

By the Committee on Commerce and Tourism

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1                   A bill to be entitled  
2           An act relating to obsolete references and programs;  
3           amending s. 14.2015, F.S.; removing an obsolete  
4           reference to the Department of Commerce; amending s.  
5           20.18, F.S.; updating a reference to the Department of  
6           Commerce to refer instead to the Office of Tourism,  
7           Trade, and Economic Development; amending s. 45.031,  
8           F.S.; removing an obsolete reference to the Department  
9           of Labor and Employment Security; amending s. 69.041,  
10          F.S.; removing an obsolete reference to the Department  
11          of Labor and Employment Security; amending s. 112.044,  
12          F.S.; removing obsolete references to the Department  
13          of Labor and Employment Security; amending s. 212.20,  
14          F.S.; conforming cross-references to changes made by  
15          the act; amending s. 252.85, F.S.; updating a  
16          reference to the Department of Labor and Employment  
17          Security; amending s. 252.87, F.S.; removing a  
18          reference to the Department of Labor and Employment  
19          Security; amending s. 252.937, F.S.; removing a  
20          reference to the Department of Labor and Employment  
21          Security; amending s. 287.09431, F.S.; updating  
22          references to the Department of Labor and Employment  
23          Security; amending s. 287.09451, F.S.; removing  
24          references to the Department of Labor and Employment  
25          Security; amending s. 287.0947, F.S.; removing a  
26          reference to the Department of Labor and Employment  
27          Security; correcting a cross-reference; amending s.  
28          288.021, F.S.; updating a reference to the Department  
29          of Labor and Employment Security; amending s. 288.035,

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30 F.S.; removing a reference to the Department of  
31 Commerce; repealing s. 288.038, F.S., relating to  
32 agreements of the Department of Labor and Employment  
33 Security with county tax collectors; repealing s.  
34 288.1162, F.S., relating to professional sports  
35 franchises; repealing s. 288.1168, F.S., relating to  
36 the professional golf hall of fame facility; amending  
37 s. 288.1229, F.S.; removing a reference to the  
38 Department of Commerce; amending s. 288.1169, F.S.;  
39 updating references to the Department of Commerce;  
40 amending s. 331.369, F.S.; updating references to the  
41 Workforce Development Board of Enterprise Florida,  
42 Inc.; amending s. 377.711, F.S.; removing a reference  
43 to the Department of Commerce; providing for standard  
44 compact provisions regarding recommendations by the  
45 Southern States Energy Board; amending s. 377.712,  
46 F.S.; clarifying provisions governing participation in  
47 the compact by the state and its agencies; amending s.  
48 409.2576, F.S.; removing references to the Department  
49 of Labor and Employment Security; amending s. 414.24,  
50 F.S.; updating references to the Department of Labor  
51 and Employment Security; amending s. 414.40, F.S.;  
52 updating provisions governing the Stop Inmate Fraud  
53 Program; updating a reference to the Department of  
54 Labor and Employment Security; amending s. 440.385,  
55 F.S.; updating a reference to the Department of Labor  
56 and Employment Security; removing obsolete provisions;  
57 amending s. 440.49, F.S.; removing a reference to the  
58 Department of Labor and Employment Security; removing

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59       obsolete provisions; repealing s. 446.60, F.S.,  
60       relating to assistance for displaced local exchange  
61       telecommunications company workers; amending s.  
62       450.161, F.S.; updating a reference to the Division of  
63       Jobs and Benefits; amending s. 464.203, F.S.; updating  
64       a reference to the Enterprise Florida Jobs and  
65       Education Partnership Grant; amending s. 489.1455,  
66       F.S.; updating a reference to the Department of Labor  
67       and Employment Security; amending s. 489.5335, F.S.;  
68       updating a reference to the Department of Labor and  
69       Employment Security; amending s. 553.62, F.S.;  
70       removing a reference to the Department of Labor and  
71       Employment Security; amending s. 597.006, F.S.;  
72       removing a reference to the Department of Labor and  
73       Employment Security; amending s. 944.012, F.S.;  
74       updating a reference to the Florida State Employment  
75       Service; amending s. 944.708, F.S.; removing a  
76       reference to the Agency for Workforce Innovation;  
77       repealing ss. 255.551-255.563, F.S., relating to the  
78       asbestos management program; repealing s.  
79       469.003(2)(b), F.S., relating to obsolete provisions  
80       governing the licensure of asbestos surveyors;  
81       providing an effective date.

82

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

84

85       Section 1. Subsection (8) of section 14.2015, Florida  
86       Statutes, is amended to read:

87       14.2015 Office of Tourism, Trade, and Economic Development;

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88 creation; powers and duties.—

89 (8) The Office of Tourism, Trade, and Economic Development  
90 shall ensure that the contract between the Florida Commission on  
91 Tourism and the commission's direct-support organization  
92 contains a provision to provide the data on the visitor counts  
93 and visitor profiles used in revenue estimating, ~~employing the~~  
94 ~~same methodology used in fiscal year 1995-1996 by the Department~~  
95 ~~of Commerce~~. The Office of Tourism, Trade, and Economic  
96 Development and the Florida Commission on Tourism must advise  
97 and consult with the Consensus Estimating Conference principals  
98 before making any changes in methodology used or information  
99 gathered.

100 Section 2. Subsection (4) of section 20.18, Florida  
101 Statutes, is amended to read:

102 20.18 Department of Community Affairs.—There is created a  
103 Department of Community Affairs.

104 (4) In addition to its other powers, duties, and functions,  
105 the department shall, under the general supervision of the  
106 secretary and the Interdepartmental Coordinating Council on  
107 Community Services, assist and encourage the development of  
108 state programs by the various departments for the productive use  
109 of human resources, and the department shall work with other  
110 state agencies in order that together they might:

111 (a) Effect the coordination, by the responsible agencies of  
112 the state, of the career and adult educational programs of the  
113 state in order to provide the maximum use and meaningful  
114 employment of persons completing courses of study from such  
115 programs;

116 (b) Assist the Office of Tourism, Trade, and Economic

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117 Development ~~Department of Commerce~~ in the development of  
118 employment opportunities; and

119 (c) Improve the enforcement of special district reporting  
120 requirements and the communication among state agencies that  
121 receive mandatory reports from special districts.

122 Section 3. Paragraph (a) of subsection (7) of section  
123 45.031, Florida Statutes, is amended to read:

124 45.031 Judicial sales procedure.—In any sale of real or  
125 personal property under an order or judgment, the procedures  
126 provided in this section and ss. 45.0315-45.035 may be followed  
127 as an alternative to any other sale procedure if so ordered by  
128 the court.

129 (7) DISBURSEMENTS OF PROCEEDS.—

130 (a) On filing a certificate of title, the clerk shall  
131 disburse the proceeds of the sale in accordance with the order  
132 or final judgment and shall file a report of such disbursements  
133 and serve a copy of it on each party, and on the Department of  
134 Revenue if the department was named as a defendant in the action  
135 or if the Agency for Workforce Innovation ~~or the former~~  
136 ~~Department of Labor and Employment Security~~ was named as a  
137 defendant while the Department of Revenue was providing  
138 unemployment tax collection services under contract with the  
139 Agency for Workforce Innovation through an interagency agreement  
140 pursuant to s. 443.1316.

141 Section 4. Paragraph (a) of subsection (4) of section  
142 69.041, Florida Statutes, is amended to read:

143 69.041 State named party; lien foreclosure, suit to quiet  
144 title.—

145 (4) (a) The Department of Revenue has the right to

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146 participate in the disbursement of funds remaining in the  
147 registry of the court after distribution pursuant to s.  
148 45.031(7). The department shall participate in accordance with  
149 applicable procedures in any mortgage foreclosure action in  
150 which the department has a duly filed tax warrant, or interests  
151 under a lien arising from a judgment, order, or decree for  
152 support, as defined in s. 409.2554, or interest in an  
153 unemployment compensation tax lien under contract with the  
154 Agency for Workforce Innovation through an interagency agreement  
155 pursuant to s. 443.1316, against the subject property and with  
156 the same priority, regardless of whether a default against the  
157 department or the Agency for Workforce Innovation, ~~or the~~  
158 ~~former Department of Labor and Employment Security~~ has been  
159 entered for failure to file an answer or other responsive  
160 pleading.

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

163 112.044 Public employers, employment agencies, labor  
164 organizations; discrimination based on age prohibited;  
165 exceptions; remedy.—

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

167 ~~(d) "Department" means the Department of Labor and~~  
168 ~~Employment Security.~~

169 (5) NOTICE TO BE POSTED.—Each employer, employment agency,  
170 and labor organization shall post and keep posted in conspicuous  
171 places upon its premises notices required by the United States  
172 Department of Labor and the Equal Employment Opportunity  
173 Commission ~~a notice to be prepared or approved by the department~~  
174 ~~setting forth such information as the department deems~~

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175 ~~appropriate to effectuate the purposes of this act.~~

176 Section 6. Paragraph (d) of subsection (6) of section  
177 212.20, Florida Statutes, is amended to read:

178 212.20 Funds collected, disposition; additional powers of  
179 department; operational expense; refund of taxes adjudicated  
180 unconstitutionally collected.—

181 (6) Distribution of all proceeds under this chapter and s.  
182 202.18(1)(b) and (2)(b) shall be as follows:

183 (d) The proceeds of all other taxes and fees imposed  
184 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
185 and (2)(b) shall be distributed as follows:

186 1. In any fiscal year, the greater of \$500 million, minus  
187 an amount equal to 4.6 percent of the proceeds of the taxes  
188 collected pursuant to chapter 201, or 5.2 percent of all other  
189 taxes and fees imposed pursuant to this chapter or remitted  
190 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
191 monthly installments into the General Revenue Fund.

192 2. After the distribution under subparagraph 1., 8.814  
193 percent of the amount remitted by a sales tax dealer located  
194 within a participating county pursuant to s. 218.61 shall be  
195 transferred into the Local Government Half-cent Sales Tax  
196 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
197 transferred shall be reduced by 0.1 percent, and the department  
198 shall distribute this amount to the Public Employees Relations  
199 Commission Trust Fund less \$5,000 each month, which shall be  
200 added to the amount calculated in subparagraph 3. and  
201 distributed accordingly.

202 3. After the distribution under subparagraphs 1. and 2.,  
203 0.095 percent shall be transferred to the Local Government Half-

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204 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
205 s. 218.65.

206 4. After the distributions under subparagraphs 1., 2., and  
207 3., 2.0440 percent of the available proceeds shall be  
208 transferred monthly to the Revenue Sharing Trust Fund for  
209 Counties pursuant to s. 218.215.

210 5. After the distributions under subparagraphs 1., 2., and  
211 3., 1.3409 percent of the available proceeds shall be  
212 transferred monthly to the Revenue Sharing Trust Fund for  
213 Municipalities pursuant to s. 218.215. If the total revenue to  
214 be distributed pursuant to this subparagraph is at least as  
215 great as the amount due from the Revenue Sharing Trust Fund for  
216 Municipalities and the former Municipal Financial Assistance  
217 Trust Fund in state fiscal year 1999-2000, no municipality shall  
218 receive less than the amount due from the Revenue Sharing Trust  
219 Fund for Municipalities and the former Municipal Financial  
220 Assistance Trust Fund in state fiscal year 1999-2000. If the  
221 total proceeds to be distributed are less than the amount  
222 received in combination from the Revenue Sharing Trust Fund for  
223 Municipalities and the former Municipal Financial Assistance  
224 Trust Fund in state fiscal year 1999-2000, each municipality  
225 shall receive an amount proportionate to the amount it was due  
226 in state fiscal year 1999-2000.

227 6. Of the remaining proceeds:

228 a. In each fiscal year, the sum of \$29,915,500 shall be  
229 divided into as many equal parts as there are counties in the  
230 state, and one part shall be distributed to each county. The  
231 distribution among the several counties must begin each fiscal  
232 year on or before January 5th and continue monthly for a total



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233 of 4 months. If a local or special law required that any moneys  
234 accruing to a county in fiscal year 1999-2000 under the then-  
235 existing provisions of s. 550.135 be paid directly to the  
236 district school board, special district, or a municipal  
237 government, such payment must continue until the local or  
238 special law is amended or repealed. The state covenants with  
239 holders of bonds or other instruments of indebtedness issued by  
240 local governments, special districts, or district school boards  
241 before July 1, 2000, that it is not the intent of this  
242 subparagraph to adversely affect the rights of those holders or  
243 relieve local governments, special districts, or district school  
244 boards of the duty to meet their obligations as a result of  
245 previous pledges or assignments or trusts entered into which  
246 obligated funds received from the distribution to county  
247 governments under then-existing s. 550.135. This distribution  
248 specifically is in lieu of funds distributed under s. 550.135  
249 before July 1, 2000.

250       b. The department shall distribute \$166,667 monthly  
251 pursuant to chapter 88-226, Laws of Florida, ~~s. 288.1162~~ to each  
252 applicant certified as a facility for a new or retained  
253 professional sports franchise pursuant to chapter 88-226, Laws  
254 of Florida ~~s. 288.1162~~. Up to \$41,667 shall be distributed  
255 monthly by the department to each certified applicant as defined  
256 in s. 288.11621 for a facility for a spring training franchise.  
257 However, not more than \$416,670 may be distributed monthly in  
258 the aggregate to all certified applicants for facilities for  
259 spring training franchises. Distributions begin 60 days after  
260 such certification and continue for not more than 30 years,  
261 except as otherwise provided in s. 288.11621. A certified

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262 applicant identified in this sub-subparagraph may not receive  
263 more in distributions than expended by the applicant for the  
264 public purposes provided for in chapter 88-226, Laws of Florida,  
265 ~~s. 288.1162(5)~~ or s. 288.11621(3).

266 c. Beginning 30 days after notice by the Office of Tourism,  
267 Trade, and Economic Development to the Department of Revenue  
268 that an applicant has been certified as the professional golf  
269 hall of fame pursuant to chapter 93-233, Laws of Florida, ~~s.~~  
270 ~~288.1168~~ and is open to the public, \$166,667 shall be  
271 distributed monthly, for up to 300 months, to the applicant.

272 d. Beginning 30 days after notice by the Office of Tourism,  
273 Trade, and Economic Development to the Department of Revenue  
274 that the applicant has been certified as the International Game  
275 Fish Association World Center facility pursuant to s. 288.1169,  
276 and the facility is open to the public, \$83,333 shall be  
277 distributed monthly, for up to 168 months, to the applicant.  
278 This distribution is subject to reduction pursuant to s.  
279 288.1169. A lump sum payment of \$999,996 shall be made, after  
280 certification and before July 1, 2000.

281 7. All other proceeds must remain in the General Revenue  
282 Fund.

283 Section 7. Subsection (1) of section 252.85, Florida  
284 Statutes, is amended to read:

285 252.85 Fees.—

286 (1) Any owner or operator of a facility required under s.  
287 302 or s. 312 of EPCRA, or by s. 252.87, to submit a  
288 notification or an annual inventory form to the commission shall  
289 be required to pay an annual registration fee. The fee for any  
290 company, including all facilities under common ownership or

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291 control, shall not be less than \$25 nor more than \$2,000. The  
292 department shall establish a reduced fee, of not less than \$25  
293 nor more than \$500, applicable to any owner or operator  
294 regulated under part I of chapter 368, chapter 527, or s.  
295 376.303, which does not have present any extremely hazardous  
296 substance, as defined by EPCRA, in excess of a threshold  
297 planning quantity, as established by EPCRA. The department shall  
298 establish a reduced fee of not less than \$25 nor more than  
299 \$1,000, applicable to any owner or operator of a facility with a  
300 Standard Industrial Classification Code of 01, 02, or 07, which  
301 is eligible for the "routine agricultural use" exemption  
302 provided in ss. 311 and 312 of EPCRA. The fee under this  
303 subsection shall be based on the number of employees employed  
304 within the state at facilities under the common ownership or  
305 control of such owner or operator, which number shall be  
306 determined, to the extent possible, in accordance with data  
307 supplied by the Agency for Workforce Innovation or its tax  
308 collection service provider ~~Department of Labor and Employment~~  
309 ~~Security~~. In order to avoid the duplicative reporting of  
310 seasonal and temporary agricultural employees, fees applicable  
311 to owners or operators of agricultural facilities, which are  
312 eligible for the "routine agricultural use" reporting exemption  
313 provided in ss. 311 and 312 of EPCRA, shall be based on employee  
314 data which most closely reflects such owner or operator's  
315 permanent nonseasonal workforce. The department shall establish  
316 by rule the date by which the fee is to be paid, as well as a  
317 formula or method of determining the applicable fee under this  
318 subsection without regard to the number of facilities under  
319 common ownership or control. The department may require owners

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320 or operators of multiple facilities to demonstrate common  
321 ownership or control for purposes of this subsection.

322 Section 8. Subsection (7) of section 252.87, Florida  
323 Statutes, is amended to read:

324 252.87 Supplemental state reporting requirements.—

325 (7) The department shall avoid duplicative reporting  
326 requirements by utilizing the reporting requirements of other  
327 state agencies that regulate hazardous materials to the extent  
328 feasible and shall request the information authorized under  
329 EPCRA. With the advice and consent of the State Emergency  
330 Response Commission for Hazardous Materials, the department may  
331 require by rule that the maximum daily amount entry on the  
332 chemical inventory report required under s. 312 of EPCRA provide  
333 for reporting in estimated actual amounts. The department may  
334 also require by rule an entry for the Federal Employer  
335 Identification Number on this report. To the extent feasible,  
336 the department shall encourage and accept required information  
337 in a form initiated through electronic data interchange and  
338 shall describe by rule the format, manner of execution, and  
339 method of electronic transmission necessary for using such form.  
340 To the extent feasible, the Department of Financial Services,  
341 the Department of Agriculture and Consumer Services, the  
342 Department of Environmental Protection, the Public Service  
343 Commission, the Department of Revenue, ~~the Department of Labor~~  
344 ~~and Employment Security~~, and other state agencies which regulate  
345 hazardous materials shall coordinate with the department in  
346 order to avoid duplicative requirements contained in each  
347 agency's respective reporting or registration forms. The other  
348 state agencies that inspect facilities storing hazardous

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349 materials and suppliers and distributors of covered substances  
350 shall assist the department in informing the facility owner or  
351 operator of the requirements of this part. The department shall  
352 provide the other state agencies with the necessary information  
353 and materials to inform the owners and operators of the  
354 requirements of this part to ensure that the budgets of these  
355 agencies are not adversely affected.

356 Section 9. Subsection (2) of section 252.937, Florida  
357 Statutes, is amended to read:

358 252.937 Department powers and duties.—

359 (2) To ensure that this program is self-supporting, the  
360 department shall provide administrative support, including  
361 staff, facilities, materials, and services to implement this  
362 part for specified stationary sources subject to s. 252.939 and  
363 shall provide necessary funding to local emergency planning  
364 committees and county emergency management agencies for work  
365 performed to implement this part. Each state agency with  
366 regulatory, inspection, or technical assistance programs for  
367 specified stationary sources subject to this part shall enter  
368 into a memorandum of understanding with the department which  
369 specifically outlines how each agency's staff, facilities,  
370 materials, and services will be utilized to support  
371 implementation. At a minimum, these agencies and programs  
372 include: the Department of Environmental Protection's Division  
373 of Air Resources Management and Division of Water Resource  
374 Management, ~~and the Department of Labor and Employment~~  
375 ~~Security's Division of Safety~~. It is the Legislature's intent to  
376 implement this part as efficiently and economically as possible,  
377 using existing expertise and resources, if available and

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378 appropriate.

379 Section 10. Section 287.09431, Florida Statutes, is amended  
380 to read:

381 287.09431 Statewide and interlocal agreement on  
382 certification of business concerns for the status of minority  
383 business enterprise.—The statewide and interlocal agreement on  
384 certification of business concerns for the status of minority  
385 business enterprise is hereby enacted and entered into with all  
386 jurisdictions or organizations legally joining therein. If,  
387 within 2 years from the date that the certification core  
388 criteria are approved by the Department of Management Services  
389 ~~Department of Labor and Employment Security~~, the agreement  
390 included herein is not executed by a majority of county and  
391 municipal governing bodies that administer a minority business  
392 assistance program on the effective date of this act, then the  
393 Legislature shall review this agreement. It is the intent of the  
394 Legislature that if the agreement is not executed by a majority  
395 of the requisite governing bodies, then a statewide uniform  
396 certification process should be adopted, and that said agreement  
397 should be repealed and replaced by a mandatory state government  
398 certification process.

399

400 ARTICLE I

401

402 PURPOSE, FINDINGS, AND POLICY.—

403 (1) The parties to this agreement, desiring by common  
404 action to establish a uniform certification process in order to  
405 reduce the multiplicity of applications by business concerns to  
406 state and local governmental programs for minority business

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407 assistance, declare that it is the policy of each of them, on  
408 the basis of cooperation with one another, to remedy social and  
409 economic disadvantage suffered by certain groups, resulting in  
410 their being historically underutilized in ownership and control  
411 of commercial enterprises. Thus, the parties seek to address  
412 this history by increasing the participation of the identified  
413 groups in opportunities afforded by government procurement.

414 (2) The parties find that the State of Florida presently  
415 certifies firms for participation in the minority business  
416 assistance programs of the state. The parties find further that  
417 some counties, municipalities, school boards, special districts,  
418 and other divisions of local government require a separate, yet  
419 similar, and in most cases redundant certification in order for  
420 businesses to participate in the programs sponsored by each  
421 government entity.

422 (3) The parties find further that this redundant  
423 certification has proven to be unduly burdensome to the  
424 minority-owned firms intended to benefit from the underlying  
425 purchasing incentives.

426 (4) The parties agree that:

427 (a) They will facilitate integrity, stability, and  
428 cooperation in the statewide and interlocal certification  
429 process, and in other elements of programs established to assist  
430 minority-owned businesses.

431 (b) They shall cooperate with agencies, organizations, and  
432 associations interested in certification and other elements of  
433 minority business assistance.

434 (c) It is the purpose of this agreement to provide for a  
435 uniform process whereby the status of a business concern may be

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436 determined in a singular review of the business information for  
437 these purposes, in order to eliminate any undue expense, delay,  
438 or confusion to the minority-owned businesses in seeking to  
439 participate in the minority business assistance programs of  
440 state and local jurisdictions.

441

## 442 ARTICLE II

443

444 DEFINITIONS.—As used in this agreement and contracts made  
445 pursuant to it, unless the context clearly requires otherwise:

446 (1) "Awarding organization" means any political subdivision  
447 or organization authorized by law, ordinance, or agreement to  
448 enter into contracts and for which the governing body has  
449 entered into this agreement.

450 (2) "Department" means the Department of Management  
451 Services ~~Department of Labor and Employment Security~~.

452 (3) "Minority" means a person who is a lawful, permanent  
453 resident of the state, having origins in one of the minority  
454 groups as described and adopted by the Department of Management  
455 Services ~~Department of Labor and Employment Security~~, hereby  
456 incorporated by reference.

457 (4) "Minority business enterprise" means any small business  
458 concern as defined in subsection (6) that meets all of the  
459 criteria described and adopted by the Department of Management  
460 Services ~~Department of Labor and Employment Security~~, hereby  
461 incorporated by reference.

462 (5) "Participating state or local organization" means any  
463 political subdivision of the state or organization designated by  
464 such that elects to participate in the certification process



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465 pursuant to this agreement, which has been approved according to  
466 s. 287.0943(3) and has legally entered into this agreement.

467 (6) "Small business concern" means an independently owned  
468 and operated business concern which is of a size and type as  
469 described and adopted by vote related to this agreement of the  
470 commission, hereby incorporated by reference.

471

472 ARTICLE III

473

474 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

475 (1) All awarding organizations shall accept a certification  
476 granted by any participating organization which has been  
477 approved according to s. 287.0943(3) and has entered into this  
478 agreement, as valid status of minority business enterprise.

479 (2) A participating organization shall certify a business  
480 concern that meets the definition of minority business  
481 enterprise in this agreement, in accordance with the duly  
482 adopted eligibility criteria.

483 (3) All participating organizations shall issue notice of  
484 certification decisions granting or denying certification to all  
485 other participating organizations within 14 days of the  
486 decision. Such notice may be made through electronic media.

487 (4) No certification will be granted without an onsite  
488 visit to verify ownership and control of the prospective  
489 minority business enterprise, unless verification can be  
490 accomplished by other methods of adequate verification or  
491 assessment of ownership and control.

492 (5) The certification of a minority business enterprise  
493 pursuant to the terms of this agreement shall not be suspended,

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494 revoked, or otherwise impaired except on any grounds which would  
495 be sufficient for revocation or suspension of a certification in  
496 the jurisdiction of the participating organization.

497 (6) The certification determination of a party may be  
498 challenged by any other participating organization by the  
499 issuance of a timely written notice by the challenging  
500 organization to the certifying organization's determination  
501 within 10 days of receiving notice of the certification  
502 decision, stating the grounds therefor.

503 (7) The sole accepted grounds for challenge shall be the  
504 failure of the certifying organization to adhere to the adopted  
505 criteria or the certifying organization's rules or procedures,  
506 or the perpetuation of a misrepresentation or fraud by the firm.

507 (8) The certifying organization shall reexamine its  
508 certification determination and submit written notice to the  
509 applicant and the challenging organization of its findings  
510 within 30 days after the receipt of the notice of challenge.

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

#### 514 515 ARTICLE IV 516

517 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement  
518 shall be construed to repeal or otherwise modify any ordinance,  
519 law, or regulation of a party relating to the existing minority  
520 business assistance provisions and procedures by which minority  
521 business enterprises participate therein.  
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## ARTICLE V

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

## ARTICLE VI

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

## ARTICLE VII

OTHER ARRANGEMENTS.—Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party in order to comply with federal law.

## ARTICLE VIII

## EFFECT AND WITHDRAWAL.—

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

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552 (2) Any party may withdraw from this agreement by enacting  
553 legislation repealing the same, but no such withdrawal shall  
554 take effect until one year after the governing body of the  
555 withdrawing party has given notice in writing of the withdrawal  
556 to the other parties.

557 (3) No withdrawal shall relieve the withdrawing party of  
558 any obligations imposed upon it by law.

559  
560 ARTICLE IX

561  
562 FINANCIAL RESPONSIBILITY.—

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

566 (2) The provisions of this agreement shall constitute  
567 neither a waiver of any governmental immunity under Florida law  
568 nor a waiver of any defenses of the parties under Florida law.  
569 The provisions of this agreement are solely for the benefit of  
570 its executors and not intended to create or grant any rights,  
571 contractual or otherwise, to any person or entity.

572  
573 ARTICLE X

574  
575 VENUE AND GOVERNING LAW.—The obligations of the parties to  
576 this agreement are performable only within the county where the  
577 participating organization is located, and statewide for the  
578 Office of Supplier Diversity, and venue for any legal action in  
579 connection with this agreement shall lie, for any participating  
580 organization except the Office of Supplier Diversity,

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581 exclusively in the county where the participating organization  
582 is located. This agreement shall be governed by and construed in  
583 accordance with the laws and court decisions of the state.

584  
585 ARTICLE XI

586  
587 CONSTRUCTION AND SEVERABILITY.—This agreement shall be  
588 liberally construed so as to effectuate the purposes thereof.  
589 The provisions of this agreement shall be severable and if any  
590 phrase, clause, sentence, or provision of this agreement is  
591 declared to be contrary to the State Constitution or the United  
592 States Constitution, or the application thereof to any  
593 government, agency, person, or circumstance is held invalid, the  
594 validity of the remainder of this agreement and the  
595 applicability thereof to any government, agency, person, or  
596 circumstance shall not be affected thereby. If this agreement  
597 shall be held contrary to the State Constitution, the agreement  
598 shall remain in full force and effect as to all severable  
599 matters.

600 Section 11. Paragraphs (h) and (o) of subsection (4) of  
601 section 287.09451, Florida Statutes, are amended to read:

602 287.09451 Office of Supplier Diversity; powers, duties, and  
603 functions.—

604 (4) The Office of Supplier Diversity shall have the  
605 following powers, duties, and functions:

606 (h) To develop procedures to investigate complaints against  
607 minority business enterprises or contractors alleged to violate  
608 any provision related to this section or s. 287.0943, that may  
609 include visits to worksites or business premises, and to refer

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610 all information on businesses suspected of misrepresenting  
611 minority status to the Department of Management Services for  
612 investigation. When an investigation is completed and there is  
613 reason to believe that a violation has occurred, ~~the Department~~  
614 ~~of Labor and Employment Security shall refer~~ the matter shall be  
615 referred to the office of the Attorney General, Department of  
616 Legal Affairs, for prosecution.

617 (o)1. To establish a system to record and measure the use  
618 of certified minority business enterprises in state contracting.  
619 This system shall maintain information and statistics on  
620 certified minority business enterprise participation, awards,  
621 dollar volume of expenditures and agency goals, and other  
622 appropriate types of information to analyze progress in the  
623 access of certified minority business enterprises to state  
624 contracts and to monitor agency compliance with this section.  
625 Such reporting must include, but is not limited to, the  
626 identification of all subcontracts in state contracting by  
627 dollar amount and by number of subcontracts and the  
628 identification of the utilization of certified minority business  
629 enterprises as prime contractors and subcontractors by dollar  
630 amounts of contracts and subcontracts, number of contracts and  
631 subcontracts, minority status, industry, and any conditions or  
632 circumstances that significantly affected the performance of  
633 subcontractors. Agencies shall report their compliance with the  
634 requirements of this reporting system at least annually and at  
635 the request of the office. All agencies shall cooperate with the  
636 office in establishing this reporting system. Except in  
637 construction contracting, all agencies shall review contracts  
638 costing in excess of CATEGORY FOUR as defined in s. 287.017 to

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639 determine if such contracts could be divided into smaller  
640 contracts to be separately solicited and awarded, and shall,  
641 when economical, offer such smaller contracts to encourage  
642 minority participation.

643 2. To report agency compliance with the provisions of  
644 subparagraph 1. for the preceding fiscal year to the Governor  
645 and Cabinet, the President of the Senate, and the Speaker of the  
646 House of Representatives, ~~and the secretary of the Department of~~  
647 ~~Labor and Employment Security~~ on or before February 1 of each  
648 year. The report must contain, at a minimum, the following:

649 a. Total expenditures of each agency by industry.

650 b. The dollar amount and percentage of contracts awarded to  
651 certified minority business enterprises by each state agency.

652 c. The dollar amount and percentage of contracts awarded  
653 indirectly to certified minority business enterprises as  
654 subcontractors by each state agency.

655 d. The total dollar amount and percentage of contracts  
656 awarded to certified minority business enterprises, whether  
657 directly or indirectly, as subcontractors.

658 e. A statement and assessment of good faith efforts taken  
659 by each state agency.

660 f. A status report of agency compliance with subsection  
661 (6), as determined by the Minority Business Enterprise Office.

662 Section 12. Subsections (1) and (5) of section 287.0947,  
663 Florida Statutes, are amended to read:

664 287.0947 Florida Advisory Council on Small and Minority  
665 Business Development; creation; membership; duties.—

666 (1) ~~On or after October 1, 1996,~~ The Secretary of  
667 Management Services ~~the Department of Labor and Employment~~

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668 ~~Security~~ may create the Florida Advisory Council on Small and  
669 Minority Business Development with the purpose of advising and  
670 assisting the secretary in carrying out the secretary's duties  
671 with respect to minority businesses and economic and business  
672 development. It is the intent of the Legislature that the  
673 membership of such council include practitioners, laypersons,  
674 financiers, and others with business development experience who  
675 can provide invaluable insight and expertise for this state in  
676 the diversification of its markets and networking of business  
677 opportunities. The council shall initially consist of 19  
678 persons, each of whom is or has been actively engaged in small  
679 and minority business development, either in private industry,  
680 in governmental service, or as a scholar of recognized  
681 achievement in the study of such matters. Initially, the council  
682 shall consist of members representing all regions of the state  
683 and shall include at least one member from each group identified  
684 within the definition of "minority person" in s. 288.703(3),  
685 considering also gender and nationality subgroups, and shall  
686 consist of the following:

687       (a) Four members consisting of representatives of local and  
688 federal small and minority business assistance programs or  
689 community development programs.

690       (b) Eight members composed of representatives of the  
691 minority private business sector, including certified minority  
692 business enterprises and minority supplier development councils,  
693 among whom at least two shall be women and at least four shall  
694 be minority persons.

695       (c) Two representatives of local government, one of whom  
696 shall be a representative of a large local government, and one



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697 of whom shall be a representative of a small local government.

698 (d) Two representatives from the banking and insurance  
699 industry.

700 (e) Two members from the private business sector,  
701 representing the construction and commodities industries.

702 (f) The chairperson of the Florida Black Business  
703 Investment Board or the chairperson's designee.

704

705 A candidate for appointment may be considered if eligible to be  
706 certified as an owner of a minority business enterprise, or if  
707 otherwise qualified under the criteria above. Vacancies may be  
708 filled by appointment of the secretary, in the manner of the  
709 original appointment.

710 (5) The powers and duties of the council include, but are  
711 not limited to: researching and reviewing the role of small and  
712 minority businesses in the state's economy; reviewing issues and  
713 emerging topics relating to small and minority business economic  
714 development; studying the ability of financial markets and  
715 institutions to meet small business credit needs and determining  
716 the impact of government demands on credit for small businesses;  
717 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,  
718 requiring a state economic development comprehensive plan, as it  
719 relates to small and minority businesses; assessing the  
720 reasonableness and effectiveness of efforts by any state agency  
721 or by all state agencies collectively to assist minority  
722 business enterprises; and advising the Governor, the secretary,  
723 and the Legislature on matters relating to small and minority  
724 business development which are of importance to the  
725 international strategic planning and activities of this state.

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726 Section 13. Subsection (1) of section 288.021, Florida  
727 Statutes, is amended to read:

728 288.021 Economic development liaison.—

729 (1) The heads of the Department of Transportation, the  
730 Department of Environmental Protection and an additional member  
731 appointed by the secretary of the department, the Agency for  
732 Workforce Innovation ~~the Department of Labor and Employment~~  
733 ~~Security~~, the Department of Education, the Department of  
734 Community Affairs, the Department of Management Services, the  
735 Department of Revenue, the Fish and Wildlife Conservation  
736 Commission, each water management district, and each Department  
737 of Transportation District office shall designate a high-level  
738 staff member from within such agency to serve as the economic  
739 development liaison for the agency. This person shall report to  
740 the agency head and have general knowledge both of the state's  
741 permitting and other regulatory functions and of the state's  
742 economic goals, policies, and programs. This person shall also  
743 be the primary point of contact for the agency with the Office  
744 of Tourism, Trade, and Economic Development on issues and  
745 projects important to the economic development of Florida,  
746 including its rural areas, to expedite project review, to ensure  
747 a prompt, effective response to problems arising with regard to  
748 permitting and regulatory functions, and to work closely with  
749 the other economic development liaisons to resolve interagency  
750 conflicts.

751 Section 14. Subsection (1) of section 288.035, Florida  
752 Statutes, is amended to read:

753 288.035 Economic development activities.—

754 (1) The Florida Public Service Commission may authorize

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755 public utilities to recover reasonable economic development  
756 expenses. For purposes of this section, recoverable "economic  
757 development expenses" are those expenses described in subsection  
758 (2) which are consistent with criteria to be established by  
759 rules adopted by ~~the Department of Commerce as of June 30, 1996,~~  
760 ~~or as those criteria are later modified by~~ the Office of  
761 Tourism, Trade, and Economic Development.

762 Section 15. Section 288.038, Florida Statutes, is repealed.

763 Section 16. Section 288.1162, Florida Statutes, is  
764 repealed.

765 Section 17. Section 288.1168, Florida Statutes, is  
766 repealed.

767 Section 18. Subsection (7) of section 288.1229, Florida  
768 Statutes, is amended to read:

769 288.1229 Promotion and development of sports-related  
770 industries and amateur athletics; direct-support organization;  
771 powers and duties.—

772 (7) In exercising the power provided in this section, the  
773 Office of Tourism, Trade, and Economic Development may authorize  
774 and contract with the direct-support organization existing on  
775 June 30, 1996, ~~and authorized by the former Florida Department~~  
776 ~~of Commerce to promote sports-related industries. An appointed~~  
777 ~~member of the board of directors of such direct-support~~  
778 ~~organization as of June 30, 1996, may serve the remainder of his~~  
779 ~~or her unexpired term.~~

780 Section 19. Section 288.1169, Florida Statutes, is amended  
781 to read:

782 288.1169 International Game Fish Association World Center  
783 facility.—

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784           (1) The Office of Tourism, Trade, and Economic Development  
785 ~~Department of Commerce~~ shall serve as the state agency approving  
786 applicants for funding pursuant to s. 212.20 and for certifying  
787 the applicant as the International Game Fish Association World  
788 Center facility. For purposes of this section, "facility" means  
789 the International Game Fish Association World Center, and  
790 "project" means the International Game Fish Association World  
791 Center and new colocated improvements by private sector concerns  
792 who have made cash or in-kind contributions to the facility of  
793 \$1 million or more.

794           (2) Prior to certifying this facility, the office  
795 ~~department~~ must determine that:

796           (a) The International Game Fish Association World Center is  
797 the only fishing museum, Hall of Fame, and international  
798 administrative headquarters in the United States recognized by  
799 the International Game Fish Association, and that one or more  
800 private sector concerns have committed to donate to the  
801 International Game Fish Association land upon which the  
802 International Game Fish Association World Center will operate.

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

806           (c) The municipality in which the facility is located, or  
807 the county if the facility is located in an unincorporated area,  
808 has certified by resolution after a public hearing that the  
809 facility serves a public purpose.

810           (d) There are existing projections that the International  
811 Game Fish Association World Center facility and the colocated  
812 facilities of private sector concerns will attract an attendance

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813 of more than 1.8 million annually.

814 (e) There is an independent analysis or study, using  
815 methodology approved by the office ~~department~~, which  
816 demonstrates that the amount of the revenues generated by the  
817 taxes imposed under chapter 212 with respect to the use and  
818 operation of the project will exceed \$1 million annually.

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

822 (g) The applicant has submitted an agreement to provide  
823 \$500,000 annually in national and international media promotion  
824 of the facility, at the then-current commercial rates, during  
825 the period of time that the facility receives funds pursuant to  
826 s. 212.20. Failure on the part of the applicant to annually  
827 provide the advertising as provided in this paragraph shall  
828 result in the termination of the funding as provided in s.  
829 212.20. The applicant can discharge its obligation under this  
830 paragraph by contracting with other persons, including private  
831 sector concerns who participate in the project.

832 (h) Documentation exists that demonstrates that the  
833 applicant has provided, and is capable of providing, or has  
834 financial or other commitments to provide, more than one-half of  
835 the cost incurred or related to the improvements and the  
836 development of the facility.

837 (i) The application is signed by senior officials of the  
838 International Game Fish Association and is notarized according  
839 to Florida law providing for penalties for falsification.

840 (3) The applicant may use funds provided pursuant to s.  
841 212.20 for the purpose of paying for the construction,

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842 reconstruction, renovation, promotion, or operation of the  
843 facility, or to pay or pledge for payment of debt service on, or  
844 to fund debt service reserve funds, arbitrage rebate  
845 obligations, or other amounts payable with respect to, bonds  
846 issued for the construction, reconstruction, or renovation of  
847 the facility or for the reimbursement of such costs or by  
848 refinancing of bonds issued for such purposes.

849 (4) Upon determining that an applicant is or is not  
850 certifiable, the Office of Tourism, Trade, and Economic  
851 Development ~~Department of Commerce~~ shall notify the applicant of  
852 its status by means of an official letter. If certifiable, the  
853 Office of Tourism, Trade, and Economic Development ~~Department of~~  
854 ~~Commerce~~ shall notify the executive director of the Department  
855 of Revenue and the applicant of such certification by means of  
856 an official letter granting certification. From the date of such  
857 certification, the applicant shall have 5 years to open the  
858 facility to the public and notify the Office of Tourism, Trade,  
859 and Economic Development ~~Department of Commerce~~ of such opening.  
860 The Department of Revenue shall not begin distributing funds  
861 until 30 days following notice by the Office of Tourism, Trade,  
862 and Economic Development ~~Department of Commerce~~ that the  
863 facility is open to the public.

864 (5) The Department of Revenue may audit as provided in s.  
865 213.34 to verify that the contributions pursuant to this section  
866 have been expended as required by this section.

867 (6) The Office of Tourism, Trade, and Economic Development  
868 ~~Department of Commerce~~ must recertify every 10 years that the  
869 facility is open, that the International Game Fish Association  
870 World Center continues to be the only international

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871 administrative headquarters, fishing museum, and Hall of Fame in  
 872 the United States recognized by the International Game Fish  
 873 Association, and that the project is meeting the minimum  
 874 projections for attendance or sales tax revenues as required at  
 875 the time of original certification. If the facility is not  
 876 recertified during this 10-year review as meeting the minimum  
 877 projections, then funding shall be abated until certification  
 878 criteria are met. If the project fails to generate \$1 million of  
 879 annual revenues pursuant to paragraph (2)(e), the distribution  
 880 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to  
 881 an amount equal to \$83,333 multiplied by a fraction, the  
 882 numerator of which is the actual revenues generated and the  
 883 denominator of which is \$1 million. Such reduction remains in  
 884 effect until revenues generated by the project in a 12-month  
 885 period equal or exceed \$1 million.

886 Section 20. Subsections (2), (4), and (5) of section  
 887 331.369, Florida Statutes, are amended to read:

888 331.369 Space Industry Workforce Initiative.—

889 (2) Workforce Florida, Inc., ~~The Workforce Development~~  
 890 ~~Board of Enterprise Florida, Inc., or its successor entity,~~  
 891 shall coordinate development of a Space Industry Workforce  
 892 Initiative in partnership with Space Florida, public and private  
 893 universities, community colleges, and other training providers  
 894 approved by the board. The purpose of the initiative is to use  
 895 or revise existing programs and to develop innovative new  
 896 programs to address the workforce needs of the aerospace  
 897 industry.

898 (4) Workforce Florida, Inc., ~~The Workforce Development~~  
 899 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ with

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900 the assistance of Space Florida, shall convene representatives  
901 from the aerospace industry to identify the priority training  
902 and education needs of the industry and to appoint a team to  
903 design programs to meet the priority needs.

904 (5) Workforce Florida, Inc., ~~The Workforce Development~~  
905 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ as  
906 part of its statutorily prescribed annual report to the  
907 Legislature, shall provide recommendations for policies,  
908 programs, and funding to enhance the workforce needs of the  
909 aerospace industry.

910 Section 21. Paragraph (h) of subsection (5) of section  
911 377.711, Florida Statutes, is amended to read:

912 377.711 Florida party to Southern States Energy Compact.—  
913 The Southern States Energy Compact is enacted into law and  
914 entered into by the state as a party, and is of full force and  
915 effect between the state and any other states joining therein in  
916 accordance with the terms of the compact, which compact is  
917 substantially as follows:

918 (5) POWERS.—The board shall have the power to:

919 (h) Recommend such changes in, or amendments or additions  
920 to, the laws, codes, rules, regulations, administrative  
921 procedures and practices, or ordinances of the party states in  
922 any of the fields of its interest and competence as in its  
923 judgment may be appropriate. Any such recommendation shall be  
924 made through the appropriate state agency with due consideration  
925 of the desirability of uniformity but shall also give  
926 appropriate weight to any special circumstances that may justify  
927 variations to meet local conditions. ~~Any such recommendation~~  
928 ~~shall be made, in the case of Florida, through the Department of~~



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929 ~~Commerce.~~

930 Section 22. Subsection (3) of section 377.712, Florida  
931 Statutes, is amended to read:

932 377.712 Florida participation.—

933 (3) Departments ~~The department~~, agencies, and officers of  
934 this state, and its subdivisions are authorized to cooperate  
935 with the board in the furtherance of any of its activities  
936 pursuant to the compact, provided such proposed activities have  
937 been made known to, and have the approval of, either the  
938 Governor or the Department of Health.

939 Section 23. Subsection (1), paragraph (b) of subsection  
940 (3), and subsection (8) of section 409.2576, Florida Statutes,  
941 are amended to read:

942 409.2576 State Directory of New Hires.—

943 (1) DIRECTORY CREATED.—The State Directory of New Hires is  
944 hereby created and shall be administered by the Department of  
945 Revenue or its agent. ~~The Department of Labor and Employment~~  
946 ~~Security will act as the agent until a date not later than~~  
947 ~~October 1, 1998.~~ All employers in the state shall furnish a  
948 report consistent with subsection (3) for each newly hired or  
949 rehired employee unless the employee is employed by a federal or  
950 state agency performing intelligence or counterintelligence  
951 functions and the head of such agency has determined that  
952 reporting pursuant to this section could endanger the safety of  
953 the employee or compromise an ongoing investigation or  
954 intelligence mission.

955 (3) EMPLOYERS TO FURNISH REPORTS.—

956 (b) ~~Upon termination of the contract with the Department of~~  
957 ~~Labor and Employment Security, but not later than October 1,~~

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958 ~~1998,~~ All employers shall furnish a report to the State  
 959 Directory of New Hires of the state in which the newly hired or  
 960 rehired employee works. The report required in this section  
 961 shall be made on a W-4 form or, at the option of the employer,  
 962 an equivalent form, and can be transmitted magnetically,  
 963 electronically, by first-class mail, or other methods which may  
 964 be prescribed by the State Directory. Each report shall include  
 965 the name, address, date of hire, and social security number of  
 966 every new and rehired employee and the name, address, and  
 967 federal employer identification number of the reporting  
 968 employer. If available, the employer may also include the  
 969 employee's date of birth in the report. Multistate employers  
 970 that report new hire information electronically or magnetically  
 971 may designate a single state to which it will transmit the above  
 972 noted report, provided the employer has employees in that state  
 973 and the employer notifies the Secretary of Health and Human  
 974 Services in writing to which state the information will be  
 975 provided. Agencies of the United States Government shall report  
 976 directly to the National Directory of New Hires.

977 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~  
 978 ~~than October 1, 1997,~~ The State Directory of New Hires must  
 979 furnish information regarding newly hired or rehired employees  
 980 to the National Directory of New Hires for matching with the  
 981 records of other state case registries within 3 business days of  
 982 entering such information from the employer into the State  
 983 Directory of New Hires. The State Directory of New Hires shall  
 984 enter into an agreement with the Agency for Workforce Innovation  
 985 or its tax collection service provider ~~Florida Department of~~  
 986 ~~Labor and Employment Security~~ for the quarterly reporting to the

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987 National Directory of New Hires information on wages and  
988 unemployment compensation taken from the quarterly report to the  
989 Secretary of Labor, now required by Title III of the Social  
990 Security Act, except that no report shall be filed with respect  
991 to an employee of a state or local agency performing  
992 intelligence or counterintelligence functions, if the head of  
993 such agency has determined that filing such a report could  
994 endanger the safety of the employee or compromise an ongoing  
995 investigation or intelligence mission.

996 Section 24. Section 414.24, Florida Statutes, is amended to  
997 read:

998 414.24 Integrated welfare reform and child welfare  
999 services.—The department shall develop integrated service  
1000 delivery strategies to better meet the needs of families subject  
1001 to work activity requirements who are involved in the child  
1002 welfare system or are at high risk of involvement in the child  
1003 welfare system. To the extent that resources are available, the  
1004 department and the Agency for Workforce Innovation ~~Department of~~  
1005 ~~Labor and Employment Security~~ shall provide funds to one or more  
1006 service districts to promote development of integrated,  
1007 nonduplicative case management within the department, the Agency  
1008 for Workforce Innovation ~~Department of Labor and Employment~~  
1009 ~~Security~~, other participating government agencies, and community  
1010 partners. Alternative delivery systems shall be encouraged which  
1011 include well-defined, pertinent outcome measures. Other factors  
1012 to be considered shall include innovation regarding training,  
1013 enhancement of existing resources, and increased private sector  
1014 and business sector participation.

1015 Section 25. Section 414.40, Florida Statutes, is amended to

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1016 read:

1017 414.40 Stop Inmate Fraud Program established; guidelines.-

1018 (1) There is created within the Department of Financial  
1019 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud  
1020 Program.

1021 (2) The Department of Financial Services ~~Department of Law~~  
1022 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud  
1023 Program in accordance with the following guidelines:

1024 (a) The program shall establish procedures for sharing  
1025 public records not exempt from the public records law among  
1026 social services agencies regarding the identities of persons  
1027 incarcerated in state correctional institutions, as defined in  
1028 s. 944.02, or in county, municipal, or regional jails or other  
1029 detention facilities of local governments under chapter 950 or  
1030 chapter 951 who are wrongfully receiving public assistance  
1031 benefits or entitlement benefits.

1032 (b) Pursuant to these procedures, the program shall have  
1033 access to records containing correctional information not exempt  
1034 from the public records law on incarcerated persons which have  
1035 been generated as criminal justice information. As used in this  
1036 paragraph, the term "record" is defined as provided in s.  
1037 943.045(7), and the term "criminal justice information" is  
1038 defined as provided in s. 943.045(3).

1039 (c) Database searches shall be conducted of the inmate  
1040 population at each correctional institution or other detention  
1041 facility. A correctional institution or a detention facility  
1042 shall provide the Stop Inmate Fraud Program with the information  
1043 necessary to identify persons wrongfully receiving benefits in  
1044 the medium requested by the Stop Inmate Fraud Program if the

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1045 correctional institution or detention facility maintains the  
1046 information in that medium.

1047 (d) Data obtained from correctional institutions or other  
1048 detention facilities shall be compared with the client files of  
1049 the Department of Children and Family Services, the Agency for  
1050 Workforce Innovation ~~Department of Labor and Employment~~  
1051 ~~Security~~, and other state or local agencies as needed to  
1052 identify persons wrongfully obtaining benefits. Data comparisons  
1053 shall be accomplished during periods of low information demand  
1054 by agency personnel to minimize inconvenience to the agency.

1055 (e) Results of data comparisons shall be furnished to the  
1056 appropriate office for use in the county in which the data  
1057 originated. The program may provide reports of the data it  
1058 obtains to appropriate state, federal, and local government  
1059 agencies or governmental entities, including, but not limited  
1060 to:

1061 1. The Child Support Enforcement Program of the Department  
1062 of Revenue, so that the data may be used as locator information  
1063 on persons being sought for purposes of child support.

1064 2. The Social Security Administration, so that the data may  
1065 be used to reduce federal entitlement fraud within the state.

1066 (f) Reports by the program to another agency or entity  
1067 shall be generated bimonthly, or as otherwise directed, and  
1068 shall be designed to accommodate that agency's or entity's  
1069 particular needs for data.

1070 (g) Only those persons with active cases, or with cases  
1071 that were active during the incarceration period, shall be  
1072 reported, in order that the funding agency or entity, upon  
1073 verification of the data, may take whatever action is deemed

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1074 appropriate.

1075 (h) For purposes of program review and analysis, each  
1076 agency or entity receiving data from the program shall submit  
1077 reports to the program which indicate the results of how the  
1078 data was used.

1079 Section 26. Subsection (5) of section 440.385, Florida  
1080 Statutes, is amended to read:

1081 440.385 Florida Self-Insurers Guaranty Association,  
1082 Incorporated.—

1083 (5) PLAN OF OPERATION.—The association shall operate  
1084 pursuant to a plan of operation approved by the board of  
1085 directors. The plan of operation must be in effect on January 1,  
1086 2002, and approved by the Department of Financial Services and  
1087 Department of Labor and Employment Security shall remain in  
1088 effect. However, any amendments to the plan shall not become  
1089 effective until approved by the department ~~of Financial~~  
1090 ~~Services.~~

1091 (a) The purpose of the plan of operation shall be to  
1092 provide the association and the board of directors with the  
1093 authority and responsibility to establish the necessary programs  
1094 and to take the necessary actions to protect against the  
1095 insolvency of a member of the association. In addition, the plan  
1096 shall provide that the members of the association shall be  
1097 responsible for maintaining an adequate Insolvency Fund to meet  
1098 the obligations of insolvent members provided for under this act  
1099 and shall authorize the board of directors to contract and  
1100 employ those persons with the necessary expertise to carry out  
1101 this stated purpose. ~~By January 1, 2003,~~ The board of directors  
1102 shall submit to the department a proposed plan of operation for

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1103 the administration of the association. The department shall  
1104 approve the plan by order, consistent with this section. The  
1105 department shall approve any amendments to the plan, consistent  
1106 with this section, which are determined appropriate to carry out  
1107 the duties and responsibilities of the association.

1108 (b) All member employers shall comply with the plan of  
1109 operation.

1110 (c) The plan of operation shall:

1111 1. Establish the procedures whereby all the powers and  
1112 duties of the association under subsection (3) will be  
1113 performed.

1114 2. Establish procedures for handling assets of the  
1115 association.

1116 3. Establish the amount and method of reimbursing members  
1117 of the board of directors under subsection (2).

1118 4. Establish procedures by which claims may be filed with  
1119 the association and establish acceptable forms of proof of  
1120 covered claims. Notice of claims to the receiver or liquidator  
1121 of the insolvent employer shall be deemed notice to the  
1122 association or its agent, and a list of such claims shall be  
1123 submitted periodically to the association or similar  
1124 organization in another state by the receiver or liquidator.

1125 5. Establish regular places and times for meetings of the  
1126 board of directors.

1127 6. Establish procedures for records to be kept of all  
1128 financial transactions of the association and its agents and the  
1129 board of directors.

1130 7. Provide that any member employer aggrieved by any final  
1131 action or decision of the association may appeal to the

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1132 department within 30 days after the action or decision.

1133 8. Establish the procedures whereby recommendations of  
1134 candidates for the board of directors shall be submitted to the  
1135 department.

1136 9. Contain additional provisions necessary or proper for  
1137 the execution of the powers and duties of the association.

1138 (d) The plan of operation may provide that any or all of  
1139 the powers and duties of the association, except those specified  
1140 under subparagraphs (c)1. and 2., be delegated to a corporation,  
1141 association, or other organization which performs or will  
1142 perform functions similar to those of this association or its  
1143 equivalent in two or more states. Such a corporation,  
1144 association, or organization shall be reimbursed as a servicing  
1145 facility would be reimbursed and shall be paid for its  
1146 performance of any other functions of the association. A  
1147 delegation of powers or duties under this subsection shall take  
1148 effect only with the approval of both the board of directors and  
1149 the department and may be made only to a corporation,  
1150 association, or organization which extends protection which is  
1151 not substantially less favorable and effective than the  
1152 protection provided by this section.

1153 Section 27. Paragraph (b) of subsection (9) of section  
1154 440.49, Florida Statutes, is amended to read:

1155 440.49 Limitation of liability for subsequent injury  
1156 through Special Disability Trust Fund.—

1157 (9) SPECIAL DISABILITY TRUST FUND.—

1158 (b)1. The Special Disability Trust Fund shall be maintained  
1159 by annual assessments upon the insurance companies writing  
1160 compensation insurance in the state, the commercial self-



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1161 insurers under ss. 624.462 and 624.4621, the assessable mutuals  
1162 as defined in s. 628.6011, and the self-insurers under this  
1163 chapter, which assessments shall become due and be paid  
1164 quarterly at the same time and in addition to the assessments  
1165 provided in s. 440.51. The department shall estimate annually in  
1166 advance the amount necessary for the administration of this  
1167 subsection and the maintenance of this fund and shall make such  
1168 assessment in the manner hereinafter provided.

1169 2. The annual assessment shall be calculated to produce  
1170 during the ensuing fiscal year an amount which, when combined  
1171 with that part of the balance in the fund on June 30 of the  
1172 current fiscal year which is in excess of \$100,000, is equal to  
1173 the average of:

1174 a. The sum of disbursements from the fund during the  
1175 immediate past 3 calendar years, and

1176 b. Two times the disbursements of the most recent calendar  
1177 year.

1178  
1179 Such amount shall be prorated among the insurance companies  
1180 writing compensation insurance in the state and the self-  
1181 insurers. ~~Provided however, for those carriers that have~~  
1182 ~~excluded ceded reinsurance premiums from their assessments on or~~  
1183 ~~before January 1, 2000, no assessments on ceded reinsurance~~  
1184 ~~premiums shall be paid by those carriers until such time as the~~  
1185 ~~former Division of Workers' Compensation of the Department of~~  
1186 ~~Labor and Employment Security or the department advises each of~~  
1187 ~~those carriers of the impact that the inclusion of ceded~~  
1188 ~~reinsurance premiums has on their assessment. The department may~~  
1189 ~~not recover any past underpayments of assessments levied against~~

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1190 ~~any carrier that on or before January 1, 2000, excluded ceded~~  
1191 ~~reinsurance premiums from their assessment prior to the point~~  
1192 ~~that the former Division of Workers' Compensation of the~~  
1193 ~~Department of Labor and Employment Security or the department~~  
1194 ~~advises of the appropriate assessment that should have been~~  
1195 ~~paid.~~

1196       3. The net premiums written by the companies for workers'  
1197 compensation in this state and the net premium written  
1198 applicable to the self-insurers in this state are the basis for  
1199 computing the amount to be assessed as a percentage of net  
1200 premiums. Such payments shall be made by each carrier and self-  
1201 insurer to the department for the Special Disability Trust Fund  
1202 in accordance with such regulations as the department  
1203 prescribes.

1204       4. The Chief Financial Officer is authorized to receive and  
1205 credit to such Special Disability Trust Fund any sum or sums  
1206 that may at any time be contributed to the state by the United  
1207 States under any Act of Congress, or otherwise, to which the  
1208 state may be or become entitled by reason of any payments made  
1209 out of such fund.

1210       Section 28. Section 446.60, Florida Statutes, is repealed.

1211       Section 29. Section 450.161, Florida Statutes, is amended  
1212 to read:

1213       450.161 Chapter not to affect career education of children;  
1214 other exceptions.—Nothing in this chapter shall prevent minors  
1215 of any age from receiving career education furnished by the  
1216 United States, this state, or any county or other political  
1217 subdivision of this state and duly approved by the Department of  
1218 Education or other duly constituted authority, nor any

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1219 apprentice indentured under a plan approved by the Department of  
1220 Education ~~Division of Jobs and Benefits~~, or prevent the  
1221 employment of any minor 14 years of age or older when such  
1222 employment is authorized as an integral part of, or supplement  
1223 to, such a course in career education and is authorized by  
1224 regulations of the district school board of the district in  
1225 which such minor is employed, provided the employment is in  
1226 compliance with the provisions of ss. 450.021(4) and 450.061.  
1227 Exemptions for the employment of student learners 16 to 18 years  
1228 of age are provided in s. 450.061. Such an exemption shall apply  
1229 when:

1230 (1) The student learner is enrolled in a youth vocational  
1231 training program under a recognized state or local educational  
1232 authority.

1233 (2) Such student learner is employed under a written  
1234 agreement which provides:

1235 (a) That the work of the student learner in the occupation  
1236 declared particularly hazardous shall be incidental to the  
1237 training.

1238 (b) That such work shall be intermittent and for short  
1239 periods of time and under the direct and close supervision of a  
1240 qualified and experienced person.

1241 (c) That safety instructions shall be given by the school  
1242 and correlated by the employer with on-the-job training.

1243 (d) That a schedule of organized and progressive work  
1244 processes to be performed on the job shall have been prepared.

1245

1246 Each such written agreement shall contain the name of the  
1247 student learner and shall be signed by the employer, the school

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1248 coordinator and principal, and the parent or legal guardian.  
1249 Copies of each agreement shall be kept on file by both the  
1250 school and the employer. This exemption for the employment of  
1251 student learners may be revoked in any individual situation when  
1252 it is found that reasonable precautions have not been observed  
1253 for the safety of minors employed thereunder. A high school  
1254 graduate may be employed in an occupation in which he or she has  
1255 completed training as a student learner, as provided in this  
1256 section, even though he or she is not yet 18 years of age.

1257 Section 30. Paragraph (d) of subsection (1) of section  
1258 464.203, Florida Statutes, is amended to read:

1259 464.203 Certified nursing assistants; certification  
1260 requirement.—

1261 (1) The board shall issue a certificate to practice as a  
1262 certified nursing assistant to any person who demonstrates a  
1263 minimum competency to read and write and successfully passes the  
1264 required background screening pursuant to s. 400.215 and meets  
1265 one of the following requirements:

1266 (d) Has completed the curriculum developed by the  
1267 Department of Education ~~under the Enterprise Florida Jobs and~~  
1268 ~~Education Partnership Grant~~ and achieved a minimum score,  
1269 established by rule of the board, on the nursing assistant  
1270 competency examination, which consists of a written portion and  
1271 skills-demonstration portion, approved by the board and  
1272 administered at a site and by personnel approved by the  
1273 department.

1274 Section 31. Subsection (1) of section 489.1455, Florida  
1275 Statutes, is amended to read:

1276 489.1455 Journeyman; reciprocity; standards.—

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1277 (1) An individual who holds a valid, active journeyman  
1278 license in the plumbing/pipe fitting, mechanical, or HVAC trades  
1279 issued by any county or municipality in this state may work as a  
1280 journeyman in the trade in which he or she is licensed in any  
1281 county or municipality of this state without taking an  
1282 additional examination or paying an additional license fee, if  
1283 he or she:

1284 (a) Has scored at least 70 percent, or after October 1,  
1285 1997, at least 75 percent, on a proctored journeyman Block and  
1286 Associates examination or other proctored examination approved  
1287 by the board for the trade in which he or she is licensed;

1288 (b) Has completed an apprenticeship program registered with  
1289 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~  
1290 ~~of Labor and Employment Security~~ and demonstrates 4 years'  
1291 verifiable practical experience in the trade for which he or she  
1292 is licensed, or demonstrates 6 years' verifiable practical  
1293 experience in the trade for which he or she is licensed;

1294 (c) Has satisfactorily completed specialized and advanced  
1295 module coursework approved by the Florida Building Commission,  
1296 as part of the building code training program established in s.  
1297 553.841, specific to the discipline or, pursuant to  
1298 authorization by the certifying authority, provides proof of  
1299 completion of such coursework within 6 months after such  
1300 certification; and

1301 (d) Has not had a license suspended or revoked within the  
1302 last 5 years.

1303 Section 32. Subsection (1) of section 489.5335, Florida  
1304 Statutes, is amended to read:

1305 489.5335 Journeyman; reciprocity; standards.—

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1306 (1) An individual who holds a valid, active journeyman  
1307 license in the electrical trade issued by any county or  
1308 municipality in this state may work as a journeyman in any other  
1309 county or municipality of this state without taking an  
1310 additional examination or paying an additional license fee, if  
1311 he or she:

1312 (a) Has scored at least 70 percent, or after October 1,  
1313 1997, at least 75 percent, on a proctored journeyman Block and  
1314 Associates examination or other proctored examination approved  
1315 by the board for the electrical trade;

1316 (b) Has completed an apprenticeship program registered with  
1317 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~  
1318 ~~of Labor and Employment Security~~ and demonstrates 4 years'  
1319 verifiable practical experience in the electrical trade, or  
1320 demonstrates 6 years' verifiable practical experience in the  
1321 electrical trade;

1322 (c) Has satisfactorily completed specialized and advanced  
1323 module coursework approved by the Florida Building Commission,  
1324 as part of the building code training program established in s.  
1325 553.841, specific to the discipline, or, pursuant to  
1326 authorization by the certifying authority, provides proof of  
1327 completion of such curriculum or coursework within 6 months  
1328 after such certification; and

1329 (d) Has not had a license suspended or revoked within the  
1330 last 5 years.

1331 Section 33. Section 553.62, Florida Statutes, is amended to  
1332 read:

1333 553.62 State standard.—The Occupational Safety and Health  
1334 Administration's excavation safety standards, 29 C.F.R. s.

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1335 1926.650 Subpart P, are hereby incorporated as the state  
1336 standard. ~~The Department of Labor and Employment Security may,~~  
1337 ~~by rule, adopt updated or revised versions of those standards,~~  
1338 ~~provided that the updated or revised versions are consistent~~  
1339 ~~with the intent expressed in this act and s. 553.72, and are not~~  
1340 ~~otherwise inconsistent with state law. Any rule adopted as~~  
1341 ~~provided in this section shall be complied with upon its~~  
1342 ~~effective date.~~

1343 Section 34. Subsection (1) of section 597.006, Florida  
1344 Statutes, is amended to read:

1345 597.006 Aquaculture Interagency Coordinating Council.—

1346 (1) CREATION.—The Legislature finds and declares that there  
1347 is a need for interagency coordination with regard to  
1348 aquaculture by the following agencies: the Department of  
1349 Agriculture and Consumer Services; the Office of Tourism, Trade,  
1350 and Economic Development; the Department of Community Affairs;  
1351 the Department of Environmental Protection; ~~the Department of~~  
1352 ~~Labor and Employment Security;~~ the Fish and Wildlife  
1353 Conservation Commission; the statewide consortium of  
1354 universities under the Florida Institute of Oceanography;  
1355 Florida Agricultural and Mechanical University; the Institute of  
1356 Food and Agricultural Sciences at the University of Florida; and  
1357 the Florida Sea Grant Program. It is therefore the intent of the  
1358 Legislature to hereby create an Aquaculture Interagency  
1359 Coordinating Council to act as an advisory body as defined in s.  
1360 20.03(9).

1361 Section 35. Subsection (5) of section 944.012, Florida  
1362 Statutes, is amended to read:

1363 944.012 Legislative intent.—The Legislature hereby finds

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1364 and declares that:

1365 (5) In order to make the correctional system an efficient  
1366 and effective mechanism, the various agencies involved in the  
1367 correctional process must coordinate their efforts. Where  
1368 possible, interagency offices should be physically located  
1369 within major institutions and should include representatives of  
1370 the public employment service ~~the Florida State Employment~~  
1371 ~~Service~~, the vocational rehabilitation programs of the  
1372 Department of Education, and the Parole Commission. Duplicative  
1373 and unnecessary methods of evaluating offenders must be  
1374 eliminated and areas of responsibility consolidated in order to  
1375 more economically utilize present scarce resources.

1376 Section 36. Section 944.708, Florida Statutes, is amended  
1377 to read:

1378 944.708 Rules.—The Department of Corrections ~~and the Agency~~  
1379 ~~for Workforce Innovation~~ shall adopt rules to implement the  
1380 provisions of ss. 944.701-944.707.

1381 Section 37. Sections 255.551, 255.552, 255.553, 255.5535,  
1382 255.555, 255.556, 255.557, 255.5576, 255.558, 255.559, 255.56,  
1383 255.561, 255.562, and 255.563, Florida Statutes, are repealed.

1384 Section 38. Paragraph (b) of subsection (2) of section  
1385 469.003, Florida Statutes, is repealed.

1386 Section 39. This act shall take effect July 1, 2011.