identification of a local fiscal entity for  
22 contracting, administration, and accountability.

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

26 (f) The coordinating partners shall design an  
27 impartial and competitive proposal-review process and  
28 evaluation criteria. Based on the evaluation criteria, up to  
29 nine communities shall be designated to participate in the  
30 Start Up Initiative. Once a community is designated, the  
31 coordinating partners and the community's liaison will work to

1 finalize the proposal, including the addition of funding  
2 sources for each inventory entry. The finalized proposal shall  
3 serve as the contract between the community and the Start-Up  
4 Initiative. If sufficient funding does not exist for an entry  
5 that is essential for the community's proposal or a community  
6 is ineligible for a specific inventory entry, the coordinating  
7 partners may allocate funding that is under their control to  
8 fulfill the entry. The proposal must be operational within 3  
9 months after approval.

10 (g) Proposals that would mainly result in  
11 gentrification of the community, that would not employ a  
12 preponderance of residents, and that predominately create  
13 residences or businesses that are beyond the anticipated  
14 income level of the working residents of the community are not  
15 eligible.

16 (h) Proposal awards shall be obligated for federal  
17 funding purposes, and shall be considered appropriated for  
18 purposes of section 216.301, Florida Statutes. The  
19 coordinating partners may allocate funding that is under their  
20 control to fund this initiative. Any funding appropriated to  
21 assist needy families, or to promote job placement and  
22 employment retention, which is in excess of revenues necessary  
23 to fulfill the appropriated purpose, and which may not be  
24 obligated during the budget year, may be allocated to this  
25 initiative to support an approved proposal.

26 (i) Any federal funds must be used for purposes  
27 consistent with applicable federal law; however, the  
28 coordinating partners, with the assistance of the Department  
29 of Children and Family Services, shall aggressively pursue  
30 innovative uses of federal funds to support projects that  
31 train community leaders, upgrade individuals skills, promote

1 safety, clean up communities, beautify neighborhoods,  
2 encourage small business, stimulate employment, increase  
3 educational opportunity, promote community partnering, advance  
4 community redevelopment, and upgrade housing because it  
5 assists needy families, promoting self-sufficiency and job  
6 retention.

7 (j) The coordinating partners shall adopt procedures  
8 for the Start-Up Initiative and may, if necessary, adopt,  
9 through the Department of Community Affairs, emergency rules  
10 to govern the submission of proposals, the evaluation of  
11 proposals, the initiative awards, and the implementation  
12 procedures for administration of awards.

13 (9) COMMUNITIES OF CRITICAL ECONOMIC OPPORTUNITY.--The  
14 coordinating partners may recommend to the Governor up to  
15 three communities of critical economic opportunity. A  
16 community of critical economic opportunity must be a community  
17 that is economically distressed, that presents a unique  
18 economic development opportunity, and that will create more  
19 than 1,000 jobs over a 5-year period. The Governor may, by  
20 executive order, designate up to three communities of critical  
21 economic opportunity which will establish these areas as  
22 priority assignments for the liaisons and coordinating  
23 partners as well as to allow the Governor, acting through  
24 them, to waive criteria, requirements, or similar provisions  
25 of any economic development incentive. Such incentives shall  
26 include, but not be limited to: the Qualified Target Industry  
27 Tax Refund Program under section 288.106, Florida Statutes,  
28 the Quick Response Training Program under section 288.047,  
29 Florida Statutes, the WAGES Quick Response Training Program  
30 under section 288.047(10), Florida Statutes, transportation  
31 projects under section 288.063, Florida Statutes, the

1 brownfield redevelopment bonus refund under section 288.107,  
2 Florida Statutes, and the job and employment tax credit  
3 programs. Designation as a community of critical economic  
4 opportunity under this subsection shall be contingent upon the  
5 execution of a memorandum or agreement among the coordinating  
6 partners; the governing body of the county; and the governing  
7 bodies of any municipalities to be included within an area of  
8 critical economic opportunity. Such agreement shall specify  
9 the terms and conditions of the designation, including, but  
10 not limited to, the duties and responsibilities of the county  
11 and any participating municipalities to take actions designed  
12 to facilitate the retention and expansion of existing  
13 businesses in the area, as well as the recruitment of new  
14 businesses to the area.

15 (10) FUNDING.--

16 (a) To implement the provisions of this act, the  
17 coordinating partners are authorized to spend, contingent on a  
18 specific appropriation, up to \$25 million from the Temporary  
19 Assistance for Needy Families (TANF) Block Grant through the  
20 TANF administrative entity at the Department of Management  
21 Services.

22 (b) Any expenditure from the TANF Block Grant shall be  
23 in accordance with the requirements and limitations of Title  
24 IV of the Social Security Act, as amended, or any other  
25 applicable federal requirement or limitation in law. Prior to  
26 any expenditure of such funds, the Workforce Development Board  
27 of Enterprise Florida, Inc., and the secretary of the  
28 Department of Children and Family Services, or his or her  
29 designee, shall certify that controls are in place to ensure  
30 that such funds are expended and reported in accordance with  
31 the requirements and limitations of federal law. It shall be

1 the responsibility of any entity to which funds are awarded to  
2 obtain the required certification prior to any expenditure of  
3 funds.

4 (11) REPORTING.--The Office of Program Policy Analysis  
5 and Government Accountability and the coordinating partners,  
6 shall develop measures and criteria by October 1, 2001, for  
7 evaluating the effectiveness of the Toolkit for Economic  
8 Development including the liaisons, coordinating partners,  
9 waivers and matching options, inventory, Start-Up Initiative,  
10 and Communities of Critical Economic Opportunity. The Office  
11 of Program Policy and Government Accountability shall submit  
12 to the Governor, the President of the Senate, and the Speaker  
13 of the House of Representatives, by January 1, 2002, a report  
14 detailing the progress that the Toolkit for Economic  
15 Development has made toward achievement of established  
16 measures.

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

18 Section 52. Section 288.1260, Florida Statutes, is  
19 created to read:

20 288.1260 Front Porch Florida Initiative.--

21 (1) LEGISLATIVE INTENT.--The Legislature finds that  
22 the State of Florida has many communities that, in times of  
23 general fiscal prosperity, have not experienced the same  
24 levels of economic fulfillment as other areas of our state.  
25 These neighborhoods and communities are often found in the  
26 urban core areas of our cities, and have been the recipients  
27 of top down imposed state and federal programs that have  
28 lacked a comprehensive approach to revitalization. The  
29 Legislature further finds that these distressed urban cores  
30 have often had a narrow set of solutions imposed on them

31



1 without regard to the unique nature of the problems that face  
2 each neighborhood.

3 (2) CREATION.--The Front Porch Florida initiative will  
4 be a community-based effort, giving residents the power to  
5 define the causes of their problems and harnessing the  
6 collective power of individual neighborhoods to craft unique  
7 solutions to these problems. The Front Porch Florida  
8 initiative is created to provide a comprehensive,  
9 community-based approach to neighborhood revitalization in  
10 Florida, engaging the resources of the state as a facilitator  
11 for community solutions and a civic switchboard to match  
12 communities with resources.

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

15 (a) Urban revitalization begins in Florida's  
16 neighborhoods and not in state government. The resources for  
17 solving some of their problems may reside in part in state and  
18 local government, but the solutions to the unique challenges  
19 of each neighborhood must come from citizens who live in these  
20 neighborhoods.

21 (b) Expanded business opportunities and access to  
22 capital are critical to sustaining any urban renewal efforts.  
23 There must be a multi-faceted commitment of fiscal resources  
24 and increased business opportunities that stimulates  
25 entrepreneurship in urban core neighborhoods.

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

29 (d) An effective state urban policy must support  
30 existing efforts and work with the on-going activities of  
31 local communities, mayors, and municipalities. The state must

1 also leverage faith-based and community-based groups into the  
2 equation in a way that has never been tried before. Churches,  
3 ministers, pastors, rabbis, and other community leaders are  
4 often the greatest agents of improvement in our urban cores.  
5 They must be empowered to be involved in Front Porch Florida  
6 to the greatest extent possible.

7 (4) LIAISONS TO FRONT PORCH FLORIDA COMMUNITIES.--No  
8 later than August 1, 2000, the head of each of the following  
9 agencies or organizations shall designate a high-level staff  
10 person from within the agency or organization to serve as the  
11 Front Porch Florida liaison to the Front Porch Florida "A"

12 Team:

- 13 1. Department of Community Affairs;
- 14 2. Department of Law Enforcement;
- 15 3. Department of Juvenile Justice;
- 16 4. Department of Corrections;
- 17 5. Department of Transportation;
- 18 6. Department of Environmental Protection;
- 19 7. Department of Agriculture and Consumer Services;
- 20 8. Department of State;
- 21 9. Department of Health;
- 22 10. Department of Children and Family Services;
- 23 11. Department of Labor and Employment Security;
- 24 12. Department of Education;
- 25 13. Department of Military Affairs;
- 26 14. Institute of Food and Agricultural Sciences;
- 27 15. Enterprise Florida, Inc.;
- 28 16. Workforce Development Board of Enterprise Florida,  
29 Inc.; and
- 30 17. Executive Office of the Governor.

31

1 Each Front Porch Florida liaison must have comprehensive  
2 knowledge of his or her agency's functions. This person shall  
3 be the primary point of contact for his or her agency on  
4 issues and projects relating to economically distressed  
5 communities, shall ensure a prompt effective response to  
6 problems arising with regard to community issues, and shall  
7 assist in the identification of opportunities for preferential  
8 awards of program funds to facilitate the civic switchboard  
9 function of Front Porch Florida.

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

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

15 (a) The Office of Urban Opportunity, created in  
16 section 14.2015(9)(a), Florida Statutes, will solicit  
17 applications from Florida communities that wish to be  
18 designated as Front Porch Florida communities. The application  
19 should specify the boundaries of the nominated area, quantify  
20 the need for revitalization, demonstrate a history of  
21 grass-roots activities in the neighborhood, and identify the  
22 resources within each community that will contribute to their  
23 success as Front Porch Florida communities.

24 (b) Successful applications for designation may  
25 include strategies for expanding business opportunities and  
26 access to capital, closing the gap in education, building upon  
27 the activities of faith-based and community-based groups,  
28 providing affordable, quality housing, strengthening public  
29 safety, and creating a healthy environment.

30 (c) Upon designation as a Front Porch Florida  
31 community, the neighborhood will form a Governor's

1 Revitalization Council, comprised of partners and stakeholders  
2 in each community. Each council should be representative of  
3 the broad diversity and interests in the community and should  
4 include residents, neighborhood associations, faith-based  
5 organizations, and community-based organizations. Each council  
6 should also develop partnerships with local government, law  
7 enforcement agencies, lenders, schools, and health care  
8 providers. Each council will prepare a specialized  
9 Neighborhood Action Plan that will assist the Office of Urban  
10 Opportunity in identifying and garnering the resources that  
11 are needed to help successfully implement community  
12 revitalization.

13 (7) MONITORING AND REPORTING.--The Office of Urban  
14 Opportunity shall require each designated Front Porch Florida  
15 community to submit a monthly report which details the  
16 activities and accomplishments of the neighborhood. On a  
17 quarterly basis, each designated community must submit a  
18 report that specifically addresses the elements of each  
19 Neighborhood Action Plan to determine progress toward  
20 achieving stated goals. The community's Governor's  
21 Revitalization Council will submit an annual progress report  
22 as part of their recertification process in order to maintain  
23 designation as a Front Porch Florida community.

24 Section 53. Section 239.521, Florida Statutes, is  
25 created to read:

26 239.521 Information-technology workforce-development  
27 projects.--The Legislature recognizes that  
28 information-technology industries are adding substantial  
29 numbers of high-paying, high-technology jobs in the state. The  
30 Legislature also recognizes the important contribution of this  
31 industry as one of the targeted industries vital to the

1 state's current and future economic growth. The Legislature  
2 further recognizes that information-technology industries are  
3 in need of a highly skilled workforce to meet the growing  
4 demands of the industry as well as to address the needs of  
5 additional information-technology companies relocating to the  
6 state. The Information Technology Development Task Force,  
7 appointed by the 1999 Florida Legislature for the study of key  
8 issues in the development of the state's economy, recommended  
9 several means for further supporting this valued industry.  
10 Therefore, it is the intent of the Legislature that the  
11 following initiatives be funded to support the workforce needs  
12 of this growing industry consistent with recognized needs of  
13 the state.

14 (1) COMPREHENSIVE DISTANCE-LEARNING CURRICULUM  
15 INITIATIVES.--

16 (a) The Legislature recognizes that there are multiple  
17 levels of employee competencies embedded within the various  
18 information-technology-industry jobs. Using these competencies  
19 as the basis of a curriculum for training incumbent workers to  
20 develop additional skills and potential workers to develop  
21 entry-level skills, the Legislature intends that a  
22 comprehensive vocational-certificate or 2-year  
23 distance-learning curriculum be developed.

24 (b) The comprehensive distance-learning initiative  
25 involves the State Technology Office and the State Board of  
26 Community Colleges acting through the Florida Community  
27 College Distance Learning Consortium to ensure that the  
28 curriculum is up-to-date, responsive to industry's changing  
29 needs, and delivered in the most cost-effective manner  
30 possible. The development of the distance-learning curriculum  
31 for statewide dissemination is to be co-built by industry

1 content experts and educational providers. The process should  
2 coordinate the existing efforts of individual institutions and  
3 consortiums into a combined, comprehensive, and cohesive  
4 methodology for providing training through the use of  
5 technology and should involve:

6 1. A statewide review of existing distance-learning  
7 courses;

8 2. Evaluation and purchase of appropriate  
9 off-the-shelf products to be licensed for use on a statewide  
10 basis; and

11 3. Development of missing competency training using  
12 multi-media methodologies.

13 (c) The comprehensive distance-learning curriculum  
14 developed under this subsection will be by one or more  
15 institutions or consortiums. Participation in this project  
16 will be competitively based and approved by the State Board of  
17 Community Colleges based upon recommendations of the Florida  
18 Community College Distance Learning Consortium. Participants  
19 must meet the following criteria:

20 1. Experience in providing training for  
21 information-technology companies.

22 2. Availability of technical infrastructure to support  
23 this project.

24 3. Endorsement from information-technology  
25 economic-development agencies and local information-technology  
26 business commitments to be actively involved.

27 4. Demonstrated multi-media course and program  
28 development capabilities.

29 5. Existing consortium efforts.

30 6. Availability of local support.

31

1           (d) Contingent on a specific appropriation, these  
2 funds must be used to support, among others, salaries,  
3 licensing commercial courseware, purchasing existing  
4 courseware and equipment, and related course-development  
5 expenses.

6           (2) INFORMATION TECHNOLOGY INTERNSHIP OPPORTUNITIES  
7 FOR FACULTY AND STUDENTS.--

8           (a) The Legislature recognizes that the preparedness  
9 of both high school and postsecondary education students  
10 emerging from an educational experience ready to enter the  
11 information-technology workplace is dependent upon the quality  
12 of instruction provided by faculty and information-technology  
13 business interaction with their program of study. The  
14 Legislature further recognizes that faculty at high school and  
15 postsecondary school levels are better able to integrate  
16 technology and current business standards into the curriculum  
17 if they can verify from personal experience and knowledge the  
18 importance of these for students' future success. Faculty also  
19 require the ability to continuously update their knowledge and  
20 skills as technology changes, and faculty will be able to  
21 increase their skills and knowledge from structured internship  
22 opportunities within information-technology businesses.  
23 Further, students gain increased knowledge and skills from  
24 on-the-job training and direct work experience in a structured  
25 internship opportunity. The Legislature, therefore, creates  
26 the Information Technology Internship Program to encourage and  
27 support information-technology-program faculty and student  
28 internships with direct exposure to information-technology  
29 industries. The Legislature further intends that the program  
30 will provide a minimum of 200 faculty and 200 student  
31 internships at various locations across the state.

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

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

7           2. Economic-development agencies such as chambers of  
8 commerce, economic-development commissions, or regional  
9 consortia will be eligible to apply and serve as a local  
10 fiscal agent for the program.

11           3. Establishment of qualifying criteria and process  
12 for matching faculty and students with business-internship  
13 opportunities.

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

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

18           (c) Salaries and other conditions of work shall be set  
19 by the Commissioner of Education, the Executive Director of  
20 the Florida Community College System, and the Chancellor of  
21 the State University System.

22           (d) The Division of Workforce Development of the  
23 Department of Education shall assume administrative  
24 responsibility and act as fiscal agent for the  
25 information-technology internships.

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

29           (3) INFORMATION-TECHNOLOGY-TRAINING  
30 FACILITY-IMPROVEMENT-STRATEGY INITIATIVES.--

31



1           (a) The Legislature recognizes that  
2 information-technology businesses need increased numbers of  
3 highly skilled workers. The shortage of a qualified labor  
4 force has become a barrier to this dynamic industry's  
5 continued growth in the state. The limited numbers of highly  
6 skilled incumbent workers constantly need to update skills in  
7 response to the evolving technologies and in order to move to  
8 higher-paid positions within the industry. These incumbent  
9 workers require a continuous work-and-learn cycle to maintain  
10 their knowledge of new technologies and tools. Businesses  
11 demand cutting-edge training opportunities for their employees  
12 in order to meet the constantly changing globally competitive  
13 marketplace. The Legislature recognizes that increased  
14 accessibility and quality facilities are required to address  
15 the increasing efforts of educational institutions to respond  
16 to information-technology businesses and that  
17 information-technology-training providers are expected to have  
18 appropriate facilities to address the needs of this dynamic  
19 industry. The Legislature further recognizes that additional  
20 high-tech labs are required to provide the training for  
21 computer-systems engineers, software developers, and related  
22 cutting-edge job types. These labs are more expensive than  
23 regular facilities because of the additional infrastructure  
24 and continuous turnover of equipment in response to changes in  
25 global technology. Therefore, it is the intent of the  
26 Legislature to provide a process and funding for appropriate  
27 and needed information-technology-training-facility upgrades.  
28           (b) The State Board of Community Colleges will  
29 administer funds appropriated under paragraph (c) for  
30 distribution on a competitive basis by October 1 of each year  
31 to support approved projects. Projects may address upgrading

1 current facilities, planning new facilities, and combining the  
2 efforts of institutions to serve the information-technology  
3 business sector through state-of-the-art training facilities  
4 designated to address the multi-media needs of this industry.  
5 The projects would be competitively selected based on the  
6 following criteria:

7 1. A concentration of information-technology  
8 industries and workers in the service area.

9 2. Other local funding initiatives or federal funding  
10 of an equal value to the state funds requested. These funds  
11 must demonstrate a synergistic effort to support  
12 information-technology industries.

13 3. Priority may be given to projects, including  
14 partnership effort between two or more educational  
15 institutions, so that a broader range of educational services  
16 may be provided for information-technology industries.

17 4. Priorities may be given to projects that include  
18 partnerships with a local municipality, county, or  
19 economic-development agency as a way of demonstrating a  
20 synergy of efforts to support this industry.

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

24 Section 54. Present subsections (4) through (8) of  
25 section 240.311, Florida Statutes, are redesignated as  
26 subsections (5) through (9), respectively, and a new  
27 subsection (4) is added to that section to read:

28 240.311 State Board of Community Colleges; powers and  
29 duties.--

30 (4) The State Board of Community Colleges shall  
31 identify, using the Critical Jobs Initiative, the occupational

1 forecasting process, or any other compatible mechanism, a  
2 collection of programs designed to train broadband digital  
3 media specialists. Programs identified by the board shall be  
4 added to the statewide lists for demand occupations, if they  
5 meet the high-skill/high-wage criteria as established by the  
6 Workforce Estimating Conference created under s. 216.136(10).

7 Section 55. Subsection (5) is added to section  
8 240.3341, Florida Statutes, to read:

9 240.3341 Incubator facilities for small business  
10 concerns.--

11 (5) Community colleges are encouraged to establish  
12 incubator facilities through which emerging small businesses  
13 supportive of the development of content and technology for  
14 digital broadband media and digital broadcasting may be  
15 served.

16 Section 56. Section 240.710, Florida Statutes, is  
17 created to read:

18 240.710 Digital Media Education Coordination Group.--

19 (1) The Board of Regents shall create a Digital Media  
20 Education Coordination Group composed of representatives of  
21 the universities within the State University System which  
22 shall work in conjunction with the State Board of Community  
23 Colleges and the Articulation Coordinating Committee on the  
24 development of a plan to enhance Florida's ability to meet the  
25 current and future workforce needs of the digital media  
26 industry. The following purposes of the group shall be  
27 included in its plan-development process:

28 (a) Coordination of the use of existing academic  
29 programs, research, and faculty resources to promote the  
30 development of a digital media industry in Florida;  
31

1           (b) Addressing strategies to improve opportunities for  
2 interdisciplinary study and research within the emerging field  
3 of digital media through the development of tracts in existing  
4 degree programs, new interdisciplinary degree programs, and  
5 interdisciplinary research centers; and

6           (c) Addressing the sharing of resources among  
7 universities in such a way as to allow a student to take  
8 courses from multiple departments or multiple educational  
9 institutions in pursuit of competency, certification, and  
10 degrees in digital information and media technology.

11           (2) Where practical, private accredited institutions  
12 of higher learning in Florida should be encouraged to  
13 participate.

14           (3) In addition to the elements of the plan governed  
15 by the purposes described in subsection (1), the plan shall  
16 include, to the maximum extent practicable, the coordination  
17 of educational resources to be provided by distance learning  
18 and shall facilitate, to the maximum extent, possible  
19 articulation and transfer of credits between community  
20 colleges and the state universities. The plan must address  
21 student enrollment in affected programs with emphasis on  
22 enrollment beginning as early as the Fall Term in 2001.

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

26           Section 57. The Workforce Development Board of  
27 Enterprise Florida, Inc., should reserve up to \$1 million of  
28 funds dedicated in Fiscal Year 2000-2001 for Incumbent Worker  
29 Training for the digital media industry. Training may be  
30 provided by public or private training providers for broadband  
31 digital media jobs listed on the Occupational Forecast List

1 developed by the Workforce Estimating Conference or the  
2 Targeted Occupations List of the Workforce Development Board.  
3 Programs that operate outside the normal semester time periods  
4 and coordinate the use of industry and public resources should  
5 be given priority status for such reserved funds.

6           Section 58. The Workforce Development Board of  
7 Enterprise Florida, Inc., shall by August 31, 2000, develop a  
8 plan for the use of Targeted Assistance to Needy Families  
9 funds, Workforce Investment Act funds, Quick Response funds,  
10 Incumbent Worker Training funds, and other training-related  
11 resources to enhance the workforce of digital-media-related  
12 industries. The plan must provide the industries with a  
13 program to train and assess the status of industry workforce  
14 readiness for the digital era and should be done in  
15 conjunction with the broadcast and cable industries.

16           Section 59. The sum of \$1 million is appropriated from  
17 the General Revenue Fund to the Digital Media Education  
18 Infrastructure Fund for the 2000-2001 fiscal year, provided  
19 such infrastructure fund is enacted into law as a result of  
20 action taken during the 2000 Regular Session of the  
21 Legislature. The Office of Tourism, Trade, and Economic  
22 Development shall be responsible for contracting with eligible  
23 entities for receipt of such funds. The funds must be spent  
24 according to the priorities established by the industry sector  
25 group on broadband digital media established by Enterprise  
26 Florida, Inc., and must be matched by industry contributions.

27           Section 60. Enterprise Florida, Inc., shall convene an  
28 organizational meeting for industries involved in broadband  
29 digital media to organize and facilitate future activities of  
30 associated industry groups or facilitate the ongoing  
31 activities of a similar group. Enterprise Florida, Inc., shall

1 make all necessary preparations to identify and designate a  
2 digital-media sector as part of its sector strategy and  
3 identify the sector as a priority recruitment/retention set of  
4 industries.

5 Section 61. (1) Enterprise Florida, Inc., shall award  
6 a contract for the establishment of a digital media incubator  
7 to encourage companies developing content and technology for  
8 digital broadband media and digital broadcasting to locate and  
9 develop their businesses in Florida. Qualifications of an  
10 applicant for a contract as a digital media incubator shall at  
11 a minimum include the following:

12 (a) Demonstrated expertise in developing content and  
13 technology for digital broadband media and digital  
14 broadcasting;

15 (b) Demonstrated ability in venture capital  
16 fund-raising;

17 (c) Demonstrated expertise in the development of  
18 digital media businesses; and

19 (d) Demonstrated ability in coordinating public and  
20 private educational institutions and business entities in  
21 digital technology joint business ventures. The awarding of  
22 the contract must follow the procedures outlined in chapter  
23 287, Florida Statutes.

24 (2) There is appropriated the sum of \$2 million from  
25 the General Revenue Fund to Enterprise Florida, Inc., for the  
26 purpose of providing operational and investment seed funding  
27 to encourage the financial and strategic participation of  
28 venture capital firms, corporate and institutional sponsors,  
29 and targeted start-up companies in the establishment of the  
30 digital incubator. Initial state investment in the incubator  
31 must be matched with contributions from the industry with

1 participating industry partners, including, but not limited  
2 to, venture capitalists, digital media manufacturers, and  
3 digital media content providers.

4 (3) Maximized leveraging of funds must be a priority  
5 consideration in the location of the digital media incubator.  
6 Consideration must be given to collocation of the incubator  
7 with an existing state of the art media lab or an upgraded or  
8 newly created media lab funded through the Digital Media  
9 Education Infrastructure Fund in the Office of Tourism, Trade,  
10 and Economic Development.

11 Section 62. ITFlorida, in consultation with Enterprise  
12 Florida, Inc., shall develop a marketing plan to promote the  
13 state as digital-media-friendly, as a digital-media-ready  
14 environment, and as a national leader in the development and  
15 distribution of broadband digital media content, technology,  
16 and education. The marketing plan must identify critical roles  
17 for various public and private partners and establish a  
18 marketing timeline and goals. The plan must be completed by  
19 December 31, 2000.

20 Section 63. The provisions of this act relating to  
21 workforce or economic development for digital media are  
22 subject to legislative appropriation.

23 Section 64. Subsections (3) and (6) of section 311.07,  
24 Florida Statutes, are amended to read:

25 311.07 Florida seaport transportation and economic  
26 development funding.--

27 (3)(a) Program funds shall be used to fund approved  
28 projects on a 50-50 matching basis with any of the deepwater  
29 ports, as listed in s. 403.021(9)(b), which is governed by a  
30 public body or any other deepwater port which is governed by a  
31 public body and which complies with the water quality

1 provisions of s. 403.061, the comprehensive master plan  
2 requirements of s. 163.3178(2)(k), the local financial  
3 management and reporting provisions of part III of chapter  
4 218, and the auditing provisions of s. 11.45(3)(a)4. Program  
5 funds also may be used by the Seaport Transportation and  
6 Economic Development Council to develop trade market and  
7 shipping with the Florida Trade Data Center such trade data  
8 information products which will assist Florida's seaports and  
9 international trade.

10 (b) Projects eligible for funding by grants under the  
11 program are limited to the following port facilities or port  
12 transportation projects:

13 1. Transportation facilities within the jurisdiction  
14 of the port.

15 2. The dredging or deepening of channels, turning  
16 basins, or harbors.

17 3. The construction or rehabilitation of wharves,  
18 docks, structures, jetties, piers, storage facilities, cruise  
19 terminals, automated people mover systems, or any facilities  
20 necessary or useful in connection with any of the foregoing.

21 4. The acquisition of container cranes or other  
22 mechanized equipment used in the movement of cargo or  
23 passengers in international commerce.

24 5. The acquisition of land to be used for port  
25 purposes.

26 6. The acquisition, improvement, enlargement, or  
27 extension of existing port facilities.

28 7. Environmental protection projects which are  
29 necessary because of requirements imposed by a state agency as  
30 a condition of a permit or other form of state approval; which  
31 are necessary for environmental mitigation required as a



1 condition of a state, federal, or local environmental permit;  
2 which are necessary for the acquisition of spoil disposal  
3 sites and improvements to existing and future spoil sites; or  
4 which result from the funding of eligible projects listed  
5 herein.

6 8. Transportation facilities as defined in s.  
7 334.03(31) which are not otherwise part of the Department of  
8 Transportation's adopted work program.

9 9. Seaport intermodal access projects identified in  
10 the 5-year Florida Seaport Mission Plan as provided in s.  
11 311.09(3) and seaport freight mobility plans as provided in s.  
12 311.14.

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

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

25 (6) The Department of Transportation shall subject any  
26 project that receives funds pursuant to this section and s.  
27 320.20 to a final audit. The department shall ~~may~~ adopt rules  
28 and perform such other acts as are necessary or convenient to  
29 ensure that the final audits are conducted and that any  
30 deficiency or questioned costs noted by the audit are  
31 resolved.

1           Section 65. Section 331.368, Florida Statutes, is  
2 amended to read:

3           331.368 Florida Space Research Institute.--

4           (1) There is created the Florida Space Research  
5 Institute, the purpose of which is to serve as an  
6 industry-driven center for research, leveraging the state's  
7 resources in a collaborative effort to support Florida's space  
8 industry and its expansion, diversification, and transition to  
9 commercialization.

10           (2) The institute shall operate as a public/private  
11 partnership under the direction of a board composed ~~comprised~~  
12 of:

13           (a) A representative of the Spaceport Florida  
14 Authority.

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

16           (c) A representative of the Florida Aviation Aerospace  
17 Alliance.

18           (d) A representative of the Florida Space Business  
19 Roundtable.

20           (e) Additional private-sector representatives from the  
21 space industry selected collaboratively by the core members  
22 specified in paragraphs (a)-(d). The additional space industry  
23 representatives under this paragraph must comprise the  
24 majority of members of the board and must be from geographic  
25 regions throughout the state.

26           (f) Two representatives from the educational community  
27 who are selected collaboratively by the core members specified  
28 in paragraphs (a)-(d) and who are engaged in research or  
29 instruction related to the space industry. One representative  
30 must be from a community college and one representative must  
31 be from a public or private university.

1  
2 Annually, the members of the board shall select one of the  
3 members to serve as chair, who shall be responsible for  
4 convening and leading meetings of the board.~~representatives~~  
5 ~~of the Spaceport Florida Authority, Enterprise Florida, Inc.,~~  
6 ~~the Florida Aviation and Aerospace Alliance, and four~~  
7 ~~additional space industry representatives selected by the core~~  
8 ~~membership of the board.~~

9 (3) The board of the Florida Space Research Institute  
10 shall:

11 (a) Set the strategic direction for the space-related  
12 institute, including research priorities of the state and its  
13 space-related businesses, the scope of research projects for  
14 the institute, and the timeframes for completion.

15 (b) Invite the participation of public and private  
16 universities, including, but not limited to, the University of  
17 Central Florida, the University of Florida, the University of  
18 South Florida, Florida State University, Florida Institute of  
19 Technology, and the University of Miami.

20 (c) Select a lead university to:

21 1. Serve as coordinator of research and as the  
22 administrative entity of the institute;

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

25 3. Develop, and update as necessary, a report  
26 recommending ways that the state's public and private  
27 universities can work in partnership to support the state's  
28 space-industry requirements, which report must be completed by  
29 December 15, 2000.

30 (d) Establish a partnership with the state Workforce  
31 Development Board, or its successor entity, under which the

1 institute coordinates the workforce-training requirements  
2 identified by the space industry and supports development of  
3 workforce-training initiatives to meet such requirements,  
4 using training providers approved by the board or its  
5 successor entity.

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

13 (f) Develop initiatives to foster the participation of  
14 the state's space industry in the International Space Station  
15 and to help the state maintain and enhance its competitive  
16 position in the commercial space-transportation industry.

17 (g) Pursue partnerships with the National Aeronautics  
18 and Space Administration to coordinate and conduct research in  
19 fields, including, but not limited to, environmental  
20 monitoring; agriculture; aquatics; resource reutilization  
21 technologies for long-duration space missions; and spaceport  
22 technologies which support current or next-generation launch  
23 vehicles and range systems.

24 (h) Pursue partnerships with the National Aeronautics  
25 and Space Administration for the conduct of space-related  
26 research using computer technology to connect experts in a  
27 given field of science who are in disparate locations and to  
28 perform research experiments in a real-time, virtual  
29 environment.

30 (4) By December 15 ± of each year, the institute shall  
31 submit a report of its activities and accomplishments for the

1 ~~prior fiscal~~ year to the Governor, the President of the  
2 Senate, and the Speaker of the House of Representatives. The  
3 report shall also include recommendations regarding actions  
4 the state should take to enhance the development of  
5 space-related businesses, including:

6 (a) Future research activities.

7 (b) The development of capital and technology  
8 assistance to new and expanding industries.

9 (c) The removal of regulatory impediments.

10 (d) The establishment of business development  
11 incentives.

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

14 Section 66. Space Industry Workforce Initiative.--

15 (1) The Legislature finds that the space industry is  
16 critical to the economic future of the state and that the  
17 competitiveness of the industry in the state depends upon the  
18 development and maintenance of a qualified workforce. The  
19 Legislature further finds that the space industry in this  
20 state has diverse and complex workforce needs, including, but  
21 not limited to, the need for qualified entry-level workers,  
22 the need to upgrade the skills of technician-level incumbent  
23 workers, and the need to ensure continuing education  
24 opportunities for workers with advanced educational degrees.  
25 It is the intent of the Legislature to support programs  
26 designed to address the workforce development needs of the  
27 space industry in this state.

28 (2) The Workforce Development Board of Enterprise  
29 Florida, Inc., or its successor entity, shall coordinate  
30 development of a Space Industry Workforce Initiative in  
31 partnership with the Florida Space Research Institute, the

1 institute's consortium of public and private universities,  
2 community colleges, and other training providers approved by  
3 the board. The purpose of the initiative is to use or revise  
4 existing programs and to develop innovative new programs to  
5 address the workforce needs of the space industry.

6 (3) The initiative shall emphasize:

7 (a) Curricula content and timeframes developed with  
8 industry participation and endorsed by the industry;

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

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

13 (d) Industry solicitation of public and private  
14 universities to develop continuing education programs at the  
15 master's and doctoral levels;

16 (e) Agreements with the National Aeronautics and Space  
17 Administration to replicate on a national level successful  
18 training programs developed through the initiative; and

19 (f) Leveraging of state and federal workforce funds.

20 (4) The Workforce Development Board of Enterprise  
21 Florida, Inc., or its successor entity, with the assistance of  
22 the Florida Space Research Institute, shall convene  
23 representatives from the space industry to identify the  
24 priority training and education needs of the industry and to  
25 appoint a team to design programs to meet such priority needs.

26 (5) The Workforce Development Board of Enterprise  
27 Florida, Inc., or its successor entity, as part of its  
28 statutorily prescribed annual report to the Legislature, shall  
29 provide recommendations for policies, programs, and funding to  
30 enhance the workforce needs of the space industry.

31

1           Section 67. Section 331.3685, Florida Statutes, is  
2 created to read:

3           331.3685 Florida Space-Industry Research-Development  
4 Program.--

5           (1) There is created the Florida Space-Industry  
6 Research-Development Program within the Florida Space Research  
7 Institute to finance space-industry research and other support  
8 projects and programs that will improve the statewide  
9 development of space-related economic and academic  
10 opportunities.

11           (2) State taxes imposed pursuant to chapter 212 which  
12 are collected at the Kennedy Space Center Visitor Complex  
13 shall be retained by the complex and distributed to the  
14 Florida Space Research Institute as provided by s. 212.08(18)  
15 and shall be used to fund the Florida Space-Industry  
16 Research-Development Program. As part of the annual report  
17 under s. 331.368(4), the institute shall submit a complete  
18 accounting each year of funds distributed and expended under  
19 this program. Any funds distributed in a given fiscal year  
20 that are not obligated by the end of that fiscal year shall  
21 revert to the General Revenue Fund.

22           (3) Program funds shall be used to support activities  
23 authorized under s. 331.368 and this section. The Office of  
24 Tourism, Trade, and Economic Development shall review and  
25 certify funding proposals for consistency with s. 331.368 and  
26 this section.

27           (4) The Office of Tourism, Trade, and Economic  
28 Development shall execute a contract with the Florida Space  
29 Research Institute prescribing guidelines and procedures  
30 governing the use of, and accountability for, funds  
31 distributed under s. 212.08(18).

1 Section 68. Subsection (18) is added to section  
2 212.08, Florida Statutes, to read:

3 212.08 Sales, rental, use, consumption, distribution,  
4 and storage tax; specified exemptions.--The sale at retail,  
5 the rental, the use, the consumption, the distribution, and  
6 the storage to be used or consumed in this state of the  
7 following are hereby specifically exempt from the tax imposed  
8 by this chapter.

9 (18) SALES GENERATED BY KENNEDY SPACE CENTER VISITOR  
10 COMPLEX.--The Kennedy Space Center Visitor Complex shall  
11 retain proceeds of sales taxes generated by the complex and  
12 distribute such proceeds to the Florida Space Research  
13 Institute for use as prescribed in s. 331.3685. The complex  
14 shall report sales to the Department of Revenue but shall  
15 remit the tax revenues directly to the Florida Space Research  
16 Institute in a manner prescribed by rules adopted by the  
17 department.

18 Section 69. Subsection (1) of section 556.108, Florida  
19 Statutes, is amended to read:

20 556.108 Exemptions.--The notification requirements  
21 provided in s. 556.105(1) do not apply to:

22 (1) Any excavation or demolition performed by the  
23 owner of single-family residential property, or for such owner  
24 by a member operator or an agent of a member operator, when  
25 such excavation or demolition is made entirely on such land  
26 and only up to a depth of 10 inches, provided that due care is  
27 used and that there is no encroachment on any member  
28 operator's right-of-way, easement, or permitted use.

29 Section 70. (1) Effective upon this act becoming a  
30 law, the Commission on Basic Research for the Future of  
31 Florida is hereby established. All members of the commission



1 shall be appointed prior to August 1, 2000, and the commission  
2 shall hold its first meeting no later than September 1, 2000.  
3 The commission shall be composed of 13 members who represent a  
4 broad range of experience in basic scientific research and  
5 possess an appreciation of the importance of basic scientific  
6 research to the future of Florida. Members shall include  
7 performers and users of research from public and private  
8 universities, the armed forces, defense and high technology  
9 businesses, and other interested nongovernmental  
10 organizations. Five members shall be appointed to the  
11 commission by the Governor, four members shall be appointed by  
12 the President of the Senate, and four members shall be  
13 appointed by the Speaker of the House of Representatives. The  
14 Governor shall name one of the appointees as chair of the  
15 commission. Members of the commission shall serve 4-year  
16 terms, except that two of the initial appointees by the  
17 Governor, by the President of the Senate, and by the Speaker  
18 of the House of Representatives shall be appointed for 2-year  
19 terms. Members of the commission are eligible for  
20 reappointment.

21 (2) The purpose of the commission is to serve as an  
22 economic development tool to increase the scientific research  
23 dollars allocated to the state by the Federal Government. The  
24 commission shall:

25 (a) Focus attention on the importance of improving the  
26 state's basic science research infrastructure;

27 (b) Provide advice to scientific research driven  
28 stakeholders;

29 (c) Assist in the development of long-range strategies  
30 for increasing the state's share of scientific research  
31 dollars from all sources; and

1           (d) Raise public awareness of the importance of basic  
2 scientific research to the future of the state.

3           (3) The commission shall use the resources of the  
4 state in implementing the work of the commission, including,  
5 but not limited to, the Institute for Science and Health  
6 Policy at the University of Florida and similar public and  
7 private research groups. The commission shall coordinate with,  
8 and not duplicate the efforts of, other scientific  
9 research-related organizations.

10           (4) The commission shall consult with Enterprise  
11 Florida, Inc., to ensure that economic development  
12 considerations are factored into the work of the commission.

13           (5) The commission shall be located in the Executive  
14 Office of the Governor and staff of the office shall serve as  
15 staff for the commission.

16           (6) The commission may procure information and  
17 assistance from any officer or agency of the state or any  
18 subdivision thereof. All such officials and agencies shall  
19 give the commission all relevant information and assistance on  
20 any matter within their knowledge or control.

21           (7) By February 1 of each year, the commission shall  
22 submit a report to the Governor, the President of the Senate,  
23 and the Speaker of the House of Representatives. The report  
24 shall outline activities of the commission and provide  
25 specific recommendations for consideration by the Governor and  
26 Legislature which are designed to increase the state's share  
27 of scientific research dollars.

28           Section 71. Florida-Africa Market Expansion Program.--

29           (1) Contingent upon a specific appropriation, there is  
30 created within Enterprise Florida, Inc., the Florida-Africa  
31 Market Expansion Program to enhance the Florida economy by

1 increasing international trade between Florida and the nations  
2 of Africa. This initiative shall be a multilevel market  
3 expansion program designed to expand trade and business  
4 opportunities between Florida and Africa, containing, but not  
5 limited to, the following components:

6 (a) The establishment and maintenance of a strategic  
7 alliance between Enterprise Florida, Inc., and the United  
8 States Agency for International Development which will focus  
9 on identifying and qualifying business opportunities in  
10 sub-Saharan Africa through the United States Agency for  
11 International Development's 12 African offices, and matching  
12 those leads with Florida companies.

13 (b) A team Florida mission, which the Governor of  
14 Florida will be invited to lead, to South Africa in the winter  
15 of fiscal year 2000-2001.

16 (c) The establishment of a certified trade events  
17 program to provide financial and technical support for  
18 business development initiatives targeting Africa, organized  
19 by qualified economic development organizations in Florida.  
20 Priority shall be given to qualified not-for-profit minority  
21 organizations.

22 (d) Support for local business-development programs  
23 that provide business information on Africa and promote  
24 bilateral business opportunities.

25 (e) Provision of export counseling services for  
26 Florida businesses through Enterprise Florida's seven state  
27 field offices and staff located in Miami.

28 (f) Establishment of Florida international  
29 representation in South Africa for the purpose of dramatically  
30 expanding business and cultural and infrastructure ties  
31

1 between Florida and Africa, as well as promoting Florida's  
2 advantages in Africa.

3 (2) Enterprise Florida, Inc., shall coordinate with  
4 appropriate organizations and educational institutions in  
5 executing this market-expansion program to maximize the  
6 resources and information services for the expansion of trade  
7 between Florida and the nations of Africa.

8 (3)(a) As part of the annual report required under  
9 section 288.906, Florida Statutes, Enterprise Florida, Inc.,  
10 shall provide detailed information concerning activities and  
11 accomplishments under this program, including, but not limited  
12 to, information concerning:

13 1. The number of businesses, categorized by size,  
14 participating in the program;

15 2. The number of minority-owned businesses  
16 participating in the program;

17 3. The increase in the value of Florida exports to  
18 African nations attributable to the program; and

19 4. The increase in foreign direct investment in  
20 Florida by African businesses attributable to the program.

21 (b) The report shall include recommendations  
22 concerning continuation of the program and any changes for  
23 enhancing the program.

24 Section 72. Florida-Caribbean Basin Trade  
25 Initiative.--

26 (1) Contingent upon a specific appropriation, the  
27 Seaport Employment Training Grant Program (STEP) shall  
28 establish and administer the Florida-Caribbean Basin Trade  
29 Initiative for the purpose of assisting small and medium-sized  
30 businesses to become involved in international activities and  
31 helping them to identify markets with product demand, identify

1 strategic alliances in those markets, and obtain the financing  
2 to effectuate trade opportunities in the Caribbean Basin. The  
3 initiative must focus assistance to businesses located in  
4 urban communities. The initiative shall offer export  
5 readiness, assistance and referral services, internships,  
6 seminars, workshops, conferences, and e-commerce plus  
7 mentoring and matchmaking services, but shall coordinate with  
8 and not duplicate those services provided by Enterprise  
9 Florida, Inc.

10 (2) To enhance initiative effectiveness and leverage  
11 resources, STEP shall coordinate initiative activities with  
12 Enterprise Florida, Inc., United States Export Assistance  
13 Centers, Florida Export Finance Corporation, Florida Trade  
14 Data Center, Small Business Development Centers, and any other  
15 organizations STEP deems appropriate. The coordination may  
16 encompass export assistance and referral services, export  
17 financing, job-training programs, educational programs, market  
18 research and development, market promotion, trade missions,  
19 e-commerce, and mentoring and matchmaking services relative to  
20 the expansion of trade between Florida and the Caribbean  
21 Basin. The initiative shall also form alliances with  
22 multilateral, international, and domestic funding programs  
23 from Florida, the United States, and the Caribbean Basin to  
24 coordinate systems and programs for fundamental assistance in  
25 facilitating trade and investment.

26 (3) STEP shall administer the Florida-Caribbean Basin  
27 Trade Initiative pursuant to a performance-based contract with  
28 the Office of Tourism, Trade, and Economic Development. The  
29 Office of Tourism, Trade, and Economic Development shall  
30 develop performance measures, standards, and sanctions for the  
31 initiative. Performance measures must include, but are not

1 limited to, the number of businesses assisted; the number of  
2 urban businesses assisted; and the increase in value of  
3 exports to the Caribbean which is attributable to the  
4 initiative.

5 Section 73. (1) State agencies shall give priority to  
6 applicants for assistance in state housing, economic  
7 development, and community revitalization programs where that  
8 application supports the objectives of redeveloping HOPE VI  
9 grant neighborhoods. The following programs shall provide  
10 priority consideration to HOPE VI applications; SAIL, State  
11 Housing Tax Credit, Federal Low Income Housing Tax Credit,  
12 HOME program, Urban Infill Program, Urban High Crime Tax  
13 Credits, brownfields, state empowerment zone.

14 (2) To qualify for priority consideration in the above  
15 mentioned programs, a HOPE VI project applicant must document  
16 the following actions in the application for assistance.

17 (a) There is an active and open grant award from the  
18 United States Department of Housing and Urban Development  
19 under the HOPE VI program in the community.

20 (b) There is tangible and documented support committed  
21 by the unit of local government to redeveloping the  
22 neighborhoods surrounding the HOPE VI project.

23 (c) There is a written agreement between the public  
24 housing authority and the unit of local government that  
25 outlines the joint agreement to redevelop the entire HOPE VI  
26 neighborhoods and not to focus solely upon the public housing  
27 site.

28 (d) There is a clearly defined plan with goals and  
29 objectives to promote the redevelopment of the HOPE VI  
30 neighborhoods to be a mixed income neighborhood, and to  
31 deconcentrate the location of publicly assisted housing within

1 the neighborhood, promote home ownership, and involve the  
2 residents of the neighborhood in the redevelopment planning  
3 and improvement process.

4 (3) The Department of Community Affairs shall annually  
5 submit to the Legislature a summary of all assistance provided  
6 to local HOPE VI applicants, and the percentage of HOPE VI  
7 projects to all program awards.

8 Section 74. Community and Faith-based Organizations  
9 Initiative; Community and Library Technology Access  
10 Partnership.--

11 (1) CREATION.--There is created the Community and  
12 Faith-based Organizations Initiative which shall be  
13 administered by the Institute on Urban Policy and Commerce at  
14 Florida Agricultural and Mechanical University and the  
15 Community and Library Technology Access Partnership which  
16 shall be administered by the Division of Library and  
17 Information Services of the Department of State.

18 (2) INTENT.--The purpose of the initiative is to  
19 promote community development in low-income communities  
20 through partnerships with not-for-profit community and  
21 faith-based organizations. The purpose of the partnership is  
22 to encourage public libraries eligible for e-rate discounted  
23 telecommunications services to partner with community and  
24 faith-based organizations to provide technology access and  
25 training to assist other state efforts to close the digital  
26 divide.

27 (3) AUTHORIZED ACTIVITIES.--

28 (a) Authorized activities of the initiative.--The  
29 Institute on Urban Policy and Commerce at Florida Agricultural  
30 and Mechanical University may conduct the following activities  
31

1 as part of the Community and Faith-based Organizations

2 Initiative:

3 1. Create and operate training programs to enhance the  
4 professional skills of individuals in community and  
5 faith-based organizations.

6 2. Create and operate a program to select and place  
7 students and recent graduates from business and related  
8 professional schools as interns with community and faith-based  
9 organizations for a period not to exceed 1 year, and provide  
10 stipends for such interns.

11 3. Organize an annual conference for community and  
12 faith-based organizations to discuss and share information on  
13 best practices regarding issues relevant to the creation,  
14 operation, and sustainability of these organizations.

15 4. Provide funding for the development of materials  
16 for courses on topics in the area of community development,  
17 and for research on economic, operational, and policy issues  
18 relating to community development.

19 5. Provide financial assistance to community and  
20 faith-based organizations through small grants for  
21 partnerships with universities and the operation of programs  
22 to build strong communities and future community development  
23 leaders. The Institute on Urban Policy and Commerce at Florida  
24 Agricultural and Mechanical University shall develop selection  
25 criteria for awarding such grants which are based on the goals  
26 of the initiative.

27  
28 The institute, to the maximum extent possible, shall leverage  
29 state funding for the initiative with any federal funding that  
30 the institute may receive to support similar community-based  
31 activities.



1           (b) Authorized activities of the partnership.--The  
2 Division of Library and Information Services of the Department  
3 of State may conduct the following activities as part of the  
4 Community and Library Technology Access Partnership:

5           1. Provide funding for e-rate eligible public  
6 libraries to provide technology access and training to  
7 community and faith-based organizations. Funding provided  
8 under this subparagraph must be for eligible public libraries  
9 in distressed communities in the state. The division shall  
10 consult with the Institute on Urban Policy and Commerce to  
11 identify such communities and to develop criteria to be used  
12 in evaluating funding proposals. The division shall coordinate  
13 with the institute to ensure that, to the maximum extent  
14 possible, the division and the institute leverage their  
15 resources under the programs authorized by this section in  
16 order to focus efforts on addressing the most distressed  
17 communities in the state. The division shall include a  
18 representative of the institute on a review team to evaluate  
19 funding proposals under this subparagraph.

20           2. Provide a method of assessment and outcome  
21 measurement for e-rate eligible public libraries to assess  
22 progress in closing the digital divide and in training for  
23 individuals to succeed in the emerging information economy.

24           (4) ELIGIBILITY.--A community or faith-based  
25 organization receiving funding or other assistance under the  
26 Community and Faith-based Organizations Initiative or the  
27 Community Library Technology Access Partnership must be a  
28 nonprofit organization holding a current exemption from  
29 federal taxation under s. 501(c)(3) or (4) of the Internal  
30 Revenue Code. Funding under this section shall not be used for  
31 religious or sectarian purposes.

1           (5) REVIEW AND EVALUATION.--

2           (a) By January 1, 2001, the Institute on Urban Policy  
3 and Commerce and the Division of Library and Information  
4 Services shall submit to the Governor, the President of the  
5 Senate, and the Speaker of the House of Representatives brief  
6 status reports on their respective implementation of the  
7 activities authorized under this section. The institute and  
8 the division may elect to collaborate on the submission of a  
9 combined status report covering both programs. At a minimum,  
10 the status reports or combined report shall address:

- 11                 1. The activities and accomplishments to date;  
12                 2. Any impediments to the effective implementation or  
13 utilization of each program; and  
14                 3. The initial progress toward achievement of  
15 measurable program outcomes.

16           (b) By January 1, 2002, the Institute on Urban Policy  
17 and Commerce and the Division of Library and Information  
18 Services shall submit to the Governor, the President of the  
19 Senate, and the Speaker of the House of Representatives final  
20 reports on the activities authorized under this section. The  
21 institute and the division may elect to collaborate on the  
22 submission of a combined final report covering both programs.  
23 In addition to updating the elements addressed under paragraph  
24 (a), the reports or combined report shall include  
25 recommendations on whether it would be sound public policy to  
26 continue the programs and recommendations on any changes  
27 designed to enhance the effectiveness of the programs.

28           Section 75. Community computer access grant program.--

29                 (1) The Legislature finds that there is a growing  
30 digital divide in the state, manifested in the fact that many  
31 youths from distressed urban communities do not possess the

1 degree and ease of access to computers and information  
2 technologies which youths in other communities in the state  
3 possess. This disparity in access to rapidly changing and  
4 commercially significant technologies has a negative impact on  
5 the educational, workforce development, and employment  
6 competitiveness of these needy youths, and thereby impedes the  
7 economic development of the distressed urban communities in  
8 which these youths reside. Although many public libraries  
9 offer users access to computers and are increasingly making  
10 library materials available to the public through electronic  
11 means, many youths from distressed urban communities do not  
12 live near a library that has such technology and do not have  
13 computers to access Internet-based virtual libraries.  
14 Neighborhood organizations, such as churches, are more likely,  
15 however, to be located in closer proximity to the homes of  
16 these youths than are educational institutions or libraries,  
17 and these youths are more likely to gain the desirable  
18 computer access at church-related or other neighborhood  
19 facilities than at other institutions. The Legislature  
20 therefore finds that a public purpose is served in enhancing  
21 the ability of youths from these communities to have access to  
22 computers and the Internet within the neighborhoods in which  
23 they reside.

24 (2) Subject to legislative appropriation, there is  
25 created the Community High-Technology Investment Partnership  
26 (CHIP) program to assist distressed urban communities in  
27 securing computers for access by youths between the ages of 5  
28 years and 18 years who reside in these communities. The  
29 program shall be administered by the Institute on Urban Policy  
30 and Commerce at Florida Agricultural and Mechanical University  
31 pursuant to a performance-based contract with the Division of

1 Library and Information Services of the Department of State.  
2 The division shall develop performance measures, standards,  
3 and sanctions for the program. Performance measures must  
4 include, but are not limited to: the number of youth obtaining  
5 access to computers purchased under this program; the number  
6 of hours computers are made available to youth; and the number  
7 of hours spent by youth on computers purchased under this  
8 program for educational purposes. The administrative costs for  
9 administration of this program cannot exceed 10 percent of the  
10 amount appropriated to the division for the program.

11 (3)(a) Under this program, neighborhood facilities,  
12 through their governing bodies, may apply to the institute for  
13 grants to purchase computers that will be available for use by  
14 eligible youths who reside in the immediate vicinity of the  
15 neighborhood facility. For purposes of this program, eligible  
16 neighborhood facilities include, but are not limited to,  
17 facilities operated by:

18 1. Units of local government, including school  
19 districts;

20 2. Nonprofit, faith-based organizations, including  
21 neighborhood churches;

22 3. Nonprofit civic associations or homeowners'  
23 associations; and

24 4. Nonprofit organizations, the missions of which  
25 include improving conditions for residents of distressed urban  
26 communities.

27  
28 To be eligible for funding under this program, a nonprofit  
29 organization or association must hold a current exemption from  
30 federal taxation under s. 501(c)(3) or (4) of the Internal  
31 Revenue Code.

1           (b) Notwithstanding the eligibility of the  
2 organizations identified in paragraph (a), the institute shall  
3 give priority consideration for funding under this program to  
4 applications submitted by neighborhood churches or by  
5 neighborhood-based, nonprofit organizations that have as a  
6 principal part of their missions the improvement of conditions  
7 for residents of the same neighborhoods in which the  
8 organizations are located. The institute also shall give  
9 priority consideration to organizations that demonstrate that  
10 they have not been awarded community enhancement or similar  
11 community support grants from state or local government on a  
12 regular basis in the past. The institute shall develop  
13 weighted criteria to be used in evaluating applications from  
14 such churches or organizations. Funding under this section  
15 shall not be used for religious or sectarian purposes.

16           (4) The institute shall develop guidelines governing  
17 the administration of this program and shall establish  
18 criteria to be used in evaluating an application for funding.  
19 At a minimum, the institute must find that:

20           (a) The neighborhood that is to be served by the grant  
21 suffers from general economic distress;

22           (b) Eligible youths who reside in the vicinity of the  
23 neighborhood facility have difficulty obtaining access to a  
24 library or schools that have sufficient computers; and

25           (c) The neighborhood facility has developed a detailed  
26 plan, as required under subsection (5), for:

27           1. Providing youths who reside in the vicinity of the  
28 facility with access to any computer purchased with grant  
29 funds, including evening and weekend access when libraries and  
30 schools are closed; and

31

1           2. Promoting the maximum participation of neighborhood  
2 youths in use of any computers purchased with grant funds.

3           (5) As part of an application for funding, the  
4 neighborhood facility must submit a plan that demonstrates:

5           (a) The manner in which eligible youths who reside in  
6 the immediate vicinity of the facility will be provided with  
7 access to any computer purchased with grant funds, including  
8 access during hours when libraries and schools are closed;

9           (b) The existence of safeguards to ensure that any  
10 computer purchased with grant funds is reserved for the  
11 educational use of eligible youths who reside in the immediate  
12 vicinity of the facility and is not used to support the  
13 business operations of the neighborhood facility or its  
14 governing body; and

15           (c) The existence, in the neighborhood facility, of  
16 telecommunications infrastructure necessary to guarantee  
17 access to the Internet through any computer purchased with  
18 grant funds.

19           (6) To the maximum extent possible, funding shall be  
20 awarded under this program in a manner designed to ensure the  
21 participation of distressed urban communities from regions  
22 throughout the state.

23           (7) The maximum amount of a grant which may be awarded  
24 to any single neighborhood facility under this program is  
25 \$25,000.

26           (8) Before the institute may allocate funds for a  
27 grant under this program, the institute and the eligible  
28 neighborhood facility must execute a grant agreement that  
29 governs the terms and conditions of the grant.

30           (9) The institute, based upon guidance from the State  
31 Technology Office and the state's Chief Information Officer,

1 shall establish minimum requirements governing the  
2 specifications and capabilities of any computers purchased  
3 with funds awarded under this grant program.

4 (10) Before the 2002 Regular Session of the  
5 Legislature, the institute shall evaluate the outcomes of this  
6 program and report the results of the evaluation to the  
7 Governor, the President of the Senate, and the Speaker of the  
8 House of Representatives. At a minimum, the evaluation must  
9 assess the extent to which the program has improved access to  
10 computers for youths who reside in distressed urban  
11 communities. As part of this report, the institute shall  
12 identify any impediments to the effective implementation and  
13 utilization of the program and shall make recommendations on  
14 methods to eliminate any such impediments. In addition, the  
15 institute shall make recommendations as to whether it would be  
16 sound public policy to continue the program; whether the  
17 program should be expanded to address additional target  
18 populations, including, but not limited to, youths in  
19 distressed rural communities and adults in distressed urban or  
20 rural communities; and whether the list of neighborhood  
21 facilities eligible to participate in the program should be  
22 revised or whether priority consideration for funding should  
23 be revised to emphasize a particular type of neighborhood  
24 facility. The report required under this subsection must be  
25 submitted by January 1, 2002.

26 (11) The institute may subcontract with the  
27 Information Service Technology Development Task Force for  
28 assistance in carrying out the provisions of this section,  
29 including, but not limited to, technical guidance, assistance  
30 in developing and evaluating program outcomes, and preparation  
31

1 or distribution of materials designed to educate the public  
2 about community access centers and other relevant resources.

3 Section 76. There is created an Inner City  
4 Redevelopment Assistance Grants Program to be administered by  
5 the Office of Tourism, Trade, and Economic Development. The  
6 office shall develop criteria for awarding these grants which  
7 give weighted consideration to urban high-crime areas as  
8 identified by the Florida Department of Law Enforcement. These  
9 criteria shall also be weighted to immediate creation of jobs  
10 for residents in the targeted areas.

11 Section 77. Eligibility requirements for grant  
12 proposals are as follows:

13 (1) An eligible grant recipient must serve within one  
14 of the 13 urban high-crime job tax credit areas and be:

15 (a) A community-based organization;

16 (b) A community development corporation;

17 (c) A faith-based organization;

18 (d) A nonprofit community development organization;

19 (e) A nonprofit economic development organization; or

20 (f) Another nonprofit organization serving the  
21 nominated area.

22 (2) Each applicant must submit a letter of support  
23 from the local government serving the targeted urban area.

24 (3) Each applicant must submit a proposal response  
25 outlining the work plan proposed using the grant funding, as  
26 well as proposed performance measures and expected, measurable  
27 outcomes.

28 (4) Eligible uses of grant funding must result in the  
29 creation of job opportunities for residents of targeted areas.

30 (5) Applicants are urged to leverage grant funds with  
31 other existing resources.



1           Section 78. In order to enhance public participation  
2 and involvement in the redevelopment of inner city areas,  
3 there is created within the Office of Tourism, Trade, and  
4 Economic Development the Inner City Redevelopment Review  
5 Panel.

6           (1) The review panel shall consist of seven members  
7 who represent different areas of the state, who are appointed  
8 by the Director of the Office of Tourism, Trade, and Economic  
9 Development, and who are qualified, through the demonstration  
10 of special interest, experience, or education, in the  
11 redevelopment of the state's inner-city areas, as follows:

12           (a) One member must be affiliated with the Black  
13 Business Investment Board;

14           (b) One member must be affiliated with the Institute  
15 on Urban Policy and Commerce at Florida Agricultural and  
16 Mechanical University;

17           (c) One member must be affiliated with the Office of  
18 Tourism, Trade, and Economic Development;

19           (d) One member must be the president of Enterprise  
20 Florida, Inc., or the president's designee;

21           (e) One member must be the Secretary of Community  
22 Affairs or the secretary's designee;

23           (f) One member must be affiliated with Better  
24 Jobs/Better Wages of Workforce Florida, Inc., if such body is  
25 created. Otherwise, one member must be the president and chief  
26 operating officer of the Florida Workforce Development Board;  
27 and

28           (g) One member must be affiliated with the First  
29 Job/First Wages Council of Workforce Florida, Inc., if such  
30 body is created. Otherwise, one member must be the Secretary  
31 of Labor and Employment Security or the secretary's designee.

1           (2) The importance of minority and gender  
2 representation must be considered when making appointments to  
3 the panel, and the geographic representation of panel members  
4 must also be considered.

5           (3) Members of the review panel shall be appointed for  
6 4-year terms. A person may not serve more than two consecutive  
7 terms on the panel.

8           (4) Members shall elect a chairperson annually. A  
9 member may not be elected to consecutive terms as chairperson.

10           (5) All action taken by the review panel shall be by  
11 majority vote of those present. The Director of the Office of  
12 Tourism, Trade, and Economic Development or the director's  
13 designee shall serve without voting rights as secretary to the  
14 panel. The Office of Tourism, Trade, and Economic Development  
15 shall provide necessary staff assistance to the panel.

16           (6) It is the responsibility of the panel to evaluate  
17 proposals for awards of inner city redevelopment grants  
18 administered by the Office of Tourism, Trade, and Economic  
19 Development. The panel shall review and evaluate all proposals  
20 for grants and shall make recommendations, including a  
21 priority ranking, reflecting such evaluation.

22           Section 79. Each provision of sections 73-77 of this  
23 act will be implemented to the extent that funds are  
24 specifically appropriated in the General Appropriations Act  
25 for Fiscal Year 2000-2001.

26           Section 80. Section 288.039 and paragraph (c) of  
27 subsection (3) of section 288.095, Florida Statutes, are  
28 repealed.

29           Section 81. It is the intent of the Legislature that  
30 the changes made by this act to the Department of Labor and  
31 Employment Security, including the transfer of department

1 functions to other units of state government, are enacted as  
2 part of the state's ongoing economic development efforts and  
3 are designed to improve the business climate in this state in  
4 order to facilitate job creation by private-sector employers.

5 Section 82. (1) Effective July 1, 2000, the Division  
6 of Workers' Compensation and the Office of the Judges of  
7 Compensation Claims are transferred by a type two transfer, as  
8 defined in section 20.06(2), Florida Statutes, from the  
9 Department of Labor and Employment Security to the Department  
10 of Insurance, except that 29 full-time equivalent positions,  
11 and the associated salaries and benefits and expenses funding,  
12 related to oversight of medical services in workers'  
13 compensation provider relations, dispute and complaint  
14 resolution, program evaluation, data management, and carrier  
15 compliance and review, are transferred by a type two transfer,  
16 as defined in section 20.06(2), Florida Statutes, from the  
17 Department of Labor and Employment Security to the Agency for  
18 Health Care Administration.

19 (2) Effective July 1, 2000, all powers, duties,  
20 functions, rules, records, personnel, property, and unexpended  
21 balances of appropriations, allocations, and other funds of  
22 the Division of Workforce and Employment Opportunities related  
23 to the regulation of labor organizations under chapter 447,  
24 Florida Statutes; the administration of child labor laws under  
25 chapter 450, Florida Statutes; and the administration of  
26 migrant labor and farm labor laws under chapter 450, Florida  
27 Statutes, are transferred by a type two transfer, as defined  
28 in section 20.06(2), Florida Statutes, from the Department of  
29 Labor and Employment Security to the Bureau of Workplace  
30 Regulation in the Division of Workers' Compensation of the  
31 Department of Insurance.

1           (3) Effective July 1, 2000, any other powers, duties,  
2 functions, rules, records, personnel, property, and unexpended  
3 balances of appropriations, allocations, and other funds of  
4 the Department of Labor and Employment Security, not otherwise  
5 transferred by this act, relating to workplace regulation and  
6 enforcement, including, but not limited to, those under  
7 chapter 448, Florida Statutes, are transferred by a type two  
8 transfer, as defined in section 20.06(2), Florida Statutes,  
9 from the department to the Bureau of Workplace Regulation in  
10 the Division of Workers' Compensation of the Department of  
11 Insurance.

12           (4)(a) Effective July 1, 2000, and except as provided  
13 in paragraph (b), the records, property, and unexpended  
14 balances of appropriations, allocations, and other funds and  
15 resources of the Office of the Secretary and the Office of  
16 Administrative Services of the Department of Labor and  
17 Employment Security which support the activities and functions  
18 transferred under subsections (1), (2), and (3) are  
19 transferred as provided in section 20.06(2), Florida Statutes,  
20 to the Division of Worker's Compensation and the Office of the  
21 Judges of Compensation Claims. The Department of Insurance, in  
22 consultation with the Department of Labor and Employment  
23 Security, shall determine the number of positions needed for  
24 administrative support of the programs within the Division of  
25 Workers' Compensation and the Office of the Judges of  
26 Compensation Claims as transferred to the Department of  
27 Insurance. The number of administrative support positions that  
28 the Department of Insurance determines are needed shall not  
29 exceed the number of administrative support positions that  
30 prior to the transfer were authorized to the Department of  
31 Labor and Employment Security for this purpose. Upon transfer

1 of the Division of Workers' Compensation and the Office of the  
2 Judges of Compensation Claims, the number of required  
3 administrative support positions as determined by the  
4 Department of Insurance shall be authorized within the  
5 Department of Insurance. The Department of Insurance may  
6 transfer and reassign positions as deemed necessary to  
7 effectively integrate the activities of the Division of  
8 Workers' Compensation. Appointments to time-limited positions  
9 under this act and authorized positions under this section may  
10 be made without regard to the provisions of 60K-3, 4 and 17,  
11 Florida Administrative Code. Notwithstanding the provisions of  
12 section 216.181(8), Florida Statutes, the Department of  
13 Insurance is authorized, during Fiscal Year 2000-2001, to  
14 exceed the approved salary in the budget entities affected by  
15 this act.

16 (b) Effective July 1, 2000, the records, property, and  
17 unexpended balances of appropriations, allocations, and other  
18 funds and resources of the Office of the Secretary and the  
19 Office of Administrative Services of the Department of Labor  
20 and Employment Security which support the activities and  
21 functions transferred under subsection (1) to the Agency for  
22 Health Care Administration are transferred as provided in  
23 section 20.06(2), Florida Statutes, to the Agency for Health  
24 Care Administration.

25 Section 83. Subsection (2) of section 20.13, Florida  
26 Statutes, is amended, and subsection (7) is added to that  
27 section, to read:

28 20.13 Department of Insurance.--There is created a  
29 Department of Insurance.

30 (2) The following divisions of the Department of  
31 Insurance are established:

- 1 (a) Division of Insurer Services.  
2 (b) Division of Insurance Consumer Services.  
3 (c) Division of Agents and Agencies Services.  
4 (d) Division of Rehabilitation and Liquidation.  
5 (e) Division of Risk Management.  
6 (f) Division of State Fire Marshal.  
7 (g) Division of Insurance Fraud.  
8 (h) Division of Administration.  
9 (i) Division of Treasury.  
10 (j) Division of Legal Services.  
11 (k) Division of Workers' Compensation.  
12 (7)(a) A Bureau of Workplace Regulation is created  
13 within the Division of Workers' Compensation.  
14 (b) A Bureau of Workplace Safety is created within the  
15 Division of Workers' Compensation.  
16 Section 84. Effective January 1, 2001, the Division of  
17 Unemployment Compensation is transferred by a type two  
18 transfer, as defined in section 20.06(2), Florida Statutes,  
19 from the Department of Labor and Employment Security to the  
20 Agency for Workforce Innovation, except that all powers,  
21 duties, functions, rules, records, personnel, property, and  
22 unexpended balances of appropriations, allocations, and other  
23 funds of the division related to the resolution of disputed  
24 claims for unemployment compensation benefits through the use  
25 of appeals referees are transferred by a type two transfer, as  
26 defined in section 20.06(2), Florida Statutes, to the  
27 Unemployment Appeals Commission. Additionally, by January 1,  
28 2001, the Agency for Workforce Innovation shall enter into a  
29 contract with the Department of Revenue to have the Department  
30 of Revenue provide unemployment tax administration and  
31 collection services to the Agency for Workforce Innovation.

1 Upon entering into such contract with the Agency for Workforce  
2 Innovation to provide unemployment tax administration and  
3 collection services, the Department of Revenue may transfer  
4 from the agency or is authorized to establish the number of  
5 positions determined by that contract. The Department of  
6 Revenue, as detailed in that contract, may exercise all and  
7 any authority that is provided in law to the Division of  
8 Unemployment Compensation to fulfill the duties of that  
9 contract as the division's tax-administration and  
10 collection-services agent including, but not limited to, the  
11 promulgating of rules necessary to administer and collect  
12 unemployment taxes. The Department of Revenue is authorized to  
13 contract with the Department of Management Services or other  
14 appropriate public or private entities for professional  
15 services, regarding the development, revision, implementation,  
16 maintenance, and monitoring of electronic data systems and  
17 management information systems associated with the  
18 administration and collection of unemployment taxes.

19       Section 85. Effective January 1, 2001, the Office of  
20 Information Systems is transferred by a type two transfer, as  
21 defined in section 20.06(2), Florida Statutes, from the  
22 Department of Labor and Employment Security to the Department  
23 of Management Services, except that all powers, duties,  
24 functions, rules, records, personnel, property, and unexpended  
25 balances of appropriations, allocations, and other funds of  
26 the office related to workforce information systems planning  
27 are transferred effective October 1, 2000, by a type two  
28 transfer as defined in section 20.06(2), Florida Statutes, to  
29 the Agency for Workforce Innovation.

30       Section 86. Effective October 1, 2000, the Minority  
31 Business Advocacy and Assistance Office is transferred by a

1 type two transfer as defined in section 20.06(2), Florida  
2 Statutes, from the Department of Labor and Employment Security  
3 to the Department of Management Services.

4 Section 87. (1) Effective upon this act becoming a  
5 law, the Florida Task Force on Workplace Safety is established  
6 within the Department of Insurance. All members of the task  
7 force shall be appointed prior to July 15, 2000, and the task  
8 force shall hold its first meeting by August 15, 2000. The  
9 task force shall be composed of 15 members as follows:

10 (a) Five members appointed by the Governor, one of  
11 whom must be a representative of a statewide business  
12 organization, one of whom must be a representative of  
13 organized labor, and three of whom must be from private-sector  
14 businesses. The Governor shall name one of the appointees  
15 under this paragraph as chair of the task force;

16 (b) Four members appointed by the President of the  
17 Senate, one of whom must be a representative of a statewide  
18 business organization, one of whom must be a representative of  
19 organized labor, and two of whom must be from private-sector  
20 businesses;

21 (c) Four members appointed by the Speaker of the House  
22 of Representatives, one of whom must be a representative of a  
23 statewide business organization, one of whom must be a  
24 representative of organized labor, and two of whom must be  
25 from private-sector businesses;

26 (d) One member appointed from the private-sector by  
27 the Insurance Commissioner; and

28 (e) The president of Enterprise Florida, Inc., or his  
29 or her designee from the organization.

30  
31



1 The Insurance Commissioner or the commissioner's designee from  
2 the Department of Insurance shall serve as an ex officio  
3 nonvoting member of the task force.

4 (2) The purpose of the task force is to develop  
5 findings and issue recommendations on innovative ways in which  
6 the state may employ state or federal resources to reduce the  
7 incidence of employee accidents, occupational diseases, and  
8 fatalities compensable under the workers' compensation law.  
9 The task force shall address issues including, but not limited  
10 to:

11 (a) Alternative organizational structures for the  
12 delivery of workplace safety assistance services to businesses  
13 following the repeal of the Division of Safety of the  
14 Department of Labor and Employment Security under chapter  
15 99-240, Laws of Florida;

16 (b) The extent to which workplace safety assistance  
17 services are or may be provided through private-sector  
18 sources;

19 (c) The potential contribution of workplace safety  
20 assistance services to a reduction in workers' compensation  
21 rates for employers;

22 (d) Differences in the workplace safety needs of  
23 businesses based upon the size of the businesses and the  
24 nature of the businesses;

25 (e) Differences in the workplace safety needs of  
26 private-sector employers and public-sector employers;

27 (f) The relationship between federal and state  
28 workplace safety activities; and

29 (g) The impact of workplace safety and workers'  
30 compensation on the economic development efforts of the state.

31

1           (3) The task force shall be located in the Department  
2 of Insurance, and staff of the department shall serve as staff  
3 for the task force.

4           (4) Members of the task force shall serve without  
5 compensation but will be entitled to per diem and travel  
6 expenses pursuant to section 112.061, Florida Statutes, while  
7 in the performance of their duties.

8           (5) The task force may procure information and  
9 assistance from any officer or agency of the state or any  
10 subdivision thereof. All such officials and agencies shall  
11 give the task force all relevant information and assistance on  
12 any matter within their knowledge or control.

13           (6) The task force shall submit a report and  
14 recommendations to the Governor, the Insurance Commissioner,  
15 the President of the Senate, and the Speaker of the House of  
16 Representatives no later than January 1, 2001. The report  
17 shall include recommendations on the organizational structure,  
18 mission, staffing structure and qualifications, and funding  
19 level for the Bureau of Workplace Safety within the Division  
20 of Workers' Compensation of the Department of Insurance. The  
21 report also shall include any specific recommendations for  
22 legislative action during the 2001 Regular Session of the  
23 Legislature.

24           (7)(a) During Fiscal Year 2000-2001, the Division of  
25 Workers' Compensation of the Department of Insurance is  
26 authorized to establish 40 time-limited positions on July 1,  
27 2000, responsible for the 21(d) federal grant from the  
28 Occupational Safety and Health Administration and for the core  
29 responsibilities under a program for enforcement of safety and  
30 health regulations in the public sector.

31

1           (b) After the Task Force on Workplace Safety has  
2 issued its report and recommendations, the Division of  
3 Workers' Compensation may eliminate the 40 time-limited  
4 positions and establish and classify permanent positions as  
5 authorized in the Fiscal Year 2000-2001 General Appropriations  
6 Act or seek a budget amendment as provided in chapter 216,  
7 Florida Statutes, to implement the recommendations of the task  
8 force.

9           (c) All records, property, and equipment of the  
10 Division of Safety of the Department of Labor and Employment  
11 Security, repealed under chapter 99-240, Laws of Florida,  
12 shall be transferred to the Bureau of Workplace Safety of the  
13 Division of Workers' Compensation of the Department of  
14 Insurance for the bureau to retain, use, and maintain during  
15 the deliberations of the task force.

16           (8) The task force shall terminate upon submission of  
17 its report.

18           Section 88. Effective upon this act becoming a law,  
19 section 39 of chapter 99-240, Laws of Florida, is amended to  
20 read:

21           Section 39. Effective October 1, 2000 ~~January 1, 2001~~,  
22 the Division of Blind Services is transferred by a type two  
23 transfer as defined in section 20.06(2)~~20.06(5)~~, Florida  
24 Statutes, from the Department of Labor and Employment Security  
25 to the Department of Management Services ~~Education~~.

26           Section 89. (1) It is the intent of the Legislature  
27 that the transfer of responsibilities from the Department of  
28 Labor and Employment Security to other units of state  
29 government as prescribed by this act be accomplished with  
30 minimal disruption of services provided to the public and with  
31 minimal disruption to the employees of the department. To that

1 end, the Legislature believes that a transition period during  
2 which the activities of the department can be systematically  
3 reduced and the activities of the other applicable units of  
4 state government can be strategically increased is appropriate  
5 and warranted.

6 (2) The Department of Labor and Employment Security  
7 and the Department of Management Services shall provide  
8 coordinated reemployment assistance to employees of the  
9 Department of Labor and Employment Security who are dislocated  
10 as a result of this act. The state Workforce Development  
11 Board, the regional workforce boards, and staff of the  
12 one-stop career centers shall provide assistance to the  
13 departments in carrying out the provisions of this section.

14 (3) The state and its political subdivisions shall  
15 give preference in the appointment and the retention of  
16 employment to employees of the Department of Labor and  
17 Employment Security who are dislocated as a result of this  
18 act. Furthermore, for those positions for which an examination  
19 is used to determine the qualifications for entrance into  
20 employment with the state or its political subdivisions, 10  
21 points shall be added to the earned ratings of any employee of  
22 the Department of Labor and Employment Security who is  
23 dislocated as a result of this act if such person has obtained  
24 a qualifying score on the examination for the position.  
25 Preference is considered to have expired once such person has  
26 been employed by any state agency or any agency of a political  
27 subdivision of the state.

28 (4)(a) There is created the Labor and Employment  
29 Security Transition Team, which will be responsible for  
30 coordinating and overseeing actions necessary to ensure the  
31 timely, comprehensive, efficient, and effective implementation

1 of the provisions of this act, as well as implementation of  
2 any statutory changes to the Department of Labor and  
3 Employment Security's provision of workforce placement and  
4 development services through the Division of Workforce and  
5 Employment Opportunities. By February 1, 2001, the transition  
6 team shall submit to the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives a  
8 comprehensive report on the transition of the Department of  
9 Labor and Employment Security. The report shall include any  
10 recommendations on legislative action necessary during the  
11 2001 Regular Session of the Legislature to address substantive  
12 or technical issues related to the department's transition.  
13 The transition team shall terminate on May 15, 2001.

14 (b) The transition team shall consist of the following  
15 members:

16 1. The Governor or the Governor's designee, who shall  
17 serve as chair of the transition team and who shall convene  
18 meetings of the transition team;

19 2. The Secretary of Labor and Employment Security or  
20 the secretary's designee;

21 3. The Secretary of Management Services or the  
22 secretary's designee;

23 4. The Commissioner of Insurance or the commissioner's  
24 designee;

25 5. The executive director of the Department of Revenue  
26 or the executive director's designee;

27 6. The director of the Agency for Workforce Innovation  
28 or the director's designee;

29 7. The president of Workforce Florida, Inc., or the  
30 president's designee;

31 8. The Chief Information Officer for the State; and

1           9. Any other members as deemed necessary by and  
2 appointed by the Governor.

3           (c) Staff of the Office of Policy and Budget in the  
4 Executive Office of the Governor shall serve as staff for the  
5 transition team. In addition, each member of the transition  
6 team shall appoint appropriate staff members from the  
7 organization that he or she represents to serve as liaisons to  
8 the transition team and to assist the transition team as  
9 necessary. Each member of the transition team shall be  
10 responsible for ensuring that the organization that he or she  
11 represents cooperates fully in the implementation of this act.

12           (d) Between the date this act becomes a law and  
13 January 1, 2001, the transition team shall submit bimonthly to  
14 the President of the Senate and the Speaker of the House of  
15 Representatives brief status reports on the progress and on  
16 any significant problems in implementing this act.

17           (5) The transfer of any programs, activities, and  
18 functions under this act shall include the transfer of any  
19 records and unexpended balances of appropriations,  
20 allocations, or other funds related to such programs,  
21 activities, and functions. Any surplus records and unexpended  
22 balances of appropriations, allocations, or other funds not so  
23 transferred shall be transferred to the Department of  
24 Management Services for proper disposition. The Department of  
25 Management Services shall become the custodian of any property  
26 of the Department of Labor and Employment Security which is  
27 not otherwise transferred for the purposes of chapter 273,  
28 Florida Statutes. The Department of Management Services is  
29 authorized to permit the use of such property by organizations  
30 as necessary to implement the provisions of this act.

31

1           (6) The transition team, in conjunction with the  
2 Office of the Attorney General, may use any unexpended  
3 balances of the Department of Labor and Employment Security to  
4 settle any claims or leases, pay out personnel annual leave or  
5 sick leave, or close out other costs owed by the department,  
6 regardless of whether such costs relate to federal, state, or  
7 local governments; department employees; or the private  
8 sector. Any remaining balances of the department shall be  
9 transferred as directed by this act or by budget amendment.

10           (7) The transition team shall monitor any personnel  
11 plans of the Department of Labor and Employment Security and  
12 any implementation activities of the department required by  
13 this act. The department shall not fill a vacant position or  
14 transfer an employee laterally between any divisions or other  
15 units of the department without the approval of the transition  
16 team.

17           (8) The transition team may submit proposals to the  
18 Governor and recommend budget amendments to ensure the  
19 effective implementation of this act, maintenance of federal  
20 funding, and continuation of services to customers without  
21 interruption. Prior to October 1, 2000, the transition team,  
22 through the Office of Policy and Budget, shall prepare a  
23 budget amendment to allocate the resources of the Office of  
24 the Secretary, Office of Administrative Services, Division of  
25 Unemployment Compensation, and other resources of the  
26 Department of Labor and Employment Security not otherwise  
27 transferred by this act. The allocation of resources under  
28 this budget amendment must provide for the maintenance of the  
29 department until January 1, 2001, in order to complete  
30 activities related to the dissolution of the department and  
31 must reserve any remaining funds or positions.

1           (9) This section shall take effect upon this act  
2 becoming a law.

3           Section 90. To expedite the acquisition of goods and  
4 services for implementing the provisions of this act, the  
5 Department of Revenue, the Department of Insurance, the  
6 Department of Management Services, and the Agency for  
7 Workforce Innovation are exempt from the provisions of chapter  
8 287, Florida Statutes, when contracting for the purchase or  
9 lease of goods or services under this act. This section shall  
10 take effect upon this act becoming a law and shall expire  
11 January 1, 2001.

12           Section 91. To expedite the leasing of facilities for  
13 implementing the provisions of this act, the Department of  
14 Revenue, the Department of Insurance, the Department of  
15 Management Services, and the Agency for Workforce Innovation  
16 are exempt from the requirements of any state laws relating to  
17 the leasing of space, including, but not limited to, the  
18 requirements imposed by section 255.25, Florida Statutes, and  
19 any rules adopted under such laws, provided, however, that all  
20 leases entered into under this act through January 1, 2001,  
21 must be submitted for approval to the Department of Management  
22 Services at the earliest practicable time. This section shall  
23 take effect upon this act becoming a law and shall expire  
24 January 1, 2001.

25           Section 92. Notwithstanding the provisions of chapter  
26 120, Florida Statutes, to the contrary, the Department of  
27 Revenue, the Department of Insurance, the Department of  
28 Management Services, and the Agency for Workforce Innovation  
29 are authorized to develop emergency rules relating to and in  
30 furtherance of the orderly implementation of the provisions of  
31



1 this act. These emergency rules shall be valid for a period of  
2 270 days after the effective date of this act.

3 Section 93. (1) The Department of Revenue shall  
4 develop and issue notification to all businesses registered  
5 with the Department of Labor and Employment Security for the  
6 purpose of paying unemployment compensation tax imposed  
7 pursuant to chapter 443, Florida Statutes. Such notification  
8 shall include, but not be limited to, information on the  
9 transfer of responsibilities from the Department of Labor and  
10 Employment Security to the Department of Revenue and other  
11 agencies relating to unemployment compensation activities.

12 (2) The Department of Revenue is authorized to issue  
13 any notices, forms, documents, or publications relating to the  
14 unemployment compensation tax which the Division of  
15 Unemployment Compensation of the Department of Labor and  
16 Employment Security was authorized to issue or publish under  
17 chapter 443, Florida Statutes, prior to the transfer of any  
18 responsibilities under this act.

19 (3) The Department of Revenue is authorized to  
20 determine the most efficient and effective method for  
21 administering, collecting, enforcing, and auditing the  
22 unemployment compensation tax in consultation with the  
23 businesses that pay such tax and consistent with the  
24 provisions of chapter 443, Florida Statutes.

25 Section 94. Effective October 1, 2000, subsection (19)  
26 of section 287.012, Florida Statutes, is amended to read:

27 287.012 Definitions.--The following definitions shall  
28 apply in this part:

29 (19) "Office" means the Minority Business Advocacy and  
30 Assistance Office of the Department of Management Services  
31 ~~Labor and Employment Security.~~

1           Section 95. Effective October 1, 2000, subsection (1)  
2 of section 287.0947, Florida Statutes, is amended to read:

3           287.0947 Florida Council on Small and Minority  
4 Business Development; creation; membership; duties.--

5           (1) On or after October 1, 2000 ~~1996~~, the secretary of  
6 the Department of Management Services ~~Labor and Employment~~  
7 ~~Security~~ may create the Florida Advisory Council on Small and  
8 Minority Business Development with the purpose of advising and  
9 assisting the secretary in carrying out the secretary's duties  
10 with respect to minority businesses and economic and business  
11 development. It is the intent of the Legislature that the  
12 membership of such council include practitioners, laypersons,  
13 financiers, and others with business development experience  
14 who can provide invaluable insight and expertise for this  
15 state in the diversification of its markets and networking of  
16 business opportunities. The council shall initially consist of  
17 19 persons, each of whom is or has been actively engaged in  
18 small and minority business development, either in private  
19 industry, in governmental service, or as a scholar of  
20 recognized achievement in the study of such matters.  
21 Initially, the council shall consist of members representing  
22 all regions of the state and shall include at least one member  
23 from each group identified within the definition of "minority  
24 person" in s. 288.703(3), considering also gender and  
25 nationality subgroups, and shall consist of the following:

26           (a) Four members consisting of representatives of  
27 local and federal small and minority business assistance  
28 programs or community development programs.

29           (b) Eight members composed of representatives of the  
30 minority private business sector, including certified minority  
31 business enterprises and minority supplier development

1 councils, among whom at least two shall be women and at least  
2 four shall be minority persons.

3 (c) Two representatives of local government, one of  
4 whom shall be a representative of a large local government,  
5 and one of whom shall be a representative of a small local  
6 government.

7 (d) Two representatives from the banking and insurance  
8 industry.

9 (e) Two members from the private business sector,  
10 representing the construction and commodities industries.

11 (f) The chairperson of the Florida Black Business  
12 Investment Board or the chairperson's designee.

13

14 A candidate for appointment may be considered if eligible to  
15 be certified as an owner of a minority business enterprise, or  
16 if otherwise qualified under the criteria above. Vacancies may  
17 be filled by appointment of the secretary, in the manner of  
18 the original appointment.

19 Section 96. Effective October 1, 2000, subsections (2)  
20 and (3) and paragraph (h) of subsection (4) of section  
21 287.09451, Florida Statutes, are amended to read:

22 287.09451 Minority Business Advocacy and Assistance  
23 Office; powers, duties, and functions.--

24 (2) The Minority Business Advocacy and Assistance  
25 Office is established within the Department of Management  
26 Services ~~Labor and Employment Security~~ to assist minority  
27 business enterprises in becoming suppliers of commodities,  
28 services, and construction to state government.

29 (3) The Secretary of the Department of Management  
30 Services ~~secretary~~ shall appoint an executive director for the

31

1 Minority Business Advocacy and Assistance Office, who shall  
2 serve at the pleasure of the secretary.

3 (4) The Minority Business Advocacy and Assistance  
4 Office shall have the following powers, duties, and functions:

5 (h) To develop procedures to investigate complaints  
6 against minority business enterprises or contractors alleged  
7 to violate any provision related to this section or s.  
8 287.0943, that may include visits to worksites or business  
9 premises, and to refer all information on businesses suspected  
10 of misrepresenting minority status to the Department of  
11 Management Services ~~Labor and Employment Security~~ for  
12 investigation. When an investigation is completed and there is  
13 reason to believe that a violation has occurred, the  
14 Department of Management Services ~~Labor and Employment~~  
15 ~~Security~~ shall refer the matter to the office of the Attorney  
16 General, Department of Legal Affairs, for prosecution.

17 Section 97. Effective upon this act becoming a law,  
18 subsections (3), (4), and (6) of section 20.15, Florida  
19 Statutes, are amended and paragraph (d) is added to subsection  
20 (5) of that section to read:

21 20.15 Department of Education.--There is created a  
22 Department of Education.

23 (3) DIVISIONS.--The following divisions of the  
24 Department of Education are established:

25 (a) Division of Community Colleges.

26 (b) Division of Public Schools and Community  
27 Education.

28 (c) Division of Universities.

29 (d) Division of Workforce Development.

30 (e) Division of Human Resource Development.

31 (f) Division of Administration.

1 (g) Division of Financial Services.

2 (h) Division of Support Services.

3 (i) Division of Technology.

4 (j) Division of Occupational Access and Opportunity.

5 (4) DIRECTORS.--The Board of Regents is the director  
6 of the Division of Universities, the Occupational Access and  
7 Opportunity Commission is the director of the Division of  
8 Occupational Access and Opportunity,and the State Board of  
9 Community Colleges is the director of the Division of  
10 Community Colleges, pursuant to chapter 240. The directors of  
11 all other divisions shall be appointed by the commissioner  
12 subject to approval by the state board.

13 (5) POWERS AND DUTIES.--The State Board of Education  
14 and the Commissioner of Education:

15 (d) Shall assign to the Division of Occupational  
16 Access and Opportunity such powers, duties, responsibilities,  
17 and functions as are necessary to ensure the coordination,  
18 efficiency, and effectiveness of its programs, including, but  
19 not limited to, vocational rehabilitation and independent  
20 living services to persons with disabilities which services  
21 are funded under the Rehabilitation Act of 1973, as amended,  
22 except:

23 1. Those duties specifically assigned to the Division  
24 of Blind Services of the Department of Management Services;

25 2. Those duties specifically assigned to the  
26 Commissioner of Education in ss. 229.512 and 229.551;

27 3. Those duties concerning physical facilities in  
28 chapter 235;

29 4. Those duties assigned to the State Board of  
30 Community Colleges in chapter 240; and

31

1           5. Those duties assigned to the Division of Workforce  
2 Development in chapter 239.

3  
4 Effective October 1, 2000, the Occupational Access and  
5 Opportunity Commission shall assume all responsibilities  
6 necessary to be the designated state agency for purposes of  
7 compliance with the Rehabilitation Act of 1973, as amended.

8           (6) COUNCILS AND COMMITTEES.--Notwithstanding anything  
9 contained in law to the contrary, the Commissioner of  
10 Education shall appoint all members of all councils and  
11 committees of the Department of Education, except the Board of  
12 Regents, the State Board of Community Colleges, the community  
13 college district boards of trustees, the Postsecondary  
14 Education Planning Commission, the Education Practices  
15 Commission, the Education Standards Commission, the State  
16 Board of Independent Colleges and Universities, the  
17 Occupational Access and Opportunity Commission, the Florida  
18 Rehabilitation Council, the Florida Independent Living  
19 Council, and the State Board of Nonpublic Career Education.

20           Section 98. Subsection (16) is added to section  
21 120.80, Florida Statutes, to read:

22           120.80 Exceptions and special requirements;  
23 agencies.--

24           (16) OCCUPATIONAL ACCESS AND OPPORTUNITY  
25 COMMISSION.--Notwithstanding s. 120.57(1)(a), hearings  
26 concerning determinations by the Occupational Access and  
27 Opportunity Commission on eligibility, plans of services, or  
28 closure need not be conducted by an administrative law judge  
29 assigned by the division. The commission may choose to  
30 contract with another appropriate resource in these matters.

31

1           Section 99. Effective October 1, 2000, section  
2 413.011, Florida Statutes, is amended to read:

3           413.011 Division of Blind Services, internal  
4 organizational structure; Florida Rehabilitation Advisory  
5 Council for ~~the~~ Blind Services.--

6           (1) The internal organizational structure of the  
7 Division of Blind Services shall be designed for the purpose  
8 of ensuring the greatest possible efficiency and effectiveness  
9 of services to the blind and to be consistent with chapter 20.  
10 The Division of Blind Services shall ~~plan, supervise, and~~  
11 carry out the following activities under planning and policy  
12 guidance from the Florida Rehabilitation Council for Blind  
13 Services:

14           (a) Implement the provisions of the 5-year strategic  
15 plan prepared by the council under paragraph (3)(a) to provide  
16 services to individuals who are blind.

17           (b)~~(a)~~ Recommend personnel as may be necessary to  
18 carry out the purposes of this section.

19           (c)~~(b)~~ Cause to be compiled and maintained a complete  
20 register of individuals in the state who are ~~the~~ blind ~~in the~~  
21 ~~state~~, which shall describe the condition, cause of blindness,  
22 and capacity for education and industrial training, with such  
23 other facts as may seem to the division to be of value. Any  
24 information in the register of individuals who are ~~the~~ blind  
25 which, when released, could identify an individual is  
26 confidential and exempt from the provisions of s. 119.07(1).

27           (d)~~(c)~~ Inquire into the cause of blindness, inaugurate  
28 preventive measures, and provide for the examination and  
29 treatment of individuals who are ~~the~~ blind, or those  
30 threatened with blindness, for the benefit of such persons,  
31

1 and shall pay therefor, including necessary incidental  
2 expenses.

3 (e)(d) Contract with community-based rehabilitation  
4 providers, to the maximum extent allowable under federal law,  
5 to assist individuals who are blind in obtaining ~~Aid the blind~~  
6 ~~in finding~~ employment, teach them trades and occupations  
7 within their capacities, assist them in disposing of products  
8 made by them in home industries, assist them in obtaining  
9 funds for establishing enterprises where federal funds  
10 reimburse the state, and do such things as will contribute to  
11 the efficiency of self-support of individuals who are the  
12 blind.

13 (f)(e) Establish one or more training schools and  
14 workshops for the employment of suitable individuals who are  
15 blind ~~persons~~; make expenditures of funds for such purposes;  
16 receive moneys from sales of commodities involved in such  
17 activities and from such funds make payments of wages,  
18 repairs, insurance premiums and replacements of equipment. All  
19 of the activities provided for in this section may be carried  
20 on in cooperation with private workshops for individuals who  
21 are the blind, except that all tools and equipment furnished  
22 by the division shall remain the property of the state.

23 (g)(f) Contract with community-based rehabilitation  
24 providers, to the maximum extent allowable under federal law,  
25 to provide special services and benefits for individuals who  
26 are the blind in order to assist them in ~~for~~ developing their  
27 social life through community activities and recreational  
28 facilities.

29 (h)(g) Undertake such other activities as may  
30 ameliorate the condition of ~~blind~~ citizens of this state who  
31 are blind.



1            (i)~~(h)~~ Cooperate with other agencies, public or  
2 private, especially the Division of the Blind and Physically  
3 Handicapped of the Library of Congress and the Division of  
4 Library and Information Services of the Department of State,  
5 to provide library service to individuals who are ~~the~~ blind  
6 and individuals who have other disabilities ~~other handicapped~~  
7 ~~persons~~ as defined in federal law and regulations in carrying  
8 out any or all of the provisions of this law.

9            (j)~~(i)~~ Recommend contracts and agreements with  
10 federal, state, county, municipal and private corporations,  
11 and individuals.

12            (k)~~(j)~~ Receive moneys or properties by gift or bequest  
13 from any person, firm, corporation, or organization for any of  
14 the purposes herein set out, but without authority to bind the  
15 state to any expenditure or policy except such as may be  
16 specifically authorized by law. All such moneys or properties  
17 so received by gift or bequest as herein authorized may be  
18 disbursed and expended by the division upon its own warrant  
19 for any of the purposes herein set forth, and such moneys or  
20 properties shall not constitute or be considered a part of any  
21 legislative appropriation made by the state for the purpose of  
22 carrying out the provisions of this law.

23            (l)~~(k)~~ Prepare and make available to individuals who  
24 are ~~the~~ blind, in braille and on electronic recording  
25 equipment, Florida Statutes chapters 20, 120, 121, and 413, in  
26 their entirety.

27            (m)~~(l)~~ Adopt by rule procedures necessary to comply  
28 with any plans prepared by the council for providing  
29 vocational rehabilitation services for individuals who are ~~the~~  
30 blind.

31

1           (n)~~(m)~~ Adopt by rule forms and instructions to be used  
2 by the division in its general administration.

3           (o) Recommend to the Legislature a method to privatize  
4 the Business Enterprise Program established under s. 413.051  
5 by creating a not-for-profit entity. The entity shall conform  
6 to requirements of the federal Randolph Sheppard Act and shall  
7 be composed of blind licensees with expertise in operating  
8 business enterprises. The division shall submit its  
9 recommendations to the Governor, the President of the Senate,  
10 and the Speaker of the House of Representatives, as well as to  
11 the appropriate substantive committees of the Legislature, by  
12 January 1, 2001.

13           (2) As used in this section:

14           (a) "Act," unless the context indicates otherwise,  
15 means the Rehabilitation Act of 1973, 29 U.S.C. ss. 701-797,  
16 as amended.

17           (b) "Blind" or "blindness" means the condition of any  
18 person for whom blindness is a disability as defined by the  
19 Rehabilitation Act of 1973, 29 U.S.C. s. 706(8)(b).

20           (c) "Community-based rehabilitation provider" means a  
21 provider of services to individuals in a community setting  
22 which has as its primary function services directed toward  
23 individuals who are blind.

24           (d) "Council" means the Florida Rehabilitation Council  
25 for Blind Services.

26           (e)~~(c)~~ "Department" means the Department of Management  
27 Services Labor and Employment Security.

28           (f) "Plan" means the 5-year strategic plan developed  
29 by the council under paragraph (3)(a).

30  
31

1           (g) "State plan" means the state plan for vocational  
2 rehabilitation required by the federal Rehabilitation Act of  
3 1973, as amended.

4           (3) There is ~~hereby~~ created in the department the  
5 Florida Rehabilitation Advisory Council for the Blind  
6 Services. The council shall be established in accordance with  
7 the act and must include at least four representatives of  
8 private-sector businesses that are not providers of vocational  
9 rehabilitation services. Members of the council shall serve  
10 without compensation, but may be reimbursed for per diem and  
11 travel expenses pursuant to s. 112.061.~~to assist the division~~  
12 ~~in the planning and development of statewide rehabilitation~~  
13 ~~programs and services, to recommend improvements to such~~  
14 ~~programs and services, and to perform the functions provided~~  
15 ~~in this section.~~

16           ~~(a) The advisory council shall be composed of:~~

17           ~~1. At least one representative of the Independent~~  
18 ~~Living Council, which representative may be the chair or other~~  
19 ~~designee of the council;~~

20           ~~2. At least one representative of a parent training~~  
21 ~~and information center established pursuant to s. 631(c)(9) of~~  
22 ~~the Individuals with Disabilities Act, 20 U.S.C. s.~~  
23 ~~1431(c)(9);~~

24           ~~3. At least one representative of the client~~  
25 ~~assistance program established under the act;~~

26           ~~4. At least one vocational rehabilitation counselor~~  
27 ~~who has knowledge of and experience in vocational~~  
28 ~~rehabilitation services for the blind, who shall serve as an~~  
29 ~~ex officio nonvoting member of the council if the counselor is~~  
30 ~~an employee of the department;~~

31

1 ~~5. At least one representative of community~~  
2 ~~rehabilitation program service providers;~~

3 ~~6. Four representatives of business, industry, and~~  
4 ~~labor;~~

5 ~~7. At least one representative of a disability~~  
6 ~~advocacy group representing individuals who are blind;~~

7 ~~8. At least one parent, family member, guardian,~~  
8 ~~advocate, or authorized representative of an individual who is~~  
9 ~~blind, has multiple disabilities, and either has difficulties~~  
10 ~~representing himself or herself or is unable, due to~~  
11 ~~disabilities, to represent himself or herself;~~

12 ~~9. Current or former applicants for, or recipients of,~~  
13 ~~vocational rehabilitation services; and~~

14 ~~10. The director of the division, who shall be an ex~~  
15 ~~officio member of the council.~~

16 ~~(b) Members of the council shall be appointed by the~~  
17 ~~Governor, who shall select members after soliciting~~  
18 ~~recommendations from representatives of organizations~~  
19 ~~representing a broad range of individuals who have~~  
20 ~~disabilities, and organizations interested in those~~  
21 ~~individuals.~~

22 ~~(c) A majority of council members shall be persons who~~  
23 ~~are:~~

24 ~~1. Blind; and~~

25 ~~2. >Not employed by the division.~~

26 ~~(d) The council shall select a chair from among its~~  
27 ~~membership.~~

28 ~~(e) Each member of the council shall serve for a term~~  
29 ~~of not more than 3 years, except that:~~

30 ~~1. A member appointed to fill a vacancy occurring~~  
31 ~~prior to the expiration of the term for which a predecessor~~

1 ~~was appointed shall be appointed for the remainder of such~~  
2 ~~term; and~~

3 ~~2. The terms of service of the members initially~~  
4 ~~appointed shall be, as specified by the Governor, for such~~  
5 ~~fewer number of years as will provide for the expiration of~~  
6 ~~terms on a staggered basis.~~

7 ~~(f) No member of the council may serve more than two~~  
8 ~~consecutive full terms.~~

9 ~~(g) Any vacancy occurring in the membership of the~~  
10 ~~council shall be filled in the same manner as the original~~  
11 ~~appointment. A vacancy does not affect the power of the~~  
12 ~~remaining members to execute the duties of the council.~~

13 ~~(a)(h)~~ In addition to the other functions specified in  
14 the act ~~this section~~, the council shall:

15 1. Review, analyze, and direct ~~advise~~ the division  
16 regarding the performance of the responsibilities of the  
17 division under Title I of the act, particularly  
18 responsibilities relating to:

19 a. Eligibility, including order of selection;

20 b. The extent, scope, and effectiveness of services  
21 provided; and

22 c. Functions performed by state agencies that affect  
23 or potentially affect the ability of individuals who are blind  
24 to achieve rehabilitation goals and objectives under Title I.

25 2. Advise the department and the division, and provide  
26 direction for, ~~at the discretion of the department or~~  
27 ~~division, assist in~~ the preparation of applications, the state  
28 plan as required by federal law, the strategic plan, and  
29 amendments to the plans, reports, needs assessments, and  
30 evaluations required by Title I.

31

1           3. Prepare by March 1, 2001, and begin implementing,  
2 by July 1, 2001, subject to approval by the Federal  
3 Government, a 5-year strategic plan to provide services to  
4 individuals who are blind. The council must consult with  
5 stakeholders and conduct public hearings as part of the  
6 development of the plan. The plan must be submitted to the  
7 Governor, the President of the Senate, and the Speaker of the  
8 House of Representatives. The council annually shall make  
9 amendments to the plan, which also must be submitted to the  
10 Governor, the President of the Senate, and the Speaker of the  
11 House of Representatives. The plan must provide for the  
12 maximum use of community-based rehabilitation providers for  
13 the delivery of services and a corresponding reduction in the  
14 number of state employees in the division to the minimum  
15 number necessary to carry out the functions required under  
16 this section. The plan also must provide for 90 percent of the  
17 funds provided for services to individuals who are blind to be  
18 used for direct customer services.

19           ~~4.3.~~ To the extent feasible, conduct a review and  
20 analysis of the effectiveness of, and consumer satisfaction  
21 with:

22           a. The functions performed by state agencies and other  
23 public and private entities responsible for performing  
24 functions for individuals who are blind.

25           b. Vocational rehabilitation services:

26           (I) Provided or paid for from funds made available  
27 under the act or through other public or private sources.

28           (II) Provided by state agencies and other public and  
29 private entities responsible for providing vocational  
30 rehabilitation services to individuals who are blind.

31

1           ~~5.4.~~ Prepare and submit an annual report on the status  
2 of vocational rehabilitation services for individuals who are  
3 ~~the~~ blind in the state to the Governor and the Commissioner of  
4 the Rehabilitative Services Administration, established under  
5 s. 702 of the act, and make the report available to the  
6 public.

7           ~~6.5.~~ Coordinate with other councils within the state,  
8 including the Independent Living Council, the advisory panel  
9 established under s. 613(a)(12) of the Individuals with  
10 Disabilities Education Act, 20 U.S.C. 1413(a)(12), the State  
11 Planning Council described in s. 124 of the Developmental  
12 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. s.  
13 6024, and the state mental health planning council established  
14 under s. 1916(e) of the Public Health Service Act, 42 U.S.C.  
15 300X-4(e), the Occupational Access and Opportunity Commission,  
16 and the state Workforce Development Board under the federal  
17 Workforce Investment Act.

18           ~~7.6.~~ Advise the department and division and provide  
19 for coordination and the establishment of working  
20 relationships among the department, the division, the  
21 Independent Living Council, and centers for independent living  
22 in the state.

23           ~~8.7.~~ Perform such other functions consistent with the  
24 purposes of the act as the council determines to be  
25 appropriate that are comparable to functions performed by the  
26 council.

27           ~~(b)(i)~~1. The council shall prepare, in conjunction  
28 with the division, a plan for the provision of such resources,  
29 including such staff and other personnel, as may be necessary  
30 to carry out the functions of the council. The resource plan  
31 shall, to the maximum extent possible, rely on the use of

1 resources in existence during the period of implementation of  
2 the plan.

3 ~~2. If there is a disagreement between the council and~~  
4 ~~the division in regard to the resources necessary to carry out~~  
5 ~~the functions of the council as set forth in this section, the~~  
6 ~~disagreement shall be resolved by the Governor.~~

7 2.3. The council shall, consistent with law, supervise  
8 and evaluate such staff and other personnel as may be  
9 necessary to carry out its functions.

10 3.4. While assisting the council in carrying out its  
11 duties, staff and other personnel shall not be assigned duties  
12 by the division or any other state agency or office that would  
13 create a conflict of interest.

14 ~~(c)(j)~~ No council member shall cast a vote on any  
15 matter that would provide direct financial benefit to the  
16 member or otherwise give the appearance of a conflict of  
17 interest under state law.

18 ~~(d)(k)~~ The council shall convene at least four  
19 meetings each year. These meetings shall occur in such places  
20 as the council deems necessary to conduct council business.  
21 The council may conduct such forums or hearings as the council  
22 considers appropriate. The meetings, hearings, and forums  
23 shall be publicly announced. The meetings shall be open and  
24 accessible to the public. To the maximum extent possible, the  
25 meetings shall be held in locations that are accessible to  
26 individuals with disabilities. The council shall make a report  
27 of each meeting which shall include a record of its  
28 discussions and recommendations, all of which reports shall be  
29 made available to the public.

30 Section 100. Effective October 1, 2000, section  
31 413.014, Florida Statutes, is amended to read:



1           413.014 Community-based rehabilitation providers  
2 ~~programs~~.--The 5-year plan prepared under s. 413.011(3)(a)3.  
3 shall require the Division of Blind Services to ~~shall~~ enter  
4 into cooperative agreements with community-based  
5 rehabilitation providers ~~programs~~ to be the service providers  
6 for the blind citizens of their communities. State employees,  
7 however, shall provide all services that may not be delegated  
8 under federal law.The division shall, as rapidly as feasible,  
9 increase the amount of such services provided by  
10 community-based rehabilitation providers ~~programs~~. The goal  
11 shall be to decrease the amount of such services provided by  
12 division employees and to increase to the maximum extent  
13 allowed by federal law the amount of such services provided  
14 through cooperative agreements with community-based service  
15 providers. The division shall seek, to the maximum extent  
16 allowed by federal and state law and regulation, all available  
17 federal funds for such purposes. Funds and in-kind matching  
18 contributions from community and private sources shall be used  
19 to maximize federal funds. Unless prohibited by federal law or  
20 regulation, the share of the federal vocational rehabilitation  
21 grant apportioned for services to the blind shall be not less  
22 than 17 percent. By December 31 of each year, the division  
23 shall submit to the Governor, the President of the Senate, and  
24 the Speaker of the House of Representatives a status report on  
25 its progress on increasing the amount of services provided by  
26 community-based rehabilitation providers as required by this  
27 section. The report shall include recommendations on  
28 reductions in the number of division employees based upon  
29 increased use of community-based rehabilitation providers.

30           Section 101. Effective October 1, 2000, subsection (1)  
31 of section 413.034, Florida Statutes, is amended to read:

1           413.034 Commission established; membership.--  
2           (1) There is created within the Department of  
3 Management Services the Commission for Purchase from the Blind  
4 or Other Severely Handicapped, to be composed of the secretary  
5 of the Department of Management Services; the director of the  
6 Division of Occupational Access and Opportunity ~~Vocational~~  
7 ~~Rehabilitation~~ of the Department of Education ~~Labor and~~  
8 ~~Employment Security~~, who shall be an ex officio member with  
9 voting rights; the director of the Division of Blind Services  
10 of the Department of Management Services ~~Labor and Employment~~  
11 ~~Security~~; and four members to be appointed by the Governor,  
12 which four members shall be an executive director of a  
13 nonprofit agency for the blind, an executive director of a  
14 nonprofit agency for other severely handicapped persons, a  
15 representative of private enterprise, and a representative of  
16 other political subdivisions. All appointed members shall  
17 serve for terms of 4 years. Appointed commission members  
18 shall serve subject to confirmation by the Senate.

19           Section 102. Effective October 1, 2000, paragraph (a)  
20 of subsection (2) and subsection (3) of section 413.051,  
21 Florida Statutes, are amended to read:

22           413.051 Eligible blind persons; operation of vending  
23 stands.--

24           (2) As used in this section:

25           (a) "Blind licensee" means any person who is blind and  
26 who is ~~person~~ trained and licensed by the Division of Blind  
27 Services of the Department of Management Services ~~Labor and~~  
28 ~~Employment Security~~ to operate a vending stand.

29           (3) Blind licensees shall be given the first  
30 opportunity to participate in the operation of vending stands  
31 on all state properties acquired after July 1, 1979, when such

1 facilities are operated under the supervision of the Division  
2 of Blind Services of the Department of Management Services  
3 ~~Labor and Employment Security~~.

4 Section 103. Effective October 1, 2000, section  
5 413.064, Florida Statutes, is amended to read:

6 413.064 Rules.--The Department of Management Services  
7 ~~Labor and Employment Security~~ shall adopt all necessary rules  
8 pertaining to the conduct of a solicitation for the benefit of  
9 individuals who are blind persons, including criteria for  
10 approval of an application for a permit for such solicitation.

11 Section 104. Effective October 1, 2000, section  
12 413.066, Florida Statutes, is amended to read:

13 413.066 Revocation of permit.--Any failure on the part  
14 of a person or organization holding a permit under the  
15 provisions of ss. 413.061-413.068 to comply with the law or  
16 with all rules promulgated by the Department of Management  
17 Services ~~Labor and Employment Security~~ as authorized by s.  
18 413.064 constitutes a ground for revocation of the permit by  
19 the Division of Blind Services.

20 Section 105. Effective October 1, 2000, section  
21 413.067, Florida Statutes, is amended to read:

22 413.067 Penalty.--Any person who violates the  
23 provisions of ss. 413.061-413.068 or any rule promulgated by  
24 the Department of Management Services ~~Labor and Employment~~  
25 ~~Security~~ pursuant thereto commits a misdemeanor of the second  
26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 Section 106. Effective October 1, 2000, subsection (1)  
28 of section 413.395, Florida Statutes, is amended to read:

29 413.395 Florida Independent Living Council.--

30 (1) There is created the Florida Independent Living  
31 Council to assist the division and the Division of Blind

1 Services of the Department of Management Services ~~Labor and~~  
2 ~~Employment Security~~, as well as other state agencies and local  
3 planning and administrative entities assisted under Title VII  
4 of the act, in the expansion and development of statewide  
5 independent living policies, programs, and concepts and to  
6 recommend improvements for such programs and services. The  
7 council shall function independently of the division and,  
8 unless the council elects to incorporate as a not-for-profit  
9 corporation, is assigned to the division for administrative  
10 purposes only. The council may elect to be incorporated as a  
11 Florida corporation not for profit and, upon such election,  
12 shall be assisted in the incorporation by the division for the  
13 purposes stated in this section. The appointed members of the  
14 council may constitute the board of directors for the  
15 corporation.

16 Section 107. It is the intent of the Legislature that  
17 the provisions of this act relating to services for  
18 individuals who are blind not conflict with any federal  
19 statute or implementing regulation governing federal  
20 grant-in-aid programs administered by the Division of Blind  
21 Services or the Florida Rehabilitation Council for Blind  
22 Services. Whenever such a conflict is asserted by the U.S.  
23 Department of Education or other applicable agency of the  
24 Federal Government, the council shall submit to the U.S.  
25 Department of Education or other applicable federal agency a  
26 request for a favorable policy interpretation of the  
27 conflicting portions of such statute or regulation. If the  
28 request is approved, as certified in writing by the Secretary  
29 of the U.S. Department of Education or the head of the other  
30 applicable federal agency, the council or the division is  
31 authorized to adjust the plan as necessary to achieve

1 conformity with federal statutes or regulations. Before  
2 adjusting the plan, the council or the division shall provide  
3 to the President of the Senate and the Speaker of the House of  
4 Representatives an explanation and justification of the  
5 position of the council or division and shall outline all  
6 feasible alternatives that are consistent with this act. These  
7 alternatives may include the state supervision of local  
8 service agencies by the council or the division if the  
9 agencies are designated by the Governor.

10 Section 108. Effective upon this act becoming a law,  
11 section 413.82, Florida Statutes, is amended to read:

12 413.82 Definitions.--As used in ss. 413.81-413.93, the  
13 term:

14 (1) "Commission" means the Commission on Occupational  
15 Access and Opportunity.

16 (2) "Community rehabilitation provider" means a  
17 provider of services to people in a community setting which  
18 has as its primary function services directed toward  
19 employment outcomes for people with disabilities.

20 ~~(3)(2)~~ "Corporation" means the Occupational Access and  
21 Opportunity Corporation.

22 ~~(4)(3)~~ "Division" means the Division of Occupational  
23 Access and Opportunity ~~Vocational Rehabilitation.~~

24 (5) "Plan" means the plan required by ss.  
25 413.81-413.93. ~~(4) "Office" means the Executive Office of the~~  
26 ~~Governor.~~

27 ~~(6)(5)~~ "State plan" means the state plan for  
28 vocational rehabilitation required by Title I of the federal  
29 Rehabilitation Act of 1973, as amended, ~~and ss. 413.81-413.93.~~  
30  
31

1           ~~(7)~~<sup>(6)</sup> "Region" means a service area for a regional  
2 workforce development board established by the Workforce  
3 Development Board.

4           Section 109. Effective upon this act becoming a law,  
5 subsections (2), (3), (6), (7), (8), and (10) of section  
6 413.83, Florida Statutes, are amended to read:

7           413.83 Occupational Access and Opportunity Commission;  
8 creation; purpose; membership.--

9           (2) The commission shall consist of 16 voting members,  
10 including 15 members appointed, as provided in this section  
11 herein, by the Governor, the President of the Senate, and the  
12 Speaker of the House of Representatives, and four ex-officio,  
13 nonvoting members. ~~The commission must contain a minimum of 50~~  
14 ~~percent representation from the private sector.~~Appointment of  
15 members is subject to confirmation by the Senate. The  
16 membership of the commission may not include more than two  
17 individuals who are, or are employed by, community  
18 rehabilitation providers who contract to provide vocational  
19 rehabilitation services to individuals who qualify for the  
20 program.The members of the commission shall include:

21           (a) The Commissioner of Education, or his or her  
22 designee, who shall serve as chair until October 1, 2000;  
23 after October 1, 2000, the commission shall elect a chair from  
24 its membership;

25           (b) Eight employers from the private sector, three of  
26 whom shall be appointed by the Governor for a term of 4 years,  
27 three of whom shall be appointed by the President of the  
28 Senate for a term of 4 years, and two of whom shall be  
29 appointed by the Speaker of the House of Representatives for a  
30 term of 4 years;

31

1           (c) An individual who is a consumer of vocational  
2 rehabilitation services, who shall be appointed by the  
3 Governor for a term of 4 years;

4           (d) A community rehabilitation provider who contracts  
5 to provide vocational rehabilitation services to individuals  
6 who qualify for the program and who shall be appointed by the  
7 Governor for a term of 4 years;

8           (e) Five representatives of business, workforce  
9 development, education, state government, local government, a  
10 consumer advocate group, or a community organization, three of  
11 whom shall be appointed by the Governor for a term of 4 years,  
12 one of whom shall be appointed by the President of the Senate  
13 for a term of 4 years, and one of whom shall be appointed by  
14 the Speaker of the House of Representatives for a term of 4  
15 years; and

16           (f) As exofficio, nonvoting members:

17           1. The executive director or his or her designee from  
18 the Advocacy Center for Persons with Disabilities;

19           2. The chair of the Florida Rehabilitation Council;

20           3. The chair of the Council for Independent Living;

21 and

22           4. The chair of the Commission for the Purchase from  
23 the Blind or Other Severely Handicapped.

24           ~~(b) The chair of the Florida Rehabilitation Council;~~

25           ~~(c) The chair of the Council for Independent Living;~~

26           ~~(d) The chair of the Commission for the Purchase from~~  
27 ~~the Blind or Other Severely Handicapped;~~

28           ~~(e) A community rehabilitation provider who contracts~~  
29 ~~to provide vocational rehabilitation services to individuals~~  
30 ~~who qualify for the program, who shall be appointed by the~~  
31 ~~Governor for a term of 4 years;~~

1           ~~(f) A representative from the Advocacy Center for~~  
2 ~~Persons With Disabilities, who shall be appointed by the~~  
3 ~~President of the Senate for a term of 4 years;~~

4           ~~(g) A consumer of vocational rehabilitation services,~~  
5 ~~who shall be appointed by the Speaker of the House of~~  
6 ~~Representatives for a term of 4 years; and~~

7           ~~(h) Other individuals with disabilities and~~  
8 ~~representatives of business, workforce development, education,~~  
9 ~~state government, local government, consumer advocate groups,~~  
10 ~~employers of individuals with disabilities, or community~~  
11 ~~organizations.~~

12           (3) By September 1, 2000, after receiving  
13 recommendations from the commission, the Governor, the  
14 President of the Senate, and the Speaker of the House of  
15 Representatives shall consult together and take actions  
16 necessary to bring the membership of the commission into  
17 compliance with the requirements of this section. In taking  
18 such action, initial terms shall be staggered as necessary to  
19 ensure that the terms of no more than one-fourth of the  
20 commission's total appointed membership shall expire in any  
21 1-year period.~~Initially, the Governor, the President of the~~  
22 ~~Senate, and the Speaker of the House of Representatives shall~~  
23 ~~each appoint as members meeting the qualifications contained~~  
24 ~~in paragraph (2)(h), one member for a term of 3 years, one~~  
25 ~~member for a term of 2 years, and one member for a term of 1~~  
26 ~~year.~~Thereafter, after receiving recommendations from the  
27 commission, the Governor, the President of the Senate, and the  
28 Speaker of the House of Representatives shall appoint all  
29 members for terms of 4 years. Any vacancy shall be filled by  
30 appointment by the original appointing authority for the  
31



1 unexpired portion of the term by a person who possesses the  
2 proper qualifications for the vacancy.

3 ~~(6) The Governor shall name the chair of the~~  
4 ~~commission from its appointed members.~~The commission shall  
5 biennially elect one of its members as vice chair, who shall  
6 preside in the absence of the chair. Neither the chair, nor  
7 the vice chair, may be a provider of client services funded  
8 through the commission.

9 (7) The Rehabilitation Council created by s. 413.405  
10 ~~shall serve the commission and shall continue to perform its~~  
11 ~~designated duties, with the commission as the designated state~~  
12 ~~vocational rehabilitation agency. The commission shall~~  
13 ~~consider the recommendations made by the council.~~

14 (8) The commission may appoint advisory committees  
15 that the commission considers appropriate, which may include  
16 members from outside the commission to study special problems  
17 or issues and advise the commission on those subjects. The  
18 commission shall establish an advisory council composed of  
19 representatives from not-for-profit organizations that have  
20 submitted a resolution requesting membership and have had the  
21 request approved by the commission.~~Any existing advisory~~  
22 ~~board, commission, or council may seek to become an official~~  
23 ~~advisory committee to the commission by submitting to the~~  
24 ~~commission a resolution requesting affiliation and having the~~  
25 ~~request approved by the commission.~~The commission shall  
26 establish the operating procedures of the committees.

27 (10) The members of the commission may rely on and are  
28 subject to ~~are entitled to be reimbursed for reasonable and~~  
29 ~~necessary expenses of attending meetings and performing~~  
30 ~~commission duties, including per diem and travel expenses, and~~  
31

1 ~~for personal care attendants and interpreters needed by~~  
2 ~~members during meetings, as provided in s. 413.273.~~

3 Section 110. Effective upon this act becoming a law,  
4 section 413.84, Florida Statutes, is amended to read:

5 413.84 Powers and duties.--The commission:

6 (1) Effective July 1, 2000, shall serve as the  
7 director of the Division of Occupational Access and  
8 Opportunity of the Department of Education.

9 (2) Is responsible for establishing policy, planning,  
10 and quality assurance for the programs assigned and funded to  
11 the division, including, but not limited to, vocational  
12 rehabilitation and independent living services to persons with  
13 disabilities which services are funded under the federal  
14 Rehabilitation Act of 1973, as amended, in a coordinated,  
15 efficient, and effective manner. The Occupational Access and  
16 Opportunity Commission has authority to adopt rules pursuant  
17 to ss. 120.536(1) and 120.54 to implement provisions of law  
18 conferring duties upon it. Such rules and policies shall be  
19 submitted to the State Board of Education for approval. If any  
20 rule is not disapproved by the State Board of Education within  
21 45 days after its receipt by the State Board of Education, the  
22 rule shall be filed immediately with the Department of State.  
23 Effective October 1, 2000, rules adopted by the commission do  
24 not require approval by the State Board of Education.

25 (3) Shall, in consultation with the Commissioner of  
26 Education, hire a division director to be responsible to the  
27 commission for operation and maintenance of the programs  
28 assigned and funded to the division.

29 (4)(1) Shall, no later than ~~January~~ July 1, ~~2001~~ 2000,  
30 after consulting with stakeholders and holding public  
31 hearings, develop and implement a 5-year plan to promote

1 occupational access and opportunities for Floridians with  
2 disabilities, ~~and to fulfill the federal plan requirements.~~  
3 The plan must be submitted to the Governor, the President of  
4 the Senate, and the Speaker of the House of Representatives.  
5 The commission may make amendments annually to the plan, which  
6 must be submitted to the Governor, the President of the  
7 Senate, and the Speaker of the House of Representatives by the  
8 first of January.

9 (a) The plan must explore the use of Individual  
10 Training Accounts, as described in the federal Workforce Act  
11 of 1998, Pub. L. No. 105-220, for eligible clients. If  
12 developed, these accounts must be distributed under a written  
13 memorandum of understanding with One-Stop Career Center  
14 operators.

15 (b) The plan must include an emergency response  
16 component to address economic downturns.

17 (c) The plan must designate an administrative entity  
18 that will support the commission's work; provide technical  
19 assistance, training, and capacity-building assistance; help  
20 raise additional federal, state, and local funds; and promote  
21 innovative contracts that upgrade or enhance direct services  
22 to Floridians with disabilities.

23 (d) The plan must require that the commission enter  
24 into cooperative agreements with community-based  
25 rehabilitation programs by workforce region to be the service  
26 providers for the program; however, state ~~career service~~  
27 employees shall provide all services that may not be delegated  
28 under ~~mandated by~~ federal law. The commission shall, as  
29 rapidly as is feasible, increase the amount of such services  
30 provided by community-based rehabilitation programs. The plan  
31 must incorporate, to the maximum extent allowed by federal and

1 state law and regulation, all available funds for such  
2 purposes. Funds and in-kind contributions from community and  
3 private sources shall be used to enhance federal and state  
4 resources.

5 (e) The plan must include recommendations regarding  
6 specific performance standards and measurable outcomes, and  
7 must outline procedures for monitoring operations of the  
8 commission, the corporation, the division, ~~commission's~~ and  
9 all providers of services under contract to the commission's  
10 designated administrative entity's operations to ensure that  
11 performance data is maintained and supported by records of  
12 such entities. The commission shall consult with the Office of  
13 Program Policy Analysis and Government Accountability in the  
14 establishment of performance standards, measurable outcomes,  
15 and monitoring procedures.

16 (5)~~(2)~~ Notwithstanding the provisions of part I of  
17 chapter 287, shall contract, no later than July 1, 2000, with  
18 the corporation ~~administrative entity designated in the plan~~  
19 to execute the services, functions, and programs prescribed in  
20 the plan. The commission shall serve as contract  
21 administrator. ~~If approved by the federal Department of~~  
22 ~~Education, the administrative entity may be a direct-support~~  
23 ~~organization.~~ The commission shall define the terms of the  
24 contract.

25 (6)~~(3)~~ Shall work with the employer community to  
26 better define, address, and meet its business needs with  
27 qualified Floridians with disabilities.

28 (7)~~(4)~~ Is responsible for the prudent use of all  
29 public and private funds provided for the commission's use,  
30 ensuring that the use of all funds is in accordance with all  
31 applicable laws, bylaws, and contractual requirements.

1           ~~(8)(5)~~ Shall develop an operational structure to carry  
2 out the plan developed by the commission.

3           ~~(9)(6)~~ May appear on its own behalf before the  
4 Legislature, boards, commissions, departments, or other  
5 agencies of municipal, county, state, or Federal Government.

6           ~~(10)(7)~~ In the performance of its duties, may  
7 undertake or commission research and studies.

8           ~~(11)(8)~~ Shall develop a budget, which is in keeping  
9 with the plan, for the operation and activities of the  
10 commission and functions of its designated administrative  
11 entity. The budget shall be submitted to the Governor for  
12 inclusion in the Governor's budget recommendations.

13           ~~(12)(9)~~ May assign staff from the ~~office or~~ division  
14 to assist in implementing the provisions of this act relating  
15 to the Occupational Access and Opportunity Commission.

16           Section 111. Effective upon this act becoming a law,  
17 subsections (1), (3), and (4) of section 413.85, Florida  
18 Statutes, are amended to read:

19           413.85 Occupational Access and Opportunity  
20 Corporation; use of property; board of directors; duties;  
21 audit.--

22           (1) ESTABLISHMENT.--If the commission elects to  
23 contract with the corporation to provide services ~~designate a~~  
24 ~~direct-support organization as its administrative entity~~, such  
25 organization shall be designated the Occupational Access and  
26 Opportunity Corporation:

27           (a) Which is a corporation not for profit, as defined  
28 in s. 501(c)~~s. 501(c)(6)~~ of the Internal Revenue Code of  
29 1986, as amended, and is incorporated under the provisions of  
30 chapter 617 and approved by the Department of State.

31

1           (b) Which is organized and operated exclusively to  
2 carry out such activities and tasks as the commission assigns  
3 through contract request, receive, hold, invest, and  
4 ~~administer property and to manage and make expenditures for~~  
5 ~~the operation of the activities, services, functions, and~~  
6 ~~programs of the provisions of this act relating to the~~  
7 ~~Occupational Access and Opportunity Commission.~~

8           (c) Which the commission, after review, has certified  
9 to be operating in a manner consistent with the policies and  
10 goals of the commission and the plan.

11           (d) Which shall not be considered an agency for the  
12 purposes of chapters 120, and 216, and 287; ss. 255.25 and  
13 255.254, relating to leasing of buildings; ss. 283.33 and  
14 283.35, relating to bids for printing; s. 215.31; and parts IV  
15 through VIII of chapter 112.

16           (e) Which shall be subject to the provisions of  
17 chapter 119, relating to public records; ~~and~~ and the provisions  
18 of chapter 286, relating to public meetings; and the  
19 provisions of s. 768.28 as a corporation primarily acting as  
20 an instrumentality of this state.

21           (3) BOARD OF DIRECTORS.--The board of directors of the  
22 corporation shall be composed of no fewer than 7 and no more  
23 than 15 members appointed by the commission, and a majority of  
24 its members must be members of the commission ~~15 members,~~  
25 ~~appointed by the commission from its own membership.~~ The vice  
26 chair of the commission shall serve as chair of the  
27 corporation's board of directors.

28           (4) POWERS AND DUTIES.--The corporation, in the  
29 performance of its duties:

30           (a) May make and enter into contracts and assume such  
31 other functions as are necessary to carry out the provisions

1 of the plan and the corporation's contract with the commission  
2 which are not inconsistent with this or any other provision of  
3 law.

4 (b) May develop a program to leverage the existing  
5 federal and state funding and to provide upgraded or expanded  
6 services to Floridians with disabilities if directed by the  
7 commission.

8 (c) May commission and adopt, in cooperation with the  
9 commission, an official business name and logo to be used in  
10 all promotional materials directly produced by the  
11 corporation.

12 (d) The corporation shall establish cooperative and  
13 collaborative memoranda of understanding with One-Stop Career  
14 Center operators to increase, upgrade, or expand services to  
15 Floridians with disabilities who are seeking employment and  
16 self-sufficiency.

17 (e) May hire any individual who, as of June 30, 2000,  
18 is employed by the Division of Vocational Rehabilitation. Such  
19 hiring may be done through a lease agreement established by  
20 the Department of Management Services for the corporation.  
21 Under such agreement, the employee shall retain his or her  
22 status as a state employee, but shall work under the direct  
23 supervision of the corporation. Retention of state employee  
24 status shall include the right to participate in the Florida  
25 Retirement System. The Department of Management Services shall  
26 establish the terms and conditions of such lease agreements.

27 Section 112. Effective upon this act becoming a law,  
28 section 413.86, Florida Statutes, is amended to read:

29 413.86 Public-private partnerships.--The Division of  
30 Occupational Access and Opportunity ~~Vocational Rehabilitation~~  
31 will enter into local public-private partnerships to the

1 extent that it is beneficial to increasing employment outcomes  
2 for persons with disabilities and ensuring their full  
3 involvement in the comprehensive workforce investment system.

4 Section 113. Effective upon this act becoming law,  
5 section 413.865, Florida Statutes, is created to read:

6 413.865 Coordination with workforce system.--

7 (1) The Occupational Access and Opportunity  
8 Commission, the Division of Occupational Access and  
9 Opportunity, the corporation, and community-based service  
10 providers shall coordinate and integrate their planning,  
11 programs, and services with the planning, programs, and  
12 services of Workforce Florida, Inc., the Agency for Workforce  
13 Innovation, regional workforce boards, and one-stop center  
14 operators to ensure that persons with disabilities can easily  
15 receive all intended and available federal, state, and local  
16 program services.

17 (2) These public and private partners shall work  
18 together to ensure and provide continuity of service to  
19 persons with disabilities throughout the state, as well as to  
20 provide consistent and upgraded services to persons with  
21 disabilities throughout the state.

22 (3) These public and private partners shall work  
23 together to ensure that Florida's design and implementation of  
24 the federal Workforce Investment Act:

25 (a) Integrates these partners in the One-Stop Delivery  
26 System through memorandums of understanding;

27 (b) Includes qualified and eligible providers of  
28 services to persons with disabilities in consumer reports to  
29 promote choice;  
30  
31



1           (c) Develops, using the Untried Worker Placement and  
2 Employment Incentive Act, a tailored Individual Training  
3 Account design for persons with disabilities; and

4           (d) Provides electronic access for persons with  
5 disabilities to workforce development services.

6           (4) These partners, with resources under their control  
7 or by budget amendment, shall establish the collaboration  
8 prescribed by this section. The Commission and Workforce  
9 Florida, Inc., may adopt a joint agreement that commits,  
10 contracts, redirects, and obligates resources under their  
11 control to support the strategy detailed in this section.

12           (5) The commission, in cooperation with its public and  
13 private partners, shall be responsible for developing and  
14 implementing comprehensive performance measurement  
15 methodologies to monitor and evaluate the progress of the  
16 commission and its public and private partners in meeting the  
17 statutory responsibilities for providing services to  
18 individuals with disabilities. These methodologies shall  
19 include, but are not limited to, measures to evaluate the  
20 performance of community rehabilitation providers who contract  
21 with the commission. The commission shall emphasize  
22 integration with performance measurement methodologies of the  
23 state's workforce development system.

24           Section 114. Effective upon this act becoming a law,  
25 subsection (2) of section 413.87, Florida Statutes, is amended  
26 to read:

27           413.87 Annual audit.--

28           (2) The corporation shall provide to the commission a  
29 quarterly report that:

30  
31

1 (a) Updates its progress and impact in creating  
2 employment and increasing the personal income of individuals  
3 with disabilities;

4 (b) Provides detailed, unaudited financial statements  
5 of sources and uses of public and private funds;

6 (c) Measures progress towards annual goals and  
7 objectives set forth in the contract ~~commission's plan~~;

8 (d) Reviews all pertinent research findings and  
9 training efforts; and

10 (e) Provides other measures of accountability as  
11 requested by the commission.

12 Section 115. Effective upon this act becoming a law,  
13 section 413.88, Florida Statutes, is amended to read:

14 413.88 Annual report of the Occupational Access and  
15 Opportunity Commission; audits.--

16 (1) Before January 1 of each year, the commission  
17 shall submit to the Governor, the President of the Senate, and  
18 the Speaker of the House of Representatives a complete and  
19 detailed report setting forth for itself and its designated  
20 administrative entity:

21 (a) Its operations and accomplishments during the  
22 fiscal year.

23 (b) Its business and operational plan.

24 (c) The assets and liabilities of the corporation  
25 ~~designated administrative entity~~ at the end of its most recent  
26 fiscal year.

27 (d) A copy of the annual financial and compliance  
28 audit.

29 (2) The Auditor General may, pursuant to his or her  
30 own authority or at the direction of the Legislative Auditing  
31

1 Committee, conduct an audit of the commission or the  
2 corporation ~~its designated administrative entity~~.

3 Section 116. Effective upon this act becoming a law,  
4 section 413.89, Florida Statutes, is amended to read:

5 413.89 State vocational rehabilitation plan;  
6 preparation and submittal; administration.--Effective July 1,  
7 2000, the Department of Education is the designated state  
8 agency and the Division of Occupational Access and Opportunity  
9 is the designated state unit for purposes of compliance with  
10 the federal Rehabilitation Act of 1973, as amended. Effective  
11 October 1, 2000,~~Upon appointment,~~ the Occupational Access and  
12 Opportunity Commission is the designated state agency for  
13 purposes of compliance with the Rehabilitation Act of 1973, as  
14 amended, and authorized to prepare and submit the federally  
15 required state vocational rehabilitation plan and to serve as  
16 the governing authority of programs administered by the  
17 commission, including, but not limited to: administering the  
18 state's plan under the Rehabilitation Act of 1973, as amended;  
19 receiving federal funds as the state vocational rehabilitation  
20 agency; directing the expenditure of legislative  
21 appropriations for rehabilitative services through its  
22 designated administrative entity or other agents; and, if  
23 necessary, making any changes to the plan that the commission  
24 considers necessary to maintain compliance with the federal  
25 Rehabilitation Act of 1973, as amended, and implementing such  
26 changes in order to continue to qualify and maintain federal  
27 funding support. During the period of time between July 1,  
28 2000, and October 1, 2000, the department and the appointment  
29 ~~of the commission and the designation of the administrative~~  
30 ~~entity,~~ the commission ~~and the division~~ may, by agreement,  
31

1 provide for continued administration consistent with federal  
2 and state law.

3 Section 117. Effective upon this act becoming a law,  
4 section 413.90, Florida Statutes, is amended to read:

5 413.90 Designated State Agency and Designated State  
6 Unit Designation of administrative entity.--Effective July 1,  
7 2000,The division must comply with the transitional direction  
8 of the plan. If the commission designates an administrative  
9 entity other than the division,all powers, duties, and  
10 functions of and all related records, property, and equipment  
11 and all contractual rights, obligations of, and unexpended  
12 balances of appropriations and other funds or allocations of  
13 the ~~division's~~ component programs of the Division of  
14 Vocational Rehabilitation of the Department of Labor and  
15 Employment Security shall be transferred to the Division of  
16 Occupational Access and Opportunity of the Department of  
17 Education ~~commission as provided in the plan,~~pursuant to s.  
18 20.06(2). The commission and the Department of Education, in  
19 establishing the Division of Occupational Access and  
20 Opportunity, may establish no more than 700 positions  
21 inclusive of those positions leased by the corporation. These  
22 positions may be filled initially by former employees of the  
23 Division of Vocational Rehabilitation. By October 1, 2000, the  
24 division shall reduce the number of positions to no more than  
25 300. Notwithstanding the provisions of s. 110.227, if a layoff  
26 becomes necessary with respect to the Division of Occupational  
27 Access and Opportunity, the competitive area identified for  
28 such layoff shall not include any other division of the  
29 Department of Education. If unforeseen transition activities  
30 occur in moving service delivery from division employees to  
31 community rehabilitation providers and create situations

1 negatively affecting client services, and the remedy to those  
2 temporary situations would require more than 300 positions,  
3 the division may request a budget amendment to retain  
4 positions. The request must provide full justification for the  
5 continuation and include the number of positions and duration  
6 of time required. In no instance shall the time required  
7 exceed 3 months. Effective July 1, 2000, the records,  
8 property, and unexpended balances of appropriations,  
9 allocations, and other funds and resources of the Office of  
10 the Secretary and the Office of Administrative Services of the  
11 Department of Labor and Employment Security which support the  
12 activities and functions of the Division of Vocational  
13 Rehabilitation are transferred as provided in s. 20.06(2), to  
14 the Division of Occupational Access and Opportunity at the  
15 Department of Education.The Department of Labor and  
16 Employment Security shall assist the commission in carrying  
17 out the intent of this chapter and achieving an orderly  
18 transition. The Office of Planning and Budget shall submit the  
19 necessary budget amendments to the Legislature in order to  
20 bring the budget into compliance with the plan.

21 Section 118. Effective upon this act becoming a law,  
22 section 413.91, Florida Statutes, is amended to read:

23 413.91 Service providers; quality assurance and  
24 fitness for responsibilities.--The Occupational Access and  
25 Opportunity Commission shall assure that all contractors ~~the~~  
26 ~~designated administrative entity~~ and providers of direct  
27 service maintain an internal system of quality assurance, have  
28 proven functional systems, and are subject to a due-diligence  
29 inquiry for their fitness to undertake service  
30 responsibilities regardless of whether a contract for services  
31 is competitively or noncompetitively procured.

1           Section 119. Effective upon this act becoming a law,  
2 section 413.92, Florida Statutes, is amended to read:

3           413.92 Conflict of laws.--It is the intent of the  
4 Legislature that the provisions of this act relating to the  
5 Occupational Access and Opportunity Commission not conflict  
6 with any federal statute or implementing regulation governing  
7 federal grant-in-aid programs administered by the division or  
8 the commission. Whenever such a conflict is asserted by the  
9 applicable agency of the Federal Government, until October 1,  
10 2000, the department, and after October 1, 2000, the  
11 commission shall submit to the federal Department of  
12 Education, or other applicable federal agency, a request for a  
13 favorable policy interpretation of the conflicting portions.  
14 If the request is approved, as certified in writing by the  
15 secretary of the federal Department of Education, or the head  
16 of the other applicable federal agency, the commission or the  
17 division is authorized to make the adjustments in the plan  
18 which are necessary for achieving conformity to federal  
19 statutes and regulations. Before making such adjustments, the  
20 commission or the division shall provide to the President of  
21 the Senate and the Speaker of the House of Representatives an  
22 explanation and justification of the position of the division  
23 or the commission and shall outline all feasible alternatives  
24 that are consistent with this section. These alternatives may  
25 include the state supervision of local service agencies by the  
26 commission or the division if the agencies are designated by  
27 the Governor.

28           Section 120. Effective upon this act becoming a law,  
29 section 413.93, Florida Statutes, is repealed.

30           Section 121. Present subsection (3) of section 440.02,  
31 Florida Statutes, is redesignated as subsection (4), a new

1 subsection (3) is added to that section and subsequent  
2 subsections are redesignated, and subsections (11) and (13)  
3 are amended to read:

4 440.02 Definitions.--When used in this chapter, unless  
5 the context clearly requires otherwise, the following terms  
6 shall have the following meanings:

7 (3) "Agency" means the Agency for Health Care  
8 Administration.

9 (11) "Department" means the Department of Insurance  
10 ~~Labor and Employment Security.~~

11 (13) "Division" means the Division of Workers'  
12 Compensation of the Department of Insurance ~~Labor and~~  
13 ~~Employment Security.~~

14 Section 122. Subsections (3), (4), (5), (6), (7), (8),  
15 (9), (11), (12), and (13) of section 440.13, Florida Statutes,  
16 are amended to read:

17 440.13 Medical services and supplies; penalty for  
18 violations; limitations.--

19 (3) PROVIDER ELIGIBILITY; AUTHORIZATION.--

20 (a) As a condition to eligibility for payment under  
21 this chapter, a health care provider who renders services must  
22 be a certified health care provider and must receive  
23 authorization from the carrier before providing treatment.  
24 This paragraph does not apply to emergency care. The agency  
25 ~~division~~ shall adopt rules to implement the certification of  
26 health care providers. As a one-time prerequisite to obtaining  
27 certification, the agency ~~division~~ shall require each  
28 physician to demonstrate proof of completion of a minimum  
29 5-hour course that covers the subject areas of cost  
30 containment, utilization control, ergonomics, and the practice  
31 parameters adopted by the agency ~~division~~ governing the

1 physician's field of practice. The agency ~~division~~ shall  
2 coordinate with ~~the Agency for Health Care Administration,~~ the  
3 Florida Medical Association, the Florida Osteopathic Medical  
4 Association, the Florida Chiropractic Association, the Florida  
5 Podiatric Medical Association, the Florida Optometric  
6 Association, the Florida Dental Association, and other health  
7 professional organizations and their respective boards as  
8 deemed necessary by the agency ~~Agency for Health Care~~  
9 ~~Administration~~ in complying with this subsection. No later  
10 than October 1, 1994, the agency ~~division~~ shall adopt rules  
11 regarding the criteria and procedures for approval of courses  
12 and the filing of proof of completion by the physicians.

13 (b) A health care provider who renders emergency care  
14 must notify the carrier by the close of the third business day  
15 after it has rendered such care. If the emergency care results  
16 in admission of the employee to a health care facility, the  
17 health care provider must notify the carrier by telephone  
18 within 24 hours after initial treatment. Emergency care is not  
19 compensable under this chapter unless the injury requiring  
20 emergency care arose as a result of a work-related accident.  
21 Pursuant to chapter 395, all licensed physicians and health  
22 care providers in this state shall be required to make their  
23 services available for emergency treatment of any employee  
24 eligible for workers' compensation benefits. To refuse to make  
25 such treatment available is cause for revocation of a license.

26 (c) A health care provider may not refer the employee  
27 to another health care provider, diagnostic facility, therapy  
28 center, or other facility without prior authorization from the  
29 carrier, except when emergency care is rendered. Any referral  
30 must be to a health care provider that has been certified by  
31



1 the agency ~~division~~, unless the referral is for emergency  
2 treatment.

3 (d) A carrier must respond, by telephone or in  
4 writing, to a request for authorization by the close of the  
5 third business day after receipt of the request. A carrier who  
6 fails to respond to a written request for authorization for  
7 referral for medical treatment by the close of the third  
8 business day after receipt of the request consents to the  
9 medical necessity for such treatment. All such requests must  
10 be made to the carrier. Notice to the carrier does not include  
11 notice to the employer.

12 (e) Carriers shall adopt procedures for receiving,  
13 reviewing, documenting, and responding to requests for  
14 authorization. Such procedures shall be for a health care  
15 provider certified under this section.

16 (f) By accepting payment under this chapter for  
17 treatment rendered to an injured employee, a health care  
18 provider consents to the jurisdiction of the agency ~~division~~  
19 as set forth in subsection (11) and to the submission of all  
20 records and other information concerning such treatment to the  
21 agency ~~division~~ in connection with a reimbursement dispute,  
22 audit, or review as provided by this section. The health care  
23 provider must further agree to comply with any decision of the  
24 agency ~~division~~ rendered under this section.

25 (g) The employee is not liable for payment for medical  
26 treatment or services provided pursuant to this section except  
27 as otherwise provided in this section.

28 (h) The provisions of s. 455.654 are applicable to  
29 referrals among health care providers, as defined in  
30 subsection (1), treating injured workers.

31

1 (i) Notwithstanding paragraph (d), a claim for  
2 specialist consultations, surgical operations,  
3 physiotherapeutic or occupational therapy procedures, X-ray  
4 examinations, or special diagnostic laboratory tests that cost  
5 more than \$1,000 and other specialty services that the agency  
6 ~~division~~ identifies by rule is not valid and reimbursable  
7 unless the services have been expressly authorized by the  
8 carrier, or unless the carrier has failed to respond within 10  
9 days to a written request for authorization, or unless  
10 emergency care is required. The insurer shall not refuse to  
11 authorize such consultation or procedure unless the health  
12 care provider or facility is not authorized or certified or  
13 unless an expert medical advisor has determined that the  
14 consultation or procedure is not medically necessary or  
15 otherwise compensable under this chapter. Authorization of a  
16 treatment plan does not constitute express authorization for  
17 purposes of this section, except to the extent the carrier  
18 provides otherwise in its authorization procedures. This  
19 paragraph does not limit the carrier's obligation to identify  
20 and disallow overutilization or billing errors.

21 (j) Notwithstanding anything in this chapter to the  
22 contrary, a sick or injured employee shall be entitled, at all  
23 times, to free, full, and absolute choice in the selection of  
24 the pharmacy or pharmacist dispensing and filling  
25 prescriptions for medicines required under this chapter. It is  
26 expressly forbidden for the agency ~~division~~, an employer, or a  
27 carrier, or any agent or representative of the agency  
28 ~~division~~, an employer, or a carrier to select the pharmacy or  
29 pharmacist which the sick or injured employee must use;  
30 condition coverage or payment on the basis of the pharmacy or  
31 pharmacist utilized; or to otherwise interfere in the

1 selection by the sick or injured employee of a pharmacy or  
2 pharmacist.

3 (4) NOTICE OF TREATMENT TO CARRIER; FILING WITH AGENCY  
4 DIVISION.--

5 (a) Any health care provider providing necessary  
6 remedial treatment, care, or attendance to any injured worker  
7 shall submit treatment reports to the carrier in a format  
8 prescribed by the agency division. A claim for medical or  
9 surgical treatment is not valid or enforceable against such  
10 employer or employee, unless, by the close of the third  
11 business day following the first treatment, the physician  
12 providing the treatment furnishes to the employer or carrier a  
13 preliminary notice of the injury and treatment on forms  
14 prescribed by the agency division and, within 15 days  
15 thereafter, furnishes to the employer or carrier a complete  
16 report, and subsequent thereto furnishes progress reports, if  
17 requested by the employer or insurance carrier, at intervals  
18 of not less than 3 weeks apart or at less frequent intervals  
19 if requested on forms prescribed by the agency division.

20 (b) Each medical report or bill obtained or received  
21 by the employer, the carrier, or the injured employee, or the  
22 attorney for the employer, carrier, or injured employee, with  
23 respect to the remedial treatment or care of the injured  
24 employee, including any report of an examination, diagnosis,  
25 or disability evaluation, must be filed with the Agency for  
26 Health Care Administration Division of Workers' Compensation  
27 pursuant to rules adopted by the agency division. The health  
28 care provider shall also furnish to the injured employee or to  
29 his or her attorney, on demand, a copy of his or her office  
30 chart, records, and reports, and may charge the injured  
31 employee an amount authorized by the agency division for the

1 copies. Each such health care provider shall provide to the  
2 agency ~~division~~ any additional information about the remedial  
3 treatment, care, and attendance that the agency ~~division~~  
4 reasonably requests.

5 (c) It is the policy for the administration of the  
6 workers' compensation system that there be reasonable access  
7 to medical information by all parties to facilitate the  
8 self-executing features of the law. Notwithstanding the  
9 limitations in s. 455.667 and subject to the limitations in s.  
10 381.004, upon the request of the employer, the carrier, or the  
11 attorney for either of them, the medical records of an injured  
12 employee must be furnished to those persons and the medical  
13 condition of the injured employee must be discussed with those  
14 persons, if the records and the discussions are restricted to  
15 conditions relating to the workplace injury. Any such  
16 discussions may be held before or after the filing of a claim  
17 without the knowledge, consent, or presence of any other party  
18 or his or her agent or representative. A health care provider  
19 who willfully refuses to provide medical records or to discuss  
20 the medical condition of the injured employee, after a  
21 reasonable request is made for such information pursuant to  
22 this subsection, shall be subject by the agency ~~division~~ to  
23 one or more of the penalties set forth in paragraph (8)(b).

24 (5) INDEPENDENT MEDICAL EXAMINATIONS.--

25 (a) In any dispute concerning overutilization, medical  
26 benefits, compensability, or disability under this chapter,  
27 the carrier or the employee may select an independent medical  
28 examiner. The examiner may be a health care provider treating  
29 or providing other care to the employee. An independent  
30 medical examiner may not render an opinion outside his or her  
31

1 area of expertise, as demonstrated by licensure and applicable  
2 practice parameters.

3 (b) Each party is bound by his or her selection of an  
4 independent medical examiner and is entitled to an alternate  
5 examiner only if:

6 1. The examiner is not qualified to render an opinion  
7 upon an aspect of the employee's illness or injury which is  
8 material to the claim or petition for benefits;

9 2. The examiner ceases to practice in the specialty  
10 relevant to the employee's condition;

11 3. The examiner is unavailable due to injury, death,  
12 or relocation outside a reasonably accessible geographic area;  
13 or

14 4. The parties agree to an alternate examiner.  
15

16 Any party may request, or a judge of compensation claims may  
17 require, designation of an agency ~~a division~~ medical advisor  
18 as an independent medical examiner. The opinion of the  
19 advisors acting as examiners shall not be afforded the  
20 presumption set forth in paragraph (9)(c).

21 (c) The carrier may, at its election, contact the  
22 claimant directly to schedule a reasonable time for an  
23 independent medical examination. The carrier must confirm the  
24 scheduling agreement in writing within 5 days and notify  
25 claimant's counsel, if any, at least 7 days before the date  
26 upon which the independent medical examination is scheduled to  
27 occur. An attorney representing a claimant is not authorized  
28 to schedule independent medical evaluations under this  
29 subsection.

30 (d) If the employee fails to appear for the  
31 independent medical examination without good cause and fails

1 to advise the physician at least 24 hours before the scheduled  
2 date for the examination that he or she cannot appear, the  
3 employee is barred from recovering compensation for any period  
4 during which he or she has refused to submit to such  
5 examination. Further, the employee shall reimburse the carrier  
6 50 percent of the physician's cancellation or no-show fee  
7 unless the carrier that schedules the examination fails to  
8 timely provide to the employee a written confirmation of the  
9 date of the examination pursuant to paragraph (c) which  
10 includes an explanation of why he or she failed to appear. The  
11 employee may appeal to a judge of compensation claims for  
12 reimbursement when the carrier withholds payment in excess of  
13 the authority granted by this section.

14 (e) No medical opinion other than the opinion of a  
15 medical advisor appointed by the judge of compensation claims  
16 or agency division, an independent medical examiner, or an  
17 authorized treating provider is admissible in proceedings  
18 before the judges of compensation claims.

19 (f) Attorney's fees incurred by an injured employee in  
20 connection with delay of or opposition to an independent  
21 medical examination, including, but not limited to, motions  
22 for protective orders, are not recoverable under this chapter.

23 (6) UTILIZATION REVIEW.--Carriers shall review all  
24 bills, invoices, and other claims for payment submitted by  
25 health care providers in order to identify overutilization and  
26 billing errors, and may hire peer review consultants or  
27 conduct independent medical evaluations. Such consultants,  
28 including peer review organizations, are immune from liability  
29 in the execution of their functions under this subsection to  
30 the extent provided in s. 766.101. If a carrier finds that  
31 overutilization of medical services or a billing error has

1 occurred, it must disallow or adjust payment for such services  
2 or error without order of a judge of compensation claims or  
3 the agency division, if the carrier, in making its  
4 determination, has complied with this section and rules  
5 adopted by the agency division.

6 (7) UTILIZATION AND REIMBURSEMENT DISPUTES.--

7 (a) Any health care provider, carrier, or employer who  
8 elects to contest the disallowance or adjustment of payment by  
9 a carrier under subsection (6) must, within 30 days after  
10 receipt of notice of disallowance or adjustment of payment,  
11 petition the agency division to resolve the dispute. The  
12 petitioner must serve a copy of the petition on the carrier  
13 and on all affected parties by certified mail. The petition  
14 must be accompanied by all documents and records that support  
15 the allegations contained in the petition. Failure of a  
16 petitioner to submit such documentation to the agency division  
17 results in dismissal of the petition.

18 (b) The carrier must submit to the agency division  
19 within 10 days after receipt of the petition all documentation  
20 substantiating the carrier's disallowance or adjustment.  
21 Failure of the carrier to submit the requested documentation  
22 to the agency division within 10 days constitutes a waiver of  
23 all objections to the petition.

24 (c) Within 60 days after receipt of all documentation,  
25 the agency division must provide to the petitioner, the  
26 carrier, and the affected parties a written determination of  
27 whether the carrier properly adjusted or disallowed payment.  
28 The agency division must be guided by standards and policies  
29 set forth in this chapter, including all applicable  
30 reimbursement schedules, in rendering its determination.

31

1           (d) If the agency ~~division~~ finds an improper  
2 disallowance or improper adjustment of payment by an insurer,  
3 the insurer shall reimburse the health care provider,  
4 facility, insurer, or employer within 30 days, subject to the  
5 penalties provided in this subsection.

6           (e) The agency ~~division~~ shall adopt rules to carry out  
7 this subsection. The rules may include provisions for  
8 consolidating petitions filed by a petitioner and expanding  
9 the timetable for rendering a determination upon a  
10 consolidated petition.

11           (f) Any carrier that engages in a pattern or practice  
12 of arbitrarily or unreasonably disallowing or reducing  
13 payments to health care providers may be subject to one or  
14 more of the following penalties imposed by the agency  
15 ~~division~~:

16           1. Repayment of the appropriate amount to the health  
17 care provider.

18           2. An administrative fine assessed by the agency  
19 ~~division~~ in an amount not to exceed \$5,000 per instance of  
20 improperly disallowing or reducing payments.

21           3. Award of the health care provider's costs,  
22 including a reasonable attorney's fee, for prosecuting the  
23 petition.

24           (8) PATTERN OR PRACTICE OF OVERUTILIZATION.--

25           (a) Carriers must report to the agency ~~division~~ all  
26 instances of overutilization including, but not limited to,  
27 all instances in which the carrier disallows or adjusts  
28 payment. The agency ~~division~~ shall determine whether a pattern  
29 or practice of overutilization exists.

30           (b) If the agency ~~division~~ determines that a health  
31 care provider has engaged in a pattern or practice of



1 overutilization or a violation of this chapter or rules  
2 adopted by the agency ~~division~~, it may impose one or more of  
3 the following penalties:

4 1. An order of the agency ~~division~~ barring the  
5 provider from payment under this chapter;

6 2. Deauthorization of care under review;

7 3. Denial of payment for care rendered in the future;

8 4. Decertification of a health care provider certified  
9 as an expert medical advisor under subsection (9) or of a  
10 rehabilitation provider certified under s. 440.49;

11 5. An administrative fine assessed by the agency  
12 ~~division~~ in an amount not to exceed \$5,000 per instance of  
13 overutilization or violation; and

14 6. Notification of and review by the appropriate  
15 licensing authority pursuant to s. 440.106(3).

16 (9) EXPERT MEDICAL ADVISORS.--

17 (a) The agency ~~division~~ shall certify expert medical  
18 advisors in each specialty to assist the agency ~~division~~ and  
19 the judges of compensation claims within the advisor's area of  
20 expertise as provided in this section. The agency ~~division~~  
21 shall, in a manner prescribed by rule, in certifying,  
22 recertifying, or decertifying an expert medical advisor,  
23 consider the qualifications, training, impartiality, and  
24 commitment of the health care provider to the provision of  
25 quality medical care at a reasonable cost. As a prerequisite  
26 for certification or recertification, the agency ~~division~~  
27 shall require, at a minimum, that an expert medical advisor  
28 have specialized workers' compensation training or experience  
29 under the workers' compensation system of this state and board  
30 certification or board eligibility.

31

1           (b) The agency ~~division~~ shall contract with or employ  
2 expert medical advisors to provide peer review or medical  
3 consultation to the agency ~~division~~ or to a judge of  
4 compensation claims in connection with resolving disputes  
5 relating to reimbursement, differing opinions of health care  
6 providers, and health care and physician services rendered  
7 under this chapter. Expert medical advisors contracting with  
8 the agency ~~division~~ shall, as a term of such contract, agree  
9 to provide consultation or services in accordance with the  
10 timetables set forth in this chapter and to abide by rules  
11 adopted by the agency ~~division~~, including, but not limited to,  
12 rules pertaining to procedures for review of the services  
13 rendered by health care providers and preparation of reports  
14 and recommendations for submission to the agency ~~division~~.

15           (c) If there is disagreement in the opinions of the  
16 health care providers, if two health care providers disagree  
17 on medical evidence supporting the employee's complaints or  
18 the need for additional medical treatment, or if two health  
19 care providers disagree that the employee is able to return to  
20 work, the agency ~~division~~ may, and the judge of compensation  
21 claims shall, upon his or her own motion or within 15 days  
22 after receipt of a written request by either the injured  
23 employee, the employer, or the carrier, order the injured  
24 employee to be evaluated by an expert medical advisor. The  
25 opinion of the expert medical advisor is presumed to be  
26 correct unless there is clear and convincing evidence to the  
27 contrary as determined by the judge of compensation claims.  
28 The expert medical advisor appointed to conduct the evaluation  
29 shall have free and complete access to the medical records of  
30 the employee. An employee who fails to report to and cooperate  
31

1 with such evaluation forfeits entitlement to compensation  
2 during the period of failure to report or cooperate.

3 (d) The expert medical advisor must complete his or  
4 her evaluation and issue his or her report to the agency  
5 ~~division~~ or to the judge of compensation claims within 45 days  
6 after receipt of all medical records. The expert medical  
7 advisor must furnish a copy of the report to the carrier and  
8 to the employee.

9 (e) An expert medical advisor is not liable under any  
10 theory of recovery for evaluations performed under this  
11 section without a showing of fraud or malice. The protections  
12 of s. 766.101 apply to any officer, employee, or agent of the  
13 agency ~~division~~ and to any officer, employee, or agent of any  
14 entity with which the agency ~~division~~ has contracted under  
15 this subsection.

16 (f) If the agency ~~division~~ or a judge of compensation  
17 claims determines that the services of a certified expert  
18 medical advisor are required to resolve a dispute under this  
19 section, the carrier must compensate the advisor for his or  
20 her time in accordance with a schedule adopted by the agency  
21 ~~division~~. The agency ~~division~~ may assess a penalty not to  
22 exceed \$500 against any carrier that fails to timely  
23 compensate an advisor in accordance with this section.

24 (11) AUDITS BY AGENCY ~~DIVISION~~; JURISDICTION.--

25 (a) The Agency for Health Care Administration ~~Division~~  
26 ~~of Workers' Compensation of the Department of Labor and~~  
27 ~~Employment Security~~ may investigate health care providers to  
28 determine whether providers are complying with this chapter  
29 and with rules adopted by the agency ~~division~~, whether the  
30 providers are engaging in overutilization, and whether  
31 providers are engaging in improper billing practices. If the

1 agency ~~division~~ finds that a health care provider has  
2 improperly billed, overutilized, or failed to comply with  
3 agency ~~division~~ rules or the requirements of this chapter it  
4 must notify the provider of its findings and may determine  
5 that the health care provider may not receive payment from the  
6 carrier or may impose penalties as set forth in subsection (8)  
7 or other sections of this chapter. If the health care provider  
8 has received payment from a carrier for services that were  
9 improperly billed or for overutilization, it must return those  
10 payments to the carrier. The agency ~~division~~ may assess a  
11 penalty not to exceed \$500 for each overpayment that is not  
12 refunded within 30 days after notification of overpayment by  
13 the agency ~~division~~ or carrier.

14 (b) The agency ~~division~~ shall monitor and audit  
15 carriers to determine if medical bills are paid in accordance  
16 with this section and agency ~~division~~ rules. Any employer, if  
17 self-insured, or carrier found by the agency ~~division~~ not to  
18 be within 90 percent compliance as to the payment of medical  
19 bills after July 1, 1994, must be assessed a fine not to  
20 exceed 1 percent of the prior year's assessment levied against  
21 such entity under s. 440.51 for every quarter in which the  
22 entity fails to attain 90-percent compliance. The agency  
23 ~~division~~ shall fine an employer or carrier, pursuant to rules  
24 adopted by the agency ~~division~~, for each late payment of  
25 compensation that is below the minimum 90-percent performance  
26 standard. Any carrier that is found to be not in compliance in  
27 subsequent consecutive quarters must implement a medical-bill  
28 review program approved by the agency ~~division~~, and the  
29 carrier is subject to disciplinary action by the Department of  
30 Insurance.

31

1           (c) The agency ~~division~~ has exclusive jurisdiction to  
2 decide any matters concerning reimbursement, to resolve any  
3 overutilization dispute under subsection (7), and to decide  
4 any question concerning overutilization under subsection (8),  
5 which question or dispute arises after January 1, 1994.

6           (d) The following ~~division~~ actions do not constitute  
7 agency action subject to review under ss. 120.569 and 120.57  
8 and do not constitute actions subject to s. 120.56: referral  
9 by the entity responsible for utilization review; a decision  
10 by the agency ~~division~~ to refer a matter to a peer review  
11 committee; establishment by a health care provider or entity  
12 of procedures by which a peer review committee reviews the  
13 rendering of health care services; and the review proceedings,  
14 report, and recommendation of the peer review committee.

15           (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM  
16 REIMBURSEMENT ALLOWANCES.--

17           (a) A three-member panel is created, consisting of the  
18 Insurance Commissioner, or the Insurance Commissioner's  
19 designee, and two members to be appointed by the Governor,  
20 subject to confirmation by the Senate, one member who, on  
21 account of present or previous vocation, employment, or  
22 affiliation, shall be classified as a representative of  
23 employers, the other member who, on account of previous  
24 vocation, employment, or affiliation, shall be classified as a  
25 representative of employees. The panel shall determine  
26 statewide schedules of maximum reimbursement allowances for  
27 medically necessary treatment, care, and attendance provided  
28 by physicians, hospitals, ambulatory surgical centers,  
29 work-hardening programs, pain programs, and durable medical  
30 equipment. The maximum reimbursement allowances for inpatient  
31 hospital care shall be based on a schedule of per diem rates,

1 to be approved by the three-member panel no later than March  
2 1, 1994, to be used in conjunction with a precertification  
3 manual as determined by the agency ~~division~~. All compensable  
4 charges for hospital outpatient care shall be reimbursed at 75  
5 percent of usual and customary charges. Until the three-member  
6 panel approves a schedule of per diem rates for inpatient  
7 hospital care and it becomes effective, all compensable  
8 charges for hospital inpatient care must be reimbursed at 75  
9 percent of their usual and customary charges. Annually, the  
10 three-member panel shall adopt schedules of maximum  
11 reimbursement allowances for physicians, hospital inpatient  
12 care, hospital outpatient care, ambulatory surgical centers,  
13 work-hardening programs, and pain programs. However, the  
14 maximum percentage of increase in the individual reimbursement  
15 allowance may not exceed the percentage of increase in the  
16 Consumer Price Index for the previous year. An individual  
17 physician, hospital, ambulatory surgical center, pain program,  
18 or work-hardening program shall be reimbursed either the usual  
19 and customary charge for treatment, care, and attendance, the  
20 agreed-upon contract price, or the maximum reimbursement  
21 allowance in the appropriate schedule, whichever is less.

22 (b) As to reimbursement for a prescription medication,  
23 the reimbursement amount for a prescription shall be the  
24 average wholesale price times 1.2 plus \$4.18 for the  
25 dispensing fee, except where the carrier has contracted for a  
26 lower amount. Fees for pharmaceuticals and pharmaceutical  
27 services shall be reimbursable at the applicable fee schedule  
28 amount. Where the employer or carrier has contracted for such  
29 services and the employee elects to obtain them through a  
30 provider not a party to the contract, the carrier shall  
31

1 reimburse at the schedule, negotiated, or contract price,  
2 whichever is lower.

3 (c) Reimbursement for all fees and other charges for  
4 such treatment, care, and attendance, including treatment,  
5 care, and attendance provided by any hospital or other health  
6 care provider, ambulatory surgical center, work-hardening  
7 program, or pain program, must not exceed the amounts provided  
8 by the uniform schedule of maximum reimbursement allowances as  
9 determined by the panel or as otherwise provided in this  
10 section. This subsection also applies to independent medical  
11 examinations performed by health care providers under this  
12 chapter. Until the three-member panel approves a uniform  
13 schedule of maximum reimbursement allowances and it becomes  
14 effective, all compensable charges for treatment, care, and  
15 attendance provided by physicians, ambulatory surgical  
16 centers, work-hardening programs, or pain programs shall be  
17 reimbursed at the lowest maximum reimbursement allowance  
18 across all 1992 schedules of maximum reimbursement allowances  
19 for the services provided regardless of the place of service.  
20 In determining the uniform schedule, the panel shall first  
21 approve the data which it finds representative of prevailing  
22 charges in the state for similar treatment, care, and  
23 attendance of injured persons. Each health care provider,  
24 health care facility, ambulatory surgical center,  
25 work-hardening program, or pain program receiving workers'  
26 compensation payments shall maintain records verifying their  
27 usual charges. In establishing the uniform schedule of maximum  
28 reimbursement allowances, the panel must consider:

29 1. The levels of reimbursement for similar treatment,  
30 care, and attendance made by other health care programs or  
31 third-party providers;

1           2. The impact upon cost to employers for providing a  
2 level of reimbursement for treatment, care, and attendance  
3 which will ensure the availability of treatment, care, and  
4 attendance required by injured workers;

5           3. The financial impact of the reimbursement  
6 allowances upon health care providers and health care  
7 facilities, including trauma centers as defined in s. 395.401,  
8 and its effect upon their ability to make available to injured  
9 workers such medically necessary remedial treatment, care, and  
10 attendance. The uniform schedule of maximum reimbursement  
11 allowances must be reasonable, must promote health care cost  
12 containment and efficiency with respect to the workers'  
13 compensation health care delivery system, and must be  
14 sufficient to ensure availability of such medically necessary  
15 remedial treatment, care, and attendance to injured workers;  
16 and

17           4. The most recent average maximum allowable rate of  
18 increase for hospitals determined by the Health Care Board  
19 under chapter 408.

20           (13) REMOVAL OF PHYSICIANS FROM LISTS OF THOSE  
21 AUTHORIZED TO RENDER MEDICAL CARE.--The agency ~~division~~ shall  
22 remove from the list of physicians or facilities authorized to  
23 provide remedial treatment, care, and attendance under this  
24 chapter the name of any physician or facility found after  
25 reasonable investigation to have:

26           (a) Engaged in professional or other misconduct or  
27 incompetency in connection with medical services rendered  
28 under this chapter;

29           (b) Exceeded the limits of his or her or its  
30 professional competence in rendering medical care under this  
31



1 chapter, or to have made materially false statements regarding  
2 his or her or its qualifications in his or her application;

3 (c) Failed to transmit copies of medical reports to  
4 the employer or carrier, or failed to submit full and truthful  
5 medical reports of all his or her or its findings to the  
6 employer or carrier as required under this chapter;

7 (d) Solicited, or employed another to solicit for  
8 himself or herself or itself or for another, professional  
9 treatment, examination, or care of an injured employee in  
10 connection with any claim under this chapter;

11 (e) Refused to appear before, or to answer upon  
12 request of, the agency division or any duly authorized officer  
13 of the state, any legal question, or to produce any relevant  
14 book or paper concerning his or her conduct under any  
15 authorization granted to him or her under this chapter;

16 (f) Self-referred in violation of this chapter or  
17 other laws of this state; or

18 (g) Engaged in a pattern of practice of  
19 overutilization or a violation of this chapter or rules  
20 adopted by the agency division.

21 Section 123. Paragraph (a) of subsection (3) of  
22 section 440.15, Florida Statutes, is amended to read:

23 440.15 Compensation for disability.--Compensation for  
24 disability shall be paid to the employee, subject to the  
25 limits provided in s. 440.12(2), as follows:

26 (3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.--

27 (a) Impairment benefits.--

28 1. Once the employee has reached the date of maximum  
29 medical improvement, impairment benefits are due and payable  
30 within 20 days after the carrier has knowledge of the  
31 impairment.

1           2. The three-member panel, in cooperation with the  
2 agency division, shall establish and use a uniform permanent  
3 impairment rating schedule. This schedule must be based on  
4 medically or scientifically demonstrable findings as well as  
5 the systems and criteria set forth in the American Medical  
6 Association's Guides to the Evaluation of Permanent  
7 Impairment; the Snellen Charts, published by American Medical  
8 Association Committee for Eye Injuries; and the Minnesota  
9 Department of Labor and Industry Disability Schedules. The  
10 schedule should be based upon objective findings. The schedule  
11 shall be more comprehensive than the AMA Guides to the  
12 Evaluation of Permanent Impairment and shall expand the areas  
13 already addressed and address additional areas not currently  
14 contained in the guides. On August 1, 1979, and pending the  
15 adoption, by rule, of a permanent schedule, Guides to the  
16 Evaluation of Permanent Impairment, copyright 1977, 1971,  
17 1988, by the American Medical Association, shall be the  
18 temporary schedule and shall be used for the purposes hereof.  
19 For injuries after July 1, 1990, pending the adoption by  
20 division rule of a uniform disability rating schedule, the  
21 Minnesota Department of Labor and Industry Disability Schedule  
22 shall be used unless that schedule does not address an injury.  
23 In such case, the Guides to the Evaluation of Permanent  
24 Impairment by the American Medical Association shall be used.  
25 Determination of permanent impairment under this schedule must  
26 be made by a physician licensed under chapter 458, a doctor of  
27 osteopathic medicine licensed under chapters 458 and 459, a  
28 chiropractic physician licensed under chapter 460, a podiatric  
29 physician licensed under chapter 461, an optometrist licensed  
30 under chapter 463, or a dentist licensed under chapter 466, as  
31 appropriate considering the nature of the injury. No other

1 persons are authorized to render opinions regarding the  
2 existence of or the extent of permanent impairment.

3           3. All impairment income benefits shall be based on an  
4 impairment rating using the impairment schedule referred to in  
5 subparagraph 2. Impairment income benefits are paid weekly at  
6 the rate of 50 percent of the employee's average weekly  
7 temporary total disability benefit not to exceed the maximum  
8 weekly benefit under s. 440.12. An employee's entitlement to  
9 impairment income benefits begins the day after the employee  
10 reaches maximum medical improvement or the expiration of  
11 temporary benefits, whichever occurs earlier, and continues  
12 until the earlier of:

13           a. The expiration of a period computed at the rate of  
14 3 weeks for each percentage point of impairment; or

15           b. The death of the employee.

16           4. After the employee has been certified by a doctor  
17 as having reached maximum medical improvement or 6 weeks  
18 before the expiration of temporary benefits, whichever occurs  
19 earlier, the certifying doctor shall evaluate the condition of  
20 the employee and assign an impairment rating, using the  
21 impairment schedule referred to in subparagraph 2.

22 Compensation is not payable for the mental, psychological, or  
23 emotional injury arising out of depression from being out of  
24 work. If the certification and evaluation are performed by a  
25 doctor other than the employee's treating doctor, the  
26 certification and evaluation must be submitted to the treating  
27 doctor, and the treating doctor must indicate agreement or  
28 disagreement with the certification and evaluation. The  
29 certifying doctor shall issue a written report to the  
30 division, the employee, and the carrier certifying that  
31 maximum medical improvement has been reached, stating the

1 impairment rating, and providing any other information  
2 required by the division. If the employee has not been  
3 certified as having reached maximum medical improvement before  
4 the expiration of 102 weeks after the date temporary total  
5 disability benefits begin to accrue, the carrier shall notify  
6 the treating doctor of the requirements of this section.

7 5. The carrier shall pay the employee impairment  
8 income benefits for a period based on the impairment rating.

9 6. The division may by rule specify forms and  
10 procedures governing the method of payment of wage loss and  
11 impairment benefits for dates of accidents before January 1,  
12 1994, and for dates of accidents on or after January 1, 1994.

13 Section 124. Subsection (7) of section 440.491,  
14 Florida Statutes, is amended to read:

15 440.491 Reemployment of injured workers;  
16 rehabilitation.--

17 (7) PROVIDER QUALIFICATIONS.--

18 (a) The Agency for Health Care Administration ~~division~~  
19 shall investigate and maintain a directory of each qualified  
20 public and private rehabilitation provider, facility, and  
21 agency, and shall establish by rule the minimum  
22 qualifications, credentials, and requirements that each  
23 rehabilitation service provider, facility, and agency must  
24 satisfy to be eligible for listing in the directory. These  
25 minimum qualifications and credentials must be based on those  
26 generally accepted within the service specialty for which the  
27 provider, facility, or agency is approved.

28 (b) The agency ~~division~~ shall impose a biennial  
29 application fee of \$25 for each listing in the directory, and  
30 all such fees must be deposited in the Workers' Compensation  
31 Administration Trust Fund.

1           (c) The agency ~~division~~ shall monitor and evaluate  
2 each rehabilitation service provider, facility, and agency  
3 qualified under this subsection to ensure its compliance with  
4 the minimum qualifications and credentials established by the  
5 division. The failure of a qualified rehabilitation service  
6 provider, facility, or agency to provide the agency ~~division~~  
7 with information requested or access necessary for the agency  
8 ~~division~~ to satisfy its responsibilities under this subsection  
9 is grounds for disqualifying the provider, facility, or agency  
10 from further referrals.

11           (d) A qualified rehabilitation service provider,  
12 facility, or agency may not be authorized by an employer, a  
13 carrier, or the agency ~~division~~ to provide any services,  
14 including expert testimony, under this section in this state  
15 unless the provider, facility, or agency is listed or has been  
16 approved for listing in the directory. This restriction does  
17 not apply to services provided outside this state under this  
18 section.

19           (e) The agency ~~division~~, after consultation with  
20 representatives of employees, employers, carriers,  
21 rehabilitation providers, and qualified training and education  
22 providers, shall adopt rules governing professional practices  
23 and standards.

24           Section 125. Subsection (1) of section 440.207,  
25 Florida Statutes, is amended to read:

26           440.207 Workers' compensation system guide.--

27           (1) The Division of Workers' Compensation of the  
28 Department of Insurance ~~Labor and Employment Security~~ shall  
29 educate all persons providing or receiving benefits pursuant  
30 to this chapter as to their rights and responsibilities under  
31 this chapter.

1           Section 126. Subsections (2), (4), (5), (6), (9), and  
2 (10); paragraph (c) of subsection (3); and paragraph (a) of  
3 subsection (8) of section 440.385, Florida Statutes, are  
4 amended to read:

5           440.385 Florida Self-Insurers Guaranty Association,  
6 Incorporated.--

7           (2) BOARD OF DIRECTORS.--The board of directors of the  
8 association shall consist of nine persons and shall be  
9 organized as established in the plan of operation. ~~With~~  
10 ~~respect to initial appointments, the Secretary of Labor and~~  
11 ~~Employment Security shall, by July 15, 1982, approve and~~  
12 ~~appoint to the board persons who are experienced with~~  
13 ~~self-insurance in this state and who are recommended by the~~  
14 ~~individual self-insurers in this state required to become~~  
15 ~~members of the association pursuant to the provisions of~~  
16 ~~paragraph (1)(a). In the event the secretary finds that any~~  
17 ~~person so recommended does not have the necessary~~  
18 ~~qualifications for service on the board and a majority of the~~  
19 ~~board has been appointed, the secretary shall request the~~  
20 ~~directors thus far approved and appointed to recommend another~~  
21 ~~person for appointment to the board.~~Each director shall serve  
22 for a 4-year term and may be reappointed. Appointments ~~other~~  
23 ~~than initial appointments~~ shall be made by the Insurance  
24 Commissioner and Treasurer ~~Secretary of Labor and Employment~~  
25 ~~Security~~ upon recommendation of members of the association.  
26 Any vacancy on the board shall be filled for the remaining  
27 period of the term in the same manner as appointments other  
28 than initial appointments are made. Each director shall be  
29 reimbursed for expenses incurred in carrying out the duties of  
30 the board on behalf of the association.

31           (3) POWERS AND DUTIES.--

1           (c)1. To the extent necessary to secure funds for the  
2 payment of covered claims and also to pay the reasonable costs  
3 to administer them, the Department of Insurance ~~Labor and~~  
4 ~~Employment Security~~, upon certification of the board of  
5 directors, shall levy assessments based on the annual normal  
6 premium each employer would have paid had the employer not  
7 been self-insured. Every assessment shall be made as a  
8 uniform percentage of the figure applicable to all individual  
9 self-insurers, provided that the assessment levied against any  
10 self-insurer in any one year shall not exceed 1 percent of the  
11 annual normal premium during the calendar year preceding the  
12 date of the assessment. Assessments shall be remitted to and  
13 administered by the board of directors in the manner specified  
14 by the approved plan. Each employer so assessed shall have at  
15 least 30 days' written notice as to the date the assessment is  
16 due and payable. The association shall levy assessments  
17 against any newly admitted member of the association so that  
18 the basis of contribution of any newly admitted member is the  
19 same as previously admitted members, provision for which shall  
20 be contained in the plan of operation.

21           2. If, in any one year, funds available from such  
22 assessments, together with funds previously raised, are not  
23 sufficient to make all the payments or reimbursements then  
24 owing, the funds available shall be prorated, and the unpaid  
25 portion shall be paid as soon thereafter as sufficient  
26 additional funds become available.

27           3. No state funds of any kind shall be allocated or  
28 paid to the association or any of its accounts except those  
29 state funds accruing to the association by and through the  
30 assignment of rights of an insolvent employer.

31

1           (4) INSOLVENCY FUND.--Upon the adoption of a plan of  
2 operation ~~or the adoption of rules by the Department of Labor~~  
3 ~~and Employment Security~~ pursuant to subsection (5), there  
4 shall be created an Insolvency Fund to be managed by the  
5 association.

6           (a) The Insolvency Fund is created for purposes of  
7 meeting the obligations of insolvent members incurred while  
8 members of the association and after the exhaustion of any  
9 bond, as required under this chapter. However, if such bond,  
10 surety, or reinsurance policy is payable to the Florida  
11 Self-Insurers Guaranty Association, the association shall  
12 commence to provide benefits out of the Insolvency Fund and be  
13 reimbursed from the bond, surety, or reinsurance policy. The  
14 method of operation of the Insolvency Fund shall be defined in  
15 the plan of operation as provided in subsection (5).

16           (b) The department shall have the authority to audit  
17 the financial soundness of the Insolvency Fund annually.

18           (c) The department may offer certain amendments to the  
19 plan of operation to the board of directors of the association  
20 for purposes of assuring the ongoing financial soundness of  
21 the Insolvency Fund and its ability to meet the obligations of  
22 this section.

23           (d) The department actuary may make certain  
24 recommendations to improve the orderly payment of claims.

25           (5) PLAN OF OPERATION.--~~By September 15, 1982,~~The  
26 board of directors shall use ~~submit to the Department of Labor~~  
27 ~~and Employment Security~~ a ~~proposed~~ plan of operation for the  
28 administration of the association and the Insolvency Fund.

29           (a) The purpose of the plan of operation shall be to  
30 provide the association and the board of directors with the  
31 authority and responsibility to establish the necessary



1 programs and to take the necessary actions to protect against  
2 the insolvency of a member of the association. In addition,  
3 the plan shall provide that the members of the association  
4 shall be responsible for maintaining an adequate Insolvency  
5 Fund to meet the obligations of insolvent members provided for  
6 under this act and shall authorize the board of directors to  
7 contract and employ those persons with the necessary expertise  
8 to carry out this stated purpose.

9 ~~(b) The plan of operation, and any amendments thereto,~~  
10 ~~shall take effect upon approval in writing by the department.~~  
11 ~~If the board of directors fails to submit a plan by September~~  
12 ~~15, 1982, or fails to make required amendments to the plan~~  
13 ~~within 30 days thereafter, the department shall promulgate~~  
14 ~~such rules as are necessary to effectuate the provisions of~~  
15 ~~this subsection. Such rules shall continue in force until~~  
16 ~~modified by the department or superseded by a plan submitted~~  
17 ~~by the board of directors and approved by the department.~~

18 (b)(c) All member employers shall comply with the plan  
19 of operation.

20 (c)(d) The plan of operation shall:

21 1. Establish the procedures whereby all the powers and  
22 duties of the association under subsection (3) will be  
23 performed.

24 2. Establish procedures for handling assets of the  
25 association.

26 3. Establish the amount and method of reimbursing  
27 members of the board of directors under subsection (2).

28 4. Establish procedures by which claims may be filed  
29 with the association and establish acceptable forms of proof  
30 of covered claims. Notice of claims to the receiver or  
31 liquidator of the insolvent employer shall be deemed notice to

1 the association or its agent, and a list of such claims shall  
2 be submitted periodically to the association or similar  
3 organization in another state by the receiver or liquidator.

4 5. Establish regular places and times for meetings of  
5 the board of directors.

6 6. Establish procedures for records to be kept of all  
7 financial transactions of the association and its agents and  
8 the board of directors.

9 7. Provide that any member employer aggrieved by any  
10 final action or decision of the association may appeal to the  
11 department within 30 days after the action or decision.

12 8. Establish the procedures whereby recommendations of  
13 candidates for the board of directors shall be submitted to  
14 the department.

15 9. Contain additional provisions necessary or proper  
16 for the execution of the powers and duties of the association.

17 (d)~~(e)~~ The plan of operation may provide that any or  
18 all of the powers and duties of the association, except those  
19 specified under subparagraphs (c)1.~~(d)1.~~ and 2., be delegated  
20 to a corporation, association, or other organization which  
21 performs or will perform functions similar to those of this  
22 association or its equivalent in two or more states. Such a  
23 corporation, association, or organization shall be reimbursed  
24 as a servicing facility would be reimbursed and shall be paid  
25 for its performance of any other functions of the association.  
26 A delegation of powers or duties under this subsection shall  
27 take effect only with the approval of both the board of  
28 directors and the department and may be made only to a  
29 corporation, association, or organization which extends  
30 protection which is not substantially less favorable and  
31 effective than the protection provided by this section.

1           (6) POWERS AND DUTIES OF DEPARTMENT OF INSURANCE ~~LABOR~~  
2 ~~AND EMPLOYMENT SECURITY~~.--

3           (a) The department shall:

4           1. Notify the association of the existence of an  
5 insolvent employer not later than 3 days after it receives  
6 notice of the determination of insolvency.

7           2. Upon request of the board of directors, provide the  
8 association with a statement of the annual normal premiums of  
9 each member employer.

10          (b) The department may:

11          1. Require that the association notify the member  
12 employers and any other interested parties of the  
13 determination of insolvency and of their rights under this  
14 section. Such notification shall be by mail at the last known  
15 address thereof when available; but, if sufficient information  
16 for notification by mail is not available, notice by  
17 publication in a newspaper of general circulation shall be  
18 sufficient.

19          2. Suspend or revoke the authority of any member  
20 employer failing to pay an assessment when due or failing to  
21 comply with the plan of operation to self-insure in this  
22 state. As an alternative, the department may levy a fine on  
23 any member employer failing to pay an assessment when due.  
24 Such fine shall not exceed 5 percent of the unpaid assessment  
25 per month, except that no fine shall be less than \$100 per  
26 month.

27          3. Revoke the designation of any servicing facility if  
28 the department finds that claims are being handled  
29 unsatisfactorily.

30          (8) PREVENTION OF INSOLVENCIES.--To aid in the  
31 detection and prevention of employer insolvencies:

1 (a) Upon determination by majority vote that any  
2 member employer may be insolvent or in a financial condition  
3 hazardous to the employees thereof or to the public, it shall  
4 be the duty of the board of directors to notify the Department  
5 of Insurance ~~Labor and Employment Security~~ of any information  
6 indicating such condition.

7 (9) EXAMINATION OF THE ASSOCIATION.--The association  
8 shall be subject to examination and regulation by the  
9 Department of Insurance ~~Labor and Employment Security~~. No  
10 later than March 30 of each year, the board of directors shall  
11 submit a financial report for the preceding calendar year in a  
12 form approved by the department.

13 (10) IMMUNITY.--There shall be no liability on the  
14 part of, and no cause of action of any nature shall arise  
15 against, any member employer, the association or its agents or  
16 employees, the board of directors, or the Department of  
17 Insurance ~~Labor and Employment Security~~ or its representatives  
18 for any action taken by them in the performance of their  
19 powers and duties under this section.

20 Section 127. Subsection (6) of section 440.44, Florida  
21 Statutes, is amended to read:

22 440.44 Workers' compensation; staff organization.--

23 (6) SEAL.--The division, the judges of compensation  
24 claims, and the Chief Judge shall have a seal upon which shall  
25 be inscribed the words "State of Florida Department of  
26 Insurance ~~Labor and Employment Security~~--Seal."

27 Section 128. Subsections (1) and (3) of section  
28 440.4416, Florida Statutes, are amended to read:

29 440.4416 Workers' Compensation Oversight Board.--

30 (1) There is created within the Department of  
31 Insurance ~~Labor and Employment Security~~ the Workers'

1 Compensation Oversight Board. The board shall be composed of  
2 the following members, each of whom has knowledge of, or  
3 experience with, the workers' compensation system:

4 (a) Six members selected by the Governor, none of whom  
5 shall be a member of the Legislature at the time of  
6 appointment, consisting of the following:

7 1. Two representatives of employers.

8 2. Four representatives of employees, one of whom must  
9 be a representative of an employee's union whose members are  
10 covered by workers' compensation pursuant to this chapter.

11 (b) Three members selected by the President of the  
12 Senate, none of whom shall be members of the Legislature at  
13 the time of appointment, consisting of:

14 1. A representative of employers who employs at least  
15 10 employees in Florida for which workers' compensation  
16 coverage is provided pursuant to this chapter, and who is a  
17 licensed general contractor actively engaged in the  
18 construction industry in this state.

19 2. A representative of employers who employs fewer  
20 than 10 employees in Florida for which workers' compensation  
21 coverage is provided pursuant to this chapter.

22 3. A representative of employees.

23 (c) Three members selected by the Speaker of the House  
24 of Representatives, none of whom shall be members of the  
25 Legislature at the time of appointment, consisting of:

26 1. A representative of employers who employs fewer  
27 than 10 employees in Florida and who is a licensed general  
28 contractor actively engaged in the construction industry in  
29 this state for which workers' compensation coverage is  
30 provided pursuant to this chapter.

31

1           2. A representative of employers who employs at least  
2 10 employees in Florida for which workers' compensation  
3 coverage is provided pursuant to this chapter.

4           3. A representative of employees.

5           (d) Additionally, the Insurance Commissioner ~~and the~~  
6 ~~secretary of the Department of Labor and Employment Security~~  
7 shall be a nonvoting ex officio member ~~members~~.

8           (e) The original appointments to the board shall be  
9 made on or before January 1, 1994. Vacancies in the membership  
10 of the board shall be filled in the same manner as the  
11 original appointments. Except as to ex officio members of the  
12 board, three appointees of the Governor, two appointees of the  
13 President of the Senate, and two appointees of the Speaker of  
14 the House of Representatives shall serve for terms of 2 years,  
15 and the remaining appointees shall serve for terms of 4 years.  
16 Thereafter, all members shall serve for terms of 4 years;  
17 except that a vacancy shall be filled by appointment for the  
18 remainder of the term. The board shall have an organizational  
19 meeting on or before March 1, 1994, the time and place of such  
20 meeting to be determined by the Governor.

21           (f) Each member is accountable to the Governor for  
22 proper performance of his or her duties as a member of the  
23 board. The Governor may remove from office any member for  
24 malfeasance, misfeasance, neglect of duty, drunkenness,  
25 incompetence, permanent inability to perform official duties,  
26 or for pleading guilty or nolo contendere to, or having been  
27 adjudicated guilty of, a first degree misdemeanor or a felony.

28           (g) A vacancy shall occur upon failure of a member to  
29 attend four consecutive meetings of the board or 50 percent of  
30 the meetings of the board during a 12-month period, unless the  
31 board by majority votes to excuse the absence of such member.

1           (3) EXECUTIVE DIRECTOR; EXPENSES.--

2           (a) The board shall appoint an executive director to  
3 direct and supervise the administrative affairs and general  
4 management of the board who shall be subject to the provisions  
5 of part IV of chapter 110. The executive director may employ  
6 persons and obtain technical assistance as authorized by the  
7 board and shall attend all meetings of the board. Board  
8 employees shall be exempt from part II of chapter 110.

9           (b) In addition to per diem and travel expenses  
10 authorized by s. 112.061, board members shall receive  
11 compensation of \$50 for each full day allocable to business of  
12 the board. The board shall promulgate procedures defining  
13 "business" for purposes of receiving compensation. Such  
14 procedures shall require each member to maintain time records  
15 and submit such records to the executive director on a monthly  
16 basis. Failure to timely file such monthly record shall  
17 extinguish the member's entitlement to compensation for the  
18 subject period. Travel outside this state shall be approved by  
19 the Insurance Commissioner and Treasurer ~~secretary of the~~  
20 ~~department~~. Expenses associated with the administration of  
21 this section shall be appropriated and paid for from the trust  
22 fund created by s. 440.50.

23           Section 129. Subsection (1) of section 440.45, Florida  
24 Statutes, is amended to read:

25           440.45 Office of the Judges of Compensation Claims.--

26           (1) There is hereby created the Office of the Judges  
27 of Compensation Claims within the Department of Insurance  
28 ~~Labor and Employment Security~~. The Office of the Judges of  
29 Compensation Claims shall be headed by a Chief Judge. The  
30 Chief Judge shall be appointed by the Governor for a term of 4  
31 years from a list of three names submitted by the statewide

1 nominating commission created under subsection (2). The Chief  
2 Judge must possess the same qualifications for appointment as  
3 a judge of compensation claims, and the procedure for  
4 reappointment of the Chief Judge will be the same as for  
5 reappointment of a judge of compensation claims. The office  
6 shall be a separate budget entity and the Chief Judge shall be  
7 its agency head for all purposes. The Department of Insurance  
8 ~~Labor and Employment Security~~ shall provide administrative  
9 support and service to the office to the extent requested by  
10 the Chief Judge but shall not direct, supervise, or control  
11 the Office of the Judges of Compensation Claims in any manner,  
12 including, but not limited to, personnel, purchasing,  
13 budgetary matters, or property transactions. The operating  
14 budget of the Office of the Judges of Compensation Claims  
15 shall be paid out of the Workers' Compensation Administration  
16 Trust Fund established in s. 440.50.

17 Section 130. Paragraph (e) of subsection (9) of  
18 section 440.49, Florida Statutes, is amended to read:

19 440.49 Limitation of liability for subsequent injury  
20 through Special Disability Trust Fund.--

21 (9) SPECIAL DISABILITY TRUST FUND.--

22 (e) The Department of Insurance ~~Labor and Employment~~  
23 ~~Security~~ or administrator shall report annually on the status  
24 of the Special Disability Trust Fund. The report shall update  
25 the estimated undiscounted and discounted fund liability, as  
26 determined by an independent actuary, change in the total  
27 number of notices of claim on file with the fund in addition  
28 to the number of newly filed notices of claim, change in the  
29 number of proofs of claim processed by the fund, the fee  
30 revenues refunded and revenues applied to pay down the  
31 liability of the fund, the average time required to reimburse



1 accepted claims, and the average administrative costs per  
2 claim. The department or administrator shall submit its  
3 report to the Governor, the President of the Senate, and the  
4 Speaker of the House of Representatives by December 1 of each  
5 year.

6 Section 131. Effective October 1, 2000, section  
7 215.311, Florida Statutes, is amended to read:

8 215.311 State funds; exceptions.--The provisions of s.  
9 215.31 shall not apply to funds collected by and under the  
10 direction and supervision of the Division of Blind Services of  
11 the Department of Management Services ~~Labor and Employment~~  
12 ~~Security~~ as provided under ss. 413.011, 413.041, and 413.051;  
13 however, nothing in this section shall be construed to except  
14 from the provisions of s. 215.31 any appropriations made by  
15 the state to the division.

16 Section 132. Effective October 1, 2000, subsection (1)  
17 of section 413.091, Florida Statutes, is amended to read:

18 413.091 Identification cards.--

19 (1) The Division of Blind Services of the Department  
20 of Management Services ~~Labor and Employment Security~~ is hereby  
21 empowered to issue identification cards to persons known to be  
22 blind or partially sighted, upon the written request of such  
23 individual.

24 Section 133. Subsection (3) of section 440.102,  
25 Florida Statutes, is amended to read:

26 440.102 Drug-free workplace program requirements.--The  
27 following provisions apply to a drug-free workplace program  
28 implemented pursuant to law or to rules adopted by the Agency  
29 for Health Care Administration:

30 (3) NOTICE TO EMPLOYEES AND JOB APPLICANTS.--

31

1 (a) One time only, prior to testing, an employer shall  
2 give all employees and job applicants for employment a written  
3 policy statement which contains:

4 1. A general statement of the employer's policy on  
5 employee drug use, which must identify:

6 a. The types of drug testing an employee or job  
7 applicant may be required to submit to, including  
8 reasonable-suspicion drug testing or drug testing conducted on  
9 any other basis.

10 b. The actions the employer may take against an  
11 employee or job applicant on the basis of a positive confirmed  
12 drug test result.

13 2. A statement advising the employee or job applicant  
14 of the existence of this section.

15 3. A general statement concerning confidentiality.

16 4. Procedures for employees and job applicants to  
17 confidentially report to a medical review officer the use of  
18 prescription or nonprescription medications to a medical  
19 review officer both before and after being tested.

20 5. A list of the most common medications, by brand  
21 name or common name, as applicable, as well as by chemical  
22 name, which may alter or affect a drug test. A list of such  
23 medications as developed by the Agency for Health Care  
24 Administration shall be available to employers through the  
25 Division of Workers' Compensation of the Department of  
26 Insurance ~~Labor and Employment Security~~.

27 6. The consequences of refusing to submit to a drug  
28 test.

29 7. A representative sampling of names, addresses, and  
30 telephone numbers of employee assistance programs and local  
31 drug rehabilitation programs.

1           8. A statement that an employee or job applicant who  
2 receives a positive confirmed test result may contest or  
3 explain the result to the medical review officer within 5  
4 working days after receiving written notification of the test  
5 result; that if an employee's or job applicant's explanation  
6 or challenge is unsatisfactory to the medical review officer,  
7 the medical review officer shall report a positive test result  
8 back to the employer; and that a person may contest the drug  
9 test result pursuant to law or to rules adopted by the Agency  
10 for Health Care Administration.

11           9. A statement informing the employee or job applicant  
12 of his or her responsibility to notify the laboratory of any  
13 administrative or civil action brought pursuant to this  
14 section.

15           10. A list of all drugs for which the employer will  
16 test, described by brand name or common name, as applicable,  
17 as well as by chemical name.

18           11. A statement regarding any applicable collective  
19 bargaining agreement or contract and the right to appeal to  
20 the Public Employees Relations Commission or applicable court.

21           12. A statement notifying employees and job applicants  
22 of their right to consult with a medical review officer for  
23 technical information regarding prescription or  
24 nonprescription medication.

25           (b) An employer not having a drug-testing program  
26 shall ensure that at least 60 days elapse between a general  
27 one-time notice to all employees that a drug-testing program  
28 is being implemented and the beginning of actual drug testing.  
29 An employer having a drug-testing program in place prior to  
30 July 1, 1990, is not required to provide a 60-day notice  
31 period.

1 (c) An employer shall include notice of drug testing  
2 on vacancy announcements for positions for which drug testing  
3 is required. A notice of the employer's drug-testing policy  
4 must also be posted in an appropriate and conspicuous location  
5 on the employer's premises, and copies of the policy must be  
6 made available for inspection by the employees or job  
7 applicants of the employer during regular business hours in  
8 the employer's personnel office or other suitable locations.

9 Section 134. Subsection (1) of section 440.125,  
10 Florida Statutes, is amended to read:

11 440.125 Medical records and reports; identifying  
12 information in employee medical bills; confidentiality.--

13 (1) Any medical records and medical reports of an  
14 injured employee and any information identifying an injured  
15 employee in medical bills which are provided to the Division  
16 of Workers' Compensation of the Department of Insurance ~~labor~~  
17 ~~and Employment Security~~ pursuant to s. 440.13 are confidential  
18 and exempt from the provisions of s. 119.07(1) and s. 24(a),  
19 Art. I of the State Constitution, except as otherwise provided  
20 by this chapter.

21 Section 135. Paragraph (f) of subsection (4) and  
22 paragraph (b) of subsection (5) of section 440.25, Florida  
23 Statutes, are amended to read:

24 440.25 Procedures for mediation and hearings.--

25 (4)

26 (f) Each judge of compensation claims is required to  
27 submit a special report to the Chief Judge in each contested  
28 workers' compensation case in which the case is not determined  
29 within 14 days of final hearing. Said form shall be provided  
30 by the Chief Judge and shall contain the names of the judge of  
31 compensation claims and of the attorneys involved and a brief

1 explanation by the judge of compensation claims as to the  
2 reason for such a delay in issuing a final order. The Chief  
3 Judge shall compile these special reports into an annual  
4 public report to the Governor, the Insurance Commissioner  
5 ~~Secretary of Labor and Employment Security~~, the Legislature,  
6 The Florida Bar, and the appellate district judicial  
7 nominating commissions.

8 (5)

9 (b) An appellant may be relieved of any necessary  
10 filing fee by filing a verified petition of indigency for  
11 approval as provided in s. 57.081(1) and may be relieved in  
12 whole or in part from the costs for preparation of the record  
13 on appeal if, within 15 days after the date notice of the  
14 estimated costs for the preparation is served, the appellant  
15 files with the judge of compensation claims a copy of the  
16 designation of the record on appeal, and a verified petition  
17 to be relieved of costs. A verified petition filed prior to  
18 the date of service of the notice of the estimated costs shall  
19 be deemed not timely filed. The verified petition relating to  
20 record costs shall contain a sworn statement that the  
21 appellant is insolvent and a complete, detailed, and sworn  
22 financial affidavit showing all the appellant's assets,  
23 liabilities, and income. Failure to state in the affidavit all  
24 assets and income, including marital assets and income, shall  
25 be grounds for denying the petition with prejudice. The  
26 division shall promulgate rules as may be required pursuant to  
27 this subsection, including forms for use in all petitions  
28 brought under this subsection. The appellant's attorney, or  
29 the appellant if she or he is not represented by an attorney,  
30 shall include as a part of the verified petition relating to  
31 record costs an affidavit or affirmation that, in her or his

1 opinion, the notice of appeal was filed in good faith and that  
2 there is a probable basis for the District Court of Appeal,  
3 First District, to find reversible error, and shall state with  
4 particularity the specific legal and factual grounds for the  
5 opinion. Failure to so affirm shall be grounds for denying the  
6 petition. A copy of the verified petition relating to record  
7 costs shall be served upon all interested parties, including  
8 the division and the Office of the General Counsel, Department  
9 of Insurance ~~Labor and Employment Security~~, in Tallahassee.  
10 The judge of compensation claims shall promptly conduct a  
11 hearing on the verified petition relating to record costs,  
12 giving at least 15 days' notice to the appellant, the  
13 division, and all other interested parties, all of whom shall  
14 be parties to the proceedings. The judge of compensation  
15 claims may enter an order without such hearing if no objection  
16 is filed by an interested party within 20 days from the  
17 service date of the verified petition relating to record  
18 costs. Such proceedings shall be conducted in accordance with  
19 the provisions of this section and with the workers'  
20 compensation rules of procedure, to the extent applicable. In  
21 the event an insolvency petition is granted, the judge of  
22 compensation claims shall direct the division to pay record  
23 costs and filing fees from the Workers' Compensation Trust  
24 Fund pending final disposition of the costs of appeal. The  
25 division may transcribe or arrange for the transcription of  
26 the record in any proceeding for which it is ordered to pay  
27 the cost of the record. In the event the insolvency petition  
28 is denied, the judge of compensation claims may enter an order  
29 requiring the petitioner to reimburse the division for costs  
30 incurred in opposing the petition, including investigation and  
31 travel expenses.

1           Section 136. Section 440.525, Florida Statutes, is  
2 amended to read:

3           440.525 Examination of carriers.--~~Beginning July 1,~~  
4 ~~1994,~~The Division of Workers' Compensation of the Department  
5 of Insurance ~~Labor and Employment Security~~ may examine each  
6 carrier as often as is warranted to ensure that carriers are  
7 fulfilling their obligations under the law, and shall examine  
8 each carrier not less frequently than once every 3 years. The  
9 examination must cover the preceding 3 fiscal years of the  
10 carrier's operations and must commence within 12 months after  
11 the end of the most recent fiscal year being covered by the  
12 examination. The examination may cover any period of the  
13 carrier's operations since the last previous examination.

14           Section 137. Subsections (1) and (2) of section  
15 440.59, Florida Statutes, are amended to read:

16           440.59 Reporting requirements.--

17           (1) The Department of Insurance ~~Labor and Employment~~  
18 ~~Security~~ shall annually prepare a report of the administration  
19 of this chapter for the preceding calendar year, including a  
20 detailed statement of the receipts of and expenditures from  
21 the fund established in s. 440.50 and a statement of the  
22 causes of the accidents leading to the injuries for which the  
23 awards were made, together with such recommendations as the  
24 department considers advisable. On or before September 15 of  
25 each year, the department shall submit a copy of the report to  
26 the Governor, the President of the Senate, the Speaker of the  
27 House of Representatives, the Democratic and Republican  
28 Leaders of the Senate and the House of Representatives, and  
29 the chairs of the legislative committees having jurisdiction  
30 over workers' compensation.

31

1           (2) The Division of Workers' Compensation of the  
2 Department of Insurance ~~Labor and Employment Security~~ shall  
3 complete on a quarterly basis an analysis of the previous  
4 quarter's injuries which resulted in workers' compensation  
5 claims. The analysis shall be broken down by risk  
6 classification, shall show for each such risk classification  
7 the frequency and severity for the various types of injury,  
8 and shall include an analysis of the causes of such injuries.  
9 The division shall distribute to each employer and  
10 self-insurer in the state covered by the Workers' Compensation  
11 Law the data relevant to its workforce. The report shall also  
12 be distributed to the insurers authorized to write workers'  
13 compensation insurance in the state.

14           Section 138. Effective January 1, 2001, subsections  
15 (1), (4), and (5) of section 443.012, Florida Statutes, are  
16 amended to read:

17           443.012 Unemployment Appeals Commission.--

18           (1) There is created within the Department of  
19 Management Services ~~Labor and Employment Security~~ an  
20 Unemployment Appeals Commission, hereinafter referred to as  
21 the "commission." The commission shall consist of a chair and  
22 two other members to be appointed by the Governor, subject to  
23 confirmation by the Senate. Not more than one appointee must  
24 be a person who, on account of previous vocation, employment,  
25 or affiliation, is classified as a representative of  
26 employers; and not more than one such appointee must be a  
27 person who, on account of previous vocation, employment, or  
28 affiliation, is classified as a representative of employees.

29           (a) The chair shall devote his or her entire time to  
30 commission duties and shall be responsible for the  
31 administrative functions of the commission.



1 (b) The chair shall have the authority to appoint a  
2 general counsel, a chief appeals referee,and such other  
3 personnel as may be necessary to carry out the duties and  
4 responsibilities of the commission.

5 (c) The chair shall have the qualifications required  
6 by law for a judge of the circuit court and shall not engage  
7 in any other business vocation or employment. Notwithstanding  
8 any other provisions of existing law, the chair shall be paid  
9 a salary equal to that paid under state law to a judge of the  
10 circuit court.

11 (d) The remaining members shall be paid a stipend of  
12 \$100 for each day they are engaged in the work of the  
13 commission. The chair and other members shall also be  
14 reimbursed for travel expenses, as provided in s. 112.061.

15 (e) The total salary and travel expenses of each  
16 member of the commission shall be paid from the Employment  
17 Security Administration Trust Fund.

18 (4) The property, personnel, and appropriations  
19 relating to the specified authority, powers, duties, and  
20 responsibilities of the commission shall be provided to the  
21 commission by the Department of Management Services ~~Labor and~~  
22 ~~Employment Security~~.

23 (5) The commission shall not be subject to control,  
24 supervision, or direction by the Department of Management  
25 Services ~~Labor and Employment Security~~ in the performance of  
26 its powers and duties under this chapter.

27 Section 139. Effective January 1, 2001, all powers,  
28 duties, functions, rules, records, personnel, property, and  
29 unexpended balances of appropriations, allocations, and other  
30 funds of the Unemployment Appeals Commission relating to the  
31 commission's specified authority, powers, duties, and

1 responsibilities are transferred by a type two transfer, as  
2 defined in section 20.06(2), Florida Statutes, to the  
3 Department of Management Services.

4 Section 140. Effective January 1, 2001, subsections  
5 (12) and (15) of section 443.036, Florida Statutes, are  
6 amended to read:

7 443.036 Definitions.--As used in this chapter, unless  
8 the context clearly requires otherwise:

9 (12) COMMISSION.--"Commission" means the Unemployment  
10 Appeals Commission ~~of the Department of Labor and Employment~~  
11 ~~Security.~~

12 (15) DIVISION.--"Division" means the Division of  
13 Unemployment Compensation of the Agency for Workforce  
14 Innovation ~~Department of Labor and Employment Security.~~

15 Section 141. Effective January 1, 2001, paragraph (a)  
16 of subsection (4) and subsection (8) of section 443.151,  
17 Florida Statutes, are amended to read:

18 443.151 Procedure concerning claims.--

19 (4) APPEALS.--

20 (a) Appeals referees.--The commission division shall  
21 appoint one or more impartial salaried appeals referees  
22 selected in accordance with s. 443.171(4) to hear and decide  
23 appealed or disputed claims. Such appeals referees shall have  
24 such qualifications as may be established by the Department of  
25 Management Services upon the advice and consent of the  
26 commission division. No person shall participate on behalf of  
27 the commission division as an appeals referee in any case in  
28 which she or he is an interested party. The commission  
29 ~~division~~ may designate alternates to serve in the absence or  
30 disqualification of any appeals referee upon a temporary basis  
31 and pro hac vice which alternate shall be possessed of the

1 same qualifications required of appeals referees. The  
2 Department of Management Services ~~division~~ shall provide the  
3 commission and the appeals referees with proper facilities and  
4 assistance for the execution of their functions.

5 (8) BILINGUAL REQUIREMENTS.--

6 (a) Based on the estimated total number of households  
7 in a county which speak the same non-English language, a  
8 single-language minority, the division shall provide printed  
9 bilingual instructional and educational materials in the  
10 appropriate language in those counties in which 5 percent or  
11 more of the households in the county are classified as a  
12 single-language minority.

13 (b) The division shall ensure that one-stop career  
14 centers ~~jobs and benefits offices and appeals bureaus~~ in  
15 counties subject to the requirements of paragraph (c)  
16 prominently post notices in the appropriate languages that  
17 translators are available in those offices and bureaus.

18 (c) Single-language minority refers to households  
19 which speak the same non-English language and which do not  
20 contain an adult fluent in English. The division shall develop  
21 estimates of the percentages of single-language minority  
22 households for each county by using data made available by the  
23 United States Bureau of the Census.

24 Section 142. Effective January 1, 2001, subsections  
25 (1), (5), and (7) of section 443.171, Florida Statutes, are  
26 amended to read:

27 443.171 Division and commission; powers and duties;  
28 rules; advisory council; records and reports.--

29 (1) POWERS AND DUTIES OF DIVISION.--It shall be the  
30 duty of the division to administer this chapter; and it shall  
31 have power and authority to employ such persons, make such

1 expenditures, require such reports, make such investigations,  
2 and take such other action as it deems necessary or suitable  
3 to that end. The division shall determine its own  
4 organization and methods of procedure in accordance with the  
5 provisions of this chapter. Not later than March 15 of each  
6 year, the division, through the Agency for Workforce  
7 Innovation and in conjunction with the Unemployment Appeals  
8 Commission ~~Department of Labor and Employment Security~~, shall  
9 submit to the Governor a report covering the administration  
10 and operation of this chapter during the preceding calendar  
11 year and shall make such recommendations for amendment to this  
12 chapter as it deems proper.

13 (5) UNEMPLOYMENT COMPENSATION ADVISORY COUNCIL.--There  
14 is created a state Unemployment Compensation Advisory Council  
15 to assist the division in reviewing the unemployment insurance  
16 program and to recommend improvements for such program.

17 (a) The council shall consist of 18 members, including  
18 equal numbers of employer representatives and employee  
19 representatives who may fairly be regarded as representative  
20 because of their vocations, employments, or affiliations, and  
21 representatives of the general public.

22 (b) The members of the council shall be appointed by  
23 the executive director ~~secretary~~ of the Agency for Workforce  
24 Innovation ~~Department of Labor and Employment Security~~.  
25 ~~Initially, the secretary shall appoint five members for terms~~  
26 ~~of 4 years, five members for terms of 3 years, five members~~  
27 ~~for terms of 2 years, and three members for terms of 1 year.~~  
28 ~~Thereafter,~~Members shall be appointed for 4-year terms. A  
29 vacancy shall be filled for the remainder of the unexpired  
30 term.

31

1 (c) The council shall meet at the call of its chair,  
2 at the request of a majority of its membership, at the request  
3 of the division, or at such times as may be prescribed by its  
4 rules, but not less than twice a year. The council shall make  
5 a report of each meeting, which shall include a record of its  
6 discussions and recommendations. The division shall make such  
7 reports available to any interested person or group.

8 (d) Members of the council shall serve without  
9 compensation but shall be entitled to receive reimbursement  
10 for per diem and travel expenses as provided in s. 112.061.

11 (7) RECORDS AND REPORTS.--Each employing unit shall  
12 keep true and accurate work records, containing such  
13 information as the division may prescribe. Such records shall  
14 be open to inspection and be subject to being copied by the  
15 division at any reasonable time and as often as may be  
16 necessary. The division or an appeals referee may require from  
17 any employing unit any sworn or unsworn reports, with respect  
18 to persons employed by it, deemed necessary for the effective  
19 administration of this chapter. However, a state or local  
20 governmental agency performing intelligence or  
21 counterintelligence functions need not report an employee if  
22 the head of such agency has determined that reporting the  
23 employee could endanger the safety of the employee or  
24 compromise an ongoing investigation or intelligence mission.  
25 Information revealing the employing unit's or individual's  
26 identity thus obtained from the employing unit or from any  
27 individual pursuant to the administration of this chapter,  
28 shall, except to the extent necessary for the proper  
29 presentation of a claim or upon written authorization of the  
30 claimant who has a workers' compensation claim pending, be  
31 held confidential and exempt from the provisions of s.

1 119.07(1). Such information shall be available only to public  
2 employees in the performance of their public duties, including  
3 employees of the Department of Education in obtaining  
4 information for the Florida Education and Training Placement  
5 Information Program and the Office of Tourism, Trade, and  
6 Economic Development ~~Department of Commerce~~ in its  
7 administration of the qualified defense contractor tax refund  
8 program authorized by s. 288.1045 ~~s. 288.104~~, the qualified  
9 target industry business tax refund program authorized by s.  
10 288.106. Any claimant, or the claimant's legal representative,  
11 at a hearing before an appeals referee or the commission shall  
12 be supplied with information from such records to the extent  
13 necessary for the proper presentation of her or his claim. Any  
14 employee or member of the commission or any employee of the  
15 division, or any other person receiving confidential  
16 information, who violates any provision of this subsection is  
17 guilty of a misdemeanor of the second degree, punishable as  
18 provided in s. 775.082 or s. 775.083. However, the division  
19 may furnish to any employer copies of any report previously  
20 submitted by such employer, upon the request of such employer,  
21 and the division is authorized to charge therefor such  
22 reasonable fee as the division may by rule prescribe not to  
23 exceed the actual reasonable cost of the preparation of such  
24 copies. Fees received by the division for copies provided  
25 under this subsection shall be deposited to the credit of the  
26 Employment Security Administration Trust Fund.

27 Section 143. Effective January 1, 2001, subsections  
28 (1) and (2) of section 443.211, Florida Statutes, are amended  
29 to read:

30 443.211 Employment Security Administration Trust Fund;  
31 appropriation; reimbursement.--

1           (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST  
2 FUND.--There is created in the State Treasury a special fund  
3 to be known as the "Employment Security Administration Trust  
4 Fund." All moneys that are deposited into this fund remain  
5 continuously available ~~to the division~~ for expenditure in  
6 accordance with the provisions of this chapter and do not  
7 lapse at any time and may not be transferred to any other  
8 fund. All moneys in this fund which are received from the  
9 Federal Government or any agency thereof or which are  
10 appropriated by this state for the purposes described in ss.  
11 443.171 and 443.181, except money received under s.  
12 443.191(5)(c), must be expended solely for the purposes and in  
13 the amounts found necessary by the authorized cooperating  
14 federal agencies for the proper and efficient administration  
15 of this chapter. The fund shall consist of all moneys  
16 appropriated by this state; all moneys received from the  
17 United States or any agency thereof; all moneys received from  
18 any other source for such purpose; any moneys received from  
19 any agency of the United States or any other state as  
20 compensation for services or facilities supplied to such  
21 agency; any amounts received pursuant to any surety bond or  
22 insurance policy or from other sources for losses sustained by  
23 the Employment Security Administration Trust Fund or by reason  
24 of damage to equipment or supplies purchased from moneys in  
25 such fund; and any proceeds realized from the sale or  
26 disposition of any such equipment or supplies which may no  
27 longer be necessary for the proper administration of this  
28 chapter. Notwithstanding any provision of this section, all  
29 money requisitioned and deposited in this fund under s.  
30 443.191(5)(c) remains part of the Unemployment Compensation  
31 Trust Fund and must be used only in accordance with the

1 conditions specified in s. 443.191(5). All moneys in this  
2 fund must be deposited, administered, and disbursed in the  
3 same manner and under the same conditions and requirements as  
4 is provided by law for other special funds in the State  
5 Treasury. Such moneys must be secured by the depository in  
6 which they are held to the same extent and in the same manner  
7 as required by the general depository law of the state, and  
8 collateral pledged must be maintained in a separate custody  
9 account. All payments from the Employment Security  
10 Administration Trust Fund must be approved by the division,  
11 the commission, or by a duly authorized agent and must be made  
12 by the Treasurer upon warrants issued by the Comptroller. Any  
13 balances in this fund do not lapse at any time and must remain  
14 continuously available ~~to the division~~ for expenditure  
15 consistent with this chapter.

16 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST  
17 FUND.--There is created in the State Treasury a special fund,  
18 to be known as the "Special Employment Security Administration  
19 Trust Fund," into which shall be deposited or transferred all  
20 interest on contributions, penalties, and fines or fees  
21 collected under this chapter. Interest on contributions,  
22 penalties, and fines or fees deposited during any calendar  
23 quarter in the clearing account in the Unemployment  
24 Compensation Trust Fund shall, as soon as practicable after  
25 the close of such calendar quarter and upon certification of  
26 the division, be transferred to the Special Employment  
27 Security Administration Trust Fund. However, there shall be  
28 withheld from any such transfer the amount certified by the  
29 division to be required under this chapter to pay refunds of  
30 interest on contributions, penalties, and fines or fees  
31 collected and erroneously deposited into the clearing account



1 in the Unemployment Compensation Trust Fund. Such amounts of  
2 interest and penalties so certified for transfer shall be  
3 deemed to have been erroneously deposited in the clearing  
4 account, and the transfer thereof to the Special Employment  
5 Security Administration Trust Fund shall be deemed to be a  
6 refund of such erroneous deposits. All moneys in this fund  
7 shall be deposited, administered, and disbursed in the same  
8 manner and under the same conditions and requirements as are  
9 provided by law for other special funds in the State Treasury.  
10 These moneys shall not be expended or be available for  
11 expenditure in any manner which would permit their  
12 substitution for, or permit a corresponding reduction in,  
13 federal funds which would, in the absence of these moneys, be  
14 available to finance expenditures for the administration of  
15 the Unemployment Compensation Law. But nothing in this  
16 section shall prevent these moneys from being used as a  
17 revolving fund to cover expenditures, necessary and proper  
18 under the law, for which federal funds have been duly  
19 requested but not yet received, subject to the charging of  
20 such expenditures against such funds when received. The  
21 moneys in this fund, with the approval of the Executive Office  
22 of the Governor, shall be used by the Division of Unemployment  
23 Compensation, the Unemployment Appeals Commission, and the  
24 Agency for Workforce Innovation ~~Division of Jobs and Benefits~~  
25 for the payment of costs of administration which are found not  
26 to have been properly and validly chargeable against funds  
27 obtained from federal sources. All moneys in the Special  
28 Employment Security Administration Trust Fund shall be  
29 continuously available ~~to the division~~ for expenditure in  
30 accordance with the provisions of this chapter and shall not  
31 lapse at any time. All payments from the Special Employment

1 Security Administration Trust Fund shall be approved by the  
2 division or by a duly authorized agent thereof and shall be  
3 made by the Treasurer upon warrants issued by the Comptroller.  
4 The moneys in this fund are hereby specifically made available  
5 to replace, as contemplated by subsection (3), expenditures  
6 from the Employment Security Administration Trust Fund,  
7 established by subsection (1), which have been found by the  
8 Bureau of Employment Security, or other authorized federal  
9 agency or authority, because of any action or contingency, to  
10 have been lost or improperly expended. The Treasurer shall be  
11 liable on her or his official bond for the faithful  
12 performance of her or his duties in connection with the  
13 Special Employment Security Administration Trust Fund.

14 Section 144. Subsection (3) of section 447.02, Florida  
15 Statutes, is amended to read:

16 447.02 Definitions.--The following terms, when used in  
17 this chapter, shall have the meanings ascribed to them in this  
18 section:

19 (3) The term "department" ~~"division"~~ means the  
20 ~~Division of Jobs and Benefits of the Bureau of Workplace~~  
21 ~~Regulation of the Division of Workers' Compensation of the~~  
22 ~~Department of Insurance Labor and Employment Security.~~

23 Section 145. Subsections (2), (3), and (4) of section  
24 447.04, Florida Statutes, are amended to read:

25 447.04 Business agents; licenses, permits.--

26 (2)(a) Every person desiring to act as a business  
27 agent in this state shall, before doing so, obtain a license  
28 or permit by filing an application under oath therefor with  
29 ~~the Division of Jobs and Benefits of the department of Labor~~  
30 ~~and Employment Security~~, accompanied by a fee of \$25 and a  
31 full set of fingerprints of the applicant taken by a law

1 enforcement agency qualified to take fingerprints. There  
2 shall accompany the application a statement signed by the  
3 president and the secretary of the labor organization for  
4 which he or she proposes to act as agent, showing his or her  
5 authority to do so. The department ~~division~~ shall hold such  
6 application on file for a period of 30 days, during which time  
7 any person may file objections to the issuing of such license  
8 or permit.

9 (b) The department ~~division~~ may also conduct an  
10 independent investigation of the applicant; and, if objections  
11 are filed, it may hold, or cause to be held, a hearing in  
12 accordance with the requirements of chapter 120. The  
13 objectors and the applicant shall be permitted to attend such  
14 hearing and present evidence.

15 (3) After the expiration of the 30-day period,  
16 regardless of whether or not any objections have been filed,  
17 the department ~~division~~ shall review the application, together  
18 with all information that it may have, including, but not  
19 limited to, any objections that may have been filed to such  
20 application, any information that may have been obtained  
21 pursuant to an independent investigation, and the results of  
22 any hearing on the application. If the department ~~division~~,  
23 from a review of the information, finds that the applicant is  
24 qualified, pursuant to the terms of this chapter, it shall  
25 issue such license or permit; and such license or permit shall  
26 run for the calendar year for which issued, unless sooner  
27 surrendered, suspended, or revoked.

28 (4) Licenses and permits shall expire at midnight,  
29 December 31, but may be renewed by the department ~~division~~ on  
30 a form prescribed by it; however, if any such license or  
31 permit has been surrendered, suspended, or revoked during the

1 year, then such applicant must go through the same formalities  
2 as a new applicant.

3 Section 146. Section 447.041, Florida Statutes, is  
4 amended to read:

5 447.041 Hearings.--

6 (1) Any person or labor organization denied a license,  
7 permit, or registration shall be afforded the opportunity for  
8 a hearing by the department ~~division~~ in accordance with the  
9 requirements of chapter 120.

10 (2) The department ~~division~~ may, pursuant to the  
11 requirements of chapter 120, suspend or revoke the license or  
12 permit of any business agent or the registration of any labor  
13 organization for the violation of any provision of this  
14 chapter.

15 Section 147. Section 447.045, Florida Statutes, is  
16 amended to read:

17 447.045 Information confidential.--Neither the  
18 department ~~division~~ nor any investigator or employee of the  
19 department ~~division~~ shall divulge in any manner the  
20 information obtained pursuant to the processing of applicant  
21 fingerprint cards, and such information is confidential and  
22 exempt from the provisions of s. 119.07(1).

23 Section 148. Section 447.06, Florida Statutes, is  
24 amended to read:

25 447.06 Registration of labor organizations required.--

26 (1) Every labor organization operating in the state  
27 shall make a report under oath, in writing, to ~~the Division of~~  
28 ~~Jobs and Benefits of the department of Labor and Employment~~  
29 ~~Security~~ annually, on or before December 31. Such report shall  
30 be filed by the secretary or business agent of such labor  
31 organization, shall be in such form as the department

1 prescribes ~~division may prescribe~~, and shall show the  
2 following facts:

- 3 (a) The name of the labor organization;  
4 (b) The location of its office; and  
5 (c) The name and address of the president, secretary,  
6 treasurer, and business agent.  
7 (2) At the time of filing such report, it shall be the  
8 duty of every such labor organization to pay the department  
9 ~~division~~ an annual fee therefor in the sum of \$1.

10 Section 149. Section 447.12, Florida Statutes, is  
11 amended to read:

12 447.12 Fees for registration.--All fees collected by  
13 ~~the Division of Jobs and Benefits of the department~~ under this  
14 part of Labor and Employment Security hereunder shall be paid  
15 to the Treasurer and credited to the General Revenue Fund.

16 Section 150. Section 447.16, Florida Statutes, is  
17 amended to read:

18 447.16 Applicability of chapter ~~when effective~~.--Any  
19 labor business agent licensed on July 1, 1965, may renew such  
20 license each year on forms provided by ~~the Division of Jobs~~  
21 ~~and Benefits of the department of Labor and Employment~~  
22 Security without submitting fingerprints so long as such  
23 license or permit has not expired or has not been surrendered,  
24 suspended, or revoked. The fingerprinting requirements of  
25 this act shall become effective for a new applicant for a  
26 labor business agent license immediately upon this act  
27 becoming a law.

28 Section 151. Paragraph (a) of subsection (13) of  
29 section 447.203, Florida Statutes, is amended to read:

30 447.203 Definitions.--As used in this part:

31 (13) "Professional employee" means:

1           (a) Any employee engaged in work requiring advanced  
2 knowledge in a field of science or learning customarily  
3 acquired by a prolonged course of specialized intellectual  
4 instruction and study in an institution of higher learning or  
5 a hospital, as distinguished from a general academic  
6 education, an apprenticeship, or training in the performance  
7 of routine mental or physical processes and in any two or more  
8 of the following categories:

9           1. Work predominantly intellectual and varied in  
10 character as opposed to routine mental, manual, mechanical, or  
11 physical work;

12           2. Work involving the consistent exercise of  
13 discretion and judgment in its performance; and

14           3. Work of such a character that the output produced  
15 or the result accomplished cannot be standardized in relation  
16 to a given period of time. ~~and~~

17           ~~4. Work requiring advanced knowledge in a field of~~  
18 ~~science or learning customarily acquired by a prolonged course~~  
19 ~~of specialized intellectual instruction and study in an~~  
20 ~~institution of higher learning or a hospital, as distinguished~~  
21 ~~from a general academic education, an apprenticeship, or~~  
22 ~~training in the performance of routine mental or physical~~  
23 ~~processes.~~

24           Section 152. Effective October 1, 2000, subsections  
25 (1), (3), and (4) of section 447.205, Florida Statutes, are  
26 amended to read:

27           447.205 Public Employees Relations Commission.--

28           (1) There is hereby created within the Department of  
29 Management Services ~~Labor and Employment Security~~ the Public  
30 Employees Relations Commission, hereinafter referred to as the  
31 "commission." The commission shall be composed of a chair and

1 two full-time members to be appointed by the Governor, subject  
2 to confirmation by the Senate, from persons representative of  
3 the public and known for their objective and independent  
4 judgment, who shall not be employed by, or hold any commission  
5 with, any governmental unit in the state or any employee  
6 organization, as defined in this part, while in such office.  
7 In no event shall more than one appointee be a person who, on  
8 account of previous vocation, employment, or affiliation, is,  
9 or has been, classified as a representative of employers; and  
10 in no event shall more than one such appointee be a person  
11 who, on account of previous vocation, employment, or  
12 affiliation, is, or has been, classified as a representative  
13 of employees or employee organizations. The commissioners  
14 shall devote full time to commission duties and shall not  
15 engage in any other business, vocation, or employment while in  
16 such office. ~~Beginning January 1, 1980, the chair shall be~~  
17 ~~appointed for a term of 4 years, one commissioner for a term~~  
18 ~~of 1 year, and one commissioner for a term of 2 years.~~  
19 Thereafter, Every term of office shall be for 4 years; and  
20 each term of the office of chair shall commence on January 1  
21 of the second year following each regularly scheduled general  
22 election at which a Governor is elected to a full term of  
23 office. In the event of a vacancy prior to the expiration of  
24 a term of office, an appointment shall be made for the  
25 unexpired term of that office. The chair shall be responsible  
26 for the administrative functions of the commission and shall  
27 have the authority to employ such personnel as may be  
28 necessary to carry out the provisions of this part. Once  
29 appointed to the office of chair, the chair shall serve as  
30 chair for the duration of the term of office of chair.  
31

1 Nothing contained herein prohibits a chair or commissioner  
2 from serving multiple terms.

3 (3) The commission, in the performance of its powers  
4 and duties under this part, shall not be subject to control,  
5 supervision, or direction by the Department of Management  
6 Services ~~Labor and Employment Security~~.

7 (4) The property, personnel, and appropriations  
8 related to the commission's specified authority, powers,  
9 duties, and responsibilities shall be provided to the  
10 commission by the Department of Management Services ~~Labor and~~  
11 ~~Employment Security~~.

12 Section 153. Subsections (1) and (3) of section  
13 447.208, Florida Statutes, are amended to read:

14 447.208 Procedure with respect to certain appeals  
15 under s. 447.207.--

16 (1) Any person filing an appeal, charge, or petition  
17 pursuant to subsection (6), subsection (8), or subsection (9)  
18 of s. 447.207 shall be entitled to a hearing pursuant to  
19 subsections (4) and (5) of s. 447.503 and in accordance with  
20 chapter 120; however, the hearing shall be conducted within 30  
21 days of the filing of an appeal with the commission, unless an  
22 extension of time is granted by the commission for good cause  
23 or unless the basis for the appeal is an allegation of abuse  
24 or neglect under s. 415.1075, in which case the hearing by the  
25 Public Employees Relations Commission may not be held until  
26 the confirmed report of abuse or neglect has been upheld  
27 pursuant to the procedures for appeal in s. 415.1075.  
28 Discovery may be granted only upon a showing of extraordinary  
29 circumstances. A party requesting discovery shall demonstrate  
30 a substantial need for the information requested and an  
31 inability to obtain relevant information by other means. To



1 the extent that chapter 120 is inconsistent with these  
2 provisions, the procedures contained in this section shall  
3 govern.

4 (3) With respect to career service appeal hearings  
5 relating to demotions, suspensions, or dismissals pursuant to  
6 the provisions of this section:

7 (a) Upon a finding that just cause existed for the  
8 demotion, suspension, or dismissal, the commission shall  
9 affirm the demotion, suspension, or dismissal.

10 (b) Upon a finding that just cause did not exist for  
11 the demotion, suspension, or dismissal, the commission may  
12 order the reinstatement of the employee, with or without back  
13 pay.

14 (c) Upon a finding that just cause for disciplinary  
15 action existed, but did not justify the severity of the action  
16 taken, the commission may, in its limited discretion, reduce  
17 the penalty.

18 (d) The commission is limited in its discretionary  
19 reduction of dismissals and suspensions to consider only the  
20 following circumstances:

21 1. The seriousness of the conduct as it relates to the  
22 employee's duties and responsibilities.

23 2. Action taken with respect to similar conduct by  
24 other employees.

25 3. The previous employment record and disciplinary  
26 record of the employee.

27 4. Extraordinary circumstances beyond the employee's  
28 control which temporarily diminished the employee's capacity  
29 to effectively perform his or her duties or which  
30 substantially contributed to the violation for which  
31 punishment is being considered.

1  
2 The agency may present evidence to refute the existence of  
3 these circumstances.

4 (e) Any order of the commission issued pursuant to  
5 this subsection may include back pay, if applicable, and an  
6 amount, to be determined by the commission and paid by the  
7 agency, for reasonable attorney's fees, witness fees, and  
8 other out-of-pocket expenses incurred during the prosecution  
9 of an appeal against an agency in which the commission  
10 sustains the employee. In determining the amount of an  
11 attorney's fee, the commission shall consider only the number  
12 of hours reasonably spent on the appeal, comparing the number  
13 of hours spent on similar Career Service System appeals and  
14 the reasonable hourly rate charged in the geographic area for  
15 similar appeals, but not including litigation over the amount  
16 of the attorney's fee. This paragraph applies to future and  
17 pending cases.

18 Section 154. Subsection (4) of section 447.305,  
19 Florida Statutes, is amended to read:

20 447.305 Registration of employee organization.--

21 (4) Notification of registrations and renewals of  
22 registration shall be furnished at regular intervals by the  
23 commission to the Bureau of Workplace Regulation of the  
24 Division of Workers' Compensation ~~Division of Jobs and~~  
25 ~~Benefits~~ of the Department of Insurance ~~Labor and Employment~~  
26 ~~Security~~.

27 Section 155. Paragraph (b) of subsection (3) of  
28 section 447.307, Florida Statutes, is amended to read:

29 447.307 Certification of employee organization.--

30 (3)  
31

1 (b) When an employee organization is selected by a  
2 majority of the employees voting in an election, the  
3 commission shall certify the employee organization as the  
4 exclusive collective bargaining representative of all  
5 employees in the unit. Certification is effective upon the  
6 issuance of the final order by the commission or, if the final  
7 order is appealed, at the time the appeal is exhausted or any  
8 stay is vacated by the commission or the court. A party may  
9 petition the commission, pursuant to its established  
10 procedures, to modify an existing certification due to changed  
11 circumstances, an inadvertent mistake by the commission in the  
12 original bargaining unit description, or newly created or  
13 deleted jobs, or to recognize a name change of the employee  
14 organization.

15 Section 156. Paragraph (a) of subsection (5) of  
16 section 447.503, Florida Statutes, is amended to read:

17 447.503 Charges of unfair labor practices.--It is the  
18 intent of the Legislature that the commission act as  
19 expeditiously as possible to settle disputes regarding alleged  
20 unfair labor practices. To this end, violations of the  
21 provisions of s. 447.501 shall be remedied by the commission  
22 in accordance with the following procedures and in accordance  
23 with chapter 120; however, to the extent that chapter 120 is  
24 inconsistent with the provisions of this section, the  
25 procedures contained in this section shall govern:

26 (5) Whenever the proceeding involves a disputed issue  
27 of material fact and an evidentiary hearing is to be  
28 conducted:

29 (a) The commission shall issue and serve upon all  
30 parties a notice of hearing before an assigned hearing officer  
31 at a time and place specified therein. Such notice shall be

1 issued at least 14 days prior to the scheduled hearing. If a  
2 party fails to appear for the hearing, the hearing officer  
3 shall, after waiting a reasonable time, open the record, note  
4 the nonappearance, and close the hearing. Thereafter, the  
5 hearing may be reconvened only if the party establishes that  
6 the failure to appear was due to circumstances beyond his or  
7 her control.

8 Section 157. Subsection (4) of section 447.504,  
9 Florida Statutes, is amended to read:

10 447.504 Judicial review.--

11 (4) The commencement of proceedings under this section  
12 shall not, unless specifically ordered by the district court  
13 of appeal, operate as a stay of the commission's order.  
14 However, the commission may stay determination of the amount  
15 of back pay, benefits, or attorney's fees until the court  
16 decides the appeal.

17 Section 158. Effective October 1, 2000, all powers,  
18 duties, functions, rules, records, personnel, property, and  
19 unexpended balances of appropriations, allocations, and other  
20 funds of the Public Employees Relations Commission relating to  
21 the commission's specified authority, powers, duties, and  
22 responsibilities are transferred by a type two transfer, as  
23 defined in section 20.06, Florida Statutes, to the Department  
24 of Management Services.

25 Section 159. Subsection (4) of section 450.012,  
26 Florida Statutes, is amended to read:

27 450.012 Definitions.--For the purpose of this chapter,  
28 the word, phrase, or term:

29 (4) "Department"~~"Division"~~ means the Bureau of  
30 Workplace Regulation of the Division of Workers' Compensation

31

1 ~~Division of Jobs and Benefits~~ of the Department of Insurance  
2 ~~Labor and Employment Security~~.

3           Section 160. Subsection (3) of section 450.061,  
4 Florida Statutes, is amended to read:

5           450.061 Hazardous occupations prohibited;  
6 exemptions.--

7           (3) No minor under 18 years of age, whether such  
8 person's disabilities of nonage have been removed by marriage  
9 or otherwise, shall be employed or permitted or suffered to  
10 work in any place of employment or at any occupation hazardous  
11 or injurious to the life, health, safety, or welfare of such  
12 minor, as such places of employment or occupations may be  
13 determined and declared by ~~the Division of Jobs and Benefits~~  
14 ~~of the department of Labor and Employment Security~~ to be  
15 hazardous and injurious to the life, health, safety, or  
16 welfare of such minor.

17           Section 161. Paragraph (c) of subsection (5) of  
18 section 450.081, Florida Statutes, is amended to read:

19           450.081 Hours of work in certain occupations.--

20           (5) The provisions of subsections (1) through (4)  
21 shall not apply to:

22           (c) Minors enrolled in a public educational  
23 institution who qualify on a hardship basis such as economic  
24 necessity or family emergency. Such determination shall be  
25 made by the school superintendent or his or her designee, and  
26 a waiver of hours shall be issued to the minor and the  
27 employer. The form and contents thereof shall be prescribed by  
28 the department division.

29           Section 162. Section 450.095, Florida Statutes, is  
30 amended to read:

31

1           450.095 Waivers.--In extenuating circumstances when it  
2 clearly appears to be in the best interest of the child, the  
3 department ~~division~~ may grant a waiver of the restrictions  
4 imposed by the Child Labor Law on the employment of a child.  
5 Such waivers shall be granted upon a case-by-case basis and  
6 shall be based upon such factors as the department ~~division~~,  
7 by rule, establishes as determinative of whether such waiver  
8 is in the best interest of a child.

9           Section 163. Subsections (1), (2), and (5) of section  
10 450.121, Florida Statutes, are amended to read:

11           450.121 Enforcement of Child Labor Law.--

12           (1) The department ~~Division of Jobs and Benefits~~ shall  
13 administer this chapter. It shall employ such help as is  
14 necessary to effectuate the purposes of this chapter. Other  
15 agencies of the state may cooperate with the department  
16 ~~division~~ in the administration and enforcement of this part.  
17 To accomplish this joint, cooperative effort, the department  
18 ~~division~~ may enter into intergovernmental agreements with  
19 other agencies of the state whereby the other agencies may  
20 assist the department ~~division~~ in the administration and  
21 enforcement of this part. Any action taken by an agency  
22 pursuant to an intergovernmental agreement entered into  
23 pursuant to this section shall be considered to have been  
24 taken by the department ~~division~~.

25           (2) It is the duty of the department ~~division~~ and its  
26 agents and all sheriffs or other law enforcement officers of  
27 the state or of any municipality of the state to enforce the  
28 provisions of this law, to make complaints against persons  
29 violating its provisions, and to prosecute violations of the  
30 same. The department ~~division~~ and its agents have authority to  
31 enter and inspect at any time any place or establishment

1 covered by this law and to have access to age certificates  
2 kept on file by the employer and such other records as may aid  
3 in the enforcement of this law. A designated school  
4 representative acting in accordance with s. 232.17 shall  
5 report to the department ~~division~~ all violations of the Child  
6 Labor Law that may come to his or her knowledge.

7 (5) The department ~~division~~ may adopt rules:

8 (a) Defining words, phrases, or terms used in the  
9 child labor rule or in this part, as long as the word, phrase,  
10 or term is not a word, phrase, or term defined in s. 450.012.

11 (b) Prescribing additional documents that may be used  
12 to prove the age of a minor and the procedure to be followed  
13 before a person who claims his or her disability of nonage has  
14 been removed by a court of competent jurisdiction may be  
15 employed.

16 (c) Requiring certain safety equipment and a safe  
17 workplace environment for employees who are minors.

18 (d) Prescribing the deadlines applicable to a response  
19 to a request for records under subsection (2).

20 (e) Providing an official address from which child  
21 labor forms, rules, laws, and posters may be requested and  
22 prescribing the forms to be used in connection with this part.

23 Section 164. Subsections (1), (2), (3), (4), and (5)  
24 of section 450.132, Florida Statutes, are amended to read:

25 450.132 Employment of children by the entertainment  
26 industry; rules; procedures.--

27 (1) Children within the protection of our child labor  
28 statutes may, notwithstanding such statutes, be employed by  
29 the entertainment industry in the production of motion  
30 pictures, legitimate plays, television shows, still  
31 photography, recording, publicity, musical and live

1 performances, circuses, and rodeos, in any work not determined  
2 by the department ~~Division of Jobs and Benefits~~ to be  
3 hazardous, or detrimental to their health, morals, education,  
4 or welfare.

5 (2) The department ~~Division of Jobs and Benefits~~  
6 shall, as soon as convenient, and after such investigation as  
7 to the department ~~division~~ may seem necessary or advisable,  
8 determine what work in connection with the entertainment  
9 industry is not hazardous or detrimental to the health,  
10 morals, education, or welfare of minors within the purview and  
11 protection of our child labor laws. When so adopted, such  
12 rules shall have the force and effect of law in this state.

13 (3) Entertainment industry employers or agents wishing  
14 to qualify for the employment of minors in work not hazardous  
15 or detrimental to their health, morals, or education shall  
16 make application to the department ~~division~~ for a permit  
17 qualifying them to employ minors in the entertainment  
18 industry. The form and contents thereof shall be prescribed by  
19 the department ~~division~~.

20 (4) Any duly qualified entertainment industry employer  
21 may employ any minor. However, if any entertainment industry  
22 employer employing a minor causes, permits, or suffers such  
23 minor to be placed under conditions which are dangerous to the  
24 life or limb or injurious or detrimental to the health or  
25 morals or education of the minor, the right of that  
26 entertainment industry employer and its representatives and  
27 agents to employ minors as provided herein shall stand  
28 revoked, unless otherwise ordered by the department ~~division~~,  
29 and the person responsible for such unlawful employment is  
30 guilty of a misdemeanor of the second degree, punishable as  
31 provided in s. 775.082 or s. 775.083.



1           (5) Any entertainment industry employer and its agents  
2 employing minors hereunder are required to notify the  
3 department division, showing the date of the commencement of  
4 work, the number of days worked, the location of the work, and  
5 the date of termination.

6           Section 165. Subsections (2) and (3) of section  
7 450.141, Florida Statutes, are amended to read:

8           450.141 Employing minor children in violation of law;  
9 penalties.--

10          (2) Any person, firm, corporation, or governmental  
11 agency, or agent thereof, that has employed minors in  
12 violation of this part, or any rule adopted pursuant thereto,  
13 may be subject by the department division to fines not to  
14 exceed \$2,500 per offense. The department division shall  
15 adopt, by rule, disciplinary guidelines specifying a  
16 meaningful range of designated penalties based upon the  
17 severity and repetition of the offenses, and which distinguish  
18 minor violations from those which endanger a minor's health  
19 and safety.

20          (3) If the department division has reasonable grounds  
21 for believing there has been a violation of this part or any  
22 rule adopted pursuant thereto, it shall give written notice to  
23 the person alleged to be in violation. Such notice shall  
24 include the provision or rule alleged to be violated, the  
25 facts alleged to constitute such violation, and requirements  
26 for remedial action within a time specified in the notice. No  
27 fine may be levied unless the person alleged to be in  
28 violation fails to take remedial action within the time  
29 specified in the notice.

30          Section 166. Paragraph (j) of subsection (1) of  
31 section 450.191, Florida Statutes, is amended to read:

1           450.191 Executive Office of the Governor; powers and  
2 duties.--

3           (1) The Executive Office of the Governor is authorized  
4 and directed to:

5           (j) Cooperate with the regional workforce boards and  
6 one-stop career centers ~~farm labor office of the Florida State~~  
7 ~~Employment Service~~ in the recruitment and referral of migrant  
8 laborers and other persons for the planting, cultivation, and  
9 harvesting of agricultural crops in Florida.

10           Section 167. Subsection (2) of section 450.28, Florida  
11 Statutes, is amended to read:

12           450.28 Definitions.--

13           (2) "Department" ~~"Division"~~ means the Bureau of  
14 Workplace Regulation of the Division of Workers' Compensation  
15 ~~Jobs and Benefits~~ of the Department of Insurance ~~Labor and~~  
16 ~~Employment Security~~.

17           Section 168. Section 450.30, Florida Statutes, is  
18 amended to read:

19           450.30 Requirement of certificate of registration;  
20 education and examination program.--

21           (1) No person may act as a farm labor contractor until  
22 a certificate of registration has been issued to him or her by  
23 the department ~~division~~ and unless such certificate is in full  
24 force and effect and is in his or her possession.

25           (2) No certificate of registration may be transferred  
26 or assigned.

27           (3) Unless sooner revoked, each certificate of  
28 registration, regardless of the date of issuance, shall be  
29 renewed on the last day of the birth month following the date  
30 of issuance and, thereafter, each year on the last day of the  
31 birth month of the registrant. The date of incorporation shall

1 be used in lieu of birthdate for registrants that are  
2 corporations. Applications for certificates of registration  
3 and renewal thereof shall be on a form prescribed by the  
4 department ~~division~~.

5 (4) The department ~~division~~ shall provide a program of  
6 education and examination for applicants under this part. The  
7 program may be provided by the department ~~division~~ or through  
8 a contracted agent. The program shall be designed to ensure  
9 the competency of those persons to whom the department  
10 ~~division~~ issues certificates of registration.

11 (5) The department ~~division~~ shall require each  
12 applicant to demonstrate competence by a written or oral  
13 examination in the language of the applicant, evidencing that  
14 he or she is knowledgeable concerning the duties and  
15 responsibilities of a farm labor contractor. The examination  
16 shall be prepared, administered, and evaluated by the  
17 department ~~division~~ or through a contracted agent.

18 (6) The department ~~division~~ shall require an applicant  
19 for renewal of a certificate of registration to retake the  
20 examination only if:

21 (a) During the prior certification period, the  
22 division issued a final order assessing a civil monetary  
23 penalty or revoked or refused to renew or issue a certificate  
24 of registration; or

25 (b) The department ~~division~~ determines that new  
26 requirements related to the duties and responsibilities of a  
27 farm labor contractor necessitate a new examination.

28 (7) The department ~~division~~ shall charge each  
29 applicant a \$35 fee for the education and examination program.  
30 Such fees shall be deposited in the Crew Chief Registration  
31 Trust Fund.

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 169. 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 170. 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 171. 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 172. 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 173. 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 174. 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 175. (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 176. (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 177. 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 178. 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 179. 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 180. 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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