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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. 252.85,
14 F.S.; updating a reference to the Department of Labor
15 and Employment Security; amending s. 252.87, F.S.;
16 removing a reference to the Department of Labor and
17 Employment Security; amending s. 252.937, F.S.;
18 removing a reference to the Department of Labor and
19 Employment Security; amending s. 287.09431, F.S.;
20 updating references to the Department of Labor and
21 Employment Security; amending s. 287.09451, F.S.;
22 removing references to the Department of Labor and
23 Employment Security; amending s. 287.0947, F.S.;
24 removing a reference to the Department of Labor and
25 Employment Security; correcting a cross-reference;
26 amending s. 288.021, F.S.; updating a reference to the
27 Department of Labor and Employment Security; amending
28 s. 288.035, F.S.; removing a reference to the
29 Department of Commerce; repealing s. 288.038, F.S.,

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30 relating to agreements of the Department of Labor and
31 Employment Security with county tax collectors;
32 amending s. 288.1168, F.S.; updating obsolete
33 references to the Department of Commerce; amending s.
34 288.1229, F.S.; removing a reference to the Department
35 of Commerce; amending s. 288.1169, F.S.; updating
36 references to the Department of Commerce; amending s.
37 331.369, F.S.; updating references to the Workforce
38 Development Board of Enterprise Florida, Inc.;
39 amending s. 377.711, F.S.; removing a reference to the
40 Department of Commerce; providing for standard compact
41 provisions regarding recommendations by the Southern
42 States Energy Board; amending s. 377.712, F.S.;

43 clarifying provisions governing participation in the
44 compact by the state and its agencies; amending s.
45 409.2576, F.S.; removing references to the Department
46 of Labor and Employment Security; amending s. 414.24,
47 F.S.; updating references to the Department of Labor
48 and Employment Security; amending s. 414.40, F.S.;

49 updating provisions governing the Stop Inmate Fraud
50 Program; updating a reference to the Department of
51 Labor and Employment Security; amending s. 440.385,
52 F.S.; updating a reference to the Department of Labor
53 and Employment Security; removing obsolete provisions;
54 amending s. 440.49, F.S.; removing a reference to the
55 Department of Labor and Employment Security; removing
56 obsolete provisions; repealing s. 446.60, F.S.,
57 relating to assistance for displaced local exchange
58 telecommunications company workers; amending s.

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59 450.161, F.S.; updating a reference to the Division of
60 Jobs and Benefits; amending s. 464.203, F.S.; updating
61 a reference to the Enterprise Florida Jobs and
62 Education Partnership Grant; amending s. 489.1455,
63 F.S.; updating a reference to the Department of Labor
64 and Employment Security; amending s. 489.5335, F.S.;
65 updating a reference to the Department of Labor and
66 Employment Security; amending s. 553.62, F.S.;
67 removing a reference to the Department of Labor and
68 Employment Security; amending s. 597.006, F.S.;
69 removing a reference to the Department of Labor and
70 Employment Security; amending s. 944.012, F.S.;
71 updating a reference to the Florida State Employment
72 Service; amending s. 944.708, F.S.; removing a
73 reference to the Agency for Workforce Innovation;
74 repealing ss. 255.551, 255.552, 255.553, 255.5535,
75 255.555, 255.556, 255.557, 255.558, 255.559, 255.56,
76 255.561, 255.562, and 255.563, F.S., relating to the
77 asbestos management program; amending s. 469.002,
78 F.S.; conforming a cross-reference to changes made by
79 the act; repealing s. 469.003(2)(b), F.S., relating to
80 obsolete provisions governing the licensure of
81 asbestos surveyors; repealing s. 39.0015, F.S.,
82 relating to child abuse prevention training in the
83 district school system; repealing s. 39.305, F.S.,
84 relating to the development by the Department of
85 Children and Family Services of a model plan for
86 community intervention and treatment in intrafamily
87 sexual abuse cases; repealing ss. 39.311, 39.312,

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88 39.313, 39.314, 39.315, 39.316, 39.317, and 39.318,
89 F.S., relating to the Family Builders Program;
90 repealing s. 39.816, F.S., relating to authorization
91 for pilot and demonstration projects; repealing s.
92 39.817, F.S., relating to a foster care privatization
93 demonstration project; repealing s. 383.0115, F.S.,
94 relating to the Commission on Marriage and Family
95 Support Initiatives; repealing s. 393.22, F.S.,
96 relating to financial commitment to community services
97 programs; repealing s. 393.503, F.S., relating to
98 respite and family care subsidy expenditures and
99 funding recommendations; repealing s. 394.922, F.S.,
100 relating to constitutional requirements regarding
101 long-term control, care, and treatment of sexually
102 violent predators; repealing s. 402.3045, F.S.,
103 relating to a requirement that the Department of
104 Children and Family Services adopt distinguishable
105 definitions of child care programs by rule; repealing
106 s. 402.50, F.S., relating to the development of
107 administrative infrastructure standards by the
108 Department of Children and Family Services; repealing
109 s. 402.55, F.S., relating to the management fellows
110 program; repealing s. 409.1672, F.S., relating to
111 performance incentives for department employees with
112 respect to the child welfare system; repealing s.
113 409.1673, F.S., relating to legislative findings
114 regarding the foster care system and the development
115 of alternate care plans; repealing s. 409.1685, F.S.,
116 relating to an annual report to the Legislature by the

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117 Department of Children and Family Services with
118 respect to children in foster care; repealing ss.
119 409.801 and 409.802, F.S., relating to the Family
120 Policy Act; repealing s. 409.803, F.S., relating to
121 pilot programs to provide shelter and foster care
122 services to dependent children; amending ss. 20.195,
123 39.00145, 39.0121, 39.301, 39.3031, 49.011, 381.006,
124 381.0072, 390.01114, 409.1685, 411.01013, 753.03, and
125 877.22, F.S.; conforming references to changes made by
126 the act; repealing s. 288.386, F.S., relating to the
127 Florida-Caribbean Basin Trade Initiative; repealing s.
128 288.9618, F.S., which relates to an economic
129 development program for microenterprises; repealing s.
130 288.982, F.S., which relates to a public records
131 requirement for certain records relating to the United
132 States Department of Defense Base Realignment and
133 Closure 2005 process; repealing s. 409.946, F.S.,
134 which relates to the Inner City Redevelopment Review
135 Panel; amending ss. 288.012 and 311.07, F.S.; revising
136 requirements for the operating plans of the state's
137 foreign offices and the use of program funds of the
138 Florida Seaport Transportation and Economic
139 Development Program, to delete provisions relating to
140 the Florida Trade Data Center; amending s. 402.35,
141 F.S.; removing a provision prohibiting a federal,
142 state, county, or municipal officer from serving as an
143 employee of the Department of Children and Family
144 Services; providing an effective date.

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

147

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

150 14.2015 Office of Tourism, Trade, and Economic Development;
151 creation; powers and duties.—

152 (8) The Office of Tourism, Trade, and Economic Development
153 shall ensure that the contract between the Florida Commission on
154 Tourism and the commission's direct-support organization
155 contains a provision to provide the data on the visitor counts
156 and visitor profiles used in revenue estimating, ~~employing the~~
157 ~~same methodology used in fiscal year 1995-1996 by the Department~~
158 ~~of Commerce~~. The Office of Tourism, Trade, and Economic
159 Development and the Florida Commission on Tourism must advise
160 and consult with the Consensus Estimating Conference principals
161 before making any changes in methodology used or information
162 gathered.

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

165 20.18 Department of Community Affairs.—There is created a
166 Department of Community Affairs.

167 (4) In addition to its other powers, duties, and functions,
168 the department shall, under the general supervision of the
169 secretary and the Interdepartmental Coordinating Council on
170 Community Services, assist and encourage the development of
171 state programs by the various departments for the productive use
172 of human resources, and the department shall work with other
173 state agencies in order that together they might:

174 (a) Effect the coordination, by the responsible agencies of

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175 the state, of the career and adult educational programs of the
176 state in order to provide the maximum use and meaningful
177 employment of persons completing courses of study from such
178 programs;

179 (b) Assist the Office of Tourism, Trade, and Economic
180 Development ~~Department of Commerce~~ in the development of
181 employment opportunities; and

182 (c) Improve the enforcement of special district reporting
183 requirements and the communication among state agencies that
184 receive mandatory reports from special districts.

185 Section 3. Paragraph (a) of subsection (7) of section
186 45.031, Florida Statutes, is amended to read:

187 45.031 Judicial sales procedure.—In any sale of real or
188 personal property under an order or judgment, the procedures
189 provided in this section and ss. 45.0315-45.035 may be followed
190 as an alternative to any other sale procedure if so ordered by
191 the court.

192 (7) DISBURSEMENTS OF PROCEEDS.—

193 (a) On filing a certificate of title, the clerk shall
194 disburse the proceeds of the sale in accordance with the order
195 or final judgment and shall file a report of such disbursements
196 and serve a copy of it on each party, and on the Department of
197 Revenue if the department was named as a defendant in the action
198 or if the Agency for Workforce Innovation ~~or the former~~
199 ~~Department of Labor and Employment Security~~ was named as a
200 defendant while the Department of Revenue was providing
201 unemployment tax collection services under contract with the
202 Agency for Workforce Innovation through an interagency agreement
203 pursuant to s. 443.1316.

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204 Section 4. Paragraph (a) of subsection (4) of section
205 69.041, Florida Statutes, is amended to read:

206 69.041 State named party; lien foreclosure, suit to quiet
207 title.—

208 (4) (a) The Department of Revenue has the right to
209 participate in the disbursement of funds remaining in the
210 registry of the court after distribution pursuant to s.
211 45.031(7). The department shall participate in accordance with
212 applicable procedures in any mortgage foreclosure action in
213 which the department has a duly filed tax warrant, or interests
214 under a lien arising from a judgment, order, or decree for
215 support, as defined in s. 409.2554, or interest in an
216 unemployment compensation tax lien under contract with the
217 Agency for Workforce Innovation through an interagency agreement
218 pursuant to s. 443.1316, against the subject property and with
219 the same priority, regardless of whether a default against the
220 department or, the Agency for Workforce Innovation, ~~or the~~
221 ~~former Department of Labor and Employment Security~~ has been
222 entered for failure to file an answer or other responsive
223 pleading.

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

226 112.044 Public employers, employment agencies, labor
227 organizations; discrimination based on age prohibited;
228 exceptions; remedy.—

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

230 ~~(d) "Department" means the Department of Labor and~~
231 ~~Employment Security.~~

232 (5) NOTICE TO BE POSTED.—Each employer, employment agency,

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233 and labor organization shall post and keep posted in conspicuous
234 places upon its premises notices required by the United States
235 Department of Labor and the Equal Employment Opportunity
236 Commission ~~a notice to be prepared or approved by the department~~
237 ~~setting forth such information as the department deems~~
238 ~~appropriate to effectuate the purposes of this act.~~

239 Section 6. Subsection (1) of section 252.85, Florida
240 Statutes, is amended to read:

241 252.85 Fees.—

242 (1) Any owner or operator of a facility required under s.
243 302 or s. 312 of EPCRA, or by s. 252.87, to submit a
244 notification or an annual inventory form to the commission shall
245 be required to pay an annual registration fee. The fee for any
246 company, including all facilities under common ownership or
247 control, shall not be less than \$25 nor more than \$2,000. The
248 department shall establish a reduced fee, of not less than \$25
249 nor more than \$500, applicable to any owner or operator
250 regulated under part I of chapter 368, chapter 527, or s.
251 376.303, which does not have present any extremely hazardous
252 substance, as defined by EPCRA, in excess of a threshold
253 planning quantity, as established by EPCRA. The department shall
254 establish a reduced fee of not less than \$25 nor more than
255 \$1,000, applicable to any owner or operator of a facility with a
256 Standard Industrial Classification Code of 01, 02, or 07, which
257 is eligible for the "routine agricultural use" exemption
258 provided in ss. 311 and 312 of EPCRA. The fee under this
259 subsection shall be based on the number of employees employed
260 within the state at facilities under the common ownership or
261 control of such owner or operator, which number shall be

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262 determined, to the extent possible, in accordance with data
263 supplied by the Agency for Workforce Innovation or its tax
264 collection service provider ~~Department of Labor and Employment~~
265 ~~Security~~. In order to avoid the duplicative reporting of
266 seasonal and temporary agricultural employees, fees applicable
267 to owners or operators of agricultural facilities, which are
268 eligible for the "routine agricultural use" reporting exemption
269 provided in ss. 311 and 312 of EPCRA, shall be based on employee
270 data which most closely reflects such owner or operator's
271 permanent nonseasonal workforce. The department shall establish
272 by rule the date by which the fee is to be paid, as well as a
273 formula or method of determining the applicable fee under this
274 subsection without regard to the number of facilities under
275 common ownership or control. The department may require owners
276 or operators of multiple facilities to demonstrate common
277 ownership or control for purposes of this subsection.

278 Section 7. Subsection (7) of section 252.87, Florida
279 Statutes, is amended to read:

280 252.87 Supplemental state reporting requirements.—

281 (7) The department shall avoid duplicative reporting
282 requirements by utilizing the reporting requirements of other
283 state agencies that regulate hazardous materials to the extent
284 feasible and shall request the information authorized under
285 EPCRA. With the advice and consent of the State Emergency
286 Response Commission for Hazardous Materials, the department may
287 require by rule that the maximum daily amount entry on the
288 chemical inventory report required under s. 312 of EPCRA provide
289 for reporting in estimated actual amounts. The department may
290 also require by rule an entry for the Federal Employer

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291 Identification Number on this report. To the extent feasible,
292 the department shall encourage and accept required information
293 in a form initiated through electronic data interchange and
294 shall describe by rule the format, manner of execution, and
295 method of electronic transmission necessary for using such form.
296 To the extent feasible, the Department of Financial Services,
297 the Department of Agriculture and Consumer Services, the
298 Department of Environmental Protection, the Public Service
299 Commission, the Department of Revenue, ~~the Department of Labor~~
300 ~~and Employment Security~~, and other state agencies which regulate
301 hazardous materials shall coordinate with the department in
302 order to avoid duplicative requirements contained in each
303 agency's respective reporting or registration forms. The other
304 state agencies that inspect facilities storing hazardous
305 materials and suppliers and distributors of covered substances
306 shall assist the department in informing the facility owner or
307 operator of the requirements of this part. The department shall
308 provide the other state agencies with the necessary information
309 and materials to inform the owners and operators of the
310 requirements of this part to ensure that the budgets of these
311 agencies are not adversely affected.

312 Section 8. Subsection (2) of section 252.937, Florida
313 Statutes, is amended to read:

314 252.937 Department powers and duties.—

315 (2) To ensure that this program is self-supporting, the
316 department shall provide administrative support, including
317 staff, facilities, materials, and services to implement this
318 part for specified stationary sources subject to s. 252.939 and
319 shall provide necessary funding to local emergency planning

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320 committees and county emergency management agencies for work
321 performed to implement this part. Each state agency with
322 regulatory, inspection, or technical assistance programs for
323 specified stationary sources subject to this part shall enter
324 into a memorandum of understanding with the department which
325 specifically outlines how each agency's staff, facilities,
326 materials, and services will be utilized to support
327 implementation. At a minimum, these agencies and programs
328 include: the Department of Environmental Protection's Division
329 of Air Resources Management and Division of Water Resource
330 Management, ~~and the Department of Labor and Employment~~
331 ~~Security's Division of Safety~~. It is the Legislature's intent to
332 implement this part as efficiently and economically as possible,
333 using existing expertise and resources, if available and
334 appropriate.

335 Section 9. Section 287.09431, Florida Statutes, is amended
336 to read:

337 287.09431 Statewide and interlocal agreement on
338 certification of business concerns for the status of minority
339 business enterprise.—The statewide and interlocal agreement on
340 certification of business concerns for the status of minority
341 business enterprise is hereby enacted and entered into with all
342 jurisdictions or organizations legally joining therein. If,
343 within 2 years from the date that the certification core
344 criteria are approved by the Department of Management Services
345 ~~Department of Labor and Employment Security~~, the agreement
346 included herein is not executed by a majority of county and
347 municipal governing bodies that administer a minority business
348 assistance program on the effective date of this act, then the

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349 Legislature shall review this agreement. It is the intent of the
350 Legislature that if the agreement is not executed by a majority
351 of the requisite governing bodies, then a statewide uniform
352 certification process should be adopted, and that said agreement
353 should be repealed and replaced by a mandatory state government
354 certification process.

355
356 ARTICLE I

357
358 PURPOSE, FINDINGS, AND POLICY.—

359 (1) The parties to this agreement, desiring by common
360 action to establish a uniform certification process in order to
361 reduce the multiplicity of applications by business concerns to
362 state and local governmental programs for minority business
363 assistance, declare that it is the policy of each of them, on
364 the basis of cooperation with one another, to remedy social and
365 economic disadvantage suffered by certain groups, resulting in
366 their being historically underutilized in ownership and control
367 of commercial enterprises. Thus, the parties seek to address
368 this history by increasing the participation of the identified
369 groups in opportunities afforded by government procurement.

370 (2) The parties find that the State of Florida presently
371 certifies firms for participation in the minority business
372 assistance programs of the state. The parties find further that
373 some counties, municipalities, school boards, special districts,
374 and other divisions of local government require a separate, yet
375 similar, and in most cases redundant certification in order for
376 businesses to participate in the programs sponsored by each
377 government entity.

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378 (3) The parties find further that this redundant
379 certification has proven to be unduly burdensome to the
380 minority-owned firms intended to benefit from the underlying
381 purchasing incentives.

382 (4) The parties agree that:

383 (a) They will facilitate integrity, stability, and
384 cooperation in the statewide and interlocal certification
385 process, and in other elements of programs established to assist
386 minority-owned businesses.

387 (b) They shall cooperate with agencies, organizations, and
388 associations interested in certification and other elements of
389 minority business assistance.

390 (c) It is the purpose of this agreement to provide for a
391 uniform process whereby the status of a business concern may be
392 determined in a singular review of the business information for
393 these purposes, in order to eliminate any undue expense, delay,
394 or confusion to the minority-owned businesses in seeking to
395 participate in the minority business assistance programs of
396 state and local jurisdictions.

397

398 ARTICLE II

399

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

402 (1) "Awarding organization" means any political subdivision
403 or organization authorized by law, ordinance, or agreement to
404 enter into contracts and for which the governing body has
405 entered into this agreement.

406 (2) "Department" means the Department of Management

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407 Services ~~Department of Labor and Employment Security.~~

408 (3) "Minority" means a person who is a lawful, permanent
409 resident of the state, having origins in one of the minority
410 groups as described and adopted by the Department of Management
411 Services ~~Department of Labor and Employment Security~~, hereby
412 incorporated by reference.

413 (4) "Minority business enterprise" means any small business
414 concern as defined in subsection (6) that meets all of the
415 criteria described and adopted by the Department of Management
416 Services ~~Department of Labor and Employment Security~~, hereby
417 incorporated by reference.

418 (5) "Participating state or local organization" means any
419 political subdivision of the state or organization designated by
420 such that elects to participate in the certification process
421 pursuant to this agreement, which has been approved according to
422 s. 287.0943(3) and has legally entered into this agreement.

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

427

428 ARTICLE III

429

430 STATEWIDE AND INTERLOCAL CERTIFICATIONS.—

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

435 (2) A participating organization shall certify a business

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436 concern that meets the definition of minority business
437 enterprise in this agreement, in accordance with the duly
438 adopted eligibility criteria.

439 (3) All participating organizations shall issue notice of
440 certification decisions granting or denying certification to all
441 other participating organizations within 14 days of the
442 decision. Such notice may be made through electronic media.

443 (4) No certification will be granted without an onsite
444 visit to verify ownership and control of the prospective
445 minority business enterprise, unless verification can be
446 accomplished by other methods of adequate verification or
447 assessment of ownership and control.

448 (5) The certification of a minority business enterprise
449 pursuant to the terms of this agreement shall not be suspended,
450 revoked, or otherwise impaired except on any grounds which would
451 be sufficient for revocation or suspension of a certification in
452 the jurisdiction of the participating organization.

453 (6) The certification determination of a party may be
454 challenged by any other participating organization by the
455 issuance of a timely written notice by the challenging
456 organization to the certifying organization's determination
457 within 10 days of receiving notice of the certification
458 decision, stating the grounds therefor.

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

463 (8) The certifying organization shall reexamine its
464 certification determination and submit written notice to the

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465 applicant and the challenging organization of its findings
466 within 30 days after the receipt of the notice of challenge.

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

470

471 ARTICLE IV

472

473 APPROVED AND ACCEPTED PROGRAMS.—Nothing in this agreement
474 shall be construed to repeal or otherwise modify any ordinance,
475 law, or regulation of a party relating to the existing minority
476 business assistance provisions and procedures by which minority
477 business enterprises participate therein.

478

479 ARTICLE V

480

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

483

484 ARTICLE VI

485

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

490

491 ARTICLE VII

492

493 OTHER ARRANGEMENTS.—Nothing in this agreement shall be

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494 construed to prevent or inhibit other arrangements or practices
495 of any party in order to comply with federal law.

496

497 ARTICLE VIII

498

499 EFFECT AND WITHDRAWAL.—

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

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

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

515

516 ARTICLE IX

517

518 FINANCIAL RESPONSIBILITY.—

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

522 (2) The provisions of this agreement shall constitute

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523 neither a waiver of any governmental immunity under Florida law
524 nor a waiver of any defenses of the parties under Florida law.
525 The provisions of this agreement are solely for the benefit of
526 its executors and not intended to create or grant any rights,
527 contractual or otherwise, to any person or entity.

528
529 ARTICLE X
530

531 VENUE AND GOVERNING LAW.—The obligations of the parties to
532 this agreement are performable only within the county where the
533 participating organization is located, and statewide for the
534 Office of Supplier Diversity, and venue for any legal action in
535 connection with this agreement shall lie, for any participating
536 organization except the Office of Supplier Diversity,
537 exclusively in the county where the participating organization
538 is located. This agreement shall be governed by and construed in
539 accordance with the laws and court decisions of the state.

540
541 ARTICLE XI
542

543 CONSTRUCTION AND SEVERABILITY.—This agreement shall be
544 liberally construed so as to effectuate the purposes thereof.
545 The provisions of this agreement shall be severable and if any
546 phrase, clause, sentence, or provision of this agreement is
547 declared to be contrary to the State Constitution or the United
548 States Constitution, or the application thereof to any
549 government, agency, person, or circumstance is held invalid, the
550 validity of the remainder of this agreement and the
551 applicability thereof to any government, agency, person, or

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552 circumstance shall not be affected thereby. If this agreement
553 shall be held contrary to the State Constitution, the agreement
554 shall remain in full force and effect as to all severable
555 matters.

556 Section 10. Paragraphs (h) and (o) of subsection (4) of
557 section 287.09451, Florida Statutes, are amended to read:

558 287.09451 Office of Supplier Diversity; powers, duties, and
559 functions.—

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

562 (h) To develop procedures to investigate complaints against
563 minority business enterprises or contractors alleged to violate
564 any provision related to this section or s. 287.0943, that may
565 include visits to worksites or business premises, and to refer
566 all information on businesses suspected of misrepresenting
567 minority status to the Department of Management Services for
568 investigation. When an investigation is completed and there is
569 reason to believe that a violation has occurred, ~~the Department~~
570 ~~of Labor and Employment Security shall refer~~ the matter shall be
571 referred to the office of the Attorney General, Department of
572 Legal Affairs, for prosecution.

573 (o)1. To establish a system to record and measure the use
574 of certified minority business enterprises in state contracting.
575 This system shall maintain information and statistics on
576 certified minority business enterprise participation, awards,
577 dollar volume of expenditures and agency goals, and other
578 appropriate types of information to analyze progress in the
579 access of certified minority business enterprises to state
580 contracts and to monitor agency compliance with this section.

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581 Such reporting must include, but is not limited to, the
582 identification of all subcontracts in state contracting by
583 dollar amount and by number of subcontracts and the
584 identification of the utilization of certified minority business
585 enterprises as prime contractors and subcontractors by dollar
586 amounts of contracts and subcontracts, number of contracts and
587 subcontracts, minority status, industry, and any conditions or
588 circumstances that significantly affected the performance of
589 subcontractors. Agencies shall report their compliance with the
590 requirements of this reporting system at least annually and at
591 the request of the office. All agencies shall cooperate with the
592 office in establishing this reporting system. Except in
593 construction contracting, all agencies shall review contracts
594 costing in excess of CATEGORY FOUR as defined in s. 287.017 to
595 determine if such contracts could be divided into smaller
596 contracts to be separately solicited and awarded, and shall,
597 when economical, offer such smaller contracts to encourage
598 minority participation.

599 2. To report agency compliance with the provisions of
600 subparagraph 1. for the preceding fiscal year to the Governor
601 and Cabinet, the President of the Senate, and the Speaker of the
602 House of Representatives, ~~and the secretary of the Department of~~
603 ~~Labor and Employment Security~~ on or before February 1 of each
604 year. The report must contain, at a minimum, the following:

- 605 a. Total expenditures of each agency by industry.
606 b. The dollar amount and percentage of contracts awarded to
607 certified minority business enterprises by each state agency.
608 c. The dollar amount and percentage of contracts awarded
609 indirectly to certified minority business enterprises as

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610 subcontractors by each state agency.

611 d. The total dollar amount and percentage of contracts
612 awarded to certified minority business enterprises, whether
613 directly or indirectly, as subcontractors.

614 e. A statement and assessment of good faith efforts taken
615 by each state agency.

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

618 Section 11. Subsections (1) and (5) of section 287.0947,
619 Florida Statutes, are amended to read:

620 287.0947 Florida Advisory Council on Small and Minority
621 Business Development; creation; membership; duties.—

622 (1) ~~On or after October 1, 1996,~~ The Secretary of
623 Management Services ~~the Department of Labor and Employment~~
624 ~~Security~~ may create the Florida Advisory Council on Small and
625 Minority Business Development with the purpose of advising and
626 assisting the secretary in carrying out the secretary's duties
627 with respect to minority businesses and economic and business
628 development. It is the intent of the Legislature that the
629 membership of such council include practitioners, laypersons,
630 financiers, and others with business development experience who
631 can provide invaluable insight and expertise for this state in
632 the diversification of its markets and networking of business
633 opportunities. The council shall initially consist of 19
634 persons, each of whom is or has been actively engaged in small
635 and minority business development, either in private industry,
636 in governmental service, or as a scholar of recognized
637 achievement in the study of such matters. Initially, the council
638 shall consist of members representing all regions of the state

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639 and shall include at least one member from each group identified
640 within the definition of "minority person" in s. 288.703(3),
641 considering also gender and nationality subgroups, and shall
642 consist of the following:

643 (a) Four members consisting of representatives of local and
644 federal small and minority business assistance programs or
645 community development programs.

646 (b) Eight members composed of representatives of the
647 minority private business sector, including certified minority
648 business enterprises and minority supplier development councils,
649 among whom at least two shall be women and at least four shall
650 be minority persons.

651 (c) Two representatives of local government, one of whom
652 shall be a representative of a large local government, and one
653 of whom shall be a representative of a small local government.

654 (d) Two representatives from the banking and insurance
655 industry.

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

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

660

661 A candidate for appointment may be considered if eligible to be
662 certified as an owner of a minority business enterprise, or if
663 otherwise qualified under the criteria above. Vacancies may be
664 filled by appointment of the secretary, in the manner of the
665 original appointment.

666 (5) The powers and duties of the council include, but are
667 not limited to: researching and reviewing the role of small and

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668 minority businesses in the state's economy; reviewing issues and
669 emerging topics relating to small and minority business economic
670 development; studying the ability of financial markets and
671 institutions to meet small business credit needs and determining
672 the impact of government demands on credit for small businesses;
673 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
674 requiring a state economic development comprehensive plan, as it
675 relates to small and minority businesses; assessing the
676 reasonableness and effectiveness of efforts by any state agency
677 or by all state agencies collectively to assist minority
678 business enterprises; and advising the Governor, the secretary,
679 and the Legislature on matters relating to small and minority
680 business development which are of importance to the
681 international strategic planning and activities of this state.

682 Section 12. Subsection (1) of section 288.021, Florida
683 Statutes, is amended to read:

684 288.021 Economic development liaison.-

685 (1) The heads of the Department of Transportation, the
686 Department of Environmental Protection and an additional member
687 appointed by the secretary of the department, the Agency for
688 Workforce Innovation ~~the Department of Labor and Employment~~
689 ~~Security~~, the Department of Education, the Department of
690 Community Affairs, the Department of Management Services, the
691 Department of Revenue, the Fish and Wildlife Conservation
692 Commission, each water management district, and each Department
693 of Transportation District office shall designate a high-level
694 staff member from within such agency to serve as the economic
695 development liaison for the agency. This person shall report to
696 the agency head and have general knowledge both of the state's

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697 permitting and other regulatory functions and of the state's
698 economic goals, policies, and programs. This person shall also
699 be the primary point of contact for the agency with the Office
700 of Tourism, Trade, and Economic Development on issues and
701 projects important to the economic development of Florida,
702 including its rural areas, to expedite project review, to ensure
703 a prompt, effective response to problems arising with regard to
704 permitting and regulatory functions, and to work closely with
705 the other economic development liaisons to resolve interagency
706 conflicts.

707 Section 13. Subsection (1) of section 288.035, Florida
708 Statutes, is amended to read:

709 288.035 Economic development activities.—

710 (1) The Florida Public Service Commission may authorize
711 public utilities to recover reasonable economic development
712 expenses. For purposes of this section, recoverable "economic
713 development expenses" are those expenses described in subsection
714 (2) which are consistent with criteria to be established by
715 rules adopted by ~~the Department of Commerce as of June 30, 1996,~~
716 ~~or as those criteria are later modified by~~ the Office of
717 Tourism, Trade, and Economic Development.

718 Section 14. Section 288.038, Florida Statutes, is repealed.

719 Section 15. Subsections (1), (2), and (4) of section
720 288.1168, Florida Statutes, are amended to read:

721 288.1168 Professional golf hall of fame facility.—

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

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726 fame facility in the state.

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

730 (a) The professional golf hall of fame facility is the only
731 professional golf hall of fame in the United States recognized
732 by the PGA Tour, Inc.

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

737 (c) The municipality in which the professional golf hall of
738 fame facility is located, or the county if the facility is
739 located in an unincorporated area, has certified by resolution
740 after a public hearing that the application serves a public
741 purpose.

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

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

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

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755 at the then-current commercial rate, during the period of time
756 that the facility receives funds pursuant to s. 212.20. The
757 Office of Tourism, Trade, and Economic Development and the PGA
758 Tour, Inc., or its affiliates, must agree annually on a
759 reasonable percentage of advertising specifically allocated for
760 generic Florida advertising. The Office of Tourism, Trade, and
761 Economic Development shall have final approval of all generic
762 advertising. Failure on the part of the PGA Tour, Inc., or its
763 affiliates to annually provide the advertising as provided in
764 this paragraph or subsection (6) shall result in the termination
765 of funding as provided in s. 212.20.

766 (g) Documentation exists that demonstrates that the
767 applicant has provided, is capable of providing, or has
768 financial or other commitments to provide more than one-half of
769 the costs incurred or related to the improvement and development
770 of the facility.

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

774 (4) Upon determining that an applicant is or is not
775 certifiable, the director of the Office of Tourism, Trade, and
776 Economic Development ~~Secretary of Commerce~~ shall notify the
777 applicant of his or her status by means of an official letter.
778 If certifiable, the director ~~secretary~~ shall notify the
779 executive director of the Department of Revenue and the
780 applicant of such certification by means of an official letter
781 granting certification. From the date of such certification, the
782 applicant shall have 5 years to open the professional golf hall
783 of fame facility to the public and notify the Office of Tourism,

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784 Trade, and Economic Development of such opening. The Department
785 of Revenue shall not begin distributing funds until 30 days
786 following notice by the Office of Tourism, Trade, and Economic
787 Development that the professional golf hall of fame facility is
788 open to the public.

789 Section 16. Subsection (7) of section 288.1229, Florida
790 Statutes, is amended to read:

791 288.1229 Promotion and development of sports-related
792 industries and amateur athletics; direct-support organization;
793 powers and duties.—

794 (7) In exercising the power provided in this section, the
795 Office of Tourism, Trade, and Economic Development may authorize
796 and contract with the direct-support organization existing on
797 June 30, 1996, ~~and authorized by the former Florida Department~~
798 ~~of Commerce to promote sports-related industries. An appointed~~
799 ~~member of the board of directors of such direct-support~~
800 ~~organization as of June 30, 1996, may serve the remainder of his~~
801 ~~or her unexpired term.~~

802 Section 17. Section 288.1169, Florida Statutes, is amended
803 to read:

804 288.1169 International Game Fish Association World Center
805 facility.—

806 (1) The Office of Tourism, Trade, and Economic Development
807 ~~Department of Commerce~~ shall serve as the state agency approving
808 applicants for funding pursuant to s. 212.20 and for certifying
809 the applicant as the International Game Fish Association World
810 Center facility. For purposes of this section, "facility" means
811 the International Game Fish Association World Center, and
812 "project" means the International Game Fish Association World

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813 Center and new colocated improvements by private sector concerns
814 who have made cash or in-kind contributions to the facility of
815 \$1 million or more.

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

818 (a) The International Game Fish Association World Center is
819 the only fishing museum, Hall of Fame, and international
820 administrative headquarters in the United States recognized by
821 the International Game Fish Association, and that one or more
822 private sector concerns have committed to donate to the
823 International Game Fish Association land upon which the
824 International Game Fish Association World Center will operate.

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

828 (c) The municipality in which the facility is located, or
829 the county if the facility is located in an unincorporated area,
830 has certified by resolution after a public hearing that the
831 facility serves a public purpose.

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

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

841 (f) There are existing projections that the project will

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842 attract more than 300,000 persons annually who are not residents
843 of the state.

844 (g) The applicant has submitted an agreement to provide
845 \$500,000 annually in national and international media promotion
846 of the facility, at the then-current commercial rates, during
847 the period of time that the facility receives funds pursuant to
848 s. 212.20. Failure on the part of the applicant to annually
849 provide the advertising as provided in this paragraph shall
850 result in the termination of the funding as provided in s.
851 212.20. The applicant can discharge its obligation under this
852 paragraph by contracting with other persons, including private
853 sector concerns who participate in the project.

854 (h) Documentation exists that demonstrates that the
855 applicant has provided, and is capable of providing, or has
856 financial or other commitments to provide, more than one-half of
857 the cost incurred or related to the improvements and the
858 development of the facility.

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

862 (3) The applicant may use funds provided pursuant to s.
863 212.20 for the purpose of paying for the construction,
864 reconstruction, renovation, promotion, or operation of the
865 facility, or to pay or pledge for payment of debt service on, or
866 to fund debt service reserve funds, arbitrage rebate
867 obligations, or other amounts payable with respect to, bonds
868 issued for the construction, reconstruction, or renovation of
869 the facility or for the reimbursement of such costs or by
870 refinancing of bonds issued for such purposes.

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871 (4) Upon determining that an applicant is or is not
872 certifiable, the Office of Tourism, Trade, and Economic
873 Development ~~Department of Commerce~~ shall notify the applicant of
874 its status by means of an official letter. If certifiable, the
875 Office of Tourism, Trade, and Economic Development ~~Department of~~
876 ~~Commerce~~ shall notify the executive director of the Department
877 of Revenue and the applicant of such certification by means of
878 an official letter granting certification. From the date of such
879 certification, the applicant shall have 5 years to open the
880 facility to the public and notify the Office of Tourism, Trade,
881 and Economic Development ~~Department of Commerce~~ of such opening.
882 The Department of Revenue shall not begin distributing funds
883 until 30 days following notice by the Office of Tourism, Trade,
884 and Economic Development ~~Department of Commerce~~ that the
885 facility is open to the public.

886 (5) The Department of Revenue may audit as provided in s.
887 213.34 to verify that the contributions pursuant to this section
888 have been expended as required by this section.

889 (6) The Office of Tourism, Trade, and Economic Development
890 ~~Department of Commerce~~ must recertify every 10 years that the
891 facility is open, that the International Game Fish Association
892 World Center continues to be the only international
893 administrative headquarters, fishing museum, and Hall of Fame in
894 the United States recognized by the International Game Fish
895 Association, and that the project is meeting the minimum
896 projections for attendance or sales tax revenues as required at
897 the time of original certification. If the facility is not
898 recertified during this 10-year review as meeting the minimum
899 projections, then funding shall be abated until certification

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900 criteria are met. If the project fails to generate \$1 million of
901 annual revenues pursuant to paragraph (2)(e), the distribution
902 of revenues pursuant to s. 212.20(6)(d)6.d. shall be reduced to
903 an amount equal to \$83,333 multiplied by a fraction, the
904 numerator of which is the actual revenues generated and the
905 denominator of which is \$1 million. Such reduction remains in
906 effect until revenues generated by the project in a 12-month
907 period equal or exceed \$1 million.

908 Section 18. Subsections (2), (4), and (5) of section
909 331.369, Florida Statutes, are amended to read:

910 331.369 Space Industry Workforce Initiative.—

911 (2) Workforce Florida, Inc., ~~The Workforce Development~~
912 ~~Board of Enterprise Florida, Inc., or its successor entity,~~
913 shall coordinate development of a Space Industry Workforce
914 Initiative in partnership with Space Florida, public and private
915 universities, community colleges, and other training providers
916 approved by the board. The purpose of the initiative is to use
917 or revise existing programs and to develop innovative new
918 programs to address the workforce needs of the aerospace
919 industry.

920 (4) Workforce Florida, Inc., ~~The Workforce Development~~
921 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ with
922 the assistance of Space Florida, shall convene representatives
923 from the aerospace industry to identify the priority training
924 and education needs of the industry and to appoint a team to
925 design programs to meet the priority needs.

926 (5) Workforce Florida, Inc., ~~The Workforce Development~~
927 ~~Board of Enterprise Florida, Inc., or its successor entity,~~ as
928 part of its statutorily prescribed annual report to the

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929 Legislature, shall provide recommendations for policies,
930 programs, and funding to enhance the workforce needs of the
931 aerospace industry.

932 Section 19. Paragraph (h) of subsection (5) of section
933 377.711, Florida Statutes, is amended to read:

934 377.711 Florida party to Southern States Energy Compact.—
935 The Southern States Energy Compact is enacted into law and
936 entered into by the state as a party, and is of full force and
937 effect between the state and any other states joining therein in
938 accordance with the terms of the compact, which compact is
939 substantially as follows:

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

941 (h) Recommend such changes in, or amendments or additions
942 to, the laws, codes, rules, regulations, administrative
943 procedures and practices, or ordinances of the party states in
944 any of the fields of its interest and competence as in its
945 judgment may be appropriate. Any such recommendation shall be
946 made through the appropriate state agency with due consideration
947 of the desirability of uniformity but shall also give
948 appropriate weight to any special circumstances that may justify
949 variations to meet local conditions. ~~Any such recommendation~~
950 ~~shall be made, in the case of Florida, through the Department of~~
951 ~~Commerce.~~

952 Section 20. Subsection (3) of section 377.712, Florida
953 Statutes, is amended to read:

954 377.712 Florida participation.—

955 (3) Departments ~~The department,~~ agencies, and officers of
956 this state, and its subdivisions are authorized to cooperate
957 with the board in the furtherance of any of its activities

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958 pursuant to the compact, provided such proposed activities have
959 been made known to, and have the approval of, either the
960 Governor or the Department of Health.

961 Section 21. Subsection (1), paragraph (b) of subsection
962 (3), and subsection (8) of section 409.2576, Florida Statutes,
963 are amended to read:

964 409.2576 State Directory of New Hires.—

965 (1) DIRECTORY CREATED.—The State Directory of New Hires is
966 hereby created and shall be administered by the Department of
967 Revenue or its agent. ~~The Department of Labor and Employment~~
968 ~~Security will act as the agent until a date not later than~~
969 ~~October 1, 1998.~~ All employers in the state shall furnish a
970 report consistent with subsection (3) for each newly hired or
971 rehired employee unless the employee is employed by a federal or
972 state agency performing intelligence or counterintelligence
973 functions and the head of such agency has determined that
974 reporting pursuant to this section could endanger the safety of
975 the employee or compromise an ongoing investigation or
976 intelligence mission.

977 (3) EMPLOYERS TO FURNISH REPORTS.—

978 (b) ~~Upon termination of the contract with the Department of~~
979 ~~Labor and Employment Security, but not later than October 1,~~
980 ~~1998,~~ All employers shall furnish a report to the State
981 Directory of New Hires of the state in which the newly hired or
982 rehired employee works. The report required in this section
983 shall be made on a W-4 form or, at the option of the employer,
984 an equivalent form, and can be transmitted magnetically,
985 electronically, by first-class mail, or other methods which may
986 be prescribed by the State Directory. Each report shall include

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987 the name, address, date of hire, and social security number of
988 every new and rehired employee and the name, address, and
989 federal employer identification number of the reporting
990 employer. If available, the employer may also include the
991 employee's date of birth in the report. Multistate employers
992 that report new hire information electronically or magnetically
993 may designate a single state to which it will transmit the above
994 noted report, provided the employer has employees in that state
995 and the employer notifies the Secretary of Health and Human
996 Services in writing to which state the information will be
997 provided. Agencies of the United States Government shall report
998 directly to the National Directory of New Hires.

999 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
1000 ~~than October 1, 1997,~~ The State Directory of New Hires must
1001 furnish information regarding newly hired or rehired employees
1002 to the National Directory of New Hires for matching with the
1003 records of other state case registries within 3 business days of
1004 entering such information from the employer into the State
1005 Directory of New Hires. The State Directory of New Hires shall
1006 enter into an agreement with the Agency for Workforce Innovation
1007 or its tax collection service provider ~~Florida Department of~~
1008 ~~Labor and Employment Security~~ for the quarterly reporting to the
1009 National Directory of New Hires information on wages and
1010 unemployment compensation taken from the quarterly report to the
1011 Secretary of Labor, now required by Title III of the Social
1012 Security Act, except that no report shall be filed with respect
1013 to an employee of a state or local agency performing
1014 intelligence or counterintelligence functions, if the head of
1015 such agency has determined that filing such a report could

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1016 endanger the safety of the employee or compromise an ongoing
1017 investigation or intelligence mission.

1018 Section 22. Section 414.24, Florida Statutes, is amended to
1019 read:

1020 414.24 Integrated welfare reform and child welfare
1021 services.—The department shall develop integrated service
1022 delivery strategies to better meet the needs of families subject
1023 to work activity requirements who are involved in the child
1024 welfare system or are at high risk of involvement in the child
1025 welfare system. To the extent that resources are available, the
1026 department and the Agency for Workforce Innovation ~~Department of~~
1027 ~~Labor and Employment Security~~ shall provide funds to one or more
1028 service districts to promote development of integrated,
1029 nonduplicative case management within the department, the Agency
1030 for Workforce Innovation ~~Department of Labor and Employment~~
1031 ~~Security~~, other participating government agencies, and community
1032 partners. Alternative delivery systems shall be encouraged which
1033 include well-defined, pertinent outcome measures. Other factors
1034 to be considered shall include innovation regarding training,
1035 enhancement of existing resources, and increased private sector
1036 and business sector participation.

1037 Section 23. Section 414.40, Florida Statutes, is amended to
1038 read:

1039 414.40 Stop Inmate Fraud Program established; guidelines.—

1040 (1) There is created within the Department of Financial
1041 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud
1042 Program.

1043 (2) The Department of Financial Services ~~Department of Law~~
1044 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud

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1045 Program in accordance with the following guidelines:

1046 (a) The program shall establish procedures for sharing
1047 public records not exempt from the public records law among
1048 social services agencies regarding the identities of persons
1049 incarcerated in state correctional institutions, as defined in
1050 s. 944.02, or in county, municipal, or regional jails or other
1051 detention facilities of local governments under chapter 950 or
1052 chapter 951 who are wrongfully receiving public assistance
1053 benefits or entitlement benefits.

1054 (b) Pursuant to these procedures, the program shall have
1055 access to records containing correctional information not exempt
1056 from the public records law on incarcerated persons which have
1057 been generated as criminal justice information. As used in this
1058 paragraph, the term "record" is defined as provided in s.
1059 943.045(7), and the term "criminal justice information" is
1060 defined as provided in s. 943.045(3).

1061 (c) Database searches shall be conducted of the inmate
1062 population at each correctional institution or other detention
1063 facility. A correctional institution or a detention facility
1064 shall provide the Stop Inmate Fraud Program with the information
1065 necessary to identify persons wrongfully receiving benefits in
1066 the medium requested by the Stop Inmate Fraud Program if the
1067 correctional institution or detention facility maintains the
1068 information in that medium.

1069 (d) Data obtained from correctional institutions or other
1070 detention facilities shall be compared with the client files of
1071 the Department of Children and Family Services, the Agency for
1072 Workforce Innovation ~~Department of Labor and Employment~~
1073 ~~Security~~, and other state or local agencies as needed to

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1074 identify persons wrongfully obtaining benefits. Data comparisons
1075 shall be accomplished during periods of low information demand
1076 by agency personnel to minimize inconvenience to the agency.

1077 (e) Results of data comparisons shall be furnished to the
1078 appropriate office for use in the county in which the data
1079 originated. The program may provide reports of the data it
1080 obtains to appropriate state, federal, and local government
1081 agencies or governmental entities, including, but not limited
1082 to:

1083 1. The Child Support Enforcement Program of the Department
1084 of Revenue, so that the data may be used as locator information
1085 on persons being sought for purposes of child support.

1086 2. The Social Security Administration, so that the data may
1087 be used to reduce federal entitlement fraud within the state.

1088 (f) Reports by the program to another agency or entity
1089 shall be generated bimonthly, or as otherwise directed, and
1090 shall be designed to accommodate that agency's or entity's
1091 particular needs for data.

1092 (g) Only those persons with active cases, or with cases
1093 that were active during the incarceration period, shall be
1094 reported, in order that the funding agency or entity, upon
1095 verification of the data, may take whatever action is deemed
1096 appropriate.

1097 (h) For purposes of program review and analysis, each
1098 agency or entity receiving data from the program shall submit
1099 reports to the program which indicate the results of how the
1100 data was used.

1101 Section 24. Subsection (5) of section 440.385, Florida
1102 Statutes, is amended to read:

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1103 440.385 Florida Self-Insurers Guaranty Association,
1104 Incorporated.—

1105 (5) PLAN OF OPERATION.—The association shall operate
1106 pursuant to a plan of operation approved by the board of
1107 directors. The plan of operation must be in effect on January 1,
1108 ~~2002, and~~ approved by the Department of Financial Services and
1109 ~~Department of Labor and Employment Security shall remain in~~
1110 ~~effect. However,~~ any amendments to the plan shall not become
1111 effective until approved by the department ~~of Financial~~
1112 ~~Services.~~

1113 (a) The purpose of the plan of operation shall be to
1114 provide the association and the board of directors with the
1115 authority and responsibility to establish the necessary programs
1116 and to take the necessary actions to protect against the
1117 insolvency of a member of the association. In addition, the plan
1118 shall provide that the members of the association shall be
1119 responsible for maintaining an adequate Insolvency Fund to meet
1120 the obligations of insolvent members provided for under this act
1121 and shall authorize the board of directors to contract and
1122 employ those persons with the necessary expertise to carry out
1123 this stated purpose. ~~By January 1, 2003,~~ The board of directors
1124 shall submit to the department a proposed plan of operation for
1125 the administration of the association. The department shall
1126 approve the plan by order, consistent with this section. The
1127 department shall approve any amendments to the plan, consistent
1128 with this section, which are determined appropriate to carry out
1129 the duties and responsibilities of the association.

1130 (b) All member employers shall comply with the plan of
1131 operation.

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- 1132 (c) The plan of operation shall:
- 1133 1. Establish the procedures whereby all the powers and
- 1134 duties of the association under subsection (3) will be
- 1135 performed.
- 1136 2. Establish procedures for handling assets of the
- 1137 association.
- 1138 3. Establish the amount and method of reimbursing members
- 1139 of the board of directors under subsection (2).
- 1140 4. Establish procedures by which claims may be filed with
- 1141 the association and establish acceptable forms of proof of
- 1142 covered claims. Notice of claims to the receiver or liquidator
- 1143 of the insolvent employer shall be deemed notice to the
- 1144 association or its agent, and a list of such claims shall be
- 1145 submitted periodically to the association or similar
- 1146 organization in another state by the receiver or liquidator.
- 1147 5. Establish regular places and times for meetings of the
- 1148 board of directors.
- 1149 6. Establish procedures for records to be kept of all
- 1150 financial transactions of the association and its agents and the
- 1151 board of directors.
- 1152 7. Provide that any member employer aggrieved by any final
- 1153 action or decision of the association may appeal to the
- 1154 department within 30 days after the action or decision.
- 1155 8. Establish the procedures whereby recommendations of
- 1156 candidates for the board of directors shall be submitted to the
- 1157 department.
- 1158 9. Contain additional provisions necessary or proper for
- 1159 the execution of the powers and duties of the association.
- 1160 (d) The plan of operation may provide that any or all of

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1161 the powers and duties of the association, except those specified
1162 under subparagraphs (c)1. and 2., be delegated to a corporation,
1163 association, or other organization which performs or will
1164 perform functions similar to those of this association or its
1165 equivalent in two or more states. Such a corporation,
1166 association, or organization shall be reimbursed as a servicing
1167 facility would be reimbursed and shall be paid for its
1168 performance of any other functions of the association. A
1169 delegation of powers or duties under this subsection shall take
1170 effect only with the approval of both the board of directors and
1171 the department and may be made only to a corporation,
1172 association, or organization which extends protection which is
1173 not substantially less favorable and effective than the
1174 protection provided by this section.

1175 Section 25. Paragraph (b) of subsection (9) of section
1176 440.49, Florida Statutes, is amended to read:

1177 440.49 Limitation of liability for subsequent injury
1178 through Special Disability Trust Fund.—

1179 (9) SPECIAL DISABILITY TRUST FUND.—

1180 (b)1. The Special Disability Trust Fund shall be maintained
1181 by annual assessments upon the insurance companies writing
1182 compensation insurance in the state, the commercial self-
1183 insurers under ss. 624.462 and 624.4621, the assessable mutuals
1184 as defined in s. 628.6011, and the self-insurers under this
1185 chapter, which assessments shall become due and be paid
1186 quarterly at the same time and in addition to the assessments
1187 provided in s. 440.51. The department shall estimate annually in
1188 advance the amount necessary for the administration of this
1189 subsection and the maintenance of this fund and shall make such

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1190 assessment in the manner hereinafter provided.

1191 2. The annual assessment shall be calculated to produce
1192 during the ensuing fiscal year an amount which, when combined
1193 with that part of the balance in the fund on June 30 of the
1194 current fiscal year which is in excess of \$100,000, is equal to
1195 the average of:

1196 a. The sum of disbursements from the fund during the
1197 immediate past 3 calendar years, and

1198 b. Two times the disbursements of the most recent calendar
1199 year.

1200

1201 Such amount shall be prorated among the insurance companies
1202 writing compensation insurance in the state and the self-
1203 insurers. ~~Provided however, for those carriers that have
1204 excluded ceded reinsurance premiums from their assessments on or
1205 before January 1, 2000, no assessments on ceded reinsurance
1206 premiums shall be paid by those carriers until such time as the
1207 former Division of Workers' Compensation of the Department of
1208 Labor and Employment Security or the department advises each of
1209 those carriers of the impact that the inclusion of ceded
1210 reinsurance premiums has on their assessment. The department may
1211 not recover any past underpayments of assessments levied against
1212 any carrier that on or before January 1, 2000, excluded ceded
1213 reinsurance premiums from their assessment prior to the point
1214 that the former Division of Workers' Compensation of the
1215 Department of Labor and Employment Security or the department
1216 advises of the appropriate assessment that should have been
1217 paid.~~

1218 3. The net premiums written by the companies for workers'

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1219 compensation in this state and the net premium written
1220 applicable to the self-insurers in this state are the basis for
1221 computing the amount to be assessed as a percentage of net
1222 premiums. Such payments shall be made by each carrier and self-
1223 insurer to the department for the Special Disability Trust Fund
1224 in accordance with such regulations as the department
1225 prescribes.

1226 4. The Chief Financial Officer is authorized to receive and
1227 credit to such Special Disability Trust Fund any sum or sums
1228 that may at any time be contributed to the state by the United
1229 States under any Act of Congress, or otherwise, to which the
1230 state may be or become entitled by reason of any payments made
1231 out of such fund.

1232 Section 26. Section 446.60, Florida Statutes, is repealed.

1233 Section 27. Section 450.161, Florida Statutes, is amended
1234 to read:

1235 450.161 Chapter not to affect career education of children;
1236 other exceptions.—Nothing in this chapter shall prevent minors
1237 of any age from receiving career education furnished by the
1238 United States, this state, or any county or other political
1239 subdivision of this state and duly approved by the Department of
1240 Education or other duly constituted authority, nor any
1241 apprentice indentured under a plan approved by the Department of
1242 Education ~~Division of Jobs and Benefits~~, or prevent the
1243 employment of any minor 14 years of age or older when such
1244 employment is authorized as an integral part of, or supplement
1245 to, such a course in career education and is authorized by
1246 regulations of the district school board of the district in
1247 which such minor is employed, provided the employment is in

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1248 compliance with the provisions of ss. 450.021(4) and 450.061.
1249 Exemptions for the employment of student learners 16 to 18 years
1250 of age are provided in s. 450.061. Such an exemption shall apply
1251 when:

1252 (1) The student learner is enrolled in a youth vocational
1253 training program under a recognized state or local educational
1254 authority.

1255 (2) Such student learner is employed under a written
1256 agreement which provides:

1257 (a) That the work of the student learner in the occupation
1258 declared particularly hazardous shall be incidental to the
1259 training.

1260 (b) That such work shall be intermittent and for short
1261 periods of time and under the direct and close supervision of a
1262 qualified and experienced person.

1263 (c) That safety instructions shall be given by the school
1264 and correlated by the employer with on-the-job training.

1265 (d) That a schedule of organized and progressive work
1266 processes to be performed on the job shall have been prepared.

1267

1268 Each such written agreement shall contain the name of the
1269 student learner and shall be signed by the employer, the school
1270 coordinator and principal, and the parent or legal guardian.
1271 Copies of each agreement shall be kept on file by both the
1272 school and the employer. This exemption for the employment of
1273 student learners may be revoked in any individual situation when
1274 it is found that reasonable precautions have not been observed
1275 for the safety of minors employed thereunder. A high school
1276 graduate may be employed in an occupation in which he or she has

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1277 completed training as a student learner, as provided in this
1278 section, even though he or she is not yet 18 years of age.

1279 Section 28. Paragraph (d) of subsection (1) of section
1280 464.203, Florida Statutes, is amended to read:

1281 464.203 Certified nursing assistants; certification
1282 requirement.—

1283 (1) The board shall issue a certificate to practice as a
1284 certified nursing assistant to any person who demonstrates a
1285 minimum competency to read and write and successfully passes the
1286 required background screening pursuant to s. 400.215 and meets
1287 one of the following requirements:

1288 (d) Has completed the curriculum developed by the
1289 Department of Education ~~under the Enterprise Florida Jobs and~~
1290 ~~Education Partnership Grant~~ and achieved a minimum score,
1291 established by rule of the board, on the nursing assistant
1292 competency examination, which consists of a written portion and
1293 skills-demonstration portion, approved by the board and
1294 administered at a site and by personnel approved by the
1295 department.

1296 Section 29. Subsection (1) of section 489.1455, Florida
1297 Statutes, is amended to read:

1298 489.1455 Journeyman; reciprocity; standards.—

1299 (1) An individual who holds a valid, active journeyman
1300 license in the plumbing/pipe fitting, mechanical, or HVAC trades
1301 issued by any county or municipality in this state may work as a
1302 journeyman in the trade in which he or she is licensed in any
1303 county or municipality of this state without taking an
1304 additional examination or paying an additional license fee, if
1305 he or she:

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1306 (a) Has scored at least 70 percent, or after October 1,
1307 1997, at least 75 percent, on a proctored journeyman Block and
1308 Associates examination or other proctored examination approved
1309 by the board for the trade in which he or she is licensed;

1310 (b) Has completed an apprenticeship program registered with
1311 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
1312 ~~of Labor and Employment Security~~ and demonstrates 4 years'
1313 verifiable practical experience in the trade for which he or she
1314 is licensed, or demonstrates 6 years' verifiable practical
1315 experience in the trade for which he or she is licensed;

1316 (c) Has satisfactorily completed specialized and advanced
1317 module coursework approved by the Florida Building Commission,
1318 as part of the building code training program established in s.
1319 553.841, specific to the discipline or, pursuant to
1320 authorization by the certifying authority, provides proof of
1321 completion of such coursework within 6 months after such
1322 certification; and

1323 (d) Has not had a license suspended or revoked within the
1324 last 5 years.

1325 Section 30. Subsection (1) of section 489.5335, Florida
1326 Statutes, is amended to read:

1327 489.5335 Journeyman; reciprocity; standards.—

1328 (1) An individual who holds a valid, active journeyman
1329 license in the electrical trade issued by any county or
1330 municipality in this state may work as a journeyman in any other
1331 county or municipality of this state without taking an
1332 additional examination or paying an additional license fee, if
1333 he or she:

1334 (a) Has scored at least 70 percent, or after October 1,

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1335 1997, at least 75 percent, on a proctored journeyman Block and
1336 Associates examination or other proctored examination approved
1337 by the board for the electrical trade;

1338 (b) Has completed an apprenticeship program registered with
1339 a registration agency defined in 29 C.F.R. 29.2 ~~the Department~~
1340 ~~of Labor and Employment Security~~ and demonstrates 4 years'
1341 verifiable practical experience in the electrical trade, or
1342 demonstrates 6 years' verifiable practical experience in the
1343 electrical trade;

1344 (c) Has satisfactorily completed specialized and advanced
1345 module coursework approved by the Florida Building Commission,
1346 as part of the building code training program established in s.
1347 553.841, specific to the discipline, or, pursuant to
1348 authorization by the certifying authority, provides proof of
1349 completion of such curriculum or coursework within 6 months
1350 after such certification; and

1351 (d) Has not had a license suspended or revoked within the
1352 last 5 years.

1353 Section 31. Section 553.62, Florida Statutes, is amended to
1354 read:

1355 553.62 State standard.—The Occupational Safety and Health
1356 Administration's excavation safety standards, 29 C.F.R. s.
1357 1926.650 Subpart P, are hereby incorporated as the state
1358 standard. ~~The Department of Labor and Employment Security may,~~
1359 ~~by rule, adopt updated or revised versions of those standards,~~
1360 ~~provided that the updated or revised versions are consistent~~
1361 ~~with the intent expressed in this act and s. 553.72, and are not~~
1362 ~~otherwise inconsistent with state law. Any rule adopted as~~
1363 ~~provided in this section shall be complied with upon its~~

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1364 ~~effective date.~~

1365 Section 32. Subsection (1) of section 597.006, Florida
1366 Statutes, is amended to read:

1367 597.006 Aquaculture Interagency Coordinating Council.—

1368 (1) CREATION.—The Legislature finds and declares that there
1369 is a need for interagency coordination with regard to
1370 aquaculture by the following agencies: the Department of
1371 Agriculture and Consumer Services; the Office of Tourism, Trade,
1372 and Economic Development; the Department of Community Affairs;
1373 the Department of Environmental Protection; ~~the Department of~~
1374 ~~Labor and Employment Security~~; the Fish and Wildlife
1375 Conservation Commission; the statewide consortium of
1376 universities under the Florida Institute of Oceanography;
1377 Florida Agricultural and Mechanical University; the Institute of
1378 Food and Agricultural Sciences at the University of Florida; and
1379 the Florida Sea Grant Program. It is therefore the intent of the
1380 Legislature to hereby create an Aquaculture Interagency
1381 Coordinating Council to act as an advisory body as defined in s.
1382 20.03(9).

1383 Section 33. Subsection (5) of section 944.012, Florida
1384 Statutes, is amended to read:

1385 944.012 Legislative intent.—The Legislature hereby finds
1386 and declares that:

1387 (5) In order to make the correctional system an efficient
1388 and effective mechanism, the various agencies involved in the
1389 correctional process must coordinate their efforts. Where
1390 possible, interagency offices should be physically located
1391 within major institutions and should include representatives of
1392 the public employment service ~~the Florida State Employment~~

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1393 ~~Service~~, the vocational rehabilitation programs of the
1394 Department of Education, and the Parole Commission. Duplicative
1395 and unnecessary methods of evaluating offenders must be
1396 eliminated and areas of responsibility consolidated in order to
1397 more economically utilize present scarce resources.

1398 Section 34. Section 944.708, Florida Statutes, is amended
1399 to read:

1400 944.708 Rules.—The Department of Corrections ~~and the Agency~~
1401 ~~for Workforce Innovation~~ shall adopt rules to implement the
1402 provisions of ss. 944.701-944.707.

1403 Section 35. Sections 255.551, 255.552, 255.553, 255.5535,
1404 255.555, 255.556, 255.557, 255.558, 255.559, 255.56, 255.561,
1405 255.562, and 255.563, Florida Statutes, are repealed.

1406 Section 36. Paragraph (e) of subsection (1) of section
1407 469.002, Florida Statutes, is amended to read:

1408 469.002 Exemptions.—

1409 (1) This chapter does not apply to:

1410 (e) An authorized employee of the United States, this
1411 state, or any municipality, county, or other political
1412 subdivision who has completed all training required by NESHAP
1413 and OSHA or by ASHARA for the activities described in this
1414 paragraph, while engaged in ~~asbestos-related activities set~~
1415 ~~forth in s. 255.5535 and~~ asbestos-related activities involving
1416 the demolition of a building owned by that governmental unit,
1417 where such activities are within the scope of that employment
1418 and the employee does not hold out for hire or otherwise engage
1419 in asbestos abatement, contracting, or consulting.

1420 Section 37. Paragraph (b) of subsection (2) of section
1421 469.003, Florida Statutes, is repealed.

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1422 Section 38. Sections 39.0015, 39.305, 39.311, 39.312,
1423 39.313, 39.314, 39.315, 39.316, 39.317, 39.318, 39.816, 39.817,
1424 383.0115, 393.22, 393.503, 394.922, 402.3045, 402.50, 402.55,
1425 409.1672, 409.1673, 409.1685, 409.801, 409.802, and 409.803,
1426 Florida Statutes, are repealed.

1427 Section 39. Paragraph (a) of subsection (4) of section
1428 20.195, Florida Statutes, is amended to read:

1429 20.195 Department of Children and Family Services; trust
1430 funds.—The following trust funds shall be administered by the
1431 Department of Children and Family Services:

1432 (4) Domestic Violence Trust Fund.

1433 (a) Funds to be credited to and uses of the trust fund
1434 shall be administered in accordance with the provisions of s.
1435 28.101, part XII ~~XIII~~ of chapter 39, and chapter 741.

1436 Section 40. Subsection (1) of section 39.00145, Florida
1437 Statutes, is amended to read:

1438 39.00145 Records concerning children.—

1439 (1) The case record of every child under the supervision of
1440 or in the custody of the department, the department's authorized
1441 agents, or providers contracting with the department, including
1442 community-based care lead agencies and their subcontracted
1443 providers, must be maintained in a complete and accurate manner.
1444 The case record must contain, at a minimum, the child's case
1445 plan required under part VII ~~VIII~~ of this chapter and the full
1446 name and street address of all shelters, foster parents, group
1447 homes, treatment facilities, or locations where the child has
1448 been placed.

1449 Section 41. Subsection (10) of section 39.0121, Florida
1450 Statutes, is amended to read:

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1451 39.0121 Specific rulemaking authority.—Pursuant to the
1452 requirements of s. 120.536, the department is specifically
1453 authorized to adopt, amend, and repeal administrative rules
1454 which implement or interpret law or policy, or describe the
1455 procedure and practice requirements necessary to implement this
1456 chapter, including, but not limited to, the following:

1457 (10) The ~~Family Builders Program,~~ the Intensive Crisis
1458 Counseling Program, and any other early intervention programs
1459 and kinship care assistance programs.

1460 Section 42. Paragraph (a) of subsection (15) of section
1461 39.301, Florida Statutes, is amended to read:

1462 39.301 Initiation of protective investigations.—

1463 (15) (a) If the department or its agent determines that a
1464 child requires immediate or long-term protection through:

1465 1. Medical or other health care; or

1466 2. Homemaker care, day care, protective supervision, or
1467 other services to stabilize the home environment, including
1468 intensive family preservation services through ~~the Family~~
1469 ~~Builders Program~~ or the Intensive Crisis Counseling Program, ~~or~~
1470 ~~both,~~

1471
1472 such services shall first be offered for voluntary acceptance
1473 unless there are high-risk factors that may impact the ability
1474 of the parents or legal custodians to exercise judgment. Such
1475 factors may include the parents' or legal custodians' young age
1476 or history of substance abuse or domestic violence.

1477 Section 43. Section 39.3031, Florida Statutes, is amended
1478 to read:

1479 39.3031 Rules for implementation of s. 39.303 ~~and~~

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1480 ~~39.305.~~—The Department of Health, in consultation with the
1481 Department of Children and Family Services, shall adopt rules
1482 governing the child protection teams ~~and the sexual abuse~~
1483 ~~treatment program~~ pursuant to s. ss. 39.303 ~~and 39.305~~,
1484 including definitions, organization, roles and responsibilities,
1485 eligibility, services and their availability, qualifications of
1486 staff, and a waiver-request process.

1487 Section 44. Subsection (13) of section 49.011, Florida
1488 Statutes, is amended to read:

1489 49.011 Service of process by publication; cases in which
1490 allowed.—Service of process by publication may be made in any
1491 court on any party identified in s. 49.021 in any action or
1492 proceeding:

1493 (13) For termination of parental rights pursuant to part
1494 VIII ~~IX~~ of chapter 39 or chapter 63.

1495 Section 45. Subsection (18) of section 381.006, Florida
1496 Statutes, is amended to read:

1497 381.006 Environmental health.—The department shall conduct
1498 an environmental health program as part of fulfilling the
1499 state's public health mission. The purpose of this program is to
1500 detect and prevent disease caused by natural and manmade factors
1501 in the environment. The environmental health program shall
1502 include, but not be limited to:

1503 (18) A food service inspection function for domestic
1504 violence centers that are certified and monitored by the
1505 Department of Children and Family Services under part XII ~~XIII~~
1506 of chapter 39 and group care homes as described in subsection
1507 (16), which shall be conducted annually and be limited to the
1508 requirements in department rule applicable to community-based

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1509 residential facilities with five or fewer residents.

1510

1511 The department may adopt rules to carry out the provisions of
1512 this section.

1513 Section 46. Paragraph (b) of subsection (1) of section
1514 381.0072, Florida Statutes, is amended to read:

1515 381.0072 Food service protection.—It shall be the duty of
1516 the Department of Health to adopt and enforce sanitation rules
1517 consistent with law to ensure the protection of the public from
1518 food-borne illness. These rules shall provide the standards and
1519 requirements for the storage, preparation, serving, or display
1520 of food in food service establishments as defined in this
1521 section and which are not permitted or licensed under chapter
1522 500 or chapter 509.

1523 (1) DEFINITIONS.—As used in this section, the term:

1524 (b) "Food service establishment" means detention
1525 facilities, public or private schools, migrant labor camps,
1526 assisted living facilities, adult family-care homes, adult day
1527 care centers, short-term residential treatment centers,
1528 residential treatment facilities, homes for special services,
1529 transitional living facilities, crisis stabilization units,
1530 hospices, prescribed pediatric extended care centers,
1531 intermediate care facilities for persons with developmental
1532 disabilities, boarding schools, civic or fraternal
1533 organizations, bars and lounges, vending machines that dispense
1534 potentially hazardous foods at facilities expressly named in
1535 this paragraph, and facilities used as temporary food events or
1536 mobile food units at any facility expressly named in this
1537 paragraph, where food is prepared and intended for individual

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1538 portion service, including the site at which individual portions
1539 are provided, regardless of whether consumption is on or off the
1540 premises and regardless of whether there is a charge for the
1541 food. The term does not include any entity not expressly named
1542 in this paragraph; nor does the term include a domestic violence
1543 center certified and monitored by the Department of Children and
1544 Family Services under part XII ~~XIII~~ of chapter 39 if the center
1545 does not prepare and serve food to its residents and does not
1546 advertise food or drink for public consumption.

1547 Section 47. Paragraph (b) of subsection (2) of section
1548 390.01114, Florida Statutes, is amended to read:

1549 390.01114 Parental Notice of Abortion Act.—

1550 (2) DEFINITIONS.—As used in this section, the term:

1551 (b) "Child abuse" means abandonment, abuse, harm, mental
1552 injury, neglect, physical injury, or sexual abuse of a child as
1553 those terms are defined in ss. 39.01, 827.04, and 984.03 ~~has the~~
1554 ~~same meaning as s. 39.0015(3).~~

1555 Section 48. Section 409.1685, Florida Statutes, is amended
1556 to read:

1557 409.1685 Children in foster care; annual report to
1558 Legislature.—The Department of Children and Family Services
1559 shall submit a written report to the Governor and the
1560 Legislature concerning the status of children in foster care and
1561 the judicial review mandated by part IX ~~X~~ of chapter 39. The
1562 report shall be submitted by May 1 of each year and must include
1563 the following information for the prior calendar year:

1564 (1) The number of 6-month and annual judicial reviews
1565 completed during that period.

1566 (2) The number of children in foster care returned to a

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1567 parent, guardian, or relative as a result of a 6-month or annual
1568 judicial review hearing during that period.

1569 (3) The number of termination of parental rights
1570 proceedings instituted during that period, including:

1571 (a) The number of termination of parental rights
1572 proceedings initiated pursuant to former s. 39.703; and

1573 (b) The total number of terminations of parental rights
1574 ordered.

1575 (4) The number of foster care children placed for adoption.

1576 Section 49. Paragraph (a) of subsection (3) of section
1577 411.01013, Florida Statutes, is amended to read:

1578 411.01013 Prevailing market rate schedule.—

1579 (3) The prevailing market rate schedule, at a minimum,
1580 must:

1581 (a) Differentiate rates by type, including, but not limited
1582 to, a child care provider that holds a Gold Seal Quality Care
1583 designation under s. 402.281, a child care facility licensed
1584 under s. 402.305, a public or nonpublic school exempt from
1585 licensure under s. 402.3025, a faith-based child care facility
1586 exempt from licensure under s. 402.316 that does not hold a Gold
1587 Seal Quality Care designation, a large family child care home
1588 licensed under s. 402.3131, or a family day care home licensed
1589 or registered under s. 402.313, ~~or an after-school program that~~
1590 ~~is not defined as child care under rules adopted pursuant to s.~~
1591 ~~402.3045.~~

1592 Section 50. Paragraph (j) of subsection (2) of section
1593 753.03, Florida Statutes, is redesignated as paragraph (i), and
1594 present paragraph (i) of that subsection is amended to read:

1595 753.03 Standards for supervised visitation and supervised

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1596 exchange programs.—

1597 (2) The clearinghouse shall use an advisory board to assist
1598 in developing the standards. The advisory board must include:

1599 ~~(i) A representative of the Commission on Marriage and
1600 Family Support Initiatives.~~

1601 Section 51. Subsection (4) of section 877.22, Florida
1602 Statutes, is amended to read:

1603 877.22 Minors prohibited in public places and
1604 establishments during certain hours; penalty; procedure.—

1605 (4) If a minor violates a curfew and is taken into custody,
1606 the minor shall be transported immediately to a police station
1607 or to a facility operated by a religious, charitable, or civic
1608 organization that conducts a curfew program in cooperation with
1609 a local law enforcement agency. After recording pertinent
1610 information about the minor, the law enforcement agency shall
1611 attempt to contact the parent of the minor and, if successful,
1612 shall request that the parent take custody of the minor and
1613 shall release the minor to the parent. If the law enforcement
1614 agency is not able to contact the minor's parent within 2 hours
1615 after the minor is taken into custody, or if the parent refuses
1616 to take custody of the minor, the law enforcement agency may
1617 transport the minor to her or his residence or proceed as
1618 authorized under part IV ~~∇~~ of chapter 39.

1619 Section 52. Section 288.386, Florida Statutes, is repealed.

1620 Section 53. Section 288.9618, Florida Statutes, is
1621 repealed.

1622 Section 54. Section 288.982, Florida Statutes, is repealed.

1623 Section 55. Section 409.946, Florida Statute, is repealed.

1624 Section 56. Paragraphs (c), (d), and (e) of subsection (2)

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1625 of section 288.012, Florida Statutes, are amended to read:

1626 288.012 State of Florida foreign offices.—The Legislature
1627 finds that the expansion of international trade and tourism is
1628 vital to the overall health and growth of the economy of this
1629 state. This expansion is hampered by the lack of technical and
1630 business assistance, financial assistance, and information
1631 services for businesses in this state. The Legislature finds
1632 that these businesses could be assisted by providing these
1633 services at State of Florida foreign offices. The Legislature
1634 further finds that the accessibility and provision of services
1635 at these offices can be enhanced through cooperative agreements
1636 or strategic alliances between state entities, local entities,
1637 foreign entities, and private businesses.

1638 (2) Each foreign office shall have in place an operational
1639 plan approved by the participating boards or other governing
1640 authority, a copy of which shall be provided to the Office of
1641 Tourism, Trade, and Economic Development. These operating plans
1642 shall be reviewed and updated each fiscal year and shall
1643 include, at a minimum, the following:

1644 (c) Provisions for access to information for Florida
1645 businesses related to ~~through the Florida Trade Data Center.~~
1646 ~~Each foreign office shall obtain and forward~~ trade leads and
1647 ~~inquiries to the center on a regular basis.~~

1648 (d) Identification of new and emerging market opportunities
1649 for Florida businesses. ~~Each foreign office shall provide the~~
1650 ~~Florida Trade Data Center with a compilation of foreign buyers~~
1651 ~~and importers in industry sector priority areas on an annual~~
1652 ~~basis. In return, the Florida Trade Data Center shall make~~
1653 ~~available to each foreign office, and to Enterprise Florida,~~

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1654 ~~Inc., the Florida Commission on Tourism, the Florida Ports~~
1655 ~~Council, the Department of State, the Department of Citrus, and~~
1656 ~~the Department of Agriculture and Consumer Services, trade~~
1657 ~~industry, commodity, and opportunity information.~~ This
1658 information shall be provided ~~to such offices and entities~~
1659 either free of charge or on a fee basis with fees set only to
1660 recover the costs of providing the information.

1661 (e) Provision of access for Florida businesses to ~~the~~
1662 ~~services of the Florida Trade Data Center,~~ international trade
1663 assistance services provided by state and local entities,
1664 seaport and airport information, and other services identified
1665 by the Office of Tourism, Trade, and Economic Development.

1666 Section 57. Paragraph (a) of subsection (3) of section
1667 311.07, Florida Statutes, is amended to read:

1668 311.07 Florida seaport transportation and economic
1669 development funding.—

1670 (3) (a) Program funds shall be used to fund approved
1671 projects on a 50-50 matching basis with any of the deepwater
1672 ports, as listed in s. 403.021(9) (b), which is governed by a
1673 public body or any other deepwater port which is governed by a
1674 public body and which complies with the water quality provisions
1675 of s. 403.061, the comprehensive master plan requirements of s.
1676 163.3178(2) (k), and the local financial management and reporting
1677 provisions of part III of chapter 218. However, program funds
1678 used to fund projects that involve the rehabilitation of
1679 wharves, docks, berths, bulkheads, or similar structures shall
1680 require a 25-percent match of funds. Program funds also may be
1681 used by the Seaport Transportation and Economic Development
1682 Council to develop ~~with the Florida Trade Data Center such~~ trade

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1683 data information products which will assist Florida's seaports
1684 and international trade.

1685 Section 58. Section 402.35, Florida Statutes, is amended to
1686 read:

1687 402.35 Employees.—All personnel of the Department of
1688 Children and Family Services shall be governed by rules and
1689 regulations adopted and promulgated by the Department of
1690 Management Services relative thereto except the director and
1691 persons paid on a fee basis. The Department of Children and
1692 Family Services may participate with other state departments and
1693 agencies in a joint merit system. ~~No federal, state, county, or
1694 municipal officer shall be eligible to serve as an employee of
1695 the Department of Children and Family Services.~~

1696 Section 59. This act shall take effect July 1, 2011.