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LEGISLATIVE ACTION

Senate	.	House
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05/06/2011 09:03 PM	.	
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The Conference Committee on SB 2156, 2nd Eng. recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Type two transfers from the Agency for Workforce
7 Innovation.-

8 (1) All powers, duties, functions, records, offices,
9 personnel, associated administrative support positions,
10 property, pending issues, existing contracts, administrative
11 authority, administrative rules, and unexpended balances of
12 appropriations, allocations, and other funds relating to the



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13 following programs in the Agency for Workforce Innovation are
14 transferred by a type two transfer, as defined in s. 20.06(2),
15 Florida Statutes, as follows:

16 (a) The Office of Early Learning Services, including all
17 related policies and procedures, is transferred to the
18 Department of Education.

19 (b) The Office of Unemployment Compensation is transferred
20 to the Department of Economic Opportunity.

21 (c) The Unemployment Appeals Commission is transferred to
22 the Department of Economic Opportunity.

23 (d) The Office of Workforce Services is transferred to the
24 Department of Economic Opportunity.

25 (2) The following trust funds are transferred:

26 (a) From the Agency for Workforce Innovation to the
27 Department of Education, the Child Care and Development Block
28 Grant Trust Fund.

29 (b) From the Agency for Workforce Innovation to the
30 Department of Economic Opportunity:

31 1. The Administrative Trust Fund.

32 2. The Employment Security Administration Trust Fund.

33 3. The Special Employment Security Administration Trust
34 Fund.

35 4. The Unemployment Compensation Benefit Trust Fund.

36 5. The Unemployment Compensation Clearing Trust Fund.

37 6. The Revolving Trust Fund.

38 7. The Welfare Transition Trust Fund.

39 8. The Displaced Homemaker Trust Fund.

40 (3) Any binding contract or interagency agreement existing
41 before October 1, 2011, between the Agency for Workforce



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42 Innovation, or an entity or agent of the agency, and any other
43 agency, entity, or person shall continue as a binding contract
44 or agreement for the remainder of the term of such contract or
45 agreement on the successor department, agency, or entity
46 responsible for the program, activity, or functions relative to
47 the contract or agreement.

48 (4) All powers, duties, functions, records, offices,
49 personnel, property, pending issues, and existing contracts,
50 administrative authority, administrative rules, and unexpended
51 balances of appropriations, allocations, and other funds
52 relating to the Agency for Workforce Innovation which are not
53 specifically transferred by this section are transferred by a
54 type two transfer, as defined in s. 20.06(2), Florida Statutes,
55 to the Department of Economic Opportunity.

56 Section 2. Before December 31, 2011, the Auditor General
57 shall conduct a financial and performance audit, as defined in
58 s. 11.45, Florida Statutes, of the Office of Early Learning
59 Services' programs and related delivery systems.

60 Section 3. Type two transfers from the Department of
61 Community Affairs.—

62 (1) All powers, duties, functions, records, offices,
63 personnel, associated administrative support positions,
64 property, pending issues, existing contracts, administrative
65 authority, administrative rules, and unexpended balances of
66 appropriations, allocations, and other funds relating to the
67 following programs in the Department of Community Affairs are
68 transferred by a type two transfer, as defined in s. 20.06(2),
69 Florida Statutes, as follows:

70 (a) The Florida Housing Finance Corporation is transferred



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71 to the Department of Economic Opportunity.

72 (b) The Division of Housing and Community Development is
73 transferred to the Department of Economic Opportunity.

74 (c) The Division of Community Planning is transferred to
75 the Department of Economic Opportunity.

76 (d) The Division of Emergency Management is transferred to
77 the Executive Office of the Governor.

78 (e) The Florida Building Commission is transferred to the
79 Department of Business and Professional Regulation.

80 (f) The responsibilities under the Florida Communities
81 Trust, part III of chapter 380, Florida Statutes, are
82 transferred to the Department of Environmental Protection.

83 (g) The responsibilities under the Stan Mayfield Working
84 Waterfronts program authorized in s. 380.5105, Florida Statutes,
85 are transferred to the Department of Environmental Protection.

86 (2) The following trust funds are transferred:

87 (a) From the Department of Community Affairs to the
88 Department of Economic Opportunity:

89 1. The State Housing Trust Fund.

90 2. The Community Services Block Grant Trust Fund.

91 3. The Local Government Housing Trust Fund.

92 4. The Florida Small Cities Community Development Block
93 Grant Trust Fund.

94 5. The Federal Grants Trust Fund.

95 6. The Grants and Donations Trust Fund.

96 7. The Energy Consumption Trust Fund.

97 8. The Low-Income Home Energy Assistance Trust Fund.

98 (b) From the Department of Community Affairs to the
99 Executive Office of the Governor:



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100 1. The Emergency Management Preparedness and Assistance
101 Trust Fund.

102 2. The Federal Emergency Management Programs Support Trust
103 Fund.

104 3. The U.S. Contributions Trust Fund.

105 4. The Operating Trust Fund.

106 5. The Administrative Trust Fund.

107 (c) From the Department of Community Affairs to the
108 Department of Environmental Protection:

109 1. The Florida Forever Program Trust Fund.

110 2. The Florida Communities Trust Fund.

111 (3) Any binding contract or interagency agreement existing
112 before October 1, 2011, between the Department of Community
113 Affairs or Division of Emergency Management, or an entity or
114 agent of the department or division, and any other agency,
115 entity, or person shall continue as a binding contract or
116 agreement for the remainder of the term of such contract or
117 agreement on the successor department, agency, or entity
118 responsible for the program, activity, or functions relative to
119 the contract or agreement.

120 (4) All powers, duties, functions, records, offices,
121 personnel, property, pending issues, and existing contracts,
122 administrative authority, administrative rules, and unexpended
123 balances of appropriations, allocations, and other funds
124 relating to the Department of Community Affairs which are not
125 specifically transferred by this section are transferred by a
126 type two transfer, as defined in s. 20.06(2), Florida Statutes,
127 to the Department of Economic Opportunity.

128 Section 4. Type two transfers from Executive Office of the



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129 Governor.—

130 (1) All powers, duties, functions, records, offices,
131 personnel, associated administrative support positions,
132 property, pending issues, existing contracts, administrative
133 authority, administrative rules, and unexpended balances of
134 appropriations, allocations, and other funds relating to the
135 Office of Tourism, Trade, and Economic Development in the
136 Executive Office of the Governor are transferred by a type two
137 transfer, as defined in s. 20.06(2), Florida Statutes, to the
138 Department of Economic Opportunity.

139 (2) The following trust funds are transferred from the
140 Executive Office of the Governor to the Department of Economic
141 Opportunity:

142 (a) The Economic Development Trust Fund.

143 (b) The Economic Development Transportation Trust Fund.

144 (c) The Tourism Promotional Trust Fund.

145 (d) The Professional Sports Development Trust Fund.

146 (e) The Florida International Trade and Promotion Trust
147 Fund.

148 (3) Any binding contract or interagency agreement existing
149 before October 1, 2011, between the Office of Tourism, Trade,
150 and Economic Development in the Executive Office of the
151 Governor, or an entity or agent of the office, and any other
152 agency, entity, or person shall continue as a binding contract
153 or agreement for the remainder of the term of such contract or
154 agreement on the successor department, agency, or entity
155 responsible for the program, activity, or functions relative to
156 the contract or agreement.

157 (4) All powers, duties, functions, records, offices,



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158 personnel, property, pending issues, and existing contracts,
159 administrative authority, administrative rules, and unexpended
160 balances of appropriations, allocations, and other funds
161 relating to the Office of Tourism, Trade, and Economic
162 Development in the Executive Office of the Governor which are
163 not specifically transferred by this section are transferred by
164 a type two transfer, as defined in s. 20.06(2), Florida
165 Statutes, to the Department of Economic Opportunity.

166 Section 5. All powers, duties, functions, records, pending
167 issues, existing contracts, and unexpended balances of
168 appropriations, allocations, and other funds relating to the
169 Ready to Work program within the Department of Education are
170 transferred by a type two transfer, as defined in s. 20.06(2),
171 Florida Statutes, to the Department of Economic Opportunity.

172 Section 6. (1) It is the intent of the Legislature that the
173 changes made by this act be accomplished with minimal disruption
174 of services provided to the public and with minimal disruption
175 to employees of any organization. To that end, the Legislature
176 directs all applicable units of state government to contribute
177 to the successful implementation of this act, and the
178 Legislature believes that a transition period between the
179 effective date of this act and October 1, 2011, is appropriate
180 and warranted.

181 (2) The Agency for Workforce Innovation, the Department of
182 Community Affairs, the Department of Education, and the Office
183 of Tourism, Trade, and Economic Development in the Executive
184 Office of the Governor shall each coordinate the development and
185 implementation of a transition plan that supports the
186 implementation of this act. Any state agency identified by the



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187 Agency for Workforce Innovation, the Department of Community
188 Affairs, the Department of Education or the Office of Tourism,
189 Trade, and Economic Development in the Executive Office of the
190 Governor shall cooperate fully in developing and implementing
191 the plan and shall dedicate the financial and staff resources
192 that are necessary to implement the plan.

193 (3) (a) The director of the Agency for Workforce Innovation,
194 the Secretary of the Department of Community Affairs, the
195 commissioner of the Department of Education, and the director of
196 the Office of Tourism, Trade, and Economic Development in the
197 Executive Office of the Governor shall each designate a
198 transition coordinator to serve as the primary representative on
199 matters related to implementing this act and the transition
200 plans required under this section.

201 (b) The Governor shall designate a transition coordinator
202 to serve as the Governor's primary representative on matters
203 related to implementing this act, implementation of the
204 transition plans developed pursuant to this section, and
205 coordinator of the transition activities of the Agency for
206 Workforce Innovation, the Department of Community Affairs, the
207 Department of Education, and the Office of Tourism, Trade, and
208 Economic Development.

209 (4) The transition coordinators designated under subsection
210 (3) shall submit a joint progress report by August 15, 2011, to
211 the Governor, the President of the Senate, and the Speaker of
212 the House of Representatives on the implementation of this act
213 and the transition plans, including, but not limited to, any
214 adverse impact or negative consequences on programs and
215 services, of meeting any deadline imposed by this act, and any



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216 difficulties experienced by the Agency for Workforce Innovation,
217 the Department of Community Affairs, the Department of
218 Education, or the Office of Tourism, Trade, and Economic
219 Development in securing the full participation and cooperation
220 of applicable state agencies. Each representative shall also
221 coordinate the submission of any budget amendments, in
222 accordance with chapter 216, Florida Statutes, which may be
223 necessary to implement this act.

224 (5) Notwithstanding ss. 216.292 and 216.351, Florida
225 Statutes, upon approval by the Legislative Budget Commission,
226 the Executive Office of the Governor may transfer funds and
227 positions between agencies to implement this act.

228 (6) Upon the recommendation and guidance of transition
229 coordinators designated in subsection (3), the Governor shall
230 submit in a timely manner to the applicable federal departments
231 or agencies any necessary amendments or supplemental information
232 concerning plans that the state is required to submit to the
233 Federal Government in connection with any federal or state
234 program. The Governor shall seek any waivers from the
235 requirements of Federal law or rules which may be necessary to
236 administer the provisions of this act.

237 (7) The transfer of any program, activity, duty, or
238 function under this act includes the transfer of any records and
239 unexpended balances of appropriations, allocations, or other
240 funds related to such program, activity, duty, or function.
241 Unless otherwise provided, the successor organization to any
242 program, activity, duty, or function transferred under this act
243 shall become the custodian of any property of the organization
244 that was responsible for the program, activity, duty, or



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245 function immediately prior to the transfer.

246 Section 7. (1) The nonprofit corporations established in
247 ss. 288.1229 and 288.707, Florida Statutes, are merged into and
248 transferred to Enterprise Florida, Inc.

249 (2) The Florida Sports Foundation Incorporated and the
250 Florida Black Business Investment Board, Inc., must enter into a
251 plan to merge into Enterprise Florida, Inc. Such merger must be
252 completed by December 31, 2011. The merger is subject to chapter
253 617, Florida Statutes, related to the merger of nonprofit
254 corporations.

255 (3) The nonprofit corporation established in s. 288.1226,
256 Florida Statutes, shall be the direct-support organization for
257 Enterprise Florida, Inc. The Florida Tourism Industry Marketing
258 Corporation and Enterprise Florida, Inc., must establish a plan
259 to transfer the contractual relationship with the Florida
260 Commission on Tourism to Enterprise Florida, Inc., by December
261 31, 2011.

262 (4) It is the intent of the Legislature that the changes
263 made by this act be accomplished with minimal disruption of
264 services provided to the public and with minimal disruption to
265 employees of any organization. To that end, the Legislature
266 directs that notwithstanding the changes made by this act, the
267 Florida Sports Foundation Incorporated, and the Florida Black
268 Business Investment Board, Inc., may continue with such powers,
269 duties, functions, records, offices, personnel, property,
270 pending issues, and existing contracts as provided in Florida
271 Statutes 2010 until December 31, 2011. The Legislature believes
272 that a transition period between the effective date of this act
273 and December 31, 2011, is appropriate and warranted.



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274 (5) The Governor shall designate a transition coordinator
275 to serve as the Governor's primary representative on matters
276 related to implementing this act for the merger of the Florida
277 Sports Foundation Incorporated and the Florida Black Business
278 Investment Board, Inc., into, Enterprise Florida, Inc., the
279 transition of the direct-support activities of Florida Tourism
280 Industry Marketing Corporation for the benefit of Enterprise
281 Florida, Inc., and the transition plans required under this
282 section. The Governor's transition coordinator shall submit a
283 progress report to the Governor, the President of the Senate,
284 and the Speaker of the House of Representatives on the
285 implementation of this act and the transition plans, including,
286 but not limited to, any adverse impact or negative consequences
287 on programs and services, of meeting any deadline imposed by
288 this act, and any difficulties experienced by the entities. The
289 transition coordinator shall also coordinate the submission of
290 any budget amendments, pursuant to chapter 216, Florida
291 Statutes, which may be necessary to implement this act.

292 (6) Any funds held in trust which were donated to or earned
293 by the Florida Sports Foundation Incorporated and the Florida
294 Black Business Investment Board, Inc., while previously
295 organized as a corporation under chapter 617, Florida Statutes,
296 shall be transferred to Enterprise Florida, Inc., to be used by
297 the relevant division for the original purposes of the funds.

298 (7) Upon the recommendation and guidance of the Florida
299 Sports Foundation Incorporated, the Florida Tourism Industry
300 Marketing Corporation, the Florida Black Business Investment
301 Board, Inc., or Space Florida, the Governor shall submit in a
302 timely manner to the applicable Federal departments or agencies



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303 any necessary amendments or supplemental information concerning
304 plans which the state or one of the entities is required to
305 submit to the Federal Government in connection with any federal
306 or state program. The Governor shall seek any waivers from the
307 requirements of Federal law or rules which may be necessary to
308 administer the provisions of this act.

309 (8) The transfer of any program, activity, duty, or
310 function under this act includes the transfer of any records and
311 unexpended balances of appropriations, allocations, or other
312 funds related to such program, activity, duty, or function.
313 Except as otherwise provided by law, Enterprise Florida, Inc.,
314 shall become the custodian of any property of the Florida Sports
315 Foundation, Inc., and the Florida Black Business Investment
316 Board, Inc., on the date specified in the plan of merger or
317 December 31, 2011, whichever occurs first.

318 (9) The Department of Management Services may establish a
319 lease agreement program under which Enterprise Florida, Inc.,
320 may hire any individual who was employed by the Florida Black
321 Business Investment Board, Inc., under a previous lease
322 agreement under s. 288.708(2), Florida Statutes 2010. Under such
323 agreement, the employee shall retain his or her status as a
324 state employee but shall work under the direct supervision of
325 Enterprise Florida, Inc. Retention of state employee status
326 shall include the right to participate in the Florida Retirement
327 System and shall continue until the employee voluntarily or
328 involuntarily terminates his or her status with Enterprise
329 Florida, Inc. The Department of Management Services shall
330 establish the terms and conditions of such lease agreements.

331 Section 8. (1) By September 1, 2011, the Department of



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332 Economic Opportunity, or its predecessor agencies, in
333 conjunction with Enterprise Florida, Inc., or any predecessor
334 public-private partnerships, and Workforce Florida, Inc., must
335 prepare and submit to the Governor, the President of the Senate,
336 and the Speaker of the House of Representatives a business plan
337 for the use of the economic development incentive funds
338 administered by the department and Enterprise Florida, Inc.,
339 beginning October 1, 2011. Additionally, the plan should include
340 any plans for attracting out-of-state industries to Florida,
341 promoting the expansion of existing industries in this state,
342 and encouraging the creation of businesses in this state by
343 Florida residents. At a minimum, the business plan should
344 include:

345 (a) Strategies to be used by the department and Enterprise
346 Florida, Inc., to recruit out-of-state companies, promote
347 existing businesses to expand, and encourage the creation of new
348 businesses;

349 (b) Benchmarks related to:

350 1. Out-of-state business recruitment and in-state business
351 creation and expansion by the department and Enterprise Florida,
352 Inc.;

353 2. The numbers of jobs created or retained through the
354 efforts of the department and Enterprise Florida, Inc.; and

355 3. The number of new international trade clients and new
356 international sales, including a projected amount of contracts
357 for Florida-based goods or services;

358 (c) The minimum amount of annual financial resources the
359 department and Enterprise Florida, Inc., project will be
360 necessary to achieve the benchmarks;



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361 (d) The tools, financial and otherwise, necessary to
362 achieve the benchmarks; and

363 (e) Time-frames to achieve the benchmarks.

364 (2) By January 1, 2012, the Department of Economic
365 Opportunity shall provide the Governor, the President of the
366 Senate, and the Speaker of the House of Representatives with
367 recommendations for further reorganization and streamlining of
368 economic development and workforce functions that improve the
369 effectiveness and operation of economic development and
370 workforce programs.

371 Section 9. Agency review; Department of Economic
372 Opportunity.-

373 (1) Not later than July 1, 2016, the Department of Economic
374 Opportunity shall provide the Legislature with a report on the
375 department and Enterprise Florida, Inc., which includes:

376 (a) The performance measures for each program and activity
377 as defined in s. 216.011 and 3 years of data for each measure
378 which provides actual results for the immediately preceding 2
379 years and projected results for the fiscal year that begins in
380 the year that the agency report is scheduled to be submitted to
381 the Legislature.

382 (b) An explanation of factors that have contributed to any
383 failure to achieve the legislative standards.

384 (c) The promptness and effectiveness with which the agency
385 disposes of complaints concerning persons affected by the
386 agency.

387 (d) The extent to which the agency has encouraged
388 participation by the public in making its rules and decisions as
389 opposed to participation solely by those it regulates and the



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390 extent to which public participation has resulted in rules
391 compatible with the objectives of the agency.

392 (e) The extent to which the agency has complied with
393 applicable requirements of state law and applicable rules
394 regarding purchasing goals and programs for small and minority-
395 owned businesses.

396 (f) A statement of any statutory objectives intended for
397 each program and activity, the problem or need that the program
398 and activity were intended to address, and the extent to which
399 these objectives have been achieved.

400 (g) An assessment of the extent to which the jurisdiction
401 of the agency and its programs overlap or duplicate those of
402 other agencies and the extent to which the programs can be
403 consolidated with those of other agencies.

404 (h) An assessment of less restrictive or alternative
405 methods of providing services for which the agency is
406 responsible which would reduce costs or improve performance
407 while adequately protecting the public.

408 (i) An assessment of the extent to which the agency has
409 corrected deficiencies and implemented recommendations contained
410 in reports of the Auditor General, the Office of Program Policy
411 Analysis and Government Accountability, legislative interim
412 studies, and federal audit entities.

413 (j) The process by which an agency actively measures
414 quality and efficiency of services it provides to the public.

415 (k) The extent to which the agency complies with public
416 records and public meetings requirements under chapters 119 and
417 286 and s. 24, Art. I of the State Constitution.

418 (l) The extent to which alternative program delivery



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419 options, such as privatization, outsourcing, or insourcing, have
420 been considered to reduce costs or improve services to state
421 residents.

422 (m) Recommendations to the Legislature for statutory,
423 budgetary, or regulatory changes that would improve the quality
424 and efficiency of services delivered to the public, reduce
425 costs, or reduce duplication.

426 (n) The effect of federal intervention or loss of federal
427 funds if the agency, program, or activity is abolished.

428 (o) A list of all advisory committees, including those
429 established in statute and those established by managerial
430 initiative; their purpose, activities, composition, and related
431 expenses; the extent to which their purposes have been achieved;
432 and the rationale for continuing or eliminating each advisory
433 committee.

434 (p) Agency programs or functions that are performed without
435 specific statutory authority.

436 (q) Other information requested by the Legislature.

437 (2) Information and data reported by the agency shall be
438 validated by its agency head and inspector general before
439 submission to the Legislature.

440 (3) The Office of Program Policy Analysis and Government
441 Accountability shall review the department and Enterprise
442 Florida, Inc. The review shall include an examination of the
443 cost of each program, an evaluation of best practices and
444 alternatives that would result in the administration of the
445 department in a more efficient or effective manner, an
446 examination of the viability of privatization or a different
447 state agency performing the functions, and an evaluation of the



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448 cost and consequences of discontinuing the agency. The review
449 shall be comprehensive in scope and shall consider the
450 information provided by the department report in addition to
451 information deemed necessary by the office and the appropriate
452 legislative committees. The Office of Program Policy Analysis
453 and Government Accountability shall include in the report
454 recommendations for consideration by the Legislature and shall
455 submit the report to the President of the Senate and the Speaker
456 of the House of Representatives no later than December 31, 2016.

457 Section 10. The Legislature recognizes that there is a need
458 to conform the Florida Statutes to the policy decisions
459 reflected in this act and that there is a need to resolve
460 apparent conflicts between any other legislation that has been
461 or may be enacted during the 2011 Regular Session of the
462 Legislature and the transfer of duties made by this act.
463 Therefore, in the interim between this act becoming law and the
464 2012 Regular Session of the Legislature or an earlier special
465 session addressing this issue, the Division of Statutory
466 Revision shall provide the relevant substantive committees of
467 the Senate and the House of Representatives with assistance,
468 upon request, to enable such committees to prepare draft
469 legislation to conform the Florida Statutes and any legislation
470 enacted during 2011 to the provisions of this act.

471 Section 11. Section 14.2016, Florida Statutes, is created
472 to read:

473 14.2016 Division of Emergency Management.—The Division of
474 Emergency Management is established within the Executive Office
475 of the Governor. The division shall be a separate budget entity,
476 as provided in the General Appropriations Act and shall prepare



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477 and submit a budget request in accordance with chapter 216. The
478 division shall be responsible for all professional, technical,
479 and administrative support functions necessary to carry out its
480 responsibilities under part I of chapter 252. The director of
481 the division shall be appointed by and serve at the pleasure of
482 the Governor, and shall be the head of the division for all
483 purposes. The division shall administer programs to rapidly
484 apply all available aid to communities stricken by an emergency
485 as defined in s. 252.34 and, for this purpose, shall provide
486 liaison with federal agencies and other public and private
487 agencies.

488 Section 12. Paragraph (h) is added to subsection (3) of
489 section 20.15, Florida Statutes, to read:

490 20.15 Department of Education.—There is created a
491 Department of Education.

492 (3) DIVISIONS.—The following divisions of the Department of
493 Education are established:

494 (h) The Office of Early Learning, which shall administer
495 the school readiness system in accordance with s. 411.01 and the
496 operational requirements of the Voluntary Prekindergarten
497 Education Program in accordance with part V of chapter 1002. The
498 office is a separate budget entity and is not subject to
499 control, supervision, or direction by the Department of
500 Education or the State Board of Education in any manner
501 including, but not limited to, personnel, purchasing,
502 transactions involving personal property, and budgetary matters.
503 The office director shall be appointed by the Governor and
504 confirmed by the Senate, shall serve at the pleasure of the
505 Governor, and shall be the agency head of the office for all



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506 purposes. The office shall enter into a service agreement with
507 the department for professional, technological, and
508 administrative support services. The office shall be subject to
509 review and oversight by the Chief Inspector General or his or
510 her designee.

511 Section 13. Section 20.60, Florida Statutes, is created to
512 read:

513 20.60 Department of Economic Opportunity; creation; powers
514 and duties.—

515 (1) There is created the Department of Economic
516 Opportunity.

517 (2) The head of the department is the executive director,
518 who shall be appointed by the Governor, subject to confirmation
519 by the Senate. The executive director shall serve at the
520 pleasure of and report to the Governor.

521 (3) The following divisions of the Department of Economic
522 Opportunity are established:

523 (a) The Division of Strategic Business Development.

524 (b) The Division of Community Development.

525 (c) The Division of Workforce Services.

526 (d) The Division of Finance and Administration.

527 (4) The purpose of the department is to assist the Governor
528 in working with the Legislature, state agencies, business
529 leaders, and economic development professionals to formulate and
530 implement coherent and consistent policies and strategies
531 designed to promote economic opportunities for all Floridians.

532 To accomplish such purposes, the department shall:

533 (a) Facilitate the direct involvement of the Governor and
534 the Lieutenant Governor in economic development and workforce



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535 development projects designed to create, expand, and retain
536 businesses in this state, to recruit business from around the
537 world, and to facilitate other job-creating efforts.

538 (b) Recruit new businesses to this state and promote the
539 expansion of existing businesses by expediting permitting and
540 location decisions, worker placement and training, and incentive
541 awards.

542 (c) Promote viable, sustainable communities by providing
543 technical assistance and guidance on growth and development
544 issues, grants, and other assistance to local communities.

545 (d) Ensure that the state's goals and policies relating to
546 economic development, workforce development, community planning
547 and development, and affordable housing are fully integrated
548 with appropriate implementation strategies.

549 (e) Manage the activities of public-private partnerships
550 and state agencies in order to avoid duplication and promote
551 coordinated and consistent implementation of programs in areas
552 including, but not limited to, tourism; international trade and
553 investment; business recruitment, creation, retention, and
554 expansion; minority and small business development; rural
555 community development; commercialization of products, services,
556 or ideas developed in public universities or other public
557 institutions; and the development and promotion of professional
558 and amateur sporting events.

559 (5) The divisions within the department have specific
560 responsibilities to achieve the duties, responsibilities, and
561 goals of the department. Specifically:

562 (a) The Division of Strategic Business Development shall:
563 1. Analyze and evaluate business prospects identified by



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564 the Governor, the executive director of the department, and
565 Enterprise Florida, Inc.

566 2. Administer certain tax refund, tax credit, and grant
567 programs created in law. Notwithstanding any other provision of
568 law, the department may expend interest earned from the
569 investment of program funds deposited in the Grants and
570 Donations Trust Fund to contract for the administration of those
571 programs, or portions of the programs, assigned to the
572 department by law, by the appropriations process, or by the
573 Governor. Such expenditures shall be subject to review under
574 chapter 216.

575 3. Develop measurement protocols for the state incentive
576 programs and for the contracted entities which will be used to
577 determine their performance and competitive value to the state.
578 Performance measures, benchmarks, and sanctions must be
579 developed in consultation with the legislative appropriations
580 committees and the appropriate substantive committees, and are
581 subject to the review and approval process provided in s.
582 216.177. The approved performance measures, standards, and
583 sanctions shall be included and made a part of the strategic
584 plan for contracts entered into for delivery of programs
585 authorized by this section.

586 4. Develop a 5-year statewide strategic plan. The strategic
587 plan must include, but need not be limited to:

588 a. Strategies for the promotion of business formation,
589 expansion, recruitment, and retention through aggressive
590 marketing, international development, and export assistance,
591 which lead to more and better jobs and higher wages for all
592 geographic regions, disadvantaged communities, and populations



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593 of the state, including rural areas, minority businesses, and
594 urban core areas.

595 b. The development of realistic policies and programs to
596 further the economic diversity of the state, its regions, and
597 their associated industrial clusters.

598 c. Specific provisions for the stimulation of economic
599 development and job creation in rural areas and midsize cities
600 and counties of the state, including strategies for rural
601 marketing and the development of infrastructure in rural areas.

602 d. Provisions for the promotion of the successful long-term
603 economic development of the state with increased emphasis in
604 market research and information.

605 e. Plans for the generation of foreign investment in the
606 state which create jobs paying above-average wages and which
607 result in reverse investment in the state, including programs
608 that establish viable overseas markets, assist in meeting the
609 financing requirements of export-ready firms, broaden
610 opportunities for international joint venture relationships, use
611 the resources of academic and other institutions, coordinate
612 trade assistance and facilitation services, and facilitate
613 availability of and access to education and training programs
614 that assure requisite skills and competencies necessary to
615 compete successfully in the global marketplace.

616 f. The identification of business sectors that are of
617 current or future importance to the state's economy and to the
618 state's global business image, and development of specific
619 strategies to promote the development of such sectors.

620 g. Strategies for talent development necessary in the state
621 to encourage economic development growth, taking into account



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622 factors such as the state's talent supply chain, education and
623 training opportunities, and available workforce.

624 5. Update the strategic plan every 5 years.

625 6. Involve Enterprise Florida, Inc.; Workforce Florida,
626 Inc.; local governments; the general public; local and regional
627 economic development organizations; other local, state, and
628 federal economic, international, and workforce development
629 entities; the business community; and educational institutions
630 to assist with the strategic plan.

631 (b) The Division of Community Development shall:

632 1. Assist local governments and their communities in
633 finding creative planning solutions to help them foster vibrant,
634 healthy communities, while protecting the functions of important
635 state resources and facilities.

636 2. Administer state and federal grant programs as provided
637 by law to provide community development and project planning
638 activities to maintain viable communities, revitalize existing
639 communities, and expand economic development and employment
640 opportunities, including:

641 a. The Community Services Block Grant Program.

642 b. The Community Development Block Grant Program in chapter
643 290.

644 c. The Low-Income Home Energy Assistance Program in chapter
645 409.

646 d. The Weatherization Assistance Program in chapter 409.

647 e. The Neighborhood Stabilization Program.

648 f. The local comprehensive planning process and the
649 development of regional impact process.

650 g. The Front Porch Florida Initiative through the Office of



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651 Urban Opportunity, which is created within the division. The
652 purpose of the office is to administer the Front Porch Florida
653 initiative, a comprehensive, community-based urban core
654 redevelopment program that enables urban core residents to craft
655 solutions to the unique challenges of each designated community.

656 3. Assist in developing the 5-year statewide strategic plan
657 required by this section.

658 (c) The Division of Workforce Services shall:

659 1. Prepare and submit a unified budget request for
660 workforce in accordance with chapter 216 for, and in conjunction
661 with, Workforce Florida, Inc., and its board.

662 2. Ensure that the state appropriately administers federal
663 and state workforce funding by administering plans and policies
664 of Workforce Florida, Inc., under contract with Workforce
665 Florida, Inc. The operating budget and midyear amendments
666 thereto must be part of such contract.

667 a. All program and fiscal instructions to regional
668 workforce boards shall emanate from the Department of Economic
669 Opportunity pursuant to plans and policies of Workforce Florida,
670 Inc., which shall be responsible for all policy directions to
671 the regional workforce boards.

672 b. Unless otherwise provided by agreement with Workforce
673 Florida, Inc., administrative and personnel policies of the
674 Department of Economic Opportunity shall apply.

675 3. Implement the state's unemployment compensation program.
676 The Department of Economic Opportunity shall ensure that the
677 state appropriately administers the unemployment compensation
678 program pursuant to state and federal law.

679 4. Assist in developing the 5-year statewide strategic plan



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680 required by this section.

681 (6) (a) The Department of Economic Opportunity is the
682 administrative agency designated for receipt of federal
683 workforce development grants and other federal funds. The
684 department shall administer the duties and responsibilities
685 assigned by the Governor under each federal grant assigned to
686 the department. The department shall expend each revenue source
687 as provided by federal and state law and as provided in plans
688 developed by and agreements with Workforce Florida, Inc. The
689 department may serve as the contract administrator for contracts
690 entered into by Workforce Florida, Inc., pursuant to s.
691 445.004(5), as directed by Workforce Florida, Inc.

692 (b) The Department of Economic Opportunity shall serve as
693 the designated agency for purposes of each federal workforce
694 development grant assigned to it for administration. The
695 department shall carry out the duties assigned to it by the
696 Governor, under the terms and conditions of each grant. The
697 department shall have the level of authority and autonomy
698 necessary to be the designated recipient of each federal grant
699 assigned to it, and shall disburse such grants pursuant to the
700 plans and policies of Workforce Florida, Inc. The executive
701 director may, upon delegation from the Governor and pursuant to
702 agreement with Workforce Florida, Inc., sign contracts, grants,
703 and other instruments as necessary to execute functions assigned
704 to the department. Notwithstanding other provision of law, the
705 department shall administer other programs funded by federal or
706 state appropriations, as determined by the Legislature in the
707 General Appropriations Act or by law.

708 (7) The department may provide or contract for training for



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709 employees of administrative entities and case managers of any
710 contracted providers to ensure they have the necessary
711 competencies and skills to provide adequate administrative
712 oversight and delivery of the full array of client services.

713 (8) The Unemployment Appeals Commission, authorized by s.
714 443.012, is not subject to control, supervision, or direction by
715 the department in the performance of its powers and duties but
716 shall receive any and all support and assistance from the
717 department which is required for the performance of its duties.

718 (9) The executive director shall:

719 (a) Manage all activities and responsibilities of the
720 department.

721 (b) Serve as the manager for the state with respect to
722 contracts with Enterprise Florida, Inc., the Institute for the
723 Commercialization of Public Research, and all applicable direct-
724 support organizations. To accomplish the provisions of this
725 section and applicable provisions of chapter 288, and
726 notwithstanding the provisions of part I of chapter 287, the
727 director shall enter into specific contracts with Enterprise
728 Florida, Inc., the Institute for the Commercialization of Public
729 Research, and other appropriate direct-support organizations.
730 Such contracts may be for multiyear terms and shall include
731 specific performance measures for each year. For purposes of
732 this section, the Florida Tourism Industry Marketing Corporation
733 is not an appropriate direct-support organization.

734 (10) The department, with assistance from Enterprise
735 Florida, Inc., shall, by January 1 of each year, submit an
736 annual report to the Governor, the President of the Senate, and
737 the Speaker of the House of Representatives on the condition of



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738 the business climate and economic development in the state. The
739 report shall include the identification of problems and a
740 prioritized list of recommendations.

741 (11) The department shall establish annual performance
742 standards for Enterprise Florida, Inc., Workforce Florida, Inc.,
743 the Florida Tourism Industry Marketing Corporation, and Space
744 Florida and report annually on how these performance measures
745 are being met in the annual report required under subsection
746 (10).

747 (12) The department shall have an official seal by which
748 its records, orders, and proceedings are authenticated. The seal
749 shall be judicially noticed.

750 (13) The department shall administer the role of state
751 government under part I of chapter 421, relating to public
752 housing, chapter 422, relating to housing cooperation law, and
753 chapter 423, tax exemption of housing authorities. The
754 department is the agency of state government responsible for the
755 state's role in housing and urban development.

756 Section 14. Present subsection (3) is renumbered as
757 subsection (4), and a new subsection (3) is added to section
758 14.32, Florida Statutes, to read:

759 14.32 Office of Chief Inspector General.—

760 (3) Related to public-private partnerships, the Chief
761 Inspector General:

762 (a) Shall advise public-private partnerships, including
763 Enterprise Florida, Inc., in their development, utilization, and
764 improvement of internal control measures necessary to ensure
765 fiscal accountability.

766 (b) May conduct, direct, and supervise audits relating to



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767 the programs and operations of public-private partnerships.

768 (c) Shall receive and investigate complaints of fraud,
769 abuses, and deficiencies relating to programs and operations of
770 public-private partnerships.

771 (d) May request and have access to any records, data, and
772 other information in the possession of public-private
773 partnerships which the Chief Inspector General deems necessary
774 to carry out his or her responsibilities with respect to
775 accountability.

776 (e) Shall monitor public-private partnerships for
777 compliance with the terms and conditions of contracts with the
778 department and report noncompliance to the Governor.

779 (f) Shall advise public-private partnerships in the
780 development, utilization, and improvement of performance
781 measures for the evaluation of their operations.

782 (g) Shall review and make recommendations for improvements
783 in the actions taken by public-private partnerships to meet
784 performance standards.

785 Section 15. Paragraph (c) of subsection (1), and
786 subsections (9) and (10) of section 201.15, Florida Statutes,
787 are amended to read:

788 201.15 Distribution of taxes collected.—All taxes collected
789 under this chapter are subject to the service charge imposed in
790 s. 215.20(1). Prior to distribution under this section, the
791 Department of Revenue shall deduct amounts necessary to pay the
792 costs of the collection and enforcement of the tax levied by
793 this chapter. Such costs and the service charge may not be
794 levied against any portion of taxes pledged to debt service on
795 bonds to the extent that the costs and service charge are



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796 required to pay any amounts relating to the bonds. After
797 distributions are made pursuant to subsection (1), all of the
798 costs of the collection and enforcement of the tax levied by
799 this chapter and the service charge shall be available and
800 transferred to the extent necessary to pay debt service and any
801 other amounts payable with respect to bonds authorized before
802 January 1, 2010, secured by revenues distributed pursuant to
803 subsection (1). All taxes remaining after deduction of costs and
804 the service charge shall be distributed as follows:

805 (1) Sixty-three and thirty-one hundredths percent of the
806 remaining taxes shall be used for the following purposes:

807 (c) After the required payments under paragraphs (a) and
808 (b), the remainder shall be paid into the State Treasury to the
809 credit of:

810 1. The State Transportation Trust Fund in the Department of
811 Transportation in the amount of the lesser of 38.2 percent of
812 the remainder or \$541.75 million in each fiscal year. Out of
813 such funds, the first \$50 million for the 2012-2013 fiscal year;
814 \$65 million for the 2013-2014 fiscal year; and \$75 million for
815 the 2014-2015 fiscal year and all subsequent years, shall be
816 transferred to the State Economic Enhancement and Development
817 Trust Fund within the Department of Economic Opportunity. The
818 remainder is, to be used for the following specified purposes,
819 notwithstanding any other law to the contrary:

820 a. For the purposes of capital funding for the New Starts
821 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
822 specified in s. 341.051, 10 percent of these funds;

823 b. For the purposes of the Small County Outreach Program
824 specified in s. 339.2818, 5 percent of these funds. Effective



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825 July 1, 2014, the percentage allocated under this sub-
826 subparagraph shall be increased to 10 percent;

827 c. For the purposes of the Strategic Intermodal System
828 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
829 of these funds after allocating for the New Starts Transit
830 Program described in sub-subparagraph a. and the Small County
831 Outreach Program described in sub-subparagraph b.; and

832 d. For the purposes of the Transportation Regional
833 Incentive Program specified in s. 339.2819, 25 percent of these
834 funds after allocating for the New Starts Transit Program
835 described in sub-subparagraph a. and the Small County Outreach
836 Program described in sub-subparagraph b. Effective July 1, 2014,
837 the first \$60 million of the funds allocated pursuant to this
838 sub-subparagraph shall be allocated annually to the Florida Rail
839 Enterprise for the purposes established in s. 341.303(5).

840 2. The Grants and Donations Trust Fund in the Department of
841 Economic Opportunity ~~Community Affairs~~ in the amount of the
842 lesser of .23 percent of the remainder or \$3.25 million in each
843 fiscal year to fund technical assistance to local governments
844 and school boards on the requirements and implementation of this
845 act.

846 3. The Ecosystem Management and Restoration Trust Fund in
847 the amount of the lesser of 2.12 percent of the remainder or \$30
848 million in each fiscal year, to be used for the preservation and
849 repair of the state's beaches as provided in ss. 161.091-
850 161.212.

851 4. General Inspection Trust Fund in the amount of the
852 lesser of .02 percent of the remainder or \$300,000 in each
853 fiscal year to be used to fund oyster management and restoration



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854 programs as provided in s. 379.362(3).

855

856 Moneys distributed pursuant to this paragraph may not be pledged
857 for debt service unless such pledge is approved by referendum of
858 the voters.

859 (9) Seven and fifty-three hundredths ~~The lesser of 7.53~~
860 percent of the remaining taxes ~~or \$107 million~~ in each fiscal
861 year shall be paid into the State Treasury to the credit of the
862 State Housing Trust Fund. Out of such funds, beginning in the
863 2012-2013 fiscal year, the first \$35 million shall be
864 transferred annually, subject to any distribution required under
865 subsection (15), to the State Economic Enhancement and
866 Development Trust Fund within the Department of Economic
867 Opportunity. The remainder shall be ~~and~~ used as follows:

868 (a) Half of that amount shall be used for the purposes for
869 which the State Housing Trust Fund was created and exists by
870 law.

871 (b) Half of that amount shall be paid into the State
872 Treasury to the credit of the Local Government Housing Trust
873 Fund and used for the purposes for which the Local Government
874 Housing Trust Fund was created and exists by law.

875 (10) Eight and sixty-six hundredths ~~The lesser of 8.66~~
876 percent of the remaining taxes ~~or \$136 million~~ in each fiscal
877 year shall be paid into the State Treasury to the credit of the
878 State Housing Trust Fund. Out of such funds, beginning in the
879 2012-2013 fiscal year, the first \$40 million shall be
880 transferred annually, subject to any distribution required under
881 subsection (15), to the State Economic Enhancement and
882 Development Trust Fund within the Department of Economic



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883 Opportunity. The remainder shall be ~~and~~ used as follows:

884 (a) Twelve and one-half percent of that amount shall be
885 deposited into the State Housing Trust Fund and be expended by
886 the Department of Economic Opportunity ~~Community Affairs~~ and by
887 the Florida Housing Finance Corporation for the purposes for
888 which the State Housing Trust Fund was created and exists by
889 law.

890 (b) Eighty-seven and one-half percent of that amount shall
891 be distributed to the Local Government Housing Trust Fund and
892 used for the purposes for which the Local Government Housing
893 Trust Fund was created and exists by law. Funds from this
894 category may also be used to provide for state and local
895 services to assist the homeless.

896 Section 16. Section 215.559, Florida Statutes, is amended
897 to read:

898 215.559 Hurricane Loss Mitigation Program.—

899 ~~(1) There is created~~ A Hurricane Loss Mitigation Program is
900 established in the Division of Emergency Management.

901 (1) The Legislature shall annually appropriate \$10 million
902 of the moneys authorized for appropriation under s.
903 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the
904 division ~~Department of Community Affairs~~ for the purposes set
905 forth in this section. Of the amount:

906 ~~(2)~~ (a) Seven million dollars in funds ~~provided in~~
907 ~~subsection (1)~~ shall be used for programs to improve the wind
908 resistance of residences and mobile homes, including loans,
909 subsidies, grants, demonstration projects, and direct
910 assistance; educating persons concerning the Florida Building
911 Code cooperative programs with local governments and the Federal



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912 Government; and other efforts to prevent or reduce losses or
913 reduce the cost of rebuilding after a disaster.

914 (b) Three million dollars in funds ~~provided in subsection~~
915 ~~(1)~~ shall be used to retrofit existing facilities used as public
916 hurricane shelters. Each year the division shall ~~department must~~
917 prioritize the use of these funds for projects included in the
918 annual report of the September 1, 2000, version of the Shelter
919 Retrofit Report prepared in accordance with s. 252.385(3), ~~and~~
920 ~~each annual report thereafter.~~ The division ~~department~~ must give
921 funding priority to projects in regional planning council
922 regions that have shelter deficits and to projects that maximize
923 the use of state funds.

924 (2) ~~(3)~~ (a) Forty percent of the total appropriation in
925 paragraph (1) (a) ~~(2) (a)~~ shall be used to inspect and improve tie-
926 downs for mobile homes.

927 (b)1. ~~There is created~~ The Manufactured Housing and Mobile
928 Home Mitigation and Enhancement Program is established. The
929 program shall require the mitigation of damage to or the
930 enhancement of homes for the areas of concern raised by the
931 Department of Highway Safety and Motor Vehicles in the 2004-2005
932 Hurricane Reports on the effects of the 2004 and 2005 hurricanes
933 on manufactured and mobile homes in this state. The mitigation
934 or enhancement must include, but need not be limited to,
935 problems associated with weakened trusses, studs, and other
936 structural components caused by wood rot or termite damage;
937 site-built additions; or tie-down systems and may also address
938 any other issues deemed appropriate by Tallahassee Community
939 College, the Federation of Manufactured Home Owners of Florida,
940 Inc., the Florida Manufactured Housing Association, and the



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941 Department of Highway Safety and Motor Vehicles. The program
942 shall include an education and outreach component to ensure that
943 owners of manufactured and mobile homes are aware of the
944 benefits of participation.

945 2. The program shall be a grant program that ensures that
946 entire manufactured home communities and mobile home parks may
947 be improved wherever practicable. The moneys appropriated for
948 this program shall be distributed directly to Tallahassee
949 Community College for the uses set forth under this subsection.

950 3. Upon evidence of completion of the program, the Citizens
951 Property Insurance Corporation shall grant, on a pro rata basis,
952 actuarially reasonable discounts, credits, or other rate
953 differentials or appropriate reductions in deductibles for the
954 properties of owners of manufactured homes or mobile homes on
955 which fixtures or construction techniques that have been
956 demonstrated to reduce the amount of loss in a windstorm have
957 been installed or implemented. The discount on the premium must
958 be applied to subsequent renewal premium amounts. Premiums of
959 the Citizens Property Insurance Corporation must reflect the
960 location of the home and the fact that the home has been
961 installed in compliance with building codes adopted after
962 Hurricane Andrew. Rates resulting from the completion of the
963 Manufactured Housing and Mobile Home Mitigation and Enhancement
964 Program are not considered competitive rates for the purposes of
965 s. 627.351(6)(d)1. and 2.

966 4. On or before January 1 of each year, Tallahassee
967 Community College shall provide a report of activities under
968 this subsection to the Governor, the President of the Senate,
969 and the Speaker of the House of Representatives. The report must



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970 set forth the number of homes that have taken advantage of the
971 program, the types of enhancements and improvements made to the
972 manufactured or mobile homes and attachments to such homes, and
973 whether there has been an increase in availability of insurance
974 products to owners of manufactured or mobile homes.

975
976 Tallahassee Community College shall develop the programs set
977 forth in this subsection in consultation with the Federation of
978 Manufactured Home Owners of Florida, Inc., the Florida
979 Manufactured Housing Association, and the Department of Highway
980 Safety and Motor Vehicles. The moneys appropriated for the
981 programs set forth in this subsection shall be distributed
982 directly to Tallahassee Community College to be used as set
983 forth in this subsection.

984 (3)~~(4)~~ Of moneys provided to the division ~~Department of~~
985 ~~Community Affairs~~ in paragraph (1)(a)~~(2)(a)~~, 10 percent shall be
986 allocated to the Florida International University center
987 dedicated to hurricane research. The center shall develop a
988 preliminary work plan approved by the advisory council set forth
989 in subsection (4)~~(5)~~ to eliminate the state and local barriers
990 to upgrading existing mobile homes and communities, research and
991 develop a program for the recycling of existing older mobile
992 homes, and support programs of research and development relating
993 to hurricane loss reduction devices and techniques for site-
994 built residences. The State University System also shall consult
995 with the division ~~Department of Community Affairs~~ and assist the
996 division ~~department~~ with the report required under subsection
997 (6)~~(7)~~.

998 (4)~~(5)~~ Except for the programs set forth in subsection



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999 (3)~~(4)~~, the division ~~Department of Community Affairs~~ shall
1000 develop the programs set forth in this section in consultation
1001 with an advisory council consisting of a representative
1002 designated by the Chief Financial Officer, a representative
1003 designated by the Florida Home Builders Association, a
1004 representative designated by the Florida Insurance Council, a
1005 representative designated by the Federation of Manufactured Home
1006 Owners, a representative designated by the Florida Association
1007 of Counties, ~~and~~ a representative designated by the Florida
1008 Manufactured Housing Association, and a representative
1009 designated by the Florida Building Commission.

1010 (5)~~(6)~~ Moneys provided to the division ~~Department of~~
1011 ~~Community Affairs~~ under this section are intended to supplement,
1012 not supplant, the division's other funding sources of the
1013 ~~Department of Community Affairs and may not supplant other~~
1014 ~~funding sources of the Department of Community Affairs.~~

1015 (6)~~(7)~~ On January 1st of each year, the division ~~Department~~
1016 ~~of Community Affairs~~ shall provide a full report and accounting
1017 of activities under this section and an evaluation of such
1018 activities to the Speaker of the House of Representatives, the
1019 President of the Senate, and the Majority and Minority Leaders
1020 of the House of Representatives and the Senate. Upon completion
1021 of the report, the division ~~Department of Community Affairs~~
1022 shall deliver the report to the Office of Insurance Regulation.
1023 The Office of Insurance Regulation shall review the report and
1024 shall make such recommendations available to the insurance
1025 industry as the Office of Insurance Regulation deems
1026 appropriate. These recommendations may be used by insurers for
1027 potential discounts or rebates pursuant to s. 627.0629. The



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1028 Office of Insurance Regulation shall make such ~~the~~
1029 recommendations within 1 year after receiving the report.
1030 ~~(8) (a) Notwithstanding any other provision of this section~~
1031 ~~and for the 2010-2011 fiscal year only, the \$3 million~~
1032 ~~appropriation provided for in paragraph (2) (b) may be used for~~
1033 ~~hurricane shelters as identified in the General Appropriations~~
1034 ~~Act.~~
1035 ~~(b) This subsection expires June 30, 2011.~~
1036 ~~(7) (9)~~ This section is repealed June 30, 2021 ~~2011~~.
1037 Section 17. Section 288.005, Florida Statutes, is created
1038 to read:
1039 288.005 Definitions.—As used in this chapter, the term:
1040 (1) "Economic benefits" means the direct, indirect, and
1041 induced gains in state revenues as a percentage of the state's
1042 investment. The state's investment includes state grants, tax
1043 exemptions, tax refunds, tax credits, and other state
1044 incentives.
1045 (2) "Department" means the Department of Economic
1046 Opportunity.
1047 (3) "Executive director" means the executive director of
1048 the Department of Economic Opportunity, unless otherwise stated.
1049 Section 18. Section 288.061, Florida Statutes, is amended
1050 to read:
1051 288.061 Economic development incentive application
1052 process.—
1053 (1) ~~Within 10 business days after~~ Upon receiving a
1054 submitted economic development incentive application, the
1055 Division of Strategic Business Development of the Department of
1056 Economic Opportunity and designated staff of Enterprise Florida,



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1057 Inc., shall review the application to ensure that the ~~and inform~~
1058 ~~the applicant business whether or not its application is~~
1059 complete, whether and what type of state and local permits may
1060 be necessary for the applicant's project, whether it is possible
1061 to waive such permits, and what state incentives and amounts of
1062 such incentives may be available to the applicant. The
1063 department shall recommend to the executive director to approve
1064 or disapprove an applicant business. If review of the
1065 application demonstrates that the application is incomplete, the
1066 executive director shall notify the applicant business within
1067 the first 5 business days after receiving the application.

1068 ~~Within 10 business days after the application is deemed~~
1069 ~~complete, Enterprise Florida, Inc., shall evaluate the~~
1070 ~~application and recommend approval or disapproval of the~~
1071 ~~application to the director of the Office of Tourism, Trade, and~~
1072 ~~Economic Development. In recommending an applicant business for~~
1073 ~~approval, Enterprise Florida, Inc., shall include in its~~
1074 ~~evaluation a recommended grant award amount and a review of the~~
1075 ~~applicant's ability to meet specific program criteria.~~

1076 (2) Within 10 business ~~10 calendar~~ days after the
1077 department receives the submitted economic development incentive
1078 application, the executive director shall approve or disapprove
1079 the application and the Office of Tourism, Trade, and Economic
1080 ~~Development receives the evaluation and recommendation from~~
1081 ~~Enterprise Florida, Inc., the Office shall notify Enterprise~~
1082 ~~Florida, Inc., whether or not the application is reviewable.~~
1083 ~~Within 22 calendar days after the Office receives the~~
1084 ~~recommendation from Enterprise Florida, Inc., the director of~~
1085 ~~the Office shall review the application and issue a letter of~~



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1086 certification to the applicant which ~~that approves or~~
1087 ~~disapproves an applicant business and~~ includes a justification
1088 of that decision, unless the business requests an extension of
1089 that time.

1090 (a) The contract or agreement with the applicant final
1091 ~~order~~ shall specify the total amount of the award, the
1092 performance conditions that must be met to obtain the award, ~~and~~
1093 the schedule for payment, and sanctions that would apply for
1094 failure to meet performance conditions. The department may enter
1095 into one agreement or contract covering all of the state
1096 incentives that are being provided to the applicant. The
1097 contract must provide that release of funds is contingent upon
1098 sufficient appropriation of funds by the Legislature.

1099 (b) The release of funds for the incentive or incentives
1100 awarded to the applicant depends upon the statutory requirements
1101 of the particular incentive program.

1102 (3) The department shall validate contractor performance.
1103 Such validation shall be reported in the annual incentive report
1104 required under s. 288.907.

1105 Section 19. Section 288.095, Florida Statutes, is amended
1106 to read:

1107 288.095 Economic Development Trust Fund.—

1108 (1) The Economic Development Trust Fund is created within
1109 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
1110 ~~and Economic Development.~~ Moneys deposited into the fund must be
1111 used only to support the authorized activities and operations of
1112 the department ~~Office.~~

1113 (2) There is created, within the Economic Development Trust
1114 Fund, the Economic Development Incentives Account. The Economic



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1115 Development Incentives Account consists of moneys appropriated
1116 to the account for purposes of the tax incentives programs
1117 authorized under ss. 288.1045 and 288.106, and local financial
1118 support provided under ss. 288.1045 and 288.106. Moneys in the
1119 Economic Development Incentives Account shall be subject to the
1120 provisions of s. 216.301(1) (a).

1121 (3) (a) The department ~~Office of Tourism, Trade, and~~
1122 ~~Economic Development~~ may approve applications for certification
1123 pursuant to ss. 288.1045(3) and 288.106. However, the total
1124 state share of tax refund payments ~~scheduled in all active~~
1125 ~~certifications for fiscal year 2001-2002 may not exceed \$30~~
1126 ~~million. The total for each subsequent fiscal year may not~~
1127 exceed \$35 million.

1128 (b) The total amount of tax refund claims approved for
1129 payment by the department ~~Office of Tourism, Trade, and Economic~~
1130 ~~Development~~ based on actual project performance may not exceed
1131 the amount appropriated to the Economic Development Incentives
1132 Account for such purposes for the fiscal year. Claims for tax
1133 refunds under ss. 288.1045 and 288.106 shall be paid in the
1134 order the claims are approved by the department ~~Office of~~
1135 ~~Tourism, Trade, and Economic Development~~. In the event the
1136 Legislature does not appropriate an amount sufficient to satisfy
1137 the tax refunds under ss. 288.1045 and 288.106 in a fiscal year,
1138 the department ~~Office of Tourism, Trade, and Economic~~
1139 ~~Development~~ shall pay the tax refunds from the appropriation for
1140 the following fiscal year. By March 1 of each year, the
1141 department ~~Office of Tourism, Trade, and Economic Development~~
1142 shall notify the legislative appropriations committees of the
1143 Senate and House of Representatives of any anticipated shortfall



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1144 in the amount of funds needed to satisfy claims for tax refunds
1145 from the appropriation for the current fiscal year.

1146 (c) Pursuant to s. 288.907 ~~By December 31 of each year,~~
1147 Enterprise Florida, Inc., shall submit a complete and detailed
1148 annual report to the Governor, the President of the Senate, and
1149 the Speaker of the House of Representatives, ~~and the director of~~
1150 ~~the Office of Tourism, Trade, and Economic Development~~ of all
1151 applications received, recommendations made to the department
1152 ~~Office of Tourism, Trade, and Economic Development~~, final
1153 decisions issued, tax refund agreements executed, and tax
1154 refunds paid or other payments made under all programs funded
1155 out of the Economic Development Incentives Account, including
1156 analyses of benefits and costs, types of projects supported, and
1157 employment and investment created. The department ~~Enterprise~~
1158 ~~Florida, Inc.~~, shall also include a separate analysis of the
1159 impact of such tax refunds on state enterprise zones designated
1160 pursuant to s. 290.0065, rural communities, brownfield areas,
1161 and distressed urban communities. The report must also discuss
1162 the efforts made by the department ~~Office of Tourism, Trade, and~~
1163 ~~Economic Development~~ to amend tax refund agreements to require
1164 tax refund claims to be submitted by January 31 for the net new
1165 full-time equivalent jobs in this state as of December 31 of the
1166 preceding calendar year. The report must also list the name and
1167 tax refund amount for each business that has received a tax
1168 refund under s. 288.1045 or s. 288.106 during the preceding
1169 fiscal year. ~~The Office of Tourism, Trade, and Economic~~
1170 ~~Development shall assist Enterprise Florida, Inc., in the~~
1171 ~~collection of data related to business performance and incentive~~
1172 ~~payments.~~



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1173 (d) Moneys in the Economic Development Incentives Account
1174 may be used only to pay tax refunds and make other payments
1175 authorized under s. 288.1045, s. 288.106, or s. 288.107.

1176 (e) The department ~~Office of Tourism, Trade, and Economic~~
1177 ~~Development~~ may adopt rules necessary to carry out the
1178 provisions of this subsection, including rules providing for the
1179 use of moneys in the Economic Development Incentives Account and
1180 for the administration of the Economic Development Incentives
1181 Account.

1182 Section 20. Paragraph (b) of subsection (3), and
1183 subsections (1), (5), (7), and (8) of section 288.1081, Florida
1184 Statutes, are amended to read:

1185 288.1081 Economic Gardening Business Loan Pilot Program.—

1186 (1) There is created within the department ~~Office of~~
1187 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
1188 Business Loan Pilot Program. The purpose of the pilot program is
1189 to stimulate investment in Florida's economy by providing loans
1190 to expanding businesses in the state. ~~As used in this section,~~
1191 ~~the term "office" means the Office of Tourism, Trade, and~~
1192 ~~Economic Development.~~

1193 (3)

1194 (b) A loan applicant must submit a written application to
1195 the loan administrator in the format prescribed by the loan
1196 administrator. The application must include:

1197 1. The applicant's federal employer identification number,
1198 unemployment account number, and sales or other tax registration
1199 number.

1200 2. The street address of the applicant's principal place of
1201 business in this state.



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1202 3. A description of the type of economic activity, product,
1203 or research and development undertaken by the applicant,
1204 including the six-digit North American Industry Classification
1205 System code for each type of economic activity conducted by the
1206 applicant.

1207 4. The applicant's annual revenue, number of employees,
1208 number of full-time equivalent employees, and other information
1209 necessary to verify the applicant's eligibility for the pilot
1210 program under s. 288.1082(4) (a).

1211 5. The projected investment in the business, if any, which
1212 the applicant proposes in conjunction with the loan.

1213 6. The total investment in the business from all sources,
1214 if any, which the applicant proposes in conjunction with the
1215 loan.

1216 7. The number of net new full-time equivalent jobs that, as
1217 a result of the loan, the applicant proposes to create in this
1218 state as of December 31 of each year and the average annual wage
1219 of the proposed jobs.

1220 8. The total number of full-time equivalent employees the
1221 applicant currently employs in this state.

1222 9. The date that the applicant anticipates it needs the
1223 loan.

1224 10. A detailed explanation of why the loan is needed to
1225 assist the applicant in expanding jobs in the state.

1226 11. A statement that all of the applicant's available
1227 corporate assets are pledged as collateral for the amount of the
1228 loan.

1229 12. A statement that the applicant, upon receiving the
1230 loan, agrees not to seek additional long-term debt without prior



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1231 approval of the loan administrator.

1232 13. A statement that the loan is a joint obligation of the
1233 business and of each person who owns at least 20 percent of the
1234 business.

1235 14. Any additional information requested by the department
1236 ~~office~~ or the loan administrator.

1237 (5) (a) The department ~~Office~~ may designate one or more
1238 qualified entities to serve as loan administrators for the ~~pilot~~
1239 program. A loan administrator must:

1240 1. Be a Florida corporation not for profit incorporated
1241 under chapter 617 which has its principal place of business in
1242 the state.

1243 2. Have 5 years of verifiable experience of lending to
1244 businesses in this state.

1245 3. Submit an application to the department ~~Office~~ on forms
1246 prescribed by the department ~~Office~~. The application must
1247 include the loan administrator's business plan for its proposed
1248 lending activities under the pilot program, including, but not
1249 limited to, a description of its outreach efforts, underwriting,
1250 credit policies and procedures, credit decision processes,
1251 monitoring policies and procedures, and collection practices;
1252 the membership of its board of directors; and samples of its
1253 currently used loan documentation. The application must also
1254 include a detailed description and supporting documentation of
1255 the nature of the loan administrator's partnerships with local
1256 or regional economic and business development organizations.

1257 (b) The department ~~Office~~, upon selecting a loan
1258 administrator, shall enter into a grant agreement with the
1259 administrator to issue the available loans to eligible



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1260 applicants. The grant agreement must specify the aggregate
1261 amount of the loans authorized for award by the loan
1262 administrator. The term of the grant agreement must be at least
1263 4 years, except that the department ~~Office~~ may terminate the
1264 agreement earlier if the loan administrator fails to meet
1265 minimum performance standards set by the department ~~office~~. The
1266 grant agreement may be amended by mutual consent of both
1267 parties.

1268 (c) The department ~~Office~~ shall disburse from the Economic
1269 Development Trust Fund to the loan administrator the
1270 appropriations provided for the pilot program. Disbursements to
1271 the loan administrator must not exceed the aggregate amount of
1272 the loans authorized in the grant agreement. The department
1273 ~~Office~~ may not disburse more than 50 percent of the aggregate
1274 amount of the loans authorized in the grant agreement until the
1275 department ~~Office~~ verifies the borrowers' use of the loan
1276 proceeds and the loan administrator's successful credit
1277 decisionmaking policies.

1278 (d) A loan administrator is entitled to receive a loan
1279 origination fee, payable at closing, of 1 percent of each loan
1280 issued by the loan administrator and a servicing fee of 0.625
1281 percent per annum of the loan's outstanding principal balance,
1282 payable monthly. During the first 12 months of the loan, the
1283 servicing fee shall be paid from the disbursement from the
1284 Economic Development Trust Fund, and thereafter the loan
1285 administrator shall collect the servicing fee from the payments
1286 made by the borrower, charging the fee against repayments of
1287 principal.

1288 (e) A loan administrator, after collecting the servicing



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1289 fee in accordance with paragraph (d), shall remit the borrower's
1290 collected interest, principal payments, and charges for late
1291 payments to the department ~~office~~ on a quarterly basis. If the
1292 borrower defaults on the loan, the loan administrator shall
1293 initiate collection efforts to seek repayment of the loan. The
1294 loan administrator, upon collecting payments for a defaulted
1295 loan, shall remit the payments to the department ~~office~~ but, to
1296 the extent authorized in the grant agreement, may deduct the
1297 costs of the administrator's collection efforts. The department
1298 ~~office~~ shall deposit all funds received under this paragraph in
1299 the General Revenue Fund.

1300 (f) A loan administrator shall submit quarterly reports to
1301 the department ~~Office~~ which include the information required in
1302 the grant agreement. A quarterly report must include, at a
1303 minimum, the number of full-time equivalent jobs created as a
1304 result of the loans, the amount of wages paid to employees in
1305 the newly created jobs, and the locations and types of economic
1306 activity undertaken by the borrowers.

1307 (7) The department ~~Office~~ shall adopt rules under ss.
1308 120.536(1) and 120.54 to administer this section. ~~To the extent~~
1309 ~~necessary to expedite implementation of the pilot program, the~~
1310 ~~Office may adopt initial emergency rules for the pilot program~~
1311 ~~in accordance with s. 120.54(4).~~

1312 (8) On June 30 and December 31 of each year, the department
1313 ~~beginning in 2009, the Office~~ shall submit a report to the
1314 Governor, the President of the Senate, and the Speaker of the
1315 House of Representatives which describes in detail the use of
1316 the loan funds. The report must include, at a minimum, the
1317 number of businesses receiving loans, the number of full-time



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1318 equivalent jobs created as a result of the loans, the amount of
1319 wages paid to employees in the newly created jobs, the locations
1320 and types of economic activity undertaken by the borrowers, the
1321 amounts of loan repayments made to date, and the default rate of
1322 borrowers.

1323 Section 21. Paragraph (b) of subsection (5) and subsections
1324 (1), (2), (7), (8), and (9) of section 288.1082, Florida
1325 Statutes, are amended to read:

1326 288.1082 Economic Gardening Technical Assistance Pilot
1327 Program.—

1328 (1) There is created within the department ~~Office of~~
1329 ~~Tourism, Trade, and Economic Development~~ the Economic Gardening
1330 Technical Assistance Pilot Program. The purpose of the pilot
1331 program is to stimulate investment in Florida's economy by
1332 providing technical assistance for expanding businesses in the
1333 state. ~~As used in this section, the term "Office" means the~~
1334 ~~Office of Tourism, Trade, and Economic Development.~~

1335 (2) The department ~~Office~~ shall contract with one or more
1336 entities to administer the pilot program under this section. The
1337 department ~~Office~~ shall award each contract in accordance with
1338 the competitive bidding requirements in s. 287.057 to an entity
1339 that demonstrates the ability to implement the pilot program on
1340 a statewide basis, has an outreach plan, and has the ability to
1341 provide counseling services, access to technology and
1342 information, marketing services and advice, business management
1343 support, and other similar services. In selecting these
1344 entities, the department ~~Office~~ also must consider whether the
1345 entities will qualify for matching funds to provide the
1346 technical assistance.



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1347 (5)
1348 (b) The department office or the contracted entity
1349 administering the pilot program may prescribe in the agreement
1350 additional reporting requirements that are necessary to track
1351 the progress of the business and monitor the business's
1352 implementation of the assistance. The contracted entity shall
1353 report the information to the department office on a quarterly
1354 basis.

1355 (7) The department Office shall review the progress of the
1356 ~~a~~ contracted entity administering the pilot program at least
1357 once each 6 months and shall determine whether the contracted
1358 entity is meeting its contractual obligations for administering
1359 the pilot program. The department Office may terminate and rebid
1360 a contract if the contracted entity does not meet its
1361 contractual obligations.

1362 (8) On December 31 of each year, the department beginning
1363 ~~in 2009, the Office~~ shall submit a report to the Governor, the
1364 President of the Senate, and the Speaker of the House of
1365 Representatives which describes in detail the progress of the
1366 pilot program. The report must include, at a minimum, the number
1367 of businesses receiving assistance, the number of full-time
1368 equivalent jobs created as a result of the assistance, if any,
1369 the amount of wages paid to employees in the newly created jobs,
1370 and the locations and types of economic activity undertaken by
1371 the businesses.

1372 (9) The department Office may adopt rules under ss.
1373 120.536(1) and 120.54 to administer this section.

1374 Section 22. Section 288.901, Florida Statutes, is amended
1375 to read:



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1376 (Substantial rewording of section. See
1377 s. 288.901, F.S., for present text.)
1378 288.901 Enterprise Florida, Inc.-
1379 (1) CREATION.-
1380 (a) There is created a nonprofit corporation, to be known
1381 as "Enterprise Florida, Inc.," which shall be registered,
1382 incorporated, organized, and operated in compliance with chapter
1383 617, and which is not a unit or entity of state government.
1384 (b) The Legislature determines it is in the public interest
1385 and reflects the state's public policy that Enterprise Florida,
1386 Inc., operate in the most open and accessible manner consistent
1387 with its public purposes. To this end, the Legislature
1388 specifically declares that Enterprise Florida, Inc., and its
1389 divisions, boards, and advisory councils, or similar entities
1390 created or managed by Enterprise Florida, Inc., are subject to
1391 the provisions of chapter 119, relating to public records and
1392 those provisions of chapter 286 relating to public meetings and
1393 records.
1394 (c) The Legislature determines that it is in the public
1395 interest for the members of Enterprise Florida, Inc., board of
1396 directors to be subject to the requirements of ss. 112.3135,
1397 112.3143, and 112.313, excluding s. 112.313(2), notwithstanding
1398 the fact that the board members are not public officers or
1399 employees. For purposes of those sections, the board members
1400 shall be considered to be public officers or employees. The
1401 exemption set forth in s. 112.313(12) for advisory boards
1402 applies to the members of Enterprise Florida, Inc., board of
1403 directors. Further, each member of the board of directors who is
1404 not otherwise required to file financial disclosures pursuant to



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1405 s. 8, Art. II of the State Constitution or s. 112.3144, shall
1406 file disclosure of financial interests pursuant to s. 112.3145.
1407 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
1408 economic-development organization for the state, utilizing
1409 private-sector and public-sector expertise in collaboration with
1410 the department to:
1411 (a) Increase private investment in Florida;
1412 (b) Advance international and domestic trade opportunities;
1413 (c) Market the state both as a pro-business location for
1414 new investment and as an unparalleled tourist destination;
1415 (d) Revitalize Florida's space and aerospace industries,
1416 and promote emerging complementary industries;
1417 (e) Promote opportunities for minority-owned businesses;
1418 and
1419 (f) Assist and market professional and amateur sport teams
1420 and sporting events in Florida.
1421 (g) Assist, promote, and enhance economic opportunities in
1422 this state's rural and urban communities.
1423 (3) PERFORMANCE.—Enterprise Florida, Inc., shall enter into
1424 a performance-based contract with the department, pursuant to s.
1425 20.60, which includes annual measurements of the performance of
1426 Enterprise Florida, Inc.
1427 (4) GOVERNANCE.—Enterprise Florida, Inc., shall be governed
1428 by a board of directors. The Governor shall serve as chairperson
1429 of the board. The board of directors shall biennially elect one
1430 of its members as vice chairperson.
1431 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
1432 (a) In addition to the Governor or the Governor's designee,
1433 the board of directors shall consist of the following appointed



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1434 members:

1435 1. The Commissioner of Education or the commissioner's
1436 designee.

1437 2. The Chief Financial Officer or his or her designee.

1438 3. The chairperson of the board of directors of Workforce
1439 Florida, Inc.

1440 4. The Secretary of State or the secretary's designee.

1441 5. Twelve members from the private sector, six of whom
1442 shall be appointed by the Governor, three of whom shall be
1443 appointed by the President of the Senate, and three of whom
1444 shall be appointed by the Speaker of the House of
1445 Representatives. All appointees are subject to Senate
1446 confirmation.

1447 (b) In making their appointments, the Governor, the
1448 President of the Senate, and the Speaker of the House of
1449 Representatives shall ensure that the composition of the board
1450 of directors reflects the diversity of Florida's business
1451 community and is representative of the economic development
1452 goals in subsection (2). The board must include at least one
1453 director for each of the following areas of expertise:
1454 international business, tourism marketing, the space or
1455 aerospace industry, managing or financing a minority-owned
1456 business, manufacturing, finance and accounting, and sports
1457 marketing.

1458 (c) The Governor, the President of the Senate, and the
1459 Speaker of the House of Representatives also shall consider
1460 appointees who reflect Florida's racial, ethnic, and gender
1461 diversity. Efforts shall be taken to ensure participation from
1462 all geographic areas of the state, including representation from



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1463 urban and rural communities.

1464 (d) Appointed members shall be appointed to 4-year terms,
1465 except that initially, to provide for staggered terms, the
1466 Governor, the President of the Senate, and the Speaker of the
1467 House of Representatives shall each appoint one member to serve
1468 a 2-year term and one member to serve a 3-year term, with the
1469 remaining initial appointees serving 4-year terms. All
1470 subsequent appointments shall be for 4-year terms.

1471 (e) Initial appointments must be made by October 1, 2011,
1472 and be eligible for confirmation at the earliest available
1473 Senate session. Terms end on September 30.

1474 (f) Any member is eligible for reappointment, except that a
1475 member may not serve more than two terms.

1476 (g) A vacancy on the board of directors shall be filled for
1477 the remainder of the unexpired term. Vacancies on the board
1478 shall be filled by appointment by the Governor, the President of
1479 the Senate, or the Speaker of the House of Representatives,
1480 respectively, depending on who appointed the member whose
1481 vacancy is to be filled or whose term has expired.

1482 (h) Appointed members may be removed by the Governor, the
1483 President of the Senate, or the Speaker of the House of
1484 Representatives, respectively, for cause. Absence from three
1485 consecutive meetings results in automatic removal.

1486 (6) AT-LARGE MEMBERS OF THE BOARD OF DIRECTORS.—The board
1487 of directors may by resolution appoint at-large members to the
1488 board from the private sector, each of whom may serve a term of
1489 up to 3 years. At-large members shall have the powers and duties
1490 of other members of the board. An at-large member is eligible
1491 for reappointment but may not vote on his or her own



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1492 reappointment. An at-large member shall be eligible to fill
1493 vacancies occurring among private-sector appointees under
1494 subsection (5). At-large members may annually provide
1495 contributions to Enterprise Florida, Inc., in an amount
1496 determined by the board of directors. The contributions must be
1497 used to defray the operating expenses of Enterprise Florida,
1498 Inc., and help meet the required private match to the state's
1499 annual appropriation.

1500 (7) EX OFFICIO BOARD MEMBERS.—In addition to the members
1501 specified in subsections (5) and (6), the board of directors
1502 shall consist of the following ex officio members:

1503 (a) A member of the Senate, who shall be appointed by the
1504 President of the Senate and serve at the pleasure of the
1505 President.

1506 (b) A member of the House of Representatives, who shall be
1507 appointed by the Speaker of the House of Representatives and
1508 serve at the pleasure of the Speaker.

1509 (8) MEETING.—The board of directors shall meet at least
1510 four times each year, upon the call of the chairperson, at the
1511 request of the vice chairperson, or at the request of a majority
1512 of the membership. A majority of the total number of current
1513 voting members shall constitute a quorum. The board of directors
1514 may take official action by a majority vote of the members
1515 present at any meeting at which a quorum is present.

1516 (9) SERVICE.—Members of the board of directors shall serve
1517 without compensation, but members may be reimbursed for all
1518 reasonable, necessary, and actual expenses, as determined by the
1519 board of directors.

1520 (10) PROHIBITION.—Enterprise Florida, Inc., may not endorse



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1521 any candidate for any elected public office or contribute moneys
1522 to the campaign of any such candidate.

1523 Section 23. Section 288.9015, Florida Statutes, is amended
1524 to read:

1525 (Substantial rewording of section. See
1526 s. 288.9015, F.S., for present text.)

1527 288.9015 Powers of Enterprise Florida, Inc.; board of
1528 directors.—

1529 (1) Enterprise Florida, Inc., shall integrate its efforts
1530 in business recruitment and expansion, job creation, marketing
1531 the state for tourism and sports, and promoting economic
1532 opportunities for minority-owned businesses and promoting
1533 economic opportunities for rural and distressed urban
1534 communities with those of the department, to create an
1535 aggressive, agile, and collaborative effort to reinvigorate the
1536 state's economy.

1537 (2) The board of directors of Enterprise Florida, Inc.,
1538 may:

1539 (a) Secure funding for its programs and activities, and for
1540 its boards from federal, state, local, and private sources and
1541 from fees charged for services and published materials.

1542 (b) Solicit, receive, hold, invest, and administer any
1543 grant, payment, or gift of funds or property and make
1544 expenditures consistent with the powers granted to it.

1545 (c) Make and enter into contracts and other instruments
1546 necessary or convenient for the exercise of its powers and
1547 functions. A contract executed by Enterprise Florida, Inc., with
1548 a person or organization under which such person or organization
1549 agrees to perform economic development services or similar



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1550 business assistance services on behalf of Enterprise Florida,
1551 Inc., or the state must include provisions requiring a
1552 performance report on the contracted activities and must account
1553 for the proper use of funds provided under the contract,
1554 coordinate with other components of state and local economic
1555 development systems, and avoid duplication of existing state and
1556 local services and activities.

1557 (d) Elect or appoint such officers, employees, and agents
1558 as required for its activities and for its divisions and pay
1559 such persons reasonable compensation.

1560 (e) Carry forward any unexpended state appropriations into
1561 succeeding fiscal years.

1562 (f) Create and dissolve advisory councils pursuant to s.
1563 288.92, working groups, task forces, or similar organizations,
1564 as necessary to carry out its mission. Members of advisory
1565 councils, working groups, task forces, or similar organizations
1566 created by Enterprise Florida, Inc., shall serve without
1567 compensation, but may be reimbursed for reasonable, necessary,
1568 and actual expenses, as determined by the board of directors of
1569 Enterprise Florida, Inc.

1570 (g) Establish an executive committee consisting of the
1571 chairperson or a designee, the vice chairperson, and as many
1572 additional members of the board of directors as the board deems
1573 appropriate, except that such committee must have a minimum of
1574 five members. The executive committee shall have such authority
1575 as the board of directors delegates to it, except that the board
1576 may not delegate the authority to hire or fire the president or
1577 the authority to establish or adjust the compensation paid to
1578 the president.



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1579 (h) Sue and be sued, and appear and defend in all actions
1580 and proceedings, in its corporate name to the same extent as a
1581 natural person.

1582 (i) Adopt, use, and alter a common corporate seal for
1583 Enterprise Florida, Inc., and its divisions. Notwithstanding any
1584 provision of chapter 617 to the contrary, this seal is not
1585 required to contain the words "corporation not for profit."

1586 (j) Adopt, amend, and repeal bylaws, not inconsistent with
1587 the powers granted to it or the articles of incorporation, for
1588 the administration of the activities Enterprise Florida, Inc.,
1589 and the exercise of its corporate powers.

1590 (k) Acquire, enjoy, use, and dispose of patents,
1591 copyrights, and trademarks and any licenses, royalties, and
1592 other rights or interests thereunder or therein.

1593 (l) Use the state seal, notwithstanding the provisions of
1594 s. 15.03, when appropriate, for standard corporate identity
1595 applications. Use of the state seal is not intended to replace
1596 use of a corporate seal as provided in this section.

1597 (m) Procure insurance or require bond against any loss in
1598 connection with the property of Enterprise Florida, Inc., and
1599 its divisions, in such amounts and from such insurers as is
1600 necessary or desirable.

1601 (3) The powers granted to Enterprise Florida, Inc., shall
1602 be liberally construed in order that Enterprise Florida, Inc.,
1603 may pursue and succeed in its responsibilities under this part.

1604 (4) Under no circumstances may the credit of the State of
1605 Florida be pledged on behalf of Enterprise Florida, Inc.

1606 (5) In addition to any indemnification available under
1607 chapter 617, Enterprise Florida, Inc., may indemnify, and



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1608 purchase and maintain insurance on behalf of, its directors,
1609 officers, and employees of Enterprise Florida, Inc., and its
1610 divisions against any personal liability or accountability by
1611 reason of actions taken while acting within the scope of their
1612 authority.

1613 Section 24. Section 288.903, Florida Statutes, is amended
1614 to read:

1615 (Substantial rewording of section. See
1616 s. 288.903, F.S., for present text.)

1617 288.903 Duties of Enterprise Florida, Inc.—Enterprise
1618 Florida, Inc., shall have the following duties:

1619 (1) Responsibly and prudently manage all public and private
1620 funds received, and ensure that the use of such funds is in
1621 accordance with all applicable laws, bylaws, or contractual
1622 requirements.

1623 (2) Administer the entities or programs created pursuant to
1624 part IX of this chapter; ss. 288.9622–288.9624; ss. 288.95155
1625 and 288.9519; and chapter 95–429, Laws of Florida, line 1680Y.

1626 (3) Prepare an annual report pursuant to s. 288.906 and an
1627 annual incentives report pursuant to s. 288.907.

1628 (4) Assist the department with the development of an annual
1629 and a long-range strategic business blueprint for economic
1630 development required in s. 20.60.

1631 (5) In coordination with Workforce Florida, Inc., identify
1632 education and training programs that will ensure Florida
1633 businesses have access to a skilled and competent workforce
1634 necessary to compete successfully in the domestic and global
1635 marketplace.

1636 Section 25. Section 288.904, Florida Statutes, is amended



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1637 to read:

1638 (Substantial rewording of section. See
1639 s. 288.904, F.S., for present text.)

1640 288.904 Funding for Enterprise Florida, Inc.; performance
1641 and return on the public's investment.-

1642 (1) (a) The Legislature may annually appropriate to
1643 Enterprise Florida, Inc., a sum of money for its operations, and
1644 separate line-item appropriations for each of the divisions
1645 listed in s. 288.92.

1646 (b) The state's operating investment in Enterprise Florida,
1647 Inc., and its divisions is the budget contracted by the
1648 department to Enterprise Florida, Inc., less any funding that is
1649 directed by the Legislature to be subcontracted to a specific
1650 recipient entity.

1651 (c) The board of directors of Enterprise Florida, Inc.,
1652 shall adopt for each upcoming fiscal year an operating budget
1653 for the organization, including its divisions, which specifies
1654 the intended uses of the state's operating investment and a plan
1655 for securing private-sector support.

1656 (2) (a) The Legislature finds that it is a priority to
1657 maximize private-sector support in operating Enterprise Florida,
1658 Inc., and its divisions, as an endorsement of its value and as
1659 an enhancement of its efforts. Thus, the state appropriations
1660 must be matched with private-sector support equal to at least
1661 100 percent of the state operational funding.

1662 (b) Private-sector support in operating Enterprise Florida,
1663 Inc., and its divisions includes:

1664 1. Cash given directly to Enterprise Florida, Inc., for its
1665 operations, including contributions from at-large members of the



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1666 board of directors;

1667 2. Cash donations from organizations assisted by the
1668 divisions;

1669 3. Cash jointly raised by Enterprise Florida, Inc., and a
1670 private local economic development organization, a group of such
1671 organizations, or a statewide private business organization that
1672 supports collaborative projects;

1673 4. Cash generated by fees charged for products or services
1674 of Enterprise Florida, Inc., and its divisions by sponsorship of
1675 events, missions, programs, and publications; and

1676 5. Copayments, stock, warrants, royalties, or other private
1677 resources dedicated to Enterprise Florida, Inc., or its
1678 divisions.

1679 (3) (a) Specifically for the marketing and advertising
1680 activities of the Division of Tourism Marketing or as contracted
1681 through the Florida Tourism Industry Corporation, a one-to-one
1682 match is required of private to public contributions within 4
1683 calendar years after the implementation date of the marketing
1684 plan pursuant to s. 288.923.

1685 (b) For purposes of calculating the required one-to-one
1686 match, matching private funds shall be divided into four
1687 categories. Documentation for the components of the four private
1688 match categories shall be kept on file for inspection as
1689 determined necessary. The four private match categories are:

1690 1. Direct cash contributions, which include, but are not
1691 limited to, cash derived from strategic alliances, contributions
1692 of stocks and bonds, and partnership contributions.

1693 2. Fees for services, which include, but are not limited
1694 to, event participation, research, and brochure placement and



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1695 transparencies.

1696 3. Cooperative advertising, which is the value based on
1697 cost of contributed productions, air time, and print space.

1698 4. In-kind contributions, which include, but are not
1699 limited to, the value of strategic alliance services
1700 contributed, the value of loaned employees, discounted service
1701 fees, items contributed for use in promotions, and radio or
1702 television air time or print space for promotions. The value of
1703 air time or print space shall be calculated by taking the actual
1704 time or space and multiplying by the nonnegotiated unit price
1705 for that specific time or space which is known as the media
1706 equivalency value. In order to avoid duplication in determining
1707 media equivalency value, only the value of the promotion itself
1708 shall be included; the value of the items contributed for the
1709 promotion may not be included.

1710 (4) Enterprise Florida, Inc., shall fully comply with the
1711 performance measures, standards, and sanctions in its contract
1712 with the department, under s. 20.60. The department shall
1713 ensure, to the maximum extent possible, that the contract
1714 performance measures are consistent with performance measures
1715 that it is required to develop and track under performance-based
1716 program budgeting. The contract shall also include performance
1717 measures for the divisions.

1718 (5) The Legislature intends to review the performance of
1719 Enterprise Florida, Inc., in achieving the performance goals
1720 stated in its annual contract with the department to determine
1721 whether the public is receiving a positive return on its
1722 investment in Enterprise Florida, Inc., and its divisions. It
1723 also is the intent of the Legislature that Enterprise Florida,



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1724 Inc., coordinate its operations with local economic development
1725 organizations to maximize the state and local return on
1726 investment to create jobs for Floridians.

1727 (6) As part of the annual report required under s. 288.906,
1728 Enterprise Florida, Inc., shall provide the Legislature with
1729 information quantifying the return on the public's investment
1730 each fiscal year. Enterprise Florida, Inc., in consultation with
1731 the Office of Economic and Demographic Research, shall hire an
1732 economic analysis firm to develop the methodology for
1733 establishing and reporting the return on the public's investment
1734 and in-kind contributions as described in this section. The
1735 Office of Economic and Demographic Research shall review and
1736 offer feedback on the methodology before it is implemented.

1737 Section 26. Section 288.905, Florida Statutes, is amended
1738 to read:

1739 (Substantial rewording of section. See
1740 s. 288.905, F.S., for present text.)

1741 288.905 President and employees of Enterprise Florida,
1742 Inc.—

1743 (1) The board of directors of Enterprise Florida, Inc.,
1744 shall appoint a president, who shall serve at the pleasure of
1745 the Governor. The president shall also be known as the
1746 "secretary of commerce" and shall serve as the Governor's chief
1747 negotiator for business recruitment and business expansion.

1748 (2) The president is the chief administrative and
1749 operational officer of the board of directors and of Enterprise
1750 Florida, Inc., and shall direct and supervise the administrative
1751 affairs of the board of directors and any divisions, councils,
1752 or boards. The board of directors may delegate to the president



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1753 those powers and responsibilities it deems appropriate,
1754 including hiring and management of all staff, except for the
1755 appointment of a president.

1756 (3) The board of directors shall establish and adjust the
1757 president's compensation.

1758 (4) No employee of Enterprise Florida, Inc., may receive
1759 compensation for employment that exceeds the salary paid to the
1760 Governor, unless the board of directors and the employee have
1761 executed a contract that prescribes specific, measurable
1762 performance outcomes for the employee, the satisfaction of which
1763 provides the basis for the award of incentive payments that
1764 increase the employee's total compensation to a level above the
1765 salary paid to the Governor.

1766 Section 27. Section 288.906, Florida Statutes, is amended
1767 to read:

1768 288.906 Annual report of Enterprise Florida, Inc., and its
1769 divisions; audits.-

1770 (1) Before ~~Prior to~~ December 1 of each year, Enterprise
1771 Florida, Inc., shall submit to the Governor, the President of
1772 the Senate, the Speaker of the House of Representatives, the
1773 Senate Minority Leader, and the House Minority Leader a complete
1774 and detailed report including, but not limited to:

1775 (a) ~~(1)~~ A description of the operations and accomplishments
1776 of Enterprise Florida, Inc., and its divisions, boards, and
1777 advisory councils ~~committees~~ or similar entities ~~groups~~ created
1778 by Enterprise Florida, Inc., and an identification of any major
1779 trends, initiatives, or developments affecting the performance
1780 of any program or activity. The individual annual reports
1781 prepared by each division shall be included as addenda.



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1782 (b)-(2) An evaluation of progress toward ~~towards~~ achieving
1783 organizational goals and specific performance outcomes, both
1784 short-term and long-term, established pursuant to this part or
1785 under the agreement with the department s. 288.905.

1786 (c)-(3) Methods for implementing and funding the operations
1787 of Enterprise Florida, Inc., and its divisions, including the
1788 private-sector support required under s. 288.904 boards.

1789 (d)-(4) A description of the operations and accomplishments
1790 of Enterprise Florida, Inc., and its divisions ~~boards~~ with
1791 respect to aggressively marketing Florida's rural communities
1792 and distressed urban communities as locations for potential new
1793 investment and job creation, aggressively assisting in the
1794 creation, retention, and expansion of existing businesses and
1795 job growth in these communities, and aggressively assisting
1796 these communities in the identification and development of new
1797 economic development opportunities.

1798 (e)-(5) A description and evaluation of the operations and
1799 accomplishments of Enterprise Florida, Inc., and its divisions
1800 ~~boards~~ with respect to interaction with local and private
1801 economic development organizations, including the an
1802 identification of each organization that is a primary partner
1803 and any specific programs or activities which promoted the
1804 activities of such organizations and an identification of any
1805 specific programs or activities that ~~which~~ promoted a
1806 comprehensive and coordinated approach to economic development
1807 in this state.

1808 (f)-(6) An assessment of job creation that directly benefits
1809 participants in the welfare transition program or other programs
1810 designed to put long-term unemployed persons back to work.



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1811 (g) The results of a customer-satisfaction survey of
1812 businesses served. The survey shall be conducted by an
1813 independent entity with expertise in survey research that is
1814 under contract with Enterprise Florida, Inc., to develop,
1815 analyze, and report the results.

1816 (h) ~~(7)~~ An annual compliance and financial audit of accounts
1817 and records by an independent certified public accountant at the
1818 end of its most recent fiscal year performed in accordance with
1819 rules adopted by the Auditor General.

1820 (2) The detailed report required by this section subsection
1821 shall also include the information identified in subsection (1)
1822 ~~subsections (1) - (7)~~, if applicable, for each division any board
1823 established within the corporate structure of Enterprise
1824 Florida, Inc.

1825 Section 28. Section 288.907, Florida Statutes, is created
1826 to read:

1827 288.907 Annual incentives report.-

1828 (1) In addition to the annual report required under s.
1829 288.906, Enterprise Florida, Inc., by December 30 of each year,
1830 shall provide the Governor, the President of the Senate, and the
1831 Speaker of the House of Representatives a detailed incentives
1832 report quantifying the economic benefits for all of the economic
1833 development incentive programs marketed by Enterprise Florida,
1834 Inc.

1835 (a) The annual incentives report must include for each
1836 incentive program:

- 1837 1. A brief description of the incentive program.
1838 2. The amount of awards granted, by year, since inception.
1839 3. The economic benefits, as defined in s. 288.005, based



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1840 on the actual amount of private capital invested, actual number
1841 of jobs created, and actual wages paid for incentive agreements
1842 completed during the previous 3 years.

1843 4. The report shall also include the actual amount of
1844 private capital invested, actual number of jobs created, and
1845 actual wages paid for incentive agreements completed during the
1846 previous 3 years for each target industry sector.

1847 (b) For projects completed during the previous state fiscal
1848 year, the report must include:

1849 1. The number of economic development incentive
1850 applications received.

1851 2. The number of recommendations made to the department by
1852 Enterprise Florida, Inc., including the number recommended for
1853 approval and the number recommended for denial.

1854 3. The number of final decisions issued by the department
1855 for approval and for denial.

1856 4. The projects for which a tax refund, tax credit, or cash
1857 grant agreement was executed, identifying:

1858 a. The number of jobs committed to be created.

1859 b. The amount of capital investments committed to be made.

1860 c. The annual average wage committed to be paid.

1861 d. The amount of state economic development incentives
1862 committed to the project from each incentive program under the
1863 project's terms of agreement with the Department of Economic
1864 Opportunity.

1865 e. The amount and type of local matching funds committed to
1866 the project.

1867 (c) For economic development projects that received tax
1868 refunds, tax credits, or cash grants under the terms of an



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1869 agreement for incentives, the report must identify:
1870 1. The number of jobs actually created.
1871 2. The amount of capital investments actually made.
1872 3. The annual average wage paid.
1873 (d) For a project receiving economic development incentives
1874 approved by the department and receiving federal or local
1875 incentives, the report must include a description of the federal
1876 or local incentives, if available.
1877 (e) The report must state the number of withdrawn or
1878 terminated projects that did not fulfill the terms of their
1879 agreements with the department and consequently are not
1880 receiving incentives.
1881 (f) The report must include an analysis of the economic
1882 benefits, as defined in s. 288.005, of tax refunds, tax credits,
1883 or other payments made to projects locating or expanding in
1884 state enterprise zones, rural communities, brownfield areas, or
1885 distressed urban communities.
1886 (g) The report must identify the target industry businesses
1887 and high-impact businesses.
1888 (h) The report must describe the trends relating to
1889 business interest in, and usage of, the various incentives, and
1890 the number of minority-owned or woman-owned businesses receiving
1891 incentives.
1892 (i) The report must identify incentive programs not
1893 utilized.
1894 (2) The Division of Strategic Business Development within
1895 the department shall assist Enterprise Florida, Inc., in the
1896 preparation of the annual incentives report.
1897 Section 29. Section 288.912, Florida Statutes, is created



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1898 to read:

1899 288.912 Inventory of communities seeking to recruit
1900 businesses.—By September 30 of each year, a county or
1901 municipality that has a population of at least 25,000 or its
1902 local economic development organization must submit to
1903 Enterprise Florida, Inc., a brief overview of the strengths,
1904 services, and economic development incentives that its community
1905 offers. The local government or its local economic development
1906 organization also must identify any industries that it is
1907 encouraging to locate or relocate to its area. A county or
1908 municipality having a population of 25,000 or fewer or its local
1909 economic development organization seeking to recruit businesses
1910 may submit information as required in this section and may
1911 participate in any activity or initiative resulting from the
1912 collection, analysis, and reporting of the information to
1913 Enterprise Florida, Inc., pursuant to this section.

1914 Section 30. Section 288.92, Florida Statutes, is created to
1915 read:

1916 288.92 Divisions of Enterprise Florida, Inc.—
1917 (1) Enterprise Florida, Inc., may create and dissolve
1918 divisions as necessary to carry out its mission. Each division
1919 shall have distinct responsibilities and complementary missions.
1920 At a minimum, Enterprise Florida, Inc., shall have divisions
1921 related to the following areas:
1922 (a) International Trade and Business Development;
1923 (b) Business Retention and Recruitment;
1924 (c) Tourism Marketing;
1925 (d) Minority Business Development; and
1926 (e) Sports Industry Development.



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1927 (2) (a) The officers and agents of the divisions shall be
1928 hired and their annual compensation established by the president
1929 of Enterprise Florida, Inc., as deemed appropriate by the board
1930 of directors, and may be eligible for performance bonuses
1931 pursuant to s. 288.905. This paragraph does not apply to any
1932 employees of the corporation established pursuant to s.
1933 288.1226.

1934 (b) The board of directors of Enterprise Florida, Inc., may
1935 organize the divisions and, to the greatest extent possible,
1936 minimize costs by requiring that the divisions share
1937 administrative staff.

1938 (3) By October 15 each year, each division shall draft and
1939 submit an annual report which details the division's activities
1940 during the prior fiscal year and includes any recommendations
1941 for improving current statutes related to the division's related
1942 area.

1943 Section 31. Section 288.923, Florida Statutes, is created
1944 to read:

1945 288.923 Division of Tourism Marketing; definitions;
1946 responsibilities.-

1947 (1) There is created within Enterprise Florida, Inc., the
1948 Division of Tourism Marketing.

1949 (2) As used in this section, the term:

1950 (a) "Tourism marketing" means any effort exercised to
1951 attract domestic and international visitors from outside the
1952 state to destinations in this state and to stimulate Florida
1953 resident tourism to areas within the state.

1954 (b) "Tourist" means any person who participates in trade or
1955 recreation activities outside the county of his or her permanent



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1956 residence or who rents or leases transient living quarters or
1957 accommodations as described in s. 125.0104(3)(a).

1958 (c) "County destination marketing organization" means a
1959 public or private agency that is funded by local option tourist
1960 development tax revenues under s. 125.0104, or local option
1961 convention development tax revenues under s. 212.0305, and is
1962 officially designated by a county commission to market and
1963 promote the area for tourism or convention business or, in any
1964 county that has not levied such taxes, a public or private
1965 agency that is officially designated by the county commission to
1966 market and promote the area for tourism or convention business.

1967 (d) "Direct-support organization" means the Florida Tourism
1968 Industry Marketing Corporation.

1969 (3) Enterprise Florida, Inc., shall contract with the
1970 Florida Tourism Industry Marketing Corporation, a direct-support
1971 organization established in s. 288.1226, to execute tourism
1972 promotion and marketing services, functions, and programs for
1973 the state, including, but not limited to, the activities
1974 prescribed by the 4-year marketing plan. The division shall
1975 assist to maintain and implement the contract.

1976 (4) The division's responsibilities and duties include, but
1977 are not limited to:

1978 (a) Maintaining and implementing the contract with the
1979 Florida Tourism Industry Marketing Corporation.

1980 (b) Advising the department and Enterprise Florida, Inc.,
1981 on development of domestic and international tourism marketing
1982 campaigns featuring Florida; and

1983 (c) Developing a 4-year marketing plan.

1984 1. At a minimum, the marketing plan shall discuss the



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1985 following:
1986 a. Continuation of overall tourism growth in this state;
1987 b. Expansion to new or under-represented tourist markets;
1988 c. Maintenance of traditional and loyal tourist markets;
1989 d. Coordination of efforts with county destination
1990 marketing organizations, other local government marketing
1991 groups, privately owned attractions and destinations, and other
1992 private-sector partners to create a seamless, four-season
1993 advertising campaign for the state and its regions;
1994 e. Development of innovative techniques or promotions to
1995 build repeat visitation by targeted segments of the tourist
1996 population;
1997 f. Consideration of innovative sources of state funding for
1998 tourism marketing;
1999 g. Promotion of nature-based tourism and heritage tourism.
2000 h. Development of a component to address emergency response
2001 to natural and man-made disasters from a marketing standpoint.
2002 2. The plan shall be annual in construction and ongoing in
2003 nature. Any annual revisions of the plan shall carry forward the
2004 concepts of the remaining 3-year portion of the plan and
2005 consider a continuum portion to preserve the 4-year time-frame
2006 of the plan. The plan also shall include recommendations for
2007 specific performance standards and measurable outcomes for the
2008 division and direct-support organization. The department, in
2009 consultation with the board of directors of Enterprise Florida,
2010 Inc., shall base the actual performance metrics on these
2011 recommendations.
2012 3. The 4-year marketing plan shall be developed in
2013 collaboration with the Florida Tourism Industry Marketing



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2014 Corporation. The plan shall be annually reviewed and approved by
2015 the board of directors of Enterprise Florida, Inc.

2016 (d) Drafting and submitting an annual report required by s.
2017 288.92. The annual report shall set forth for the division and
2018 the direct-support organization:

2019 1. Operations and accomplishments during the fiscal year,
2020 including the economic benefit of the state's investment and
2021 effectiveness of the marketing plan.

2022 2. The 4-year marketing plan, including recommendations on
2023 methods for implementing and funding the plan.

2024 3. The assets and liabilities of the direct-support
2025 organization at the end of its most recent fiscal year.

2026 4. A copy of the annual financial and compliance audit
2027 conducted under s. 288.1226(6).

2028 (5) Notwithstanding s. 288.92, the division shall be
2029 staffed by the Florida Tourism Industry Marketing Corporation.
2030 Such staff shall not be considered to be employees of the
2031 division and shall remain employees of the Florida Tourism
2032 Industry Marketing Corporation. Section 288.905 does not apply
2033 to the Florida Tourism Industry Marketing Corporation.

2034 Section 32. Section 288.1226, Florida Statutes, is amended
2035 to read:

2036 288.1226 Florida Tourism Industry Marketing Corporation;
2037 use of property; board of directors; duties; audit.-

2038 (1) DEFINITIONS.-For the purposes of this section, the term
2039 "corporation" means the Florida Tourism Industry Marketing
2040 Corporation.

2041 (2) ESTABLISHMENT.-~~The Florida Commission on Tourism shall~~
2042 ~~establish, no later than July 31, 1996,~~ The Florida Tourism



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2043 Industry Marketing Corporation is ~~as~~ a direct-support
2044 organization of Enterprise Florida, Inc.÷

2045 (a) The Florida Tourism Industry Marketing Corporation
2046 ~~which~~ is a corporation not for profit, as defined in s.
2047 501(c)(6) of the Internal Revenue Code of 1986, as amended, that
2048 is incorporated under the provisions of chapter 617 and approved
2049 by the Department of State.

2050 (b) The corporation ~~which~~ is organized and operated
2051 exclusively to request, receive, hold, invest, and administer
2052 property and to manage and make expenditures for the operation
2053 of the activities, services, functions, and programs of this
2054 state which relate to the statewide, national, and international
2055 promotion and marketing of tourism.

2056 ~~(c) Which the Florida Commission on Tourism and the Office~~
2057 ~~of Tourism, Trade, and Economic Development, after review, have~~
2058 ~~certified whether it is operating in a manner consistent with~~
2059 ~~the policies and goals of the commission and its long-range~~
2060 ~~marketing plan.~~

2061 (d) The corporation is ~~which shall~~ not be considered an
2062 agency for the purposes of chapters 120, 216, and 287; ss.
2063 255.21, 255.25, and 255.254, relating to leasing of buildings;
2064 ss. 283.33 and 283.35, relating to bids for printing; s. 215.31;
2065 and parts I, II, and IV-VIII of chapter 112.

2066 (e) The corporation is ~~which shall be~~ subject to the
2067 provisions of chapter 119, relating to public meetings, and
2068 those provisions of chapter 286 relating to public meetings and
2069 records.

2070 (3) USE OF PROPERTY.—Enterprise Florida, Inc. ~~The~~
2071 ~~commission:~~



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2072 (a) Is authorized to permit the use of property and
2073 facilities of Enterprise Florida, Inc., ~~the commission~~ by the
2074 corporation, subject to the provisions of this section.

2075 (b) Shall prescribe conditions with which the corporation
2076 must comply in order to use property and facilities of
2077 Enterprise Florida, Inc ~~the commission~~. Such conditions shall
2078 provide for budget and audit review and for oversight by
2079 Enterprise Florida, Inc ~~the commission~~.

2080 (c) ~~May~~ ~~shall~~ not permit the use of property and facilities
2081 of Enterprise Florida, Inc., ~~the commission~~ if the corporation
2082 does not provide equal employment opportunities to all persons,
2083 regardless of race, color, national origin, sex, age, or
2084 religion.

2085 (4) BOARD OF DIRECTORS.—The board of directors of the
2086 corporation shall be composed of 31 tourism-industry-related
2087 members, appointed by Enterprise Florida, Inc., in conjunction
2088 ~~with the department the Florida Commission on Tourism from its~~
2089 ~~own membership. the vice chair of the commission shall serve as~~
2090 ~~chair of the corporation's board of directors.~~

2091 (a) The board shall consist of 16 members, appointed in
2092 such a manner as to equitably represent all geographic areas of
2093 the state, with no fewer than two members from any of the
2094 following regions:

2095 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,
2096 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
2097 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2098 2. Region 2, composed of Alachua, Baker, Bradford, Clay,
2099 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,
2100 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,



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2101 Taylor, and Union Counties.

2102 3. Region 3, composed of Brevard, Indian River, Lake,
2103 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and
2104 Volusia Counties.

2105 4. Region 4, composed of Citrus, Hernando, Hillsborough,
2106 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

2107 5. Region 5, composed of Charlotte, Collier, DeSoto,
2108 Glades, Hardee, Hendry, Highlands, and Lee Counties.

2109 6. Region 6, composed of Broward, Martin, Miami-Dade,
2110 Monroe, and Palm Beach Counties.

2111 (b) The 15 additional tourism-industry-related members,
2112 shall include 1 representatives from the statewide rental car
2113 industry, 7 representatives from tourist-related statewide
2114 associations, including those that represent hotels,
2115 campgrounds, county destination marketing organizations,
2116 museums, restaurants, retail, and attractions, 3 representatives
2117 from county destination marketing organizations, 1
2118 representative from the cruise industry, 1 representative from
2119 an automobile and travel services membership organization that
2120 has at least 2.8 million members in Florida, 1 representative
2121 from the airline industry, and 1 representative from the space
2122 tourism industry, who will each serve for a term of 2 years.

2123 (5) POWERS AND DUTIES.—The corporation, in the performance
2124 of its duties:

2125 (a) May make and enter into contracts and assume such other
2126 functions as are necessary to carry out the provisions of the
2127 Florida Commission on Tourism's 4-year marketing plan required
2128 by s. 288.923, and the corporation's contract with Enterprise
2129 Florida, Inc., the commission which are not inconsistent with



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2130 this or any other provision of law.

2131 (b) May develop a program to provide incentives and to
2132 attract and recognize those entities which make significant
2133 financial and promotional contributions towards the expanded
2134 tourism promotion activities of the corporation.

2135 (c) ~~May commission and adopt, in cooperation with the~~
2136 ~~commission, an official tourism logo to be used in all~~
2137 ~~promotional materials directly produced by the corporation. The~~
2138 ~~corporation~~ May establish a cooperative marketing program with
2139 other public and private entities which allows the use of the
2140 VISIT Florida ~~this~~ logo in tourism promotion campaigns which
2141 meet the standards of Enterprise Florida, Inc., the commission
2142 ~~and the Office of Tourism, Trade, and Economic Development~~ for
2143 which the corporation may charge a reasonable fee.

2144 (d) May sue and be sued and appear and defend in all
2145 actions and proceedings in its corporate name to the same extent
2146 as a natural person.

2147 (e) May adopt, use, and alter a common corporate seal.
2148 However, such seal must always contain the words "corporation
2149 not for profit."

2150 (f) Shall elect or appoint such officers and agents as its
2151 affairs shall require and allow them reasonable compensation.

2152 (g) Shall hire and establish salaries and personnel and
2153 employee benefit programs for such permanent and temporary
2154 employees as are necessary to carry out the provisions of the
2155 ~~Florida Commission on Tourism's~~ 4-year marketing plan and the
2156 corporation's contract with Enterprise Florida, Inc., the
2157 ~~commission~~ which are not inconsistent with this or any other
2158 provision of law.



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2159 (h) Shall provide staff support to the Division of Tourism
2160 Promotion of Enterprise Florida, Inc ~~the Florida Commission on~~
2161 ~~Tourism~~. The president and chief executive officer of the
2162 Florida Tourism Industry Marketing Corporation shall serve
2163 without compensation as the ~~executive~~ director of the division
2164 ~~commission~~.

2165 (i) May adopt, change, amend, and repeal bylaws, not
2166 inconsistent with law or its articles of incorporation, for the
2167 administration of the provisions of the ~~Florida Commission on~~
2168 ~~Tourism's~~ 4-year marketing plan and the corporation's contract
2169 with Enterprise Florida, Inc ~~the commission~~.

2170 (j) May conduct its affairs, carry on its operations, and
2171 have offices and exercise the powers granted by this act in any
2172 state, territory, district, or possession of the United States
2173 or any foreign country. Where feasible, appropriate, and
2174 recommended by the 4-year marketing plan developed by the
2175 Division of Tourism Promotion of Enterprise Florida, Inc.
2176 ~~Florida Commission on Tourism~~, the corporation may collocate the
2177 programs of foreign tourism offices in cooperation with any
2178 foreign office operated by any agency of this state.

2179 (k) May appear on its own behalf before boards,
2180 commissions, departments, or other agencies of municipal,
2181 county, state, or federal government.

2182 (l) May request or accept any grant, payment, or gift, of
2183 funds or property made by this state or by the United States or
2184 any department or agency thereof or by any individual, firm,
2185 corporation, municipality, county, or organization for any or
2186 all of the purposes of the ~~Florida Commission on Tourism's~~ 4-
2187 year marketing plan and the corporation's contract with



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2188 Enterprise Florida, Inc., ~~the commission~~ that are not
2189 inconsistent with this or any other provision of law. Such funds
2190 shall be deposited in a bank account established by the
2191 corporation's board of directors. The corporation may expend
2192 such funds in accordance with the terms and conditions of any
2193 such grant, payment, or gift, in the pursuit of its
2194 administration or in support of the programs it administers. The
2195 corporation shall separately account for the public funds and
2196 the private funds deposited into the corporation's bank account.

2197 (m) Shall establish a plan for participation in the
2198 corporation which will provide additional funding for the
2199 administration and duties of the corporation.

2200 (n) In the performance of its duties, may undertake, or
2201 contract for, marketing projects and advertising research
2202 projects.

2203 (o) In addition to any indemnification available under
2204 chapter 617, the corporation may indemnify, and purchase and
2205 maintain insurance on behalf of, directors, officers, and
2206 employees of the corporation against any personal liability or
2207 accountability by reason of actions taken while acting within
2208 the scope of their authority.

2209 (6) ANNUAL AUDIT.—The corporation shall provide for an
2210 annual financial audit in accordance with s. 215.981. The annual
2211 audit report shall be submitted to the Auditor General; the
2212 Office of Policy Analysis and Government Accountability;
2213 Enterprise Florida, Inc.; and the department ~~the Office of~~
2214 ~~Tourism, Trade, and Economic Development~~ for review. The Office
2215 of Program Policy Analysis and Government Accountability;
2216 Enterprise Florida, Inc.; the department ~~the Office of Tourism,~~



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2217 ~~Trade, and Economic Development~~; and the Auditor General have
2218 the authority to require and receive from the corporation or
2219 from its independent auditor any detail or supplemental data
2220 relative to the operation of the corporation. The department
2221 ~~Office of Tourism, Trade, and Economic Development~~ shall
2222 annually certify whether the corporation is operating in a
2223 manner and achieving the objectives that are consistent with the
2224 policies and goals of Enterprise Florida, Inc., ~~the commission~~
2225 and its long-range marketing plan. The identity of a donor or
2226 prospective donor to the corporation who desires to remain
2227 anonymous and all information identifying such donor or
2228 prospective donor are confidential and exempt from the
2229 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2230 Constitution. Such anonymity shall be maintained in the
2231 auditor's report.

2232 (7) The corporation shall provide a quarterly report to
2233 Enterprise Florida, Inc., ~~the commission~~ which shall:

2234 (a) Measure the current vitality of the visitor industry of
2235 this state as compared to the vitality of such industry for the
2236 year to date and for comparable quarters of past years.
2237 Indicators of vitality shall be determined by Enterprise
2238 Florida, Inc., ~~the commission~~ and shall include, but not be
2239 limited to, estimated visitor count and party size, length of
2240 stay, average expenditure per party, and visitor origin and
2241 destination.

2242 (b) Provide detailed, unaudited financial statements of
2243 sources and uses of public and private funds.

2244 (c) Measure progress towards annual goals and objectives
2245 set forth in the ~~commission's~~ 4-year marketing plan.



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2246 (d) Review all pertinent research findings.

2247 (e) Provide other measures of accountability as requested
2248 by Enterprise Florida, Inc ~~the commission~~.

2249 (8) The identity of any person who responds to a marketing
2250 project or advertising research project conducted by the
2251 corporation in the performance of its duties on behalf of
2252 Enterprise Florida, Inc. ~~the commission~~, or trade secrets as
2253 defined by s. 812.081 obtained pursuant to such activities, are
2254 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2255 Constitution.

2256 Section 33. Subsection (4) of section 409.942, Florida
2257 Statutes, is amended to read:

2258 409.942 Electronic benefit transfer program.—

2259 ~~(4) Workforce Florida, Inc., through the Agency for
2260 Workforce Innovation, shall establish an electronic benefit
2261 transfer program for the use and management of education,
2262 training, child care, transportation, and other program benefits
2263 under its direction. The workforce electronic benefit transfer
2264 program shall fulfill all federal and state requirements for
2265 Individual Training Accounts, Retention Incentive Training
2266 Accounts, Individual Development Accounts, and Individual
2267 Services Accounts. The workforce electronic benefit transfer
2268 program shall be designed to enable an individual who receives
2269 an electronic benefit transfer card under subsection (1) to use
2270 that card for purposes of benefits provided under the workforce
2271 development system as well. The Department of Children and
2272 Family Services shall assist Workforce Florida, Inc., in
2273 developing an electronic benefit transfer program for the
2274 workforce development system that is fully compatible with the~~



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2275 ~~department's electronic benefit transfer program. The agency~~
2276 ~~shall reimburse the department for all costs incurred in~~
2277 ~~providing such assistance and shall pay all costs for the~~
2278 ~~development of the workforce electronic benefit transfer~~
2279 ~~program.~~

2280 Section 34. Subsections (4), (5), and (6) of section
2281 411.0102, Florida Statutes, are amended to read:

2282 411.0102 Child Care Executive Partnership Act; findings and
2283 intent; grant; limitation; rules.—

2284 (4) The Child Care Executive Partnership, staffed by the
2285 Office of Early Learning Agency for Workforce Innovation, shall
2286 consist of a representative of the Executive Office of the
2287 Governor and nine members of the corporate or child care
2288 community, appointed by the Governor.

2289 (a) Members shall serve for a period of 4 years, except
2290 that the representative of the Executive Office of the Governor
2291 shall serve at the pleasure of the Governor.

2292 (b) The Child Care Executive Partnership shall be chaired
2293 by a member chosen by a majority vote and shall meet at least
2294 quarterly and at other times upon the call of the chair. The
2295 Child Care Executive Partnership may use any method of
2296 telecommunications to conduct meetings, including establishing a
2297 quorum through telecommunications, only if the public is given
2298 proper notice of a telecommunications meeting and reasonable
2299 access to observe and, when appropriate, participate.

2300 (c) Members shall serve without compensation, but may be
2301 reimbursed for per diem and travel expenses in accordance with
2302 s. 112.061.

2303 (d) The Child Care Executive Partnership shall have all the



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2304 powers and authority, not explicitly prohibited by statute,
2305 necessary to carry out and effectuate the purposes of this
2306 section, as well as the functions, duties, and responsibilities
2307 of the partnership, including, but not limited to, the
2308 following:

2309 1. Assisting in the formulation and coordination of the
2310 state's child care policy.

2311 2. Adopting an official seal.

2312 3. Soliciting, accepting, receiving, investing, and
2313 expending funds from public or private sources.

2314 4. Contracting with public or private entities as
2315 necessary.

2316 5. Approving an annual budget.

2317 6. Carrying forward any unexpended state appropriations
2318 into succeeding fiscal years.

2319 7. Providing a report to the Governor, the Speaker of the
2320 House of Representatives, and the President of the Senate, on or
2321 before December 1 of each year.

2322 (5) (a) The Legislature shall annually determine the amount
2323 of state or federal low-income child care moneys which shall be
2324 used to create Child Care Executive Partnership Program child
2325 care purchasing pools in counties chosen by the Child Care
2326 Executive Partnership, provided that at least two of the
2327 counties have populations of no more than 300,000. The
2328 Legislature shall annually review the effectiveness of the child
2329 care purchasing pool program and reevaluate the percentage of
2330 additional state or federal funds, if any, which ~~that~~ can be
2331 used for the program's expansion.

2332 (b) To ensure a seamless service delivery and ease of



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2333 access for families, an early learning coalition or the Office
2334 of Early Learning Agency for Workforce Innovation shall
2335 administer the child care purchasing pool funds.

2336 (c) The Office of Early Learning Agency for Workforce
2337 Innovation, in conjunction with the Child Care Executive
2338 Partnership, shall develop procedures for disbursement of funds
2339 through the child care purchasing pools. In order to be
2340 considered for funding, an early learning coalition or the
2341 Office of Early Learning Agency for Workforce Innovation must
2342 commit to:

2343 1. Matching the state purchasing pool funds on a dollar-
2344 for-dollar basis; and

2345 2. Expending only those public funds that ~~which~~ are matched
2346 by employers, local government, and other matching contributors
2347 who contribute to the purchasing pool. Parents shall also pay a
2348 fee, which may not be less than the amount identified in the
2349 early learning coalition's school readiness program sliding fee
2350 scale.

2351 (d) Each early learning coalition shall establish a
2352 community child care task force for each child care purchasing
2353 pool. The task force must be composed of employers, parents,
2354 private child care providers, and one representative from the
2355 local children's services council, if one exists in the area of
2356 the purchasing pool. The early learning coalition is expected to
2357 recruit the task force members from existing child care
2358 councils, commissions, or task forces already operating in the
2359 area of a purchasing pool. A majority of the task force shall
2360 consist of employers.

2361 (e) Each participating early learning coalition board shall



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2362 develop a plan for the use of child care purchasing pool funds.
2363 The plan must show how many children will be served by the
2364 purchasing pool, how many will be new to receiving child care
2365 services, and how the early learning coalition intends to
2366 attract new employers and their employees to the program.

2367 (6) The Office of Early Learning Agency for Workforce
2368 ~~Innovation~~ shall adopt any rules necessary for the
2369 implementation and administration of this section.

2370 Section 35. Paragraph (b) of subsection (5) of section
2371 11.40, Florida Statutes, is amended to read:

2372 11.40 Legislative Auditing Committee.-

2373 (5) Following notification by the Auditor General, the
2374 Department of Financial Services, or the Division of Bond
2375 Finance of the State Board of Administration of the failure of a
2376 local governmental entity, district school board, charter
2377 school, or charter technical career center to comply with the
2378 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
2379 s. 218.38, the Legislative Auditing Committee may schedule a
2380 hearing. If a hearing is scheduled, the committee shall
2381 determine if the entity should be subject to further state
2382 action. If the committee determines that the entity should be
2383 subject to further state action, the committee shall:

2384 (b) In the case of a special district, notify the
2385 Department of Economic Opportunity ~~Community Affairs~~ that the
2386 special district has failed to comply with the law. Upon receipt
2387 of notification, the Department of Economic Opportunity
2388 ~~Community Affairs~~ shall proceed pursuant to the provisions
2389 specified in s. 189.421.

2390 Section 36. Paragraph (c) of subsection (7) of section



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2391 11.45, Florida Statutes, is amended to read:

2392 11.45 Definitions; duties; authorities; reports; rules.—

2393 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

2394 (c) The Auditor General shall provide annually a list of
2395 those special districts which are not in compliance with s.
2396 218.39 to the Special District Information Program of the
2397 Department of Economic Opportunity ~~Community Affairs~~.

2398 Section 37. Paragraph (b) of subsection (2) of section
2399 14.20195, Florida Statutes, is amended to read:

2400 14.20195 Suicide Prevention Coordinating Council; creation;
2401 membership; duties.—There is created within the Statewide Office
2402 for Suicide Prevention a Suicide Prevention Coordinating
2403 Council. The council shall develop strategies for preventing
2404 suicide.

2405 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council
2406 shall consist of 28 voting members.

2407 (b) The following state officials or their designees shall
2408 serve on the coordinating council:

- 2409 1. The Secretary of Elderly Affairs.
- 2410 2. The State Surgeon General.
- 2411 3. The Commissioner of Education.
- 2412 4. The Secretary of Health Care Administration.
- 2413 5. The Secretary of Juvenile Justice.
- 2414 6. The Secretary of Corrections.
- 2415 7. The executive director of the Department of Law
2416 Enforcement.
- 2417 8. The executive director of the Department of Veterans'
2418 Affairs.
- 2419 9. The Secretary of Children and Family Services.



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2420 10. The executive director of the Department of Economic
2421 Opportunity Agency for Workforce Innovation.

2422 Section 38. Section 15.182, Florida Statutes, is amended to
2423 read:

2424 15.182 International travel by state-funded musical,
2425 cultural, or artistic organizations; notification to the
2426 Department of Economic Opportunity Office of Tourism, Trade, and
2427 Economic Development.—

2428 (1) If a musical, cultural, or artistic organization that
2429 receives state funding is traveling internationally for a
2430 presentation, performance, or other significant public viewing,
2431 including an organization associated with a college or
2432 university, such organization shall notify the Department of
2433 Economic Opportunity Office of Tourism, Trade, and Economic
2434 Development of its intentions to travel, together with the date,
2435 time, and location of each appearance.

2436 (2) The Department of Economic Opportunity Office of
2437 Tourism, Trade, and Economic Development, in conjunction with
2438 Enterprise Florida, Inc., shall act as an intermediary between
2439 performing musical, cultural, and artistic organizations and
2440 Florida businesses to encourage and coordinate joint
2441 undertakings. Such coordination may include, but is not limited
2442 to, encouraging business and industry to sponsor cultural
2443 events, assistance with travel of such organizations, and
2444 coordinating travel schedules of cultural performance groups and
2445 international trade missions.

2446 (3) An organization shall provide the notification to the
2447 Department of State required by this section at least 30 days
2448 before ~~prior to~~ the date the international travel is to commence



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2449 or, when an intention to travel internationally is not formed at
2450 least 30 days in advance of the date the travel is to commence,
2451 as soon as feasible after forming such travel intention. The
2452 Department of State shall take an active role in informing such
2453 groups of the responsibility to notify the department of travel
2454 intentions.

2455 Section 39. Paragraph (j) of subsection (1) of section
2456 16.615, Florida Statutes, is amended to read:

2457 16.615 Council on the Social Status of Black Men and Boys.—

2458 (1) The Council on the Social Status of Black Men and Boys
2459 is established within the Department of Legal Affairs and shall
2460 consist of 19 members appointed as follows:

2461 (j) The executive director of the Department of Economic
2462 Opportunity Agency for Workforce Innovation or his or her
2463 designee.

2464 Section 40. Paragraph (c) of subsection (3) of section
2465 17.61, Florida Statutes, is amended to read:

2466 17.61 Chief Financial Officer; powers and duties in the
2467 investment of certain funds.—

2468 (3)

2469 (c) Except as provided in this paragraph and except for
2470 moneys described in paragraph (d), the following agencies may
2471 not invest trust fund moneys as provided in this section, but
2472 shall retain such moneys in their respective trust funds for
2473 investment, with interest appropriated to the General Revenue
2474 Fund, pursuant to s. 17.57:

2475 1. The Agency for Health Care Administration, except for
2476 the Tobacco Settlement Trust Fund.

2477 2. The Agency for Persons with Disabilities, except for:



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- 2478 a. The Federal Grants Trust Fund.
- 2479 b. The Tobacco Settlement Trust Fund.
- 2480 3. The Department of Children and Family Services, except
- 2481 for:
- 2482 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
- 2483 b. The Social Services Block Grant Trust Fund.
- 2484 c. The Tobacco Settlement Trust Fund.
- 2485 d. The Working Capital Trust Fund.
- 2486 ~~4. The Department of Community Affairs, only for the~~
- 2487 ~~Operating Trust Fund.~~
- 2488 ~~4.5.~~ The Department of Corrections.
- 2489 ~~5.6.~~ The Department of Elderly Affairs, except for:
- 2490 a. The Federal Grants Trust Fund.
- 2491 b. The Tobacco Settlement Trust Fund.
- 2492 ~~6.7.~~ The Department of Health, except for:
- 2493 a. The Federal Grants Trust Fund.
- 2494 b. The Grants and Donations Trust Fund.
- 2495 c. The Maternal and Child Health Block Grant Trust Fund.
- 2496 d. The Tobacco Settlement Trust Fund.
- 2497 ~~7.8.~~ The Department of Highway Safety and Motor Vehicles,
- 2498 only for the Security Deposits Trust Fund.
- 2499 ~~8.9.~~ The Department of Juvenile Justice.
- 2500 ~~9.10.~~ The Department of Law Enforcement.
- 2501 ~~10.11.~~ The Department of Legal Affairs.
- 2502 ~~11.12.~~ The Department of State, only for:
- 2503 a. The Grants and Donations Trust Fund.
- 2504 b. The Records Management Trust Fund.
- 2505 ~~12.13.~~ The Department of Economic Opportunity ~~Executive~~
- 2506 ~~Office of the Governor~~, only for:



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2507 a. The Economic Development Transportation Trust Fund.
2508 b. The Economic Development Trust Fund.
2509 ~~13.14.~~ The Florida Public Service Commission, only for the
2510 Florida Public Service Regulatory Trust Fund.
2511 ~~14.15.~~ The Justice Administrative Commission.
2512 ~~15.16.~~ The state courts system.
2513 Section 41. Subsection (1) of section 20.181, Florida
2514 Statutes, is amended to read:
2515 20.181 Federal Grants Trust Fund.—
2516 (1) The Federal Grants Trust Fund is created within the
2517 Department of Economic Opportunity ~~Community Affairs~~.
2518 Section 42. Paragraph (a) of subsection (8) and paragraph
2519 (a) of subsection (9) of section 39.001, Florida Statutes, are
2520 amended to read:
2521 39.001 Purposes and intent; personnel standards and
2522 screening.—
2523 (8) PLAN FOR COMPREHENSIVE APPROACH.—
2524 (a) The office shall develop a state plan for the promotion
2525 of adoption, support of adoptive families, and prevention of
2526 abuse, abandonment, and neglect of children and shall submit the
2527 state plan to the Speaker of the House of Representatives, the
2528 President of the Senate, and the Governor no later than December
2529 31, 2008. The Department of Children and Family Services, the
2530 Department of Corrections, the Department of Education, the
2531 Department of Health, the Department of Juvenile Justice, the
2532 Department of Law Enforcement, and the Agency for Persons with
2533 Disabilities, ~~and the Agency for Workforce Innovation~~ shall
2534 participate and fully cooperate in the development of the state
2535 plan at both the state and local levels. Furthermore,



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2536 appropriate local agencies and organizations shall be provided
2537 an opportunity to participate in the development of the state
2538 plan at the local level. Appropriate local groups and
2539 organizations shall include, but not be limited to, community
2540 mental health centers; guardian ad litem programs for children
2541 under the circuit court; the school boards of the local school
2542 districts; the Florida local advocacy councils; community-based
2543 care lead agencies; private or public organizations or programs
2544 with recognized expertise in working with child abuse prevention
2545 programs for children and families; private or public
2546 organizations or programs with recognized expertise in working
2547 with children who are sexually abused, physically abused,
2548 emotionally abused, abandoned, or neglected and with expertise
2549 in working with the families of such children; private or public
2550 programs or organizations with expertise in maternal and infant
2551 health care; multidisciplinary child protection teams; child day
2552 care centers; law enforcement agencies; and the circuit courts,
2553 when guardian ad litem programs are not available in the local
2554 area. The state plan to be provided to the Legislature and the
2555 Governor shall include, as a minimum, the information required
2556 of the various groups in paragraph (b).

2557 (9) FUNDING AND SUBSEQUENT PLANS.—

2558 (a) All budget requests submitted by the office, the
2559 department, the Department of Health, the Department of
2560 Education, the Department of Juvenile Justice, the Department of
2561 Corrections, the Agency for Persons with Disabilities, ~~the~~
2562 ~~Agency for Workforce Innovation,~~ or any other agency to the
2563 Legislature for funding of efforts for the promotion of
2564 adoption, support of adoptive families, and prevention of child



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2565 abuse, abandonment, and neglect shall be based on the state plan
2566 developed pursuant to this section.

2567 Section 43. Paragraph (a) of subsection (7) of section
2568 45.031, Florida Statutes, is amended to read:

2569 45.031 Judicial sales procedure.—In any sale of real or
2570 personal property under an order or judgment, the procedures
2571 provided in this section and ss. 45.0315-45.035 may be followed
2572 as an alternative to any other sale procedure if so ordered by
2573 the court.

2574 (7) DISBURSEMENTS OF PROCEEDS.—

2575 (a) On filing a certificate of title, the clerk shall
2576 disburse the proceeds of the sale in accordance with the order
2577 or final judgment and shall file a report of such disbursements
2578 and serve a copy of it on each party, and on the Department of
2579 Revenue if the department was named as a defendant in the action
2580 or if the Department of Economic Opportunity or the former
2581 Agency for Workforce Innovation ~~or the former Department of~~
2582 ~~Labor and Employment Security~~ was named as a defendant while the
2583 Department of Revenue was providing unemployment tax collection
2584 services under contract with the Department of Economic
2585 Opportunity or the former Agency for Workforce Innovation
2586 through an interagency agreement pursuant to s. 443.1316.

2587 Section 44. Paragraph (a) of subsection (4) of section
2588 69.041, Florida Statutes, is amended to read:

2589 69.041 State named party; lien foreclosure, suit to quiet
2590 title.—

2591 (4) (a) The Department of Revenue has the right to
2592 participate in the disbursement of funds remaining in the
2593 registry of the court after distribution pursuant to s.



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2594 45.031(7). The department shall participate in accordance with
2595 applicable procedures in any mortgage foreclosure action in
2596 which the department has a duly filed tax warrant, or interests
2597 under a lien arising from a judgment, order, or decree for
2598 support, as defined in s. 409.2554, or interest in an
2599 unemployment compensation tax lien under contract with the
2600 Department of Economic Opportunity Agency for Workforce
2601 ~~Innovation~~ through an interagency agreement pursuant to s.
2602 443.1316, against the subject property and with the same
2603 priority, regardless of whether a default against the
2604 department, the Department of Economic Opportunity, or the
2605 former Agency for Workforce Innovation, or the former Department
2606 of Labor and Employment Security has been entered for failure to
2607 file an answer or other responsive pleading.

2608 Section 45. Paragraph (b) of subsection (4) of section
2609 112.63, Florida Statutes, is amended to read:

2610 112.63 Actuarial reports and statements of actuarial
2611 impact; review.—

2612 (4) Upon receipt, pursuant to subsection (2), of an
2613 actuarial report, or upon receipt, pursuant to subsection (3),
2614 of a statement of actuarial impact, the Department of Management
2615 Services shall acknowledge such receipt, but shall only review
2616 and comment on each retirement system's or plan's actuarial
2617 valuations at least on a triennial basis. If the department
2618 finds that the actuarial valuation is not complete, accurate, or
2619 based on reasonable assumptions or otherwise materially fails to
2620 satisfy the requirements of this part, if the department
2621 requires additional material information necessary to complete
2622 its review of the actuarial valuation of a system or plan or



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2623 material information necessary to satisfy the duties of the
2624 department pursuant to s. 112.665(1), or if the department does
2625 not receive the actuarial report or statement of actuarial
2626 impact, the department shall notify the administrator of the
2627 affected retirement system or plan and the affected governmental
2628 entity and request appropriate adjustment, the additional
2629 material information, or the required report or statement. The
2630 notification must inform the administrator of the affected
2631 retirement system or plan and the affected governmental entity
2632 of the consequences for failure to comply with the requirements
2633 of this subsection. If, after a reasonable period of time, a
2634 satisfactory adjustment is not made or the report, statement, or
2635 additional material information is not provided, the department
2636 may notify the Department of Revenue and the Department of
2637 Financial Services of such noncompliance, in which case the
2638 Department of Revenue and the Department of Financial Services
2639 shall withhold any funds not pledged for satisfaction of bond
2640 debt service which are payable to the affected governmental
2641 entity until the adjustment is made or the report, statement, or
2642 additional material information is provided to the department.
2643 The department shall specify the date such action is to begin,
2644 and notification by the department must be received by the
2645 Department of Revenue, the Department of Financial Services, and
2646 the affected governmental entity 30 days before the date the
2647 action begins.

2648 (b) In the case of an affected special district, the
2649 Department of Management Services shall also notify the
2650 Department of Economic Opportunity ~~Community Affairs~~. Upon
2651 receipt of notification, the Department of Economic Opportunity



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2652 ~~Community Affairs~~ shall proceed pursuant to the provisions of s.
2653 189.421 with regard to the special district.

2654 Section 46. Paragraph (e) of subsection (1) of section
2655 112.665, Florida Statutes, is amended to read:

2656 112.665 Duties of Department of Management Services.—

2657 (1) The Department of Management Services shall:

2658 (e) Issue, by January 1 annually, a report to the Special
2659 District Information Program of the Department of Economic
2660 Opportunity ~~Community Affairs~~ that includes the participation in
2661 and compliance of special districts with the local government
2662 retirement system provisions in s. 112.63 and the state-
2663 administered retirement system provisions as specified in part I
2664 of chapter 121; and

2665 Section 47. Subsection (3) of section 112.3135, Florida
2666 Statutes, is amended to read:

2667 112.3135 Restriction on employment of relatives.—

2668 (3) An agency may prescribe regulations authorizing the
2669 temporary employment, in the event of an emergency as defined in
2670 s. 252.34(3), of individuals whose employment would be otherwise
2671 prohibited by this section.

2672 Section 48. Paragraph (d) of subsection (2) and paragraph
2673 (f) of subsection (5) of section 119.071, Florida Statutes, are
2674 amended to read:

2675 119.071 General exemptions from inspection or copying of
2676 public records.—

2677 (2) AGENCY INVESTIGATIONS.—

2678 (d) Any information revealing surveillance techniques or
2679 procedures or personnel is exempt from s. 119.07(1) and s.
2680 24(a), Art. I of the State Constitution. Any comprehensive



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2681 inventory of state and local law enforcement resources compiled
2682 pursuant to part I, chapter 23, and any comprehensive policies
2683 or plans compiled by a criminal justice agency pertaining to the
2684 mobilization, deployment, or tactical operations involved in
2685 responding to an emergency ~~emergencies~~, as defined in s.
2686 252.34~~(3)~~, are exempt from s. 119.07(1) and s. 24(a), Art. I of
2687 the State Constitution and unavailable for inspection, except by
2688 personnel authorized by a state or local law enforcement agency,
2689 the office of the Governor, the Department of Legal Affairs, the
2690 Department of Law Enforcement, or the Division of Emergency
2691 Management ~~the Department of Community Affairs~~ as having an
2692 official need for access to the inventory or comprehensive
2693 policies or plans.

2694 (5) OTHER PERSONAL INFORMATION.—

2695 (f) Medical history records and information related to
2696 health or property insurance provided to the Department of
2697 Economic Opportunity ~~Community Affairs~~, the Florida Housing
2698 Finance Corporation, a county, a municipality, or a local
2699 housing finance agency by an applicant for or a participant in a
2700 federal, state, or local housing assistance program are
2701 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2702 of the State Constitution. Governmental entities or their agents
2703 shall have access to such confidential and exempt records and
2704 information for the purpose of auditing federal, state, or local
2705 housing programs or housing assistance programs. Such
2706 confidential and exempt records and information may be used in
2707 any administrative or judicial proceeding, provided such records
2708 are kept confidential and exempt unless otherwise ordered by a
2709 court.



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2710 Section 49. Paragraph (b) of subsection (3) of section
2711 120.54, Florida Statutes, as amended by chapter 2010-279, Laws
2712 of Florida, is amended to read:

2713 120.54 Rulemaking.—

2714 (3) ADOPTION PROCEDURES.—

2715 (b) Special matters to be considered in rule adoption.—

2716 1. Statement of estimated regulatory costs.—~~Before~~ Prior to
2717 the adoption, amendment, or repeal of any rule other than an
2718 emergency rule, an agency is encouraged to prepare a statement
2719 of estimated regulatory costs of the proposed rule, as provided
2720 by s. 120.541. However, an agency must prepare a statement of
2721 estimated regulatory costs of the proposed rule, as provided by
2722 s. 120.541, if:

2723 a. The proposed rule will have an adverse impact on small
2724 business; or

2725 b. The proposed rule is likely to directly or indirectly
2726 increase regulatory costs in excess of \$200,000 in the aggregate
2727 in this state within 1 year after the implementation of the
2728 rule.

2729 2. Small businesses, small counties, and small cities.—

2730 a. Each agency, before the adoption, amendment, or repeal
2731 of a rule, shall consider the impact of the rule on small
2732 businesses as defined by s. 288.703 and the impact of the rule
2733 on small counties or small cities as defined by s. 120.52.
2734 Whenever practicable, an agency shall tier its rules to reduce
2735 disproportionate impacts on small businesses, small counties, or
2736 small cities to avoid regulating small businesses, small
2737 counties, or small cities that do not contribute significantly
2738 to the problem the rule is designed to address. An agency may



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2739 define "small business" to include businesses employing more
2740 than 200 persons, may define "small county" to include those
2741 with populations of more than 75,000, and may define "small
2742 city" to include those with populations of more than 10,000, if
2743 it finds that such a definition is necessary to adapt a rule to
2744 the needs and problems of small businesses, small counties, or
2745 small cities. The agency shall consider each of the following
2746 methods for reducing the impact of the proposed rule on small
2747 businesses, small counties, and small cities, or any combination
2748 of these entities:

2749 (I) Establishing less stringent compliance or reporting
2750 requirements in the rule.

2751 (II) Establishing less stringent schedules or deadlines in
2752 the rule for compliance or reporting requirements.

2753 (III) Consolidating or simplifying the rule's compliance or
2754 reporting requirements.

2755 (IV) Establishing performance standards or best management
2756 practices to replace design or operational standards in the
2757 rule.

2758 (V) Exempting small businesses, small counties, or small
2759 cities from any or all requirements of the rule.

2760 b.(I) If the agency determines that the proposed action
2761 will affect small businesses as defined by the agency as
2762 provided in sub-subparagraph a., the agency shall send written
2763 notice of the rule to the Small Business Regulatory Advisory
2764 Council and the Department of Economic Opportunity at least
2765 ~~Office of Tourism, Trade, and Economic Development not less than~~
2766 28 days before ~~prior to~~ the intended action.

2767 (II) Each agency shall adopt those regulatory alternatives



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2768 offered by the Small Business Regulatory Advisory Council and
2769 provided to the agency no later than 21 days after the council's
2770 receipt of the written notice of the rule which it finds are
2771 feasible and consistent with the stated objectives of the
2772 proposed rule and which would reduce the impact on small
2773 businesses. When regulatory alternatives are offered by the
2774 Small Business Regulatory Advisory Council, the 90-day period
2775 for filing the rule in subparagraph (e)2. is extended for a
2776 period of 21 days.

2777 (III) If an agency does not adopt all alternatives offered
2778 pursuant to this sub-subparagraph, it shall, before ~~prior to~~
2779 rule adoption or amendment and pursuant to subparagraph (d)1.,
2780 file a detailed written statement with the committee explaining
2781 the reasons for failure to adopt such alternatives. Within 3
2782 working days after ~~of~~ the filing of such notice, the agency
2783 shall send a copy of such notice to the Small Business
2784 Regulatory Advisory Council. The Small Business Regulatory
2785 Advisory Council may make a request of the President of the
2786 Senate and the Speaker of the House of Representatives that the
2787 presiding officers direct the Office of Program Policy Analysis
2788 and Government Accountability to determine whether the rejected
2789 alternatives reduce the impact on small business while meeting
2790 the stated objectives of the proposed rule. Within 60 days after
2791 the date of the directive from the presiding officers, the
2792 Office of Program Policy Analysis and Government Accountability
2793 shall report to the Administrative Procedures Committee its
2794 findings as to whether an alternative reduces the impact on
2795 small business while meeting the stated objectives of the
2796 proposed rule. The Office of Program Policy Analysis and



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2797 Government Accountability shall consider the proposed rule, the
2798 economic impact statement, the written statement of the agency,
2799 the proposed alternatives, and any comment submitted during the
2800 comment period on the proposed rule. The Office of Program
2801 Policy Analysis and Government Accountability shall submit a
2802 report of its findings and recommendations to the Governor, the
2803 President of the Senate, and the Speaker of the House of
2804 Representatives. The Administrative Procedures Committee shall
2805 report such findings to the agency, and the agency shall respond
2806 in writing to the Administrative Procedures Committee if the
2807 Office of Program Policy Analysis and Government Accountability
2808 found that the alternative reduced the impact on small business
2809 while meeting the stated objectives of the proposed rule. If the
2810 agency will not adopt the alternative, it must also provide a
2811 detailed written statement to the committee as to why it will
2812 not adopt the alternative.

2813 Section 50. Subsection (10) of section 120.80, Florida
2814 Statutes, is amended to read:

2815 120.80 Exceptions and special requirements; agencies.—

2816 (10) DEPARTMENT OF ECONOMIC OPPORTUNITY ~~AGENCY FOR~~
2817 ~~WORKFORCE INNOVATION.~~—

2818 (a) Notwithstanding s. 120.54, the rulemaking provisions of
2819 this chapter do not apply to unemployment appeals referees.

2820 (b) Notwithstanding s. 120.54(5), the uniform rules of
2821 procedure do not apply to appeal proceedings conducted under
2822 chapter 443 by the Unemployment Appeals Commission, special
2823 deputies, or unemployment appeals referees.

2824 (c) Notwithstanding s. 120.57(1)(a), hearings under chapter
2825 443 may not be conducted by an administrative law judge assigned



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2826 by the division, but instead shall be conducted by the
2827 Unemployment Appeals Commission in unemployment compensation
2828 appeals, unemployment appeals referees, and the Department of
2829 Economic Opportunity Agency for Workforce Innovation or its
2830 special deputies under s. 443.141.

2831 Section 51. Subsections (4) and (5) of section 125.045,
2832 Florida Statutes, are amended to read:

2833 125.045 County economic development powers.—

2834 (4) A contract between the governing body of a county or
2835 other entity engaged in economic development activities on
2836 behalf of the county and an economic development agency must
2837 require the agency or entity receiving county funds to submit a
2838 report to the governing body of the county detailing how county
2839 funds were spent and detailing the results of the economic
2840 development agency's or entity's efforts on behalf of the
2841 county. By January 15, 2011, and annually thereafter, the county
2842 must file a copy of the report with the Office of Economic and
2843 Demographic Research Legislative Committee on Intergovernmental
2844 Relations or its successor entity and post a copy of the report
2845 on the county's website.

2846 (5) (a) By January 15, 2011, and annually thereafter, each
2847 county shall report to the Office of Economic and Demographic
2848 Research Legislative Committee on Intergovernmental Relations or
2849 its successor entity the economic development incentives in
2850 excess of \$25,000 given to any business during the county's
2851 previous fiscal year. The Office of Economic and Demographic
2852 Research Legislative Committee on Intergovernmental Relations or
2853 its successor entity shall compile the information from the
2854 counties into a report and provide the report to the Department



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2855 ~~of Economic Opportunity Office of Tourism, Trade, and Economic~~
2856 ~~Development.~~ Economic development incentives include:

2857 1. Direct financial incentives of monetary assistance
2858 provided to a business from the county or through an
2859 organization authorized by the county. Such incentives include,
2860 but are not limited to, grants, loans, equity investments, loan
2861 insurance and guarantees, and training subsidies.

2862 2. Indirect incentives in the form of grants and loans
2863 provided to businesses and community organizations that provide
2864 support to businesses or promote business investment or
2865 development.

2866 3. Fee-based or tax-based incentives, including, but not
2867 limited to, credits, refunds, exemptions, and property tax
2868 abatement or assessment reductions.

2869 4. Below-market rate leases or deeds for real property.

2870 (b) A county shall report its economic development
2871 incentives in the format specified by the Office of Economic and
2872 Demographic Research Legislative Committee on Intergovernmental
2873 Relations or its successor entity.

2874 (c) The Office of Economic and Demographic Research
2875 Legislative Committee on Intergovernmental Relations or its
2876 successor entity shall compile the economic development
2877 incentives provided by each county in a manner that shows the
2878 total of each class of economic development incentives provided
2879 by each county and all counties.

2880 Section 52. Subsection (11) of section 159.803, Florida
2881 Statutes, is amended to read:

2882 159.803 Definitions.—As used in this part, the term:

2883 (11) "Florida First Business project" means any project



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2884 which is certified by the Department of Economic Opportunity
2885 ~~Office of Tourism, Trade, and Economic Development~~ as eligible
2886 to receive an allocation from the Florida First Business
2887 allocation pool established pursuant to s. 159.8083. The
2888 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
2889 ~~Economic Development~~ may certify those projects meeting the
2890 criteria set forth in s. 288.106(4) (b) or any project providing
2891 a substantial economic benefit to this state.

2892 Section 53. Paragraph (a) of subsection (2) of section
2893 159.8081, Florida Statutes, is amended to read:

2894 159.8081 Manufacturing facility bond pool.-

2895 (2) (a) The first 75 percent of this pool shall be available
2896 on a first come, first served basis, except that 15 percent of
2897 the state volume limitation allocated to this pool shall be
2898 available as provided in paragraph (b). Before ~~Prior to~~ issuing
2899 any written confirmations for the remaining 25 percent of this
2900 pool, the executive director shall forward all notices of intent
2901 to issue which are received by the division for manufacturing
2902 facility projects to the Department of Economic Opportunity
2903 ~~Office of Tourism, Trade, and Economic Development~~. The
2904 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
2905 ~~Economic Development~~ and the ~~Department of Community Affairs~~
2906 shall decide, after receipt of the notices of intent to issue,
2907 which notices will receive written confirmations. Such decision
2908 shall be communicated in writing by the Department of Economic
2909 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
2910 to the executive director within 10 days of receipt of such
2911 notices of intent to issue. The Department of Economic
2912 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~



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2913 ~~in consultation with the Department of Community Affairs,~~ may
2914 develop rules to ensure that allocation of the remaining 25
2915 percent is consistent with the state's economic development
2916 policy.

2917 Section 54. Section 159.8083, Florida Statutes, is amended
2918 to read:

2919 159.8083 Florida First Business allocation pool.—The
2920 Florida First Business allocation pool is hereby established.
2921 The Florida First Business allocation pool shall be available
2922 solely to provide written confirmation for private activity
2923 bonds to finance Florida First Business projects certified by
2924 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
2925 ~~and Economic Development~~ as eligible to receive a written
2926 confirmation. Allocations from such pool shall be awarded
2927 statewide pursuant to procedures specified in s. 159.805, except
2928 that the provisions of s. 159.805(2), (3), and (6) do not apply.
2929 Florida First Business projects that are eligible for a
2930 carryforward do ~~shall~~ not lose their allocation pursuant to s.
2931 159.809(3) on October 1, or pursuant to s. 159.809(4) on
2932 November 16, if they have applied for and have been granted a
2933 carryforward by the division pursuant to s. 159.81(1). In
2934 issuing written confirmations of allocations for Florida First
2935 Business projects, the division shall use the Florida First
2936 Business allocation pool. If allocation is not available from
2937 the Florida First Business allocation pool, the division shall
2938 issue written confirmations of allocations for Florida First
2939 Business projects pursuant to s. 159.806 or s. 159.807, in such
2940 order. For the purpose of determining priority within a regional
2941 allocation pool or the state allocation pool, notices of intent



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2942 to issue bonds for Florida First Business projects to be issued
2943 from a regional allocation pool or the state allocation pool
2944 shall be considered to have been received by the division at the
2945 time it is determined by the division that the Florida First
2946 Business allocation pool is unavailable to issue confirmation
2947 for such Florida First Business project. If the total amount
2948 requested in notices of intent to issue private activity bonds
2949 for Florida First Business projects exceeds the total amount of
2950 the Florida First Business allocation pool, the director shall
2951 forward all timely notices of intent to issue, which are
2952 received by the division for such projects, to the Department of
2953 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
2954 ~~Development~~ which shall render a decision as to which notices of
2955 intent to issue are to receive written confirmations. The
2956 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
2957 ~~Economic Development~~, in consultation with the division, shall
2958 develop rules to ensure that the allocation provided in such
2959 pool is available solely to provide written confirmations for
2960 private activity bonds to finance Florida First Business
2961 projects and that such projects are feasible and financially
2962 solvent.

2963 Section 55. Subsection (3) of section 159.809, Florida
2964 Statutes, is amended to read:

2965 159.809 Recapture of unused amounts.—

2966 (3) On October 1 of each year, any portion of the
2967 allocation made to the Florida First Business allocation pool
2968 pursuant to s. 159.804(5), ~~or~~ subsection (1), or subsection (2),
2969 which is eligible for carryforward pursuant to s. 146(f) of the
2970 Code but which has not been certified for carryforward by the



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2971 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
2972 ~~Economic Development~~, shall be returned to the Florida First
2973 Business allocation pool.

2974 Section 56. Subsection (4) of section 161.142, Florida
2975 Statutes, is amended to read:

2976 161.142 Declaration of public policy relating to improved
2977 navigation inlets.—The Legislature recognizes the need for
2978 maintaining navigation inlets to promote commercial and
2979 recreational uses of our coastal waters and their resources. The
2980 Legislature further recognizes that inlets interrupt or alter
2981 the natural drift of beach-quality sand resources, which often
2982 results in these sand resources being deposited in nearshore
2983 areas or in the inlet channel, or in the inland waterway
2984 adjacent to the inlet, instead of providing natural nourishment
2985 to the adjacent eroding beaches. Accordingly, the Legislature
2986 finds it is in the public interest to replicate the natural
2987 drift of sand which is interrupted or altered by inlets to be
2988 replaced and for each level of government to undertake all
2989 reasonable efforts to maximize inlet sand bypassing to ensure
2990 that beach-quality sand is placed on adjacent eroding beaches.
2991 Such activities cannot make up for the historical sand deficits
2992 caused by inlets but shall be designed to balance the sediment
2993 budget of the inlet and adjacent beaches and extend the life of
2994 proximate beach-restoration projects so that periodic
2995 nourishment is needed less frequently. Therefore, in furtherance
2996 of this declaration of public policy and the Legislature's
2997 intent to redirect and recommit the state's comprehensive beach
2998 management efforts to address the beach erosion caused by
2999 inlets, the department shall ensure that:



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3000 (4) The provisions of subsections (1) and (2) shall not be
3001 a requirement imposed upon ports listed in s. 403.021(9)(b);
3002 however, such ports must demonstrate reasonable effort to place
3003 beach-quality sand from construction and maintenance dredging
3004 and port-development projects on adjacent eroding beaches in
3005 accordance with port master plans approved by the Department of
3006 Economic Opportunity ~~Community Affairs~~, and permits approved and
3007 issued by the department, to ensure compliance with this
3008 section. Ports may sponsor or cosponsor inlet management
3009 projects that are fully eligible for state cost sharing.

3010 Section 57. Subsection (10) of section 161.54, Florida
3011 Statutes, is amended to read:

3012 161.54 Definitions.—In construing ss. 161.52-161.58:

3013 (10) "State land planning agency" means the Department of
3014 Economic Opportunity ~~Community Affairs~~.

3015 Section 58. Subsection (1) of section 175.021, Florida
3016 Statutes, is amended to read:

3017 175.021 Legislative declaration.—

3018 (1) It is hereby declared by the Legislature that
3019 firefighters, ~~as hereinafter defined~~, perform state and
3020 municipal functions; that it is their duty to extinguish fires,
3021 to protect life, and to protect property at their own risk and
3022 peril; that it is their duty to prevent conflagration and to
3023 continuously instruct school personnel, public officials, and
3024 private citizens in the prevention of fires and firesafety; that
3025 they protect both life and property from local emergencies as
3026 defined in s. 252.34(3); and that their activities are vital to
3027 the public safety. It is further declared that firefighters
3028 employed by special fire control districts serve under the same



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3029 circumstances and perform the same duties as firefighters
3030 employed by municipalities and should therefore be entitled to
3031 the benefits available under this chapter. Therefore, the
3032 Legislature declares that it is a proper and legitimate state
3033 purpose to provide a uniform retirement system for the benefit
3034 of firefighters ~~as hereinafter defined~~ and intends, in
3035 implementing the provisions of s. 14, Art. X of the State
3036 Constitution as they relate to municipal and special district
3037 firefighters' pension trust fund systems and plans, that such
3038 retirement systems or plans be managed, administered, operated,
3039 and funded in such manner as to maximize the protection of the
3040 firefighters' pension trust funds. Pursuant to s. 18, Art. VII
3041 of the State Constitution, the Legislature hereby determines and
3042 declares that ~~the provisions of~~ this act fulfill an important
3043 state interest.

3044 Section 59. Subsection (20) of section 163.3164, Florida
3045 Statutes, is amended to read:

3046 163.3164 Local Government Comprehensive Planning and Land
3047 Development Regulation Act; definitions.—As used in this act:

3048 (20) "State land planning agency" means the Department of
3049 Economic Opportunity ~~Community Affairs~~.

3050 Section 60. Paragraphs (d) and (e) of subsection (9) of
3051 section 166.021, Florida Statutes, are amended to read:

3052 166.021 Powers.—

3053 (9)

3054 (d) A contract between the governing body of a municipality
3055 or other entity engaged in economic development activities on
3056 behalf of the municipality and an economic development agency
3057 must require the agency or entity receiving municipal funds to



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3058 submit a report to the governing body of the municipality
3059 detailing how the municipal funds are spent and detailing the
3060 results of the economic development agency's or entity's efforts
3061 on behalf of the municipality. By January 15, 2011, and annually
3062 thereafter, the municipality shall file a copy of the report
3063 with the Office of Economic and Demographic Research ~~Legislative~~
3064 ~~Committee on Intergovernmental Relations or its successor entity~~
3065 and post a copy of the report on the municipality's website.

3066 (e)1. By January 15, 2011, and annually thereafter
3067 ~~therafter~~, each municipality having annual revenues or
3068 expenditures greater than \$250,000 shall report to the Office of
3069 Economic Demographic Research ~~Legislative Committee on~~
3070 ~~Intergovernmental Relations or its successor entity~~ the economic
3071 development incentives in excess of \$25,000 given to any
3072 business during the municipality's previous fiscal year. The
3073 Office of Economic and Demographic Research ~~Legislative~~
3074 ~~Committee on Intergovernmental Relations or its successor entity~~
3075 shall compile the information from the municipalities into a
3076 report and provide the report to the Department of Economic
3077 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

3078 Economic development incentives include:

3079 a. Direct financial incentives of monetary assistance
3080 provided to a business from the municipality or through an
3081 organization authorized by the municipality. Such incentives
3082 include, but are not limited to, grants, loans, equity
3083 investments, loan insurance and guarantees, and training
3084 subsidies.

3085 b. Indirect incentives in the form of grants and loans
3086 provided to businesses and community organizations that provide



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3087 support to businesses or promote business investment or
3088 development.

3089 c. Fee-based or tax-based incentives, including, but not
3090 limited to, credits, refunds, exemptions, and property tax
3091 abatement or assessment reductions.

3092 d. Below-market rate leases or deeds for real property.

3093 2. A municipality shall report its economic development
3094 incentives in the format specified by the Office of Economic and
3095 Demographic Research ~~Legislative Committee on Intergovernmental~~
3096 ~~Relations or its successor entity~~.

3097 3. The Office of Economic and Demographic Research
3098 ~~Legislative Committee on Intergovernmental Relations or its~~
3099 ~~successor entity~~ shall compile the economic development
3100 incentives provided by each municipality in a manner that shows
3101 the total of each class of economic development incentives
3102 provided by each municipality and all municipalities.

3103 Section 61. Subsection (1) of section 171.204, Florida
3104 Statutes, is amended to read:

3105 171.204 Prerequisites to annexation under this part.—The
3106 interlocal service boundary agreement may describe the character
3107 of land that may be annexed under this part and may provide that
3108 the restrictions on the character of land that may be annexed
3109 pursuant to part I are not restrictions on land that may be
3110 annexed pursuant to this part. As determined in the interlocal
3111 service boundary agreement, any character of land may be
3112 annexed, including, but not limited to, an annexation of land
3113 not contiguous to the boundaries of the annexing municipality,
3114 an annexation that creates an enclave, or an annexation where
3115 the annexed area is not reasonably compact; however, such area



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3116 must be "urban in character" as defined in s. 171.031(8). The
3117 interlocal service boundary agreement may not allow for
3118 annexation of land within a municipality that is not a party to
3119 the agreement or of land that is within another county. Before
3120 annexation of land that is not contiguous to the boundaries of
3121 the annexing municipality, an annexation that creates an
3122 enclave, or an annexation of land that is not currently served
3123 by water or sewer utilities, one of the following options must
3124 be followed:

3125 (1) The municipality shall transmit a comprehensive plan
3126 amendment that proposes specific amendments relating to the
3127 property anticipated for annexation to the Department of
3128 Economic Opportunity ~~Community Affairs~~ for review under chapter
3129 163. After considering the department's review, the municipality
3130 may approve the annexation and comprehensive plan amendment
3131 concurrently. The local government must adopt the annexation and
3132 the comprehensive plan amendment as separate and distinct
3133 actions but may take such actions at a single public hearing; or

3134 Section 62. Paragraph (c) of subsection (4) of section
3135 186.504, Florida Statutes, is amended to read:

3136 186.504 Regional planning councils; creation; membership.—

3137 (4) In addition to voting members appointed pursuant to
3138 paragraph (2)(c), the Governor shall appoint the following ex
3139 officio nonvoting members to each regional planning council:

3140 (c) A representative nominated by the Department of
3141 Economic Opportunity ~~Enterprise Florida, Inc., and the Office of~~
3142 ~~Tourism, Trade, and Economic Development.~~

3143
3144 The Governor may also appoint ex officio nonvoting members



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3145 representing appropriate metropolitan planning organizations and
3146 regional water supply authorities.

3147 Section 63. Subsection (11) of section 186.505, Florida
3148 Statutes, is amended to read:

3149 186.505 Regional planning councils; powers and duties.—Any
3150 regional planning council created hereunder shall have the
3151 following powers:

3152 (11) To cooperate, in the exercise of its planning
3153 functions, with federal and state agencies in planning for
3154 emergency management as defined in ~~under~~ s. 252.34(4).

3155 Section 64. Subsection (4) of section 189.403, Florida
3156 Statutes, is amended to read:

3157 189.403 Definitions.—As used in this chapter, the term:

3158 (4) "Department" means the Department of Economic
3159 Opportunity Community Affairs.

3160 Section 65. Section 189.412, Florida Statutes, is amended
3161 to read:

3162 189.412 Special District Information Program; duties and
3163 responsibilities.—The Special District Information Program of
3164 the department of Economic Opportunity Community Affairs is
3165 created and has the following special duties:

3166 (1) The collection and maintenance of special district
3167 noncompliance status reports from the Department of Management
3168 Services, the Department of Financial Services, the Division of
3169 Bond Finance of the State Board of Administration, and the
3170 Auditor General for the reporting required in ss. 112.63,
3171 218.32, 218.38, and 218.39. The noncompliance reports must list
3172 those special districts that did not comply with the statutory
3173 reporting requirements.



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3174 (2) The maintenance of a master list of independent and
3175 dependent special districts which shall be available on the
3176 department's website.

3177 (3) The publishing and updating of a "Florida Special
3178 District Handbook" that contains, at a minimum:

3179 (a) A section that specifies definitions of special
3180 districts and status distinctions in the statutes.

3181 (b) A section or sections that specify current statutory
3182 provisions for special district creation, implementation,
3183 modification, dissolution, and operating procedures.

3184 (c) A section that summarizes the reporting requirements
3185 applicable to all types of special districts as provided in ss.
3186 189.417 and 189.418.

3187 (4) When feasible, securing and maintaining access to
3188 special district information collected by all state agencies in
3189 existing or newly created state computer systems.

3190 (5) The facilitation of coordination and communication
3191 among state agencies regarding special district information.

3192 (6) The conduct of studies relevant to special districts.

3193 (7) The provision of assistance related to and appropriate
3194 in the performance of requirements specified in this chapter,
3195 including assisting with an annual conference sponsored by the
3196 Florida Association of Special Districts or its successor.

3197 (8) Providing assistance to local general-purpose
3198 governments and certain state agencies in collecting delinquent
3199 reports or information, helping special districts comply with
3200 reporting requirements, declaring special districts inactive
3201 when appropriate, and, when directed by the Legislative Auditing
3202 Committee, initiating enforcement provisions as provided in ss.



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3203 189.4044, 189.419, and 189.421.

3204 Section 66. Section 189.413, Florida Statutes, is amended
3205 to read:

3206 189.413 Special districts; oversight of state funds use.—
3207 Any state agency administering funding programs for which
3208 special districts are eligible shall be responsible for
3209 oversight of the use of such funds by special districts. The
3210 oversight responsibilities shall include, but not be limited to:

3211 (1) Reporting the existence of the program to the Special
3212 District Information Program of the department ~~of Community~~
3213 ~~Affairs~~.

3214 (2) Submitting annually a list of special districts
3215 participating in a state funding program to the Special District
3216 Information Program of the department ~~of Community Affairs~~. This
3217 list must indicate the special districts, if any, that are not
3218 in compliance with state funding program requirements.

3219 Section 67. Section 189.425, Florida Statutes, is amended
3220 to read:

3221 189.425 Rulemaking authority.—The department ~~of Community~~
3222 ~~Affairs~~ may adopt rules to implement the provisions of this
3223 chapter.

3224 Section 68. Section 189.427, Florida Statutes, is amended
3225 to read:

3226 189.427 Fee schedule; Grants and Donations Operating Trust
3227 Fund.—The Department of Economic Opportunity ~~Community Affairs~~,
3228 by rule, shall establish a schedule of fees to pay one-half of
3229 the costs incurred by the department in administering this act,
3230 except that the fee may not exceed \$175 per district per year.
3231 The fees collected under this section shall be deposited in the



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3232 Grants and Donations ~~Operating~~ Trust Fund, which shall be
3233 administered by the Department of Economic Opportunity ~~Community~~
3234 ~~Affairs~~. Any fee rule must consider factors such as the
3235 dependent and independent status of the district and district
3236 revenues for the most recent fiscal year as reported to the
3237 Department of Financial Services. The department may assess
3238 fines of not more than \$25, with an aggregate total not to
3239 exceed \$50, as penalties against special districts that fail to
3240 remit required fees to the department. It is the intent of the
3241 Legislature that general revenue funds will be made available to
3242 the department to pay one-half of the cost of administering this
3243 act.

3244 Section 69. Subsection (1) of section 189.4034, Florida
3245 Statutes, is amended to read:

3246 189.4035 Preparation of official list of special
3247 districts.—

3248 (1) The Department of Economic Opportunity ~~Community~~
3249 ~~Affairs~~ shall compile the official list of special districts.
3250 The official list of special districts shall include all special
3251 districts in this state and shall indicate the independent or
3252 dependent status of each district. All special districts in the
3253 list shall be sorted by county. The definitions in s. 189.403
3254 shall be the criteria for determination of the independent or
3255 dependent status of each special district on the official list.
3256 The status of community development districts shall be
3257 independent on the official list of special districts.

3258 Section 70. Subsection (2) of section 190.009, Florida
3259 Statutes, is amended to read:

3260 190.009 Disclosure of public financing.—



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3261 (2) The Department of Economic Opportunity Community
3262 ~~Affairs~~ shall keep a current list of districts and their
3263 disclosures pursuant to this act and shall make such studies and
3264 reports and take such actions as it deems necessary.

3265 Section 71. Section 190.047, Florida Statutes, is amended
3266 to read:

3267 190.047 Incorporation or annexation of district.—

3268 (1) Upon attaining the population standards for
3269 incorporation contained in s. 165.061 and as determined by the
3270 Department of Economic Opportunity Community ~~Affairs~~, any
3271 district wholly contained within the unincorporated area of a
3272 county that also meets the other requirements for incorporation
3273 contained in s. 165.061 shall hold a referendum at a general
3274 election on the question of whether to incorporate. However, any
3275 district contiguous to the boundary of a municipality may be
3276 annexed to such municipality pursuant to the provisions of
3277 chapter 171.

3278 (2) The Department of Economic Opportunity Community
3279 ~~Affairs~~ shall annually monitor the status of the district for
3280 purposes of carrying out the provisions of this section.

3281 Section 72. Subsection (1) of section 191.009, Florida
3282 Statutes, is amended to read:

3283 191.009 Taxes; non-ad valorem assessments; impact fees and
3284 user charges.—

3285 (1) AD VALOREM TAXES.—An elected board may levy and assess
3286 ad valorem taxes on all taxable property in the district to
3287 construct, operate, and maintain district facilities and
3288 services, to pay the principal of, and interest on, general
3289 obligation bonds of the district, and to provide for any sinking



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3290 or other funds established in connection with such bonds. An ad
3291 valorem tax levied by the board for operating purposes,
3292 exclusive of debt service on bonds, may not exceed 3.75 mills
3293 unless a higher amount has been previously authorized by law,
3294 subject to a referendum as required by the State Constitution
3295 and this act. The ballot question on such referendum shall state
3296 the currently authorized millage rate and the year of its
3297 approval by referendum. The levy of ad valorem taxes pursuant to
3298 this section must be approved by referendum called by the board
3299 when the proposed levy of ad valorem taxes exceeds the amount
3300 authorized by prior special act, general law of local
3301 application, or county ordinance approved by referendum. Nothing
3302 in this act shall require a referendum on the levy of ad valorem
3303 taxes in an amount previously authorized by special act, general
3304 law of local application, or county ordinance approved by
3305 referendum. Such tax shall be assessed, levied, and collected in
3306 the same manner as county taxes. The levy of ad valorem taxes
3307 approved by referendum shall be reported within 60 days after
3308 the vote to the Department of Economic Opportunity Community
3309 Affairs.

3310 Section 73. Section 191.015, Florida Statutes, is amended
3311 to read:

3312 191.015 Codification.—Each fire control district existing
3313 on the effective date of this section, by December 1, 2004,
3314 shall submit to the Legislature a draft codified charter, at its
3315 expense, so that its special acts may be codified into a single
3316 act for reenactment by the Legislature, if there is more than
3317 one special act for the district. The Legislature may adopt a
3318 schedule for individual district codification. Any codified act



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3319 relating to a district, which act is submitted to the
3320 Legislature for reenactment, shall provide for the repeal of all
3321 prior special acts of the Legislature relating to the district.
3322 The codified act shall be filed with the Department of Economic
3323 Opportunity ~~Community Affairs~~ pursuant to s. 189.418(2).

3324 Section 74. Paragraph (a) of subsection (1) of section
3325 202.37, Florida Statutes, is amended to read:

3326 202.37 Special rules for administration of local
3327 communications services tax.—

3328 (1) (a) Except as otherwise provided in this section, all
3329 statutory provisions and administrative rules applicable to the
3330 communications services tax imposed by s. 202.12 apply to any
3331 local communications services tax imposed under s. 202.19, and
3332 the department shall administer, collect, and enforce all taxes
3333 imposed under s. 202.19, including interest and penalties
3334 attributable thereto, in accordance with the same procedures
3335 used in the administration, collection, and enforcement of the
3336 communications services tax imposed by s. 202.12. Audits
3337 performed by the department shall include a determination of the
3338 dealer's compliance with the jurisdictional situsing of its
3339 customers' service addresses and a determination of whether the
3340 rate collected for the local tax pursuant to ss. 202.19 and
3341 202.20 is correct. The person or entity designated by a local
3342 government pursuant to s. 213.053(8) ~~s. 213.053(8)(v)~~ may
3343 provide evidence to the department demonstrating a specific
3344 person's failure to fully or correctly report taxable
3345 communications services sales within the jurisdiction. The
3346 department may request additional information from the designee
3347 to assist in any review. The department shall inform the



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3348 designee of what action, if any, the department intends to take
3349 regarding the person.

3350 Section 75. Paragraphs (g), (h), (j), and (p) of subsection
3351 (5) and paragraph (b) of subsection (15) of section 212.08,
3352 Florida Statutes, are amended to read:

3353 212.08 Sales, rental, use, consumption, distribution, and
3354 storage tax; specified exemptions.—The sale at retail, the
3355 rental, the use, the consumption, the distribution, and the
3356 storage to be used or consumed in this state of the following
3357 are hereby specifically exempt from the tax imposed by this
3358 chapter.

3359 (5) EXEMPTIONS; ACCOUNT OF USE.—

3360 (g) *Building materials used in the rehabilitation of real*
3361 *property located in an enterprise zone.—*

3362 1. Building materials used in the rehabilitation of real
3363 property located in an enterprise zone are exempt from the tax
3364 imposed by this chapter upon an affirmative showing to the
3365 satisfaction of the department that the items have been used for
3366 the rehabilitation of real property located in an enterprise
3367 zone. Except as provided in subparagraph 2., this exemption
3368 inures to the owner, lessee, or lessor at the time the real
3369 property is rehabilitated, but only through a refund of
3370 previously paid taxes. To receive a refund pursuant to this
3371 paragraph, the owner, lessee, or lessor of the rehabilitated
3372 real property must file an application under oath with the
3373 governing body or enterprise zone development agency having
3374 jurisdiction over the enterprise zone where the business is
3375 located, as applicable. A single application for a refund may be
3376 submitted for multiple, contiguous parcels that were part of a



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3377 single parcel that was divided as part of the rehabilitation of
3378 the property. All other requirements of this paragraph apply to
3379 each parcel on an individual basis. The application must
3380 include:

- 3381 a. The name and address of the person claiming the refund.
- 3382 b. An address and assessment roll parcel number of the
3383 rehabilitated real property for which a refund of previously
3384 paid taxes is being sought.
- 3385 c. A description of the improvements made to accomplish the
3386 rehabilitation of the real property.
- 3387 d. A copy of a valid building permit issued by the county
3388 or municipal building department for the rehabilitation of the
3389 real property.
- 3390 e. A sworn statement, under penalty of perjury, from the
3391 general contractor licensed in this state with whom the
3392 applicant contracted to make the improvements necessary to
3393 rehabilitate the real property, which lists the building
3394 materials used to rehabilitate the real property, the actual
3395 cost of the building materials, and the amount of sales tax paid
3396 in this state on the building materials. If a general contractor
3397 was not used, the applicant, not a general contractor, shall
3398 make the sworn statement required by this sub-subparagraph.
3399 Copies of the invoices that evidence the purchase of the
3400 building materials used in the rehabilitation and the payment of
3401 sales tax on the building materials must be attached to the
3402 sworn statement provided by the general contractor or by the
3403 applicant. Unless the actual cost of building materials used in
3404 the rehabilitation of real property and the payment of sales
3405 taxes is documented by a general contractor or by the applicant



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3406 in this manner, the cost of the building materials is deemed to
3407 be an amount equal to 40 percent of the increase in assessed
3408 value for ad valorem tax purposes.

3409 f. The identifying number assigned pursuant to s. 290.0065
3410 to the enterprise zone in which the rehabilitated real property
3411 is located.

3412 g. A certification by the local building code inspector
3413 that the improvements necessary to rehabilitate the real
3414 property are substantially completed.

3415 h. A statement of whether the business is a small business
3416 as defined by s. 288.703~~(1)~~.

3417 i. If applicable, the name and address of each permanent
3418 employee of the business, including, for each employee who is a
3419 resident of an enterprise zone, the identifying number assigned
3420 pursuant to s. 290.0065 to the enterprise zone in which the
3421 employee resides.

3422 2. This exemption inures to a municipality, county, other
3423 governmental unit or agency, or nonprofit community-based
3424 organization through a refund of previously paid taxes if the
3425 building materials used in the rehabilitation are paid for from
3426 the funds of a community development block grant, State Housing
3427 Initiatives Partnership Program, or similar grant or loan
3428 program. To receive a refund, a municipality, county, other
3429 governmental unit or agency, or nonprofit community-based
3430 organization must file an application that includes the same
3431 information required in subparagraph 1. In addition, the
3432 application must include a sworn statement signed by the chief
3433 executive officer of the municipality, county, other
3434 governmental unit or agency, or nonprofit community-based



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3435 organization seeking a refund which states that the building
3436 materials for which a refund is sought were funded by a
3437 community development block grant, State Housing Initiatives
3438 Partnership Program, or similar grant or loan program.

3439 3. Within 10 working days after receipt of an application,
3440 the governing body or enterprise zone development agency shall
3441 review the application to determine if it contains all the
3442 information required by subparagraph 1. or subparagraph 2. and
3443 meets the criteria set out in this paragraph. The governing body
3444 or agency shall certify all applications that contain the
3445 required information and are eligible to receive a refund. If
3446 applicable, the governing body or agency shall also certify if
3447 20 percent of the employees of the business are residents of an
3448 enterprise zone, excluding temporary and part-time employees.
3449 The certification must be in writing, and a copy of the
3450 certification shall be transmitted to the executive director of
3451 the department. The applicant is responsible for forwarding a
3452 certified application to the department within the time
3453 specified in subparagraph 4.

3454 4. An application for a refund must be submitted to the
3455 department within 6 months after the rehabilitation of the
3456 property is deemed to be substantially completed by the local
3457 building code inspector or by November 1 after the rehabilitated
3458 property is first subject to assessment.

3459 5. Only one exemption through a refund of previously paid
3460 taxes for the rehabilitation of real property is permitted for
3461 any single parcel of property unless there is a change in
3462 ownership, a new lessor, or a new lessee of the real property. A
3463 refund may not be granted unless the amount to be refunded



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3464 exceeds \$500. A refund may not exceed the lesser of 97 percent
3465 of the Florida sales or use tax paid on the cost of the building
3466 materials used in the rehabilitation of the real property as
3467 determined pursuant to sub-subparagraph 1.e. or \$5,000, or, if
3468 at least 20 percent of the employees of the business are
3469 residents of an enterprise zone, excluding temporary and part-
3470 time employees, the amount of refund may not exceed the lesser
3471 of 97 percent of the sales tax paid on the cost of the building
3472 materials or \$10,000. A refund shall be made within 30 days
3473 after formal approval by the department of the application for
3474 the refund.

3475 6. The department shall adopt rules governing the manner
3476 and form of refund applications and may establish guidelines as
3477 to the requisites for an affirmative showing of qualification
3478 for exemption under this paragraph.

3479 7. The department shall deduct an amount equal to 10
3480 percent of each refund granted under this paragraph from the
3481 amount transferred into the Local Government Half-cent Sales Tax
3482 Clearing Trust Fund pursuant to s. 212.20 for the county area in
3483 which the rehabilitated real property is located and shall
3484 transfer that amount to the General Revenue Fund.

3485 8. For the purposes of the exemption provided in this
3486 paragraph, the term:

3487 a. "Building materials" means tangible personal property
3488 that becomes a component part of improvements to real property.

3489 b. "Real property" has the same meaning as provided in s.
3490 192.001(12), except that the term does not include a condominium
3491 parcel or condominium property as defined in s. 718.103.

3492 c. "Rehabilitation of real property" means the



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3493 reconstruction, renovation, restoration, rehabilitation,
3494 construction, or expansion of improvements to real property.

3495 d. "Substantially completed" has the same meaning as
3496 provided in s. 192.042(1).

3497 9. This paragraph expires on the date specified in s.
3498 290.016 for the expiration of the Florida Enterprise Zone Act.

3499 (h) *Business property used in an enterprise zone.*—

3500 1. Business property purchased for use by businesses
3501 located in an enterprise zone which is subsequently used in an
3502 enterprise zone shall be exempt from the tax imposed by this
3503 chapter. This exemption inures to the business only through a
3504 refund of previously paid taxes. A refund shall be authorized
3505 upon an affirmative showing by the taxpayer to the satisfaction
3506 of the department that the requirements of this paragraph have
3507 been met.

3508 2. To receive a refund, the business must file under oath
3509 with the governing body or enterprise zone development agency
3510 having jurisdiction over the enterprise zone where the business
3511 is located, as applicable, an application which includes:

3512 a. The name and address of the business claiming the
3513 refund.

3514 b. The identifying number assigned pursuant to s. 290.0065
3515 to the enterprise zone in which the business is located.

3516 c. A specific description of the property for which a
3517 refund is sought, including its serial number or other permanent
3518 identification number.

3519 d. The location of the property.

3520 e. The sales invoice or other proof of purchase of the
3521 property, showing the amount of sales tax paid, the date of



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3522 purchase, and the name and address of the sales tax dealer from
3523 whom the property was purchased.

3524 f. Whether the business is a small business as defined by
3525 s. 288.703(1).

3526 g. If applicable, the name and address of each permanent
3527 employee of the business, including, for each employee who is a
3528 resident of an enterprise zone, the identifying number assigned
3529 pursuant to s. 290.0065 to the enterprise zone in which the
3530 employee resides.

3531 3. Within 10 working days after receipt of an application,
3532 the governing body or enterprise zone development agency shall
3533 review the application to determine if it contains all the
3534 information required pursuant to subparagraph 2. and meets the
3535 criteria set out in this paragraph. The governing body or agency
3536 shall certify all applications that contain the information
3537 required pursuant to subparagraph 2. and meet the criteria set
3538 out in this paragraph as eligible to receive a refund. If
3539 applicable, the governing body or agency shall also certify if
3540 20 percent of the employees of the business are residents of an
3541 enterprise zone, excluding temporary and part-time employees.
3542 The certification shall be in writing, and a copy of the
3543 certification shall be transmitted to the executive director of
3544 the Department of Revenue. The business shall be responsible for
3545 forwarding a certified application to the department within the
3546 time specified in subparagraph 4.

3547 4. An application for a refund pursuant to this paragraph
3548 must be submitted to the department within 6 months after the
3549 tax is due on the business property that is purchased.

3550 5. The amount refunded on purchases of business property



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3551 under this paragraph shall be the lesser of 97 percent of the
3552 sales tax paid on such business property or \$5,000, or, if no
3553 less than 20 percent of the employees of the business are
3554 residents of an enterprise zone, excluding temporary and part-
3555 time employees, the amount refunded on purchases of business
3556 property under this paragraph shall be the lesser of 97 percent
3557 of the sales tax paid on such business property or \$10,000. A
3558 refund approved pursuant to this paragraph shall be made within
3559 30 days after ~~of~~ formal approval by the department of the
3560 application for the refund. A ~~No~~ refund may not ~~shall~~ be granted
3561 under this paragraph unless the amount to be refunded exceeds
3562 \$100 in sales tax paid on purchases made within a 60-day time
3563 period.

3564 6. The department shall adopt rules governing the manner
3565 and form of refund applications and may establish guidelines as
3566 to the requisites for an affirmative showing of qualification
3567 for exemption under this paragraph.

3568 7. If the department determines that the business property
3569 is used outside an enterprise zone within 3 years from the date
3570 of purchase, the amount of taxes refunded to the business
3571 purchasing such business property shall immediately be due and
3572 payable to the department by the business, together with the
3573 appropriate interest and penalty, computed from the date of
3574 purchase, in the manner provided by this chapter.

3575 Notwithstanding this subparagraph, business property used
3576 exclusively in:

- 3577 a. Licensed commercial fishing vessels,
- 3578 b. Fishing guide boats, or
- 3579 c. Ecotourism guide boats



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3580
3581 that leave and return to a fixed location within an area
3582 designated under s. 379.2353, Florida Statutes 2010, are
3583 eligible for the exemption provided under this paragraph if all
3584 requirements of this paragraph are met. Such vessels and boats
3585 must be owned by a business that is eligible to receive the
3586 exemption provided under this paragraph. This exemption does not
3587 apply to the purchase of a vessel or boat.

3588 8. The department shall deduct an amount equal to 10
3589 percent of each refund granted under ~~the provisions of this~~
3590 paragraph from the amount transferred into the Local Government
3591 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
3592 for the county area in which the business property is located
3593 and shall transfer that amount to the General Revenue Fund.

3594 9. For the purposes of this exemption, "business property"
3595 means new or used property defined as "recovery property" in s.
3596 168(c) of the Internal Revenue Code of 1954, as amended, except:

3597 a. Property classified as 3-year property under s.
3598 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

3599 b. Industrial machinery and equipment as defined in sub-
3600 subparagraph (b)6.a. and eligible for exemption under paragraph
3601 (b);

3602 c. Building materials as defined in sub-subparagraph
3603 (g)8.a.; and

3604 d. Business property having a sales price of under \$5,000
3605 per unit.

3606 10. This paragraph expires on the date specified in s.
3607 290.016 for the expiration of the Florida Enterprise Zone Act.

3608 (j) *Machinery and equipment used in semiconductor, defense,*



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3609 *or space technology production.-*

3610 1.a. Industrial machinery and equipment used in
3611 semiconductor technology facilities certified under subparagraph
3612 5. to manufacture, process, compound, or produce semiconductor
3613 technology products for sale or for use by these facilities are
3614 exempt from the tax imposed by this chapter. For purposes of
3615 this paragraph, industrial machinery and equipment includes
3616 molds, dies, machine tooling, other appurtenances or accessories
3617 to machinery and equipment, testing equipment, test beds,
3618 computers, and software, whether purchased or self-fabricated,
3619 and, if self-fabricated, includes materials and labor for
3620 design, fabrication, and assembly.

3621 b. Industrial machinery and equipment used in defense or
3622 space technology facilities certified under subparagraph 5. to
3623 design, manufacture, assemble, process, compound, or produce
3624 defense technology products or space technology products for
3625 sale or for use by these facilities are exempt from the tax
3626 imposed by this chapter.

3627 2. Building materials purchased for use in manufacturing or
3628 expanding clean rooms in semiconductor-manufacturing facilities
3629 are exempt from the tax imposed by this chapter.

3630 3. In addition to meeting the criteria mandated by
3631 subparagraph 1. or subparagraph 2., a business must be certified
3632 by the Department of Economic Opportunity ~~Office of Tourism,~~
3633 ~~Trade, and Economic Development~~ in order to qualify for
3634 exemption under this paragraph.

3635 4. For items purchased tax-exempt pursuant to this
3636 paragraph, possession of a written certification from the
3637 purchaser, certifying the purchaser's entitlement to the



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3638 exemption, relieves the seller of the responsibility of
3639 collecting the tax on the sale of such items, and the department
3640 shall look solely to the purchaser for recovery of the tax if it
3641 determines that the purchaser was not entitled to the exemption.

3642 5.a. To be eligible to receive the exemption provided by
3643 subparagraph 1. or subparagraph 2., a qualifying business entity
3644 shall initially apply to Enterprise Florida, Inc. The original
3645 certification is valid for a period of 2 years. In lieu of
3646 submitting a new application, the original certification may be
3647 renewed biennially by submitting to the Department of Economic
3648 Opportunity ~~Office of Tourism, Trade, and Economic Development~~ a
3649 statement, certified under oath, that there has not been a ~~no~~
3650 material change in the conditions or circumstances entitling the
3651 business entity to the original certification. The initial
3652 application and the certification renewal statement shall be
3653 developed by the Department of Economic Opportunity ~~Office of~~
3654 ~~Tourism, Trade, and Economic Development~~ in consultation with
3655 ~~Enterprise Florida, Inc.~~

3656 b. The Division of Strategic Business Development of the
3657 Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~
3658 shall review each submitted initial application and determine
3659 whether or not the application is complete within 5 working
3660 days. Once complete, the division ~~Enterprise Florida, Inc.,~~
3661 shall, within 10 working days, evaluate the application and
3662 recommend approval or disapproval to the Department of Economic
3663 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

3664 c. Upon receipt of the initial application and
3665 recommendation from the division ~~Enterprise Florida, Inc.,~~ or
3666 upon receipt of a certification renewal statement, the



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3667 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3668 ~~Economic Development~~ shall certify within 5 working days those
3669 applicants who are found to meet the requirements of this
3670 section and notify the applicant, ~~Enterprise Florida, Inc., and~~
3671 ~~the department~~ of the original certification or certification
3672 renewal. If the Department of Economic Opportunity ~~Office of~~
3673 ~~Tourism, Trade, and Economic Development~~ finds that the
3674 applicant does not meet the requirements, it shall notify the
3675 applicant and Enterprise Florida, Inc., within 10 working days
3676 that the application for certification has been denied and the
3677 reasons for denial. The Department of Economic Opportunity
3678 ~~Office of Tourism, Trade, and Economic Development~~ has final
3679 approval authority for certification under this section.

3680 d. The initial application and certification renewal
3681 statement must indicate, for program evaluation purposes only,
3682 the average number of full-time equivalent employees at the
3683 facility over the preceding calendar year, the average wage and
3684 benefits paid to those employees over the preceding calendar
3685 year, the total investment made in real and tangible personal
3686 property over the preceding calendar year, and the total value
3687 of tax-exempt purchases and taxes exempted during the previous
3688 year. The department shall assist the Department of Economic
3689 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
3690 in evaluating and verifying information provided in the
3691 application for exemption.

3692 e. The Department of Economic Opportunity ~~Office of~~
3693 ~~Tourism, Trade, and Economic Development~~ may use the information
3694 reported on the initial application and certification renewal
3695 statement for evaluation purposes only.



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3696 6. A business certified to receive this exemption may elect
3697 to designate one or more state universities or community
3698 colleges as recipients of up to 100 percent of the amount of the
3699 exemption. To receive these funds, the institution must agree to
3700 match the funds with equivalent cash, programs, services, or
3701 other in-kind support on a one-to-one basis for research and
3702 development projects requested by the certified business. The
3703 rights to any patents, royalties, or real or intellectual
3704 property must be vested in the business unless otherwise agreed
3705 to by the business and the university or community college.

3706 7. As used in this paragraph, the term:

3707 a. "Semiconductor technology products" means raw
3708 semiconductor wafers or semiconductor thin films that are
3709 transformed into semiconductor memory or logic wafers, including
3710 wafers containing mixed memory and logic circuits; related
3711 assembly and test operations; active-matrix flat panel displays;
3712 semiconductor chips; semiconductor lasers; optoelectronic
3713 elements; and related semiconductor technology products as
3714 determined by the Department of Economic Opportunity ~~Office of~~
3715 ~~Tourism, Trade, and Economic Development.~~

3716 b. "Clean rooms" means manufacturing facilities enclosed in
3717 a manner that meets the clean manufacturing requirements
3718 necessary for high-technology semiconductor-manufacturing
3719 environments.

3720 c. "Defense technology products" means products that have a
3721 military application, including, but not limited to, weapons,
3722 weapons systems, guidance systems, surveillance systems,
3723 communications or information systems, munitions, aircraft,
3724 vessels, or boats, or components thereof, which are intended for



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3725 military use and manufactured in performance of a contract with
3726 the United States Department of Defense or the military branch
3727 of a recognized foreign government or a subcontract thereunder
3728 which relates to matters of national defense.

3729 d. "Space technology products" means products that are
3730 specifically designed or manufactured for application in space
3731 activities, including, but not limited to, space launch
3732 vehicles, space flight vehicles, missiles, satellites or
3733 research payloads, avionics, and associated control systems and
3734 processing systems and components of any of the foregoing. The
3735 term does not include products that are designed or manufactured
3736 for general commercial aviation or other uses even though those
3737 products may also serve an incidental use in space applications.

3738 (p) *Community contribution tax credit for donations.*—

3739 1. Authorization.—Persons who are registered with the
3740 department under s. 212.18 to collect or remit sales or use tax
3741 and who make donations to eligible sponsors are eligible for tax
3742 credits against their state sales and use tax liabilities as
3743 provided in this paragraph:

3744 a. The credit shall be computed as 50 percent of the
3745 person's approved annual community contribution.

3746 b. The credit shall be granted as a refund against state
3747 sales and use taxes reported on returns and remitted in the 12
3748 months preceding the date of application to the department for
3749 the credit as required in sub-subparagraph 3.c. If the annual
3750 credit is not fully used through such refund because of
3751 insufficient tax payments during the applicable 12-month period,
3752 the unused amount may be included in an application for a refund
3753 made pursuant to sub-subparagraph 3.c. in subsequent years



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3754 against the total tax payments made for such year. Carryover
3755 credits may be applied for a 3-year period without regard to any
3756 time limitation that would otherwise apply under s. 215.26.

3757 c. A person may not receive more than \$200,000 in annual
3758 tax credits for all approved community contributions made in any
3759 one year.

3760 d. All proposals for the granting of the tax credit require
3761 the prior approval of the Department of Economic Opportunity
3762 ~~Office of Tourism, Trade, and Economic Development.~~

3763 e. The total amount of tax credits which may be granted for
3764 all programs approved under this paragraph, s. 220.183, and s.
3765 624.5105 is \$10.5 million annually for projects that provide
3766 homeownership opportunities for low-income or very-low-income
3767 households as defined in s. 420.9071(19) and (28) and \$3.5
3768 million annually for all other projects.

3769 f. A person who is eligible to receive the credit provided
3770 for in this paragraph, s. 220.183, or s. 624.5105 may receive
3771 the credit only under the one section of the person's choice.

3772 2. Eligibility requirements.-

3773 a. A community contribution by a person must be in the
3774 following form:

3775 (I) Cash or other liquid assets;

3776 (II) Real property;

3777 (III) Goods or inventory; or

3778 (IV) Other physical resources as identified by the
3779 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
3780 ~~Economic Development.~~

3781 b. All community contributions must be reserved exclusively
3782 for use in a project. As used in this sub-subparagraph, the term



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3783 "project" means any activity undertaken by an eligible sponsor
3784 which is designed to construct, improve, or substantially
3785 rehabilitate housing that is affordable to low-income or very-
3786 low-income households as defined in s. 420.9071(19) and (28);
3787 designed to provide commercial, industrial, or public resources
3788 and facilities; or designed to improve entrepreneurial and job-
3789 development opportunities for low-income persons. A project may
3790 be the investment necessary to increase access to high-speed
3791 broadband capability in rural communities with enterprise zones,
3792 including projects that result in improvements to communications
3793 assets that are owned by a business. A project may include the
3794 provision of museum educational programs and materials that are
3795 directly related to any project approved between January 1,
3796 1996, and December 31, 1999, and located in an enterprise zone
3797 designated pursuant to s. 290.0065. This paragraph does not
3798 preclude projects that propose to construct or rehabilitate
3799 housing for low-income or very-low-income households on
3800 scattered sites. With respect to housing, contributions may be
3801 used to pay the following eligible low-income and very-low-
3802 income housing-related activities:

3803 (I) Project development impact and management fees for low-
3804 income or very-low-income housing projects;

3805 (II) Down payment and closing costs for eligible persons,
3806 as defined in s. 420.9071(19) and (28);

3807 (III) Administrative costs, including housing counseling
3808 and marketing fees, not to exceed 10 percent of the community
3809 contribution, directly related to low-income or very-low-income
3810 projects; and

3811 (IV) Removal of liens recorded against residential property



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3812 by municipal, county, or special district local governments when
3813 satisfaction of the lien is a necessary precedent to the
3814 transfer of the property to an eligible person, as defined in s.
3815 420.9071(19) and (28), for the purpose of promoting home
3816 ownership. Contributions for lien removal must be received from
3817 a nonrelated third party.

3818 c. The project must be undertaken by an "eligible sponsor,"
3819 which includes:

3820 (I) A community action program;

3821 (II) A nonprofit community-based development organization
3822 whose mission is the provision of housing for low-income or
3823 very-low-income households or increasing entrepreneurial and
3824 job-development opportunities for low-income persons;

3825 (III) A neighborhood housing services corporation;

3826 (IV) A local housing authority created under chapter 421;

3827 (V) A community redevelopment agency created under s.
3828 163.356;

3829 (VI) The Florida Industrial Development Corporation;

3830 (VII) A historic preservation district agency or
3831 organization;

3832 (VIII) A regional workforce board;

3833 (IX) A direct-support organization as provided in s.
3834 1009.983;

3835 (X) An enterprise zone development agency created under s.
3836 290.0056;

3837 (XI) A community-based organization incorporated under
3838 chapter 617 which is recognized as educational, charitable, or
3839 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
3840 and whose bylaws and articles of incorporation include



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3841 affordable housing, economic development, or community
3842 development as the primary mission of the corporation;
3843 (XII) Units of local government;
3844 (XIII) Units of state government; or
3845 (XIV) Any other agency that the Department of Economic
3846 Opportunity Office of Tourism, Trade, and Economic Development
3847 designates by rule.

3848

3849 In no event may a contributing person have a financial interest
3850 in the eligible sponsor.

3851 d. The project must be located in an area designated an
3852 enterprise zone or a Front Porch Florida Community ~~pursuant to~~
3853 ~~s. 20.18(6)~~, unless the project increases access to high-speed
3854 broadband capability for rural communities with enterprise zones
3855 but is physically located outside the designated rural zone
3856 boundaries. Any project designed to construct or rehabilitate
3857 housing for low-income or very-low-income households as defined
3858 in s. 420.9071(19) and (28) is exempt from the area requirement
3859 of this sub-subparagraph.

3860 e.(I) If, during the first 10 business days of the state
3861 fiscal year, eligible tax credit applications for projects that
3862 provide homeownership opportunities for low-income or very-low-
3863 income households as defined in s. 420.9071(19) and (28) are
3864 received for less than the annual tax credits available for
3865 those projects, the Department of Economic Opportunity Office of
3866 Tourism, Trade, and Economic Development shall grant tax credits
3867 for those applications and shall grant remaining tax credits on
3868 a first-come, first-served basis for any subsequent eligible
3869 applications received before the end of the state fiscal year.



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3870 If, during the first 10 business days of the state fiscal year,
3871 eligible tax credit applications for projects that provide
3872 homeownership opportunities for low-income or very-low-income
3873 households as defined in s. 420.9071(19) and (28) are received
3874 for more than the annual tax credits available for those
3875 projects, the Department of Economic Opportunity ~~office~~ shall
3876 grant the tax credits for those applications as follows:

3877 (A) If tax credit applications submitted for approved
3878 projects of an eligible sponsor do not exceed \$200,000 in total,
3879 the credits shall be granted in full if the tax credit
3880 applications are approved.

3881 (B) If tax credit applications submitted for approved
3882 projects of an eligible sponsor exceed \$200,000 in total, the
3883 amount of tax credits granted pursuant to sub-sub-sub-
3884 subparagraph (A) shall be subtracted from the amount of
3885 available tax credits, and the remaining credits shall be
3886 granted to each approved tax credit application on a pro rata
3887 basis.

3888 (II) If, during the first 10 business days of the state
3889 fiscal year, eligible tax credit applications for projects other
3890 than those that provide homeownership opportunities for low-
3891 income or very-low-income households as defined in s.

3892 420.9071(19) and (28) are received for less than the annual tax
3893 credits available for those projects, the Department of Economic
3894 Opportunity ~~office~~ shall grant tax credits for those
3895 applications and shall grant remaining tax credits on a first-
3896 come, first-served basis for any subsequent eligible
3897 applications received before the end of the state fiscal year.

3898 If, during the first 10 business days of the state fiscal year,



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3899 eligible tax credit applications for projects other than those
3900 that provide homeownership opportunities for low-income or very-
3901 low-income households as defined in s. 420.9071(19) and (28) are
3902 received for more than the annual tax credits available for
3903 those projects, the Department of Economic Opportunity ~~office~~
3904 shall grant the tax credits for those applications on a pro rata
3905 basis.

3906 3. Application requirements.—

3907 a. Any eligible sponsor seeking to participate in this
3908 program must submit a proposal to the Department of Economic
3909 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
3910 which sets forth the name of the sponsor, a description of the
3911 project, and the area in which the project is located, together
3912 with such supporting information as is prescribed by rule. The
3913 proposal must also contain a resolution from the local
3914 governmental unit in which the project is located certifying
3915 that the project is consistent with local plans and regulations.

3916 b. Any person seeking to participate in this program must
3917 submit an application for tax credit to the Department of
3918 Economic Opportunity ~~office~~ which sets forth the name of the
3919 sponsor, a description of the project, and the type, value, and
3920 purpose of the contribution. The sponsor shall verify the terms
3921 of the application and indicate its receipt of the contribution,
3922 which verification must be in writing and accompany the
3923 application for tax credit. The person must submit a separate
3924 tax credit application to the Department of Economic Opportunity
3925 ~~office~~ for each individual contribution that it makes to each
3926 individual project.

3927 c. Any person who has received notification from the



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3928 Department of Economic Opportunity ~~office~~ that a tax credit has
3929 been approved must apply to the department to receive the
3930 refund. Application must be made on the form prescribed for
3931 claiming refunds of sales and use taxes and be accompanied by a
3932 copy of the notification. A person may submit only one
3933 application for refund to the department within any 12-month
3934 period.

3935 4. Administration.—

3936 a. The Department of Economic Opportunity ~~Office of~~
3937 ~~Tourism, Trade, and Economic Development~~ may adopt rules
3938 pursuant to ss. 120.536(1) and 120.54 necessary to administer
3939 this paragraph, including rules for the approval or disapproval
3940 of proposals by a person.

3941 b. The decision of the Department of Economic Opportunity
3942 ~~office~~ must be in writing, and, if approved, the notification
3943 shall state the maximum credit allowable to the person. Upon
3944 approval, the Department of Economic Opportunity ~~office~~ shall
3945 transmit a copy of the decision to the Department of Revenue.

3946 c. The Department of Economic Opportunity ~~office~~ shall
3947 periodically monitor all projects in a manner consistent with
3948 available resources to ensure that resources are used in
3949 accordance with this paragraph; however, each project must be
3950 reviewed at least once every 2 years.

3951 d. The Department of Economic Opportunity ~~office~~ shall, in
3952 consultation with ~~the Department of Community Affairs~~ and the
3953 statewide and regional housing and financial intermediaries,
3954 market the availability of the community contribution tax credit
3955 program to community-based organizations.

3956 5. Expiration.—This paragraph expires June 30, 2015;



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3957 however, any accrued credit carryover that is unused on that
3958 date may be used until the expiration of the 3-year carryover
3959 period for such credit.

3960 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

3961 (b) To receive this exemption, a business must file an
3962 application, with the enterprise zone development agency having
3963 jurisdiction over the enterprise zone where the business is
3964 located, on a form provided by the department for the purposes
3965 of this subsection and s. 166.231(8). The application shall be
3966 made under oath and shall include:

3967 1. The name and location of the business.

3968 2. The identifying number assigned pursuant to s. 290.0065
3969 to the enterprise zone in which the business is located.

3970 3. The date on which electrical service is to be first
3971 initiated to the business.

3972 4. The name and mailing address of the entity from which
3973 electrical energy is to be purchased.

3974 5. The date of the application.

3975 6. The name of the city in which the business is located.

3976 7. If applicable, the name and address of each permanent
3977 employee of the business including, for each employee who is a
3978 resident of an enterprise zone, the identifying number assigned
3979 pursuant to s. 290.0065 to the enterprise zone in which the
3980 employee resides.

3981 8. Whether the business is a small business as defined by
3982 s. 288.703~~(1)~~.

3983 Section 76. Paragraph (b) of subsection (2) of section
3984 212.096, Florida Statutes, is amended to read:

3985 212.096 Sales, rental, storage, use tax; enterprise zone



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3986 jobs credit against sales tax.-

3987 (2)

3988 (b) The credit shall be computed as 20 percent of the
3989 actual monthly wages paid in this state to each new employee
3990 hired when a new job has been created, unless the business is
3991 located within a rural enterprise zone pursuant to s.
3992 290.004~~(6)~~, in which case the credit shall be 30 percent of the
3993 actual monthly wages paid. If no less than 20 percent of the
3994 employees of the business are residents of an enterprise zone,
3995 excluding temporary and part-time employees, the credit shall be
3996 computed as 30 percent of the actual monthly wages paid in this
3997 state to each new employee hired when a new job has been
3998 created, unless the business is located within a rural
3999 enterprise zone, in which case the credit shall be 45 percent of
4000 the actual monthly wages paid. If the new employee hired when a
4001 new job is created is a participant in the welfare transition
4002 program, the following credit shall be a percent of the actual
4003 monthly wages paid: 40 percent for \$4 above the hourly federal
4004 minimum wage rate; 41 percent for \$5 above the hourly federal
4005 minimum wage rate; 42 percent for \$6 above the hourly federal
4006 minimum wage rate; 43 percent for \$7 above the hourly federal
4007 minimum wage rate; and 44 percent for \$8 above the hourly
4008 federal minimum wage rate. For purposes of this paragraph,
4009 monthly wages shall be computed as one-twelfth of the expected
4010 annual wages paid to such employee. The amount paid as wages to
4011 a new employee is the compensation paid to such employee that is
4012 subject to unemployment tax. The credit shall be allowed for up
4013 to 24 consecutive months, beginning with the first tax return
4014 due pursuant to s. 212.11 after approval by the department.



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4015 Section 77. Paragraphs (a) and (e) of subsection (1) and
4016 subsections (4), (6), (7), (10), (11), and (16) of section
4017 212.097, Florida Statutes, are amended to read:
4018 212.097 Urban High-Crime Area Job Tax Credit Program.—
4019 (1) As used in this section, the term:
4020 (a) "Eligible business" means any sole proprietorship,
4021 firm, partnership, or corporation that is located in a qualified
4022 county and is predominantly engaged in, or is headquarters for a
4023 business predominantly engaged in, activities usually provided
4024 for consideration by firms classified within the following
4025 standard industrial classifications: SIC 01-SIC 09 (agriculture,
4026 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 52-
4027 SIC 57 and SIC 59 (retail); SIC 422 (public warehousing and
4028 storage); SIC 70 (hotels and other lodging places); SIC 7391
4029 (research and development); SIC 781 (motion picture production
4030 and allied services); SIC 7992 (public golf courses); and SIC
4031 7996 (amusement parks). A call center or similar customer
4032 service operation that services a multistate market or
4033 international market is also an eligible business. In addition,
4034 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4035 ~~and Economic Development~~ may, as part of its final budget
4036 request submitted pursuant to s. 216.023, recommend additions to
4037 or deletions from the list of standard industrial
4038 classifications used to determine an eligible business, and the
4039 Legislature may implement such recommendations. Excluded from
4040 eligible receipts are receipts from retail sales, except such
4041 receipts for SIC 52-SIC 57 and SIC 59 (retail) hotels and other
4042 lodging places classified in SIC 70, public golf courses in SIC
4043 7992, and amusement parks in SIC 7996. For purposes of this



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4044 paragraph, the term "predominantly" means that more than 50
4045 percent of the business's gross receipts from all sources is
4046 generated by those activities usually provided for consideration
4047 by firms in the specified standard industrial classification.
4048 The determination of whether the business is located in a
4049 qualified high-crime area and the tier ranking of that area must
4050 be based on the date of application for the credit under this
4051 section. Commonly owned and controlled entities are to be
4052 considered a single business entity.

4053 (e) "Qualified high-crime area" means an area selected by
4054 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4055 ~~and Economic Development~~ in the following manner: every third
4056 year, the Department of Economic Opportunity ~~Office~~ shall rank
4057 and tier those areas nominated under subsection (7), according
4058 to the following prioritized criteria:

- 4059 1. Highest arrest rates within the geographic area for
4060 violent crime and for such other crimes as drug sale, drug
4061 possession, prostitution, vandalism, and civil disturbances;
4062 2. Highest reported crime volume and rate of specific
4063 property crimes such as business and residential burglary, motor
4064 vehicle theft, and vandalism;
4065 3. Highest percentage of reported index crimes that are
4066 violent in nature;
4067 4. Highest overall index crime volume for the area; and
4068 5. Highest overall index crime rate for the geographic
4069 area.

4070
4071 Tier-one areas are ranked 1 through 5 and represent the highest
4072 crime areas according to this ranking. Tier-two areas are ranked



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4073 6 through 10 according to this ranking. Tier-three areas are
4074 ranked 11 through 15. Notwithstanding this definition,
4075 "qualified high-crime area" also means an area that has been
4076 designated as a federal Empowerment Zone pursuant to the
4077 Taxpayer Relief Act of 1997. Such a designated area is ranked in
4078 tier three until the areas are reevaluated by the Department of
4079 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4080 ~~Development.~~

4081 (4) For any new eligible business receiving a credit
4082 pursuant to subsection (2), an additional \$500 credit shall be
4083 provided for any qualified employee who is a welfare transition
4084 program participant. For any existing eligible business
4085 receiving a credit pursuant to subsection (3), an additional
4086 \$500 credit shall be provided for any qualified employee who is
4087 a welfare transition program participant. Such employee must be
4088 employed on the application date and have been employed less
4089 than 1 year. This credit shall be in addition to other credits
4090 pursuant to this section regardless of the tier-level of the
4091 high-crime area. Appropriate documentation concerning the
4092 eligibility of an employee for this credit must be submitted as
4093 determined by the Department of Revenue.

4094 (6) Any county or municipality, or a county and one or more
4095 municipalities together, may apply to the Department of Economic
4096 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4097 for the designation of an area as a high-crime area after the
4098 adoption by the governing body or bodies of a resolution that:

4099 (a) Finds that a high-crime area exists in such county or
4100 municipality, or in both the county and one or more
4101 municipalities, which chronically exhibits extreme and



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4102 unacceptable levels of poverty, unemployment, physical
4103 deterioration, and economic disinvestment;

4104 (b) Determines that the rehabilitation, conservation, or
4105 redevelopment, or a combination thereof, of such a high-crime
4106 area is necessary in the interest of the health, safety, and
4107 welfare of the residents of such county or municipality, or such
4108 county and one or more municipalities; and

4109 (c) Determines that the revitalization of such a high-crime
4110 area can occur if the public sector or private sector can be
4111 induced to invest its own resources in productive enterprises
4112 that build or rebuild the economic viability of the area.

4113 (7) The governing body of the entity nominating the area
4114 shall provide to the Department of Economic Opportunity ~~Office~~
4115 ~~of Tourism, Trade, and Economic Development~~ the following:

4116 (a) The overall index crime rate for the geographic area;

4117 (b) The overall index crime volume for the area;

4118 (c) The percentage of reported index crimes that are
4119 violent in nature;

4120 (d) The reported crime volume and rate of specific property
4121 crimes such as business and residential burglary, motor vehicle
4122 theft, and vandalism; and

4123 (e) The arrest rates within the geographic area for violent
4124 crime and for such other crimes as drug sale, drug possession,
4125 prostitution, disorderly conduct, vandalism, and other public-
4126 order offenses.

4127 (10) (a) In order to claim this credit, an eligible business
4128 must file under oath with the Department of Economic Opportunity
4129 ~~Office of Tourism, Trade, and Economic Development~~ a statement
4130 that includes the name and address of the eligible business and



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4131 any other information that is required to process the
4132 application.

4133 (b) Applications shall be reviewed and certified pursuant
4134 to s. 288.061.

4135 (c) The maximum credit amount that may be approved during
4136 any calendar year is \$5 million, of which \$1 million shall be
4137 exclusively reserved for tier-one areas. The Department of
4138 Revenue, in conjunction with the Department of Economic
4139 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~
4140 shall notify the governing bodies in areas designated as urban
4141 high-crime areas when the \$5 million maximum amount has been
4142 reached. Applications must be considered for approval in the
4143 order in which they are received without regard to whether the
4144 credit is for a new or existing business. This limitation
4145 applies to the value of the credit as contained in approved
4146 applications. Approved credits may be taken in the time and
4147 manner allowed pursuant to this section.

4148 (11) If the application is insufficient to support the
4149 credit authorized in this section, the Department of Economic
4150 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4151 shall deny the credit and notify the business of that fact. The
4152 business may reapply for this credit within 3 months after such
4153 notification.

4154 (16) The Department of Revenue shall adopt rules governing
4155 the manner and form of applications for credit and may establish
4156 guidelines concerning the requisites for an affirmative showing
4157 of qualification for the credit under this section.

4158 Section 78. Paragraphs (a) and (c) of subsection (1) and
4159 subsections (6) and (7), of section 212.098, Florida Statutes,



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4160 are amended to read:

4161 212.098 Rural Job Tax Credit Program.—

4162 (1) As used in this section, the term:

4163 (a) "Eligible business" means any sole proprietorship,
4164 firm, partnership, or corporation that is located in a qualified
4165 county and is predominantly engaged in, or is headquarters for a
4166 business predominantly engaged in, activities usually provided
4167 for consideration by firms classified within the following
4168 standard industrial classifications: SIC 01-SIC 09 (agriculture,
4169 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
4170 (public warehousing and storage); SIC 70 (hotels and other
4171 lodging places); SIC 7391 (research and development); SIC 781
4172 (motion picture production and allied services); SIC 7992
4173 (public golf courses); SIC 7996 (amusement parks); and a
4174 targeted industry eligible for the qualified target industry
4175 business tax refund under s. 288.106. A call center or similar
4176 customer service operation that services a multistate market or
4177 an international market is also an eligible business. In
4178 addition, the Department of Economic Opportunity ~~Office of~~
4179 ~~Tourism, Trade, and Economic Development~~ may, as part of its
4180 final budget request submitted pursuant to s. 216.023, recommend
4181 additions to or deletions from the list of standard industrial
4182 classifications used to determine an eligible business, and the
4183 Legislature may implement such recommendations. Excluded from
4184 eligible receipts are receipts from retail sales, except such
4185 receipts for hotels and other lodging places classified in SIC
4186 70, public golf courses in SIC 7992, and amusement parks in SIC
4187 7996. For purposes of this paragraph, the term "predominantly"
4188 means that more than 50 percent of the business's gross receipts



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4189 from all sources is generated by those activities usually
4190 provided for consideration by firms in the specified standard
4191 industrial classification. The determination of whether the
4192 business is located in a qualified county and the tier ranking
4193 of that county must be based on the date of application for the
4194 credit under this section. Commonly owned and controlled
4195 entities are to be considered a single business entity.

4196 (c) "Qualified area" means any area that is contained
4197 within a rural area of critical economic concern designated
4198 under s. 288.0656, a county that has a population of fewer than
4199 75,000 persons, or a county that has a population of 125,000 or
4200 less and is contiguous to a county that has a population of less
4201 than 75,000, selected in the following manner: every third year,
4202 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
4203 ~~and Economic Development~~ shall rank and tier the state's
4204 counties according to the following four factors:

4205 1. Highest unemployment rate for the most recent 36-month
4206 period.

4207 2. Lowest per capita income for the most recent 36-month
4208 period.

4209 3. Highest percentage of residents whose incomes are below
4210 the poverty level, based upon the most recent data available.

4211 4. Average weekly manufacturing wage, based upon the most
4212 recent data available.

4213 (6) (a) In order to claim this credit, an eligible business
4214 must file under oath with the Department of Economic Opportunity
4215 ~~Office of Tourism, Trade, and Economic Development~~ a statement
4216 that includes the name and address of the eligible business, the
4217 starting salary or hourly wages paid to the new employee, and



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4218 any other information that the Department of Revenue requires.

4219 (b) Pursuant to the incentive review process under s.
4220 288.061, the Department of Economic Opportunity Within 30
4221 ~~working days after receipt of an application for credit, the~~
4222 ~~Office of Tourism, Trade, and Economic Development~~ shall review
4223 the application to determine whether it contains all the
4224 information required by this subsection and meets the criteria
4225 set out in this section. Subject to the provisions of paragraph
4226 (c), the Department of Economic Opportunity ~~Office of Tourism,~~
4227 ~~Trade, and Economic Development~~ shall approve all applications
4228 that contain the information required by this subsection and
4229 meet the criteria set out in this section as eligible to receive
4230 a credit.

4231 (c) The maximum credit amount that may be approved during
4232 any calendar year is \$5 million. The Department of Revenue, in
4233 conjunction with the Department of Economic Opportunity ~~Office~~
4234 ~~of Tourism, Trade, and Economic Development~~, shall notify the
4235 governing bodies in areas designated as qualified counties when
4236 the \$5 million maximum amount has been reached. Applications
4237 must be considered for approval in the order in which they are
4238 received without regard to whether the credit is for a new or
4239 existing business. This limitation applies to the value of the
4240 credit as contained in approved applications. Approved credits
4241 may be taken in the time and manner allowed pursuant to this
4242 section.

4243 (d) A business may not receive more than \$500,000 of tax
4244 credits under this section during any one calendar year.

4245 (7) If the application is insufficient to support the
4246 credit authorized in this section, the Department of Economic



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4247 ~~Opportunity Office of Tourism, Trade, and Economic Development~~
4248 shall deny the credit and notify the business of that fact. The
4249 business may reapply for this credit within 3 months after such
4250 notification.

4251 Section 79. Paragraph (d) of subsection (6) of section
4252 212.20, Florida Statutes, is amended to read:

4253 212.20 Funds collected, disposition; additional powers of
4254 department; operational expense; refund of taxes adjudicated
4255 unconstitutionally collected.—

4256 (6) Distribution of all proceeds under this chapter and s.
4257 202.18(1)(b) and (2)(b) shall be as follows:

4258 (d) The proceeds of all other taxes and fees imposed
4259 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
4260 and (2)(b) shall be distributed as follows:

4261 1. In any fiscal year, the greater of \$500 million, minus
4262 an amount equal to 4.6 percent of the proceeds of the taxes
4263 collected pursuant to chapter 201, or 5.2 percent of all other
4264 taxes and fees imposed pursuant to this chapter or remitted
4265 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
4266 monthly installments into the General Revenue Fund.

4267 2. After the distribution under subparagraph 1., 8.814
4268 percent of the amount remitted by a sales tax dealer located
4269 within a participating county pursuant to s. 218.61 shall be
4270 transferred into the Local Government Half-cent Sales Tax
4271 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
4272 transferred shall be reduced by 0.1 percent, and the department
4273 shall distribute this amount to the Public Employees Relations
4274 Commission Trust Fund less \$5,000 each month, which shall be
4275 added to the amount calculated in subparagraph 3. and



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4276 distributed accordingly.

4277 3. After the distribution under subparagraphs 1. and 2.,
4278 0.095 percent shall be transferred to the Local Government Half-
4279 cent Sales Tax Clearing Trust Fund and distributed pursuant to
4280 s. 218.65.

4281 4. After the distributions under subparagraphs 1., 2., and
4282 3., 2.0440 percent of the available proceeds shall be
4283 transferred monthly to the Revenue Sharing Trust Fund for
4284 Counties pursuant to s. 218.215.

4285 5. After the distributions under subparagraphs 1., 2., and
4286 3., 1.3409 percent of the available proceeds shall be
4287 transferred monthly to the Revenue Sharing Trust Fund for
4288 Municipalities pursuant to s. 218.215. If the total revenue to
4289 be distributed pursuant to this subparagraph is at least as
4290 great as the amount due from the Revenue Sharing Trust Fund for
4291 Municipalities and the former Municipal Financial Assistance
4292 Trust Fund in state fiscal year 1999-2000, no municipality shall
4293 receive less than the amount due from the Revenue Sharing Trust
4294 Fund for Municipalities and the former Municipal Financial
4295 Assistance Trust Fund in state fiscal year 1999-2000. If the
4296 total proceeds to be distributed are less than the amount
4297 received in combination from the Revenue Sharing Trust Fund for
4298 Municipalities and the former Municipal Financial Assistance
4299 Trust Fund in state fiscal year 1999-2000, each municipality
4300 shall receive an amount proportionate to the amount it was due
4301 in state fiscal year 1999-2000.

4302 6. Of the remaining proceeds:

4303 a. In each fiscal year, the sum of \$29,915,500 shall be
4304 divided into as many equal parts as there are counties in the



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4305 state, and one part shall be distributed to each county. The
4306 distribution among the several counties must begin each fiscal
4307 year on or before January 5th and continue monthly for a total
4308 of 4 months. If a local or special law required that any moneys
4309 accruing to a county in fiscal year 1999-2000 under the then-
4310 existing provisions of s. 550.135 be paid directly to the
4311 district school board, special district, or a municipal
4312 government, such payment must continue until the local or
4313 special law is amended or repealed. The state covenants with
4314 holders of bonds or other instruments of indebtedness issued by
4315 local governments, special districts, or district school boards
4316 before July 1, 2000, that it is not the intent of this
4317 subparagraph to adversely affect the rights of those holders or
4318 relieve local governments, special districts, or district school
4319 boards of the duty to meet their obligations as a result of
4320 previous pledges or assignments or trusts entered into which
4321 obligated funds received from the distribution to county
4322 governments under then-existing s. 550.135. This distribution
4323 specifically is in lieu of funds distributed under s. 550.135
4324 before July 1, 2000.

4325 b. The department shall distribute \$166,667 monthly
4326 pursuant to s. 288.1162 to each applicant certified as a
4327 facility for a new or retained professional sports franchise
4328 pursuant to s. 288.1162. Up to \$41,667 shall be distributed
4329 monthly by the department to each certified applicant as defined
4330 in s. 288.11621 for a facility for a spring training franchise.
4331 However, not more than \$416,670 may be distributed monthly in
4332 the aggregate to all certified applicants for facilities for
4333 spring training franchises. Distributions begin 60 days after



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4334 such certification and continue for not more than 30 years,
4335 except as otherwise provided in s. 288.11621. A certified
4336 applicant identified in this sub-subparagraph may not receive
4337 more in distributions than expended by the applicant for the
4338 public purposes provided for in s. 288.1162(5) or s.
4339 288.11621(3).

4340 c. Beginning 30 days after notice by the Department of
4341 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4342 ~~Development~~ to the Department of Revenue that an applicant has
4343 been certified as the professional golf hall of fame pursuant to
4344 s. 288.1168 and is open to the public, \$166,667 shall be
4345 distributed monthly, for up to 300 months, to the applicant.

4346 d. Beginning 30 days after notice by the Department of
4347 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4348 ~~Development~~ to the Department of Revenue that the applicant has
4349 been certified as the International Game Fish Association World
4350 Center facility pursuant to s. 288.1169, and the facility is
4351 open to the public, \$83,333 shall be distributed monthly, for up
4352 to 168 months, to the applicant. This distribution is subject to
4353 reduction pursuant to s. 288.1169. A lump sum payment of
4354 \$999,996 shall be made, after certification and before July 1,
4355 2000.

4356 7. All other proceeds must remain in the General Revenue
4357 Fund.

4358 Section 80. Subsection (4), paragraph (a) of subsection
4359 (7), paragraphs (k) through (cc) of subsection (8), and
4360 subsections (19), (20), and (21) of section 213.053, Florida
4361 Statutes, as amended by chapter 2010-280, Laws of Florida, are
4362 amended, to read:



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4363 213.053 Confidentiality and information sharing.-

4364 (4) The department, while providing unemployment tax
4365 collection services under contract with the Department of
4366 Economic Opportunity ~~Agency for Workforce Innovation~~ through an
4367 interagency agreement pursuant to s. 443.1316, may release
4368 unemployment tax rate information to the agent of an employer,
4369 which agent provides payroll services for more than 100 ~~500~~
4370 employers, pursuant to the terms of a memorandum of
4371 understanding. The memorandum of understanding must state that
4372 the agent affirms, subject to the criminal penalties contained
4373 in ss. 443.171 and 443.1715, that the agent will retain the
4374 confidentiality of the information, that the agent has in effect
4375 a power of attorney from the employer which permits the agent to
4376 obtain unemployment tax rate information, and that the agent
4377 shall provide the department with a copy of the employer's power
4378 of attorney upon request.

4379 (7) (a) Any information received by the Department of
4380 Revenue in connection with the administration of taxes,
4381 including, but not limited to, information contained in returns,
4382 reports, accounts, or declarations filed by persons subject to
4383 tax, shall be made available to the following in performance of
4384 their official duties:

- 4385 1. The Auditor General or his or her authorized agent;
- 4386 2. The director of the Office of Program Policy Analysis
4387 and Government Accountability or his or her authorized agent;
- 4388 3. The Chief Financial Officer or his or her authorized
4389 agent;
- 4390 4. The Director of the Office of Insurance Regulation of
4391 the Financial Services Commission or his or her authorized



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4392 agent;

4393 5. A property appraiser or tax collector or their
4394 authorized agents pursuant to s. 195.084(1); ~~or~~

4395 6. Designated employees of the Department of Education
4396 solely for determination of each school district's price level
4397 index pursuant to s. 1011.62(2); and-

4398 7. The executive director of the Department of Economic
4399 Opportunity or his or her authorized agent.

4400 (8) Notwithstanding any other provision of this section,
4401 the department may provide:

4402 ~~(k)1. Payment information relative to chapters 199, 201,~~
4403 ~~202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and~~
4404 ~~Economic Development, or its employees or agents that are~~
4405 ~~identified in writing by the office to the department, in the~~
4406 ~~administration of the tax refund program for qualified defense~~
4407 ~~contractors and space flight business contractors authorized by~~
4408 ~~s. 288.1045 and the tax refund program for qualified target~~
4409 ~~industry businesses authorized by s. 288.106.~~

4410 ~~2. Information relative to tax credits taken by a business~~
4411 ~~under s. 220.191 and exemptions or tax refunds received by a~~
4412 ~~business under s. 212.08(5)(j) to the Office of Tourism, Trade,~~
4413 ~~and Economic Development, or its employees or agents that are~~
4414 ~~identified in writing by the office to the department, in the~~
4415 ~~administration and evaluation of the capital investment tax~~
4416 ~~credit program authorized in s. 220.191 and the semiconductor,~~
4417 ~~defense, and space tax exemption program authorized in s.~~
4418 ~~212.08(5)(j).~~

4419 ~~3. Information relative to tax credits taken by a taxpayer~~
4420 ~~pursuant to the tax credit programs created in ss. 193.017;~~



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4421 ~~212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;~~
4422 ~~212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;~~
4423 ~~220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;~~
4424 ~~290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;~~
4425 ~~550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to~~
4426 ~~the Office of Tourism, Trade, and Economic Development, or its~~
4427 ~~employees or agents that are identified in writing by the office~~
4428 ~~to the department, for use in the administration or evaluation~~
4429 ~~of such programs.~~

4430 (k)~~(l)~~ Information relative to chapter 212 and the Bill of
4431 Lading Program to the Office of Agriculture Law Enforcement of
4432 the Department of Agriculture and Consumer Services in the
4433 conduct of its official duties.

4434 (l)~~(m)~~ Information relative to chapter 198 to the Agency
4435 for Health Care Administration in the conduct of its official
4436 business relating to ss. 409.901-409.9101.

4437 (m)~~(n)~~ Information contained in returns, reports, accounts,
4438 or declarations to the Board of Accountancy in connection with a
4439 disciplinary proceeding conducted pursuant to chapter 473 when
4440 related to a certified public accountant participating in the
4441 certified audits project, or to the court in connection with a
4442 civil proceeding brought by the department relating to a claim
4443 for recovery of taxes due to negligence on the part of a
4444 certified public accountant participating in the certified
4445 audits project. In any judicial proceeding brought by the
4446 department, upon motion for protective order, the court shall
4447 limit disclosure of tax information when necessary to effectuate
4448 the purposes of this section.

4449 (n)~~(o)~~ Information relative to ss. 376.70 and 376.75 to the



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4450 Department of Environmental Protection in the conduct of its
4451 official business and to the facility owner, facility operator,
4452 and real property owners as defined in s. 376.301.

4453 ~~(o)~~ Information relative to ss. 220.1845 and 376.30781
4454 to the Department of Environmental Protection in the conduct of
4455 its official business.

4456 ~~(p)~~ Names, addresses, and sales tax registration
4457 information to the Division of Consumer Services of the
4458 Department of Agriculture and Consumer Services in the conduct
4459 of its official duties.

4460 ~~(q)~~ Information relative to the returns required by ss.
4461 175.111 and 185.09 to the Department of Management Services in
4462 the conduct of its official duties. The Department of Management
4463 Services is, in turn, authorized to disclose payment information
4464 to a governmental agency or the agency's agent for purposes
4465 related to budget preparation, auditing, revenue or financial
4466 administration, or administration of chapters 175 and 185.

4467 ~~(r)~~ Names, addresses, and federal employer
4468 identification numbers, or similar identifiers, to the
4469 Department of Highway Safety and Motor Vehicles for use in the
4470 conduct of its official duties.

4471 ~~(t)~~ Information relative to the tax exemptions under ss.
4472 212.031, 212.06, and 212.08 for those persons qualified under s.
4473 288.1258 to the Office of Film and Entertainment. The Department
4474 of Revenue shall provide the Office of Film and Entertainment
4475 with information in the aggregate.

4476 ~~(s)~~ Information relative to ss. 211.0251, 212.1831,
4477 220.1875, 561.1211, 624.51055, and 1002.395 to the Department of
4478 Education and the Division of Alcoholic Beverages and Tobacco in



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4479 the conduct of official business.

4480 ~~(t)(v)~~ Information relative to chapter 202 to each local
4481 government that imposes a tax pursuant to s. 202.19 in the
4482 conduct of its official duties as specified in chapter 202.
4483 Information provided under this paragraph may include, but is
4484 not limited to, any reports required pursuant to s. 202.231,
4485 audit files, notices of intent to audit, tax returns, and other
4486 confidential tax information in the department's possession
4487 relating to chapter 202. A person or an entity designated by the
4488 local government in writing to the department as requiring
4489 access to confidential taxpayer information shall have
4490 reasonable access to information provided pursuant to this
4491 paragraph. Such person or entity may disclose such information
4492 to other persons or entities with direct responsibility for
4493 budget preparation, auditing, revenue or financial
4494 administration, or legal counsel. Such information shall only be
4495 used for purposes related to budget preparation, auditing, and
4496 revenue and financial administration. Any confidential and
4497 exempt information furnished to a local government, or to any
4498 person or entity designated by the local government as
4499 authorized by this paragraph may not be further disclosed by the
4500 recipient except as provided by this paragraph.

4501 ~~(w) Tax registration information to the Agency for
4502 Workforce Innovation for use in the conduct of its official
4503 duties, which information may not be redisclosed by the Agency
4504 for Workforce Innovation.~~

4505 ~~(u)(*)~~ Rental car surcharge revenues authorized by s.
4506 212.0606, reported according to the county to which the
4507 surcharge was attributed to the Department of Transportation.



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4508 ~~(v)-(y)~~ Information relative to ss. 212.08(7)(ccc) and
4509 220.192 to the Department of Agriculture and Consumer Services
4510 ~~Florida Energy and Climate Commission~~ for use in the conduct of
4511 its official business.

4512 ~~(w)-(z)~~ Taxpayer names and identification numbers for the
4513 purposes of information-sharing agreements with financial
4514 institutions pursuant to s. 213.0532.

4515 ~~(x)-(aa)~~ Information relative to chapter 212 to the
4516 Department of Environmental Protection in the conduct of its
4517 official duties in the administration of s. 253.03(7)(b) and
4518 (11).

4519 ~~(bb)~~ ~~Information relative to tax credits taken under s.~~
4520 ~~288.1254 to the Office of Film and Entertainment and the Office~~
4521 ~~of Tourism, Trade, and Economic Development.~~

4522 ~~(y)-(ee)~~ Information relative to ss. 253.03(8) and 253.0325
4523 to the Department of Environmental Protection in the conduct of
4524 its official business.

4525
4526 Disclosure of information under this subsection shall be
4527 pursuant to a written agreement between the executive director
4528 and the agency. Such agencies, governmental or nongovernmental,
4529 shall be bound by the same requirements of confidentiality as
4530 the Department of Revenue. Breach of confidentiality is a
4531 misdemeanor of the first degree, punishable as provided by s.
4532 775.082 or s. 775.083.

4533 ~~(19) The department may disclose information relative to~~
4534 ~~tax credits taken by a taxpayer pursuant to s. 288.9916 to the~~
4535 ~~Office of Tourism, Trade, and Economic Development or its~~
4536 ~~employees or agents. Such employees must be identified in~~



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4537 ~~writing by the office to the department. All information~~
4538 ~~disclosed under this subsection is subject to the same~~
4539 ~~requirements of confidentiality and the same penalties for~~
4540 ~~violation of the requirements as the department.~~

4541 (19)-(20) (a) The department may publish a list of taxpayers
4542 against whom the department has filed a warrant, notice of lien,
4543 or judgment lien certificate. The list may include the name and
4544 address of each taxpayer; the amounts and types of delinquent
4545 taxes, fees, or surcharges, penalties, or interest; and the
4546 employer identification number or other taxpayer identification
4547 number.

4548 (b) The department shall update the list at least monthly
4549 to reflect payments for resolution of deficiencies and to
4550 otherwise add or remove taxpayers from the list.

4551 (c) The department may adopt rules to administer this
4552 subsection.

4553 (20)-(21) The department may disclose information relating
4554 to taxpayers against whom the department has filed a warrant,
4555 notice of lien, or judgment lien certificate. Such information
4556 includes the name and address of the taxpayer, the actions
4557 taken, the amounts and types of liabilities, and the amount of
4558 any collections made.

4559 Section 81. Subsection (1) of section 215.5588, Florida
4560 Statutes, is amended to read:

4561 215.5588 Florida Disaster Recovery Program.—

4562 (1) The Department of Economic Opportunity Community
4563 ~~Affairs~~ shall implement the 2006 Disaster Recovery Program from
4564 funds provided through the Emergency Supplemental Appropriations
4565 Act for Defense, the Global War on Terror, and Hurricane



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4566 Recovery, 2006, for the purpose of assisting local governments
4567 in satisfying disaster recovery needs in the areas of low-income
4568 housing and infrastructure, with a primary focus on the
4569 hardening of single-family and multifamily housing units, not
4570 only to ensure that affordable housing can withstand the effects
4571 of hurricane-force winds, but also to mitigate the increasing
4572 costs of insurance, which may ultimately render existing
4573 affordable homes unaffordable or uninsurable. This section does
4574 not create an entitlement for local governments or property
4575 owners or obligate the state in any way to fund disaster
4576 recovery needs.

4577 Section 82. Paragraph (b) of subsection (8) of section
4578 216.136, Florida Statutes, is amended to read:

4579 216.136 Consensus estimating conferences; duties and
4580 principals.—

4581 (8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.—

4582 (b) The Office of Early Learning Agency for Workforce
4583 ~~Innovation~~ shall provide information on needs and waiting lists
4584 for school readiness programs, and information on the needs for
4585 the Voluntary Prekindergarten Education Program, as requested by
4586 the Early Learning Programs Estimating Conference or individual
4587 conference principals in a timely manner.

4588 Section 83. Paragraph (a) of subsection (6) of section
4589 216.292, Florida Statutes, is amended to read:

4590 216.292 Appropriations nontransferable; exceptions.—

4591 (6) The Chief Financial Officer shall transfer from any
4592 available funds of an agency or the judicial branch the
4593 following amounts and shall report all such transfers and the
4594 reasons therefor to the legislative appropriations committees



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4595 and the Executive Office of the Governor:

4596 (a) The amount due to the Unemployment Compensation Trust
4597 Fund which is more than 90 days delinquent on reimbursements due
4598 to the Unemployment Compensation Trust Fund. The amount
4599 transferred shall be that certified by the state agency
4600 providing unemployment tax collection services under contract
4601 with the Department of Economic Opportunity Agency for Workforce
4602 ~~Innovation~~ through an interagency agreement pursuant to s.
4603 443.1316.

4604 Section 84. Subsection (1) of section 216.231, Florida
4605 Statutes, is amended to read:

4606 216.231 Release of certain classified appropriations.—

4607 (1) (a) Any appropriation to the Executive Office of the
4608 Governor which is classified as an "emergency," as defined in s.
4609 252.34~~(3)~~, may be released only with the approval of the
4610 Governor. The state agency, or the judicial branch, desiring the
4611 use of the emergency appropriation shall submit to the Executive
4612 Office of the Governor application ~~therefor~~ in writing setting
4613 forth the facts from which the alleged need arises. The
4614 Executive Office of the Governor shall, at a public hearing,
4615 review such application promptly and approve or disapprove the
4616 applications as the circumstances may warrant. All actions of
4617 the Executive Office of the Governor shall be reported to the
4618 legislative appropriations committees, and the committees may
4619 advise the Executive Office of the Governor relative to the
4620 release of such funds.

4621 (b) The release of appropriated funds classified as
4622 "emergency" shall be approved only if ~~when~~ an act or
4623 circumstance caused by an act of God, civil disturbance, natural



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4624 disaster, or other circumstance of an emergency nature
4625 threatens, endangers, or damages the property, safety, health,
4626 or welfare of the state or its residents ~~citizens~~, which
4627 condition has not been provided for in appropriation acts of the
4628 Legislature. Funds allocated for this purpose may be used to pay
4629 overtime pay to personnel of agencies called upon to perform
4630 extra duty because of any civil disturbance or other emergency
4631 as defined in s. 252.34~~(3)~~ and to provide the required state
4632 match for federal grants under the federal Disaster Relief Act.

4633 Section 85. Subsection (2) of section 218.32, Florida
4634 Statutes, is amended to read

4635 218.32 Annual financial reports; local governmental
4636 entities.—

4637 (2) The department shall annually by December 1 file a
4638 verified report with the Governor, the Legislature, the Auditor
4639 General, and the Special District Information Program of the
4640 Department of Economic Opportunity ~~Community Affairs~~ showing the
4641 revenues, both locally derived and derived from
4642 intergovernmental transfers, and the expenditures of each local
4643 governmental entity, regional planning council, local government
4644 finance commission, and municipal power corporation that is
4645 required to submit an annual financial report. The report must
4646 include, but is not limited to:

4647 (a) The total revenues and expenditures of each local
4648 governmental entity that is a component unit included in the
4649 annual financial report of the reporting entity.

4650 (b) The amount of outstanding long-term debt by each local
4651 governmental entity. For purposes of this paragraph, the term
4652 "long-term debt" means any agreement or series of agreements to



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4653 pay money, which, at inception, contemplate terms of payment
4654 exceeding 1 year in duration.

4655 Section 86. Paragraph (g) of subsection (1) of section
4656 218.37, Florida Statutes, is amended to read:

4657 218.37 Powers and duties of Division of Bond Finance;
4658 advisory council.—

4659 (1) The Division of Bond Finance of the State Board of
4660 Administration, with respect to both general obligation bonds
4661 and revenue bonds, shall:

4662 (g) By January 1 each year, provide the Special District
4663 Information Program of the Department of Economic Opportunity
4664 ~~Community Affairs~~ with a list of special districts that are not
4665 in compliance with the requirements in s. 218.38.

4666 Section 87. Paragraph (a) of subsection (3) of section
4667 218.64, Florida Statutes, is amended to read:

4668 218.64 Local government half-cent sales tax; uses;
4669 limitations.—

4670 (3) Subject to ordinances enacted by the majority of the
4671 members of the county governing authority and by the majority of
4672 the members of the governing authorities of municipalities
4673 representing at least 50 percent of the municipal population of
4674 such county, counties may use up to \$2 million annually of the
4675 local government half-cent sales tax allocated to that county
4676 for funding for any of the following applicants:

4677 (a) A certified applicant as a facility for a new or
4678 retained professional sports franchise under s. 288.1162 or a
4679 certified applicant as defined in s. 288.11621 for a facility
4680 for a spring training franchise. It is the Legislature's intent
4681 that the provisions of s. 288.1162, including, but not limited



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4682 to, the evaluation process by the Department of Economic
4683 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4684 except for the limitation on the number of certified applicants
4685 or facilities as provided in that section and the restrictions
4686 set forth in s. 288.1162(8), shall apply to an applicant's
4687 facility to be funded by local government as provided in this
4688 subsection.

4689 Section 88. Paragraph (ff) of subsection (1) of section
4690 220.03, Florida Statutes, is amended to read:

4691 220.03 Definitions.—

4692 (1) SPECIFIC TERMS.—When used in this code, and when not
4693 otherwise distinctly expressed or manifestly incompatible with
4694 the intent thereof, the following terms shall have the following
4695 meanings:

4696 (ff) "Job" means a full-time position, as consistent with
4697 terms used by the Department of Economic Opportunity ~~Agency for~~
4698 ~~Workforce Innovation~~ and the United States Department of Labor
4699 for purposes of unemployment compensation tax administration and
4700 employment estimation resulting directly from business
4701 operations in this state. The term may not include a temporary
4702 construction job involved with the construction of facilities or
4703 any job that has previously been included in any application for
4704 tax credits under s. 212.096. The term also includes employment
4705 of an employee leased from an employee leasing company licensed
4706 under chapter 468 if the employee has been continuously leased
4707 to the employer for an average of at least 36 hours per week for
4708 more than 6 months.

4709 Section 89. Paragraph (a) of subsection (1) and paragraph
4710 (g) of subsection (2) of section 220.181, Florida Statutes, are



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4711 amended to read:

4712 220.181 Enterprise zone jobs credit.—

4713 (1) (a) There shall be allowed a credit against the tax
4714 imposed by this chapter to any business located in an enterprise
4715 zone which demonstrates to the department that, on the date of
4716 application, the total number of full-time jobs is greater than
4717 the total was 12 months before ~~prior to~~ that date. The credit
4718 shall be computed as 20 percent of the actual monthly wages paid
4719 in this state to each new employee hired when a new job has been
4720 created, as defined under s. 220.03(1)(ee), unless the business
4721 is located in a rural enterprise zone, pursuant to s.
4722 290.004(6), in which case the credit shall be 30 percent of the
4723 actual monthly wages paid. If no less than 20 percent of the
4724 employees of the business are residents of an enterprise zone,
4725 excluding temporary and part-time employees, the credit shall be
4726 computed as 30 percent of the actual monthly wages paid in this
4727 state to each new employee hired when a new job has been
4728 created, unless the business is located in a rural enterprise
4729 zone, in which case the credit shall be 45 percent of the actual
4730 monthly wages paid, for a period of up to 24 consecutive months.
4731 If the new employee hired when a new job is created is a
4732 participant in the welfare transition program, the following
4733 credit shall be a percent of the actual monthly wages paid: 40
4734 percent for \$4 above the hourly federal minimum wage rate; 41
4735 percent for \$5 above the hourly federal minimum wage rate; 42
4736 percent for \$6 above the hourly federal minimum wage rate; 43
4737 percent for \$7 above the hourly federal minimum wage rate; and
4738 44 percent for \$8 above the hourly federal minimum wage rate.

4739 (2) When filing for an enterprise zone jobs credit, a



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4740 business must file under oath with the governing body or
4741 enterprise zone development agency having jurisdiction over the
4742 enterprise zone where the business is located, as applicable, a
4743 statement which includes:

4744 (g) Whether the business is a small business as defined by
4745 s. 288.703(1).

4746 Section 90. Subsection (13) of section 220.182, Florida
4747 Statutes, is amended to read:

4748 220.182 Enterprise zone property tax credit.—

4749 (13) When filing for an enterprise zone property tax
4750 credit, a business shall indicate whether the business is a
4751 small business as defined by s. 288.703(1).

4752 Section 91. Paragraph (d) of subsection (1), paragraphs
4753 (b), (c), and (d) of subsection (2), and subsections (3), and
4754 (4) of section 220.183, Florida Statutes, are amended to read:

4755 220.183 Community contribution tax credit.—

4756 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
4757 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
4758 SPENDING.—

4759 (d) All proposals for the granting of the tax credit shall
4760 require the prior approval of the Department of Economic
4761 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

4762 (2) ELIGIBILITY REQUIREMENTS.—

4763 (b)1. All community contributions must be reserved
4764 exclusively for use in projects as defined in s. 220.03(1)(t).

4765 2. If, during the first 10 business days of the state
4766 fiscal year, eligible tax credit applications for projects that
4767 provide homeownership opportunities for low-income or very-low-
4768 income households as defined in s. 420.9071(19) and (28) are



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4769 received for less than the annual tax credits available for
4770 those projects, the Department of Economic Opportunity ~~Office of~~
4771 ~~Tourism, Trade, and Economic Development~~ shall grant tax credits
4772 for those applications and shall grant remaining tax credits on
4773 a first-come, first-served basis for any subsequent eligible
4774 applications received before the end of the state fiscal year.
4775 If, during the first 10 business days of the state fiscal year,
4776 eligible tax credit applications for projects that provide
4777 homeownership opportunities for low-income or very-low-income
4778 households as defined in s. 420.9071(19) and (28) are received
4779 for more than the annual tax credits available for those
4780 projects, the office shall grant the tax credits for those
4781 applications as follows:

4782 a. If tax credit applications submitted for approved
4783 projects of an eligible sponsor do not exceed \$200,000 in total,
4784 the credit shall be granted in full if the tax credit
4785 applications are approved.

4786 b. If tax credit applications submitted for approved
4787 projects of an eligible sponsor exceed \$200,000 in total, the
4788 amount of tax credits granted under sub-subparagraph a. shall be
4789 subtracted from the amount of available tax credits, and the
4790 remaining credits shall be granted to each approved tax credit
4791 application on a pro rata basis.

4792 3. If, during the first 10 business days of the state
4793 fiscal year, eligible tax credit applications for projects other
4794 than those that provide homeownership opportunities for low-
4795 income or very-low-income households as defined in s.
4796 420.9071(19) and (28) are received for less than the annual tax
4797 credits available for those projects, the office shall grant tax



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4798 credits for those applications and shall grant remaining tax
4799 credits on a first-come, first-served basis for any subsequent
4800 eligible applications received before the end of the state
4801 fiscal year. If, during the first 10 business days of the state
4802 fiscal year, eligible tax credit applications for projects other
4803 than those that provide homeownership opportunities for low-
4804 income or very-low-income households as defined in s.
4805 420.9071(19) and (28) are received for more than the annual tax
4806 credits available for those projects, the office shall grant the
4807 tax credits for those applications on a pro rata basis.

4808 (c) The project must be undertaken by an "eligible
4809 sponsor," defined here as:

- 4810 1. A community action program;
- 4811 2. A nonprofit community-based development organization
4812 whose mission is the provision of housing for low-income or
4813 very-low-income households or increasing entrepreneurial and
4814 job-development opportunities for low-income persons;
- 4815 3. A neighborhood housing services corporation;
- 4816 4. A local housing authority, created pursuant to chapter
4817 421;
- 4818 5. A community redevelopment agency, created pursuant to s.
4819 163.356;
- 4820 6. The Florida Industrial Development Corporation;
- 4821 7. An historic preservation district agency or
4822 organization;
- 4823 8. A regional workforce board;
- 4824 9. A direct-support organization as provided in s.
4825 1009.983;
- 4826 10. An enterprise zone development agency created pursuant



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4827 to s. 290.0056;

4828 11. A community-based organization incorporated under
4829 chapter 617 which is recognized as educational, charitable, or
4830 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
4831 and whose bylaws and articles of incorporation include
4832 affordable housing, economic development, or community
4833 development as the primary mission of the corporation;

4834 12. Units of local government;

4835 13. Units of state government; or

4836 14. Such other agency as the Department of Economic
4837 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4838 may, from time to time, designate by rule.

4839

4840 In no event shall a contributing business firm have a financial
4841 interest in the eligible sponsor.

4842 (d) The project shall be located in an area designated as
4843 an enterprise zone or a Front Porch Florida Community ~~pursuant~~
4844 ~~to s. 20.18(6)~~. Any project designed to construct or
4845 rehabilitate housing for low-income or very-low-income
4846 households as defined in s. 420.9071(19) and (28) is exempt from
4847 the area requirement of this paragraph. This section does not
4848 preclude projects that propose to construct or rehabilitate
4849 housing for low-income or very-low-income households on
4850 scattered sites. Any project designed to provide increased
4851 access to high-speed broadband capabilities which includes
4852 coverage of a rural enterprise zone may locate the project's
4853 infrastructure in any area of a rural county.

4854 (3) APPLICATION REQUIREMENTS.—

4855 (a) Any eligible sponsor wishing to participate in this



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4856 program must submit a proposal to the Department of Economic
4857 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
4858 which sets forth the sponsor, the project, the area in which the
4859 project is located, and such supporting information as may be
4860 prescribed by rule. The proposal shall also contain a resolution
4861 from the local governmental unit in which it is located
4862 certifying that the project is consistent with local plans and
4863 regulations.

4864 (b) Any business wishing to participate in this program
4865 must submit an application for tax credit to the Department of
4866 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4867 ~~Development~~, which application sets forth the sponsor; the
4868 project; and the type, value, and purpose of the contribution.
4869 The sponsor shall verify the terms of the application and
4870 indicate its receipt of the contribution, which verification
4871 must be in writing and accompany the application for tax credit.

4872 (c) The business firm must submit a separate application
4873 for tax credit for each individual contribution that it makes to
4874 each individual project.

4875 (4) ADMINISTRATION.—

4876 (a) The Department of Economic Opportunity ~~Office of~~
4877 ~~Tourism, Trade, and Economic Development~~ has authority to adopt
4878 rules pursuant to ss. 120.536(1) and 120.54 to implement the
4879 provisions of this section, including rules for the approval or
4880 disapproval of proposals by business firms.

4881 (b) The decision of the Department of Economic Opportunity
4882 ~~Office of Tourism, Trade, and Economic Development~~ shall be in
4883 writing, and, if approved, the notification must state the
4884 maximum credit allowable to the business firm. A copy of the



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4885 decision shall be transmitted to the executive director of the
4886 Department of Revenue, who shall apply such credit to the tax
4887 liability of the business firm.

4888 (c) The Department of Economic Opportunity ~~Office of~~
4889 ~~Tourism, Trade, and Economic Development~~ shall periodically
4890 monitor all projects in a manner consistent with available
4891 resources to ensure that resources are utilized in accordance
4892 with this section; however, each project shall be reviewed no
4893 less often than once every 2 years.

4894 (d) The Department of Revenue has authority to adopt rules
4895 pursuant to ss. 120.536(1) and 120.54 to implement the
4896 provisions of this section.

4897 (e) The Department of Economic Opportunity ~~Office of~~
4898 ~~Tourism, Trade, and Economic Development~~ shall, in consultation
4899 with ~~the Department of Community Affairs,~~ the Florida Housing
4900 Finance Corporation, and the statewide and regional housing and
4901 financial intermediaries, market the availability of the
4902 community contribution tax credit program to community-based
4903 organizations.

4904 Section 92. Section 220.1895, Florida Statutes, is amended
4905 to read:

4906 220.1895 Rural Job Tax Credit and Urban High-Crime Area Job
4907 Tax Credit.—There shall be allowed a credit against the tax
4908 imposed by this chapter amounts approved by the Department of
4909 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
4910 ~~Development~~ pursuant to the Rural Job Tax Credit Program in s.
4911 212.098 and the Urban High-Crime Area Job Tax Credit Program in
4912 s. 212.097. A corporation that uses its credit against the tax
4913 imposed by this chapter may not take the credit against the tax



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4914 imposed by chapter 212. If any credit granted under this section
4915 is not fully used in the first year for which it becomes
4916 available, the unused amount may be carried forward for a period
4917 not to exceed 5 years. The carryover may be used in a subsequent
4918 year when the tax imposed by this chapter for such year exceeds
4919 the credit for such year under this section after applying the
4920 other credits and unused credit carryovers in the order provided
4921 in s. 220.02(8).

4922 Section 93. Section 220.1896, Florida Statutes, is amended
4923 to read:

4924 220.1896 Jobs for the Unemployed Tax Credit Program.—

4925 (1) As used in this section, the term:

4926 (a) "Eligible business" means any target industry business
4927 as defined in s. 288.106(2) which is subject to the tax imposed
4928 by this chapter. The eligible business does not have to be
4929 certified to receive the Qualified Target Industry Tax Refund
4930 Incentive under s. 288.106 in order to receive the tax credit
4931 available under this section.

4932 ~~(b) "Office" means the Office of Tourism, Trade, and~~
4933 ~~Economic Development.~~

4934 ~~(b)(c)~~ "Qualified employee" means a person:

4935 1. Who was unemployed at least 30 days immediately before
4936 ~~prior to~~ being hired by an eligible business.

4937 2. Who was hired by an eligible business on or after July
4938 1, 2010, and had not previously been employed by the eligible
4939 business or its parent or an affiliated corporation.

4940 3. Who performed duties connected to the operations of the
4941 eligible business on a regular, full-time basis for an average
4942 of at least 36 hours per week and for at least 12 months before



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4943 an eligible business is awarded a tax credit.

4944 4. Whose employment by the eligible business has not formed
4945 the basis for any other claim to a credit pursuant to this
4946 section.

4947 (2) A certified business shall receive a \$1,000 tax credit
4948 for each qualified employee, pursuant to limitation in
4949 subsection (5).

4950 (3) (a) In order to become a certified business, an eligible
4951 business must file under oath with the Department of Economic
4952 Opportunity ~~office~~ an application that includes:

4953 1. The name, address and NAICS identifying code of the
4954 eligible business.

4955 2. Relevant employment information.

4956 3. A sworn affidavit, signed by each employee, attesting to
4957 his or her previous unemployment for whom the eligible business
4958 is seeking credits under this section.

4959 4. Verification that the wages paid by the eligible
4960 business to each of its qualified employees exceeds the wage
4961 eligibility levels for Medicaid and other public assistance
4962 programs.

4963 5. Any other information necessary to process the
4964 application.

4965 (b) The Department of Economic Opportunity ~~office~~ shall
4966 process applications to certify a business in the order in which
4967 the applications are received, without regard as to whether the
4968 applicant is a new or an existing business. The Department of
4969 Economic Opportunity ~~office~~ shall review and approve or deny an
4970 application within 10 days after receiving a completed
4971 application. The Department of Economic Opportunity ~~office~~ shall



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4972 notify the applicant in writing as to the department's office's
4973 decision.

4974 (c)1. The Department of Economic Opportunity office shall
4975 submit a copy of the letter of certification to the Department
4976 of Revenue within 10 days after the Department of Economic
4977 Opportunity office issues the letter of certification to the
4978 applicant.

4979 2. If the application of an eligible business is not
4980 sufficient to certify the applicant business, the Department of
4981 Economic Opportunity office must deny the application and issue
4982 a notice of denial to the applicant.

4983 3. If the application of an eligible business does not
4984 contain sufficient documentation of the number of qualified
4985 employees, the Department of Economic Opportunity office shall
4986 approve the application with respect to the employees for whom
4987 the Department of Economic Opportunity office determines are
4988 qualified employees. The Department of Economic Opportunity
4989 office must deny the application with respect to persons for
4990 whom the Department of Economic Opportunity office determines
4991 are not qualified employees or for whom insufficient
4992 documentation has been provided. A business may not submit a
4993 revised application for certification or for the determination
4994 of a person as a qualified employee more than 3 months after the
4995 issuance of a notice of denial with respect to the business or a
4996 particular person as a qualified employee.

4997 (4) The applicant for a tax credit under this section has
4998 the responsibility to affirmatively demonstrate to the
4999 satisfaction of the Department of Economic Opportunity office
5000 and the Department of Revenue that the applicant and the persons



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5001 claimed as qualified employees meet the requirements of this
5002 section.

5003 (5) The total amount of tax credits under this section
5004 which may be approved by the Department of Economic Opportunity
5005 ~~office~~ for all applicants is \$10 million, with \$5 million
5006 available to be awarded in the 2011-2012 fiscal year and \$5
5007 million available to be awarded in the 2012-2013 fiscal year.

5008 (6) A tax credit amount that is granted under this section
5009 which is not fully used in the first year for which it becomes
5010 available may be carried forward to the subsequent taxable year.
5011 The carryover credit may be used in the subsequent year if the
5012 tax imposed by this chapter for such year exceeds the credit for
5013 such year under this section after applying the other credits
5014 and unused credit carryovers in the order provided in s.
5015 220.02(8).

5016 (7) A person who fraudulently claims a credit under this
5017 section is liable for repayment of the credit plus a mandatory
5018 penalty of 100 percent of the credit. Such person also commits a
5019 misdemeanor of the second degree, punishable as provided in s.
5020 775.082 or s. 775.083.

5021 (8) The Department of Economic Opportunity ~~office~~ may adopt
5022 rules governing the manner and form of applications for the tax
5023 credit. The Department of Economic Opportunity ~~office~~ may
5024 establish guidelines for making an affirmative showing of
5025 qualification for the tax credit under this section.

5026 (9) The Department of Revenue may adopt rules to administer
5027 this section, including rules relating to the creation of forms
5028 to claim a tax credit and examination and audit procedures
5029 required to administer this section.



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5030 (10) This section expires June 30, 2012. However, a
5031 taxpayer that is awarded a tax credit in the second year of the
5032 program may carry forward any unused credit amount to the
5033 subsequent tax reporting period. Rules adopted by the Department
5034 of Revenue to administer this section shall remain valid as long
5035 as a taxpayer may use a credit against its corporate income tax
5036 liability.

5037 Section 94. Subsection (1) of section 220.1899, Florida
5038 Statutes, is amended to read:

5039 220.1899 Entertainment industry tax credit.—

5040 (1) There shall be a credit allowed against the tax imposed
5041 by this chapter in the amounts awarded by the Department of
5042 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
5043 ~~Development~~ under the entertainment industry financial incentive
5044 program in s. 288.1254.

5045 Section 95. Paragraphs (e), (f), (g), and (h) of subsection
5046 (1), paragraph (a) of subsection (3), and subsections (5) and
5047 (6) of section 220.191, Florida Statutes, are amended to read:

5048 220.191 Capital investment tax credit.—

5049 (1) DEFINITIONS.—For purposes of this section:

5050 (e) "Jobs" means full-time equivalent positions, as that
5051 term is consistent with terms used by the Department of Economic
5052 Opportunity ~~Agency for Workforce Innovation~~ and the United
5053 States Department of Labor for purposes of unemployment tax
5054 administration and employment estimation, resulting directly
5055 from a project in this state. The term does not include
5056 temporary construction jobs involved in the construction of the
5057 project facility.

5058 (f) ~~"Office" means the Office of Tourism, Trade, and~~



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5059 ~~Economic Development.~~

5060 ~~(f)(g)~~ "Qualifying business" means a business which
5061 establishes a qualifying project in this state and which is
5062 certified by the Department of Economic Opportunity ~~office~~ to
5063 receive tax credits pursuant to this section.

5064 ~~(g)(h)~~ "Qualifying project" means a facility in this state
5065 meeting one or more of the following criteria:

5066 1. A new or expanding facility in this state which creates
5067 at least 100 new jobs in this state and is in one of the high-
5068 impact sectors identified by Enterprise Florida, Inc., and
5069 certified by the Department of Economic Opportunity ~~office~~
5070 pursuant to s. 288.108(6), including, but not limited to,
5071 aviation, aerospace, automotive, and silicon technology
5072 industries. However, between July 1, 2011, and June 30, 2014,
5073 the requirement that a facility be in a high-impact sector is
5074 waived for any otherwise eligible business from another state
5075 which locates all or a portion of its business to a
5076 Disproportionally Affected County. For purposes of this section,
5077 the term "Disproportionally Affected County" means Bay County,
5078 Escambia County, Franklin County, Gulf County, Okaloosa County,
5079 Santa Rosa County, Walton County, or Wakulla County.†

5080 2. A new or expanded facility in this state which is
5081 engaged in a target industry designated pursuant to the
5082 procedure specified in s. 288.106(2) ~~s. 288.106(2)(t)~~ and which
5083 is induced by this credit to create or retain at least 1,000
5084 jobs in this state, provided that at least 100 of those jobs are
5085 new, pay an annual average wage of at least 130 percent of the
5086 average private sector wage in the area as defined in s.
5087 288.106(2), and make a cumulative capital investment of at least



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5088 \$100 million ~~after July 1, 2005~~. Jobs may be considered retained
5089 only if there is significant evidence that the loss of jobs is
5090 imminent. Notwithstanding subsection (2), annual credits against
5091 the tax imposed by this chapter may ~~shall~~ not exceed 50 percent
5092 of the increased annual corporate income tax liability or the
5093 premium tax liability generated by or arising out of a project
5094 qualifying under this subparagraph. A facility that qualifies
5095 under this subparagraph for an annual credit against the tax
5096 imposed by this chapter may take the tax credit for a period not
5097 to exceed 5 years. ~~or~~

5098 3. A new or expanded headquarters facility in this state
5099 which locates in an enterprise zone and brownfield area and is
5100 induced by this credit to create at least 1,500 jobs which on
5101 average pay at least 200 percent of the statewide average annual
5102 private sector wage, as published by the Department of Economic
5103 Opportunity ~~Agency for Workforce Innovation or its successor~~,
5104 and which new or expanded headquarters facility makes a
5105 cumulative capital investment in this state of at least \$250
5106 million.

5107 (3) (a) Notwithstanding subsection (2), an annual credit
5108 against the tax imposed by this chapter shall be granted to a
5109 qualifying business which establishes a qualifying project
5110 pursuant to subparagraph (1) (g) ~~(h)~~ 3., in an amount equal to the
5111 lesser of \$15 million or 5 percent of the eligible capital costs
5112 made in connection with a qualifying project, for a period not
5113 to exceed 20 years beginning with the commencement of operations
5114 of the project. The tax credit shall be granted against the
5115 corporate income tax liability of the qualifying business and as
5116 further provided in paragraph (c). The total tax credit provided



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5117 pursuant to this subsection shall be equal to no more than 100
5118 percent of the eligible capital costs of the qualifying project.

5119 (5) Applications shall be reviewed and certified pursuant
5120 to s. 288.061. The Department of Economic Opportunity office,
5121 upon a recommendation by Enterprise Florida, Inc., shall first
5122 certify a business as eligible to receive tax credits pursuant
5123 to this section prior to the commencement of operations of a
5124 qualifying project, and such certification shall be transmitted
5125 to the Department of Revenue. Upon receipt of the certification,
5126 the Department of Revenue shall enter into a written agreement
5127 with the qualifying business specifying, at a minimum, the
5128 method by which income generated by or arising out of the
5129 qualifying project will be determined.

5130 (6) The Department of Economic Opportunity office, in
5131 consultation with Enterprise Florida, Inc., is authorized to
5132 develop the necessary guidelines and application materials for
5133 the certification process described in subsection (5).

5134 Section 96. Subsection (2) of section 222.15, Florida
5135 Statutes, is amended to read:

5136 222.15 Wages or unemployment compensation payments due
5137 deceased employee may be paid spouse or certain relatives.—

5138 (2) It is also lawful for the Department of Economic
5139 Opportunity ~~Agency for Workforce Innovation~~, in case of death of
5140 any unemployed individual, to pay to those persons referred to
5141 in subsection (1) any unemployment compensation payments that
5142 may be due to the individual at the time of his or her death.

5143 Section 97. Subsections (3) and (4) of section 250.06,
5144 Florida Statutes, are amended to read:

5145 250.06 Commander in chief.—



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5146 (3) The Governor may, in order to preserve the public
5147 peace, execute the laws of the state, suppress insurrection,
5148 repel invasion, respond to an emergency as defined in s.
5149 252.34~~(3)~~ or imminent danger thereof, or, in case of the calling
5150 of all or any portion of the militia of this state ~~Florida~~ into
5151 the services of the United States, may increase the Florida
5152 National Guard and organize it in accordance with rules and
5153 regulations governing the Armed Forces of the United States.
5154 Such organization and increase may be pursuant to or in advance
5155 of any call made by the President of the United States. If the
5156 Florida National Guard is activated into service of the United
5157 States, another organization may not be designated as the
5158 Florida National Guard.

5159 (4) The Governor may, in order to preserve the public
5160 peace, execute the laws of the state, enhance domestic security,
5161 respond to terrorist threats or attacks, respond to an emergency
5162 as defined in s. 252.34~~(3)~~ or imminent danger thereof, or
5163 respond to any need for emergency aid to civil authorities as
5164 specified in s. 250.28, order into state active duty all or any
5165 part of the militia which he or she deems proper.

5166 Section 98. Subsection (2) of section 252.34, Florida
5167 Statutes, is amended to read:

5168 252.34 Definitions.—As used in this part ~~ss. 252.31-252.60~~,
5169 the term:

5170 (2) "Division" means the Division of Emergency Management
5171 within the Executive Office of the Governor ~~of the Department of~~
5172 ~~Community Affairs~~, or the successor to that division.

5173 Section 99. Paragraphs (j), (s), and (t) of subsection (2)
5174 of section 252.35, Florida Statutes, are amended to read:



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5175 252.35 Emergency management powers; Division of Emergency
5176 Management.—

5177 (2) The division is responsible for carrying out the
5178 provisions of ss. 252.31-252.90. In performing its duties ~~under~~
5179 ~~ss. 252.31-252.90~~, the division shall:

5180 (j) In cooperation with ~~The Division of Emergency~~
5181 ~~Management~~ and the Department of Education, ~~shall~~ coordinate
5182 with the Agency for Persons with Disabilities to provide an
5183 educational outreach program on disaster preparedness and
5184 readiness to individuals who have limited English skills and
5185 identify persons who are in need of assistance but are not
5186 defined under special-needs criteria.

5187 (s) ~~By January 1, 2007, the Division of Emergency~~
5188 ~~Management shall~~ Complete an inventory of portable generators
5189 owned by the state and local governments which are capable of
5190 operating during a major disaster. The inventory must identify,
5191 at a minimum, the location of each generator, the number of
5192 generators stored at each specific location, the agency to which
5193 each generator belongs, the primary use of the generator by the
5194 owner agency, and the names, addresses, and telephone numbers of
5195 persons having the authority to loan the stored generators as
5196 authorized by the division ~~of Emergency Management~~ during a
5197 declared emergency.

5198 (t) ~~The division shall~~ Maintain an inventory list of
5199 generators owned by the state and local governments. In
5200 addition, the division may keep a list of private entities,
5201 along with appropriate contact information, which offer
5202 generators for sale or lease. The list of private entities shall
5203 be available to the public for inspection in written and



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5204 electronic formats.

5205 Section 100. Subsection (2) of section 252.355, Florida
5206 Statutes, is amended to read:

5207 252.355 Registry of persons with special needs; notice.—

5208 (2) The division ~~Department of Community Affairs~~ shall be
5209 the designated lead agency responsible for community education
5210 and outreach to the public, including special needs clients,
5211 regarding registration and special needs shelters and general
5212 information regarding shelter stays.

5213 Section 101. Section 252.371, Florida Statutes, is amended
5214 to read:

5215 252.371 Emergency Management, Preparedness, and Assistance
5216 Trust Fund.—There is created the Emergency Management,
5217 Preparedness, and Assistance Trust Fund to be administered by
5218 the division ~~Department of Community Affairs~~.

5219 Section 102. Subsections (1) and (2) of section 252.373,
5220 Florida Statutes, are amended to read:

5221 252.373 Allocation of funds; rules.—

5222 (1) Funds appropriated from the Emergency Management,
5223 Preparedness, and Assistance Trust Fund shall be allocated by
5224 the division ~~Department of Community Affairs~~ for the following
5225 purposes:

5226 (a) To implement and administer state and local emergency
5227 management programs, including administration, training, and
5228 operations.

5229 (b) For grants and loans to state or regional agencies,
5230 local governments, and private organizations to implement
5231 projects that will further state and local emergency management
5232 objectives. These projects must include, but need not be limited



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5233 to, projects that will promote public education on disaster
5234 preparedness and recovery issues, enhance coordination of relief
5235 efforts of statewide private sector organizations, and improve
5236 the training and operations capabilities of agencies assigned
5237 lead or support responsibilities in the state comprehensive
5238 emergency management plan, including the State Fire Marshal's
5239 Office for coordinating the Florida fire services. The division
5240 shall establish criteria and procedures for competitive
5241 allocation of these funds by rule. No more than 5 percent of any
5242 award made pursuant to this subparagraph may be used for
5243 administrative expenses. This competitive criteria must give
5244 priority consideration to hurricane evacuation shelter retrofit
5245 projects.

5246 (c) To meet any matching requirements imposed as a
5247 condition of receiving federal disaster relief assistance.

5248 (2) The division ~~department~~ shall allocate funds from the
5249 Emergency Management, Preparedness, and Assistance Trust Fund to
5250 local emergency management agencies and programs pursuant to
5251 criteria specified in rule. Such rules shall include, but are
5252 not limited to:

5253 (a) Requiring that, at a minimum, a local emergency
5254 management agency either:

5255 1. Have a program director who works at least 40 hours a
5256 week in that capacity; or

5257 2. If the county has fewer than 75,000 population or is
5258 party to an interjurisdictional emergency management agreement
5259 entered into pursuant to s. 252.38(3)(b), that is recognized by
5260 the Governor by executive order or rule, have an emergency
5261 management coordinator who works at least 20 hours a week in



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5262 that capacity.

5263 (b) Specifying a formula that establishes a base grant
5264 allocation and weighted factors for funds to be allocated over
5265 the base grant amount.

5266 (c) Specifying match requirements.

5267 (d) Preferential funding to provide incentives to counties
5268 and municipalities to participate in mutual aid agreements.

5269 Section 103. Subsection (5) of section 252.55, Florida
5270 Statutes, is amended to read:

5271 252.55 Civil Air Patrol, Florida Wing.—

5272 (5) The wing commander of the Florida Wing of the Civil Air
5273 Patrol shall biennially furnish the division ~~Bureau of Emergency~~
5274 ~~Management~~ a 2-year projection of the goals and objectives of
5275 the Civil Air Patrol which shall be reported in the division's
5276 biennial report submitted pursuant to s. 252.35.

5277 Section 104. Subsection (4) of section 252.60, Florida
5278 Statutes, is amended to read:

5279 252.60 Radiological emergency preparedness.—

5280 (4) POWERS AND DUTIES.—In implementing the requirements of
5281 this section, the director of the division ~~secretary of the~~
5282 ~~department~~, or the director's ~~secretary's~~ designated
5283 representative, shall:

5284 (a) Negotiate and enter into such additional contracts and
5285 arrangements among the division, appropriate counties, and each
5286 operator to provide for the level of funding and the respective
5287 roles of each in the development, preparation, testing, and
5288 implementation of the plans.

5289 (b) Evaluate and determine the adequacy of the plans based
5290 upon consultations with the United States Nuclear Regulatory



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5291 Commission and other agencies, as appropriate, and upon the
5292 results of such tests as may be conducted.

5293 (c) Limited to such funding as is available based upon the
5294 requirements of subsection (5), require the participation of
5295 appropriate counties and operators in the development,
5296 preparation, testing, or implementation of the plans as needed.

5297 (d) Determine the reasonableness and adequacy of the
5298 provisions, terms, and conditions of the plans and, in the event
5299 the appropriate counties and the operators cannot agree, resolve
5300 such differences and require compliance by the appropriate
5301 counties and the operators with the plans. In resolving such
5302 differences, the director ~~secretary~~ shall consider:

5303 1. The requirements and parameters placed on the operators
5304 by federal law and agencies;

5305 2. The reasonableness and adequacy of the funding for
5306 appropriate counties from any sources of funds other than local
5307 revenue sources; and

5308 3. The reasonableness and appropriateness of the costs to
5309 the appropriate counties likely to be incurred in complying with
5310 provisions, terms, and conditions of the plans.

5311 (e) Receive, expend, and disburse such funds as are made
5312 available by each licensee pursuant to this section.

5313 (f) Limited to such funding as is available based upon the
5314 requirements of subsection (5), coordinate all activities
5315 undertaken pursuant to this section or required of appropriate
5316 counties and operators by any federal or state agency.

5317 Section 105. Section 252.61, Florida Statutes, is amended
5318 to read:

5319 252.61 List of persons for contact relating to release of



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5320 toxic substances into atmosphere.—The Division of Emergency
5321 Management Department of Community Affairs shall maintain a list
5322 of contact persons after the survey pursuant to s. 403.771 is
5323 completed.

5324 Section 106. Section 252.82, Florida Statutes, is amended
5325 to read:

5326 252.82 Definitions.—As used in this part:

5327 (1) "Commission" means the State Hazardous Materials
5328 Emergency Response Commission created pursuant to s. 301 of
5329 EPCRA.

5330 (2) "Committee" means any local emergency planning
5331 committee established in the state pursuant to s. 301 of EPCRA.

5332 (3) "Division" means the Division of Emergency Management
5333 within the Executive Office of the Governor "~~Department~~" means
5334 ~~the Department of Community Affairs.~~

5335 (4) "Facility" means facility as defined in s. 329 of
5336 EPCRA. Vehicles placarded according to title 49 Code of Federal
5337 Regulations are ~~shall~~ not be considered a facility except for
5338 purposes of s. 304 of EPCRA.

5339 (5) "Hazardous material" means any hazardous chemical,
5340 toxic chemical, or extremely hazardous substance, as defined in
5341 s. 329 of EPCRA.

5342 (6) "EPCRA" means the Emergency Planning and Community
5343 Right-to-Know Act of 1986, title III of the Superfund Amendments
5344 and Reauthorization Act of 1986, ~~Pub. L. No. 99-499~~, ss. 300-
5345 329, 42 U.S.C. ss. 11001 et seq.; and federal regulations
5346 adopted thereunder.

5347 (7) "Trust fund" means the Operating Trust Fund of the
5348 division ~~Department of Community Affairs.~~



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5349 Section 107. Section 252.83, Florida Statutes, is amended
5350 to read:

5351 252.83 Powers and duties of the division ~~department~~.—

5352 (1) The division ~~department~~ shall have the authority:

5353 (a) To coordinate its activities under this part with its
5354 other emergency management responsibilities, including its
5355 responsibilities under part I of this chapter, and activities
5356 and with the related activities of other agencies, keeping
5357 separate accounts for all activities supported or partially
5358 supported from the Operating Trust Fund.

5359 (b) To make rules, with the advice and consent of the
5360 commission, to implement this part.

5361 (2) The division ~~department~~ shall provide administrative
5362 support, including staff, facilities, materials, and services,
5363 to the commission and shall provide funding to the committees to
5364 enable the commission and the committees to perform their
5365 functions under EPCRA and this part.

5366 (3) The division ~~department~~ and the commission, to the
5367 extent possible, shall use the emergency planning capabilities
5368 of local governments to reduce duplication and paperwork to
5369 achieve the intent of this part. It is the intent of the
5370 Legislature that this part be implemented in the most cost-
5371 efficient manner possible, with the least possible financial
5372 impact on local government and the community.

5373 Section 108. Subsections (1), (3), (4), and (5) of section
5374 252.85, Florida Statutes, are amended to read:

5375 252.85 Fees.—

5376 (1) Any owner or operator of a facility required under s.
5377 302 or s. 312 of EPCRA, or by s. 252.87, to submit a



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5378 notification or an annual inventory form to the commission shall
5379 be required to pay an annual registration fee. The fee for any
5380 company, including all facilities under common ownership or
5381 control, shall not be less than \$25 nor more than \$2,000. The
5382 division ~~department~~ shall establish a reduced fee, of not less
5383 than \$25 nor more than \$500, applicable to any owner or operator
5384 regulated under part I of chapter 368, chapter 527, or s.
5385 376.303, which does not have present any extremely hazardous
5386 substance, as defined by EPCRA, in excess of a threshold
5387 planning quantity, as established by EPCRA. The division
5388 ~~department~~ shall establish a reduced fee of not less than \$25
5389 nor more than \$1,000, applicable to any owner or operator of a
5390 facility with a Standard Industrial Classification Code of 01,
5391 02, or 07, which is eligible for the "routine agricultural use"
5392 exemption provided in ss. 311 and 312 of EPCRA. The fee under
5393 this subsection shall be based on the number of employees
5394 employed within the state at facilities under the common
5395 ownership or control of such owner or operator, which number
5396 shall be determined, to the extent possible, in accordance with
5397 data supplied by the Department of Economic Opportunity or its
5398 tax collection service provider ~~Labor and Employment Security~~.
5399 In order to avoid the duplicative reporting of seasonal and
5400 temporary agricultural employees, fees applicable to owners or
5401 operators of agricultural facilities, which are eligible for the
5402 "routine agricultural use" reporting exemption provided in ss.
5403 311 and 312 of EPCRA, shall be based on employee data which most
5404 closely reflects such owner or operator's permanent nonseasonal
5405 workforce. The division ~~department~~ shall establish by rule the
5406 date by which the fee is to be paid, as well as a formula or



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5407 method of determining the applicable fee under this subsection
5408 without regard to the number of facilities under common
5409 ownership or control. The division ~~department~~ may require owners
5410 or operators of multiple facilities to demonstrate common
5411 ownership or control for purposes of this subsection.

5412 (3) Any owner or operator of a facility that is required to
5413 submit a report or filing under s. 313 of EPCRA shall pay an
5414 annual reporting fee not to exceed \$150 for those s. 313 EPCRA
5415 listed substances in effect on January 1, 2005. The division
5416 ~~department~~ shall establish by rule the date by which the fee is
5417 to be paid, as well as a formula or method of determining the
5418 applicable fee under this subsection.

5419 (4) (a) The division ~~department~~ may assess a late fee for
5420 the failure to submit a report or filing that substantially
5421 complies with the requirements of EPCRA or s. 252.87 by the
5422 specified date or for failure to pay any fee, including any late
5423 fee, required by this section. This late fee shall be in
5424 addition to the fee otherwise imposed pursuant to this section.
5425 If the division ~~department~~ elects to impose a late fee, it shall
5426 provide the owner or operator with a written notice that
5427 identifies the specific requirements which have not been met and
5428 advises of its intent to assess a late fee.

5429 (b) The division ~~department~~ may impose a late fee, subject
5430 to the limitations set forth below:

5431 1. If the report, filing, or fee is submitted within 30
5432 days after the receipt of the division's ~~department's~~ notice, no
5433 late fee may be assessed.

5434 2. If the report, filing, or fee is not submitted within 30
5435 days after the receipt of the division's ~~department's~~ notice,



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5436 the division ~~department~~ may impose a late fee in an amount equal
5437 to the amount of the annual registration fee, filing fee, or s.
5438 313 fee due, not to exceed \$2,000.

5439 3. If the report, filing, or fee is not submitted within 90
5440 days after the receipt of the division's ~~department's~~ notice,
5441 the division ~~department~~ may issue a second notice. If the
5442 report, filing, or fee is not submitted within 30 days after
5443 receipt of the division's ~~department's~~ second notice, the
5444 division ~~department~~ may assess a second late fee in an amount
5445 equal to twice the amount of the annual registration fee, filing
5446 fee, or s. 313 fee due, not to exceed \$4,000.

5447 4. The division ~~department~~ may consider, but is not limited
5448 to considering, the following factors in assessing late fees:
5449 good faith attempt to comply; history of noncompliance; ability
5450 to pay or continue in business; threat to health and safety
5451 posed by noncompliance; and degree of culpability.

5452 (5) The division ~~department~~ shall establish by rule the
5453 dates by which the fee is to be paid, as well as a formula or
5454 method of determining the facility registration fee and late
5455 fee.

5456 Section 109. Subsections (1) and (3) of section 252.86,
5457 Florida Statutes, are amended to read:

5458 252.86 Penalties and remedies.—

5459 (1) The owner or operator of a facility, an employer, or
5460 any other person submitting written information pursuant to
5461 EPCRA or this part to the commission, a committee, or a fire
5462 department shall be liable for a civil penalty of \$5,000 for
5463 each item of information in the submission that is false, if
5464 such person knew or should have known the information was false



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5465 or if such person submitted the information with reckless
5466 disregard of its truth or falsity. The division ~~department~~ may
5467 institute a civil action in a court of competent jurisdiction to
5468 impose and recover a civil penalty for the amount indicated in
5469 this subsection. However, the court may receive evidence in
5470 mitigation.

5471 (3) Any provision of s. 325 or s. 326 of EPCRA which
5472 creates a federal cause of action shall create a corresponding
5473 cause of action under state law, with jurisdiction in the
5474 circuit courts. Any provision of s. 325 or s. 326 of EPCRA which
5475 imposes or authorizes the imposition of a civil penalty by the
5476 Administrator of the Environmental Protection Agency, or which
5477 creates a liability to the United States, shall impose or
5478 authorize the imposition of such a penalty by the division
5479 ~~department~~ or create such a liability to and for the benefit of
5480 the state, to be paid into the Operating Trust Fund. Venue shall
5481 be proper in the county where the violation occurred or where
5482 the defendant has its principal place of business.

5483 Section 110. Subsections (4) and (7) of section 252.87,
5484 Florida Statutes, are amended to read:

5485 252.87 Supplemental state reporting requirements.—

5486 (4) Each employer that owns or operates a facility in this
5487 state at which hazardous materials are present in quantities at
5488 or above the thresholds established under ss. 311(b) and 312(b)
5489 of EPCRA shall comply with the reporting requirements of ss. 311
5490 and 312 of EPCRA. Such employer shall also be responsible for
5491 notifying the division ~~department~~, the local emergency planning
5492 committee, and the local fire department in writing within 30
5493 days if there is a discontinuance or abandonment of the



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5494 employer's business activities that could affect any stored
5495 hazardous materials.

5496 (7) The division ~~department~~ shall avoid duplicative
5497 reporting requirements by using ~~utilizing~~ the reporting
5498 requirements of other state agencies that regulate hazardous
5499 materials to the extent feasible and shall request the
5500 information authorized under EPCRA. With the advice and consent
5501 of the State Emergency Response Commission for Hazardous
5502 Materials, the division ~~department~~ may require by rule that the
5503 maximum daily amount entry on the chemical inventory report
5504 required under s. 312 of EPCRA provide for reporting in
5505 estimated actual amounts. The division ~~department~~ may also
5506 require by rule an entry for the Federal Employer Identification
5507 Number on this report. To the extent feasible, the division
5508 ~~department~~ shall encourage and accept required information in a
5509 form initiated through electronic data interchange and shall
5510 describe by rule the format, manner of execution, and method of
5511 electronic transmission necessary for using such form. To the
5512 extent feasible, the Department of Financial Services, the
5513 Department of Agriculture and Consumer Services, the Department
5514 of Environmental Protection, the Public Service Commission, the
5515 Department of Revenue, ~~the Department of Labor and Employment~~
5516 ~~Security~~, and other state agencies which regulate hazardous
5517 materials shall coordinate with the division ~~department~~ in order
5518 to avoid duplicative requirements contained in each agency's
5519 respective reporting or registration forms. The other state
5520 agencies that inspect facilities storing hazardous materials and
5521 suppliers and distributors of covered substances shall assist
5522 the division ~~department~~ in informing the facility owner or



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5523 operator of the requirements of this part. The division
5524 ~~department~~ shall provide the other state agencies with the
5525 necessary information and materials to inform the owners and
5526 operators of the requirements of this part to ensure that the
5527 budgets of these agencies are not adversely affected.

5528 Section 111. Subsection (4) of section 252.88, Florida
5529 Statutes, is amended to read:

5530 252.88 Public records.—

5531 (4) The division ~~department~~, the commission, and the
5532 committees shall furnish copies of public records submitted
5533 under EPCRA or this part, and may charge a fee of \$1 per page
5534 per person per year for over 25 pages of materials copied.

5535 Section 112. Subsections (3), (8), (9), and (19) of section
5536 252.936, Florida Statutes, are amended to read:

5537 252.936 Definitions.—As used in this part, the term:

5538 (3) "Audit" means a review of information at, ~~a stationary~~
5539 ~~source subject to s. 112(r)(7),~~ or submitted by, a stationary
5540 source subject to s. 112(r)(7), to determine whether that
5541 stationary source is in compliance with ~~the requirements of this~~
5542 part and rules adopted to administer ~~implement~~ this part. Audits
5543 must include a review of the adequacy of the stationary source's
5544 Risk Management Plan, may consist of reviews of information
5545 submitted to the division ~~department~~ or the United States
5546 Environmental Protection Agency to determine whether the plan is
5547 complete or whether revisions to the plan are needed, and the
5548 reviews may be conducted at the stationary source to confirm
5549 that information onsite is consistent with reported information.

5550 (8) "Division" means the Division of Emergency Management
5551 in the Executive Office of the Governor ~~"Department" means the~~



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5552 ~~Department of Community Affairs.~~

5553 (9) "Inspection" means a review of information at a
5554 stationary source subject to s. 112(r)(7), including
5555 documentation and operating practices and access to the source
5556 and to any area where an accidental release could occur, to
5557 determine whether the stationary source is in compliance with
5558 ~~the requirements of this part or rules adopted to~~ administer
5559 ~~implement~~ this part.

5560 (19) "Trust fund" means the Operating Trust Fund of the
5561 division ~~established in the department's Division of Emergency~~
5562 ~~Management.~~

5563 Section 113. Section 252.937, Florida Statutes, is amended
5564 to read:

5565 252.937 Division ~~Department~~ powers and duties.—

5566 (1) The division ~~department~~ has the power and duty to:

5567 (a)1. Seek delegation from the United States Environmental
5568 Protection Agency to implement the Accidental Release Prevention
5569 Program under s. 112(r)(7) of the Clean Air Act and the federal
5570 implementing regulations for specified sources subject to s.
5571 112(r)(7) of the Clean Air Act. Implementation for all other
5572 sources subject to s. 112(r)(7) of the Clean Air Act shall ~~will~~
5573 be performed by the United States Environmental Protection
5574 Agency; and

5575 2. Ensure the timely submission of Risk Management Plans
5576 and any subsequent revisions of Risk Management Plans.

5577 (b) Adopt, modify, and repeal rules, with the advice and
5578 consent of the commission, necessary to obtain delegation from
5579 the United States Environmental Protection Agency and to
5580 administer the s. 112(r)(7) Accidental Release Prevention



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5581 Program in this state for the specified stationary sources with
5582 no expansion or addition of the regulatory program.

5583 (c) Make and execute contracts and other agreements
5584 necessary or convenient to the administration ~~implementation~~ of
5585 this part.

5586 (d) Coordinate its activities under this part with its
5587 other emergency management responsibilities, including its
5588 responsibilities and activities under parts I, II, and III of
5589 this chapter and with the related activities of other state and
5590 local agencies, keeping separate accounts for all activities
5591 conducted under this part which are supported or partially
5592 supported from the trust fund.

5593 (e) Establish, with the advice and consent of the
5594 commission, a technical assistance and outreach program ~~on or~~
5595 ~~before January 31, 1999,~~ to assist owners and operators of
5596 specified stationary sources subject to s. 112(r)(7) in
5597 complying with the reporting and fee requirements of this part.
5598 This program is designed to facilitate and ensure timely
5599 submission of proper certifications or compliance schedules and
5600 timely submission and registration of Risk Management Plans and
5601 revised registrations and Risk Management Plans if ~~when~~ required
5602 for these sources.

5603 (f) Make a quarterly report to the State Emergency Response
5604 Commission on income and expenses for the state's Accidental
5605 Release Prevention Program under this part.

5606 (2) To ensure that this program is self-supporting, the
5607 division ~~department~~ shall provide administrative support,
5608 including staff, facilities, materials, and services to
5609 implement this part for specified stationary sources subject to



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5610 s. 252.939 and ~~shall~~ provide necessary funding to local
5611 emergency planning committees and county emergency management
5612 agencies for work performed to implement this part. Each state
5613 agency with regulatory, inspection, or technical assistance
5614 programs for specified stationary sources subject to this part
5615 shall enter into a memorandum of understanding with the division
5616 ~~department~~ which specifically outlines how each agency's staff,
5617 facilities, materials, and services will be used ~~utilized~~ to
5618 support implementation. ~~At a minimum, these agencies and~~
5619 ~~programs include: the Department of Environmental Protection's~~
5620 ~~Division of Air Resources Management and Division of Water~~
5621 ~~Resource Management, and the Department of Labor and Employment~~
5622 ~~Security's Division of Safety.~~ It is the Legislature's intent to
5623 implement this part as efficiently and economically as possible,
5624 using existing expertise and resources, if available and
5625 appropriate.

5626 (3) To prevent the duplication of investigative efforts and
5627 resources, the division ~~department~~, on behalf of the commission,
5628 shall coordinate with any federal agencies or agents thereof,
5629 including the federal Chemical Safety and Hazard Investigation
5630 Board, or its successor, which are performing accidental release
5631 investigations for specified stationary sources, and may
5632 coordinate with any agencies of the state which are performing
5633 accidental release investigations. This accidental release
5634 investigation coordination is not intended to limit or take the
5635 place of any individual agency accidental release investigation
5636 under separate authority.

5637 (4) To promote efficient administration of this program and
5638 specified stationary sources, ~~the only~~ the division ~~agency which~~



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5639 may seek delegation from the United States Environmental
5640 Protection Agency for this program ~~is the Florida Department of~~
5641 ~~Community Affairs~~. Further, the division may ~~Florida Department~~
5642 ~~of Community Affairs shall~~ not delegate this program to any
5643 local environmental agency.

5644 Section 114. Section 252.943, Florida Statutes, is amended
5645 to read:

5646 252.943 Public records.—

5647 (1) The division ~~Department of Community Affairs~~ shall
5648 protect records, reports, or information or particular parts
5649 thereof, other than release or emissions data, contained in a
5650 risk management plan from public disclosure pursuant to ss.
5651 112(r) and 114(c) of the federal Clean Air Act and authorities
5652 cited therein, based upon a showing satisfactory to the
5653 Administrator of the United States Environmental Protection
5654 Agency, by any owner or operator of a stationary source subject
5655 to the Accidental Release Prevention Program, that public
5656 release of such records, reports, or information would divulge
5657 methods or processes entitled to protection as trade secrets as
5658 provided for in 40 C.F.R. part 2, subpart B. Such records,
5659 reports, or information held by the division ~~department~~ are
5660 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
5661 s. 24(a), Art. I of the State Constitution, unless a final
5662 determination has been made by the Administrator of the
5663 Environmental Protection Agency that such records, reports, or
5664 information are not entitled to trade secret protection, or
5665 pursuant to an order of court.

5666 (2) The division ~~department~~ shall protect records, reports,
5667 or information or particular parts thereof, other than release



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5668 or emissions data, obtained from an investigation, inspection,
5669 or audit from public disclosure pursuant to ss. 112(r) and
5670 114(c) of the federal Clean Air Act and authorities cited
5671 therein, based upon a showing satisfactory to the Administrator
5672 of the United States Environmental Protection Agency, by any
5673 owner or operator of a stationary source subject to the
5674 Accidental Release Prevention Program, that public release of
5675 such records, reports, or information would divulge methods or
5676 processes entitled to protection as trade secrets as provided
5677 for in 40 C.F.R. part 2, subpart B. Such records, reports, or
5678 information held by the division ~~department~~ are confidential and
5679 exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I
5680 of the State Constitution, unless a final determination has been
5681 made by the Administrator of the Environmental Protection Agency
5682 that such records, reports, or information are not entitled to
5683 trade secret protection, or pursuant to a court ~~an order of~~
5684 ~~court~~.

5685 Section 115. Section 252.946, Florida Statutes, is amended
5686 to read:

5687 252.946 Public records.—With regard to information
5688 submitted to the United States Environmental Protection Agency
5689 under this part or s. 112(r)(7), the division ~~Department of~~
5690 ~~Community Affairs~~, the State Hazardous Materials Emergency
5691 Response Commission, and any local emergency planning committee
5692 may assist persons in electronically accessing such information
5693 held by the United States Environmental Protection Agency in its
5694 centralized database. If requested, the division ~~department~~, the
5695 commission, or a committee may furnish copies of such United
5696 States Environmental Protection Agency records.



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5697 Section 116. Subsections (3) and (4) of section 255.042,
5698 Florida Statutes, are amended to read:

5699 255.042 Shelter in public buildings.—

5700 (3) The Division of Emergency Management ~~Department of~~
5701 ~~Community Affairs~~ shall, in those cases in which the architect-
5702 engineer firm does not possess the specialized training required
5703 for the inclusion of fallout protection in building design and
5704 upon request from the architect-engineer concerned or the
5705 responsible state or local agency, provide, at no cost to the
5706 architect-engineer or agency, professional development service
5707 to increase fallout protection through shelter slanting and
5708 cost-reduction techniques.

5709 (4) Nothing in this section establishes ~~act shall be~~
5710 ~~construed as establishing~~ a mandatory requirement for the
5711 incorporation of fallout shelter in the construction of,
5712 modification of, or addition to the public buildings concerned.
5713 It is mandatory, however, that the incorporation of such
5714 protection be given every consideration through acceptable
5715 shelter slanting and cost-reduction techniques. The responsible
5716 state or local official shall determine whether cost, or other
5717 related factors, precludes or makes impracticable the
5718 incorporation of fallout shelter in public buildings. Further,
5719 the Division of Emergency Management ~~Department of Community~~
5720 ~~Affairs~~ may waive the requirement for consideration of shelter
5721 in those cases where presently available shelter spaces equal or
5722 exceed the requirements of the area concerned.

5723 Section 117. Paragraph (b) of subsection (1) of section
5724 255.099, Florida Statutes, is amended to read:

5725 255.099 Preference to state residents.—



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5726 (1) Each contract for construction that is funded by state
5727 funds must contain a provision requiring the contractor to give
5728 preference to the employment of state residents in the
5729 performance of the work on the project if state residents have
5730 substantially equal qualifications to those of nonresidents. A
5731 contract for construction funded by local funds may contain such
5732 a provision.

5733 (b) A contractor required to employ state residents must
5734 contact the Department of Economic Opportunity ~~Agency for~~
5735 ~~Workforce Innovation~~ to post the contractor's employment needs
5736 in the state's job bank system.

5737 Section 118. Subsection (4) of section 258.004, Florida
5738 Statutes, is amended to read:

5739 258.004 Duties of division.—

5740 (4) The Division of Recreation and Parks shall provide
5741 consultation assistance to ~~the Department of Community Affairs~~
5742 ~~and to~~ local governing units as to the protection, organization,
5743 and administration of local recreation systems and the planning
5744 and design of local recreation areas and facilities.

5745 Section 119. Paragraph (b) of subsection (1) of section
5746 259.035, Florida Statutes, is amended to read:

5747 259.035 Acquisition and Restoration Council.—

5748 (1) There is created the Acquisition and Restoration
5749 Council.

5750 (b) The four ~~five~~ remaining appointees shall be composed of
5751 the Secretary of Environmental Protection, the director of the
5752 Division of Forestry of the Department of Agriculture and
5753 Consumer Services, the executive director of the Fish and
5754 Wildlife Conservation Commission, and the director of the



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5755 Division of Historical Resources of the Department of State, ~~and~~
5756 ~~the secretary of the Department of Community Affairs,~~ or their
5757 respective designees.

5758 Section 120. Paragraphs (c) and (j) of subsection (3) of
5759 section 259.105, Florida Statutes, are amended to read:

5760 259.105 The Florida Forever Act.—

5761 (3) Less the costs of issuing and the costs of funding
5762 reserve accounts and other costs associated with bonds, the
5763 proceeds of cash payments or bonds issued pursuant to this
5764 section shall be deposited into the Florida Forever Trust Fund
5765 created by s. 259.1051. The proceeds shall be distributed by the
5766 Department of Environmental Protection in the following manner:

5767 (c) Twenty-one percent to the Department of Environmental
5768 Protection ~~Community Affairs~~ for use by the Florida Communities
5769 Trust for the purposes of part III of chapter 380, as described
5770 and limited by this subsection, and grants to local governments
5771 or nonprofit environmental organizations that are tax-exempt
5772 under s. 501(c)(3) of the United States Internal Revenue Code
5773 for the acquisition of community-based projects, urban open
5774 spaces, parks, and greenways to implement local government
5775 comprehensive plans. From funds available to the trust and used
5776 for land acquisition, 75 percent shall be matched by local
5777 governments on a dollar-for-dollar basis. The Legislature
5778 intends that the Florida Communities Trust emphasize funding
5779 projects in low-income or otherwise disadvantaged communities
5780 and projects that provide areas for direct water access and
5781 water-dependent facilities that are open to the public and offer
5782 public access by vessels to waters of the state, including boat
5783 ramps and associated parking and other support facilities. At



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5784 least 30 percent of the total allocation provided to the trust
5785 shall be used in Standard Metropolitan Statistical Areas, but
5786 one-half of that amount shall be used in localities in which the
5787 project site is located in built-up commercial, industrial, or
5788 mixed-use areas and functions to intersperse open spaces within
5789 congested urban core areas. From funds allocated to the trust,
5790 no less than 5 percent shall be used to acquire lands for
5791 recreational trail systems, provided that in the event these
5792 funds are not needed for such projects, they will be available
5793 for other trust projects. Local governments may use federal
5794 grants or loans, private donations, or environmental mitigation
5795 funds, including environmental mitigation funds required
5796 pursuant to s. 338.250, for any part or all of any local match
5797 required for acquisitions funded through the Florida Communities
5798 Trust. Any lands purchased by nonprofit organizations using
5799 funds allocated under this paragraph must provide for such lands
5800 to remain permanently in public use through a reversion of title
5801 to local or state government, conservation easement, or other
5802 appropriate mechanism. Projects funded with funds allocated to
5803 the Trust shall be selected in a competitive process measured
5804 against criteria adopted in rule by the Trust.

5805 (j) Two and five-tenths percent to the Department of
5806 Environmental Protection ~~Community Affairs~~ for the acquisition
5807 of land and capital project expenditures necessary to implement
5808 the Stan Mayfield Working Waterfronts Program within the Florida
5809 communities trust pursuant to s. 380.5105.

5810 Section 121. Paragraph (d) of subsection (1) of section
5811 260.0142, Florida Statutes, is amended to read:

5812 260.0142 Florida Greenways and Trails Council; composition;



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5813 powers and duties.-

5814 (1) There is created within the department the Florida
5815 Greenways and Trails Council which shall advise the department
5816 in the execution of the department's powers and duties under
5817 this chapter. The council shall be composed of 20 ~~21~~ members,
5818 consisting of:

5819 (d) The 9 ~~10~~ remaining members shall include:

5820 1. The Secretary of Environmental Protection or a designee.

5821 2. The executive director of the Fish and Wildlife
5822 Conservation Commission or a designee.

5823 ~~3. The Secretary of Community Affairs or a designee.~~

5824 3.4. The Secretary of Transportation or a designee.

5825 ~~4.5.~~ The Director of the Division of Forestry of the
5826 Department of Agriculture and Consumer Services or a designee.

5827 5.6. The director of the Division of Historical Resources
5828 of the Department of State or a designee.

5829 ~~6.7.~~ A representative of the water management districts.
5830 Membership on the council shall rotate among the five districts.
5831 The districts shall determine the order of rotation.

5832 ~~7.8.~~ A representative of a federal land management agency.
5833 The Secretary of Environmental Protection shall identify the
5834 appropriate federal agency and request designation of a
5835 representative from the agency to serve on the council.

5836 8.9. A representative of the regional planning councils to
5837 be appointed by the Secretary of Environmental Protection ~~in~~
5838 ~~consultation with the Secretary of Community Affairs.~~ Membership
5839 on the council shall rotate among the seven regional planning
5840 councils. The regional planning councils shall determine the
5841 order of rotation.



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5842 ~~9.10.~~ A representative of local governments to be appointed
5843 by the Secretary of Environmental Protection ~~in consultation~~
5844 ~~with the Secretary of Community Affairs.~~ Membership shall
5845 alternate between a county representative and a municipal
5846 representative.

5847 Section 122. Paragraph (b) of subsection (4) of section
5848 267.0625, Florida Statutes, is amended to read:

5849 267.0625 Abrogation of offensive and derogatory geographic
5850 place names.—

5851 (4) The division shall:

5852 (b) Notify the Department of Transportation, the Department
5853 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
5854 ~~Development~~, the Department of Management Services, and any
5855 other entity that compiles information for or develops maps or
5856 markers for the state of the name change so that it may be
5857 reflected on subsequent editions of any maps, informational
5858 literature, or markers produced by those entities.

5859 Section 123. Section 272.11, Florida Statutes, is amended
5860 to read:

5861 272.11 Capitol information center.—Enterprise Florida,
5862 Inc., ~~The Florida Commission on Tourism~~ shall establish,
5863 maintain, and operate a Capitol information center somewhere
5864 within the area of the Capitol Center and employ personnel or
5865 enter into contracts to maintain same.

5866 Section 124. Paragraph (a) of subsection (4) of section
5867 282.34, Florida Statutes, is amended to read:

5868 282.34 Statewide e-mail service.—A state e-mail system that
5869 includes the delivery and support of e-mail, messaging, and
5870 calendaring capabilities is established as an enterprise



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5871 information technology service as defined in s. 282.0041. The
5872 service shall be designed to meet the needs of all executive
5873 branch agencies. The primary goals of the service are to
5874 minimize the state investment required to establish, operate,
5875 and support the statewide service; reduce the cost of current e-
5876 mail operations and the number of duplicative e-mail systems;
5877 and eliminate the need for each state agency to maintain its own
5878 e-mail staff.

5879 (4) All agencies must be completely migrated to the
5880 statewide e-mail service as soon as financially and
5881 operationally feasible, but no later than June 30, 2015.

5882 (a) The following statewide e-mail service implementation
5883 schedule is established for state agencies:

5884 1. Phase 1.—The following agencies must be completely
5885 migrated to the statewide e-mail system by June 30, 2012: the
5886 Agency for Enterprise Information Technology; ~~the Department of~~
5887 ~~Community Affairs, including the Division of Emergency~~
5888 ~~Management;~~ the Department of Corrections; the Department of
5889 Health; the Department of Highway Safety and Motor Vehicles; the
5890 Department of Management Services, including the Division of
5891 Administrative Hearings, the Division of Retirement, the
5892 Commission on Human Relations, and the Public Employees
5893 Relations Commission; the Southwood Shared Resource Center; and
5894 the Department of Revenue.

5895 2. Phase 2.—The following agencies must be completely
5896 migrated to the statewide e-mail system by June 30, 2013: the
5897 Department of Business and Professional Regulation; the
5898 Department of Education, including the Board of Governors; the
5899 Department of Environmental Protection; the Department of



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5900 Juvenile Justice; the Department of the Lottery; the Department
5901 of State; the Department of Law Enforcement; the Department of
5902 Veterans' Affairs; the Judicial Administration Commission; the
5903 Public Service Commission; and the Statewide Guardian Ad Litem
5904 Office.

5905 3. Phase 3.—The following agencies must be completely
5906 migrated to the statewide e-mail system by June 30, 2014: the
5907 Agency for Health Care Administration; ~~the Agency for Workforce~~
5908 ~~Innovation~~; the Department of Financial Services, including the
5909 Office of Financial Regulation and the Office of Insurance
5910 Regulation; the Department of Agriculture and Consumer Services;
5911 the Executive Office of the Governor, including the Division of
5912 Emergency Management; the Department of Transportation; the Fish
5913 and Wildlife Conservation Commission; the Agency for Persons
5914 With Disabilities; the Northwood Shared Resource Center; and the
5915 State Board of Administration.

5916 4. Phase 4.—The following agencies must be completely
5917 migrated to the statewide e-mail system by June 30, 2015: the
5918 Department of Children and Family Services; the Department of
5919 Citrus; the Department of Elderly Affairs; the Department of
5920 Economic Opportunity; and the Department of Legal Affairs.

5921 Section 125. Paragraphs (a) and (d) of subsection (1) and
5922 subsection (4) of section 282.709, Florida Statutes, are amended
5923 to read:

5924 282.709 State agency law enforcement radio system and
5925 interoperability network.—

5926 (1) The department may acquire and administer a statewide
5927 radio communications system to serve law enforcement units of
5928 state agencies, and to serve local law enforcement agencies



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5929 through mutual aid channels.

5930 (a) The department shall, in conjunction with the
5931 Department of Law Enforcement and the Division of Emergency
5932 Management ~~of the Department of Community Affairs~~, establish
5933 policies, procedures, and standards to be incorporated into a
5934 comprehensive management plan for the use and operation of the
5935 statewide radio communications system.

5936 (d) The department shall exercise its powers and duties
5937 under this part to plan, manage, and administer the mutual aid
5938 channels in the statewide radio communication system.

5939 1. In implementing such powers and duties, the department
5940 shall consult and act in conjunction with the Department of Law
5941 Enforcement and the Division of Emergency Management ~~of the~~
5942 ~~Department of Community Affairs~~, and shall manage and administer
5943 the mutual aid channels in a manner that reasonably addresses
5944 the needs and concerns of the involved law enforcement agencies
5945 and emergency response agencies and entities.

5946 2. The department may make the mutual aid channels
5947 available to federal agencies, state agencies, and agencies of
5948 the political subdivisions of the state for the purpose of
5949 public safety and domestic security.

5950 (4) The department may create and administer an
5951 interoperability network to enable interoperability between
5952 various radio communications technologies and to serve federal
5953 agencies, state agencies, and agencies of political subdivisions
5954 of the state for the purpose of public safety and domestic
5955 security.

5956 (a) The department shall, in conjunction with the
5957 Department of Law Enforcement and the Division of Emergency



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5958 Management ~~of the Department of Community Affairs~~, exercise its
5959 powers and duties pursuant to this chapter to plan, manage, and
5960 administer the interoperability network. The office may:

5961 1. Enter into mutual aid agreements among federal agencies,
5962 state agencies, and political subdivisions of the state for the
5963 use of the interoperability network.

5964 2. Establish the cost of maintenance and operation of the
5965 interoperability network and charge subscribing federal and
5966 local law enforcement agencies for access and use of the
5967 network. The department may not charge state law enforcement
5968 agencies identified in paragraph (2) (a) to use the network.

5969 3. In consultation with the Department of Law Enforcement
5970 and the Division of Emergency Management ~~of the Department of~~
5971 ~~Community Affairs~~, amend and enhance the statewide radio
5972 communications system as necessary to implement the
5973 interoperability network.

5974 (b) The department, in consultation with the Joint Task
5975 Force on State Agency Law Enforcement Communications, and in
5976 conjunction with the Department of Law Enforcement and the
5977 Division of Emergency Management ~~of the Department of Community~~
5978 ~~Affairs~~, shall establish policies, procedures, and standards to
5979 incorporate into a comprehensive management plan for the use and
5980 operation of the interoperability network.

5981 Section 126. Subsection (2) of section 287.0931, Florida
5982 Statutes, is amended to read:

5983 287.0931 Minority business enterprises; participation in
5984 bond underwriting.—

5985 (2) To meet such participation requirement, the minority
5986 firm must have full-time employees located in this state, must



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5987 have a permanent place of business located in this state, and
5988 must be a firm which is at least 51-percent-owned by minority
5989 persons as defined in s. 288.703(3). However, for the purpose of
5990 bond underwriting only, the requirement that the minority person
5991 be a permanent resident of this state does ~~shall~~ not apply.

5992 Section 127. Paragraph (e) of subsection (2) of section
5993 287.0943, Florida Statutes, is amended to read:

5994 287.0943 Certification of minority business enterprises.—

5995 (2)

5996 (e) In assessing the status of ownership and control,
5997 certification criteria shall, at a minimum:

5998 1. Link ownership by a minority person, as defined in s.
5999 288.703(3), or as dictated by the legal obligations of a
6000 certifying organization, to day-to-day control and financial
6001 risk by the qualifying minority owner, and to demonstrated
6002 expertise or licensure of a minority owner in any trade or
6003 profession that the minority business enterprise will offer to
6004 the state when certified. Businesses must comply with all state
6005 licensing requirements before ~~prior to~~ becoming certified as a
6006 minority business enterprise.

6007 2. If present ownership was obtained by transfer, require
6008 the minority person on whom eligibility is based to have owned
6009 at least 51 percent of the applicant firm for a minimum of 2
6010 years, when any previous majority ownership interest in the firm
6011 was by a nonminority who is or was a relative, former employer,
6012 or current employer of the minority person on whom eligibility
6013 is based. This requirement does ~~shall~~ not apply to minority
6014 persons who are otherwise eligible who take a 51-percent-or-
6015 greater interest in a firm that requires professional licensure



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6016 to operate and who will be the qualifying licenseholder for the
6017 firm when certified. A transfer made within a related immediate
6018 family group from a nonminority person to a minority person in
6019 order to establish ownership by a minority person shall be
6020 deemed to have been made solely for purposes of satisfying
6021 certification criteria and shall render such ownership invalid
6022 for purposes of qualifying for such certification if the
6023 combined total net asset value of all members of such family
6024 group exceeds \$1 million. For purposes of this subparagraph, the
6025 term "related immediate family group" means one or more children
6026 under 16 years of age and a parent of such children or the
6027 spouse of such parent residing in the same house or living unit.

6028 3. Require that prospective certified minority business
6029 enterprises be currently performing or seeking to perform a
6030 useful business function. A "useful business function" is
6031 defined as a business function which results in the provision of
6032 materials, supplies, equipment, or services to customers. Acting
6033 as a conduit to transfer funds to a nonminority business does
6034 not constitute a useful business function unless it is done so
6035 in a normal industry practice. As used in this section, the term
6036 "acting as a conduit" means, in part, not acting as a regular
6037 dealer by making sales of material, goods, or supplies from
6038 items bought, kept in stock, and regularly sold to the public in
6039 the usual course of business. Brokers, manufacturer's
6040 representatives, sales representatives, and nonstocking
6041 distributors are considered as conduits that do not perform a
6042 useful business function, unless normal industry practice
6043 dictates.

6044 Section 128. Paragraph (n) of subsection (4) of section



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6045 287.09451, Florida Statutes, is amended to read:

6046 287.09451 Office of Supplier Diversity; powers, duties, and
6047 functions.—

6048 (4) The Office of Supplier Diversity shall have the
6049 following powers, duties, and functions:

6050 (n)1. To develop procedures to be used by an agency in
6051 identifying commodities, contractual services, architectural and
6052 engineering services, and construction contracts, except those
6053 architectural, engineering, construction, or other related
6054 services or contracts subject to the provisions of chapter 339,
6055 that could be provided by minority business enterprises. Each
6056 agency is encouraged to spend 21 percent of the moneys actually
6057 expended for construction contracts, 25 percent of the moneys
6058 actually expended for architectural and engineering contracts,
6059 24 percent of the moneys actually expended for commodities, and
6060 50.5 percent of the moneys actually expended for contractual
6061 services during the previous fiscal year, except for the state
6062 university construction program which shall be based upon public
6063 education capital outlay projections for the subsequent fiscal
6064 year, and reported to the Legislature pursuant to s. 216.023,
6065 for the purpose of entering into contracts with certified
6066 minority business enterprises as defined in s. 288.703(2), or
6067 approved joint ventures. However, in the event of budget
6068 reductions pursuant to s. 216.221, the base amounts may be
6069 adjusted to reflect such reductions. The overall spending goal
6070 for each industry category shall be subdivided as follows:

6071 a. For construction contracts: 4 percent for black
6072 Americans, 6 percent for Hispanic-Americans, and 11 percent for
6073 American women.



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6074 b. For architectural and engineering contracts: 9 percent
6075 for Hispanic-Americans, 1 percent for Asian-Americans, and 15
6076 percent for American women.

6077 c. For commodities: 2 percent for black Americans, 4
6078 percent for Hispanic-Americans, 0.5 percent for Asian-Americans,
6079 0.5 percent for Native Americans, and 17 percent for American
6080 women.

6081 d. For contractual services: 6 percent for black Americans,
6082 7 percent for Hispanic-Americans, 1 percent for Asian-Americans,
6083 0.5 percent for Native Americans, and 36 percent for American
6084 women.

6085 2. For the purposes of commodities contracts for the
6086 purchase of equipment to be used in the construction and
6087 maintenance of state transportation facilities involving the
6088 Department of Transportation, the terms "minority business
6089 enterprise" and ~~has the same meaning as provided in s. 288.703.~~
6090 "minority person" have ~~has~~ the same meanings ~~meaning~~ as provided
6091 in s. 288.703~~(3)~~. In order to ensure that the goals established
6092 under this paragraph for contracting with certified minority
6093 business enterprises are met, the department, with the
6094 assistance of the Office of Supplier Diversity, shall make
6095 recommendations to the Legislature on revisions to the goals,
6096 based on an updated statistical analysis, at least once every 5
6097 years. Such recommendations shall be based on statistical data
6098 indicating the availability of and disparity in the use of
6099 minority businesses contracting with the state. The results of
6100 the first updated disparity study must be presented to the
6101 Legislature no later than December 1, 1996.

6102 3. In determining the base amounts for assessing compliance



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6103 with this paragraph, the Office of Supplier Diversity may
6104 develop, by rule, guidelines for all agencies to use in
6105 establishing such base amounts. These rules must include, but
6106 are not limited to, guidelines for calculation of base amounts,
6107 a deadline for the agencies to submit base amounts, a deadline
6108 for approval of the base amounts by the Office of Supplier
6109 Diversity, and procedures for adjusting the base amounts as a
6110 result of budget reductions made pursuant to s. 216.221.

6111 4. To determine guidelines for the use of price
6112 preferences, weighted preference formulas, or other preferences,
6113 as appropriate to the particular industry or trade, to increase
6114 the participation of minority businesses in state contracting.
6115 These guidelines shall include consideration of:

6116 a. Size and complexity of the project.

6117 b. The concentration of transactions with minority business
6118 enterprises for the commodity or contractual services in
6119 question in prior agency contracting.

6120 c. The specificity and definition of work allocated to
6121 participating minority business enterprises.

6122 d. The capacity of participating minority business
6123 enterprises to complete the tasks identified in the project.

6124 e. The available pool of minority business enterprises as
6125 prime contractors, either alone or as partners in an approved
6126 joint venture that serves as the prime contractor.

6127 5. To determine guidelines for use of joint ventures to
6128 meet minority business enterprises spending goals. For purposes
6129 of this section, "joint venture" means any association of two or
6130 more business concerns to carry out a single business enterprise
6131 for profit, for which purpose they combine their property,



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6132 capital, efforts, skills, and knowledge. The guidelines shall
6133 allow transactions with joint ventures to be eligible for credit
6134 against the minority business enterprise goals of an agency when
6135 the contracting joint venture demonstrates that at least one
6136 partner to the joint venture is a certified minority business
6137 enterprise as defined in s. 288.703, and that such partner is
6138 responsible for a clearly defined portion of the work to be
6139 performed, and shares in the ownership, control, management,
6140 responsibilities, risks, and profits of the joint venture. Such
6141 demonstration shall be by verifiable documents and sworn
6142 statements and may be reviewed by the Office of Supplier
6143 Diversity at or before the time a contract bid, proposal, or
6144 reply is submitted. An agency may count toward its minority
6145 business enterprise goals a portion of the total dollar amount
6146 of a contract equal to the percentage of the ownership and
6147 control held by the qualifying certified minority business
6148 partners in the contracting joint venture, so long as the joint
6149 venture meets the guidelines adopted by the office.

6150 Section 129. Subsections (1) and (5) of section 287.0947,
6151 Florida Statutes, are amended to read:

6152 287.0947 Florida Advisory Council on Small and Minority
6153 Business Development; creation; membership; duties.—

6154 (1) ~~On or after October 1, 1996,~~ The Secretary of
6155 ~~Management Services the Department of Labor and Employment~~
6156 ~~Security~~ may create the Florida Advisory Council on Small and
6157 Minority Business Development with the purpose of advising and
6158 assisting the secretary in carrying out the secretary's duties
6159 with respect to minority businesses and economic and business
6160 development. It is the intent of the Legislature that the



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6161 membership of such council include practitioners, laypersons,
6162 financiers, and others with business development experience who
6163 can provide invaluable insight and expertise for this state in
6164 the diversification of its markets and networking of business
6165 opportunities. The council shall initially consist of 19
6166 persons, each of whom is or has been actively engaged in small
6167 and minority business development, either in private industry,
6168 in governmental service, or as a scholar of recognized
6169 achievement in the study of such matters. Initially, the council
6170 shall consist of members representing all regions of the state
6171 and shall include at least one member from each group identified
6172 within the definition of "minority person" in s. 288.703(3),
6173 considering also gender and nationality subgroups, and shall
6174 consist of the following:

6175 (a) Four members consisting of representatives of local and
6176 federal small and minority business assistance programs or
6177 community development programs.

6178 (b) Eight members composed of representatives of the
6179 minority private business sector, including certified minority
6180 business enterprises and minority supplier development councils,
6181 among whom at least two shall be women and at least four shall
6182 be minority persons.

6183 (c) Two representatives of local government, one of whom
6184 shall be a representative of a large local government, and one
6185 of whom shall be a representative of a small local government.

6186 (d) Two representatives from the banking and insurance
6187 industry.

6188 (e) Two members from the private business sector,
6189 representing the construction and commodities industries.



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6190 (f) A member from the board of directors of Enterprise
6191 Florida, Inc ~~The chairperson of the Florida Black Business~~
6192 ~~Investment Board or the chairperson's designee.~~

6193
6194 A candidate for appointment may be considered if eligible to be
6195 certified as an owner of a minority business enterprise, or if
6196 otherwise qualified under the criteria above. Vacancies may be
6197 filled by appointment of the secretary, in the manner of the
6198 original appointment.

6199 (5) The powers and duties of the council include, but are
6200 not limited to: researching and reviewing the role of small and
6201 minority businesses in the state's economy; reviewing issues and
6202 emerging topics relating to small and minority business economic
6203 development; studying the ability of financial markets and
6204 institutions to meet small business credit needs and determining
6205 the impact of government demands on credit for small businesses;
6206 assessing the implementation of s. 187.201(21) ~~187.201(22)~~,
6207 requiring a state economic development comprehensive plan, as it
6208 relates to small and minority businesses; assessing the
6209 reasonableness and effectiveness of efforts by any state agency
6210 or by all state agencies collectively to assist minority
6211 business enterprises; and advising the Governor, the secretary,
6212 and the Legislature on matters relating to small and minority
6213 business development which are of importance to the
6214 international strategic planning and activities of this state.

6215 Section 130. Section 288.012, Florida Statutes, is amended
6216 to read:

6217 288.012 State of Florida international ~~foreign~~ offices;
6218 state protocol officer; protocol manual.—The Legislature finds



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6219 that the expansion of international trade and tourism is vital
6220 to the overall health and growth of the economy of this state.
6221 This expansion is hampered by the lack of technical and business
6222 assistance, financial assistance, and information services for
6223 businesses in this state. The Legislature finds that these
6224 businesses could be assisted by providing these services at
6225 State of Florida international ~~foreign~~ offices. The Legislature
6226 further finds that the accessibility and provision of services
6227 at these offices can be enhanced through cooperative agreements
6228 or strategic alliances between private businesses and state
6229 ~~entities, local entities, and international governmental foreign~~
6230 ~~entities, and private businesses.~~

6231 (1) The department ~~Office of Tourism, Trade, and Economic~~
6232 ~~Development~~ is authorized to:

6233 (a) Establish and operate offices in other ~~foreign~~
6234 countries for the purpose of promoting ~~the~~ trade and economic
6235 development opportunities of the state, and promoting the
6236 gathering of trade data information and research on trade
6237 opportunities in specific countries.

6238 (b) Enter into agreements with governmental and private
6239 sector entities to establish and operate offices in other
6240 ~~foreign~~ countries which contain ~~containing~~ provisions that ~~which~~
6241 may ~~be in~~ conflict with the general laws of the state pertaining
6242 to the purchase of office space, employment of personnel, and
6243 contracts for services. When agreements pursuant to this section
6244 are made which set compensation in another country's ~~foreign~~
6245 currency, such agreements shall be subject to the requirements
6246 of s. 215.425, but the purchase of another country's ~~foreign~~
6247 currency by the department ~~Office of Tourism, Trade, and~~



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6248 ~~Economic Development~~ to meet such obligations shall be subject
6249 only to s. 216.311.

6250 (2) Each international ~~foreign~~ office shall have in place
6251 an operational plan approved by the participating boards or
6252 other governing authority, a copy of which shall be provided to
6253 the department ~~Office of Tourism, Trade, and Economic~~
6254 ~~Development~~. These operating plans shall be reviewed and updated
6255 each fiscal year and shall include, at a minimum, the following:

6256 (a) Specific policies and procedures encompassing the
6257 entire scope of the operation and management of each office.

6258 (b) A comprehensive, commercial strategic plan identifying
6259 marketing opportunities and industry sector priorities for the
6260 ~~foreign~~ country ~~or area~~ in which an international ~~a foreign~~
6261 office is located.

6262 (c) Provisions for access to information for Florida
6263 businesses related to ~~through the Florida Trade Data Center~~.
6264 ~~Each foreign office shall obtain and forward~~ trade leads and
6265 inquiries ~~to the center on a regular basis~~.

6266 (d) Identification of new and emerging market opportunities
6267 for Florida businesses. ~~Each foreign office shall provide the~~
6268 ~~Florida Trade Data Center with a compilation of foreign buyers~~
6269 ~~and importers in industry sector priority areas on an annual~~
6270 ~~basis. In return, the Florida Trade Data Center shall make~~
6271 ~~available to each foreign office, and to Enterprise Florida,~~
6272 ~~Inc., the Florida Commission on Tourism, the Florida Ports~~
6273 ~~Council, the Department of State, the Department of Citrus, and~~
6274 ~~the Department of Agriculture and Consumer Services, trade~~
6275 ~~industry, commodity, and opportunity information. This~~
6276 information shall be provided ~~to such offices and entities~~



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6277 either free of charge or on a fee basis with fees set only to
6278 recover the costs of providing the information.

6279 (e) Provision of access for Florida businesses to ~~the~~
6280 ~~services of the Florida Trade Data Center,~~ international trade
6281 assistance services provided by state and local entities,
6282 seaport and airport information, and other services identified
6283 by the department ~~Office of Tourism, Trade, and Economic~~
6284 ~~Development.~~

6285 (f) Qualitative and quantitative performance measures for
6286 each office, including, but not limited to, the number of
6287 businesses assisted, the number of trade leads and inquiries
6288 generated, the number of international ~~foreign~~ buyers and
6289 importers contacted, and the amount and type of marketing
6290 conducted.

6291 (3) By October 1 of each year, each international ~~foreign~~
6292 office shall submit to the department ~~Office of Tourism, Trade,~~
6293 ~~and Economic Development~~ a complete and detailed report on its
6294 activities and accomplishments during the preceding fiscal year.
6295 In a format provided by Enterprise Florida, Inc., the report
6296 must set forth information on:

6297 (a) The number of Florida companies assisted.

6298 (b) The number of inquiries received about investment
6299 opportunities in this state.

6300 (c) The number of trade leads generated.

6301 (d) The number of investment projects announced.

6302 (e) The estimated U.S. dollar value of sales confirmations.

6303 (f) The number of representation agreements.

6304 (g) The number of company consultations.

6305 (h) Barriers or other issues affecting the effective



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6306 operation of the office.

6307 (i) Changes in office operations which are planned for the
6308 current fiscal year.

6309 (j) Marketing activities conducted.

6310 (k) Strategic alliances formed with organizations in the
6311 country in which the office is located.

6312 (l) Activities conducted with Florida's other ~~Florida~~
6313 international foreign offices.

6314 (m) Any other information that the office believes would
6315 contribute to an understanding of its activities.

6316 (4) The Department of Economic Opportunity ~~Office of~~
6317 ~~Tourism, Trade, and Economic Development~~, in connection with the
6318 establishment, operation, and management of any of its offices
6319 located in another ~~a foreign~~ country, is exempt from the
6320 provisions of ss. 255.21, 255.25, and 255.254 relating to
6321 leasing of buildings; ss. 283.33 and 283.35 relating to bids for
6322 printing; ss. 287.001-287.20 relating to purchasing and motor
6323 vehicles; and ss. 282.003-282.0056 and 282.702-282.7101 relating
6324 to communications, and from all statutory provisions relating to
6325 state employment.

6326 (a) The department ~~Office of Tourism, Trade, and Economic~~
6327 ~~Development~~ may exercise such exemptions only upon prior
6328 approval of the Governor.

6329 (b) If approval for an exemption under this section is
6330 granted as an integral part of a plan of operation for a
6331 specified international foreign office, such action shall
6332 constitute continuing authority for the department ~~Office of~~
6333 ~~Tourism, Trade, and Economic Development~~ to exercise the
6334 exemption, but only in the context and upon the terms originally



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6335 granted. Any modification of the approved plan of operation with
6336 respect to an exemption contained therein must be resubmitted to
6337 the Governor for his or her approval. An approval granted to
6338 exercise an exemption in any other context shall be restricted
6339 to the specific instance for which the exemption is to be
6340 exercised.

6341 (c) As used in this subsection, the term "plan of
6342 operation" means the plan developed pursuant to subsection (2).

6343 (d) Upon final action by the Governor with respect to a
6344 request to exercise the exemption authorized in this subsection,
6345 the department ~~Office of Tourism, Trade, and Economic~~
6346 ~~Development~~ shall report such action, along with the original
6347 request and any modifications thereto, to the President of the
6348 Senate and the Speaker of the House of Representatives within 30
6349 days.

6350 (5) Where feasible and appropriate, international ~~and~~
6351 ~~subject to s. 288.1224(9), foreign~~ offices established and
6352 operated under this section may provide one-stop access to the
6353 economic development, trade, and tourism information, services,
6354 and programs of the state. Where feasible and appropriate, ~~and~~
6355 ~~subject to s. 288.1224(9),~~ such offices may also be collocated
6356 with other international ~~foreign~~ offices of the state.

6357 (6) The department ~~Office of Tourism, Trade, and Economic~~
6358 ~~Development~~ is authorized to make and to enter into contracts
6359 with Enterprise Florida, Inc., ~~and the Florida Commission on~~
6360 ~~Tourism~~ to carry out the provisions of this section. The
6361 authority, duties, and exemptions provided in this section apply
6362 to Enterprise Florida, Inc., ~~and the Florida Commission on~~
6363 ~~Tourism~~ to the same degree and subject to the same conditions as



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6364 applied to the department ~~Office of Tourism, Trade, and Economic~~
6365 ~~Development~~. To the greatest extent possible, such contracts
6366 shall include provisions for cooperative agreements or strategic
6367 alliances between private businesses and state entities,
6368 international, foreign entities, and local governmental
6369 ~~entities, and private businesses~~ to operate international
6370 ~~foreign~~ offices.

6371 (7) The Governor may designate a state protocol officer.
6372 The state protocol officer shall be housed within the Executive
6373 Office of the Governor. In consultation with the Governor and
6374 other governmental officials, the state protocol officer shall
6375 develop, maintain, publish, and distribute the state protocol
6376 manual.

6377 Section 131. Subsections (1) and (3) of section 288.017,
6378 Florida Statutes, are amended to read:

6379 288.017 Cooperative advertising matching grants program.—

6380 (1) Enterprise Florida, Inc., ~~The Florida Commission on~~
6381 ~~Tourism~~ is authorized to establish a cooperative advertising
6382 matching grants program and, pursuant thereto, to make
6383 expenditures and enter into contracts with local governments and
6384 nonprofit corporations for the purpose of publicizing the
6385 tourism advantages of the state. The department ~~Office of~~
6386 ~~Tourism, Trade, and Economic Development,~~ based on
6387 recommendations from Enterprise Florida, Inc., ~~the Florida~~
6388 ~~Commission on Tourism,~~ shall have final approval of grants
6389 awarded through this program. Enterprise Florida, Inc., ~~The~~
6390 ~~commission~~ may contract with its direct-support organization to
6391 administer the program.

6392 (3) Enterprise Florida, Inc., ~~The Florida Commission on~~



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6393 ~~Tourism~~ shall conduct an annual competitive selection process
6394 for the award of grants under the program. In determining its
6395 recommendations for the grant awards, the commission shall
6396 consider the demonstrated need of the applicant for advertising
6397 assistance, the feasibility and projected benefit of the
6398 applicant's proposal, the amount of nonstate funds that will be
6399 leveraged, and such other criteria as the commission deems
6400 appropriate. In evaluating grant applications, the department
6401 ~~Office~~ shall consider recommendations from Enterprise Florida,
6402 Inc. ~~the Florida Commission on Tourism.~~ The department ~~Office,~~
6403 however, has final approval authority for any grant under this
6404 section.

6405 Section 132. Section 288.018, Florida Statutes, is amended
6406 to read:

6407 288.018 Regional Rural Development Grants Program.—

6408 (1) The department ~~Office of Tourism, Trade, and Economic~~
6409 ~~Development~~ shall establish a matching grant program to provide
6410 funding to regionally based economic development organizations
6411 representing rural counties and communities for the purpose of
6412 building the professional capacity of their organizations. Such
6413 matching grants may also be used by an economic development
6414 organization to provide technical assistance to businesses
6415 within the rural counties and communities that it serves. The
6416 department ~~Office of Tourism, Trade, and Economic Development~~ is
6417 authorized to approve, on an annual basis, grants to such
6418 regionally based economic development organizations. The maximum
6419 amount an organization may receive in any year will be \$35,000,
6420 or \$100,000 in a rural area of critical economic concern
6421 recommended by the Rural Economic Development Initiative and



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6422 designated by the Governor, and must be matched each year by an
6423 equivalent amount of nonstate resources.

6424 (2) In approving the participants, the department ~~Office of~~
6425 ~~Tourism, Trade, and Economic Development~~ shall consider the
6426 demonstrated need of the applicant for assistance and require
6427 the following:

6428 (a) Documentation of official commitments of support from
6429 each of the units of local government represented by the
6430 regional organization.

6431 (b) Demonstration that each unit of local government has
6432 made a financial or in-kind commitment to the regional
6433 organization.

6434 (c) Demonstration that the private sector has made
6435 financial or in-kind commitments to the regional organization.

6436 (d) Demonstration that the organization is in existence and
6437 actively involved in economic development activities serving the
6438 region.

6439 (e) Demonstration of the manner in which the organization
6440 is or will coordinate its efforts with those of other local and
6441 state organizations.

6442 (3) The department ~~Office of Tourism, Trade, and Economic~~
6443 ~~Development~~ may also contract for the development of an
6444 enterprise zone web portal or websites for each enterprise zone
6445 which will be used to market the program for job creation in
6446 disadvantaged urban and rural enterprise zones. Each enterprise
6447 zone web page should include downloadable links to state forms
6448 and information, as well as local message boards that help
6449 businesses and residents receive information concerning zone
6450 boundaries, job openings, zone programs, and neighborhood



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6451 improvement activities.

6452 (4) The department ~~Office of Tourism, Trade, and Economic~~
6453 ~~Development~~ may expend up to \$750,000 each fiscal year from
6454 funds appropriated to the Rural Community Development Revolving
6455 Loan Fund for the purposes outlined in this section. The
6456 department ~~Office of Tourism, Trade, and Economic Development~~
6457 may contract with Enterprise Florida, Inc., for the
6458 administration of the purposes specified in this section. Funds
6459 released to Enterprise Florida, Inc., for this purpose shall be
6460 released quarterly and shall be calculated based on the
6461 applications in process.

6462 Section 133. Subsection (4) of section 288.019, Florida
6463 Statutes, is amended to read:

6464 288.019 Rural considerations in grant review and evaluation
6465 processes.—Notwithstanding any other law, and to the fullest
6466 extent possible, the member agencies and organizations of the
6467 Rural Economic Development Initiative (REDI) as defined in s.
6468 288.0656(6)(a) shall review all grant and loan application
6469 evaluation criteria to ensure the fullest access for rural
6470 counties as defined in s. 288.0656(2) to resources available
6471 throughout the state.

6472 (4) For existing programs, the modified evaluation criteria
6473 and scoring procedure must be delivered to the department ~~Office~~
6474 ~~of Tourism, Trade, and Economic Development~~ for distribution to
6475 the REDI agencies and organizations. The REDI agencies and
6476 organizations shall review and make comments. Future rules,
6477 programs, evaluation criteria, and scoring processes must be
6478 brought before a REDI meeting for review, discussion, and
6479 recommendation to allow rural counties fuller access to the



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6480 state's resources.

6481 Section 134. Subsection (1) of section 288.021, Florida
6482 Statutes, is amended to read:

6483 288.021 Economic development liaison.-

6484 (1) The heads of the Department of Transportation, the
6485 Department of Environmental Protection and an additional member
6486 appointed by the secretary of the department, ~~the Department of~~
6487 ~~Labor and Employment Security~~, the Department of Education, ~~the~~
6488 ~~Department of Community Affairs~~, the Department of Management
6489 Services, the Department of Revenue, the Fish and Wildlife
6490 Conservation Commission, each water management district, and
6491 each Department of Transportation District office shall
6492 designate a high-level staff member from within such agency to
6493 serve as the economic development liaison for the agency. This
6494 person shall report to the agency head and have general
6495 knowledge both of the state's permitting and other regulatory
6496 functions and of the state's economic goals, policies, and
6497 programs. This person shall also be the primary point of contact
6498 for the agency with the department ~~Office of Tourism, Trade, and~~
6499 ~~Economic Development~~ on issues and projects important to the
6500 economic development of Florida, including its rural areas, to
6501 expedite project review, to ensure a prompt, effective response
6502 to problems arising with regard to permitting and regulatory
6503 functions, and to work closely with the other economic
6504 development liaisons to resolve interagency conflicts.

6505 Section 135. Section 288.0251, Florida Statutes, is amended
6506 to read:

6507 288.0251 International development outreach activities in
6508 Latin America and Caribbean Basin.-The department ~~Office of~~



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6509 ~~Tourism, Trade, and Economic Development~~ may contract for the
6510 implementation of Florida's international volunteer corps to
6511 provide short-term training and technical assistance activities
6512 in Latin America and the Caribbean Basin. The entity contracted
6513 under this section must require that such activities be
6514 conducted by qualified volunteers who are citizens of the state.
6515 The contracting agency must have a statewide focus and
6516 experience in coordinating international volunteer programs.

6517 Section 136. Subsection (1) of section 288.035, Florida
6518 Statutes, is amended to read:

6519 288.035 Economic development activities.—

6520 (1) The Florida Public Service Commission may authorize
6521 public utilities to recover reasonable economic development
6522 expenses. For purposes of this section, recoverable "economic
6523 development expenses" are those expenses described in subsection
6524 (2) which are consistent with criteria to be established by
6525 rules adopted by the department ~~of Commerce as of June 30, 1996,~~
6526 ~~or as those criteria are later modified by the Office of~~
6527 ~~Tourism, Trade, and Economic Development.~~

6528 Section 137. Section 288.037, Florida Statutes, is amended
6529 to read:

6530 288.037 Department of State; agreement with county tax
6531 collector.—In order to further the economic development goals of
6532 the state, and notwithstanding any law to the contrary, the
6533 Department of State may enter into an agreement with the county
6534 tax collector for the purpose of appointing the county tax
6535 collector as the Department of State's ~~department's~~ agent to
6536 accept applications for licenses or other similar registrations
6537 and applications for renewals of licenses or other similar



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6538 registrations. The agreement must specify the time within which
6539 the tax collector must forward any applications and accompanying
6540 application fees to the Department of State.

6541 Section 138. Subsection (3) of section 288.041, Florida
6542 Statutes, is amended to read:

6543 288.041 Solar energy industry; legislative findings and
6544 policy; promotional activities.-

6545 (3) By January 15 of each year, the Department of
6546 Environmental Protection shall report to the Governor, the
6547 President of the Senate, and the Speaker of the House of
6548 Representatives on the impact of the solar energy industry on
6549 the economy of this state and shall make any recommendations on
6550 initiatives to further promote the solar energy industry as the
6551 Department of Environmental Protection deems appropriate.

6552 Section 139. Subsections (9) and (10) of section 288.047,
6553 Florida Statutes, are amended to read:

6554 288.047 Quick-response training for economic development.-

6555 (9) Notwithstanding any other provision of law, eligible
6556 matching contributions received under the Quick-Response
6557 Training Program under this section may be counted toward the
6558 private sector support of Enterprise Florida, Inc., under s.
6559 288.904 ~~s. 288.90151(5)(d)~~.

6560 (10) Workforce Florida, Inc., and Enterprise Florida, Inc.,
6561 shall ensure maximum coordination and cooperation in
6562 administering this section, in such a manner that any division
6563 of responsibility between the two organizations which relates to
6564 marketing or administering the Quick-Response Training Program
6565 is not apparent to a business that inquires about or applies for
6566 funding under this section. ~~The organizations shall provide such~~



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6567 A business shall be provided with a single point of contact for
6568 information and assistance.

6569 Section 140. Section 288.063, Florida Statutes, is amended
6570 to read:

6571 288.063 Contracts for transportation projects.-

6572 (1) The Department of Economic Opportunity may ~~Office of~~
6573 ~~Tourism, Trade, and Economic Development~~ is authorized to make,
6574 and ~~based on a recommendation from Enterprise Florida, Inc., to~~
6575 approve, expenditures and enter into contracts for direct costs
6576 of transportation projects with the appropriate governmental
6577 body. Each application shall be reviewed and certified pursuant
6578 to s. 288.061. The Department of Economic Opportunity ~~Office of~~
6579 ~~Tourism, Trade, and Economic Development~~ shall provide the
6580 Department of Transportation, and the Department of
6581 Environmental Protection, ~~and the Department of Community~~
6582 ~~Affairs~~ with an opportunity to formally review and comment on
6583 recommended transportation projects, although the Department of
6584 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
6585 ~~Development~~ has final approval authority for any project under
6586 this section.

6587 (2) Any contract with a governmental body for construction
6588 of any transportation project executed by the Department of
6589 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
6590 ~~Development~~ shall:

6591 (a) Specify and identify the transportation project to be
6592 constructed for a new or expanding business and the number of
6593 full-time permanent jobs that will result from the project.

6594 (b) Require that the appropriate governmental body award
6595 the construction of the particular transportation project to the



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6596 lowest and best bidder in accordance with applicable state and
6597 federal statutes or regulations unless the project can be
6598 constructed with existing local government employees within the
6599 contract period specified by the Department of Economic
6600 Opportunity ~~Office of Tourism, Trade, and Economic Development.~~

6601 (c) Require that the appropriate governmental body provide
6602 the department ~~Office of Tourism, Trade, and Economic~~
6603 ~~Development~~ with quarterly progress reports. Each quarterly
6604 progress report shall contain a narrative description of the
6605 work completed according to the project schedule, a description
6606 of any change orders executed by the appropriate governmental
6607 body, a budget summary detailing planned expenditures versus
6608 actual expenditures, and identification of minority business
6609 enterprises used as contractors and subcontractors. Records of
6610 all progress payments made for work in connection with such
6611 transportation projects, and any change orders executed by the
6612 appropriate governmental body and payments made pursuant to such
6613 orders, shall be maintained by that governmental body in
6614 accordance with accepted governmental accounting principles and
6615 practices and shall be subject to financial audit as required by
6616 law. In addition, the appropriate governmental body, upon
6617 completion and acceptance of the transportation project, shall
6618 make certification to the department ~~Office of Tourism, Trade,~~
6619 ~~and Economic Development~~ that the project has been completed in
6620 compliance with the terms and conditions of the contractual
6621 agreements between the department ~~Office of Tourism, Trade, and~~
6622 ~~Economic Development~~ and the appropriate governmental body and
6623 meets minimum construction standards established in accordance
6624 with s. 336.045.



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6625 (d) Specify that the department ~~Office of Tourism, Trade,~~
6626 ~~and Economic Development~~ shall transfer funds upon receipt of a
6627 request for funds from the local government, on no more than a
6628 quarterly basis, consistent with project needs. A contract
6629 totaling less than \$200,000 is exempt from this transfer
6630 requirement. The department may ~~Office of Tourism, Trade, and~~
6631 ~~Economic Development shall~~ not transfer any funds unless
6632 construction has begun on the facility of the business on whose
6633 behalf the award was made. Local governments shall expend funds
6634 in a timely manner.

6635 (e) Require that program funds be used only on those
6636 transportation projects that have been properly reviewed and
6637 approved in accordance with the criteria set forth in this
6638 section.

6639 (f) Require that the governing board of the appropriate
6640 local governmental body agree by resolution to accept future
6641 maintenance and other attendant costs occurring after completion
6642 of the transportation project if the project is construction on
6643 a county or municipal system.

6644 (3) With respect to any contract executed pursuant to this
6645 section, the term "transportation project" means a
6646 transportation facility as defined in s. 334.03(31) which is
6647 necessary in the judgment of the department ~~Office of Tourism,~~
6648 ~~Trade, and Economic Development~~ to facilitate the economic
6649 development and growth of the state. ~~Except for applications~~
6650 ~~received prior to July 1, 1996,~~ Such transportation projects
6651 shall be approved only as a consideration to attract new
6652 employment opportunities to the state or expand or retain
6653 employment in existing companies operating within the state, or



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6654 to allow for the construction or expansion of a state or federal
6655 correctional facility in a county with a population of 75,000 or
6656 less that creates new employment opportunities or expands or
6657 retains employment in the county. The department ~~Office of~~
6658 ~~Tourism, Trade, and Economic Development~~ shall institute
6659 procedures to ensure that small and minority businesses have
6660 equal access to funding provided under this section. Funding for
6661 approved transportation projects may include any expenses, other
6662 than administrative costs and equipment purchases specified in
6663 the contract, necessary for new, or improvement to existing,
6664 transportation facilities. Funds made available pursuant to this
6665 section may not be expended in connection with the relocation of
6666 a business from one community to another community in this state
6667 unless the department ~~Office of Tourism, Trade, and Economic~~
6668 ~~Development~~ determines that without such relocation the business
6669 will move outside this state or determines that the business has
6670 a compelling economic rationale for the relocation which creates
6671 additional jobs. Subject to appropriation for projects under
6672 this section, any appropriation greater than \$10 million shall
6673 be allocated to each of the districts of the Department of
6674 Transportation to ensure equitable geographical distribution.
6675 Such allocated funds that remain uncommitted by the third
6676 quarter of the fiscal year shall be reallocated among the
6677 districts based on pending project requests.

6678 (4) The Department of Economic Opportunity ~~Office of~~
6679 ~~Tourism, Trade, and Economic Development~~ may adopt criteria by
6680 which transportation projects are to be reviewed and certified
6681 in accordance with s. 288.061. In approving transportation
6682 projects for funding, the Department of Economic Opportunity



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6683 ~~Office of Tourism, Trade, and Economic Development~~ shall
6684 consider factors including, but not limited to, the cost per job
6685 created or retained considering the amount of transportation
6686 funds requested; the average hourly rate of wages for jobs
6687 created; the reliance on the program as an inducement for the
6688 project's location decision; the amount of capital investment to
6689 be made by the business; the demonstrated local commitment; the
6690 location of the project in an enterprise zone designated
6691 pursuant to s. 290.0055; the location of the project in a
6692 spaceport territory as defined in s. 331.304; the unemployment
6693 rate of the surrounding area; the poverty rate of the community;
6694 and the adoption of an economic element as part of its local
6695 comprehensive plan in accordance with s. 163.3177(7)(j). The
6696 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
6697 ~~Economic Development~~ may contact any agency it deems appropriate
6698 for additional input regarding the approval of projects.

6699 (5) A ~~Ne~~ project is not eligible for funding unless it that
6700 has ~~not~~ been specified and identified by the Department of
6701 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
6702 ~~Development~~ in accordance with subsection (4) before ~~prior to~~
6703 the initiation of construction ~~shall be eligible for funding.~~

6704 (6) The Department of Transportation shall review the
6705 proposed projects to ensure proper coordination with
6706 transportation projects included in the adopted work program and
6707 may be the contracting agency when the project is on the State
6708 Highway System. In addition, upon request by the appropriate
6709 governmental body, the Department of Environment Protection may
6710 advise and assist it or plan and construct other such
6711 transportation projects for it.



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6712 (7) For the purpose of this section, Space Florida may
6713 serve as the local government or as the contracting agency for
6714 transportation projects within spaceport territory as defined by
6715 s. 331.304.

6716 (8) Each local government receiving funds under this
6717 section shall submit to the Department of Economic Opportunity
6718 ~~Office of Tourism, Trade, and Economic Development~~ a financial
6719 audit of the local entity conducted by an independent certified
6720 public accountant. The Department of Economic Opportunity ~~Office~~
6721 ~~of Tourism, Trade, and Economic Development~~ shall develop
6722 procedures to ensure that audits are received and reviewed in a
6723 timely manner and that deficiencies or questioned costs noted in
6724 the audit are resolved.

6725 (9) The Department of Economic Opportunity ~~Office of~~
6726 ~~Tourism, Trade, and Economic Development~~ shall monitor on site
6727 each grant recipient, including, but not limited to, the
6728 construction of the business facility, to ensure compliance with
6729 contractual requirements.

6730 (10) In addition to the other provisions of this section,
6731 projects that the Legislature deems necessary to facilitate the
6732 economic development and growth of the state may be designated
6733 and funded in the General Appropriations Act. Such
6734 transportation projects create new employment opportunities,
6735 expand transportation infrastructure, improve mobility, or
6736 increase transportation innovation. The Department of Economic
6737 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
6738 shall enter into contracts with, and make expenditures to, the
6739 appropriate entities for the costs of transportation projects
6740 designated in the General Appropriations Act.



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6741 Section 141. Subsections (1), (2), and (3) of section
6742 288.065, Florida Statutes, are amended to read:

6743 288.065 Rural Community Development Revolving Loan Fund.—

6744 (1) The Rural Community Development Revolving Loan Fund
6745 Program is established within the department ~~in the Office of~~
6746 ~~Tourism, Trade, and Economic Development~~ to facilitate the use
6747 of existing federal, state, and local financial resources by
6748 providing local governments with financial assistance to further
6749 promote the economic viability of rural communities. These funds
6750 may be used to finance initiatives directed toward maintaining
6751 or developing the economic base of rural communities, especially
6752 initiatives addressing employment opportunities for residents of
6753 these communities.

6754 (2) (a) The program shall provide for long-term loans, loan
6755 guarantees, and loan loss reserves to units of local
6756 governments, or economic development organizations substantially
6757 underwritten by a unit of local government, within counties with
6758 populations of 75,000 or fewer, or within any county with a
6759 population of 125,000 or fewer which is contiguous to a county
6760 with a population of 75,000 or fewer, based on the most recent
6761 official population estimate as determined under s. 186.901,
6762 including those residing in incorporated areas and those
6763 residing in unincorporated areas of the county, or to units of
6764 local government, or economic development organizations
6765 substantially underwritten by a unit of local government, within
6766 a rural area of critical economic concern.

6767 (b) Requests for loans shall be made by application to the
6768 department ~~Office of Tourism, Trade, and Economic Development~~.
6769 Loans shall be made pursuant to agreements specifying the terms



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6770 and conditions agreed to between the applicant and the
6771 department ~~Office of Tourism, Trade, and Economic Development~~.

6772 The loans shall be the legal obligations of the applicant.

6773 (c) All repayments of principal and interest shall be
6774 returned to the loan fund and made available for loans to other
6775 applicants. However, in a rural area of critical economic
6776 concern designated by the Governor, and upon approval by the
6777 department ~~Office of Tourism, Trade, and Economic Development~~,
6778 repayments of principal and interest may be retained by the
6779 applicant if such repayments are dedicated and matched to fund
6780 regionally based economic development organizations representing
6781 the rural area of critical economic concern.

6782 (3) The department ~~Office of Tourism, Trade, and Economic~~
6783 ~~Development~~ shall manage the fund, establishing loan practices
6784 that must include, but are not limited to, procedures for
6785 establishing loan interest rates, uses of funding, application
6786 procedures, and application review procedures. The department
6787 ~~Office of Tourism, Trade, and Economic Development~~ shall have
6788 final approval authority for any loan under this section.

6789 Section 142. Subsections (1), (2), (3), and (4) of section
6790 288.0655, Florida Statutes, are amended to read:

6791 288.0655 Rural Infrastructure Fund.—

6792 (1) There is created within the department ~~Office of~~
6793 ~~Tourism, Trade, and Economic Development~~ the Rural
6794 Infrastructure Fund to facilitate the planning, preparing, and
6795 financing of infrastructure projects in rural communities which
6796 will encourage job creation, capital investment, and the
6797 strengthening and diversification of rural economies by
6798 promoting tourism, trade, and economic development.



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6799 (2) (a) Funds appropriated by the Legislature shall be
6800 distributed by the department ~~Office~~ through grant programs that
6801 maximize the use of federal, local, and private resources,
6802 including, but not limited to, those available under the Small
6803 Cities Community Development Block Grant Program.

6804 (b) To facilitate access of rural communities and rural
6805 areas of critical economic concern as defined by the Rural
6806 Economic Development Initiative to infrastructure funding
6807 programs of the Federal Government, such as those offered by the
6808 United States Department of Agriculture and the United States
6809 Department of Commerce, and state programs, including those
6810 offered by Rural Economic Development Initiative agencies, and
6811 to facilitate local government or private infrastructure funding
6812 efforts, the department ~~Office~~ may award grants for up to 30
6813 percent of the total infrastructure project cost. If an
6814 application for funding is for a catalyst site, as defined in s.
6815 288.0656, the department ~~Office~~ may award grants for up to 40
6816 percent of the total infrastructure project cost. Eligible
6817 projects must be related to specific job-creation or job-
6818 retention opportunities. Eligible projects may also include
6819 improving any inadequate infrastructure that has resulted in
6820 regulatory action that prohibits economic or community growth or
6821 reducing the costs to community users of proposed infrastructure
6822 improvements that exceed such costs in comparable communities.
6823 Eligible uses of funds shall include improvements to public
6824 infrastructure for industrial or commercial sites and upgrades
6825 to or development of public tourism infrastructure. Authorized
6826 infrastructure may include the following public or public-
6827 private partnership facilities: storm water systems;



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6828 telecommunications facilities; broadband facilities; roads or
6829 other remedies to transportation impediments; nature-based
6830 tourism facilities; or other physical requirements necessary to
6831 facilitate tourism, trade, and economic development activities
6832 in the community. Authorized infrastructure may also include
6833 publicly or privately owned self-powered nature-based tourism
6834 facilities, publicly owned telecommunications facilities, and
6835 broadband facilities, and additions to the distribution
6836 facilities of the existing natural gas utility as defined in s.
6837 366.04(3)(c), the existing electric utility as defined in s.
6838 366.02, or the existing water or wastewater utility as defined
6839 in s. 367.021(12), or any other existing water or wastewater
6840 facility, which owns a gas or electric distribution system or a
6841 water or wastewater system in this state where:

6842 1. A contribution-in-aid of construction is required to
6843 serve public or public-private partnership facilities under the
6844 tariffs of any natural gas, electric, water, or wastewater
6845 utility as defined herein; and

6846 2. Such utilities as defined herein are willing and able to
6847 provide such service.

6848 (c) To facilitate timely response and induce the location
6849 or expansion of specific job creating opportunities, the
6850 department Office ~~Office~~ may award grants for infrastructure
6851 feasibility studies, design and engineering activities, or other
6852 infrastructure planning and preparation activities. Authorized
6853 grants shall be up to \$50,000 for an employment project with a
6854 business committed to create at least 100 jobs;; up to \$150,000
6855 for an employment project with a business committed to create at
6856 least 300 jobs;; and up to \$300,000 for a project in a rural



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6857 area of critical economic concern. Grants awarded under this
6858 paragraph may be used in conjunction with grants awarded under
6859 paragraph (b), provided that the total amount of both grants
6860 does not exceed 30 percent of the total project cost. In
6861 evaluating applications under this paragraph, the department
6862 ~~Office~~ shall consider the extent to which the application seeks
6863 to minimize administrative and consultant expenses.

6864 (d) The department ~~By September 1, 1999, the Office~~ shall
6865 participate in ~~pursue execution of~~ a memorandum of agreement
6866 with the United States Department of Agriculture under which
6867 state funds available through the Rural Infrastructure Fund may
6868 be advanced, in excess of the prescribed state share, for a
6869 project that has received from the United States Department of
6870 Agriculture a preliminary determination of eligibility for
6871 federal financial support. State funds in excess of the
6872 prescribed state share which are advanced pursuant to this
6873 paragraph and the memorandum of agreement shall be reimbursed
6874 when funds are awarded under an application for federal funding.

6875 (e) To enable local governments to access the resources
6876 available pursuant to s. 403.973(18), the department ~~Office~~ may
6877 award grants for surveys, feasibility studies, and other
6878 activities related to the identification and preclearance review
6879 of land which is suitable for preclearance review. Authorized
6880 grants under this paragraph shall not exceed \$75,000 each,
6881 except in the case of a project in a rural area of critical
6882 economic concern, in which case the grant shall not exceed
6883 \$300,000. Any funds awarded under this paragraph must be matched
6884 at a level of 50 percent with local funds, except that any funds
6885 awarded for a project in a rural area of critical economic



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6886 concern must be matched at a level of 33 percent with local
6887 funds. If an application for funding is for a catalyst site, as
6888 defined in s. 288.0656, the requirement for local match may be
6889 waived pursuant to the process in s. 288.06561. In evaluating
6890 applications under this paragraph, the department office shall
6891 consider the extent to which the application seeks to minimize
6892 administrative and consultant expenses.

6893 (3) The department office, in consultation with Enterprise
6894 Florida, Inc., the Florida Tourism Industry Marketing
6895 Corporation ~~VISIT Florida~~, the Department of Environmental
6896 Protection, and the Florida Fish and Wildlife Conservation
6897 Commission, as appropriate, shall review and certify
6898 applications pursuant to s. 288.061. The review shall include an
6899 evaluation of the economic benefit of the projects and their
6900 long-term viability. The department office shall have final
6901 approval for any grant under this section.

6902 (4) By September 1, 2012 ~~1999~~, the department office shall,
6903 in consultation with the organizations listed in subsection (3),
6904 and other organizations, reevaluate existing develop guidelines
6905 and criteria governing submission of applications for funding,
6906 review and evaluation of such applications, and approval of
6907 funding under this section. The department office shall consider
6908 factors including, but not limited to, the project's potential
6909 for enhanced job creation or increased capital investment, the
6910 demonstration and level of local public and private commitment,
6911 whether the project is located ~~location of the project~~ in an
6912 enterprise zone, ~~the location of the project~~ in a community
6913 development corporation service area, or in an urban high-crime
6914 area as ~~the location of the project in a county~~ designated under



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6915 s. 212.097, the unemployment rate of the county in which the
6916 project would be located ~~surrounding area~~, and the poverty rate
6917 of the community.

6918 Section 143. Paragraph (b) of subsection (1), paragraphs
6919 (b) and (e) of subsection (2), paragraph (a) of subsection (6),
6920 and paragraphs (b) and (c) of subsection (7) of section
6921 288.0656, Florida Statutes, are amended to read:

6922 288.0656 Rural Economic Development Initiative.—

6923 (1) (b) The Rural Economic Development Initiative, known as
6924 "REDI," is created within the department ~~Office of Tourism,~~
6925 ~~Trade, and Economic Development~~, and the participation of state
6926 and regional agencies in this initiative is authorized.

6927 (2) As used in this section, the term:

6928 (b) "Catalyst site" means a parcel or parcels of land
6929 within a rural area of critical economic concern that has been
6930 prioritized as a geographic site for economic development
6931 through partnerships with state, regional, and local
6932 organizations. The site must be reviewed by REDI and approved by
6933 the department ~~Office of Tourism, Trade, and Economic~~
6934 ~~Development~~ for the purposes of locating a catalyst project.

6935 (e) "Rural community" means:

6936 1. A county with a population of 75,000 or fewer.

6937 2. A county with a population of 125,000 or fewer which is
6938 contiguous to a county with a population of 75,000 or fewer.

6939 3. A municipality within a county described in subparagraph
6940 1. or subparagraph 2.

6941 4. An unincorporated federal enterprise community or an
6942 incorporated rural city with a population of 25,000 or fewer and
6943 an employment base focused on traditional agricultural or



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6944 resource-based industries, located in a county not defined as
6945 rural, which has at least three or more of the economic distress
6946 factors identified in paragraph (c) and verified by the
6947 department ~~Office of Tourism, Trade, and Economic Development.~~

6948
6949 For purposes of this paragraph, population shall be determined
6950 in accordance with the most recent official estimate pursuant to
6951 s. 186.901.

6952 (6) (a) By August 1 of each year, the head of each of the
6953 following agencies and organizations shall designate a deputy
6954 secretary or higher-level staff person from within the agency or
6955 organization to serve as the REDI representative for the agency
6956 or organization:

- 6957 ~~1. The Department of Community Affairs.~~
- 6958 ~~1.2.~~ The Department of Transportation.
- 6959 ~~2.3.~~ The Department of Environmental Protection.
- 6960 ~~3.4.~~ The Department of Agriculture and Consumer Services.
- 6961 ~~4.5.~~ The Department of State.
- 6962 ~~5.6.~~ The Department of Health.
- 6963 ~~6.7.~~ The Department of Children and Family Services.
- 6964 ~~7.8.~~ The Department of Corrections.
- 6965 ~~9. The Agency for Workforce Innovation.~~
- 6966 ~~8.10.~~ The Department of Education.
- 6967 ~~9.11.~~ The Department of Juvenile Justice.
- 6968 ~~10.12.~~ The Fish and Wildlife Conservation Commission.
- 6969 ~~11.13.~~ Each water management district.
- 6970 ~~12.14.~~ Enterprise Florida, Inc.
- 6971 ~~13.15.~~ Workforce Florida, Inc.
- 6972 ~~14.16.~~ ~~The Florida Commission on Tourism or VISIT Florida.~~



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6973 ~~15.17.~~ The Florida Regional Planning Council Association.

6974 ~~16.18.~~ The Agency for Health Care Administration.

6975 ~~17.19.~~ The Institute of Food and Agricultural Sciences
6976 (IFAS).

6977

6978 An alternate for each designee shall also be chosen, and the
6979 names of the designees and alternates shall be sent to the
6980 executive director of the department ~~Office of Tourism, Trade,~~
6981 ~~and Economic Development.~~

6982 (7)

6983 (b) Designation as a rural area of critical economic
6984 concern under this subsection shall be contingent upon the
6985 execution of a memorandum of agreement among the department
6986 ~~Office of Tourism, Trade, and Economic Development;~~ the
6987 governing body of the county; and the governing bodies of any
6988 municipalities to be included within a rural area of critical
6989 economic concern. Such agreement shall specify the terms and
6990 conditions of the designation, including, but not limited to,
6991 the duties and responsibilities of the county and any
6992 participating municipalities to take actions designed to
6993 facilitate the retention and expansion of existing businesses in
6994 the area, as well as the recruitment of new businesses to the
6995 area.

6996 (c) Each rural area of critical economic concern may
6997 designate catalyst projects, provided that each catalyst project
6998 is specifically recommended by REDI, identified as a catalyst
6999 project by Enterprise Florida, Inc., and confirmed as a catalyst
7000 project by the department ~~Office of Tourism, Trade, and Economic~~
7001 ~~Development.~~ All state agencies and departments shall use all



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7002 available tools and resources to the extent permissible by law
7003 to promote the creation and development of each catalyst project
7004 and the development of catalyst sites.

7005 Section 144. Subsections (2) and (3) of section 288.06561,
7006 Florida Statutes, are amended to read:

7007 288.06561 Reduction or waiver of financial match
7008 requirements.—Notwithstanding any other law, the member agencies
7009 and organizations of the Rural Economic Development Initiative
7010 (REDI), as defined in s. 288.0656(6)(a), shall review the
7011 financial match requirements for projects in rural areas as
7012 defined in s. 288.0656(2).

7013 (2) Agencies and organizations shall ensure that all
7014 proposals are submitted to the department ~~Office of Tourism,~~
7015 ~~Trade, and Economic Development~~ for review by the REDI agencies.

7016 (3) These proposals shall be delivered to the department
7017 ~~Office of Tourism, Trade, and Economic Development~~ for
7018 distribution to the REDI agencies and organizations. A meeting
7019 of REDI agencies and organizations must be called within 30 days
7020 after receipt of such proposals for REDI comment and
7021 recommendations on each proposal.

7022 Section 145. Subsections (2) and (4) of section 288.0657,
7023 Florida Statutes, are amended to read:

7024 288.0657 Florida rural economic development strategy
7025 grants.—

7026 (2) The department ~~Office of Tourism, Trade, and Economic~~
7027 ~~Development~~ may accept and administer moneys appropriated to the
7028 department ~~office~~ for providing grants to assist rural
7029 communities to develop and implement strategic economic
7030 development plans.



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7031 (4) The department ~~Enterprise Florida, Inc., and VISIT~~
7032 ~~Florida,~~ shall establish criteria for reviewing grant
7033 applications. These criteria shall include, but are not limited
7034 to, the degree of participation and commitment by the local
7035 community and the application's consistency with local
7036 comprehensive plans or the application's proposal to ensure such
7037 consistency. The department ~~International Trade and Economic~~
7038 ~~Development Board of Enterprise Florida, Inc., and VISIT~~
7039 ~~Florida,~~ shall review each application for a grant and shall
7040 submit annually to the Office for approval a list of all
7041 applications that are recommended by the board and VISIT
7042 ~~Florida,~~ arranged in order of priority. The department office
7043 may approve grants only to the extent that funds are
7044 appropriated for such grants by the Legislature.

7045 Section 146. Section 288.0658, Florida Statutes, is amended
7046 to read:

7047 288.0658 Nature-based recreation; promotion and other
7048 assistance by Fish and Wildlife Conservation Commission.—The
7049 Florida Fish and Wildlife Conservation Commission is directed to
7050 assist Enterprise Florida, Inc. ~~the Florida Commission on~~
7051 ~~Tourism;~~ the Florida Tourism Industry Marketing Corporation,
7052 doing business as VISIT Florida; convention and visitor bureaus;
7053 tourist development councils; economic development
7054 organizations; and local governments through the provision of
7055 marketing advice, technical expertise, promotional support, and
7056 product development related to nature-based recreation and
7057 sustainable use of natural resources. In carrying out this
7058 responsibility, the Florida Fish and Wildlife Conservation
7059 Commission shall focus its efforts on fostering nature-based



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7060 recreation in rural communities and regions encompassing rural
7061 communities. As used in this section, the term "nature-based
7062 recreation" means leisure activities related to the state's
7063 lands, waters, and fish and wildlife resources, including, but
7064 not limited to, wildlife viewing, fishing, hiking, canoeing,
7065 kayaking, camping, hunting, backpacking, and nature photography.

7066 Section 147. Section 288.0659, Florida Statutes, is amended
7067 to read:

7068 288.0659 Local Government Distressed Area Matching Grant
7069 Program.—

7070 (1) The Local Government Distressed Area Matching Grant
7071 Program is created within the department ~~Office of Tourism,~~
7072 ~~Trade, and Economic Development~~. The purpose of the program is
7073 to stimulate investment in the state's economy by providing
7074 grants to match demonstrated business assistance by local
7075 governments to attract and retain businesses in this state.

7076 (2) As used in this section, the term:

7077 (a) "Local government" means a county or municipality.

7078 ~~(b) "Office" means the Office of Tourism, Trade, and~~
7079 ~~Economic Development.~~

7080 (b)(c) "Qualified business assistance" means economic
7081 incentives provided by a local government for the purpose of
7082 attracting or retaining a specific business, including, but not
7083 limited to, suspensions, waivers, or reductions of impact fees
7084 or permit fees; direct incentive payments; expenditures for
7085 onsite or offsite improvements directly benefiting a specific
7086 business; or construction or renovation of buildings for a
7087 specific business.

7088 (3) The department ~~Office~~ may accept and administer moneys



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7089 appropriated by the Legislature ~~to the Office~~ for providing
7090 grants to match expenditures by local governments to attract or
7091 retain businesses in this state.

7092 (4) A local government may apply for grants to match
7093 qualified business assistance made by the local government for
7094 the purpose of attracting or retaining a specific business. A
7095 local government may apply for no more than one grant per
7096 targeted business. A local government may only have one
7097 application pending with the department ~~Office~~. Additional
7098 applications may be filed after a previous application has been
7099 approved or denied.

7100 (5) To qualify for a grant, the business being targeted by
7101 a local government must create at least 15 full-time jobs, must
7102 be new to this state, must be expanding its operations in this
7103 state, or would otherwise leave the state absent state and local
7104 assistance, and the local government applying for the grant must
7105 expedite its permitting processes for the target business by
7106 accelerating the normal review and approval timelines. In
7107 addition to these requirements, the department ~~office~~ shall
7108 review the grant requests using the following evaluation
7109 criteria, with priority given in descending order:

7110 (a) The presence and degree of pervasive poverty,
7111 unemployment, and general distress as determined pursuant to s.
7112 290.0058 in the area where the business will locate, with
7113 priority given to locations with greater degrees of poverty,
7114 unemployment, and general distress.

7115 (b) The extent of reliance on the local government
7116 expenditure as an inducement for the business's location
7117 decision, with priority given to higher levels of local



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7118 government expenditure.

7119 (c) The number of new full-time jobs created, with priority
7120 given to higher numbers of jobs created.

7121 (d) The average hourly wage for jobs created, with priority
7122 given to higher average wages.

7123 (e) The amount of capital investment to be made by the
7124 business, with priority given to higher amounts of capital
7125 investment.

7126 (6) In evaluating grant requests, the department Office
7127 shall take into consideration the need for grant assistance as
7128 it relates to the local government's general fund balance as
7129 well as local incentive programs that are already in existence.

7130 (7) Funds made available pursuant to this section may not
7131 be expended in connection with the relocation of a business from
7132 one community to another community in this state unless the
7133 department Office determines that without such relocation the
7134 business will move outside this state or determines that the
7135 business has a compelling economic rationale for the relocation
7136 which creates additional jobs. Funds made available pursuant to
7137 this section may not be used by the receiving local government
7138 to supplant matching commitments required of the local
7139 government pursuant to other state or federal incentive
7140 programs.

7141 (8) Within 30 days after the department Office receives an
7142 application for a grant, the department Office shall approve a
7143 preliminary grant allocation or disapprove the application. The
7144 preliminary grant allocation shall be based on estimates of
7145 qualified business assistance submitted by the local government
7146 and shall equal 50 percent of the amount of the estimated



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7147 qualified business assistance or \$50,000, whichever is less. The
7148 preliminary grant allocation shall be executed by contract with
7149 the local government. The contract shall set forth the terms and
7150 conditions, including the timeframes within which the final
7151 grant award will be disbursed. The final grant award may not
7152 exceed the preliminary grant allocation. The department ~~Office~~
7153 may approve preliminary grant allocations only to the extent
7154 that funds are appropriated for such grants by the Legislature.

7155 (a) Preliminary grant allocations that are revoked or
7156 voluntarily surrendered shall be immediately available for
7157 reallocation.

7158 (b) Recipients of preliminary grant allocations shall
7159 promptly report to the department ~~Office~~ the date on which the
7160 local government's permitting and approval process is completed
7161 and the date on which all qualified business assistance is
7162 completed.

7163 (9) The department ~~Office~~ shall make a final grant award to
7164 a local government within 30 days after receiving information
7165 from the local government sufficient to demonstrate actual
7166 qualified business assistance. An awarded grant amount shall
7167 equal 50 percent of the amount of the qualified business
7168 assistance or \$50,000, whichever is less, and may not exceed the
7169 preliminary grant allocation. The amount by which a preliminary
7170 grant allocation exceeds a final grant award shall be
7171 immediately available for reallocation.

7172 (10) Up to 2 percent of the funds appropriated annually by
7173 the Legislature for the program may be used by the department
7174 ~~Office~~ for direct administrative costs associated with
7175 implementing this section.



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7176 Section 148. Paragraph (a) of subsection (1) of section
7177 288.075, Florida Statutes, is amended to read:

7178 288.075 Confidentiality of records.—

7179 (1) DEFINITIONS.—As used in this section, the term:

7180 (a) "Economic development agency" means:

7181 1. The Department of Economic Opportunity ~~Office of~~
7182 ~~Tourism, Trade, and Economic Development;~~

7183 2. Any industrial development authority created in
7184 accordance with part III of chapter 159 or by special law;

7185 3. Space Florida created in part II of chapter 331;

7186 4. The public economic development agency of a county or
7187 municipality or, if the county or municipality does not have a
7188 public economic development agency, the county or municipal
7189 officers or employees assigned the duty to promote the general
7190 business interests or industrial interests of that county or
7191 municipality or the responsibilities related thereto;

7192 5. Any research and development authority created in
7193 accordance with part V of chapter 159; or

7194 6. Any private agency, person, partnership, corporation, or
7195 business entity when authorized by the state, a municipality, or
7196 a county to promote the general business interests or industrial
7197 interests of the state or that municipality or county.

7198 Section 149. Paragraphs (c), (h), (p), and (r) of
7199 subsection (1), paragraphs (a), (d), (e), (f), (h) of subsection
7200 (2), subsections (3) and (4), paragraphs (a), (d), (e), and (g)
7201 of subsection (5), paragraphs (a), (b), and (c) of subsection
7202 (6), and subsections (7) and (8) of section 288.1045, Florida
7203 Statutes, are amended, and present paragraphs (i) through (u) of
7204 subsection (1) are redesignated as paragraphs (h) through (s),



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7205 respectively, to read:

7206 288.1045 Qualified defense contractor and space flight
7207 business tax refund program.—

7208 (1) DEFINITIONS.—As used in this section:

7209 (c) "Business unit" means an employing unit, as defined in
7210 s. 443.036, that is registered with the department ~~Agency for~~
7211 ~~Workforce Innovation~~ for unemployment compensation purposes or
7212 means a subcategory or division of an employing unit that is
7213 accepted by the department ~~Agency for Workforce Innovation~~ as a
7214 reporting unit.

7215 ~~(h) "Director" means the director of the Office of Tourism,~~
7216 ~~Trade, and Economic Development.~~

7217 ~~(p) "Office" means the Office of Tourism, Trade, and~~
7218 ~~Economic Development.~~

7219 (p) ~~(r)~~ "Qualified applicant" means an applicant that has
7220 been approved by the department ~~director~~ to be eligible for tax
7221 refunds pursuant to this section.

7222 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

7223 (a) There shall be allowed, from the Economic Development
7224 Trust Fund, a refund to a qualified applicant for the amount of
7225 eligible taxes certified by the department ~~director~~ which were
7226 paid by such qualified applicant. The total amount of refunds
7227 for all fiscal years for each qualified applicant shall be
7228 determined pursuant to subsection (3). The annual amount of a
7229 refund to a qualified applicant shall be determined pursuant to
7230 subsection (5).

7231 (d) Contingent upon an annual appropriation by the
7232 Legislature, the department ~~director~~ may approve not more in tax
7233 refunds than the amount appropriated to the Economic Development



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7234 Trust Fund for tax refunds, for a fiscal year pursuant to
7235 subsection (5) and s. 288.095.

7236 (e) For the first 6 months of each fiscal year, the
7237 department ~~director~~ shall set aside 30 percent of the amount
7238 appropriated for refunds pursuant to this section by the
7239 Legislature to provide tax refunds only to qualified applicants
7240 who employ 500 or fewer full-time employees in this state. Any
7241 unencumbered funds remaining undisbursed from this set-aside at
7242 the end of the 6-month period may be used to provide tax refunds
7243 for any qualified applicants pursuant to this section.

7244 (f) After entering into a tax refund agreement pursuant to
7245 subsection (4), a qualified applicant may:

7246 1. Receive refunds from the account for corporate income
7247 taxes due and paid pursuant to chapter 220 by that business
7248 beginning with the first taxable year of the business which
7249 begins after entering into the agreement.

7250 2. Receive refunds from the account for the following taxes
7251 due and paid by that business after entering into the agreement:

7252 a. Taxes on sales, use, and other transactions paid
7253 pursuant to chapter 212.

7254 b. Intangible personal property taxes paid pursuant to
7255 chapter 199.

7256 c. Emergency excise taxes paid pursuant to chapter 221.

7257 d. Excise taxes paid on documents pursuant to chapter 201.

7258 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
7259 June 1, 1996.

7260 f. State communications services taxes administered under
7261 chapter 202. This provision does not apply to the gross receipts
7262 tax imposed under chapter 203 and administered under chapter 202



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7263 or the local communications services tax authorized under s.
7264 202.19.

7265
7266 However, a qualified applicant may not receive a tax refund
7267 pursuant to this section for any amount of credit, refund, or
7268 exemption granted such contractor for any of such taxes. If a
7269 refund for such taxes is provided by the department Office,
7270 which taxes are subsequently adjusted by the application of any
7271 credit, refund, or exemption granted to the qualified applicant
7272 other than that provided in this section, the qualified
7273 applicant shall reimburse the Economic Development Trust Fund
7274 for the amount of such credit, refund, or exemption. A qualified
7275 applicant must notify and tender payment to the office within 20
7276 days after receiving a credit, refund, or exemption, other than
7277 that provided in this section. ~~The addition of communications~~
7278 ~~services taxes administered under chapter 202 is remedial in~~
7279 ~~nature and retroactive to October 1, 2001. The Office may make~~
7280 ~~supplemental tax refund payments to allow for tax refunds for~~
7281 ~~communications services taxes paid by an eligible qualified~~
7282 ~~defense contractor after October 1, 2001.~~

7283 (h) Funds made available pursuant to this section may not
7284 be expended in connection with the relocation of a business from
7285 one community to another community in this state unless the
7286 department Office of Tourism, Trade, and Economic Development
7287 determines that without such relocation the business will move
7288 outside this state or determines that the business has a
7289 compelling economic rationale for the relocation which creates
7290 additional jobs.

7291 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY



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7292 DETERMINATION.—

7293 (a) To apply for certification as a qualified applicant
7294 pursuant to this section, an applicant must file an application
7295 with the department Office which satisfies the requirements of
7296 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
7297 and (e), or paragraphs (e) and (j). An applicant may not apply
7298 for certification pursuant to this section after a proposal has
7299 been submitted for a new Department of Defense contract, after
7300 the applicant has made the decision to consolidate an existing
7301 Department of Defense contract in this state for which such
7302 applicant is seeking certification, after a proposal has been
7303 submitted for a new space flight business contract in this
7304 state, after the applicant has made the decision to consolidate
7305 an existing space flight business contract in this state for
7306 which such applicant is seeking certification, or after the
7307 applicant has made the decision to convert defense production
7308 jobs to nondefense production jobs for which such applicant is
7309 seeking certification.

7310 (b) Applications for certification based on the
7311 consolidation of a Department of Defense contract or a new
7312 Department of Defense contract must be submitted to the
7313 department Office as prescribed by the department Office and
7314 must include, but are not limited to, the following information:

7315 1. The applicant's federal employer identification number,
7316 the applicant's Florida sales tax registration number, and a
7317 signature of an officer of the applicant.

7318 2. The permanent location of the manufacturing, assembling,
7319 fabricating, research, development, or design facility in this
7320 state at which the project is or is to be located.



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7321 3. The Department of Defense contract numbers of the
7322 contract to be consolidated, the new Department of Defense
7323 contract number, or the "RFP" number of a proposed Department of
7324 Defense contract.

7325 4. The date the contract was executed or is expected to be
7326 executed, and the date the contract is due to expire or is
7327 expected to expire.

7328 5. The commencement date for project operations under the
7329 contract in this state.

7330 6. The number of net new full-time equivalent Florida jobs
7331 included in the project as of December 31 of each year and the
7332 average wage of such jobs.

7333 7. The total number of full-time equivalent employees
7334 employed by the applicant in this state.

7335 8. The percentage of the applicant's gross receipts derived
7336 from Department of Defense contracts during the 5 taxable years
7337 immediately preceding the date the application is submitted.

7338 9. The number of full-time equivalent jobs in this state to
7339 be retained by the project.

7340 10. A brief statement concerning the applicant's need for
7341 tax refunds, and the proposed uses of such refunds by the
7342 applicant.

7343 11. A resolution adopted by the governing board of the
7344 county or municipality in which the project will be located,
7345 which recommends the applicant be approved as a qualified
7346 applicant, and which indicates that the necessary commitments of
7347 local financial support for the applicant exist. Prior to the
7348 adoption of the resolution, the county commission may review the
7349 proposed public or private sources of such support and determine



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7350 whether the proposed sources of local financial support can be
7351 provided or, for any applicant whose project is located in a
7352 county designated by the Rural Economic Development Initiative,
7353 a resolution adopted by the county commissioners of such county
7354 requesting that the applicant's project be exempt from the local
7355 financial support requirement.

7356 12. Any additional information requested by the department
7357 Office.

7358 (c) Applications for certification based on the conversion
7359 of defense production jobs to nondefense production jobs must be
7360 submitted to the department Office as prescribed by the
7361 department Office and must include, but are not limited to, the
7362 following information:

7363 1. The applicant's federal employer identification number,
7364 the applicant's Florida sales tax registration number, and a
7365 signature of an officer of the applicant.

7366 2. The permanent location of the manufacturing, assembling,
7367 fabricating, research, development, or design facility in this
7368 state at which the project is or is to be located.

7369 3. The Department of Defense contract numbers of the
7370 contract under which the defense production jobs will be
7371 converted to nondefense production jobs.

7372 4. The date the contract was executed, and the date the
7373 contract is due to expire or is expected to expire, or was
7374 canceled.

7375 5. The commencement date for the nondefense production
7376 operations in this state.

7377 6. The number of net new full-time equivalent Florida jobs
7378 included in the nondefense production project as of December 31



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7379 of each year and the average wage of such jobs.

7380 7. The total number of full-time equivalent employees
7381 employed by the applicant in this state.

7382 8. The percentage of the applicant's gross receipts derived
7383 from Department of Defense contracts during the 5 taxable years
7384 immediately preceding the date the application is submitted.

7385 9. The number of full-time equivalent jobs in this state to
7386 be retained by the project.

7387 10. A brief statement concerning the applicant's need for
7388 tax refunds, and the proposed uses of such refunds by the
7389 applicant.

7390 11. A resolution adopted by the governing board of the
7391 county or municipality in which the project will be located,
7392 which recommends the applicant be approved as a qualified
7393 applicant, and which indicates that the necessary commitments of
7394 local financial support for the applicant exist. Prior to the
7395 adoption of the resolution, the county commission may review the
7396 proposed public or private sources of such support and determine
7397 whether the proposed sources of local financial support can be
7398 provided or, for any applicant whose project is located in a
7399 county designated by the Rural Economic Development Initiative,
7400 a resolution adopted by the county commissioners of such county
7401 requesting that the applicant's project be exempt from the local
7402 financial support requirement.

7403 12. Any additional information requested by the department
7404 Office.

7405 (d) Applications for certification based on a contract for
7406 reuse of a defense-related facility must be submitted to the
7407 department Office as prescribed by the department office and



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7408 must include, but are not limited to, the following information:

7409 1. The applicant's Florida sales tax registration number
7410 and a signature of an officer of the applicant.

7411 2. The permanent location of the manufacturing, assembling,
7412 fabricating, research, development, or design facility in this
7413 state at which the project is or is to be located.

7414 3. The business entity holding a valid Department of
7415 Defense contract or branch of the Armed Forces of the United
7416 States that previously occupied the facility, and the date such
7417 entity last occupied the facility.

7418 4. A copy of the contract to reuse the facility, or such
7419 alternative proof as may be prescribed by the department ~~office~~
7420 that the applicant is seeking to contract for the reuse of such
7421 facility.

7422 5. The date the contract to reuse the facility was executed
7423 or is expected to be executed, and the date the contract is due
7424 to expire or is expected to expire.

7425 6. The commencement date for project operations under the
7426 contract in this state.

7427 7. The number of net new full-time equivalent Florida jobs
7428 included in the project as of December 31 of each year and the
7429 average wage of such jobs.

7430 8. The total number of full-time equivalent employees
7431 employed by the applicant in this state.

7432 9. The number of full-time equivalent jobs in this state to
7433 be retained by the project.

7434 10. A brief statement concerning the applicant's need for
7435 tax refunds, and the proposed uses of such refunds by the
7436 applicant.



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7437 11. A resolution adopted by the governing board of the
7438 county or municipality in which the project will be located,
7439 which recommends the applicant be approved as a qualified
7440 applicant, and which indicates that the necessary commitments of
7441 local financial support for the applicant exist. Before ~~Prior to~~
7442 the adoption of the resolution, the county commission may review
7443 the proposed public or private sources of such support and
7444 determine whether the proposed sources of local financial
7445 support can be provided or, for any applicant whose project is
7446 located in a county designated by the Rural Economic Development
7447 Initiative, a resolution adopted by the county commissioners of
7448 such county requesting that the applicant's project be exempt
7449 from the local financial support requirement.

7450 12. Any additional information requested by the department
7451 Office.

7452 (e) To qualify for review by the department Office, the
7453 application of an applicant must, at a minimum, establish the
7454 following to the satisfaction of the department office:

7455 1. The jobs proposed to be provided under the application,
7456 pursuant to subparagraph (b)6., subparagraph (c)6., or
7457 subparagraph (j)6., must pay an estimated annual average wage
7458 equaling at least 115 percent of the average wage in the area
7459 where the project is to be located.

7460 2. The consolidation of a Department of Defense contract
7461 must result in a net increase of at least 25 percent in the
7462 number of jobs at the applicant's facilities in this state or
7463 the addition of at least 80 jobs at the applicant's facilities
7464 in this state.

7465 3. The conversion of defense production jobs to nondefense



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7466 production jobs must result in net increases in nondefense
7467 employment at the applicant's facilities in this state.

7468 4. The Department of Defense contract or the space flight
7469 business contract cannot allow the business to include the costs
7470 of relocation or retooling in its base as allowable costs under
7471 a cost-plus, or similar, contract.

7472 5. A business unit of the applicant must have derived not
7473 less than 60 percent of its gross receipts in this state from
7474 Department of Defense contracts or space flight business
7475 contracts over the applicant's last fiscal year, and must have
7476 derived not less than an average of 60 percent of its gross
7477 receipts in this state from Department of Defense contracts or
7478 space flight business contracts over the 5 years preceding the
7479 date an application is submitted pursuant to this section. This
7480 subparagraph does not apply to any application for certification
7481 based on a contract for reuse of a defense-related facility.

7482 6. The reuse of a defense-related facility must result in
7483 the creation of at least 100 jobs at such facility.

7484 7. A new space flight business contract or the
7485 consolidation of a space flight business contract must result in
7486 net increases in space flight business employment at the
7487 applicant's facilities in this state.

7488 (f) Each application meeting the requirements of paragraphs
7489 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
7490 paragraphs (e) and (j) must be submitted to the department
7491 ~~office~~ for a determination of eligibility. The department ~~Office~~
7492 shall review and evaluate each application based on, but not
7493 limited to, the following criteria:

7494 1. Expected contributions to the state strategic economic



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7495 development plan prepared by the department ~~adopted by~~
7496 ~~Enterprise Florida, Inc.~~, taking into account the extent to
7497 which the project contributes to the state's high-technology
7498 base, and the long-term impact of the project and the applicant
7499 on the state's economy.

7500 2. The economic benefit of the jobs created or retained by
7501 the project in this state, taking into account the cost and
7502 average wage of each job created or retained, and the potential
7503 risk to existing jobs.

7504 3. The amount of capital investment to be made by the
7505 applicant in this state.

7506 4. The local commitment and support for the project and
7507 applicant.

7508 5. The impact of the project on the local community, taking
7509 into account the unemployment rate for the county where the
7510 project will be located.

7511 6. The dependence of the local community on the defense
7512 industry or space flight business.

7513 7. The impact of any tax refunds granted pursuant to this
7514 section on the viability of the project and the probability that
7515 the project will occur in this state if such tax refunds are
7516 granted to the applicant, taking into account the expected long-
7517 term commitment of the applicant to economic growth and
7518 employment in this state.

7519 8. The length of the project, or the expected long-term
7520 commitment to this state resulting from the project.

7521 (g) Applications shall be reviewed and certified pursuant
7522 to s. 288.061. If appropriate, the department ~~director~~ shall
7523 enter into a written agreement with the qualified applicant



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7524 pursuant to subsection (4).

7525 (h) The department ~~director~~ may not certify any applicant
7526 as a qualified applicant when the value of tax refunds to be
7527 included in that letter of certification exceeds the available
7528 amount of authority to certify new businesses as determined in
7529 s. 288.095(3). A letter of certification that approves an
7530 application must specify the maximum amount of a tax refund that
7531 is to be available to the contractor for each fiscal year and
7532 the total amount of tax refunds for all fiscal years.

7533 (i) This section does not create a presumption that an
7534 applicant should receive any tax refunds under this section.

7535 (j) Applications for certification based upon a new space
7536 flight business contract or the consolidation of a space flight
7537 business contract must be submitted to the department ~~office~~ as
7538 prescribed by the department ~~office~~ and must include, but are
7539 not limited to, the following information:

7540 1. The applicant's federal employer identification number,
7541 the applicant's Florida sales tax registration number, and a
7542 signature of an officer of the applicant.

7543 2. The permanent location of the space flight business
7544 facility in this state where the project is or will be located.

7545 3. The new space flight business contract number, the space
7546 flight business contract numbers of the contract to be
7547 consolidated, or the request-for-proposal number of a proposed
7548 space flight business contract.

7549 4. The date the contract was executed and the date the
7550 contract is due to expire, is expected to expire, or was
7551 canceled.

7552 5. The commencement date for project operations under the



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7553 contract in this state.

7554 6. The number of net new full-time equivalent Florida jobs
7555 included in the project as of December 31 of each year and the
7556 average wage of such jobs.

7557 7. The total number of full-time equivalent employees
7558 employed by the applicant in this state.

7559 8. The percentage of the applicant's gross receipts derived
7560 from space flight business contracts during the 5 taxable years
7561 immediately preceding the date the application is submitted.

7562 9. The number of full-time equivalent jobs in this state to
7563 be retained by the project.

7564 10. A brief statement concerning the applicant's need for
7565 tax refunds and the proposed uses of such refunds by the
7566 applicant.

7567 11. A resolution adopted by the governing board of the
7568 county or municipality in which the project will be located
7569 which recommends the applicant be approved as a qualified
7570 applicant and indicates that the necessary commitments of local
7571 financial support for the applicant exist. Prior to the adoption
7572 of the resolution, the county commission may review the proposed
7573 public or private sources of such support and determine whether
7574 the proposed sources of local financial support can be provided
7575 or, for any applicant whose project is located in a county
7576 designated by the Rural Economic Development Initiative, a
7577 resolution adopted by the county commissioners of such county
7578 requesting that the applicant's project be exempt from the local
7579 financial support requirement.

7580 12. Any additional information requested by the department
7581 office.



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7582 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—
7583 (a) A qualified applicant shall enter into a written
7584 agreement with the department ~~Office~~ containing, but not limited
7585 to, the following:
7586 1. The total number of full-time equivalent jobs in this
7587 state that are or will be dedicated to the qualified applicant's
7588 project, the average wage of such jobs, the definitions that
7589 will apply for measuring the achievement of these terms during
7590 the pendency of the agreement, and a time schedule or plan for
7591 when such jobs will be in place and active in this state.
7592 2. The maximum amount of a refund that the qualified
7593 applicant is eligible to receive for each fiscal year, based on
7594 the job creation or retention and maintenance schedule specified
7595 in subparagraph 1.
7596 3. An agreement with the department ~~Office~~ allowing the
7597 department ~~Office~~ to review and verify the financial and
7598 personnel records of the qualified applicant to ascertain
7599 whether the qualified applicant is complying with the
7600 requirements of this section.
7601 4. The date by which, in each fiscal year, the qualified
7602 applicant may file a claim pursuant to subsection (5) to be
7603 considered to receive a tax refund in the following fiscal year.
7604 5. That local financial support shall be annually available
7605 and will be paid to the Economic Development Trust Fund.
7606 (b) Compliance with the terms and conditions of the
7607 agreement is a condition precedent for receipt of tax refunds
7608 each year. The failure to comply with the terms and conditions
7609 of the agreement shall result in the loss of eligibility for
7610 receipt of all tax refunds previously authorized pursuant to



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7611 this section, and the revocation of the certification as a
7612 qualified applicant by the department ~~director~~, unless the
7613 qualified applicant is eligible to receive and elects to accept
7614 a prorated refund under paragraph (5)(g) or the department
7615 ~~Office~~ grants the qualified applicant an economic-stimulus
7616 exemption.

7617 1. A qualified applicant may submit, in writing, a request
7618 to the department ~~Office~~ for an economic-stimulus exemption. The
7619 request must provide quantitative evidence demonstrating how
7620 negative economic conditions in the qualified applicant's
7621 industry, the effects of the impact of a named hurricane or
7622 tropical storm, or specific acts of terrorism affecting the
7623 qualified applicant have prevented the qualified applicant from
7624 complying with the terms and conditions of its tax refund
7625 agreement.

7626 2. Upon receipt of a request under subparagraph 1., the
7627 department ~~director~~ shall have 45 days to notify the requesting
7628 qualified applicant, in writing, if its exemption has been
7629 granted or denied. In determining if an exemption should be
7630 granted, the department ~~director~~ shall consider the extent to
7631 which negative economic conditions in the requesting qualified
7632 applicant's industry, the effects of the impact of a named
7633 hurricane or tropical storm, or specific acts of terrorism
7634 affecting the qualified applicant have prevented the qualified
7635 applicant from complying with the terms and conditions of its
7636 tax refund agreement.

7637 3. As a condition for receiving a prorated refund under
7638 paragraph (5)(g) or an economic-stimulus exemption under this
7639 paragraph, a qualified applicant must agree to renegotiate its



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7640 tax refund agreement with the department ~~Office~~ to, at a
7641 minimum, ensure that the terms of the agreement comply with
7642 current law and the ~~Office~~ procedures of the department
7643 governing application for and award of tax refunds. Upon
7644 approving the award of a prorated refund or granting an
7645 economic-stimulus exemption, the department ~~Office~~ shall
7646 renegotiate the tax refund agreement with the qualified
7647 applicant as required by this subparagraph. When amending the
7648 agreement of a qualified applicant receiving an economic-
7649 stimulus exemption, the department ~~Office~~ may extend the
7650 duration of the agreement for a period not to exceed 2 years.

7651 ~~4. A qualified applicant may submit a request for an~~
7652 ~~economic stimulus exemption to the Office in lieu of any tax~~
7653 ~~refund claim scheduled to be submitted after January 1, 2005,~~
7654 ~~but before July 1, 2006.~~

7655 ~~4.5.~~ A qualified applicant that receives an economic-
7656 stimulus exemption may not receive a tax refund for the period
7657 covered by the exemption.

7658 (c) The agreement shall be signed by the executive director
7659 and the authorized officer of the qualified applicant.

7660 (d) The agreement must contain the following legend,
7661 clearly printed on its face in bold type of not less than 10
7662 points:

7663
7664 "This agreement is neither a general obligation of the
7665 State of Florida, nor is it backed by the full faith
7666 and credit of the State of Florida. Payment of tax
7667 refunds are conditioned on and subject to specific
7668 annual appropriations by the Florida Legislature of



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7669 funds sufficient to pay amounts authorized in s.
7670 288.1045, Florida Statutes.”

7671
7672 (5) ANNUAL CLAIM FOR REFUND.—

7673 (a) To be eligible to claim any scheduled tax refund,
7674 qualified applicants who have entered into a written agreement
7675 with the department Office pursuant to subsection (4) and who
7676 have entered into a valid new Department of Defense contract,
7677 entered into a valid new space flight business contract,
7678 commenced the consolidation of a space flight business contract,
7679 commenced the consolidation of a Department of Defense contract,
7680 commenced the conversion of defense production jobs to
7681 nondefense production jobs, or entered into a valid contract for
7682 reuse of a defense-related facility must apply by January 31 of
7683 each fiscal year to the department Office for tax refunds
7684 scheduled to be paid from the appropriation for the fiscal year
7685 that begins on July 1 following the January 31 claims-submission
7686 date. The department Office may, upon written request, grant a
7687 30-day extension of the filing date. The application must
7688 include a notarized signature of an officer of the applicant.

7689 (d) The department director, with assistance from ~~the~~
7690 ~~Office, the Department of Revenue, and the Agency for Workforce~~
7691 ~~Innovation~~, shall, by June 30 following the scheduled date for
7692 submitting the tax refund claim, specify by written order the
7693 approval or disapproval of the tax refund claim and, if
7694 approved, the amount of the tax refund that is authorized to be
7695 paid to the qualified applicant for the annual tax refund. The
7696 department Office may grant an extension of this date upon the
7697 request of the qualified applicant for the purpose of filing



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7698 additional information in support of the claim.

7699 (e) The total amount of tax refunds approved by the
7700 department ~~director~~ under this section in any fiscal year may
7701 not exceed the amount authorized under s. 288.095(3).

7702 (g) A prorated tax refund, less a 5 percent penalty, shall
7703 be approved for a qualified applicant provided all other
7704 applicable requirements have been satisfied and the applicant
7705 proves to the satisfaction of the department ~~director~~ that it
7706 has achieved at least 80 percent of its projected employment and
7707 that the average wage paid by the qualified applicant is at
7708 least 90 percent of the average wage specified in the tax refund
7709 agreement, but in no case less than 115 percent of the average
7710 private sector wage in the area available at the time of
7711 certification. The prorated tax refund shall be calculated by
7712 multiplying the tax refund amount for which the qualified
7713 applicant would have been eligible, if all applicable
7714 requirements had been satisfied, by the percentage of the
7715 average employment specified in the tax refund agreement which
7716 was achieved, and by the percentage of the average wages
7717 specified in the tax refund agreement which was achieved.

7718 (6) ADMINISTRATION.—

7719 (a) The department ~~Office~~ may adopt rules pursuant to
7720 chapter 120 for the administration of this section.

7721 (b) The department ~~Office~~ may verify information provided
7722 in any claim submitted for tax credits under this section with
7723 regard to employment and wage levels or the payment of the taxes
7724 with the appropriate agency or authority including the
7725 Department of Revenue, the department ~~Agency for Workforce~~
7726 ~~Innovation~~, or any local government or authority.



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7727 (c) To facilitate the process of monitoring and auditing
7728 applications made under this program, the department Office may
7729 provide a list of qualified applicants to the Department of
7730 Revenue, ~~to the Agency for Workforce Innovation,~~ or to any local
7731 government or authority. The department Office may request the
7732 assistance of said entities with respect to monitoring jobs,
7733 wages, and the payment of the taxes listed in subsection (2).

7734 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~
7735 ~~Office may approve a waiver of the local financial support~~
7736 ~~requirement for a business located in any of the following~~
7737 ~~counties in which businesses received emergency loans~~
7738 ~~administered by the Office in response to the named hurricanes~~
7739 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
7740 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
7741 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
7742 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
7743 ~~waiver may be granted only if the Office determines that the~~
7744 ~~local financial support cannot be provided or that doing so~~
7745 ~~would effect a demonstrable hardship on the unit of local~~
7746 ~~government providing the local financial support. If the Office~~
7747 ~~grants a waiver of the local financial support requirement, the~~
7748 ~~state shall pay 100 percent of the refund due to an eligible~~
7749 ~~business. The waiver shall apply for tax refund applications~~
7750 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

7751 ~~(7)-(8)~~ EXPIRATION.—An applicant may not be certified as
7752 qualified under this section after June 30, 2014. A tax refund
7753 agreement existing on that date shall continue in effect in
7754 accordance with its terms.

7755 Section 150. Paragraphs (d), (f), (n), (p), (r), and (t) of



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7756 subsection (2), paragraphs (a), (b), (e), and (f) of subsection
7757 (3), subsection (4), paragraphs (a), (b), and (c) of subsection
7758 (5), paragraphs (a), (c), (f), and (g) of subsection (6), and
7759 subsection (7) are amended, present paragraphs (g) through (u)
7760 of subsection (2) are redesignated as paragraphs (f) through
7761 (n), respectively, and subsection (8) is created in section
7762 288.106, Florida Statutes, to read:

7763 288.106 Tax refund program for qualified target industry
7764 businesses.—

7765 (2) DEFINITIONS.—As used in this section:

7766 (d) "Business" means an employing unit, as defined in s.
7767 443.036, that is registered for unemployment compensation
7768 purposes with the state agency providing unemployment tax
7769 collection services under ~~contract with the Agency for Workforce~~
7770 ~~Innovation through~~ an interagency agreement pursuant to s.
7771 443.1316, or a subcategory or division of an employing unit that
7772 is accepted by the state agency providing unemployment tax
7773 collection services as a reporting unit.

7774 ~~(f) "Director" means the Director of the Office of Tourism,~~
7775 ~~Trade, and Economic Development.~~

7776 ~~(n) "Office" means the Office of Tourism, Trade, and~~
7777 ~~Economic Development.~~

7778 (n)(p) "Qualified target industry business" means a target
7779 industry business approved by the department ~~Office~~ to be
7780 eligible for tax refunds under this section.

7781 ~~(q) "Return on investment" means the gain in state revenues~~
7782 ~~as a percentage of the state's investment. The state's~~
7783 ~~investment includes state grants, tax exemptions, tax refunds,~~
7784 ~~tax credits, and other state incentives.~~



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7785 (o)~~(r)~~ "Rural city" means a city having a population of
7786 10,000 or fewer, or a city having a population of greater than
7787 10,000 but fewer than 20,000 that has been determined by the
7788 department ~~Office~~ to have economic characteristics such as, but
7789 not limited to, a significant percentage of residents on public
7790 assistance, a significant percentage of residents with income
7791 below the poverty level, or a significant percentage of the
7792 city's employment base in agriculture-related industries.

7793 (q)~~(t)~~ "Target industry business" means a corporate
7794 headquarters business or any business that is engaged in one of
7795 the target industries identified pursuant to the following
7796 criteria developed by the department ~~Office~~ in consultation with
7797 Enterprise Florida, Inc.:

7798 1. Future growth.—Industry forecasts should indicate strong
7799 expectation for future growth in both employment and output,
7800 according to the most recent available data. Special
7801 consideration should be given to businesses that export goods
7802 to, or provide services in, international markets and businesses
7803 that replace domestic and international imports of goods or
7804 services.

7805 2. Stability.—The industry should not be subject to
7806 periodic layoffs, whether due to seasonality or sensitivity to
7807 volatile economic variables such as weather. The industry should
7808 also be relatively resistant to recession, so that the demand
7809 for products of this industry is not typically subject to
7810 decline during an economic downturn.

7811 3. High wage.—The industry should pay relatively high wages
7812 compared to statewide or area averages.

7813 4. Market and resource independent.—The location of



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7814 industry businesses should not be dependent on Florida markets
7815 or resources as indicated by industry analysis, except for
7816 businesses in the renewable energy industry.

7817 5. Industrial base diversification and strengthening.—The
7818 industry should contribute toward expanding or diversifying the
7819 state's or area's economic base, as indicated by analysis of
7820 employment and output shares compared to national and regional
7821 trends. Special consideration should be given to industries that
7822 strengthen regional economies by adding value to basic products
7823 or building regional industrial clusters as indicated by
7824 industry analysis. Special consideration should also be given to
7825 the development of strong industrial clusters that include
7826 defense and homeland security businesses.

7827 6. Positive economic impact benefits.—The industry is
7828 expected to have strong positive economic impacts on or benefits
7829 to the state or regional economies.

7830
7831 The term does not include any business engaged in retail
7832 industry activities; any electrical utility company; any
7833 phosphate or other solid minerals severance, mining, or
7834 processing operation; any oil or gas exploration or production
7835 operation; or any business subject to regulation by the Division
7836 of Hotels and Restaurants of the Department of Business and
7837 Professional Regulation. Any business within NAICS code 5611 or
7838 5614, office administrative services and business support
7839 services, respectively, may be considered a target industry
7840 business only after the local governing body and Enterprise
7841 Florida, Inc., make a determination that the community where the
7842 business may locate has conditions affecting the fiscal and



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7843 economic viability of the local community or area, including but
7844 not limited to, factors such as low per capita income, high
7845 unemployment, high underemployment, and a lack of year-round
7846 stable employment opportunities, and such conditions may be
7847 improved by the location of such a business to the community. By
7848 January 1 of every 3rd year, beginning January 1, 2011, the
7849 department Office, in consultation with Enterprise Florida,
7850 Inc., economic development organizations, the State University
7851 System, local governments, employee and employer organizations,
7852 market analysts, and economists, shall review and, as
7853 appropriate, revise the list of such target industries and
7854 submit the list to the Governor, the President of the Senate,
7855 and the Speaker of the House of Representatives.

7856 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

7857 (a) There shall be allowed, from the account, a refund to a
7858 qualified target industry business for the amount of eligible
7859 taxes certified by the department Office that were paid by the
7860 business. The total amount of refunds for all fiscal years for
7861 each qualified target industry business must be determined
7862 pursuant to subsection (4). The annual amount of a refund to a
7863 qualified target industry business must be determined pursuant
7864 to subsection (6).

7865 (b)1. Upon approval by the department Office, a qualified
7866 target industry business shall be allowed tax refund payments
7867 equal to \$3,000 multiplied by the number of jobs specified in
7868 the tax refund agreement under subparagraph (5)(a)1., or equal
7869 to \$6,000 multiplied by the number of jobs if the project is
7870 located in a rural community or an enterprise zone.

7871 2. A qualified target industry business shall be allowed



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7872 additional tax refund payments equal to \$1,000 multiplied by the
7873 number of jobs specified in the tax refund agreement under
7874 subparagraph (5)(a)1. if such jobs pay an annual average wage of
7875 at least 150 percent of the average private sector wage in the
7876 area, or equal to \$2,000 multiplied by the number of jobs if
7877 such jobs pay an annual average wage of at least 200 percent of
7878 the average private sector wage in the area.

7879 3. A qualified target industry business shall be allowed
7880 tax refund payments in addition to the other payments authorized
7881 in this paragraph equal to \$1,000 multiplied by the number of
7882 jobs specified in the tax refund agreement under subparagraph
7883 (5)(a)1. if the local financial support is equal to that of the
7884 state's incentive award under subparagraph 1.

7885 4. In addition to the other tax refund payments authorized
7886 in this paragraph, a qualified target industry business shall be
7887 allowed a tax refund payment equal to \$2,000 multiplied by the
7888 number of jobs specified in the tax refund agreement under
7889 subparagraph (5)(a)1. if the business:

7890 a. Falls within one of the high-impact sectors designated
7891 under s. 288.108; or

7892 b. Increases exports of its goods through a seaport or
7893 airport in the state by at least 10 percent in value or tonnage
7894 in each of the years that the business receives a tax refund
7895 under this section. For purposes of this sub-subparagraph,
7896 seaports in the state are limited to the ports of Jacksonville,
7897 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
7898 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
7899 Pensacola, Fernandina, and Key West.

7900 (e) However, a qualified target industry business may not



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7901 receive a refund under this section for any amount of credit,
7902 refund, or exemption previously granted to that business for any
7903 of the taxes listed in paragraph (d). If a refund for such taxes
7904 is provided by the department ~~office~~, which taxes are
7905 subsequently adjusted by the application of any credit, refund,
7906 or exemption granted to the qualified target industry business
7907 other than as provided in this section, the business shall
7908 reimburse the account for the amount of that credit, refund, or
7909 exemption. A qualified target industry business shall notify and
7910 tender payment to the department ~~office~~ within 20 days after
7911 receiving any credit, refund, or exemption other than one
7912 provided in this section.

7913 (f) Refunds made available under this section may not be
7914 expended in connection with the relocation of a business from
7915 one community to another community in the state unless the
7916 department ~~Office~~ determines that, without such relocation, the
7917 business will move outside the state or determines that the
7918 business has a compelling economic rationale for relocation and
7919 that the relocation will create additional jobs.

7920 (4) APPLICATION AND APPROVAL PROCESS.—

7921 (a) To apply for certification as a qualified target
7922 industry business under this section, the business must file an
7923 application with the department ~~Office~~ before the business
7924 decides to locate in this state or before the business decides
7925 to expand its existing operations in this state. The application
7926 must include, but need not be limited to, the following
7927 information:

7928 1. The applicant's federal employer identification number
7929 and, if applicable, state sales tax registration number.



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7930 2. The proposed permanent location of the applicant's
7931 facility in this state at which the project is to be located.

7932 3. A description of the type of business activity or
7933 product covered by the project, including a minimum of a five-
7934 digit NAICS code for all activities included in the project. As
7935 used in this paragraph, "NAICS" means those classifications
7936 contained in the North American Industry Classification System,
7937 as published in 2007 by the Office of Management and Budget,
7938 Executive Office of the President, and updated periodically.

7939 4. The proposed number of net new full-time equivalent
7940 Florida jobs at the qualified target industry business as of
7941 December 31 of each year included in the project and the average
7942 wage of those jobs. If more than one type of business activity
7943 or product is included in the project, the number of jobs and
7944 average wage for those jobs must be separately stated for each
7945 type of business activity or product.

7946 5. The total number of full-time equivalent employees
7947 employed by the applicant in this state, if applicable.

7948 6. The anticipated commencement date of the project.

7949 7. A brief statement explaining the role that the estimated
7950 tax refunds to be requested will play in the decision of the
7951 applicant to locate or expand in this state.

7952 8. An estimate of the proportion of the sales resulting
7953 from the project that will be made outside this state.

7954 9. An estimate of the proportion of the cost of the
7955 machinery and equipment, and any other resources necessary in
7956 the development of its product or service, to be used by the
7957 business in its Florida operations which will be purchased
7958 outside this state.



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7959 10. A resolution adopted by the governing board of the
7960 county or municipality in which the project will be located,
7961 which resolution recommends that the project be approved as a
7962 qualified target industry business and specifies that the
7963 commitments of local financial support necessary for the target
7964 industry business exist. Before the passage of such resolution,
7965 the department ~~office~~ may also accept an official letter from an
7966 authorized local economic development agency that endorses the
7967 proposed target industry project and pledges that sources of
7968 local financial support for such project exist. For the purposes
7969 of making pledges of local financial support under this
7970 subparagraph, the authorized local economic development agency
7971 shall be officially designated by the passage of a one-time
7972 resolution by the local governing board.

7973 11. Any additional information requested by the department
7974 ~~Office~~.

7975 (b) To qualify for review by the department ~~Office~~, the
7976 application of a target industry business must, at a minimum,
7977 establish the following to the satisfaction of the department
7978 ~~office~~:

7979 1.a. The jobs proposed to be created under the application,
7980 pursuant to subparagraph (a)4., must pay an estimated annual
7981 average wage equaling at least 115 percent of the average
7982 private sector wage in the area where the business is to be
7983 located or the statewide private sector average wage. The
7984 governing board of the local governmental entity providing the
7985 local financial support of the jurisdiction ~~county~~ where the
7986 qualified target industry business is to be located shall notify
7987 the department ~~Office~~ and Enterprise Florida, Inc., which



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7988 calculation of the average private sector wage in the area must
7989 be used as the basis for the business's wage commitment. In
7990 determining the average annual wage, the department ~~Office~~ shall
7991 include only new proposed jobs, and wages for existing jobs
7992 shall be excluded from this calculation.

7993 b. The department ~~Office~~ may waive the average wage
7994 requirement at the request of the local governing body
7995 recommending the project and Enterprise Florida, Inc. The
7996 department ~~Office~~ may waive the wage requirement for a project
7997 located in a brownfield area designated under s. 376.80, in a
7998 rural city, in a rural community, in an enterprise zone, or for
7999 a manufacturing project at any location in the state if the jobs
8000 proposed to be created pay an estimated annual average wage
8001 equaling at least 100 percent of the average private sector wage
8002 in the area where the business is to be located, only if the
8003 merits of the individual project or the specific circumstances
8004 in the community in relationship to the project warrant such
8005 action. If the local governing body and Enterprise Florida,
8006 Inc., make such a recommendation, it must be transmitted in
8007 writing, and the specific justification for the waiver
8008 recommendation must be explained. If the department ~~Office~~
8009 elects to waive the wage requirement, the waiver must be stated
8010 in writing, and the reasons for granting the waiver must be
8011 explained.

8012 2. The target industry business's project must result in
8013 the creation of at least 10 jobs at the project and, in the case
8014 of an expansion of an existing business, must result in a net
8015 increase in employment of at least 10 percent at the business.
8016 At the request of the local governing body recommending the



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8017 project and Enterprise Florida, Inc., the department Office may
8018 waive this requirement for a business in a rural community or
8019 enterprise zone if the merits of the individual project or the
8020 specific circumstances in the community in relationship to the
8021 project warrant such action. If the local governing body and
8022 Enterprise Florida, Inc., make such a request, the request must
8023 be transmitted in writing, and the specific justification for
8024 the request must be explained. If the department Office elects
8025 to grant the request, the grant must be stated in writing, and
8026 the reason for granting the request must be explained.

8027 3. The business activity or product for the applicant's
8028 project must be within an industry identified by the department
8029 Office as a target industry business that contributes to the
8030 economic growth of the state and the area in which the business
8031 is located, that produces a higher standard of living for
8032 residents of this state in the new global economy, or that can
8033 be shown to make an equivalent contribution to the area's and
8034 state's economic progress.

8035 (c) Each application meeting the requirements of paragraph
8036 (b) must be submitted to the department Office for determination
8037 of eligibility. The department Office shall review and evaluate
8038 each application based on, but not limited to, the following
8039 criteria:

8040 1. Expected contributions to the state's economy,
8041 consistent with the state strategic economic development plan
8042 prepared by the department ~~adopted by Enterprise Florida, Inc.~~

8043 2. The economic benefits ~~return on investment~~ of the
8044 proposed award of tax refunds under this section and the
8045 economic benefits of ~~return on investment for~~ state incentives



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8046 proposed for the project. The term "economic benefits" has the
8047 same meaning as in s. 288.005. The Office of Economic and
8048 Demographic Research shall review and evaluate the methodology
8049 and model used to calculate the economic benefits ~~return on~~
8050 ~~investment~~ and shall report its findings by September 1 of every
8051 3rd year, ~~beginning September 1, 2010,~~ to the President of the
8052 Senate and the Speaker of the House of Representatives.

8053 3. The amount of capital investment to be made by the
8054 applicant in this state.

8055 4. The local financial commitment and support for the
8056 project.

8057 5. The effect of the project on the unemployment rate in
8058 the county where the project will be located.

8059 6. The effect of the award on the viability of the project
8060 and the probability that the project would be undertaken in this
8061 state if such tax refunds are granted to the applicant.

8062 7. The expected long-term commitment of the applicant to
8063 economic growth and employment in this state resulting from the
8064 project.

8065 8. A review of the business's past activities in this state
8066 or other states, including whether such business has been
8067 subjected to criminal or civil fines and penalties. This
8068 subparagraph does not require the disclosure of confidential
8069 information.

8070 (d) Applications shall be reviewed and certified pursuant
8071 to s. 288.061. The department ~~Office~~ shall include in its review
8072 projections of the tax refunds the business would be eligible to
8073 receive in each fiscal year based on the creation and
8074 maintenance of the net new Florida jobs specified in



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8075 subparagraph (a)4. as of December 31 of the preceding state
8076 fiscal year. If appropriate, the department ~~Office~~ shall enter
8077 into a written agreement with the qualified target industry
8078 business pursuant to subsection (5).

8079 (e) The department ~~Office~~ may not certify any target
8080 industry business as a qualified target industry business if the
8081 value of tax refunds to be included in that letter of
8082 certification exceeds the available amount of authority to
8083 certify new businesses as determined in s. 288.095(3). However,
8084 if the commitments of local financial support represent less
8085 than 20 percent of the eligible tax refund payments, or to
8086 otherwise preserve the viability and fiscal integrity of the
8087 program, the department ~~office~~ may certify a qualified target
8088 industry business to receive tax refund payments of less than
8089 the allowable amounts specified in paragraph (3)(b). A letter of
8090 certification that approves an application must specify the
8091 maximum amount of tax refund that will be available to the
8092 qualified industry business in each fiscal year and the total
8093 amount of tax refunds that will be available to the business for
8094 all fiscal years.

8095 (f) This section does not create a presumption that an
8096 applicant will receive any tax refunds under this section.
8097 However, the department ~~Office~~ may issue nonbinding opinion
8098 letters, upon the request of prospective applicants, as to the
8099 applicants' eligibility and the potential amount of refunds.

8100 (5) TAX REFUND AGREEMENT.—

8101 (a) Each qualified target industry business must enter into
8102 a written agreement with the department ~~Office~~ that specifies,
8103 at a minimum:



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8104 1. The total number of full-time equivalent jobs in this
8105 state that will be dedicated to the project, the average wage of
8106 those jobs, the definitions that will apply for measuring the
8107 achievement of these terms during the pendency of the agreement,
8108 and a time schedule or plan for when such jobs will be in place
8109 and active in this state.

8110 2. The maximum amount of tax refunds that the qualified
8111 target industry business is eligible to receive on the project
8112 and the maximum amount of a tax refund that the qualified target
8113 industry business is eligible to receive for each fiscal year,
8114 based on the job creation and maintenance schedule specified in
8115 subparagraph 1.

8116 3. That the department ~~Office~~ may review and verify the
8117 financial and personnel records of the qualified target industry
8118 business to ascertain whether that business is in compliance
8119 with this section.

8120 4. The date by which, in each fiscal year, the qualified
8121 target industry business may file a claim under subsection (6)
8122 to be considered to receive a tax refund in the following fiscal
8123 year.

8124 5. That local financial support will be annually available
8125 and will be paid to the account. The department ~~Office~~ may not
8126 enter into a written agreement with a qualified target industry
8127 business if the local financial support resolution is not passed
8128 by the local governing body within 90 days after the department
8129 ~~Office~~ has issued the letter of certification under subsection
8130 (4).

8131 6. That the department ~~Office~~ may conduct a review of the
8132 business to evaluate whether the business is continuing to



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8133 contribute to the area's or state's economy.

8134 7. That in the event the business does not complete the
8135 agreement, the business will provide the department ~~Office~~ with
8136 the reasons the business was unable to complete the agreement.

8137 (b) Compliance with the terms and conditions of the
8138 agreement is a condition precedent for the receipt of a tax
8139 refund each year. The failure to comply with the terms and
8140 conditions of the tax refund agreement results in the loss of
8141 eligibility for receipt of all tax refunds previously authorized
8142 under this section and the revocation by the department ~~Office~~
8143 of the certification of the business entity as a qualified
8144 target industry business, unless the business is eligible to
8145 receive and elects to accept a prorated refund under paragraph
8146 (6) (e) or the department ~~Office~~ grants the business an economic
8147 recovery extension.

8148 1. A qualified target industry business may submit a
8149 request to the department ~~Office~~ for an economic recovery
8150 extension. The request must provide quantitative evidence
8151 demonstrating how negative economic conditions in the business's
8152 industry, the effects of a named hurricane or tropical storm, or
8153 specific acts of terrorism affecting the qualified target
8154 industry business have prevented the business from complying
8155 with the terms and conditions of its tax refund agreement.

8156 2. Upon receipt of a request under subparagraph 1., the
8157 department ~~Office~~ has 45 days to notify the requesting business,
8158 in writing, whether its extension has been granted or denied. In
8159 determining whether an extension should be granted, the
8160 department ~~Office~~ shall consider the extent to which negative
8161 economic conditions in the requesting business's industry have



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8162 occurred in the state or the effects of a named hurricane or
8163 tropical storm or specific acts of terrorism affecting the
8164 qualified target industry business have prevented the business
8165 from complying with the terms and conditions of its tax refund
8166 agreement. The department ~~Office~~ shall consider current
8167 employment statistics for this state by industry, including
8168 whether the business's industry had substantial job loss during
8169 the prior year, when determining whether an extension shall be
8170 granted.

8171 3. As a condition for receiving a prorated refund under
8172 paragraph (6) (e) or an economic recovery extension under this
8173 paragraph, a qualified target industry business must agree to
8174 renegotiate its tax refund agreement with the department ~~Office~~
8175 to, at a minimum, ensure that the terms of the agreement comply
8176 with current law and the department's ~~office~~ procedures
8177 governing application for and award of tax refunds. Upon
8178 approving the award of a prorated refund or granting an economic
8179 recovery extension, the department ~~Office~~ shall renegotiate the
8180 tax refund agreement with the business as required by this
8181 subparagraph. When amending the agreement of a business
8182 receiving an economic recovery extension, the department ~~Office~~
8183 may extend the duration of the agreement for a period not to
8184 exceed 2 years.

8185 4. A qualified target industry business may submit a
8186 request for an economic recovery extension to the department
8187 ~~Office~~ in lieu of any tax refund claim scheduled to be submitted
8188 after January 1, 2009, but before July 1, 2012.

8189 5. A qualified target industry business that receives an
8190 economic recovery extension may not receive a tax refund for the



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8191 period covered by the extension.

8192 (c) The agreement must be signed by the executive director
8193 and by an authorized officer of the qualified target industry
8194 business within 120 days after the issuance of the letter of
8195 certification under subsection (4), but not before passage and
8196 receipt of the resolution of local financial support. The
8197 department Office may grant an extension of this period at the
8198 written request of the qualified target industry business.

8199 (6) ANNUAL CLAIM FOR REFUND.—

8200 (a) To be eligible to claim any scheduled tax refund, a
8201 qualified target industry business that has entered into a tax
8202 refund agreement with the department Office under subsection (5)
8203 must apply by January 31 of each fiscal year to the department
8204 office for the tax refund scheduled to be paid from the
8205 appropriation for the fiscal year that begins on July 1
8206 following the January 31 claims-submission date. The department
8207 Office may, upon written request, grant a 30-day extension of
8208 the filing date.

8209 (c) The department Office may waive the requirement for
8210 proof of taxes paid in future years for a qualified target
8211 industry business that provides the office with proof that, in a
8212 single year, the business has paid an amount of state taxes from
8213 the categories in paragraph (3)(d) that is at least equal to the
8214 total amount of tax refunds that the business may receive
8215 through successful completion of its tax refund agreement.

8216 (f) The department Office, with such assistance as may be
8217 required from the Department of Revenue ~~or the Agency for~~
8218 ~~Workforce Innovation~~, shall, by June 30 following the scheduled
8219 date for submission of the tax refund claim, specify by written



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8220 order the approval or disapproval of the tax refund claim and,
8221 if approved, the amount of the tax refund that is authorized to
8222 be paid to the qualified target industry business for the annual
8223 tax refund. The department ~~Office~~ may grant an extension of this
8224 date on the request of the qualified target industry business
8225 for the purpose of filing additional information in support of
8226 the claim.

8227 (g) The total amount of tax refund claims approved by the
8228 department ~~Office~~ under this section in any fiscal year must not
8229 exceed the amount authorized under s. 288.095(3).

8230 (7) ADMINISTRATION.—

8231 (a) The department ~~Office~~ may verify information provided
8232 in any claim submitted for tax credits under this section with
8233 regard to employment and wage levels or the payment of the taxes
8234 to the appropriate agency or authority, including the Department
8235 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
8236 government or authority.

8237 (b) To facilitate the process of monitoring and auditing
8238 applications made under this section, the department ~~Office~~ may
8239 provide a list of qualified target industry businesses to the
8240 Department of Revenue, ~~to the Agency for Workforce Innovation,~~
8241 or to any local government or authority. The department ~~Office~~
8242 may request the assistance of those entities with respect to
8243 monitoring jobs, wages, and the payment of the taxes listed in
8244 subsection (3).

8245 (c) Funds specifically appropriated for tax refunds for
8246 qualified target industry businesses under this section may not
8247 be used by the department ~~Office~~ for any purpose other than the
8248 payment of tax refunds authorized by this section.



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8249 (d) Beginning with tax refund agreements signed after July
8250 1, 2010, the department ~~Office~~ shall attempt to ascertain the
8251 causes for any business's failure to complete its agreement and
8252 shall report its findings and recommendations to the Governor,
8253 the President of the Senate, and the Speaker of the House of
8254 Representatives. The report shall be submitted by December 1 of
8255 each year beginning in 2011.

8256 (8) SPECIAL INCENTIVES.—If the department determines it is
8257 in the best interest of the public for reasons of facilitating
8258 economic development, growth, or new employment opportunities
8259 within a Disproportionally Affected County, the department may,
8260 between July 1, 2011, and June 30, 2014, waive any or all wage
8261 or local financial support eligibility requirements and allow a
8262 qualified target industry business from another state which
8263 relocates all or a portion of its business to a
8264 Disproportionally Affected County to receive a tax refund
8265 payment of up to \$6,000 multiplied by the number of jobs
8266 specified in the tax refund agreement under subparagraph
8267 (5) (a)1. over the term of the agreement. Prior to granting such
8268 waiver, the executive director of the department shall file with
8269 the Governor a written statement of the conditions and
8270 circumstances constituting the reason for the waiver. Such
8271 business shall be eligible for the additional tax refund
8272 payments specified in subparagraph (3) (b)4. if it meets the
8273 criteria. As used in this section, the term "Disproportionally
8274 Affected County" means Bay County, Escambia County, Franklin
8275 County, Gulf County, Okaloosa County, Santa Rosa County, Walton
8276 County, or Wakulla County.

8277 Section 151. Paragraphs (d), (e), (f), (g) and (h) of



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8278 subsection (1), subsection (2), paragraphs (a), (b), (f), (g),
8279 (h), and (i) of subsection (4), and subsection (5) of section
8280 288.107, Florida Statutes, are amended to read:

8281 288.107 Brownfield redevelopment bonus refunds.—

8282 (1) DEFINITIONS.—As used in this section:

8283 ~~(d) "Director" means the director of the Office of Tourism,~~
8284 ~~Trade, and Economic Development.~~

8285 (d)~~(e)~~ "Eligible business" means:

8286 1. A qualified target industry business as defined in s.
8287 288.106(2); or

8288 2. A business that can demonstrate a fixed capital
8289 investment of at least \$2 million in mixed-use business
8290 activities, including multiunit housing, commercial, retail, and
8291 industrial in brownfield areas, or at least \$500,000 in
8292 brownfield areas that do not require site cleanup, and that
8293 provides benefits to its employees.

8294 (e)~~(f)~~ "Jobs" means full-time equivalent positions,
8295 including, but not limited to, positions obtained from a
8296 temporary employment agency or employee leasing company or
8297 through a union agreement or coemployment under a professional
8298 employer organization agreement, that result directly from a
8299 project in this state. The term does not include temporary
8300 construction jobs involved with the construction of facilities
8301 for the project and which are not associated with the
8302 implementation of the site rehabilitation as provided in s.
8303 376.80.

8304 ~~(g) "Office" means The Office of Tourism, Trade, and~~
8305 ~~Economic Development.~~

8306 (f)~~(h)~~ "Project" means the creation of a new business or



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8307 the expansion of an existing business as defined in s. 288.106.

8308 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
8309 shall be approved by the department ~~Office~~ as specified in the
8310 final order and allowed from the account as follows:

8311 (a) A bonus refund of \$2,500 shall be allowed to any
8312 qualified target industry business as defined in s. 288.106 for
8313 each new Florida job created in a brownfield area that is
8314 claimed on the qualified target industry business's annual
8315 refund claim authorized in s. 288.106(6).

8316 (b) A bonus refund of up to \$2,500 shall be allowed to any
8317 other eligible business as defined in subparagraph (1)(d)2.
8318 ~~subparagraph (1)(e)2.~~ for each new Florida job created in a
8319 brownfield area that is claimed under an annual claim procedure
8320 similar to the annual refund claim authorized in s. 288.106(6).
8321 The amount of the refund shall be equal to 20 percent of the
8322 average annual wage for the jobs created.

8323 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

8324 (a) To be eligible to receive a bonus refund for new
8325 Florida jobs created in a brownfield area, a business must have
8326 been certified as a qualified target industry business under s.
8327 288.106 or eligible business as defined in paragraph (1)(d)
8328 ~~paragraph (1)(e)~~ and must have indicated on the qualified target
8329 industry business tax refund application form submitted in
8330 accordance with s. 288.106(4) or other similar agreement for
8331 other eligible business as defined in paragraph (1)(d) ~~paragraph~~
8332 ~~(1)(e)~~ that the project for which the application is submitted
8333 is or will be located in a brownfield area and that the business
8334 is applying for certification as a qualified brownfield business
8335 under this section, and must have signed a qualified target



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8336 industry business tax refund agreement with the department
8337 ~~Office~~ that indicates that the business has been certified as a
8338 qualified target industry business located in a brownfield area
8339 and specifies the schedule of brownfield redevelopment bonus
8340 refunds that the business may be eligible to receive in each
8341 fiscal year.

8342 (b) To be considered to receive an eligible brownfield
8343 redevelopment bonus refund payment, the business meeting the
8344 requirements of paragraph (a) must submit a claim once each
8345 fiscal year on a claim form approved by the department ~~Office~~
8346 which indicates the location of the brownfield, the address of
8347 the business facility's brownfield location, the name of the
8348 brownfield in which it is located, the number of jobs created,
8349 and the average wage of the jobs created by the business within
8350 the brownfield as defined in s. 288.106 or other eligible
8351 business as defined in paragraph (1)(d) ~~paragraph (1)(e)~~ and the
8352 administrative rules and policies for that section.

8353 (f) Applications shall be reviewed and certified pursuant
8354 to s. 288.061. The department ~~Office~~ shall review all
8355 applications submitted under s. 288.106 or other similar
8356 application forms for other eligible businesses as defined in
8357 paragraph (1)(d) ~~paragraph (1)(e)~~ which indicate that the
8358 proposed project will be located in a brownfield and determine,
8359 with the assistance of the Department of Environmental
8360 Protection, that the project location is within a brownfield as
8361 provided in this act.

8362 (g) The department ~~Office~~ shall approve all claims for a
8363 brownfield redevelopment bonus refund payment that are found to
8364 meet the requirements of paragraphs (b) and (d).



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8365 (h) The department director, with such assistance as may be
8366 required from ~~the Office and~~ the Department of Environmental
8367 Protection, shall specify by written final order the amount of
8368 the brownfield redevelopment bonus refund that is authorized for
8369 the qualified target industry business for the fiscal year
8370 within 30 days after the date that the claim for the annual tax
8371 refund is received by the department office.

8372 (i) The total amount of the bonus refunds approved by the
8373 department director under this section in any fiscal year must
8374 not exceed the total amount appropriated to the Economic
8375 Development Incentives Account for this purpose for the fiscal
8376 year. In the event that the Legislature does not appropriate an
8377 amount sufficient to satisfy projections by the department
8378 ~~Office~~ for brownfield redevelopment bonus refunds under this
8379 section in a fiscal year, the department Office shall, not later
8380 than July 15 of such year, determine the proportion of each
8381 brownfield redevelopment bonus refund claim which shall be paid
8382 by dividing the amount appropriated for tax refunds for the
8383 fiscal year by the projected total of brownfield redevelopment
8384 bonus refund claims for the fiscal year. The amount of each
8385 claim for a brownfield redevelopment bonus tax refund shall be
8386 multiplied by the resulting quotient. If, after the payment of
8387 all such refund claims, funds remain in the Economic Development
8388 Incentives Account for brownfield redevelopment tax refunds, the
8389 department Office shall recalculate the proportion for each
8390 refund claim and adjust the amount of each claim accordingly.

8391 (5) ADMINISTRATION.—

8392 (a) The department Office may verify information provided
8393 in any claim submitted for tax credits under this section with



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8394 regard to employment and wage levels or the payment of the taxes
8395 to the appropriate agency or authority, including the Department
8396 of Revenue, ~~the Agency for Workforce Innovation,~~ or any local
8397 government or authority.

8398 (b) To facilitate the process of monitoring and auditing
8399 applications made under this program, the department ~~Office~~ may
8400 provide a list of qualified target industry businesses to the
8401 Department of Revenue, ~~to the Agency for Workforce Innovation,~~
8402 to the Department of Environmental Protection, or to any local
8403 government authority. The department ~~office~~ may request the
8404 assistance of those entities with respect to monitoring the
8405 payment of the taxes listed in s. 288.106(3).

8406 Section 152. Subsection (2), paragraphs (b), (d), and (e)
8407 of subsection (3), subsection (4), paragraphs (a) and (c) of
8408 subsection (5), and subsections (6) and (7) of section 288.108,
8409 Florida Statutes, are amended to read:

8410 288.108 High-impact business.—

8411 (2) DEFINITIONS.—As used in this section, the term:

8412 (c) ~~(a)~~ "Eligible high-impact business" means a business in
8413 one of the high-impact sectors identified by Enterprise Florida,
8414 Inc., and certified by the department ~~Office of Tourism, Trade,~~
8415 ~~and Economic Development~~ as provided in subsection (5), which is
8416 making a cumulative investment in the state of at least \$50
8417 million and creating at least 50 new full-time equivalent jobs
8418 in the state or a research and development facility making a
8419 cumulative investment of at least \$25 million and creating at
8420 least 25 new full-time equivalent jobs. Such investment and
8421 employment must be achieved in a period not to exceed 3 years
8422 after the date the business is certified as a qualified high-



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8423 impact business.

8424 ~~(f)~~ ~~(b)~~ "Qualified high-impact business" means a business in
8425 one of the high-impact sectors that has been certified by the
8426 department ~~office~~ as a qualified high-impact business to receive
8427 a high-impact sector performance grant.

8428 ~~(c)~~ ~~"Office"~~ means ~~the Office of Tourism, Trade, and~~
8429 ~~Economic Development.~~

8430 ~~(d)~~ ~~"Director"~~ means ~~the director of the Office of Tourism,~~
8431 ~~Trade, and Economic Development.~~

8432 ~~(b)~~ ~~(e)~~ "Cumulative investment" means the total investment
8433 in buildings and equipment made by a qualified high-impact
8434 business since the beginning of construction of such facility.

8435 ~~(d)~~ ~~(f)~~ "Fiscal year" means the fiscal year of the state.

8436 ~~(e)~~ ~~(g)~~ "Jobs" means full-time equivalent positions,
8437 including, but not limited to, positions obtained from a
8438 temporary employment agency or employee leasing company or
8439 through a union agreement or coemployment under a professional
8440 employer organization agreement, that result directly from a
8441 project in this state. The term does not include temporary
8442 construction jobs involved in the construction of the project
8443 facility.

8444 ~~(a)~~ ~~(h)~~ "Commencement of operations" means that the
8445 qualified high-impact business has begun to actively operate the
8446 principal function for which the facility was constructed as
8447 determined by the department ~~office~~ and specified in the
8448 qualified high-impact business agreement.

8449 ~~(g)~~ ~~(i)~~ "Research and development" means basic and applied
8450 research in science or engineering, as well as the design,
8451 development, and testing of prototypes or processes of new or



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8452 improved products. Research and development does not mean market
8453 research, routine consumer product testing, sales research,
8454 research in the social sciences or psychology, nontechnological
8455 activities or technical services.

8456 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
8457 AMOUNTS.—

8458 (b) The department Office may, ~~in consultation with~~
8459 ~~Enterprise Florida, Inc.,~~ negotiate qualified high-impact
8460 business performance grant awards for any single qualified high-
8461 impact business. In negotiating such awards, the department
8462 ~~Office~~ shall consider the following guidelines in conjunction
8463 with other relevant applicant impact and cost information and
8464 analysis as required in subsection (5).

8465 1. A qualified high-impact business making a cumulative
8466 investment of \$50 million and creating 50 jobs may be eligible
8467 for a total qualified high-impact business performance grant of
8468 \$500,000 to \$1 million.

8469 2. A qualified high-impact business making a cumulative
8470 investment of \$100 million and creating 100 jobs may be eligible
8471 for a total qualified high-impact business performance grant of
8472 \$1 million to \$2 million.

8473 3. A qualified high-impact business making a cumulative
8474 investment of \$800 million and creating 800 jobs may be eligible
8475 for a qualified high-impact business performance grant of \$10
8476 million to \$12 million.

8477 4. A qualified high-impact business engaged in research and
8478 development making a cumulative investment of \$25 million and
8479 creating 25 jobs may be eligible for a total qualified high-
8480 impact business performance grant of \$700,000 to \$1 million.



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8481 5. A qualified high-impact business engaged in research and
8482 development making a cumulative investment of \$75 million, and
8483 creating 75 jobs may be eligible for a total qualified high-
8484 impact business performance grant of \$2 million to \$3 million.

8485 6. A qualified high-impact business engaged in research and
8486 development making a cumulative investment of \$150 million, and
8487 creating 150 jobs may be eligible for a qualified high-impact
8488 business performance grant of \$3.5 million to \$4.5 million.

8489 (d) The balance of the performance grant award shall be
8490 paid to the qualified high-impact business upon the business's
8491 certification that full operations have commenced and that the
8492 full investment and employment goals specified in the qualified
8493 high-impact business agreement have been met and verified by the
8494 department ~~Office of Tourism, Trade, and Economic Development~~.
8495 The verification must occur not later than 60 days after the
8496 qualified high-impact business has provided the certification
8497 specified in this paragraph.

8498 (e) The department ~~office~~ may, upon a showing of reasonable
8499 cause for delay and significant progress toward the achievement
8500 of the investment and employment goals specified in the
8501 qualified high-impact business agreement, extend the date for
8502 commencement of operations, not to exceed an additional 2 years
8503 beyond the limit specified in paragraph (2) (a), but in no case
8504 may any high-impact sector performance grant payment be made to
8505 the business until the scheduled goals have been achieved.

8506 (4) ~~OFFICE OF TOURISM, TRADE, AND ECONOMIC DEVELOPMENT~~
8507 AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS PERFORMANCE
8508 GRANTS.—

8509 (a) The total amount of active performance grants scheduled



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8510 for payment by the department ~~office~~ in any single fiscal year
8511 may not exceed the lesser of \$30 million or the amount
8512 appropriated by the Legislature for that fiscal year for
8513 qualified high-impact business performance grants. If the
8514 scheduled grant payments are not made in the year for which they
8515 were scheduled in the qualified high-impact business agreement
8516 and are rescheduled as authorized in paragraph (3) (e), they are,
8517 for purposes of this paragraph, deemed to have been paid in the
8518 year in which they were originally scheduled in the qualified
8519 high-impact business agreement.

8520 (b) If the Legislature does not appropriate an amount
8521 sufficient to satisfy the qualified high-impact business
8522 performance grant payments scheduled for any fiscal year, the
8523 department ~~Office~~ shall, not later than July 15 of that year,
8524 determine the proportion of each grant payment which may be paid
8525 by dividing the amount appropriated for qualified high-impact
8526 business performance grant payments for the fiscal year by the
8527 total performance grant payments scheduled in all performance
8528 grant agreements for the fiscal year. The amount of each grant
8529 scheduled for payment in that fiscal year must be multiplied by
8530 the resulting quotient. All businesses affected by this
8531 calculation must be notified by August 1 of each fiscal year.
8532 If, after the payment of all the refund claims, funds remain in
8533 the appropriation for payment of qualified high-impact business
8534 performance grants, the department ~~Office~~ shall recalculate the
8535 proportion for each performance grant payment and adjust the
8536 amount of each claim accordingly.

8537 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.-

8538 (a) The department shall review an application pursuant to



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8539 s. 288.061 which is received from any eligible business, as
8540 defined in subsection (2), ~~shall apply to Enterprise Florida,~~
8541 ~~Inc.,~~ for consideration as a qualified high-impact business
8542 before the business has made a decision to locate or expand a
8543 facility in this state. The business must provide application,
8544 ~~developed by the Office of Tourism, Trade, and Economic~~
8545 ~~Development, in consultation with Enterprise Florida, Inc., must~~
8546 ~~include, but is not limited to,~~ the following information:

8547 1. A complete description of the type of facility, business
8548 operations, and product or service associated with the project.

8549 2. The number of full-time equivalent jobs that will be
8550 created by the project and the average annual wage of those
8551 jobs.

8552 3. The cumulative amount of investment to be dedicated to
8553 this project within 3 years.

8554 4. A statement concerning any special impacts the facility
8555 is expected to stimulate in the sector, the state, or regional
8556 economy and in state universities and community colleges.

8557 5. A statement concerning the role the grant will play in
8558 the decision of the applicant business to locate or expand in
8559 this state.

8560 6. Any additional information requested by the department
8561 ~~Enterprise Florida, Inc., and the Office of Tourism, Trade, and~~
8562 ~~Economic Development.~~

8563 (c) The department ~~director~~ and the qualified high-impact
8564 business shall enter into a performance grant agreement setting
8565 forth the conditions for payment of the qualified high-impact
8566 business performance grant. The agreement shall include the
8567 total amount of the qualified high-impact business facility



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8568 performance grant award, the performance conditions that must be
8569 met to obtain the award, including the employment, average
8570 salary, investment, the methodology for determining if the
8571 conditions have been met, and the schedule of performance grant
8572 payments.

8573 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

8574 (a) Enterprise Florida, Inc., shall, by January 1, of every
8575 third year, beginning January 1, 2011, initiate the process of
8576 reviewing and, if appropriate, selecting a new high-impact
8577 sector for designation or recommending the deactivation of a
8578 designated high-impact sector. The process of reviewing
8579 designated high-impact sectors or recommending the deactivation
8580 of a designated high-impact sector shall be in consultation with
8581 the department office, economic development organizations, the
8582 State University System, local governments, employee and
8583 employer organizations, market analysts, and economists.

8584 (b) The department Office has authority, ~~only~~ after
8585 recommendation from Enterprise Florida, Inc., to designate a
8586 high-impact sector or to deauthorize a designated high-impact
8587 sector.

8588 (c) To begin the process of selecting and designating a new
8589 high-impact sector, Enterprise Florida, Inc., shall undertake a
8590 thorough study of the proposed sector. This study must consider
8591 the definition of the sector, including the types of facilities
8592 which characterize the sector that might qualify for a high-
8593 impact performance grant and whether a powerful incentive like
8594 the high-impact performance grant is needed to induce major
8595 facilities in the sector to locate or grow in this state; the
8596 benefits that major facilities in the sector have or could have



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8597 on the state's economy and the relative significance of those
8598 benefits; the needs of the sector and major sector facilities,
8599 including natural, public, and human resources and benefits and
8600 costs with regard to these resources; the sector's current and
8601 future markets; the current fiscal and potential fiscal impacts
8602 of the sector, to both the state and its communities; any
8603 geographic opportunities or limitations with regard to the
8604 sector, including areas of the state most likely to benefit from
8605 the sector and areas unlikely to benefit from the sector; the
8606 state's advantages or disadvantages with regard to the sector;
8607 and the long-term expectations for the industry on a global
8608 level and in the state. If Enterprise Florida, Inc., finds
8609 favorable conditions for the designation of the sector as a
8610 high-impact sector, it shall include in the study
8611 recommendations for a complete and comprehensive sector
8612 strategy, including appropriate marketing and workforce
8613 strategies for the entire sector and any recommendations that
8614 Enterprise Florida, Inc., may have for statutory or policy
8615 changes needed to improve the state's business climate and to
8616 attract and grow Florida businesses, particularly small
8617 businesses, in the proposed sector. The study shall reflect the
8618 finding of the sector-business network specified in paragraph
8619 (d).

8620 (d) In conjunction with the study required in paragraph
8621 (c), Enterprise Florida, Inc., shall develop and consult with a
8622 network of sector businesses. While this network may include
8623 non-Florida businesses, it must include any businesses currently
8624 within the state. If the number of Florida businesses in the
8625 sector is large, a representative cross-section of Florida



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8626 sector businesses may form the core of this network.

8627 (e) The study and its findings and recommendations and the
8628 recommendations gathered from the sector-business network must
8629 be discussed and considered during at least one ~~the~~ meeting per
8630 calendar year of leaders in business, government, education,
8631 workforce development, and economic development called by the
8632 Governor to address the business climate in the state, develop a
8633 common vision for the economic future of the state, and identify
8634 economic development efforts to fulfill that vision ~~required in~~
8635 ~~s. 14.2015(2)(e).~~

8636 (f) If after consideration of the completed study required
8637 in paragraph (c) and the input derived from consultation with
8638 the sector-business network in paragraph (d) and the ~~quarterly~~
8639 meeting as required in paragraph (e), the board of directors of
8640 Enterprise Florida, Inc., finds that the sector will have
8641 exceptionally large and widespread benefits to the state and its
8642 citizens, relative to any public costs; that the sector is
8643 characterized by the types of facilities that require
8644 exceptionally large investments and provide employment
8645 opportunities to a relatively large number of workers in high-
8646 quality, high-income jobs that might qualify for a high-impact
8647 performance grant; and that given the competition for such
8648 businesses it may be necessary for the state to be able to offer
8649 a large inducement, such as a high-impact performance grant, to
8650 attract such a business to the state or to encourage businesses
8651 to continue to grow in the state, the board of directors of
8652 Enterprise Florida, Inc., may recommend that the department
8653 ~~office~~ consider the designation of the sector as a high-impact
8654 business sector.



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8655 (g) Upon receiving a recommendation from the board of
8656 directors of Enterprise Florida, Inc., together with the study
8657 required in paragraph (c) and a summary of the findings and
8658 recommendations of the sector-business network required in
8659 paragraph (d), including a list of all meetings of the sector
8660 network and participants in those meetings and the findings and
8661 recommendations from the ~~quarterly~~ meeting as required in
8662 paragraph (e), the department ~~Office~~ shall after a thorough
8663 evaluation of the study and accompanying materials report its
8664 findings and either concur in the recommendation of Enterprise
8665 Florida, Inc., and designate the sector as a high-impact
8666 business sector or notify Enterprise Florida, Inc., that it does
8667 not concur and deny the board's request for designation or
8668 return the recommendation and study to Enterprise Florida, Inc.,
8669 for further evaluation. In any case, the department's ~~director's~~
8670 decision must be in writing and justify the reasons for the
8671 decision.

8672 (h) If the department ~~Office~~ designates the sector as a
8673 high-impact sector, it shall, within 30 days, notify the
8674 Governor, the President of the Senate, and the Speaker of the
8675 House of Representatives of its decision and provide a complete
8676 report on its decision, including copies of the material
8677 provided by Enterprise Florida, Inc., and the department's
8678 ~~Office of Tourism, Trade, and Economic Development's~~ evaluation
8679 and comment on any statutory or policy changes recommended by
8680 Enterprise Florida, Inc.

8681 (i) For the purposes of this subsection, a high-impact
8682 sector consists of the silicon technology sector that Enterprise
8683 Florida, Inc., has found to be focused around the type of high-



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8684 impact businesses for which the incentive created in this
8685 subsection is required and will create the kinds of sector and
8686 economy wide benefits that justify the use of state resources to
8687 encourage these investments and require substantial inducements
8688 to compete with the incentive packages offered by other states
8689 and nations.

8690 (7) RULEMAKING.—The department ~~Office~~ may adopt rules
8691 necessary to carry out the provisions of this section.

8692 Section 153. Subsections (1), (2), (4), (5), (6), and (9)
8693 of section 288.1083, Florida Statutes, are amended to read:

8694 288.1083 Manufacturing and Spaceport Investment Incentive
8695 Program.—

8696 (1) The Manufacturing and Spaceport Investment Incentive
8697 Program is created within the department ~~office of Tourism,~~
8698 ~~Trade, and Economic Development~~. The purpose of the program is
8699 to encourage capital investment and job creation in
8700 manufacturing and spaceport activities in this state.

8701 (2) As used in this section, the term:

8702 (a) "Base year purchases" means the total cost of eligible
8703 equipment purchased and placed into service in this state by an
8704 eligible entity in its tax year that began in 2008.

8705 ~~(b) "Department" means the Department of Revenue.~~

8706 (b)(c) "Eligible entity" means an entity that manufactures,
8707 processes, compounds, or produces items for sale of tangible
8708 personal property or engages in spaceport activities. The term
8709 also includes an entity that engages in phosphate or other solid
8710 minerals severance, mining, or processing operations. The term
8711 does not include electric utility companies, communications
8712 companies, oil or gas exploration or production operations,



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8713 publishing firms that do not export at least 50 percent of their
8714 finished product out of the state, any firm subject to
8715 regulation by the Division of Hotels and Restaurants of the
8716 Department of Business and Professional Regulation, or any firm
8717 that does not manufacture, process, compound, or produce for
8718 sale items of tangible personal property or that does not use
8719 such machinery and equipment in spaceport activities.

8720 (c)~~(d)~~ "Eligible equipment" means tangible personal
8721 property or other property that has a depreciable life of 3
8722 years or more and that is used as an integral part in the
8723 manufacturing, processing, compounding, or production of
8724 tangible personal property for sale or is exclusively used in
8725 spaceport activities, and that is located and placed into
8726 service in this state. A building and its structural components
8727 are not eligible equipment unless the building or structural
8728 component is so closely related to the industrial machinery and
8729 equipment that it houses or supports that the building or
8730 structural component can be expected to be replaced when the
8731 machinery and equipment are replaced. Heating and air-
8732 conditioning systems are not eligible equipment unless the sole
8733 justification for their installation is to meet the requirements
8734 of the production process, even though the system may provide
8735 incidental comfort to employees or serve, to an insubstantial
8736 degree, nonproduction activities. The term includes parts and
8737 accessories only to the extent that the exemption of such parts
8738 and accessories is consistent with ~~the provisions of~~ this
8739 paragraph.

8740 (d)~~(e)~~ "Eligible equipment purchases" means the cost of
8741 eligible equipment purchased and placed into service in this



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8742 state in a given state fiscal year by an eligible entity in
8743 excess of the entity's base year purchases.

8744 ~~(f) "Office" means The Office of Tourism, Trade, and~~
8745 ~~Economic Development.~~

8746 ~~(e)(g)~~ "Refund" means a payment to an eligible entity for
8747 the amount of state sales and use tax actually paid on eligible
8748 equipment purchases.

8749 (4) To receive a refund, a business entity must first apply
8750 to the department ~~office~~ for a tax refund allocation. The entity
8751 shall provide such information in the application as reasonably
8752 required by the department ~~office~~. Further, the business entity
8753 shall provide such information as is required by the department
8754 ~~office~~ to establish the cost incurred and actual sales and use
8755 tax paid to purchase eligible equipment located and placed into
8756 service in this state during its taxable year that began in
8757 2008.

8758 (a) Within 30 days after the department ~~office~~ receives an
8759 application for a refund, the department ~~office~~ shall approve or
8760 disapprove the application.

8761 (b) Refund allocations made during the 2010-2011 fiscal
8762 year shall be awarded in the same order in which applications
8763 are received. Eligible entities may apply to the department
8764 ~~office~~ beginning July 1, 2010, for refunds attributable to
8765 eligible equipment purchases made during the 2010-2011 fiscal
8766 year. For the 2010-2011 fiscal year, the department ~~office~~ shall
8767 allocate the maximum amount of \$50,000 per entity until the
8768 entire \$19 million available for refund in state fiscal year
8769 2010-2011 has been allocated. If the total amount available for
8770 allocation during the 2010-2011 fiscal year is allocated, the



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8771 department ~~office~~ shall continue taking applications. Each
8772 applicant shall be informed of its place in the queue and
8773 whether the applicant received an allocation of the eligible
8774 funds.

8775 (c) Refund allocations made during the 2011-2012 fiscal
8776 year shall first be given to any applicants remaining in the
8777 queue from the prior fiscal year. The department ~~office~~ shall
8778 allocate the maximum amount of \$50,000 per entity, first to
8779 those applicants that remained in the queue from 2010-2011 for
8780 eligible purchases in 2010-2011, then to applicants for 2011-
8781 2012 in the order applications are received for eligible
8782 purchases in 2011-2012. The department ~~office~~ shall allocate the
8783 maximum amount of \$50,000 per entity until the entire \$24
8784 million available to be allocated for refund in the 2011-2012
8785 fiscal year is allocated. If the total amount available for
8786 refund in 2011-2012 has been allocated, the department ~~office~~
8787 shall continue to accept applications from eligible entities in
8788 the 2011-2012 fiscal year for refunds attributable to eligible
8789 equipment purchases made during the 2011-2012 fiscal year.
8790 Refund allocations made during the 2011-2012 fiscal year shall
8791 be awarded in the same order in which applications are received.
8792 Upon submitting an application, each applicant shall be informed
8793 of its place in the queue and whether the applicant has received
8794 an allocation of the eligible funds.

8795 (5) Upon completion of eligible equipment purchases, a
8796 business entity that received a refund allocation from the
8797 department ~~office~~ must apply to the department ~~office~~ for
8798 certification of a refund. For eligible equipment purchases made
8799 during the 2010-2011 fiscal year, the application for



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8800 certification must be made no later than September 1, 2011. For
8801 eligible equipment purchases made during the 2011-2012 fiscal
8802 year, the application for certification must be made no later
8803 than September 1, 2012. The application shall provide such
8804 documentation as is reasonably required by the department ~~office~~
8805 to calculate the refund amount, including documentation
8806 necessary to confirm the cost of eligible equipment purchases
8807 supporting the claim of the sales and use tax paid thereon.
8808 Further, the business entity shall provide such documentation as
8809 required by the department ~~office~~ to establish the entity's base
8810 year purchases. If, upon reviewing the application, the
8811 department ~~office~~ determines that eligible equipment purchases
8812 did not occur, that the amount of tax claimed to have been paid
8813 or remitted on the eligible equipment purchases is not supported
8814 by the documentation provided, or that the information provided
8815 to the department ~~office~~ was otherwise inaccurate, the amount of
8816 the refund allocation not substantiated shall not be certified.
8817 Otherwise, the department ~~office~~ shall determine and certify the
8818 amount of the refund to the eligible entity and to the
8819 department within 30 days after the department ~~office~~ receives
8820 the application for certification.

8821 (6) Upon certification of a refund for an eligible entity,
8822 the entity shall apply to the Department of Revenue within 30
8823 days for payment of the certified amount as a refund on a form
8824 prescribed by the Department of Revenue. The Department of
8825 Revenue may request documentation in support of the application
8826 and adopt emergency rules to administer the refund application
8827 process.

8828 (9) The department ~~office~~ shall adopt emergency rules



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8829 governing applications for, issuance of, and procedures for
8830 allocation and certification and may establish guidelines as to
8831 the requisites for demonstrating base year purchases and
8832 eligible equipment purchases.

8833 Section 154. Subsections (2) and (3) of section 288.1088,
8834 Florida Statutes, are amended to read:

8835 288.1088 Quick Action Closing Fund.—

8836 (2) There is created within the department ~~Office of~~
8837 ~~Tourism, Trade, and Economic Development~~ the Quick Action
8838 Closing Fund. Projects eligible for receipt of funds from the
8839 Quick Action Closing Fund shall:

8840 (a) Be in an industry as referenced in s. 288.106.

8841 (b) Have a positive economic benefit ~~payback~~ ratio of at
8842 least 5 to 1.

8843 (c) Be an inducement to the project's location or expansion
8844 in the state.

8845 (d) Pay an average annual wage of at least 125 percent of
8846 the areawide or statewide private sector average wage.

8847 (e) Be supported by the local community in which the
8848 project is to be located.

8849 (3) (a) The department and Enterprise Florida, Inc., shall
8850 jointly review applications pursuant to s. 288.061 and determine
8851 the eligibility of each project consistent with the criteria in
8852 subsection (2). Waiver of ~~Enterprise Florida, Inc., in~~
8853 ~~consultation with the Office of Tourism, Trade, and Economic~~
8854 ~~Development, may waive~~ these criteria may be considered under
8855 the following criteria:

8856 1. Based on extraordinary circumstances;

8857 2. In order to mitigate the impact of the conclusion of the



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8858 space shuttle program; or

8859 3. In rural areas of critical economic concern if the
8860 project would significantly benefit the local or regional
8861 economy.

8862 (b) The department ~~Enterprise Florida, Inc.,~~ shall evaluate
8863 individual proposals for high-impact business facilities ~~and~~
8864 ~~forward recommendations regarding the use of moneys in the fund~~
8865 ~~for such facilities to the director of the Office of Tourism,~~
8866 ~~Trade, and Economic Development.~~ Such evaluation ~~and~~
8867 ~~recommendation~~ must include, but need not be limited to:

8868 1. A description of the type of facility or infrastructure,
8869 its operations, and the associated product or service associated
8870 with the facility.

8871 2. The number of full-time-equivalent jobs that will be
8872 created by the facility and the total estimated average annual
8873 wages of those jobs or, in the case of privately developed rural
8874 infrastructure, the types of business activities and jobs
8875 stimulated by the investment.

8876 3. The cumulative amount of investment to be dedicated to
8877 the facility within a specified period.

8878 4. A statement of any special impacts the facility is
8879 expected to stimulate in a particular business sector in the
8880 state or regional economy or in the state's universities and
8881 community colleges.

8882 5. A statement of the role the incentive is expected to
8883 play in the decision of the applicant business to locate or
8884 expand in this state or for the private investor to provide
8885 critical rural infrastructure.

8886 6. A report evaluating the quality and value of the company



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8887 submitting a proposal. The report must include:

8888 a. A financial analysis of the company, including an
8889 evaluation of the company's short-term liquidity ratio as
8890 measured by its assets to liability, the company's profitability
8891 ratio, and the company's long-term solvency as measured by its
8892 debt-to-equity ratio;

8893 b. The historical market performance of the company;

8894 c. A review of any independent evaluations of the company;

8895 d. A review of the latest audit of the company's financial
8896 statement and the related auditor's management letter; and

8897 e. A review of any other types of audits that are related
8898 to the internal and management controls of the company.

8899 (c) 1. Within 7 business ~~22 calendar~~ days after evaluating a
8900 project, the department receiving the evaluation and
8901 recommendation from Enterprise Florida, Inc., the director of
8902 the Office of Tourism, Trade, and Economic Development shall
8903 recommend to the Governor approval or disapproval of a project
8904 for receipt of funds from the Quick Action Closing Fund. In
8905 recommending a project, the department director shall include
8906 proposed performance conditions that the project must meet to
8907 obtain incentive funds.

8908 2. The Governor may approve projects without consulting the
8909 Legislature for projects requiring less than \$2 million in
8910 funding.

8911 3. For projects requiring funding in the amount of \$2
8912 million to \$5 million, the Governor shall provide a written the
8913 description and evaluation of a project projects recommended for
8914 approval to the chair and vice chair of the Legislative Budget
8915 Commission at least 10 days prior to President of the Senate and



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8916 ~~the Speaker of the House of Representatives and consult with the~~
8917 ~~President of the Senate and the Speaker of the House of~~
8918 ~~Representatives before giving final approval for a project. At~~
8919 ~~least 14 days before releasing funds for a project, the~~
8920 ~~Executive Office of the Governor shall recommend approval of the~~
8921 ~~project and the release of funds by delivering notice of such~~
8922 ~~action pursuant to the legislative consultation and review~~
8923 ~~requirements set forth in s. 216.177. The recommendation must~~
8924 include proposed performance conditions that the project must
8925 meet in order to obtain funds.

8926 4. If the chair or vice chair of the Legislative Budget
8927 Commission or the President of the Senate or the Speaker of the
8928 House of Representatives timely advises the Executive Office of
8929 the Governor, in writing, that such action or proposed action
8930 exceeds the delegated authority of the Executive Office of the
8931 Governor or is contrary to legislative policy or intent, the
8932 Executive Office of the Governor shall void the release of funds
8933 and instruct the department ~~Office of Tourism, Trade, and~~
8934 ~~Economic Development~~ to immediately change such action or
8935 proposed action until the Legislative Budget Commission or the
8936 Legislature addresses the issue. Notwithstanding such
8937 requirement, any project exceeding \$5 million ~~\$2,000,000~~ must be
8938 approved by the Legislative Budget Commission prior to the funds
8939 being released.

8940 (d) Upon the approval of the Governor, the department
8941 ~~director of the Office of Tourism, Trade, and Economic~~
8942 ~~Development~~ and the business shall enter into a contract that
8943 sets forth the conditions for payment of moneys from the fund.
8944 The contract must include the total amount of funds awarded; the



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8945 performance conditions that must be met to obtain the award,
8946 including, but not limited to, net new employment in the state,
8947 average salary, and total capital investment; demonstrate a
8948 baseline of current service and a measure of enhanced
8949 capability; the methodology for validating performance; the
8950 schedule of payments from the fund; and sanctions for failure to
8951 meet performance conditions. The contract must provide that
8952 payment of moneys from the fund is contingent upon sufficient
8953 appropriation of funds by the Legislature.

8954 (e) Enterprise Florida, Inc., shall validate contractor
8955 performance. Such validation shall be reported within 6 months
8956 after completion of the contract to the Governor, President of
8957 the Senate, and the Speaker of the House of Representatives.

8958 Section 155. Subsection (1), paragraphs (b), (d), (e), (f),
8959 and (o) of subsection (2), and subsections (3) through (9),
8960 (11), and (12) of section 288.1089, Florida Statutes, are
8961 amended, and present paragraphs (g) through (n) and (p) through
8962 (s) of subsection (2) are redesignated as paragraphs (e) through
8963 (o), respectively, to read:

8964 288.1089 Innovation Incentive Program.—

8965 (1) The Innovation Incentive Program is created within the
8966 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
8967 ~~Economic Development~~ to ensure that sufficient resources are
8968 available to allow the state to respond expeditiously to
8969 extraordinary economic opportunities and to compete effectively
8970 for high-value research and development, innovation business,
8971 and alternative and renewal energy projects.

8972 (2) As used in this section, the term:

8973 (b) "Average private sector wage" means the statewide



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8974 average wage in the private sector or the average of all private
8975 sector wages in the county or in the standard metropolitan area
8976 in which the project is located as determined by the department
8977 ~~Agency for Workforce Innovation.~~

8978 ~~(d) "Commission" means the Florida Energy and Climate~~
8979 ~~Commission.~~

8980 ~~(f) "Director" means the director of the Office of Tourism,~~
8981 ~~Trade, and Economic Development.~~

8982 ~~(e) "Office" means the Office of Tourism, Trade, and~~
8983 ~~Economic Development.~~

8984 (3) To be eligible for consideration for an innovation
8985 incentive award, an innovation business, a research and
8986 development entity, or an alternative and renewable energy
8987 company must submit a written application to the department
8988 ~~Enterprise Florida, Inc.,~~ before making a decision to locate new
8989 operations in this state or expand an existing operation in this
8990 state. The application must include, but not be limited to:

8991 (a) The applicant's federal employer identification number,
8992 unemployment account number, and state sales tax registration
8993 number. If such numbers are not available at the time of
8994 application, they must be submitted to the department office in
8995 writing before ~~prior to~~ the disbursement of any payments under
8996 this section.

8997 (b) The location in this state at which the project is
8998 located or is to be located.

8999 (c) A description of the type of business activity,
9000 product, or research and development undertaken by the
9001 applicant, including six-digit North American Industry
9002 Classification System codes for all activities included in the



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9003 project.

9004 (d) The applicant's projected investment in the project.

9005 (e) The total investment, from all sources, in the project.

9006 (f) The number of net new full-time equivalent jobs in this
9007 state the applicant anticipates having created as of December 31
9008 of each year in the project and the average annual wage of such
9009 jobs.

9010 (g) The total number of full-time equivalent employees
9011 currently employed by the applicant in this state, if
9012 applicable.

9013 (h) The anticipated commencement date of the project.

9014 (i) A detailed explanation of why the innovation incentive
9015 is needed to induce the applicant to expand or locate in the
9016 state and whether an award would cause the applicant to locate
9017 or expand in this state.

9018 (j) If applicable, an estimate of the proportion of the
9019 revenues resulting from the project that will be generated
9020 outside this state.

9021 (4) To qualify for review by the department office, the
9022 applicant must, at a minimum, establish the following to the
9023 satisfaction of the department Enterprise Florida, Inc., and the
9024 office:

9025 (a) The jobs created by the project must pay an estimated
9026 annual average wage equaling at least 130 percent of the average
9027 private sector wage. The department office may waive this
9028 average wage requirement at the request of Enterprise Florida,
9029 Inc., for a project located in a rural area, a brownfield area,
9030 or an enterprise zone, when the merits of the individual project
9031 or the specific circumstances in the community in relationship



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9032 to the project warrant such action. A recommendation for waiver
9033 by Enterprise Florida, Inc., must include a specific
9034 justification for the waiver and be transmitted to the
9035 department office in writing. If the department director elects
9036 to waive the wage requirement, the waiver must be stated in
9037 writing and the reasons for granting the waiver must be
9038 explained.

9039 (b) A research and development project must:

9040 1. Serve as a catalyst for an emerging or evolving
9041 technology cluster.

9042 2. Demonstrate a plan for significant higher education
9043 collaboration.

9044 3. Provide the state, at a minimum, a break-even return on
9045 investment within a 20-year period.

9046 4. Be provided with a one-to-one match from the local
9047 community. The match requirement may be reduced or waived in
9048 rural areas of critical economic concern or reduced in rural
9049 areas, brownfield areas, and enterprise zones.

9050 (c) An innovation business project in this state, other
9051 than a research and development project, must:

9052 1.a. Result in the creation of at least 1,000 direct, new
9053 jobs at the business; or

9054 b. Result in the creation of at least 500 direct, new jobs
9055 if the project is located in a rural area, a brownfield area, or
9056 an enterprise zone.

9057 2. Have an activity or product that is within an industry
9058 that is designated as a target industry business under s.
9059 288.106 or a designated sector under s. 288.108.

9060 3.a. Have a cumulative investment of at least \$500 million



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9061 within a 5-year period; or
9062 b. Have a cumulative investment that exceeds \$250 million
9063 within a 10-year period if the project is located in a rural
9064 area, brownfield area, or an enterprise zone.
9065 4. Be provided with a one-to-one match from the local
9066 community. The match requirement may be reduced or waived in
9067 rural areas of critical economic concern or reduced in rural
9068 areas, brownfield areas, and enterprise zones.
9069 (d) For an alternative and renewable energy project in this
9070 state, the project must:
9071 1. Demonstrate a plan for significant collaboration with an
9072 institution of higher education;
9073 2. Provide the state, at a minimum, a break-even return on
9074 investment within a 20-year period;
9075 3. Include matching funds provided by the applicant or
9076 other available sources. The match requirement may be reduced or
9077 waived in rural areas of critical economic concern or reduced in
9078 rural areas, brownfield areas, and enterprise zones;
9079 4. Be located in this state; and
9080 5. Provide at least 35 direct, new jobs that pay an
9081 estimated annual average wage that equals at least 130 percent
9082 of the average private sector wage.
9083 (5) The department ~~Enterprise Florida, Inc.,~~ shall review
9084 ~~evaluate~~ proposals pursuant to s. 288.061 for all three
9085 categories of innovation incentive awards ~~and transmit~~
9086 ~~recommendations for awards to the office.~~ Before making a
9087 recommendation to the executive director, the department ~~its~~
9088 ~~recommendations on alternative and renewable energy projects,~~
9089 ~~Enterprise Florida, Inc.,~~ shall solicit comments and



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9090 recommendations from the Department of Agriculture and Consumer
9091 Services ~~Florida Energy and Climate Commission~~. For each
9092 project, the evaluation and recommendation to the department
9093 ~~office~~ must include, but need not be limited to:

9094 (a) A description of the project, its required facilities,
9095 and the associated product, service, or research and development
9096 associated with the project.

9097 (b) The percentage of match provided for the project.

9098 (c) The number of full-time equivalent jobs that will be
9099 created by the project, the total estimated average annual wages
9100 of such jobs, and the types of business activities and jobs
9101 likely to be stimulated by the project.

9102 (d) The cumulative investment to be dedicated to the
9103 project within 5 years and the total investment expected in the
9104 project if more than 5 years.

9105 (e) The projected economic and fiscal impacts on the local
9106 and state economies relative to investment.

9107 (f) A statement of any special impacts the project is
9108 expected to stimulate in a particular business sector in the
9109 state or regional economy or in the state's universities and
9110 community colleges.

9111 (g) A statement of any anticipated or proposed
9112 relationships with state universities.

9113 (h) A statement of the role the incentive is expected to
9114 play in the decision of the applicant to locate or expand in
9115 this state.

9116 (i) A recommendation and explanation of the amount of the
9117 award needed to cause the applicant to expand or locate in this
9118 state.



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9119 (j) A discussion of the efforts and commitments made by the
9120 local community in which the project is to be located to induce
9121 the applicant's location or expansion, taking into consideration
9122 local resources and abilities.

9123 (k) A recommendation for specific performance criteria the
9124 applicant would be expected to achieve in order to receive
9125 payments from the fund and penalties or sanctions for failure to
9126 meet or maintain performance conditions.

9127 (l) Additional evaluative criteria for a research and
9128 development facility project, including:

9129 1. A description of the extent to which the project has the
9130 potential to serve as catalyst for an emerging or evolving
9131 cluster.

9132 2. A description of the extent to which the project has or
9133 could have a long-term collaborative research and development
9134 relationship with one or more universities or community colleges
9135 in this state.

9136 3. A description of the existing or projected impact of the
9137 project on established clusters or targeted industry sectors.

9138 4. A description of the project's contribution to the
9139 diversity and resiliency of the innovation economy of this
9140 state.

9141 5. A description of the project's impact on special needs
9142 communities, including, but not limited to, rural areas,
9143 distressed urban areas, and enterprise zones.

9144 (m) Additional evaluative criteria for alternative and
9145 renewable energy proposals, including:

9146 1. The availability of matching funds or other in-kind
9147 contributions applied to the total project from an applicant.



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9148 The Department of Agriculture and Consumer Services ~~commission~~
9149 shall give greater preference to projects that provide such
9150 matching funds or other in-kind contributions.

9151 2. The degree to which the project stimulates in-state
9152 capital investment and economic development in metropolitan and
9153 rural areas, including the creation of jobs and the future
9154 development of a commercial market for renewable energy
9155 technologies.

9156 3. The extent to which the proposed project has been
9157 demonstrated to be technically feasible based on pilot project
9158 demonstrations, laboratory testing, scientific modeling, or
9159 engineering or chemical theory that supports the proposal.

9160 4. The degree to which the project incorporates an
9161 innovative new technology or an innovative application of an
9162 existing technology.

9163 5. The degree to which a project generates thermal,
9164 mechanical, or electrical energy by means of a renewable energy
9165 resource that has substantial long-term production potential.

9166 6. The degree to which a project demonstrates efficient use
9167 of energy and material resources.

9168 7. The degree to which the project fosters overall
9169 understanding and appreciation of renewable energy technologies.

9170 8. The ability to administer a complete project.

9171 9. Project duration and timeline for expenditures.

9172 10. The geographic area in which the project is to be
9173 conducted in relation to other projects.

9174 11. The degree of public visibility and interaction.

9175 (~~6~~) ~~In consultation with Enterprise Florida, Inc.,~~ The
9176 department ~~office~~ may negotiate the proposed amount of an award



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9177 for any applicant meeting the requirements of this section. In
9178 negotiating such award, the department office shall consider the
9179 amount of the incentive needed to cause the applicant to locate
9180 or expand in this state in conjunction with other relevant
9181 applicant impact and cost information and analysis as described
9182 in this section. Particular emphasis shall be given to the
9183 potential for the project to stimulate additional private
9184 investment and high-quality employment opportunities in the
9185 area.

9186 (7) Upon receipt of the evaluation and recommendation from
9187 ~~Enterprise Florida, Inc.,~~ the department, ~~director shall~~
9188 ~~recommend to the Governor~~ shall approve or deny the approval or
9189 ~~disapproval of an award.~~ In recommending approval of an award,
9190 the department director shall include proposed performance
9191 conditions that the applicant must meet in order to obtain
9192 incentive funds and any other conditions that must be met before
9193 the receipt of any incentive funds. The Governor shall consult
9194 with the President of the Senate and the Speaker of the House of
9195 Representatives before giving approval for an award. Upon review
9196 and approval of an award by the Legislative Budget Commission,
9197 the Executive Office of the Governor shall release the funds.

9198 (8) (a) After the conditions set forth in subsection (7)
9199 have been met, the department director shall issue a letter
9200 certifying the applicant as qualified for an award. The
9201 department office and the award recipient shall enter into an
9202 agreement that sets forth the conditions for payment of the
9203 incentive funds. The agreement must include, at a minimum:

- 9204 1. The total amount of funds awarded.
9205 2. The performance conditions that must be met in order to



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9206 obtain the award or portions of the award, including, but not
9207 limited to, net new employment in the state, average wage, and
9208 total cumulative investment.

9209 3. Demonstration of a baseline of current service and a
9210 measure of enhanced capability.

9211 4. The methodology for validating performance.

9212 5. The schedule of payments.

9213 6. Sanctions for failure to meet performance conditions,
9214 including any clawback provisions.

9215 (b) Additionally, agreements signed on or after July 1,
9216 2009, must include the following provisions:

9217 1. Notwithstanding subsection (4), a requirement that the
9218 jobs created by the recipient of the incentive funds pay an
9219 annual average wage at least equal to the relevant industry's
9220 annual average wage or at least 130 percent of the average
9221 private sector wage, whichever is greater.

9222 2. A reinvestment requirement. Each recipient of an award
9223 shall reinvest up to 15 percent of net royalty revenues,
9224 including revenues from spin-off companies and the revenues from
9225 the sale of stock it receives from the licensing or transfer of
9226 inventions, methods, processes, and other patentable discoveries
9227 conceived or reduced to practice using its facilities in Florida
9228 or its Florida-based employees, in whole or in part, and to
9229 which the recipient of the grant becomes entitled during the 20
9230 years following the effective date of its agreement with the
9231 department office. Each recipient of an award also shall
9232 reinvest up to 15 percent of the gross revenues it receives from
9233 naming opportunities associated with any facility it builds in
9234 this state. Reinvestment payments shall commence no later than 6



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9235 months after the recipient of the grant has received the final
9236 disbursement under the contract and shall continue until the
9237 maximum reinvestment, as specified in the contract, has been
9238 paid. Reinvestment payments shall be remitted to the department
9239 ~~office~~ for deposit in the Biomedical Research Trust Fund for
9240 companies specializing in biomedicine or life sciences, or in
9241 the Economic Development Trust Fund for companies specializing
9242 in fields other than biomedicine or the life sciences. If these
9243 trust funds no longer exist at the time of the reinvestment, the
9244 state's share of reinvestment shall be deposited in their
9245 successor trust funds as determined by law. Each recipient of an
9246 award shall annually submit a schedule of the shares of stock
9247 held by it as payment of the royalty required by this paragraph
9248 and report on any trades or activity concerning such stock. Each
9249 recipient's reinvestment obligations survive the expiration or
9250 termination of its agreement with the state.

9251 3. Requirements for the establishment of internship
9252 programs or other learning opportunities for educators and
9253 secondary, postsecondary, graduate, and doctoral students.

9254 4. A requirement that the recipient submit quarterly
9255 reports and annual reports related to activities and performance
9256 to the department ~~office~~, according to standardized reporting
9257 periods.

9258 5. A requirement for an annual accounting to the department
9259 ~~Office~~ of the expenditure of funds disbursed under this section.

9260 6. A process for amending the agreement.

9261 (9) The department ~~Enterprise Florida, Inc.~~, shall validate
9262 ~~assist the Office in validating~~ the performance of an innovation
9263 business, a research and development facility, or an alternative



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9264 and renewable energy business that has received an award. At the
9265 conclusion of the innovation incentive award agreement, or its
9266 earlier termination, the department ~~Enterprise Florida, Inc.~~,
9267 shall, within 90 days, submit a report to the Governor, the
9268 President of the Senate, and the Speaker of the House of
9269 Representatives detailing whether the recipient of the
9270 innovation incentive grant achieved its specified outcomes.

9271 (11) (a) The department ~~Beginning January 5, 2010, and every~~
9272 ~~year thereafter, the office~~ shall submit to the Governor, the
9273 President of the Senate, and the Speaker of the House of
9274 Representatives, as part of the annual report, a report
9275 summarizing the activities and accomplishments of the recipients
9276 of grants from the Innovation Incentive Program during the
9277 previous 12 months and an evaluation ~~by the office~~ of whether
9278 the recipients are catalysts for additional direct and indirect
9279 economic development in Florida.

9280 (b) Beginning March 1, 2010, and every third year
9281 thereafter, the Office of Program Policy Analysis and Government
9282 Accountability, in consultation with the Auditor General's
9283 Office, shall release a report evaluating the Innovation
9284 Incentive Program's progress toward creating clusters of high-
9285 wage, high-skilled, complementary industries that serve as
9286 catalysts for economic growth specifically in the regions in
9287 which they are located, and generally for the state as a whole.
9288 Such report should include critical analyses of quarterly and
9289 annual reports, annual audits, and other documents prepared by
9290 the Innovation Incentive Program awardees; relevant economic
9291 development reports prepared by the department ~~office~~,
9292 Enterprise Florida, Inc., and local or regional economic



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9293 development organizations; interviews with the parties involved;
9294 and any other relevant data. Such report should also include
9295 legislative recommendations, if necessary, on how to improve the
9296 Innovation Incentive Program so that the program reaches its
9297 anticipated potential as a catalyst for direct and indirect
9298 economic development in this state.

9299 (12) The department ~~office~~ may seek the assistance of the
9300 Office of Program Policy Analysis and Government Accountability,
9301 the Legislature's Office of Economic and Demographic Research,
9302 and other entities for the purpose of developing performance
9303 measures or techniques to quantify the synergistic economic
9304 development impacts that awardees of grants are having within
9305 their communities.

9306 Section 156. Paragraph (b) of subsection (4) of section
9307 288.109, Florida Statutes, is amended to read:

9308 288.109 One-Stop Permitting System.—

9309 (4) The One-Stop Permitting System must initially provide
9310 access to the following state agencies, water management
9311 districts and counties, with other agencies and counties that
9312 agree to participate:

9313 (b) The Department of Economic Opportunity Community
9314 ~~Affairs~~.

9315 Section 157. Section 288.1095, Florida Statutes, is amended
9316 to read:

9317 288.1095 Information concerning the One-Stop Permitting
9318 System.—The department ~~Office of Tourism, Trade, and Economic~~
9319 ~~Development~~ shall develop literature that explains the One-Stop
9320 Permitting System and identifies those counties that have been
9321 designated as Quick Permitting Counties. The literature must be



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9322 updated at least once each year. To the maximum extent feasible,
9323 state agencies and Enterprise Florida, Inc., shall distribute
9324 such literature and inform the public of the One-Stop Permitting
9325 System and the Quick Permitting Counties. In addition,
9326 Enterprise Florida, Inc., shall provide this information to
9327 prospective, new, expanding, and relocating businesses seeking
9328 to conduct business in this state, municipalities, counties,
9329 economic-development organizations, and chambers of commerce.

9330 Section 158. Subsections (1) and (2), paragraphs (d) and
9331 (e) of subsection (4), paragraph (a) of subsection (6), and
9332 subsection (8) of section 288.1162, Florida Statutes, are
9333 amended to read:

9334 288.1162 Professional sports franchises; duties.—

9335 (1) The department ~~Office of Tourism, Trade, and Economic~~
9336 ~~Development~~ shall serve as the state agency for screening
9337 applicants for state funding under s. 212.20 and for certifying
9338 an applicant as a facility for a new or retained professional
9339 sports franchise.

9340 (2) The department ~~Office of Tourism, Trade, and Economic~~
9341 ~~Development~~ shall develop rules for the receipt and processing
9342 of applications for funding under s. 212.20.

9343 (4) Before certifying an applicant as a facility for a new
9344 or retained professional sports franchise, the department ~~Office~~
9345 ~~of Tourism, Trade, and Economic Development~~ must determine that:

9346 (d) The applicant has projections, verified by the
9347 department ~~Office of Tourism, Trade, and Economic Development~~,
9348 which demonstrate that the new or retained professional sports
9349 franchise will attract a paid attendance of more than 300,000
9350 annually.



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9351 (e) The applicant has an independent analysis or study,
9352 verified by the department ~~Office of Tourism, Trade, and~~
9353 ~~Economic Development~~, which demonstrates that the amount of the
9354 revenues generated by the taxes imposed under chapter 212 with
9355 respect to the use and operation of the professional sports
9356 franchise facility will equal or exceed \$2 million annually.

9357 (6) (a) The department ~~Office of Tourism, Trade, and~~
9358 ~~Economic Development~~ shall notify the Department of Revenue of
9359 any facility certified as a facility for a new or retained
9360 professional sports franchise. The department ~~Office of Tourism,~~
9361 ~~Trade, and Economic Development~~ shall certify no more than eight
9362 facilities as facilities for a new professional sports franchise
9363 or as facilities for a retained professional sports franchise,
9364 including in the total any facilities certified by the former
9365 Department of Commerce before July 1, 1996. The department
9366 ~~office~~ may make no more than one certification for any facility.

9367 (8) An applicant is not qualified for certification under
9368 this section if the franchise formed the basis for a previous
9369 certification, unless the previous certification was withdrawn
9370 by the facility or invalidated by the department ~~Office of~~
9371 ~~Tourism, Trade, and Economic Development~~ or the former
9372 Department of Commerce before any funds were distributed under
9373 s. 212.20. This subsection does not disqualify an applicant if
9374 the previous certification occurred between May 23, 1993, and
9375 May 25, 1993; however, any funds to be distributed under s.
9376 212.20 for the second certification shall be offset by the
9377 amount distributed to the previous certified facility.
9378 Distribution of funds for the second certification shall not be
9379 made until all amounts payable for the first certification are



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9380 distributed.

9381 Section 159. Paragraph (f) of subsection (1), and
9382 subsections (2), (4), (5), (6), (7), and (8) of section
9383 288.11621, Florida Statutes, are amended to read:

9384 288.11621 Spring training baseball franchises.—

9385 (1) DEFINITIONS.—As used in this section, the term:

9386 ~~(f) "Office" means The Office of Tourism, Trade, and~~
9387 ~~Economic Development.~~

9388 (2) CERTIFICATION PROCESS.—

9389 (a) Before certifying an applicant to receive state funding
9390 for a facility for a spring training franchise, the department
9391 ~~Office~~ must verify that:

9392 1. The applicant is responsible for the acquisition,
9393 construction, management, or operation of the facility for a
9394 spring training franchise or holds title to the property on
9395 which the facility for a spring training franchise is located.

9396 2. The applicant has a certified copy of a signed agreement
9397 with a spring training franchise for the use of the facility for
9398 a term of at least 20 years. The agreement also must require the
9399 franchise to reimburse the state for state funds expended by an
9400 applicant under this section if the franchise relocates before
9401 the agreement expires. The agreement may be contingent on an
9402 award of funds under this section and other conditions
9403 precedent.

9404 3. The applicant has made a financial commitment to provide
9405 50 percent or more of the funds required by an agreement for the
9406 acquisition, construction, or renovation of the facility for a
9407 spring training franchise. The commitment may be contingent upon
9408 an award of funds under this section and other conditions



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9409 precedent.

9410 4. The applicant demonstrates that the facility for a
9411 spring training franchise will attract a paid attendance of at
9412 least 50,000 annually to the spring training games.

9413 5. The facility for a spring training franchise is located
9414 in a county that levies a tourist development tax under s.
9415 125.0104.

9416 (b) The department ~~office~~ shall competitively evaluate
9417 applications for state funding of a facility for a spring
9418 training franchise. The total number of certifications may not
9419 exceed 10 at any time. The evaluation criteria must include,
9420 with priority given in descending order to, the following items:

9421 1. The anticipated effect on the economy of the local
9422 community where the spring training facility is to be built,
9423 including projections on paid attendance, local and state tax
9424 collections generated by spring training games, and direct and
9425 indirect job creation resulting from the spring training
9426 activities. Priority shall be given to applicants who can
9427 demonstrate the largest projected economic impact.

9428 2. The amount of the local matching funds committed to a
9429 facility relative to the amount of state funding sought, with
9430 priority given to applicants that commit the largest amount of
9431 local matching funds relative to the amount of state funding
9432 sought.

9433 3. The potential for the facility to serve multiple uses.

9434 4. The intended use of the funds by the applicant, with
9435 priority given to the funds being used to acquire a facility,
9436 construct a new facility, or renovate an existing facility.

9437 5. The length of time that a spring training franchise has



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9438 been under an agreement to conduct spring training activities
9439 within an applicant's geographic location or jurisdiction, with
9440 priority given to applicants having agreements with the same
9441 franchise for the longest period of time.

9442 6. The length of time that an applicant's facility has been
9443 used by one or more spring training franchises, with priority
9444 given to applicants whose facilities have been in continuous use
9445 as facilities for spring training the longest.

9446 7. The term remaining on a lease between an applicant and a
9447 spring training franchise for a facility, with priority given to
9448 applicants having the shortest lease terms remaining.

9449 8. The length of time that a spring training franchise
9450 agrees to use an applicant's facility if an application is
9451 granted under this section, with priority given to applicants
9452 having agreements for the longest future use.

9453 9. The net increase of total active recreation space owned
9454 by the applicant after an acquisition of land for the facility,
9455 with priority given to applicants having the largest percentage
9456 increase of total active recreation space that will be available
9457 for public use.

9458 10. The location of the facility in a brownfield, an
9459 enterprise zone, a community redevelopment area, or other area
9460 of targeted development or revitalization included in an urban
9461 infill redevelopment plan, with priority given to applicants
9462 having facilities located in these areas.

9463 (c) Each applicant certified on or after July 1, 2010,
9464 shall enter into an agreement with the department ~~office~~ that:

9465 1. Specifies the amount of the state incentive funding to
9466 be distributed.



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- 9467 2. States the criteria that the certified applicant must
9468 meet in order to remain certified.
- 9469 3. States that the certified applicant is subject to
9470 decertification if the certified applicant fails to comply with
9471 this section or the agreement.
- 9472 4. States that the department ~~office~~ may recover state
9473 incentive funds if the certified applicant is decertified.
- 9474 5. Specifies information that the certified applicant must
9475 report to the department ~~office~~.
- 9476 6. Includes any provision deemed prudent by the department
9477 ~~office~~.
- 9478 (4) ANNUAL REPORTS.—On or before September 1 of each year,
9479 a certified applicant shall submit to the department ~~office~~ a
9480 report that includes, but is not limited to:
- 9481 (a) A copy of its most recent annual audit.
- 9482 (b) A detailed report on all local and state funds expended
9483 to date on the project being financed under this section.
- 9484 (c) A copy of the contract between the certified local
9485 governmental entity and the spring training team.
- 9486 (d) A cost-benefit analysis of the team's impact on the
9487 community.
- 9488 (e) Evidence that the certified applicant continues to meet
9489 the criteria in effect when the applicant was certified.
- 9490 (5) DECERTIFICATION.—
- 9491 (a) The department ~~office~~ shall decertify a certified
9492 applicant upon the request of the certified applicant.
- 9493 (b) The department ~~office~~ shall decertify a certified
9494 applicant if the certified applicant does not:
- 9495 1. Have a valid agreement with a spring training franchise;



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9496 or

9497 2. Satisfy its commitment to provide local matching funds
9498 to the facility.

9499

9500 However, decertification proceedings against a local government
9501 certified before July 1, 2010, shall be delayed until 12 months
9502 after the expiration of the local government's existing
9503 agreement with a spring training franchise, and without a new
9504 agreement being signed, if the certified local government can
9505 demonstrate to the department ~~office~~ that it is in active
9506 negotiations with a major league spring training franchise,
9507 other than the franchise that was the basis for the original
9508 certification.

9509 (c) A certified applicant has 60 days after it receives a
9510 notice of intent to decertify from the department ~~office~~ to
9511 petition ~~the office's director~~ for review of the
9512 decertification. Within 45 days after receipt of the request for
9513 review, the department ~~director~~ must notify a certified
9514 applicant of the outcome of the review.

9515 (d) The department ~~office~~ shall notify the Department of
9516 Revenue that a certified applicant is decertified within 10 days
9517 after the order of decertification becomes final. The Department
9518 of Revenue shall immediately stop the payment of any funds under
9519 this section that were not encumbered by the certified applicant
9520 under subparagraph (3)(a)2.

9521 (e) The department ~~office~~ shall order a decertified
9522 applicant to repay all of the unencumbered state funds that the
9523 local government received under this section and any interest
9524 that accrued on those funds. The repayment must be made within



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9525 60 days after the decertification order becomes final. These
9526 funds shall be deposited into the General Revenue Fund.

9527 (f) A local government as defined in s. 218.369 may not be
9528 decertified by the department if it has paid or pledged for the
9529 payment of debt service on, or to fund debt service reserve
9530 funds, arbitrage rebate obligations, or other amounts payable
9531 with respect thereto, bonds issued for the acquisition,
9532 construction, reconstruction, or renovation of the facility for
9533 which the local government was certified, or for the
9534 reimbursement of such costs or the refinancing of bonds issued
9535 for the acquisition, construction, reconstruction, or renovation
9536 of the facility for which the local government was certified, or
9537 for the reimbursement of such costs or the refinancing of bonds
9538 issued for such purpose. This subsection does not preclude or
9539 restrict the ability of a certified local government to
9540 refinance, refund, or defease such bonds.

9541 (6) ADDITIONAL CERTIFICATIONS.—If the department office
9542 decertifies a unit of local government, the department office
9543 may accept applications for an additional certification. A unit
9544 of local government may not be certified for more than one
9545 spring training franchise at any time.

9546 (7) STRATEGIC PLANNING.—

9547 (a) The department office shall request assistance from
9548 Enterprise Florida, Inc., the Florida Sports Foundation and the
9549 Florida Grapefruit League Association to develop a comprehensive
9550 strategic plan to:

- 9551 1. Finance spring training facilities.
9552 2. Monitor and oversee the use of state funds awarded to
9553 applicants.



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9554 3. Identify the financial impact that spring training has
9555 on the state and ways in which to maintain or improve that
9556 impact.

9557 4. Identify opportunities to develop public-private
9558 partnerships to engage in marketing activities and advertise
9559 spring training baseball.

9560 5. Identify efforts made by other states to maintain or
9561 develop partnerships with baseball spring training teams.

9562 6. Develop recommendations for the Legislature to sustain
9563 or improve this state's spring training tradition.

9564 (b) The department ~~office~~ shall submit a copy of the
9565 strategic plan to the Governor, the President of the Senate, and
9566 the Speaker of the House of Representatives by December 31,
9567 2010.

9568 (8) RULEMAKING.—The department ~~office~~ shall adopt rules to
9569 implement the certification, decertification, and
9570 decertification review processes required by this section.

9571 Section 160. Subsections (1), (2), and (4) of section
9572 288.1168, Florida Statutes, are amended to read:

9573 288.1168 Professional golf hall of fame facility.—

9574 (1) The department ~~of Commerce~~ shall serve as the state
9575 agency for screening applicants for state funding pursuant to s.
9576 212.20 and for certifying one applicant as the professional golf
9577 hall of fame facility in the state.

9578 (2) Before ~~Prior to~~ certifying the professional golf hall
9579 of fame facility, the department ~~of Commerce~~ must determine
9580 that:

9581 (a) The professional golf hall of fame facility is the only
9582 professional golf hall of fame in the United States recognized



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9583 by the PGA Tour, Inc.

9584 (b) The applicant is a unit of local government as defined
9585 in s. 218.369 or a private sector group that has contracted to
9586 construct or operate the professional golf hall of fame facility
9587 on land owned by a unit of local government.

9588 (c) The municipality in which the professional golf hall of
9589 fame facility is located, or the county if the facility is
9590 located in an unincorporated area, has certified by resolution
9591 after a public hearing that the application serves a public
9592 purpose.

9593 (d) There are existing projections that the professional
9594 golf hall of fame facility will attract a paid attendance of
9595 more than 300,000 annually.

9596 (e) There is an independent analysis or study, using
9597 methodology approved by the department, which demonstrates that
9598 the amount of the revenues generated by the taxes imposed under
9599 chapter 212 with respect to the use and operation of the
9600 professional golf hall of fame facility will equal or exceed \$2
9601 million annually.

9602 (f) The applicant has submitted an agreement to provide \$2
9603 million annually in national and international media promotion
9604 of the professional golf hall of fame facility, Florida, and
9605 Florida tourism, through the PGA Tour, Inc., or its affiliates,
9606 at the then-current commercial rate, during the period of time
9607 that the facility receives funds pursuant to s. 212.20. The
9608 department ~~Office of Tourism, Trade, and Economic Development~~
9609 and the PGA Tour, Inc., or its affiliates, must agree annually
9610 on a reasonable percentage of advertising specifically allocated
9611 for generic Florida advertising. The department ~~Office of~~



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9612 ~~Tourism, Trade, and Economic Development~~ shall have final
9613 approval of all generic advertising. Failure on the part of the
9614 PGA Tour, Inc., or its affiliates to annually provide the
9615 advertising as provided in this paragraph or subsection (6)
9616 shall result in the termination of funding as provided in s.
9617 212.20.

9618 (g) Documentation exists that demonstrates that the
9619 applicant has provided, is capable of providing, or has
9620 financial or other commitments to provide more than one-half of
9621 the costs incurred or related to the improvement and development
9622 of the facility.

9623 (h) The application is signed by an official senior
9624 executive of the applicant and is notarized according to Florida
9625 law providing for penalties for falsification.

9626 (4) Upon determining that an applicant is or is not
9627 certifiable, the department ~~Secretary of Commerce~~ shall notify
9628 the applicant of his or her status by means of an official
9629 letter. If certifiable, the department ~~secretary~~ shall notify
9630 the executive director of the Department of Revenue and the
9631 applicant of such certification by means of an official letter
9632 granting certification. From the date of such certification, the
9633 applicant shall have 5 years to open the professional golf hall
9634 of fame facility to the public and notify the department ~~Office~~
9635 ~~of Tourism, Trade, and Economic Development~~ of such opening. The
9636 Department of Revenue shall not begin distributing funds until
9637 30 days following notice by the department ~~Office of Tourism,~~
9638 ~~Trade, and Economic Development~~ that the professional golf hall
9639 of fame facility is open to the public.

9640 Section 161. Subsections (1), (4), and (6) of section



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9641 288.1169, Florida Statutes, are amended to read:

9642 288.1169 International Game Fish Association World Center
9643 facility.—

9644 (1) The department ~~of Commerce~~ shall serve as the state
9645 agency approving applicants for funding pursuant to s. 212.20
9646 and for certifying the applicant as the International Game Fish
9647 Association World Center facility. For purposes of this section,
9648 "facility" means the International Game Fish Association World
9649 Center, and "project" means the International Game Fish
9650 Association World Center and new colocated improvements by
9651 private sector concerns who have made cash or in-kind
9652 contributions to the facility of \$1 million or more.

9653 (4) Upon determining that an applicant is or is not
9654 certifiable, the department ~~of Commerce~~ shall notify the
9655 applicant of its status by means of an official letter. If
9656 certifiable, the department ~~of Commerce~~ shall notify the
9657 executive director of the Department of Revenue and the
9658 applicant of such certification by means of an official letter
9659 granting certification. From the date of such certification, the
9660 applicant shall have 5 years to open the facility to the public
9661 and notify the department ~~of Commerce~~ of such opening. The
9662 Department of Revenue shall not begin distributing funds until
9663 30 days following notice by the department ~~of Commerce~~ that the
9664 facility is open to the public.

9665 (6) The department ~~of Commerce~~ must recertify every 10
9666 years that the facility is open, that the International Game
9667 Fish Association World Center continues to be the only
9668 international administrative headquarters, fishing museum, and
9669 Hall of Fame in the United States recognized by the



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9670 International Game Fish Association, and that the project is
9671 meeting the minimum projections for attendance or sales tax
9672 revenues as required at the time of original certification. If
9673 the facility is not recertified during this 10-year review as
9674 meeting the minimum projections, then funding shall be abated
9675 until certification criteria are met. If the project fails to
9676 generate \$1 million of annual revenues pursuant to paragraph
9677 (2) (e), the distribution of revenues pursuant to s.
9678 212.20(6) (d) 6.d. shall be reduced to an amount equal to \$83,333
9679 multiplied by a fraction, the numerator of which is the actual
9680 revenues generated and the denominator of which is \$1 million.
9681 Such reduction remains in effect until revenues generated by the
9682 project in a 12-month period equal or exceed \$1 million.

9683 Section 162. Paragraph (d) of subsection (1), and
9684 subsections (2) and (3) of section 288.1171, Florida Statutes,
9685 are amended, and present paragraphs (e) through (g) of
9686 subsection (1) are redesignated as paragraphs (d) through (f),
9687 respectively, to read:

9688 288.1171 Motorsports entertainment complex; definitions;
9689 certification; duties.—

9690 (1) As used in this section, the term:

9691 ~~(d) "Office" means The Office of Tourism, Trade, and~~
9692 ~~Economic Development of the Executive Office of the Governor.~~

9693 (2) The department ~~Office of Tourism, Trade, and Economic~~
9694 ~~Development~~ shall serve as the state agency for screening
9695 applicants for local option funding under s. 218.64(3) and for
9696 certifying an applicant as a motorsports entertainment complex.
9697 The department ~~Office~~ shall develop and adopt rules for the
9698 receipt and processing of applications for funding under s.



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9699 218.64(3). The department ~~Office~~ shall make a determination
9700 regarding any application filed by an applicant not later than
9701 120 days after the application is filed.

9702 (3) Before certifying an applicant as a motorsports
9703 entertainment complex, the department ~~Office~~ must determine
9704 that:

9705 (a) A unit of local government holds title to the land on
9706 which the motorsports entertainment complex is located or holds
9707 title to the motorsports entertainment complex.

9708 (b) The municipality in which the motorsports entertainment
9709 complex is located, or the county if the motorsports
9710 entertainment complex is located in an unincorporated area, has
9711 certified by resolution after a public hearing that the
9712 application serves a public purpose.

9713 Section 163. Subsections (2), (4), (5), and (8) of section
9714 288.1175, Florida Statutes, are amended to read:

9715 288.1175 Agriculture education and promotion facility.-

9716 (2) The Department of Agriculture and Consumer Services
9717 shall adopt ~~develop~~ rules pursuant to ss. 120.536(1) and 120.54
9718 for the receipt and processing of applications for funding of
9719 projects pursuant to this section.

9720 (4) The Department of Agriculture and Consumer Services
9721 shall certify a facility as an agriculture education and
9722 promotion facility if the Department of Agriculture and Consumer
9723 Services determines that:

9724 (a) The applicant is a unit of local government as defined
9725 in s. 218.369, or a fair association as defined in s.
9726 616.001(9), which is responsible for the planning, design,
9727 permitting, construction, renovation, management, and operation



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9728 of the agriculture education and promotion facility or holds
9729 title to the property on which such facility is to be developed
9730 and located.

9731 (b) The applicant has projections, verified by the
9732 Department of Agriculture and Consumer Services, which
9733 demonstrate that the agriculture education and promotion
9734 facility will serve more than 25,000 visitors annually.

9735 (c) The municipality in which the facility is located, or
9736 the county if the facility is located in an unincorporated area,
9737 has certified by resolution after a public hearing that the
9738 proposed agriculture education and promotion facility serves a
9739 public purpose.

9740 (d) The applicant has demonstrated that it has provided, is
9741 capable of providing, or has financial or other commitments to
9742 provide more than 40 percent of the costs incurred or related to
9743 the planning, design, permitting, construction, or renovation of
9744 the facility. The applicant may include the value of the land
9745 and any improvements thereon in determining its contribution to
9746 the development of the facility.

9747 (5) The Department of Agriculture and Consumer Services
9748 shall competitively evaluate applications for funding of an
9749 agriculture education and promotion facility. If the number of
9750 applicants exceeds three, the Department of Agriculture and
9751 Consumer Services shall rank the applications based upon
9752 criteria developed by the Department of Agriculture and Consumer
9753 Services, with priority given in descending order to the
9754 following items:

9755 (a) The intended use of the funds by the applicant, with
9756 priority given to the construction of a new facility.



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9757 (b) The amount of local match, with priority given to the
9758 largest percentage of local match proposed.

9759 (c) The location of the facility in a brownfield site as
9760 defined in s. 376.79(3), a rural enterprise zone as defined in
9761 s. 290.004~~(6)~~, an agriculturally depressed area as defined in s.
9762 570.242(1), ~~a redevelopment area established pursuant to s.~~
9763 ~~373.461(5)(g)~~, or a county that has lost its agricultural land
9764 to environmental restoration projects.

9765 (d) The net increase, as a result of the facility, of total
9766 available exhibition, arena, or civic center space within the
9767 jurisdictional limits of the local government in which the
9768 facility is to be located, with priority given to the largest
9769 percentage increase of total exhibition, arena, or civic center
9770 space.

9771 (e) The historic record of the applicant in promoting
9772 agriculture and educating the public about agriculture,
9773 including, without limitation, awards, premiums, scholarships,
9774 auctions, and other such activities.

9775 (f) The highest projection on paid attendance attracted by
9776 the agriculture education and promotion facility and the
9777 proposed economic impact on the local community.

9778 (g) The location of the facility with respect to an
9779 Institute of Food and Agricultural Sciences (IFAS) facility,
9780 with priority given to facilities closer in proximity to an IFAS
9781 facility.

9782 (8) Applications must be submitted by October 1 of each
9783 year. The Department of Agriculture and Consumer Services may
9784 not recommend funding for less than the requested amount to any
9785 applicant certified as an agriculture education and promotion



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9786 facility; however, funding of certified applicants shall be
9787 subject to the amount provided by the Legislature in the General
9788 Appropriations Act for this program.

9789 Section 164. Section 288.122, Florida Statutes, is amended
9790 to read:

9791 288.122 Tourism Promotional Trust Fund.—There is created
9792 within the department ~~Office of Tourism, Trade, and Economic~~
9793 ~~Development of the Executive Office of the Governor~~ the Tourism
9794 Promotional Trust Fund. Moneys deposited in the Tourism
9795 Promotional Trust Fund shall only be used to support the
9796 authorized activities and operations ~~of the Florida Commission~~
9797 ~~on Tourism,~~ and the ~~to support~~ tourism promotion and marketing
9798 activities, services, functions, and programs administered by
9799 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~
9800 through a contract with the ~~commission's~~ direct-support
9801 organization created under s. 288.1226.

9802 Section 165. Section 288.12265, Florida Statutes, is
9803 amended to read:

9804 288.12265 Welcome centers.—

9805 (1) Responsibility for the welcome centers is assigned to
9806 Enterprise Florida, Inc., ~~the Florida Commission on Tourism~~
9807 which shall contract with the Florida Tourism Industry Marketing
9808 Corporation ~~commission's direct-support organization~~ to employ
9809 all welcome center staff.

9810 (2) Enterprise Florida, Inc., ~~The Florida Commission on~~
9811 ~~Tourism, through its direct-support organization,~~ shall
9812 administer and operate the welcome centers. Pursuant to a
9813 contract with the Department of Transportation, Enterprise
9814 Florida, Inc., ~~the commission~~ shall be responsible for routine



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9815 repair, replacement, or improvement and the day-to-day
9816 management of interior areas occupied by the welcome centers.
9817 All other repairs, replacements, or improvements to the welcome
9818 centers shall be the responsibility of the Department of
9819 Transportation.

9820 Section 166. Section 288.124, Florida Statutes, is amended
9821 to read:

9822 288.124 Convention grants program.—Enterprise Florida,
9823 Inc., ~~The Commission on Tourism~~ is authorized to establish a
9824 convention grants program and, pursuant to that program thereto,
9825 to recommend to the department ~~Office of Tourism, Trade, and~~
9826 ~~Economic Development~~ expenditures and contracts with local
9827 governments and nonprofit corporations or organizations for the
9828 purpose of attracting national conferences and conventions to
9829 Florida. Preference shall be given to local governments and
9830 nonprofit corporations or organizations seeking to attract
9831 minority conventions to Florida. Minority conventions are events
9832 that primarily involve minority persons, as defined in s.
9833 288.703, who are residents or nonresidents of the state.
9834 Enterprise Florida, Inc., ~~The commission~~ shall establish
9835 guidelines governing the award of grants and the administration
9836 of this program. The department ~~Office of Tourism, Trade, and~~
9837 ~~Economic Development~~ has final approval authority for any grants
9838 under this section. The total annual allocation of funds for
9839 this program shall not exceed \$40,000.

9840 Section 167. Subsection (1) of section 288.1251, Florida
9841 Statutes, is amended to read:

9842 288.1251 Promotion and development of entertainment
9843 industry; Office of Film and Entertainment; creation; purpose;



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9844 powers and duties.-

9845 (1) CREATION.-

9846 (a) There is hereby created within the department ~~Office of~~
9847 ~~Tourism, Trade, and Economic Development~~ the Office of Film and
9848 Entertainment for the purpose of developing, marketing,
9849 promoting, and providing services to the state's entertainment
9850 industry.

9851 (b) The department ~~Office of Tourism, Trade, and Economic~~
9852 ~~Development~~ shall conduct a national search for a qualified
9853 person to fill the position of Commissioner of Film and
9854 Entertainment when the position is vacant. The executive
9855 director of the department ~~Office of Tourism, Trade, and~~
9856 ~~Economic Development~~ has the responsibility to hire the film
9857 commissioner. Qualifications for the film commissioner include,
9858 but are not limited to, the following:

9859 1. A working knowledge of the equipment, personnel,
9860 financial, and day-to-day production operations of the
9861 industries to be served by the Office of Film and Entertainment;

9862 2. Marketing and promotion experience related to the film
9863 and entertainment industries to be served;

9864 3. Experience working with a variety of individuals
9865 representing large and small entertainment-related businesses,
9866 industry associations, local community entertainment industry
9867 liaisons, and labor organizations; and

9868 4. Experience working with a variety of state and local
9869 governmental agencies.

9870 Section 168. Subsections (1) and (2), paragraphs (d), (f),
9871 (g), and (h) of subsection (5) of section 288.1252, Florida
9872 Statutes, are amended to read:



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9873 288.1252 Florida Film and Entertainment Advisory Council;
9874 creation; purpose; membership; powers and duties.—

9875 (1) CREATION.—There is ~~hereby~~ created within the department
9876 ~~Office of Tourism, Trade, and Economic Development of the~~
9877 ~~Executive Office of the Governor~~, for administrative purposes
9878 only, the Florida Film and Entertainment Advisory Council.

9879 (2) PURPOSE.—The purpose of the council is ~~shall be~~ to
9880 serve as an advisory body to the department ~~Office of Tourism,~~
9881 ~~Trade, and Economic Development~~ and to the Office of Film and
9882 Entertainment to provide these offices with industry insight and
9883 expertise related to developing, marketing, promoting, and
9884 providing service to the state's entertainment industry.

9885 (5) POWERS AND DUTIES.—The Florida Film and Entertainment
9886 Advisory Council shall have all the powers necessary or
9887 convenient to carry out and effectuate the purposes and
9888 provisions of this act, including, but not limited to, the power
9889 to:

9890 (d) Consider and study the needs of the entertainment
9891 industry for the purpose of advising the film commissioner and
9892 the department ~~Office of Tourism, Trade, and Economic~~
9893 ~~Development~~.

9894 (f) Consider all matters submitted to it by the film
9895 commissioner and the department ~~Office of Tourism, Trade, and~~
9896 ~~Economic Development~~.

9897 (g) Advise and consult with the film commissioner and the
9898 department ~~Office of Tourism, Trade, and Economic Development~~,
9899 at their request or upon its own initiative, regarding the
9900 promulgation, administration, and enforcement of all laws and
9901 rules relating to the entertainment industry.



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9902 (h) Suggest policies and practices for the conduct of
9903 business by the Office of Film and Entertainment or by the
9904 ~~department Office of Tourism, Trade, and Economic Development~~
9905 that will improve internal operations affecting the
9906 entertainment industry and will enhance the economic development
9907 initiatives of the state for the industry.

9908 Section 169. Subsections (1), (2), (3), and (4) of section
9909 288.1253, Florida Statutes, are amended to read:

9910 288.1253 Travel and entertainment expenses.—

9911 (1) As used in this section, the term "travel expenses"
9912 means the actual, necessary, and reasonable costs of
9913 transportation, meals, lodging, and incidental expenses normally
9914 incurred by an employee of the Office of Film and Entertainment,
9915 which costs are defined and prescribed by rules adopted by the
9916 ~~department Office of Tourism, Trade, and Economic Development,~~
9917 subject to approval by the Chief Financial Officer.

9918 (2) Notwithstanding the provisions of s. 112.061, the
9919 ~~department Office of Tourism, Trade, and Economic Development~~
9920 shall adopt rules by which it may make expenditures by
9921 reimbursement to: the Governor, the Lieutenant Governor,
9922 security staff of the Governor or Lieutenant Governor, the
9923 Commissioner of Film and Entertainment, or staff of the Office
9924 of Film and Entertainment for travel expenses or entertainment
9925 expenses incurred by such individuals solely and exclusively in
9926 connection with the performance of the statutory duties of the
9927 Office of Film and Entertainment. The rules are subject to
9928 approval by the Chief Financial Officer before adoption. The
9929 rules shall require the submission of paid receipts, or other
9930 proof of expenditure prescribed by the Chief Financial Officer,



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9931 with any claim for reimbursement.

9932 (3) The department ~~Office of Tourism, Trade, and Economic~~
9933 ~~Development~~ shall prepare an annual report of the expenditures
9934 of the Office of Film and Entertainment and provide such report
9935 to the Legislature no later than December 30 of each year for
9936 the expenditures of the previous fiscal year. The report shall
9937 consist of a summary of all travel, entertainment, and
9938 incidental expenses incurred within the United States and all
9939 travel, entertainment, and incidental expenses incurred outside
9940 the United States, as well as a summary of all successful
9941 projects that developed from such travel.

9942 (4) The Office of Film and Entertainment and its employees
9943 and representatives, when authorized, may accept and use
9944 complimentary travel, accommodations, meeting space, meals,
9945 equipment, transportation, and any other goods or services
9946 necessary for or beneficial to the performance of the office's
9947 duties and purposes, so long as such acceptance or use is not in
9948 conflict with part III of chapter 112. The department ~~Office of~~
9949 ~~Tourism, Trade, and Economic Development~~ shall, by rule, develop
9950 internal controls to ensure that such goods or services accepted
9951 or used pursuant to this subsection are limited to those that
9952 will assist solely and exclusively in the furtherance of the
9953 office's goals and are in compliance with part III of chapter
9954 112.

9955 Section 170. Paragraph (a) of subsection (1), paragraphs
9956 (d) and (f) of subsection (3), paragraphs (c) and (d) of
9957 subsection (4), paragraph (a) of subsection (5), and paragraph
9958 (b) of subsection (9) of section 288.1254, Florida Statutes, are
9959 amended to read:



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9960 288.1254 Entertainment industry financial incentive
9961 program.—
9962 (1) DEFINITIONS.—As used in this section, the term:
9963 (a) "Certified production" means a qualified production
9964 that has tax credits allocated to it by the department ~~Office of~~
9965 ~~Tourism, Trade, and Economic Development~~ based on the
9966 production's estimated qualified expenditures, up to the
9967 production's maximum certified amount of tax credits, by the
9968 department ~~Office of Tourism, Trade, and Economic Development~~.
9969 The term does not include a production if its first day of
9970 principal photography or project start date in this state occurs
9971 before the production is certified by the department ~~Office of~~
9972 ~~Tourism, Trade, and Economic Development~~, unless the production
9973 spans more than 1 fiscal year, was a certified production on its
9974 first day of principal photography or project start date in this
9975 state, and submits an application for continuing the same
9976 production for the subsequent fiscal year.
9977 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—
9978 (d) *Certification*.—The Office of Film and Entertainment
9979 shall review the application within 15 business days after
9980 receipt. Upon its determination that the application contains
9981 all the information required by this subsection and meets the
9982 criteria set out in this section, the Office of Film and
9983 Entertainment shall qualify the applicant and recommend to the
9984 department ~~Office of Tourism, Trade, and Economic Development~~
9985 that the applicant be certified for the maximum tax credit award
9986 amount. Within 5 business days after receipt of the
9987 recommendation, the department ~~Office of Tourism, Trade, and~~
9988 ~~Economic Development~~ shall reject the recommendation or certify



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9989 the maximum recommended tax credit award, if any, to the
9990 applicant and to the executive director of the Department of
9991 Revenue.

9992 (f) *Verification of actual qualified expenditures.*—

9993 1. The Office of Film and Entertainment shall develop a
9994 process to verify the actual qualified expenditures of a
9995 certified production. The process must require:

9996 a. A certified production to submit, in a timely manner
9997 after production ends in this state and after making all of its
9998 qualified expenditures in this state, data substantiating each
9999 qualified expenditure, including documentation on the net
10000 expenditure on equipment and other tangible personal property by
10001 the qualified production, to an independent certified public
10002 accountant licensed in this state;

10003 b. Such accountant to conduct a compliance audit, at the
10004 certified production's expense, to substantiate each qualified
10005 expenditure and submit the results as a report, along with the
10006 required substantiating data, to the Office of Film and
10007 Entertainment; and

10008 c. The Office of Film and Entertainment to review the
10009 accountant's submittal and report to the department ~~Office of~~
10010 ~~Tourism, Trade, and Economic Development~~ the final verified
10011 amount of actual qualified expenditures made by the certified
10012 production.

10013 2. The department ~~Office of Tourism, Trade, and Economic~~
10014 ~~Development~~ shall determine and approve the final tax credit
10015 award amount to each certified applicant based on the final
10016 verified amount of actual qualified expenditures and shall
10017 notify the executive director of the Department of Revenue in



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10018 writing that the certified production has met the requirements
10019 of the incentive program and of the final amount of the tax
10020 credit award. The final tax credit award amount may not exceed
10021 the maximum tax credit award amount certified under paragraph
10022 (d).

10023 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
10024 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
10025 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
10026 ACQUISITIONS.—

10027 (c) *Withdrawal of tax credit eligibility.*—A qualified or
10028 certified production must continue on a reasonable schedule,
10029 which includes beginning principal photography or the production
10030 project in this state no more than 45 calendar days before or
10031 after the principal photography or project start date provided
10032 in the production's program application. The department ~~Office~~
10033 ~~of Tourism, Trade, and Economic Development~~ shall withdraw the
10034 eligibility of a qualified or certified production that does not
10035 continue on a reasonable schedule.

10036 (d) *Election and distribution of tax credits.*—

10037 1. A certified production company receiving a tax credit
10038 award under this section shall, at the time the credit is
10039 awarded by the department ~~Office of Tourism, Trade, and Economic~~
10040 ~~Development~~ after production is completed and all requirements
10041 to receive a credit award have been met, make an irrevocable
10042 election to apply the credit against taxes due under chapter
10043 220, against state taxes collected or accrued under chapter 212,
10044 or against a stated combination of the two taxes. The election
10045 is binding upon any distributee, successor, transferee, or
10046 purchaser. The department ~~Office of Tourism, Trade, and Economic~~



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10047 ~~Development~~ shall notify the Department of Revenue of any
10048 election made pursuant to this paragraph.

10049 2. A qualified production company is eligible for tax
10050 credits against its sales and use tax liabilities and corporate
10051 income tax liabilities as provided in this section. However, tax
10052 credits awarded under this section may not be claimed against
10053 sales and use tax liabilities or corporate income tax
10054 liabilities for any tax period beginning before July 1, 2011,
10055 regardless of when the credits are applied for or awarded.

10056 (5) TRANSFER OF TAX CREDITS.—

10057 (a) *Authorization.*—Upon application to the Office of Film
10058 and Entertainment and approval by the department ~~Office of~~
10059 ~~Tourism, Trade, and Economic Development~~, a certified production
10060 company, or a partner or member that has received a distribution
10061 under paragraph (4) (g), may elect to transfer, in whole or in
10062 part, any unused credit amount granted under this section. An
10063 election to transfer any unused tax credit amount under chapter
10064 212 or chapter 220 must be made no later than 5 years after the
10065 date the credit is awarded, after which period the credit
10066 expires and may not be used. The department ~~Office of Tourism,~~
10067 ~~Trade, and Economic Development~~ shall notify the Department of
10068 Revenue of the election and transfer.

10069 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
10070 CREDITS; FRAUDULENT CLAIMS.—

10071 (b) *Revocation of tax credits.*—The department ~~Office of~~
10072 ~~Tourism, Trade, and Economic Development~~ may revoke or modify
10073 any written decision qualifying, certifying, or otherwise
10074 granting eligibility for tax credits under this section if it is
10075 discovered that the tax credit applicant submitted any false



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10076 statement, representation, or certification in any application,
10077 record, report, plan, or other document filed in an attempt to
10078 receive tax credits under this section. The department ~~Office of~~
10079 ~~Tourism, Trade, and Economic Development~~ shall immediately
10080 notify the Department of Revenue of any revoked or modified
10081 orders affecting previously granted tax credits. Additionally,
10082 the applicant must notify the Department of Revenue of any
10083 change in its tax credit claimed.

10084 Section 171. Section 288.7015, Florida Statutes, is amended
10085 to read:

10086 288.7015 Appointment of rules ombudsman; duties.—The
10087 Governor shall appoint a rules ombudsman, as defined in s.
10088 288.703, in the Executive Office of the Governor, for
10089 considering the impact of agency rules on the state's citizens
10090 and businesses. In carrying out duties as provided by law, the
10091 ombudsman shall consult with Enterprise Florida, Inc., at which
10092 point the department ~~office~~ may recommend to improve the
10093 regulatory environment of this state. The duties of the rules
10094 ombudsman are to:

10095 (1) Carry out the responsibility provided in s. 120.54(2),
10096 with respect to small businesses.

10097 (2) Review state agency rules that adversely or
10098 disproportionately impact businesses, particularly those
10099 relating to small and minority businesses.

10100 (3) Make recommendations on any existing or proposed rules
10101 to alleviate unnecessary or disproportionate adverse effects to
10102 businesses.

10103 (4) Each state agency shall cooperate fully with the rules
10104 ombudsman in identifying such rules. Further, each agency shall



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10105 take the necessary steps to waive, modify, or otherwise minimize
10106 such adverse effects of any such rules. However, nothing in this
10107 section authorizes any state agency to waive, modify, provide
10108 exceptions to, or otherwise alter any rule that is:

10109 (a) Expressly required to implement or enforce any
10110 statutory provision or the express legislative intent thereof;

10111 (b) Designed to protect persons against discrimination on
10112 the basis of race, color, national origin, religion, sex, age,
10113 handicap, or marital status; or

10114 (c) Likely to prevent a significant risk or danger to the
10115 public health, the public safety, or the environment of the
10116 state.

10117 (5) The modification or waiver of any such rule pursuant to
10118 this section must be accomplished in accordance with the
10119 provisions of chapter 120.

10120 Section 172. Section 288.703, Florida Statutes, is amended
10121 to read:

10122 288.703 Definitions.—As used in ss. 288.702-288.706, the
10123 ~~term this act, the following words and terms shall have the~~
10124 ~~following meanings unless the content shall indicate another~~
10125 ~~meaning or intent:~~

10126 (6)~~(1)~~ "Small business" means an independently owned and
10127 operated business concern that employs 200 or fewer permanent
10128 full-time employees and that, together with its affiliates, has
10129 a net worth of not more than \$5 million or any firm based in
10130 this state which has a Small Business Administration 8(a)
10131 certification. As applicable to sole proprietorships, the \$5
10132 million net worth requirement shall include both personal and
10133 business investments.



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10134 (3)~~(2)~~ "Minority business enterprise" means any small
10135 business concern as defined in subsection (6)~~(4)~~ which is
10136 organized to engage in commercial transactions, which is
10137 domiciled in Florida, and which is at least 51-percent-owned by
10138 minority persons who are members of an insular group that is of
10139 a particular racial, ethnic, or gender makeup or national
10140 origin, which has been subjected historically to disparate
10141 treatment due to identification in and with that group resulting
10142 in an underrepresentation of commercial enterprises under the
10143 group's control, and whose management and daily operations are
10144 controlled by such persons. A minority business enterprise may
10145 primarily involve the practice of a profession. Ownership by a
10146 minority person does not include ownership which is the result
10147 of a transfer from a nonminority person to a minority person
10148 within a related immediate family group if the combined total
10149 net asset value of all members of such family group exceeds \$1
10150 million. For purposes of this subsection, the term "related
10151 immediate family group" means one or more children under 16
10152 years of age and a parent of such children or the spouse of such
10153 parent residing in the same house or living unit.

10154 (4)~~(3)~~ "Minority person" means a lawful, permanent resident
10155 of Florida who is:

10156 (a) An African American, a person having origins in any of
10157 the black racial groups of the African Diaspora, regardless of
10158 cultural origin.

10159 (b) A Hispanic American, a person of Spanish or Portuguese
10160 culture with origins in Spain, Portugal, Mexico, South America,
10161 Central America, or the Caribbean, regardless of race.

10162 (c) An Asian American, a person having origins in any of



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10163 the original peoples of the Far East, Southeast Asia, the Indian
10164 Subcontinent, or the Pacific Islands, including the Hawaiian
10165 Islands before ~~prior to~~ 1778.

10166 (d) A Native American, a person who has origins in any of
10167 the Indian Tribes of North America before ~~prior to~~ 1835, upon
10168 presentation of proper documentation thereof as established by
10169 rule of the Department of Management Services.

10170 (e) An American woman.

10171 (1)~~(4)~~ "Certified minority business enterprise" means a
10172 business which has been certified by the certifying organization
10173 or jurisdiction in accordance with s. 287.0943(1) and (2).

10174 ~~(5) "Department" means the Department of Management~~
10175 ~~Services.~~

10176 (5)~~(6)~~ "Ombudsman" means an office or individual whose
10177 responsibilities include coordinating with the Office of
10178 Supplier Diversity for the interests of and providing assistance
10179 to small and minority business enterprises in dealing with
10180 governmental agencies and in developing proposals for changes in
10181 state agency rules.

10182 (2)~~(7)~~ "Financial institution" means any bank, trust
10183 company, insurance company, savings and loan association, credit
10184 union, federal lending agency, or foundation.

10185 ~~(8) "Secretary" means the secretary of the Department of~~
10186 ~~Management Services.~~

10187 Section 173. Section 288.705, Florida Statutes, is amended
10188 to read:

10189 288.705 Statewide contracts register.—All state agencies
10190 shall in a timely manner provide the Florida Small Business
10191 Development Center Procurement System with all formal



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10192 solicitations for contractual services, supplies, and
10193 commodities. The Small Business Development Center shall
10194 coordinate with Minority Business Development Centers to compile
10195 and distribute this information to small and minority businesses
10196 requesting such service for the period of time necessary to
10197 familiarize the business with the market represented by state
10198 agencies. On or before February 1 of each year, the Small
10199 Business Development Center shall report to the department
10200 ~~Agency for Workforce Innovation~~ on the use of the statewide
10201 contracts register. The report shall include, but not be limited
10202 to, information relating to:

10203 (1) The total number of solicitations received from state
10204 agencies during the calendar year.

10205 (2) The number of solicitations received from each state
10206 agency during the calendar year.

10207 (3) The method of distributing solicitation information to
10208 businesses requesting such service.

10209 (4) The total number of businesses using the service.

10210 (5) The percentage of businesses using the service which
10211 are owned and controlled by minorities.

10212 (6) The percentage of service-disabled veteran business
10213 enterprises using the service.

10214 Section 174. Subsection (12) of section 288.706, Florida
10215 Statutes, is amended to read:

10216 288.706 Florida Minority Business Loan Mobilization
10217 Program.—

10218 (12) The Department of Management Services shall
10219 collaborate with Enterprise Florida, Inc., ~~the Florida Black~~
10220 ~~Business Investment Board, Inc.~~, and the department ~~Office of~~



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10221 ~~Tourism, Trade, and Economic Development~~ to assist in the
10222 development and enhancement of black business enterprises.

10223 Section 175. Subsection (2) of section 288.7094, Florida
10224 Statutes, is amended to read:

10225 288.7094 Black business investment corporations.—

10226 (2) A black business investment corporation that meets the
10227 requirements of s. 288.7102(4) is eligible to participate in the
10228 Black Business Loan Program and shall receive priority
10229 consideration by the department ~~Office of Tourism, Trade, and~~
10230 ~~Economic Development~~ for participation in the program.

10231 Section 176. Section 288.7102, Florida Statutes, is amended
10232 to read:

10233 288.7102 Black Business Loan Program.—

10234 (1) The Black Business Loan Program is established in the
10235 department, which ~~Office of Tourism, Trade, and Economic~~
10236 ~~Development. Under the program, the office~~ shall annually
10237 certify eligible recipients and subsequently disburse funds
10238 appropriated by the Legislature, through such eligible
10239 recipients, to black business enterprises that cannot obtain
10240 capital through conventional lending institutions but that could
10241 otherwise compete successfully in the private sector.

10242 (2) The department ~~office~~ shall establish an application
10243 and annual certification process for entities seeking funds to
10244 participate in providing loans, loan guarantees, or investments
10245 in black business enterprises pursuant to the Florida Black
10246 Business Investment Act. The department ~~office~~ shall process all
10247 applications and recertifications submitted by June 1 on or
10248 before July 31.

10249 (3) If the Black Business Loan Program is appropriated any



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10250 funding in a fiscal year, the department ~~office~~ shall distribute
10251 an equal amount of the appropriation, calculated as the total
10252 annual appropriation divided by the total number of program
10253 recipients certified on or before July 31 of that fiscal year.

10254 (4) To be eligible to receive funds and provide loans, loan
10255 guarantees, or investments under this section, a recipient must:

10256 (a) Be a corporation registered in the state.

10257 (b) For an existing recipient, annually submit to the
10258 department ~~office~~ a financial audit performed by an independent
10259 certified public account for the most recently completed fiscal
10260 year, which audit does not reveal any material weaknesses or
10261 instances of material noncompliance.

10262 (c) For a new recipient:

10263 1. Demonstrate that its board of directors includes
10264 citizens of the state experienced in the development of black
10265 business enterprises.

10266 2. Demonstrate that the recipient has a business plan that
10267 allows the recipient to operate in a manner consistent with this
10268 section ~~ss. 288.707-288.714~~ and the rules of the department
10269 ~~office~~.

10270 3. Demonstrate that the recipient has the technical skills
10271 to analyze and evaluate applications by black business
10272 enterprises for loans, loan guarantees, or investments.

10273 4. Demonstrate that the recipient has established viable
10274 partnerships with public and private funding sources, economic
10275 development agencies, and workforce development and job referral
10276 networks.

10277 5. Demonstrate that the recipient can provide a private
10278 match equal to 20 percent of the amount of funds provided by the



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10279 department office.

10280 (d) For an existing or new recipient, agree to maintain the
10281 recipient's books and records relating to funds received by the
10282 department office according to generally accepted accounting
10283 principles and in accordance with the requirements of s.
10284 215.97(7) and to make those books and records available to the
10285 department office for inspection upon reasonable notice.

10286 (5) Each eligible recipient must meet the requirements of
10287 this section ~~provisions of ss. 288.707-288.714~~, the terms of the
10288 contract between the recipient and the department Office, and
10289 any other applicable state or federal laws. An entity may not
10290 receive funds ~~under ss. 288.707-288.714~~ unless the entity meets
10291 annual certification requirements.

10292 (6) Upon approval by the department Office and before
10293 release of the funds as provided in this section, the department
10294 Office shall issue a letter certifying the applicant as
10295 qualified for an award. The department Office and the applicant
10296 shall enter into an agreement that sets forth the conditions for
10297 award of the funds. The agreement must include the total amount
10298 of funds awarded; the performance conditions that must be met
10299 once the funding has been awarded, including, but not limited
10300 to, compliance with all of the requirements of this section for
10301 eligible recipients of funds under this section; and sanctions
10302 for failure to meet performance conditions, including any
10303 provisions to recover awards.

10304 (7) The department Office, in consultation with the board,
10305 shall adopt rules pursuant to ss. 120.536(1) and 120.54 to
10306 implement this section.

10307 (8) A black business investment corporation certified by



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10308 the department ~~Office~~ as an eligible recipient under this
10309 section is authorized to use funds appropriated for the Black
10310 Business Loan Program in any of the following forms:
10311 (a) Purchases of stock, preferred or common, voting or
10312 nonvoting; however, no more than 40 percent of the funds may be
10313 used for direct investments in black business enterprises;
10314 (b) Loans or loan guarantees, with or without recourse, in
10315 either a subordinated or priority position; or
10316 (c) Technical support to black business enterprises, not to
10317 exceed 9 percent of the funds received, and direct
10318 administrative costs, not to exceed 12 percent of the funds
10319 received.
10320 (9) It is the intent of the Legislature that if any one
10321 type of investment mechanism authorized in subsection (8) is
10322 held to be invalid, all other valid mechanisms remain available.
10323 (10) All loans, loan guarantees, and investments, and any
10324 income related thereto, shall be used to carry out the public
10325 purpose ~~of ss. 288.707-288.714, which is~~ to develop black
10326 business enterprises. This subsection does not preclude a
10327 reasonable profit for the participating black business
10328 investment corporation or for return of equity developed to the
10329 state and participating financial institutions upon any
10330 distribution of the assets or excess income of the investment
10331 corporation.
10332 Section 177. Section 288.714, Florida Statutes, is amended
10333 to read:
10334 288.714 Quarterly and annual reports.—
10335 (1) Each recipient of state funds under s. 288.7102 shall
10336 provide to the department ~~Office~~ a quarterly report within 15



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10337 days after the end of each calendar quarter that includes a
10338 detailed summary of the recipient's performance of the duties
10339 imposed by s. 288.7102, including, but not limited to:

10340 (a) The dollar amount of all loans or loan guarantees made
10341 to black business enterprises, the percentages of the loans
10342 guaranteed, and the names and identification of the types of
10343 businesses served.

10344 (b) Loan performance information.

10345 (c) The amount and nature of all other financial assistance
10346 provided to black business enterprises.

10347 (d) The amount and nature of technical assistance provided
10348 to black business enterprises, including technical assistance
10349 services provided in areas in which such services are otherwise
10350 unavailable.

10351 (e) A balance sheet for the recipient, including an
10352 explanation of all investments and administrative and
10353 operational expenses.

10354 (f) A summary of all services provided to nonblack business
10355 enterprises, including the dollar value and nature of such
10356 services and the names and identification of the types of
10357 businesses served.

10358 (g) Any other information as required by policies adopted
10359 by the department ~~Office~~.

10360 (2) The department ~~Office~~ must compile a summary of all
10361 quarterly reports and provide a copy of the summary to the board
10362 within 30 days after the end of each calendar quarter that
10363 includes a detailed summary of the recipient's performance of
10364 the duties imposed by s. 288.7102.

10365 (3) By August 31 of each year, the department ~~Office~~ shall



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10366 provide to the Governor, the President of the Senate, and the
10367 Speaker of the House of Representatives a detailed report of the
10368 performance of the Black Business Loan Program. The report must
10369 include a cumulative summary of quarterly report data required
10370 by subsection (1).

10371 ~~(4) By August 31 of each year, the board shall provide to~~
10372 ~~the Governor, the President of the Senate, and the Speaker of~~
10373 ~~the House of Representatives a detailed report of the board's~~
10374 ~~performance, including:~~

10375 ~~(a) A description of the strategies implemented by the~~
10376 ~~board to increase private investment in black business~~
10377 ~~enterprises.~~

10378 ~~(b) A summary of the board's performance of its duties~~
10379 ~~under ss. 288.707-288.712.~~

10380 ~~(c) The most recent 5-year projection of the need for~~
10381 ~~capital by black business enterprises.~~

10382 ~~(d) Recommendations for legislative or other changes to~~
10383 ~~enhance the development and expansion of black business~~
10384 ~~enterprises in the state.~~

10385 ~~(e) A projection of the program's activities during the~~
10386 ~~next 12 months.~~

10387 Section 178. Subsection (1) of section 288.773, Florida
10388 Statutes, is amended to read:

10389 288.773 Florida Export Finance Corporation.—The Florida
10390 Export Finance Corporation is hereby created as a corporation
10391 not for profit, to be incorporated under the provisions of
10392 chapter 617 and approved by the Department of State. The
10393 corporation is organized on a nonstock basis. The purpose of the
10394 corporation is to expand employment and income opportunities for



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10395 residents of this state through increased exports of goods and
10396 services, by providing businesses domiciled in this state
10397 information and technical assistance on export opportunities,
10398 exporting techniques, and financial assistance through
10399 guarantees and direct loan originations for sale in support of
10400 export transactions. The corporation shall have the power and
10401 authority to carry out the following functions:

10402 (1) To coordinate the efforts of the corporation with
10403 programs and goals of the United States Export-Import Bank, the
10404 International Trade Administration of the United States
10405 Department of Commerce, the Foreign Credit Insurance
10406 Association, Enterprise Florida, Inc., ~~and its boards,~~ and other
10407 private and public programs and organizations, domestic and
10408 foreign, designed to provide export assistance and export-
10409 related financing.

10410 Section 179. Paragraph (b) of subsection (3) of section
10411 288.774, Florida Statutes, is amended to read:

10412 288.774 Powers and limitations.—

10413 (3)

10414 (b) In providing assistance, the board shall be guided by
10415 the statewide economic development plan adopted by the
10416 department ~~pursuant to s. 288.905.~~

10417 Section 180. Paragraph (a) of subsection (1) and paragraph
10418 (g) of subsection (3) of section 288.776, Florida Statutes, are
10419 amended to read:

10420 288.776 Board of directors; powers and duties.—

10421 (1)(a) The corporation shall have a board of directors
10422 consisting of 15 members representing all geographic areas of
10423 the state. Minority and gender representation must be considered



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10424 when making appointments to the board. The board membership must
10425 include:

10426 1. A representative of the following businesses, all of
10427 which must be registered to do business in this state: a foreign
10428 bank, a state bank, a federal bank, an insurance company
10429 involved in covering trade financing risks, and a small or
10430 medium-sized exporter.

10431 2. The following persons or their designee: the President
10432 of Enterprise Florida, Inc., the Chief Financial Officer, the
10433 Secretary of State, and a senior official of the United States
10434 Department of Commerce, ~~and the chair of the Florida Black~~
10435 ~~Business Investment Board.~~

10436 (3) The board shall:

10437 (g) Consult with Enterprise Florida, Inc., ~~and its boards,~~
10438 or any state or federal agency, to ensure that the respective
10439 loan guarantee or working capital loan origination programs are
10440 not duplicative and that each program makes full use of, to the
10441 extent practicable, the resources of the other.

10442 Section 181. Section 288.7771, Florida Statutes, is amended
10443 to read:

10444 288.7771 Annual report of Florida Export Finance
10445 Corporation.—The corporation shall annually prepare and submit
10446 to the department ~~Enterprise Florida, Inc.,~~ for inclusion in its
10447 annual report required by s. 288.095 a complete and detailed
10448 report setting forth:

10449 (1) The report required in s. 288.776(3).

10450 (2) Its assets and liabilities at the end of its most
10451 recent fiscal year.

10452 Section 182. Section 288.816, Florida Statutes, is amended



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10453 to read:

10454 288.816 Intergovernmental relations.—

10455 (1) The state protocol officer ~~Office of Tourism, Trade,~~
10456 ~~and Economic Development~~ shall be responsible for consular
10457 operations and the sister city and sister state program and
10458 shall serve as liaison with foreign, federal, and other state
10459 international organizations and with county and municipal
10460 governments in Florida.

10461 (2) The state protocol officer ~~Office of Tourism, Trade,~~
10462 ~~and Economic Development~~ shall be responsible for all consular
10463 relations between the state and all foreign governments doing
10464 business in Florida. The state protocol officer ~~office~~ shall
10465 monitor United States laws and directives to ensure that all
10466 federal treaties regarding foreign privileges and immunities are
10467 properly observed. The state protocol officer ~~office~~ shall
10468 promulgate rules which shall:

10469 (a) Establish a viable system of registration for foreign
10470 government officials residing or having jurisdiction in the
10471 state. Emphasis shall be placed on maintaining active
10472 communication between the state protocol officer ~~Office of~~
10473 ~~Tourism, Trade, and Economic Development~~ and the United States
10474 Department of State in order to be currently informed regarding
10475 foreign governmental personnel stationed in, or with official
10476 responsibilities for, Florida. Active dialogue shall also be
10477 maintained with foreign countries which historically have had
10478 dealings with Florida in order to keep them informed of the
10479 proper procedure for registering with the state.

10480 (b) Maintain and systematically update a current and
10481 accurate list of all such foreign governmental officials,



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10482 consuls, or consulates.

10483 (c) Issue certificates to such foreign governmental
10484 officials after verification pursuant to proper investigations
10485 through United States Department of State sources and the
10486 appropriate foreign government.

10487 (d) Verify entitlement to sales and use tax exemptions
10488 pursuant to United States Department of State guidelines and
10489 identification methods.

10490 (e) Verify entitlement to issuance of special motor vehicle
10491 license plates by the Division of Motor Vehicles of the
10492 Department of Highway Safety and Motor Vehicles to honorary
10493 consuls or such other officials representing foreign governments
10494 who are not entitled to issuance of special Consul Corps license
10495 plates by the United States Government.

10496 (f) Establish a system of communication to provide all
10497 state and local law enforcement agencies with information
10498 regarding proper procedures relating to the arrest or
10499 incarceration of a foreign citizen.

10500 (g) Request the Department of Law Enforcement to provide
10501 transportation and protection services when necessary pursuant
10502 to s. 943.68.

10503 (h) Coordinate, when necessary, special activities between
10504 foreign governments and Florida state and local governments.
10505 These may include Consular Corps Day, Consular Corps
10506 conferences, and various other social, cultural, or educational
10507 activities.

10508 (i) Notify all newly arrived foreign governmental officials
10509 of the services offered by the state protocol officer ~~Office of~~
10510 ~~Tourism, Trade, and Economic Development.~~



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10511 (3) The state protocol officer ~~Office of Tourism, Trade,~~
10512 ~~and Economic Development~~ shall operate the sister city and
10513 sister state program and establish such new programs as needed
10514 to further global understanding through the interchange of
10515 people, ideas, and culture between Florida and the world. To
10516 accomplish this purpose, the state protocol officer ~~office~~ shall
10517 have the power and authority to:

10518 (a) Coordinate and carry out activities designed to
10519 encourage the state and its subdivisions to participate in
10520 sister city and sister state affiliations with foreign countries
10521 and their subdivisions. Such activities may include a State of
10522 Florida sister cities conference.

10523 (b) Encourage cooperation with and disseminate information
10524 pertaining to the Sister Cities International Program and any
10525 other program whose object is to promote linkages with foreign
10526 countries and their subdivisions.

10527 (c) Maximize any aid available from all levels of
10528 government, public and private agencies, and other entities to
10529 facilitate such activities.

10530 (d) Establish a viable system of registration for sister
10531 city and sister state affiliations between the state and foreign
10532 countries and their subdivisions. Such system shall include a
10533 method to determine that sufficient ties are properly
10534 established as well as a method to supervise how these ties are
10535 maintained.

10536 (e) Maintain a current and accurate listing of all such
10537 affiliations. Sister city affiliations shall not be discouraged
10538 between the state and any country specified in s. 620(f)(1) of
10539 the federal Foreign Assistance Act of 1961, as amended, with



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10540 whom the United States is currently conducting diplomatic
10541 relations unless a mandate from the United States Government
10542 expressly prohibits such affiliations.

10543 (4) The state protocol officer ~~Office of Tourism, Trade,~~
10544 ~~and Economic Development~~ shall serve as a contact for the state
10545 with the Florida Washington Office, the Florida Congressional
10546 Delegation, and United States Government agencies with respect
10547 to laws or policies which may affect the interests of the state
10548 in the area of international relations. All inquiries received
10549 regarding international economic trade development or reverse
10550 investment opportunities shall be referred to Enterprise
10551 Florida, Inc. In addition, the state protocol officer ~~office~~
10552 shall serve as liaison with other states with respect to
10553 international programs of interest to Florida. The state
10554 protocol officer ~~office~~ shall also investigate and make
10555 suggestions regarding possible areas of joint action or regional
10556 cooperation with these states.

10557 (5) The state protocol officer ~~Office of Tourism, Trade,~~
10558 ~~and Economic Development~~ shall have the power and duty to
10559 encourage the relocation to Florida of consular offices and
10560 multilateral and international agencies and organizations.

10561 (6) The department and Enterprise Florida, Inc., ~~Office of~~
10562 ~~Tourism, Trade, and Economic Development, through membership on~~
10563 ~~the board of directors of Enterprise Florida, Inc.,~~ shall help
10564 to contribute an international perspective to the state's
10565 development efforts.

10566 Section 183. Paragraph (a) of subsection (1) and subsection
10567 (2) of section 288.809, Florida Statutes, are amended to read:

10568 288.809 Florida Intergovernmental Relations Foundation; use



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10569 of property; board of directors; audit.-

10570 (1) DEFINITIONS.—For the purposes of this section, the
10571 term:

10572 (a) "Florida Intergovernmental Relations Foundation" means
10573 a direct-support organization:

10574 1. Which is a corporation not for profit that is
10575 incorporated under the provisions of chapter 617 and approved by
10576 the Department of State;

10577 2. Which is organized and operated exclusively to solicit,
10578 receive, hold, invest, and administer property and, subject to
10579 the approval of the state protocol officer ~~Office of Tourism,~~
10580 ~~Trade, and Economic Development~~, to make expenditures to or for
10581 the promotion of intergovernmental relations programs; and

10582 3. Which the state protocol officer ~~Office of Tourism,~~
10583 ~~Trade, and Economic Development~~, after review, has certified to
10584 be operating in a manner consistent with the policies and goals
10585 of the state protocol officer ~~office~~.

10586 (2) USE OF PROPERTY.—The state protocol officer ~~Office of~~
10587 ~~Tourism, Trade, and Economic Development~~:

10588 (a) ~~May Is authorized to~~ permit the use of property,
10589 facilities, and personal services of the Executive Office of the
10590 Governor ~~Office of Tourism, Trade, and Economic Development~~ by
10591 the foundation, subject to ~~the provisions of~~ this section.

10592 (b) Shall prescribe conditions with which the foundation
10593 must comply in order to use property, facilities, or personal
10594 services of the department. Such conditions shall provide for
10595 budget and audit review and for oversight by the state protocol
10596 officer ~~Office of Tourism, Trade, and Economic Development~~.

10597 (c) Shall not permit the use of property, facilities, or



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10598 personal services of the foundation if the foundation does not
10599 provide equal employment opportunities to all persons,
10600 regardless of race, color, national origin, sex, age, or
10601 religion.

10602 Section 184. Subsections (2) through (8) of section
10603 288.8175, Florida Statutes, are renumbered as subsections (1)
10604 through (7), respectively, and present subsections (1), (3),
10605 (4), and (8) of that section are amended to read:

10606 288.8175 Linkage institutes between postsecondary
10607 institutions in this state and foreign countries.—

10608 ~~(1) As used in this section, the term "department" means~~
10609 ~~the Department of Education.~~

10610 (2)~~(3)~~ Each institute must be governed by an agreement
10611 between the Board of Governors of the State University System
10612 for a state university and the State Board of Education for a
10613 community college with the counterpart organization in a foreign
10614 country. Each institute must report to the Department of
10615 Education regarding its program activities, expenditures, and
10616 policies.

10617 (3)~~(4)~~ Each institute must be co-administered in this state
10618 by a university-community college partnership, as designated in
10619 subsection (5), and must have a private sector and public sector
10620 advisory committee. The advisory committee must be
10621 representative of the international education and commercial
10622 interests of the state and may have members who are native to
10623 the foreign country partner. Six members must be appointed by
10624 the Department of Education. The Department of Education must
10625 appoint at least one member who is an international educator.
10626 The presidents, or their designees, of the participating



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10627 university and community college must also serve on the advisory
10628 committee.

10629 ~~(7)~~⁽⁸⁾ A linkage institute may not be created or funded
10630 except upon the recommendation of the Department of Education
10631 and except by amendment to this section.

10632 Section 185. Section 288.826, Florida Statutes, is amended
10633 to read:

10634 288.826 Florida International Trade and Promotion Trust
10635 Fund.—There is hereby established in the State Treasury the
10636 Florida International Trade and Promotion Trust Fund. The moneys
10637 deposited into this trust fund shall be administered by the
10638 department ~~Office of Tourism, Trade, and Economic Development~~
10639 for the operation of Enterprise Florida, Inc., ~~and its boards~~
10640 and for the operation of Florida international ~~foreign~~ offices
10641 under s. 288.012.

10642 Section 186. Subsections (2) and (5) of section 288.95155,
10643 Florida Statutes, are amended to read:

10644 288.95155 Florida Small Business Technology Growth
10645 Program.—

10646 (2)~~(a)~~ Enterprise Florida, Inc., shall establish a separate
10647 small business technology growth account in the Florida
10648 Technology Research Investment Fund for purposes of this
10649 section. Moneys in the account shall consist of appropriations
10650 by the Legislature, proceeds of any collateral used to secure
10651 such assistance, transfers, fees assessed for providing or
10652 processing such financial assistance, grants, interest earnings,
10653 and earnings on financial assistance.

10654 ~~(b) For the 2009-2010 fiscal year only, Enterprise Florida,~~
10655 ~~Inc., shall advance up to \$600,000 from the account to the~~



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10656 ~~Institute for Commercialization of Public Research for its~~
10657 ~~operations. This paragraph expires July 1, 2010.~~

10658 (5) Enterprise Florida, Inc., shall prepare for inclusion
10659 in the and include in its annual report of the department
10660 required by s. 288.095 a report on the financial status of the
10661 program. The report must specify the assets and liabilities of
10662 the program within the current fiscal year and must include a
10663 portfolio update that lists all of the businesses assisted, the
10664 private dollars leveraged by each business assisted, and the
10665 growth in sales and in employment of each business assisted.

10666 Section 187. Paragraph (e) of subsection (2), paragraph (a)
10667 of subsection (4), subsection (7), paragraph (b) of subsection
10668 (8), subsection (9), paragraph (1) of subsection (10), and
10669 subsection (15) of section 288.955, Florida Statutes, are
10670 amended, and present subsections (16) and (17) of that section
10671 are renumbered as subsections (15) and (16), respectively, to
10672 read:

10673 288.955 Scripps Florida Funding Corporation.—

10674 (2) CREATION.—

10675 (e) The department ~~Office of Tourism, Trade, and Economic~~
10676 ~~Development~~ shall provide administrative support to the
10677 corporation as requested by the corporation. In the event of the
10678 dissolution of the corporation, the department ~~office~~ shall be
10679 the corporation's successor in interest and shall assume all
10680 rights, duties, and obligations of the corporation under any
10681 contract to which the corporation is then a party and under law.

10682 (4) BOARD; MEMBERSHIP.—The corporation shall be governed by
10683 a board of directors.

10684 (a) The board of directors shall consist of nine voting



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10685 members, of whom the Governor shall appoint three, the President
10686 of the Senate shall appoint three, and the Speaker of the House
10687 of Representatives shall appoint three. The executive director
10688 of the department ~~Office of Tourism, Trade, and Economic~~
10689 ~~Development~~ or the director's designee shall serve as an ex-
10690 officio, nonvoting member of the board of directors.

10691 (7) INVESTMENT OF FUNDS.—The corporation must enter into an
10692 agreement with the State Board of Administration under which
10693 funds received by the corporation from the department ~~Office of~~
10694 ~~Tourism, Trade, and Economic Development~~ which are not disbursed
10695 to the grantee shall be invested by the State Board of
10696 Administration on behalf of the corporation. Funds shall be
10697 invested in suitable instruments authorized under s. 215.47 and
10698 specified in investment guidelines established and agreed to by
10699 the State Board of Administration and the corporation.

10700 (8) CONTRACT.—

10701 (b) The contract, at a minimum, must contain provisions:

10702 1. Specifying the procedures and schedules that govern the
10703 disbursement of funds under this section and specifying the
10704 conditions or deliverables that the grantee must satisfy before
10705 the release of each disbursement.

10706 2. Requiring the grantee to submit to the corporation a
10707 business plan in a form and manner prescribed by the
10708 corporation.

10709 3. Prohibiting The Scripps Research Institute or the
10710 grantee from establishing other biomedical science or research
10711 facilities in any state other than this state or California for
10712 a period of 12 years from the commencement of the contract.
10713 Nothing in this subparagraph shall prohibit the grantee from



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10714 establishing or engaging in normal collaborative activities with
10715 other organizations.

10716 4. Governing the ownership of or security interests in real
10717 property and personal property, including, but not limited to,
10718 research equipment, obtained through the financial support of
10719 state or local government, including a provision that in the
10720 event of a breach of the contract or in the event the grantee
10721 ceases operations in this state, such property purchased with
10722 state funds shall revert to the state and such property
10723 purchased with local funds shall revert to the local governing
10724 authority.

10725 5. Requiring the grantee to be an equal opportunity
10726 employer.

10727 6. Requiring the grantee to maintain a policy of awarding
10728 preference in employment to residents of this state, as defined
10729 by law, except for professional scientific staff positions
10730 requiring a doctoral degree, postdoctoral training positions,
10731 and graduate student positions.

10732 7. Requiring the grantee to maintain a policy of making
10733 purchases from vendors in this state, to the extent it is cost-
10734 effective and scientifically sound.

10735 8. Requiring the grantee to use the Internet-based job-
10736 listing system of the department ~~Agency for Workforce Innovation~~
10737 in advertising employment opportunities.

10738 9. Requiring the grantee to establish accredited science
10739 degree programs.

10740 10. Requiring the grantee to establish internship programs
10741 to create learning opportunities for educators and secondary,
10742 postsecondary, graduate, and doctoral students.



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10743 11. Requiring the grantee to submit data to the corporation
10744 on the activities and performance during each fiscal year and to
10745 provide to the corporation an annual accounting of the
10746 expenditure of funds disbursed under this section.

10747 12. Establishing that the corporation shall review the
10748 activities of the grantee to assess the grantee's financial and
10749 operational compliance with the provisions of the contract and
10750 with relevant provisions of law.

10751 13. Authorizing the grantee, when feasible, to use
10752 information submitted by it to the Federal Government or to
10753 other organizations awarding research grants to the grantee to
10754 help meet reporting requirements imposed under this section or
10755 the contract, if the information satisfies the reporting
10756 standards of this section and the contract.

10757 14. Requiring the grantee during the first 7 years of the
10758 contract to create 545 positions and to acquire associated
10759 research equipment for the grantee's facility in this state, and
10760 pay for related maintenance of the equipment, in a total amount
10761 of not less than \$45 million.

10762 15. Requiring the grantee to progress in the creation of
10763 the total number of jobs prescribed in subparagraph 14. on the
10764 following schedule: At least 38 positions in the 1st year, 168
10765 positions in the 2nd year, 280 positions in the 3rd year, 367
10766 positions in the 4th year, 436 positions in the 5th year, 500
10767 positions in the 6th year, and 545 positions in the 7th year.
10768 The board may allow the grantee to deviate downward from such
10769 employee levels by 25 percent in any year, to allow the grantee
10770 flexibility in achieving the objectives set forth in the
10771 business plan provided to the corporation; however, the grantee



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10772 must have no fewer than 545 positions by the end of the 7th
10773 year.

10774 16. Requiring the grantee to allow the corporation to
10775 retain an independent certified public accountant licensed in
10776 this state pursuant to chapter 473 to inspect the records of the
10777 grantee in order to audit the expenditure of funds disbursed to
10778 the grantee. The independent certified public accountant shall
10779 not disclose any confidential or proprietary scientific
10780 information of the grantee.

10781 17. Requiring the grantee to purchase liability insurance
10782 and governing the coverage level of such insurance.

10783 (9) PERFORMANCE EXPECTATIONS.—In addition to the provisions
10784 prescribed in subsection (8), the contract between the
10785 corporation and the grantee shall include a provision that the
10786 grantee, in cooperation with the department ~~Office of Tourism,~~
10787 ~~Trade, and Economic Development,~~ shall report to the corporation
10788 on performance expectations that reflect the aspirations of the
10789 Governor and the Legislature for the benefits accruing to this
10790 state as a result of the funds appropriated pursuant to this
10791 section. These shall include, but are not limited to,
10792 performance expectations addressing:

10793 (a) The number and dollar value of research grants obtained
10794 from the Federal Government or sources other than this state.

10795 (b) The percentage of total research dollars received by
10796 The Scripps Research Institute from sources other than this
10797 state which is used to conduct research activities by the
10798 grantee in this state.

10799 (c) The number or value of patents obtained by the grantee.

10800 (d) The number or value of licensing agreements executed by



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10801 the grantee.

10802 (e) The extent to which research conducted by the grantee
10803 results in commercial applications.

10804 (f) The number of collaborative agreements reached and
10805 maintained with colleges and universities in this state and with
10806 research institutions in this state, including agreements that
10807 foster participation in research opportunities by public and
10808 private colleges and universities and research institutions in
10809 this state with significant minority populations, including
10810 historically black colleges and universities.

10811 (g) The number of collaborative partnerships established
10812 and maintained with businesses in this state.

10813 (h) The total amount of funding received by the grantee
10814 from sources other than the State of Florida.

10815 (i) The number or value of spin-off businesses created in
10816 this state as a result of commercialization of the research of
10817 the grantee.

10818 (j) The number or value of businesses recruited to this
10819 state by the grantee.

10820 (k) The establishment and implementation of policies to
10821 promote supplier diversity using the guidelines developed by the
10822 Office of Supplier Diversity under s. 287.09451 and to comply
10823 with the ordinances, including any small business ordinances,
10824 enacted by the county and which are applicable to the biomedical
10825 research institution and campus located in this state.

10826 (l) The designation by the grantee of a representative to
10827 coordinate with the Office of Supplier Diversity.

10828 (m) The establishment and implementation of a program to
10829 conduct workforce recruitment activities at public and private



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10830 colleges and universities and community colleges in this state
10831 which request the participation of the grantee.

10832
10833 The contract shall require the grantee to provide information to
10834 the corporation on the progress in meeting these performance
10835 expectations on an annual basis. It is the intent of the
10836 Legislature that, in fulfilling its obligation to work with
10837 Florida's public and private colleges and universities, Scripps
10838 Florida work with such colleges and universities regardless of
10839 size.

10840 (10) DISBURSEMENT CONDITIONS.—In addition to the provisions
10841 prescribed in subsection (8), the contract between the
10842 corporation and the grantee shall include disbursement
10843 conditions that must be satisfied by the grantee as a condition
10844 for the continued disbursement of funds under this section.
10845 These disbursement conditions shall be negotiated between the
10846 corporation and the grantee and shall not be designed to impede
10847 the ability of the grantee to attain full operational status.
10848 The disbursement conditions may be appropriately varied as to
10849 timeframes, numbers, values, and percentages. The disbursement
10850 conditions shall include, but are not limited to, the following
10851 areas:

10852 (1) Beginning June 2004, the grantee shall commence
10853 collaboration efforts with the department ~~Office of Tourism,~~
10854 ~~Trade, and Economic Development~~ by complying with reasonable
10855 requests for cooperation in economic development efforts in the
10856 biomed/biotech industry. No later than July 2004, the grantee
10857 shall designate a person who shall be charged with assisting in
10858 these collaborative efforts.



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10859 ~~(15) PROGRAM EVALUATION.—~~
10860 ~~(a) Before January 1, 2007, the Office of Program Policy~~
10861 ~~Analysis and Government Accountability shall conduct a~~
10862 ~~performance audit of the Office of Tourism, Trade, and Economic~~
10863 ~~Development and the corporation relating to the provisions of~~
10864 ~~this section. The audit shall assess the implementation and~~
10865 ~~outcomes of activities under this section. At a minimum, the~~
10866 ~~audit shall address:~~
10867 ~~1. Performance of the Office of Tourism, Trade, and~~
10868 ~~Economic Development in disbursing funds appropriated under this~~
10869 ~~section.~~
10870 ~~2. Performance of the corporation in managing and enforcing~~
10871 ~~the contract with the grantee.~~
10872 ~~3. Compliance by the corporation with the provisions of~~
10873 ~~this section and the provisions of the contract.~~
10874 ~~4. Economic activity generated through funds disbursed~~
10875 ~~under the contract.~~
10876 ~~(b) Before January 1, 2010, the Office of Program Policy~~
10877 ~~Analysis and Government Accountability shall update the report~~
10878 ~~required under this subsection. In addition to addressing the~~
10879 ~~items prescribed in paragraph (a), the updated report shall~~
10880 ~~include a recommendation on whether the Legislature should~~
10881 ~~retain the statutory authority for the corporation.~~
10882
10883 ~~A report of each audit's findings and recommendations shall be~~
10884 ~~submitted to the Governor, the President of the Senate, and the~~
10885 ~~Speaker of the House of Representatives. In completing the~~
10886 ~~performance audits required under this subsection, the Office of~~
10887 ~~Program Policy Analysis and Government Accountability shall~~



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10888 ~~maximize the use of reports submitted by the grantee to the~~
10889 ~~Federal Government or to other organizations awarding research~~
10890 ~~grants to the grantee.~~

10891 Section 188. Subsection (2) of section 288.9604, Florida
10892 Statutes, is amended to read:

10893 288.9604 Creation of the authority.—

10894 (2) The Governor, subject to confirmation by the Senate,
10895 shall appoint the board of directors of the corporation, who
10896 shall be five in number. The terms of office for the directors
10897 shall be for 4 years from the date of their appointment. A
10898 vacancy occurring during a term shall be filled for the
10899 unexpired term. A director shall be eligible for reappointment.
10900 At least three of the directors of the corporation shall be
10901 bankers who have been selected by the Governor from a list of
10902 bankers who were nominated by Enterprise Florida, Inc., and one
10903 of the directors shall be an economic development specialist.
10904 ~~The chairperson of the Florida Black Business Investment Board~~
10905 ~~shall be an ex officio member of the board of the corporation.~~

10906 Section 189. Paragraph (v) of subsection (2) of section
10907 288.9605, Florida Statutes, is amended to read:

10908 288.9605 Corporation powers.—

10909 (2) The corporation is authorized and empowered to:

10910 (v) Enter into investment agreements with Enterprise
10911 Florida, Inc., ~~the Florida Black Business Investment Board~~
10912 concerning the issuance of bonds and other forms of indebtedness
10913 and capital ~~for the purposes of ss. 288.707-288.714.~~

10914 Section 190. Subsection (1) of section 288.9606, Florida
10915 Statutes, is amended to read:

10916 288.9606 Issue of revenue bonds.—



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10917 (1) When authorized by a public agency pursuant to s.
10918 163.01(7), the corporation has power in its corporate capacity,
10919 in its discretion, to issue revenue bonds or other evidences of
10920 indebtedness which a public agency has the power to issue, from
10921 time to time to finance the undertaking of any purpose of this
10922 act ~~and ss. 288.707-288.714~~, including, without limiting the
10923 generality thereof, the payment of principal and interest upon
10924 any advances for surveys and plans or preliminary loans, and has
10925 the power to issue refunding bonds for the payment or retirement
10926 of bonds previously issued. Bonds issued pursuant to this
10927 section shall bear the name "Florida Development Finance
10928 Corporation Revenue Bonds." The security for such bonds may be
10929 based upon such revenues as are legally available. In
10930 anticipation of the sale of such revenue bonds, the corporation
10931 may issue bond anticipation notes and may renew such notes from
10932 time to time, but the maximum maturity of any such note,
10933 including renewals thereof, may not exceed 5 years from the date
10934 of issuance of the original note. Such notes shall be paid from
10935 any revenues of the corporation available therefor and not
10936 otherwise pledged or from the proceeds of sale of the revenue
10937 bonds in anticipation of which they were issued. Any bond, note,
10938 or other form of indebtedness issued pursuant to this act shall
10939 mature no later than the end of the 30th fiscal year after the
10940 fiscal year in which the bond, note, or other form of
10941 indebtedness was issued.

10942 Section 191. Subsection (1) of section 288.9624, Florida
10943 Statutes, are amended to read:

10944 288.9624 Florida Opportunity Fund; creation; duties.-

10945 (1) (a) Enterprise Florida, Inc., shall facilitate the



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10946 creation of the Florida Opportunity Fund, a private, not-for-
10947 profit corporation organized and operated under chapter 617.
10948 Enterprise Florida, Inc., shall be the fund's sole shareholder
10949 or member. The fund is not a public corporation or
10950 instrumentality of the state. The fund shall manage its business
10951 affairs and conduct business consistent with its organizational
10952 documents and the purposes set forth in this section.
10953 Notwithstanding the powers granted under chapter 617, the
10954 corporation may not amend, modify, or repeal a bylaw or article
10955 of incorporation without the express written consent of
10956 Enterprise Florida, Inc.

10957 (b) The board of directors of the Florida Opportunity Fund
10958 shall have five members, appointed by vote of the board of
10959 directors of Enterprise Florida, Inc. Board members shall serve
10960 terms as provided in the fund's organizational documents. Within
10961 90 days before an anticipated vacancy by expiration of the term
10962 of a board member, the board of directors of the fund shall
10963 submit a list of three eligible nominees, which may include the
10964 incumbent, to the board of directors of Enterprise Florida, Inc.
10965 The board of directors of Enterprise Florida, Inc., may appoint
10966 a board member from the nominee list or may request and appoint
10967 from a new list of three nominees not included on the previous
10968 list. The vice chair of Enterprise Florida, Inc., shall select
10969 from among its sitting board of directors a five-person
10970 appointment committee. The appointment committee shall select
10971 five initial members of a board of directors for the fund.

10972 (c) The persons appointed ~~elected~~ to the ~~initial~~ board of
10973 directors ~~by the appointment committee~~ shall include persons who
10974 have expertise in the area of the selection and supervision of



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10975 early stage investment managers or in the fiduciary management
10976 of investment funds and other areas of expertise as considered
10977 appropriate by the ~~appointment committee.~~

10978 ~~(d) After election of the initial board of directors,~~
10979 ~~vacancies on the board shall be filled by vote of the board of~~
10980 ~~directors of Enterprise Florida, Inc., and board members shall~~
10981 ~~serve terms as provided in the fund's organizational documents.~~

10982 (d) ~~(e)~~ Members of the board are subject to any restrictions
10983 on conflicts of interest specified in the organizational
10984 documents and may not have an interest in any venture capital
10985 investment selected by the fund under ss. 288.9621-288.9624.

10986 (e) ~~(f)~~ Members of the board shall serve without
10987 compensation, but members, the president of the board, and other
10988 board employees may be reimbursed for all reasonable, necessary,
10989 and actual expenses as determined and approved by the board
10990 pursuant to s. 112.061.

10991 (f) ~~(g)~~ The fund shall have all powers granted under its
10992 organizational documents and shall indemnify members to the
10993 broadest extent permissible under the laws of this state.

10994 Section 192. Subsections (3), (4), (5), and (6) of section
10995 288.9625, Florida Statutes, are amended to read:

10996 288.9625 Institute for the Commercialization of Public
10997 Research.—There is established at a public university or
10998 research center in this state the Institute for the
10999 Commercialization of Public Research.

11000 (3) The articles of incorporation of the institute must be
11001 approved in a written agreement with the department ~~Enterprise~~
11002 ~~Florida, Inc.~~ The agreement and the articles of incorporation
11003 shall:



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11004 (a) Provide that the institute shall provide equal
11005 employment opportunities for all persons regardless of race,
11006 color, religion, gender, national origin, age, handicap, or
11007 marital status;

11008 (b) Provide that the institute is subject to the public
11009 records and meeting requirements of s. 24, Art. I of the State
11010 Constitution;

11011 (c) Provide that all officers, directors, and employees of
11012 the institute shall be governed by the code of ethics for public
11013 officers and employees as set forth in part III of chapter 112;

11014 (d) Provide that members of the board of directors of the
11015 institute are responsible for the prudent use of all public and
11016 private funds and that they will ensure that the use of funds is
11017 in accordance with all applicable laws, bylaws, and contractual
11018 requirements; and

11019 (e) Provide that the fiscal year of the institute is from
11020 July 1 to June 30.

11021 (4) The affairs of the institute shall be managed by a
11022 board of directors who shall serve without compensation. Each
11023 director shall have only one vote. The chair of the board of
11024 directors shall be selected by a majority vote of the directors,
11025 a quorum being present. The board of directors shall consist of
11026 the following five members:

11027 (a) The executive director of the department ~~chair of~~
11028 ~~Enterprise Florida, Inc.,~~ or the director's ~~chair's~~ designee.

11029 (b) The president of the university where the institute is
11030 located or the president's designee unless multiple universities
11031 jointly sponsor the institute, in which case the presidents of
11032 the sponsoring universities shall agree upon a designee.



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11033 (c) Three directors appointed by the Governor to 3-year
11034 staggered terms, to which the directors may be reappointed.

11035 (5) The board of directors shall provide a copy of the
11036 institute's annual report to the Governor, the President of the
11037 Senate, the Speaker of the House of Representatives, ~~Enterprise~~
11038 ~~Florida, Inc.~~, and the president of the university at which the
11039 institute is located.

11040 (6) The department ~~Enterprise Florida, Inc.~~, the president
11041 and the board of trustees of the university where the institute
11042 is located, the Auditor General, and the Office of Program
11043 Policy Analysis and Government Accountability may require and
11044 receive from the institute or its independent auditor any detail
11045 or supplemental data relative to the operation of the institute.

11046 Section 193. Subsections (3), (8), and (9) of section
11047 288.975, Florida Statutes, are amended to read:

11048 288.975 Military base reuse plans.—

11049 (3) No later than 6 months after the designation of a
11050 military base for closure by the Federal Government, each host
11051 local government shall notify the department ~~secretary of the~~
11052 ~~Department of Community Affairs and the director of the Office~~
11053 ~~of Tourism, Trade, and Economic Development~~ in writing, by hand
11054 delivery or return receipt requested, as to whether it intends
11055 to use the optional provisions provided in this act. If a host
11056 local government does not opt to use the provisions of this act,
11057 land use planning and regulation pertaining to base reuse
11058 activities within those host local governments shall be subject
11059 to all applicable statutory requirements, including those
11060 contained within chapters 163 and 380.

11061 (8) At the request of a host local government, the



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11062 ~~department Office of Tourism, Trade, and Economic Development~~
11063 shall coordinate a presubmission workshop concerning a military
11064 base reuse plan within the boundaries of the host jurisdiction.
11065 Agencies that shall participate in the workshop shall include
11066 any affected local governments; the Department of Environmental
11067 Protection; the ~~department Office of Tourism, Trade, and~~
11068 ~~Economic Development; the Department of Community Affairs;~~ the
11069 Department of Transportation; the Department of Health; the
11070 Department of Children and Family Services; the Department of
11071 Juvenile Justice; the Department of Agriculture and Consumer
11072 Services; the Department of State; the Fish and Wildlife
11073 Conservation Commission; and any applicable water management
11074 districts and regional planning councils. The purposes of the
11075 workshop shall be to assist the host local government to
11076 understand issues of concern to the above listed entities
11077 pertaining to the military base site and to identify
11078 opportunities for better coordination of planning and review
11079 efforts with the information and analyses generated by the
11080 federal environmental impact statement process and the federal
11081 community base reuse planning process.

11082 (9) If a host local government elects to use the optional
11083 provisions of this act, it shall, no later than 12 months after
11084 notifying the agencies of its intent pursuant to subsection (3)
11085 either:

11086 (a) Send a copy of the proposed military base reuse plan
11087 for review to any affected local governments; the Department of
11088 Environmental Protection; the ~~department Office of Tourism,~~
11089 ~~Trade, and Economic Development; the Department of Community~~
11090 ~~Affairs;~~ the Department of Transportation; the Department of



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11091 Health; the Department of Children and Family Services; the
11092 Department of Juvenile Justice; the Department of Agriculture
11093 and Consumer Services; the Department of State; the Fish and
11094 Wildlife Conservation Commission; and any applicable water
11095 management districts and regional planning councils, or
11096 (b) Petition the department ~~secretary of the Department of~~
11097 ~~Community Affairs~~ for an extension of the deadline for
11098 submitting a proposed reuse plan. Such an extension request must
11099 be justified by changes or delays in the closure process by the
11100 federal Department of Defense or for reasons otherwise deemed to
11101 promote the orderly and beneficial planning of the subject
11102 military base reuse. The department ~~secretary of the Department~~
11103 ~~of Community Affairs~~ may grant extensions to the required
11104 submission date of the reuse plan.
11105 Section 194. Paragraph (b) of subsection (1), paragraphs
11106 (a) and (c) of subsection (2) and subsections (3), (4), (5),
11107 (6), (7), and (9) of section 288.980, Florida Statutes, are
11108 amended to read:
11109 288.980 Military base retention; legislative intent; grants
11110 program.—
11111 (1)
11112 (b) The Florida Defense Alliance, an organization within
11113 Enterprise Florida, is designated as the organization to ensure
11114 that Florida, its resident military bases and missions, and its
11115 military host communities are in competitive positions as the
11116 United States continues its defense realignment and downsizing.
11117 The defense alliance shall serve as an overall advisory body for
11118 ~~Enterprise Florida~~ defense-related activity of Enterprise
11119 Florida, Inc. The Florida Defense Alliance may receive funding



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11120 from appropriations made for that purpose administered by the
11121 department ~~Office of Tourism, Trade, and Economic Development~~.

11122 (2) (a) The department ~~Office of Tourism, Trade, and~~
11123 ~~Economic Development~~ is authorized to award grants from any
11124 funds available to it to support activities related to the
11125 retention of military installations potentially affected by
11126 federal base closure or realignment.

11127 (c) Except for grants issued pursuant to the Florida
11128 Military Installation Reuse Planning and Marketing Grant Program
11129 as described in paragraph (3) (c), the amount of any grant
11130 provided to an applicant may not exceed \$250,000. The department
11131 ~~Office of Tourism, Trade, and Economic Development~~ shall require
11132 that an applicant:

11133 1. Represent a local government with a military
11134 installation or military installations that could be adversely
11135 affected by federal base realignment or closure.

11136 2. Agree to match at least 30 percent of any grant awarded.

11137 3. Prepare a coordinated program or plan of action
11138 delineating how the eligible project will be administered and
11139 accomplished.

11140 4. Provide documentation describing the potential for
11141 realignment or closure of a military installation located in the
11142 applicant's community and the adverse impacts such realignment
11143 or closure will have on the applicant's community.

11144 (3) The Florida Economic Reinvestment Initiative is
11145 established to respond to the need for this state and defense-
11146 dependent communities in this state to develop alternative
11147 economic diversification strategies to lessen reliance on
11148 national defense dollars in the wake of base closures and



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11149 reduced federal defense expenditures and the need to formulate
11150 specific base reuse plans and identify any specific
11151 infrastructure needed to facilitate reuse. The initiative shall
11152 consist of the following two ~~three~~ distinct grant programs to be
11153 administered by the department ~~Office of Tourism, Trade, and~~
11154 ~~Economic Development~~:

11155 (a) The Florida Defense Planning Grant Program, through
11156 which funds shall be used to analyze the extent to which the
11157 state is dependent on defense dollars and defense infrastructure
11158 and prepare alternative economic development strategies. The
11159 state shall work in conjunction with defense-dependent
11160 communities in developing strategies and approaches that will
11161 help communities make the transition from a defense economy to a
11162 nondefense economy. Grant awards may not exceed \$250,000 per
11163 applicant and shall be available on a competitive basis.

11164 (b) The Florida Defense Implementation Grant Program,
11165 through which funds shall be made available to defense-dependent
11166 communities to implement the diversification strategies
11167 developed pursuant to paragraph (a). Eligible applicants include
11168 defense-dependent counties and cities, and local economic
11169 development councils located within such communities. Grant
11170 awards may not exceed \$100,000 per applicant and shall be
11171 available on a competitive basis. Awards shall be matched on a
11172 one-to-one basis.

11173
11174 Applications for grants under this subsection must include a
11175 coordinated program of work or plan of action delineating how
11176 the eligible project will be administered and accomplished,
11177 which must include a plan for ensuring close cooperation between



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11178 civilian and military authorities in the conduct of the funded
11179 activities and a plan for public involvement.

11180 (4) The Defense Infrastructure Grant Program is created.
11181 The department ~~director of the Office of Tourism, Trade, and~~
11182 ~~Economic Development~~ shall coordinate and implement this
11183 program, the purpose of which is to support local infrastructure
11184 projects deemed to have a positive impact on the military value
11185 of installations within the state. Funds are to be used for
11186 projects that benefit both the local community and the military
11187 installation. It is not the intent, however, to fund on-base
11188 military construction projects. Infrastructure projects to be
11189 funded under this program include, but are not limited to, those
11190 related to encroachment, transportation and access, utilities,
11191 communications, housing, environment, and security. Grant
11192 requests will be accepted only from economic development
11193 applicants serving in the official capacity of a governing board
11194 of a county, municipality, special district, or state agency
11195 that will have the authority to maintain the project upon
11196 completion. An applicant must represent a community or county in
11197 which a military installation is located. There is no limit as
11198 to the amount of any grant awarded to an applicant. A match by
11199 the county or local community may be required. The department
11200 ~~Office of Tourism, Trade, and Economic Development~~ shall
11201 establish guidelines to implement the purpose of this
11202 subsection.

11203 (5) (a) The Defense-Related Business Adjustment Program is
11204 hereby created. The department ~~Director of the Office of~~
11205 ~~Tourism, Trade, and Economic Development~~ shall coordinate the
11206 development of the Defense-Related Business Adjustment Program.



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11207 Funds shall be available to assist defense-related companies in
11208 the creation of increased commercial technology development
11209 through investments in technology. Such technology must have a
11210 direct impact on critical state needs for the purpose of
11211 generating investment-grade technologies and encouraging the
11212 partnership of the private sector and government defense-related
11213 business adjustment. The following areas shall receive
11214 precedence in consideration for funding commercial technology
11215 development: law enforcement or corrections, environmental
11216 protection, transportation, education, and health care. Travel
11217 and costs incidental thereto, and staff salaries, are not
11218 considered an "activity" for which grant funds may be awarded.

11219 (b) The department ~~Office~~ shall require that an applicant:

11220 1. Be a defense-related business that could be adversely
11221 affected by federal base realignment or closure or reduced
11222 defense expenditures.

11223 2. Agree to match at least 50 percent of any funds awarded
11224 by the United States Department of Defense in cash or in-kind
11225 services. Such match shall be directly related to activities for
11226 which the funds are being sought.

11227 3. Prepare a coordinated program or plan delineating how
11228 the funds will be administered.

11229 4. Provide documentation describing how defense-related
11230 realignment or closure will adversely impact defense-related
11231 companies.

11232 (6) The Retention of Military Installations Program is
11233 created. The department ~~Director of the Office of Tourism,~~
11234 ~~Trade, and Economic Development~~ shall coordinate and implement
11235 this program. ~~The sum of \$1.2 million is appropriated from the~~



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11236 ~~General Revenue Fund for fiscal year 1999-2000 to the Office of~~
11237 ~~Tourism, Trade, and Economic Development to implement this~~
11238 ~~program for military installations located in counties with a~~
11239 ~~population greater than 824,000. The funds shall be used to~~
11240 ~~assist military installations potentially affected by federal~~
11241 ~~base closure or realignment in covering current operating costs~~
11242 ~~in an effort to retain the installation in this state. An~~
11243 ~~eligible military installation for this program shall include a~~
11244 ~~provider of simulation solutions for war-fighting~~
11245 ~~experimentation, testing, and training which employs at least~~
11246 ~~500 civilian and military employees and has been operating in~~
11247 ~~the state for a period of more than 10 years.~~

11248 (7) The department ~~director~~ may award nonfederal matching
11249 funds specifically appropriated for construction, maintenance,
11250 and analysis of a Florida defense workforce database. Such funds
11251 will be used to create a registry of worker skills that can be
11252 used to match the worker needs of companies that are relocating
11253 to this state or to assist workers in relocating to other areas
11254 within this state where similar or related employment is
11255 available.

11256 (9) The department ~~Office of Tourism, Trade, and Economic~~
11257 ~~Development~~ shall establish guidelines to implement and carry
11258 out the purpose and intent of this section.

11259 Section 195. Paragraphs (a), (e), and (f) of subsection (2)
11260 of section 288.984, Florida Statutes, are amended to read:

11261 288.984 Florida Council on Military Base and Mission
11262 Support.—The Florida Council on Military Base and Mission
11263 Support is established. The council shall provide oversight and
11264 direction for initiatives, claims, and actions taken on behalf



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11265 of the state, its agencies, and political subdivisions under
11266 this part.

11267 (2) MEMBERSHIP.—

11268 (a) The council shall be composed of nine members. The
11269 President of the Senate, the Speaker of the House of
11270 Representatives, and the Governor shall each appoint three
11271 members as follows:

11272 1. The President of the Senate shall appoint one member of
11273 the Senate, one community representative from a community-based
11274 defense support organization, and one member who is a retired
11275 military general or flag-rank officer residing in this state or
11276 an executive officer of a defense contracting firm doing
11277 significant business in this state.

11278 2. The Speaker of the House of Representatives shall
11279 appoint one member of the House of Representatives, one
11280 community representative from a community-based defense support
11281 organization, and one member who is a retired military general
11282 or flag-rank officer residing in this state or an executive
11283 officer of a defense contracting firm doing significant business
11284 in this state.

11285 3. The Governor shall appoint the executive director of the
11286 department or the director's designee, a board member of
11287 Enterprise Florida, Inc., ~~director or designee of the Office of~~
11288 ~~Tourism, Trade, and Economic Development, the vice chairperson~~
11289 ~~or designee of Enterprise Florida, Inc.,~~ and one at-large
11290 member.

11291 (e) The department ~~Office of Tourism, Trade, and Economic~~
11292 ~~Development~~ shall provide administrative support to the council.

11293 (f) The ~~Secretary of Community Affairs or his or her~~



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11294 ~~designee,~~ the Secretary of Environmental Protection or his or
11295 her designee, the Secretary of Transportation or his or her
11296 designee, the Adjutant General of the state or his or her
11297 designee, and the executive director of the Department of
11298 Veterans' Affairs or his or her designee shall attend meetings
11299 held by the council and provide assistance, information, and
11300 support as requested by the council.

11301 Section 196. Subsections (2) and (5) and paragraph (b) of
11302 subsection (9) of section 288.9913, Florida Statutes, are
11303 amended, and present subsections (3) through (10) of that
11304 section are renumbered as subsections (2) through (8),
11305 respectively, to read:

11306 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
11307 term:

11308 ~~(2) "Department" means the Department of Revenue.~~

11309 ~~(5) "Office" means the Office of Tourism, Trade, and
11310 Economic Development.~~

11311 ~~(7)-(9)~~ (7) "Qualified investment" means an equity investment
11312 in, or a long-term debt security issued by, a qualified
11313 community development entity that:

11314 (b) Is designated by the qualified community development
11315 entity as a qualified investment under this paragraph and is
11316 approved by the department ~~office~~ as a qualified investment.

11317 Section 197. Subsections (1), (2), and (3), paragraphs (a)
11318 and (b) of subsection (4), and subsection (6) of section
11319 288.9914, Florida Statutes, are amended to read:

11320 288.9914 Certification of qualified investments; investment
11321 issuance reporting.—

11322 (1) ELIGIBLE INDUSTRIES.—



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11323 (a) The department office, in consultation with Enterprise
11324 Florida, Inc., shall designate industries using the North
11325 American Industry Classification System which are eligible to
11326 receive low-income community investments. The designated
11327 industries must be those industries that have the greatest
11328 potential to create strong positive impacts on or benefits to
11329 the state, regional, and local economies.

11330 (b) A qualified community development entity may not make a
11331 qualified low-income community investment in a business unless
11332 the principal activities of the business are within an eligible
11333 industry. The department office may waive this limitation if the
11334 department office determines that the investment will have a
11335 positive impact on a community.

11336 (2) APPLICATION.—A qualified community development entity
11337 must submit an application to the department Office to approve a
11338 proposed investment as a qualified investment. The application
11339 must include:

11340 (a) The name, address, and tax identification number of the
11341 qualified community development entity.

11342 (b) Proof of certification as a qualified community
11343 development entity under 26 U.S.C. s. 45D.

11344 (c) A copy of an allocation agreement executed by the
11345 entity, or its controlling entity, and the Community Development
11346 Financial Institutions Fund, which authorizes the entity to
11347 serve businesses in this state.

11348 (d) A verified statement by the chief executive officer of
11349 the entity that the allocation agreement remains in effect.

11350 (e) A description of the proposed amount, structure, and
11351 purchaser of an equity investment or long-term debt security.



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- 11352 (f) The name and tax identification number of any person
11353 authorized to claim a tax credit earned as a result of the
11354 purchase of the proposed qualified investment.
- 11355 (g) A detailed explanation of the proposed use of the
11356 proceeds from a proposed qualified investment.
- 11357 (h) A nonrefundable application fee of \$1,000, payable to
11358 the department office.
- 11359 (i) A statement that the entity will invest only in the
11360 industries designated by the department office.
- 11361 (j) The entity's plans for the development of relationships
11362 with community-based organizations, local community development
11363 offices and organizations, and economic development
11364 organizations. The entity must also explain steps it has taken
11365 to implement its plans to develop these relationships.
- 11366 (k) A statement that the entity will not invest in a
11367 qualified active low-income community business unless the
11368 business will create or retain jobs that pay an average wage of
11369 at least 115 percent of the federal poverty income guidelines
11370 for a family of four.
- 11371 (3) REVIEW.—
- 11372 (a) The department office shall review applications to
11373 approve an investment as a qualified investment in the order
11374 received. The department office shall approve or deny an
11375 application within 30 days after receipt.
- 11376 (b) If the department office intends to deny the
11377 application, the department office shall inform the applicant of
11378 the basis of the proposed denial. The applicant shall have 15
11379 days after it receives the notice of the intent to deny the
11380 application to submit a revised application to the department



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11381 ~~office~~. The department ~~office~~ shall issue a final order
11382 approving or denying the revised application within 30 days
11383 after receipt.

11384 (c) The department ~~office~~ may not approve a cumulative
11385 amount of qualified investments that may result in the claim of
11386 more than \$97.5 million in tax credits during the existence of
11387 the program or more than \$20 million in tax credits in a single
11388 state fiscal year. However, the potential for a taxpayer to
11389 carry forward an unused tax credit may not be considered in
11390 calculating the annual limit.

11391 (4) APPROVAL.—

11392 (a) The department ~~office~~ shall provide a copy of the final
11393 order approving an investment as a qualified investment to the
11394 qualified community development entity and to the Department of
11395 Revenue. The notice shall include the identity of the taxpayers
11396 who are eligible to claim the tax credits and the amount that
11397 may be claimed by each taxpayer.

11398 (b) The department ~~office~~ shall approve an application for
11399 part of the amount of the proposed investment if the amount of
11400 tax credits available is insufficient.

11401 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
11402 qualified community development entity must provide the
11403 department ~~office~~ with evidence of the receipt of the cash in
11404 exchange for the qualified investment within 30 business days
11405 after receipt.

11406 Section 198. Subsection (2) of section 288.9916, Florida
11407 Statutes, is amended to read:

11408 288.9916 New markets tax credit.—

11409 (2) A tax credit earned under this section may not be sold



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11410 or transferred, except as provided in this subsection.

11411 (a) A partner, member, or shareholder of a partnership,
11412 limited liability company, S-corporation, or other "pass-
11413 through" entity may claim the tax credit pursuant to an
11414 agreement among the partners, members, or shareholders. Any
11415 change in the allocation of a tax credit under the agreement
11416 must be reported to the department office and to the Department
11417 of Revenue.

11418 (b) Eligibility to claim a tax credit transfers to
11419 subsequent purchasers of a qualified investment. Such transfers
11420 must be reported to the department office and to the Department
11421 of Revenue along with the identity, tax identification number,
11422 and tax credit amount allocated to a taxpayer pursuant to
11423 paragraph (a). The notice of transfer also must state whether
11424 unused tax credits are being transferred and the amount of
11425 unused tax credits being transferred.

11426 Section 199. Section 288.9917, Florida Statutes, is amended
11427 to read:

11428 288.9917 Community development entity reporting after a
11429 credit allowance date; certification of tax credit amount.—

11430 (1) A qualified community development entity that has
11431 issued a qualified investment shall submit the following to the
11432 department office within 30 days after each credit allowance
11433 date:

11434 (a) A list of all qualified active low-income community
11435 businesses in which a qualified low-income community investment
11436 was made since the last credit allowance date. The list shall
11437 also describe the type and amount of investment in each business
11438 and the address of the principal location of each business. The



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11439 list must be verified by the chief executive officer of the
11440 community development entity.

11441 (b) Bank records, wire transfer records, or similar
11442 documents that provide evidence of the qualified low-income
11443 community investments made since the last credit allowance date.

11444 (c) A verified statement by the chief financial or
11445 accounting officer of the community development entity that no
11446 redemption or principal repayment was made with respect to the
11447 qualified investment since the previous credit allowance date.

11448 (d) Information relating to the recapture of the federal
11449 new markets tax credit since the last credit allowance date.

11450 (2) The department ~~office~~ shall certify in writing to the
11451 qualified community development entity and to the Department of of
11452 Revenue the amount of the tax credit authorized for each
11453 taxpayer eligible to claim the tax credit in the tax year
11454 containing the last credit allowance date.

11455 Section 200. Section 288.9918, Florida Statutes, is amended
11456 to read:

11457 288.9918 Annual reporting by a community development
11458 entity.—A community development entity that has issued a
11459 qualified investment shall submit an annual report to the
11460 department ~~office~~ by April 30 after the end of each year which
11461 includes a credit allowance date. The report shall include:

11462 (1) The entity's annual financial statements for the
11463 preceding tax year, audited by an independent certified public
11464 accountant.

11465 (2) The identity of the types of industries, identified by
11466 the North American Industry Classification System Code, in which
11467 qualified low-income community investments were made.



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11468 (3) The names of the counties in which the qualified active
11469 low-income businesses are located which received qualified low-
11470 income community investments.

11471 (4) The number of jobs created and retained by qualified
11472 active low-income community businesses receiving qualified low-
11473 income community investments, including verification that the
11474 average wages paid meet or exceed 115 percent of the federal
11475 poverty income guidelines for a family of four.

11476 (5) A description of the relationships that the entity has
11477 established with community-based organizations and local
11478 community development offices and organizations and a summary of
11479 the outcomes resulting from those relationships.

11480 (6) Other information and documentation required by the
11481 department office to verify continued certification as a
11482 qualified community development entity under 26 U.S.C. s. 45D.

11483 Section 201. Section 288.9919, Florida Statutes, is amended
11484 to read:

11485 288.9919 Audits and examinations; penalties.—

11486 (1) AUDITS.—A community development entity that issues an
11487 investment approved by the department office as a qualified
11488 investment shall be deemed a recipient of state financial
11489 assistance under s. 215.97, the Florida Single Audit Act.
11490 However, an entity that makes a qualified investment or receives
11491 a qualified low-income community investment is not a
11492 subrecipient for the purposes of s. 215.97.

11493 (2) EXAMINATIONS.—The department office may conduct
11494 examinations to verify compliance with the New Markets
11495 Development Program Act.

11496 Section 202. Section 288.9920, Florida Statutes, is amended



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11497 to read:

11498 288.9920 Recapture and penalties.—

11499 (1) Notwithstanding s. 95.091, the department ~~office~~ shall
11500 direct the Department of Revenue, at any time before December
11501 31, 2022, to recapture all or a portion of a tax credit
11502 authorized pursuant to the New Markets Development Program Act
11503 if one or more of the following occur:

11504 (a) The Federal Government recaptures any portion of the
11505 federal new markets tax credit. The recapture by the Department
11506 of Revenue shall equal the recapture by the Federal Government.

11507 (b) The qualified community development entity redeems or
11508 makes a principal repayment on a qualified investment before the
11509 final allowance date. The recapture by the Department of Revenue
11510 shall equal the redemption or principal repayment divided by the
11511 purchase price and multiplied by the tax credit authorized to a
11512 taxpayer for the qualified investment.

11513 (c)1. The qualified community development entity fails to
11514 invest at least 85 percent of the purchase price in qualified
11515 low-income community investments within 12 months after the
11516 issuance of a qualified investment; or

11517 2. The qualified community development entity fails to
11518 maintain 85 percent of the purchase price in qualified low-
11519 income community investments until the last credit allowance
11520 date for a qualified investment.

11521
11522 For the purposes of this paragraph, an investment by a qualified
11523 community development entity includes principal recovered from
11524 an investment for 12 months after its recovery or principal
11525 recovered after the sixth credit allowance date. Principal held



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11526 for longer than 12 months or recovered before the sixth credit
11527 allowance date is not an investment unless it is reinvested in a
11528 qualified low-income community investment.

11529 (d) The qualified community development entity fails to
11530 provide the department ~~office~~ with information, reports, or
11531 documentation required by the New Markets Development Program
11532 Act.

11533 (e) The department ~~office~~ determines that a taxpayer
11534 received tax credits to which the taxpayer was not entitled.

11535 (2) The department ~~office~~ shall provide notice to the
11536 qualified community development entity and the Department of
11537 Revenue of a proposed recapture of a tax credit. The entity
11538 shall have 6 months following the receipt of the notice to cure
11539 a deficiency identified in the notice and avoid recapture. The
11540 department ~~office~~ shall issue a final order of recapture if the
11541 entity fails to cure a deficiency within the 6-month period. The
11542 final order of recapture shall be provided to the entity, the
11543 Department of Revenue, and a taxpayer otherwise authorized to
11544 claim the tax credit. Only one correction is permitted for each
11545 qualified equity investment during the 7-year credit period.
11546 Recaptured funds shall be deposited into the General Revenue
11547 Fund.

11548 (3) An entity that submits fraudulent information to the
11549 department ~~office~~ is liable for the costs associated with the
11550 investigation and prosecution of the fraudulent claim plus a
11551 penalty in an amount equal to double the tax credits claimed by
11552 investors in the entity's qualified investments. This penalty is
11553 in addition to any other penalty that may be imposed by law.

11554 Section 203. Section 288.9921, Florida Statutes, is amended



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11555 to read:

11556 288.9921 Rulemaking.—The Department of Economic Opportunity
11557 ~~Office~~ and the Department of Revenue may adopt rules pursuant to
11558 ss. 120.536(1) and 120.54 to administer ss. 288.991-288.9920.

11559 Section 204. Section 290.004, Florida Statutes, is amended
11560 to read:

11561 290.004 Definitions relating to Florida Enterprise Zone
11562 Act.—As used in ss. 290.001-290.016:

11563 (1) "Community investment corporation" means a black
11564 business investment corporation, a certified development
11565 corporation, a small business investment corporation, or other
11566 similar entity incorporated under Florida law that has limited
11567 its investment policy to making investments solely in minority
11568 business enterprises.

11569 (2) "Department" means the Department of Economic
11570 Opportunity.

11571 ~~(2) "Director" means the director of the Office of Tourism,~~
11572 ~~Trade, and Economic Development.~~

11573 (3) "Governing body" means the council or other legislative
11574 body charged with governing the county or municipality.

11575 (4) "Minority business enterprise" has the same meaning as
11576 provided in s. 288.703.

11577 ~~(5) "Office" means the Office of Tourism, Trade, and~~
11578 ~~Economic Development.~~

11579 (5) ~~(6)~~ "Rural enterprise zone" means an enterprise zone
11580 that is nominated by a county having a population of 75,000 or
11581 fewer, or a county having a population of 100,000 or fewer which
11582 is contiguous to a county having a population of 75,000 or
11583 fewer, or by a municipality in such a county, or by such a



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11584 county and one or more municipalities. An enterprise zone
11585 designated in accordance with s. 290.0065(5)(b) ~~or s. 379.2353~~
11586 is considered to be a rural enterprise zone.

11587 (6)~~(7)~~ "Small business" has the same meaning as provided in
11588 s. 288.703.

11589 Section 205. Subsection (1) and paragraphs (a) and (b) of
11590 subsection (6) of section 290.0055, Florida Statutes, are
11591 amended to read:

11592 290.0055 Local nominating procedure.—

11593 (1) If, pursuant to s. 290.0065, an opportunity exists for
11594 designation of a new enterprise zone, any county or
11595 municipality, or a county and one or more municipalities
11596 together, may apply to the department ~~office~~ for the designation
11597 of an area as an enterprise zone after completion of the
11598 following:

11599 (a) The adoption by the governing body or bodies of a
11600 resolution which:

11601 1. Finds that an area exists in such county or
11602 municipality, or in both the county and one or more
11603 municipalities, which chronically exhibits extreme and
11604 unacceptable levels of poverty, unemployment, physical
11605 deterioration, and economic disinvestment;

11606 2. Determines that the rehabilitation, conservation, or
11607 redevelopment, or a combination thereof, of such area is
11608 necessary in the interest of the public health, safety, and
11609 welfare of the residents of such county or municipality, or such
11610 county and one or more municipalities; and

11611 3. Determines that the revitalization of such area can
11612 occur only if the private sector can be induced to invest its



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11613 own resources in productive enterprises that build or rebuild
11614 the economic viability of the area.

11615 (b) The creation of an enterprise zone development agency
11616 pursuant to s. 290.0056.

11617 (c) The creation and adoption of a strategic plan pursuant
11618 to s. 290.0057.

11619 (6) (a) The department ~~office~~ may approve a change in the
11620 boundary of any enterprise zone which was designated pursuant to
11621 s. 290.0065. A boundary change must continue to satisfy the
11622 requirements of subsections (3), (4), and (5).

11623 (b) Upon a recommendation by the enterprise zone
11624 development agency, the governing body of the jurisdiction which
11625 authorized the application for an enterprise zone may apply to
11626 the department ~~office~~ for a change in boundary once every 3
11627 years by adopting a resolution that:

11628 1. States with particularity the reasons for the change;
11629 and

11630 2. Describes specifically and, to the extent required by
11631 the department ~~office~~, the boundary change to be made.

11632 Section 206. Paragraph (h) of subsection (8) and
11633 subsections (11) and (12) of section 290.0056, Florida Statutes,
11634 are amended to read:

11635 290.0056 Enterprise zone development agency.—

11636 (8) The enterprise zone development agency shall have the
11637 following powers and responsibilities:

11638 (h) To work with the department and Enterprise Florida,
11639 Inc., ~~and the office~~ to ensure that the enterprise zone
11640 coordinator receives training on an annual basis.

11641 (11) Before ~~Prior to~~ December 1 of each year, the agency



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11642 shall submit to the department ~~Office of Tourism, Trade, and~~
11643 ~~Economic Development~~ a complete and detailed written report
11644 setting forth:

11645 (a) Its operations and accomplishments during the fiscal
11646 year.

11647 (b) The accomplishments and progress concerning the
11648 implementation of the strategic plan or measurable goals, and
11649 any updates to the strategic plan or measurable goals.

11650 (c) The number and type of businesses assisted by the
11651 agency during the fiscal year.

11652 (d) The number of jobs created within the enterprise zone
11653 during the fiscal year.

11654 (e) The usage and revenue impact of state and local
11655 incentives granted during the calendar year.

11656 (f) Any other information required by the department
11657 ~~office~~.

11658 (12) In the event that the nominated area selected by the
11659 governing body is not designated a state enterprise zone, the
11660 governing body may dissolve the agency after receiving
11661 notification from the department ~~office~~ that the area was not
11662 designated as an enterprise zone.

11663 Section 207. Subsections (1) and (5) of section 290.0058,
11664 Florida Statutes, are amended to read:

11665 290.0058 Determination of pervasive poverty, unemployment,
11666 and general distress.—

11667 (1) In determining whether an area suffers from pervasive
11668 poverty, unemployment, and general distress, for purposes of ss.
11669 290.0055 and 290.0065, the governing body and the department
11670 ~~office~~ shall use data from the most current decennial census,



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11671 and from information published by the Bureau of the Census and
11672 the Bureau of Labor Statistics. The data shall be comparable in
11673 point or period of time and methodology employed.

11674 (5) In making the calculations required by this section,
11675 the local government and the department ~~office~~ shall round all
11676 fractional percentages of one-half percent or more up to the
11677 next highest whole percentage figure.

11678 Section 208. Subsections (2), (4), and (5), paragraph (a)
11679 of subsection (6), and subsection (7) of section 290.0065,
11680 Florida Statutes, are amended to read:

11681 290.0065 State designation of enterprise zones.-

11682 (2) If, pursuant to subsection (4), the department ~~office~~
11683 does not redesignate an enterprise zone, a governing body of a
11684 county or municipality or the governing bodies of a county and
11685 one or more municipalities jointly, pursuant to s. 290.0055, may
11686 apply for designation of an enterprise zone to take the place of
11687 the enterprise zone not redesignated and request designation of
11688 an enterprise zone. The department ~~Office, in consultation with~~
11689 ~~Enterprise Florida, Inc.,~~ shall determine which areas nominated
11690 by such governing bodies meet the criteria outlined in s.
11691 290.0055 and are the most appropriate for designation as state
11692 enterprise zones. Each application made pursuant to s. 290.0055
11693 shall be ranked competitively based on the pervasive poverty,
11694 unemployment, and general distress of the area; the strategic
11695 plan, including local fiscal and regulatory incentives, prepared
11696 pursuant to s. 290.0057; and the prospects for new investment
11697 and economic development in the area. Pervasive poverty,
11698 unemployment, and general distress shall be weighted 35 percent;
11699 strategic plan and local fiscal and regulatory incentives shall



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11700 be weighted 40 percent; and prospects for new investment and
11701 economic development in the area shall be weighted 25 percent.

11702 (4) (a) Notwithstanding s. 290.0055, the department ~~office~~
11703 may redesignate any state enterprise zone having an effective
11704 date on or before January 1, 2005, as a state enterprise zone
11705 upon completion and submittal to the office by the governing
11706 body for an enterprise zone of the following:

11707 1. An updated zone profile for the enterprise zone based on
11708 the most recent census data that complies with s. 290.0055,
11709 except that pervasive poverty criteria may be set aside for
11710 rural enterprise zones.

11711 2. A resolution passed by the governing body for that
11712 enterprise zone requesting redesignation and explaining the
11713 reasons the conditions of the zone merit redesignation.

11714 3. Measurable goals for the enterprise zone developed by
11715 the enterprise zone development agency, which may be the goals
11716 established in the enterprise zone's strategic plan.

11717
11718 The governing body may also submit a request for a boundary
11719 change in an enterprise zone in the same application to the
11720 department ~~office~~ as long as the new area complies with the
11721 requirements of s. 290.0055, except that pervasive poverty
11722 criteria may be set aside for rural enterprise zones.

11723 (b) In consultation with Enterprise Florida, Inc., the
11724 department ~~office~~ shall, based on the enterprise zone profile
11725 and the grounds for redesignation expressed in the resolution,
11726 determine whether the enterprise zone merits redesignation. The
11727 department ~~office~~ may also examine and consider the following:

11728 1. Progress made, if any, in the enterprise zone's



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11729 strategic plan.
11730 2. Use of enterprise zone incentives during the life of the
11731 enterprise zone.

11732
11733 If the department ~~office~~ determines that the enterprise zone
11734 merits redesignation, the department ~~office~~ shall notify the
11735 governing body in writing of its approval of redesignation.

11736 (c) If the enterprise zone is redesignated, the department
11737 ~~office~~ shall determine if the measurable goals submitted are
11738 reasonable. If the department ~~office~~ determines that the goals
11739 are reasonable, it ~~the office~~ shall notify the governing body in
11740 writing that the goals have been approved.

11741 (d) If the department ~~office~~ denies redesignation of an
11742 enterprise zone, it ~~the Office~~ shall notify the governing body
11743 in writing of the denial. Any county or municipality having
11744 jurisdiction over an area denied redesignation as a state
11745 enterprise zone pursuant to this subsection may not apply for
11746 designation of that area for 1 year following the date of
11747 denial.

11748 (5) Notwithstanding s. 290.0055, an area designated as a
11749 federal empowerment zone or enterprise community pursuant to
11750 Title XIII of the Omnibus Budget Reconciliation Act of 1993, the
11751 Taxpayer Relief Act of 1997, or the 1999 Agricultural
11752 Appropriations Act shall be designated a state enterprise zone
11753 as follows:

11754 (a) An area designated as an urban empowerment zone or
11755 urban enterprise community pursuant to Title XIII of the Omnibus
11756 Budget Reconciliation Act of 1993, the Taxpayer Relief Act of
11757 1997, or the 2000 Community Renewal Tax Relief Act shall be



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11758 redesignated a state enterprise zone by the department office
11759 upon completion of the requirements set out in paragraph (d),
11760 except in the case of a county as defined in s. 125.011(1)
11761 which, notwithstanding s. 290.0055, may incorporate and include
11762 such designated urban empowerment zone or urban enterprise
11763 community areas within the boundaries of its state enterprise
11764 zones without any limitation as to size.

11765 (b) An area designated as a rural empowerment zone or rural
11766 enterprise community pursuant to Title XIII of the Omnibus
11767 Budget Reconciliation Act of 1993 or the 1999 Agricultural
11768 Appropriations Act shall be redesignated a state rural
11769 enterprise zone by the department office upon completion of the
11770 requirements set out in paragraph (d) and may incorporate and
11771 include such designated rural empowerment zone or rural
11772 enterprise community within the boundaries of its state
11773 enterprise zones without any limitation as to size.

11774 (c) Any county or municipality having jurisdiction over an
11775 area redesignated as a state enterprise zone pursuant to this
11776 subsection, other than a county defined in s. 125.011(1), may
11777 not apply for designation of another area.

11778 (d) ~~Before~~ ~~Prior to~~ redesignating such areas as state
11779 enterprise zones, the department office shall ensure that the
11780 governing body having jurisdiction over the zone submits the
11781 information required under paragraph (4) (a) for redesignation to
11782 the department office.

11783 (6) (a) The department office, ~~in consultation with~~
11784 ~~Enterprise Florida, Inc.~~, may develop guidelines necessary for
11785 the approval of areas under this section by the executive
11786 director.



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11787 (7) Upon approval by the department ~~director~~ of a
11788 resolution authorizing an area to be an enterprise zone pursuant
11789 to this section, the department ~~office~~ shall assign a unique
11790 identifying number to that resolution. The department ~~office~~
11791 shall provide the Department of Revenue and Enterprise Florida,
11792 Inc., with a copy of each resolution approved, together with its
11793 identifying number.

11794 Section 209. Subsection (1) of section 290.0066, Florida
11795 Statutes, is amended to read:

11796 290.0066 Revocation of enterprise zone designation.—

11797 (1) The department ~~director~~ may revoke the designation of
11798 an enterprise zone if the department ~~director~~ determines that
11799 the governing body or bodies:

11800 (a) Have failed to make progress in achieving the
11801 benchmarks set forth in the strategic plan or measurable goals;
11802 or

11803 (b) Have not complied substantially with the strategic plan
11804 or measurable goals.

11805 Section 210. Section 290.00710, Florida Statutes, is
11806 amended to read:

11807 290.00710 Enterprise zone designation for the City of
11808 Lakeland.—The City of Lakeland may apply to the department
11809 ~~Office of Tourism, Trade, and Economic Development~~ for
11810 designation of one enterprise zone for an area within the City
11811 of Lakeland, which zone shall encompass an area up to 10 square
11812 miles. ~~The application must be submitted by December 31, 2005,~~
11813 ~~and must comply with the requirements of s. 290.0055.~~

11814 Notwithstanding s. 290.0065, limiting the total number of
11815 enterprise zones designated and the number of enterprise zones



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11816 within a population category, the department ~~Office of Tourism,~~
11817 ~~Trade, and Economic Development~~ may designate one enterprise
11818 zone under this section. The department ~~Office of Tourism,~~
11819 ~~Trade, and Economic Development~~ shall establish the initial
11820 effective date of the enterprise zone designated pursuant to
11821 this section.

11822 Section 211. Section 290.0072, Florida Statutes, is amended
11823 to read:

11824 290.0072 Enterprise zone designation for the City of Winter
11825 Haven.—The City of Winter Haven may apply to the department
11826 ~~Office of Tourism, Trade, and Economic Development~~ for
11827 designation of one enterprise zone for an area within the City
11828 of Winter Haven, which zone shall encompass an area up to 5
11829 square miles. Notwithstanding s. 290.0065 limiting the total
11830 number of enterprise zones designated and the number of
11831 enterprise zones within a population category, the department
11832 ~~office of Tourism, Trade, and Economic Development~~ may designate
11833 one enterprise zone under this section. The department ~~Office of~~
11834 ~~Tourism, Trade, and Economic Development~~ shall establish the
11835 initial effective date of the enterprise zone designated
11836 pursuant to this section.

11837 Section 212. Section 290.00725, Florida Statutes, is
11838 amended to read:

11839 290.00725 Enterprise zone designation for the City of
11840 Ocala.—The City of Ocala may apply to the department ~~Office of~~
11841 ~~Tourism, Trade, and Economic Development~~ for designation of one
11842 enterprise zone for an area within the western portion of the
11843 city, which zone shall encompass an area up to 5 square miles.
11844 ~~The application must be submitted by December 31, 2009, and must~~



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11845 ~~comply with the requirements of s. 290.0055.~~ Notwithstanding s.
11846 290.0065 limiting the total number of enterprise zones
11847 designated and the number of enterprise zones within a
11848 population category, the department ~~Office of Tourism, Trade,~~
11849 ~~and Economic Development~~ may designate one enterprise zone under
11850 this section. The department ~~Office of Tourism, Trade, and~~
11851 ~~Economic Development~~ shall establish the initial effective date
11852 of the enterprise zone designated under this section.

11853 Section 213. Section 290.0073, Florida Statutes, is amended
11854 to read:

11855 290.0073 Enterprise zone designation for Indian River
11856 County, the City of Vero Beach, and the City of Sebastian.—
11857 Indian River County, the City of Vero Beach, and the City of
11858 Sebastian may jointly apply to the department ~~Office of Tourism,~~
11859 ~~Trade, and Economic Development~~ for designation of one
11860 enterprise zone encompassing an area not to exceed 10 square
11861 miles. ~~The application must be submitted by December 31, 2005,~~
11862 ~~and must comply with the requirements of s. 290.0055.~~

11863 Notwithstanding the provisions of s. 290.0065 limiting the total
11864 number of enterprise zones designated and the number of
11865 enterprise zones within a population category, the department
11866 ~~Office of Tourism, Trade, and Economic Development~~ may designate
11867 one enterprise zone under this section. The department ~~Office of~~
11868 ~~Tourism, Trade, and Economic Development~~ shall establish the
11869 initial effective date of the enterprise zone designated
11870 pursuant to this section.

11871 Section 214. Section 290.0074, Florida Statutes, is amended
11872 to read:

11873 290.0074 Enterprise zone designation for Sumter County.—



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11874 Sumter County may apply to the department ~~Office of Tourism,~~
11875 ~~Trade, and Economic Development~~ for designation of one
11876 enterprise zone encompassing an area not to exceed 10 square
11877 miles. The application must be submitted by December 31, 2005.
11878 Notwithstanding the provisions of s. 290.0065 limiting the total
11879 number of enterprise zones designated and the number of
11880 enterprise zones within a population category, the department
11881 ~~Office of Tourism, Trade, and Economic Development~~ may designate
11882 one enterprise zone under this section. The department ~~Office of~~
11883 ~~Tourism, Trade and Economic Development~~ shall establish the
11884 initial effective date of the enterprise zone designated
11885 pursuant to this section.

11886 Section 215. Section 290.0077, Florida Statutes, is amended
11887 to read:

11888 290.0077 Enterprise zone designation for Orange County and
11889 the municipality of Apopka.—Orange County and the municipality
11890 of Apopka may jointly apply to the department ~~Office of Tourism,~~
11891 ~~Trade, and Economic Development~~ for designation of one
11892 enterprise zone. ~~The application must be submitted by December~~
11893 ~~31, 2005, and must comply with the requirements of s. 290.0055.~~
11894 Notwithstanding the provisions of s. 290.0065 limiting the total
11895 number of enterprise zones designated and the number of
11896 enterprise zones within a population category, the department
11897 ~~Office of Tourism, Trade, and Economic Development~~ may designate
11898 one enterprise zone under this section. The department ~~Office of~~
11899 ~~Tourism, Trade, and Economic Development~~ shall establish the
11900 initial effective date of the enterprise zone designated
11901 pursuant to this section.

11902 Section 216. Section 290.014, Florida Statutes, is amended



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11903 to read:

11904 290.014 Annual reports on enterprise zones.—

11905 (1) By February 1 of each year, the Department of Revenue
11906 shall submit an annual report to the department ~~Office of~~
11907 ~~Tourism, Trade, and Economic Development~~ detailing the usage and
11908 revenue impact by county of the state incentives listed in s.
11909 290.007.

11910 (2) By March 1 of each year, the department ~~office~~ shall
11911 submit an annual report to the Governor, the Speaker of the
11912 House of Representatives, and the President of the Senate. The
11913 report shall include the information provided by the Department
11914 of Revenue pursuant to subsection (1) and the information
11915 provided by enterprise zone development agencies pursuant to s.
11916 290.0056. In addition, the report shall include an analysis of
11917 the activities and accomplishments of each enterprise zone.

11918 Section 217. Subsections (3) and (6) of section 290.042,
11919 Florida Statutes, are amended to read:

11920 290.042 Definitions relating to Florida Small Cities
11921 Community Development Block Grant Program Act.—As used in ss.
11922 290.0401-290.049, the term:

11923 (3) "Department" means the Department of Economic
11924 Opportunity ~~Community Affairs~~.

11925 (6) "Person of low or moderate income" means any person who
11926 meets the definition established by the department ~~of Community~~
11927 ~~Affairs~~ in accordance with the guidelines established in Title I
11928 of the Housing and Community Development Act of 1974, as
11929 amended.

11930 Section 218. Section 290.043, Florida Statutes, is amended
11931 to read:



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11932 290.043 Florida Small Cities Community Development Block
11933 Grant Program; administration.—There is created the Florida
11934 Small Cities Community Development Block Grant Program. The
11935 department ~~of Community Affairs~~ shall administer the program as
11936 authorized and described in Title I of the Housing and Community
11937 Development Act of 1974, as amended; Pub. L. No. 93-383, as
11938 amended by Pub. L. No. 96-399 and Pub. L. No. 97-35; 42 U.S.C.
11939 ss. 5301 et seq.

11940 Section 219. Subsection (4) of section 290.043, Florida
11941 Statutes, is amended to read:

11942 290.044 Florida Small Cities Community Development Block
11943 Grant Program Fund; administration; distribution.—

11944 (4) The department may set aside an amount of up to 5
11945 percent of the funds annually for use in any eligible local
11946 government jurisdiction for which an emergency or natural
11947 disaster has been declared by executive order. Such funds may
11948 only be provided to a local government to fund eligible
11949 emergency-related activities for which no other source of
11950 federal, state, or local disaster funds is available. The
11951 department may provide for such set-aside by rule. In the last
11952 quarter of the state fiscal year, any funds not allocated under
11953 the emergency-related set-aside ~~shall be used to fully fund any~~
11954 ~~applications which were partially funded due to inadequate funds~~
11955 ~~in the most recently completed neighborhood revitalization~~
11956 ~~category funding cycle, and then any remaining funds shall be~~
11957 distributed to ~~the next~~ unfunded applications from the most
11958 recent funding cycle.

11959 Section 220. Subsection (6) of section 290.046, Florida
11960 Statutes, is amended to read:



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11961 290.046 Applications for grants; procedures; requirements.-

11962 (6) The local government shall establish a citizen advisory
11963 task force composed of citizens in the jurisdiction in which the
11964 proposed project is to be implemented to provide input relative
11965 to all phases of the project process. The local government must
11966 obtain consent from the department ~~of Community Affairs~~ for any
11967 other type of citizen participation plan upon a showing that
11968 such plan is better suited to secure citizen participation for
11969 that locality.

11970 Section 221. Subsection (2) of section 290.047, Florida
11971 Statutes, is amended to read:

11972 290.047 Establishment of grant ceilings and maximum
11973 administrative cost percentages; elimination of population bias;
11974 loans in default.-

11975 (2) The department shall establish grant ceilings for each
11976 program category by rule. ~~These ceilings shall bear some~~
11977 ~~relationship to an applicant's total population or its~~
11978 ~~population living below the federal poverty level. Population~~
11979 ~~ranges may be used in establishing these ceilings. In no case,~~
11980 ~~however, may a grant ceiling be set above \$750,000 or below~~
11981 ~~\$300,000.~~

11982 Section 222. Section 290.048, Florida Statutes, is amended
11983 to read:

11984 290.048 General powers of department ~~of Community Affairs~~
11985 under ss. 290.0401-290.049.-The department has all the powers
11986 necessary or appropriate to carry out the purposes and
11987 provisions of the program, including the power to:

11988 (1) Make contracts and agreements with the Federal
11989 Government; other agencies of the state; any other public



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11990 agency; or any other public person, association, corporation,
11991 local government, or entity in exercising its powers and
11992 performing its duties under ss. 290.0401-290.049.

11993 (2) Seek and accept funding from any public or private
11994 source.

11995 (3) Adopt and enforce rules not inconsistent with ss.
11996 290.0401-290.049 for the administration of the fund.

11997 (4) Assist in training employees of local governing
11998 authorities to help achieve and increase their capacity to
11999 administer programs pursuant to ss. 290.0401-290.049 and provide
12000 technical assistance and advice to local governing authorities
12001 involved with these programs.

12002 (5) Adopt and enforce strict requirements concerning an
12003 applicant's written description of a service area. Each such
12004 description shall contain maps which illustrate the location of
12005 the proposed service area. All such maps must be clearly legible
12006 and must:

12007 (a) Contain a scale which is clearly marked on the map.

12008 (b) Show the boundaries of the locality.

12009 (c) Show the boundaries of the service area where the
12010 activities will be concentrated.

12011 (d) Display the location of all proposed area activities.

12012 (e) Include the names of streets, route numbers, or easily
12013 identifiable landmarks where all service activities are located.

12014 (6) Pledge community development block grant revenues from
12015 the Federal Government in order to guarantee notes or other
12016 obligations of a public entity which are approved pursuant to s.
12017 290.0455.

12018 (7) Establish an advisory committee of no more than 13



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12019 members to solicit participation in designing, administering,
12020 and evaluating the program and in linking the program with other
12021 housing and community development resources.

12022 Section 223. Paragraph (a) of subsection (2) and subsection
12023 (4) of section 290.0491, Florida Statutes, is amended to read:

12024 290.0491 Florida Empowerment Zones.—

12025 (2) DEFINITIONS.—As used in this section, the term:

12026 (a) "Department" means the Department of Economic
12027 Opportunity Community Affairs.

12028 (4) EMPOWERMENT ZONE PROGRAM.—There is created an economic
12029 development program to be known as the Florida Empowerment Zone
12030 Program. The program shall exist for 10 years and, except as
12031 otherwise provided by law, be operated by the Department of
12032 Economic Opportunity Community Affairs in conjunction with the
12033 Federal Empowerment Zone Program.

12034 Section 224. Subsections (3) and (4) of section 290.053,
12035 Florida Statutes, are amended to read:

12036 290.053 Response to economic emergencies in small
12037 communities.—

12038 (3) A local government entity shall notify the Governor,
12039 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
12040 ~~and Economic Development~~, and Enterprise Florida, Inc., when one
12041 or more of the conditions specified in subsection (2) have
12042 occurred or will occur if action is not taken to assist the
12043 local governmental entity or the affected community.

12044 (4) Upon notification that one or more of the conditions
12045 described in subsection (2) exist, the Governor or his or her
12046 designee shall contact the local governmental entity to
12047 determine what actions have been taken by the local governmental



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12048 entity or the affected community to resolve the economic
12049 emergency. The Governor may ~~has the authority to~~ waive the
12050 eligibility criteria of any program or activity administered by
12051 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
12052 ~~and Economic Development,~~ or Enterprise Florida, Inc., to
12053 provide economic relief to the affected community by granting
12054 participation in such programs or activities. The Governor shall
12055 consult with the President of the Senate and the Speaker of the
12056 House of Representatives and shall take other action, as
12057 necessary, to resolve the economic emergency in the most
12058 expedient manner possible. All actions taken pursuant to this
12059 section shall be within current appropriations and shall have no
12060 annualized impact beyond normal growth.

12061 Section 225. Section 290.06561, Florida Statutes, is
12062 amended to read:

12063 290.06561 Designation of rural enterprise zone as catalyst
12064 site.—Notwithstanding s. 290.0065(1), the Department of Economic
12065 Opportunity ~~Office of Tourism, Trade, and Economic Development,~~
12066 upon request of the host county, shall designate as a rural
12067 enterprise zone any catalyst site as defined in s.
12068 288.0656(2) (b) that was approved before ~~prior to~~ January 1,
12069 2010, and that is not located in an existing rural enterprise
12070 zone. The request from the host county must include the legal
12071 description of the catalyst site and the name and contact
12072 information for the county development authority responsible for
12073 managing the catalyst site. The designation shall provide
12074 businesses locating within the catalyst site the same
12075 eligibility for economic incentives and other benefits of a
12076 rural enterprise zone designated under s. 290.0065. The



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12077 reporting criteria for a catalyst site designated as a rural
12078 enterprise zone under this section are the same as for other
12079 rural enterprise zones. Host county development authorities may
12080 enter into memoranda of agreement, as necessary, to coordinate
12081 their efforts to implement this section.

12082 Section 226. Paragraph (d) of subsection (3) of section
12083 310.0015, Florida Statutes, is amended to read:

12084 310.0015 Piloting regulation; general provisions.—

12085 (3) The rate-setting process, the issuance of licenses only
12086 in numbers deemed necessary or prudent by the board, and other
12087 aspects of the economic regulation of piloting established in
12088 this chapter are intended to protect the public from the adverse
12089 effects of unrestricted competition which would result from an
12090 unlimited number of licensed pilots being allowed to market
12091 their services on the basis of lower prices rather than safety
12092 concerns. This system of regulation benefits and protects the
12093 public interest by maximizing safety, avoiding uneconomic
12094 duplication of capital expenses and facilities, and enhancing
12095 state regulatory oversight. The system seeks to provide pilots
12096 with reasonable revenues, taking into consideration the normal
12097 uncertainties of vessel traffic and port usage, sufficient to
12098 maintain reliable, stable piloting operations. Pilots have
12099 certain restrictions and obligations under this system,
12100 including, but not limited to, the following:

12101 (d)1. The pilot or pilots in a port shall train and
12102 compensate all member deputy pilots in that port. Failure to
12103 train or compensate such deputy pilots shall constitute a ground
12104 for disciplinary action under s. 310.101. Nothing in this
12105 subsection shall be deemed to create an agency or employment



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12106 relationship between a pilot or deputy pilot and the pilot or
12107 pilots in a port.

12108 2. The pilot or pilots in a port shall establish a
12109 competency-based mentor program by which minority persons, as
12110 defined in s. 288.703(3), may acquire the skills for the
12111 professional preparation and education competency requirements
12112 of a licensed state pilot or certificated deputy pilot. The
12113 department shall provide the Governor, the President of the
12114 Senate, and the Speaker of the House of Representatives with a
12115 report each year on the number of minority persons, as defined
12116 in s. 288.703(3), who have participated in each mentor program,
12117 who are licensed state pilots or certificated deputy pilots, and
12118 who have applied for state pilot licensure or deputy pilot
12119 certification.

12120 Section 227. Subsections (1), (3), (5), (8), (9), (10), and
12121 (11) of section 311.09, Florida Statutes, are amended to read:

12122 311.09 Florida Seaport Transportation and Economic
12123 Development Council.—

12124 (1) The Florida Seaport Transportation and Economic
12125 Development Council is created within the Department of
12126 Transportation. The council consists of the following 17
12127 members: the port director, or the port director's designee, of
12128 each of the ports of Jacksonville, Port Canaveral, Fort Pierce,
12129 Palm Beach, Port Everglades, Miami, Port Manatee, St.
12130 Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key
12131 West, and Fernandina; the secretary of the Department of
12132 Transportation or his or her designee; and the director of the
12133 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
12134 ~~Economic Development~~ or his or her designee; ~~and the secretary~~



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12135 ~~of the Department of Community Affairs or his or her designee.~~

12136 (3) The council shall prepare a 5-year Florida Seaport
12137 Mission Plan defining the goals and objectives of the council
12138 concerning the development of port facilities and an intermodal
12139 transportation system consistent with the goals of the Florida
12140 Transportation Plan developed pursuant to s. 339.155. The
12141 Florida Seaport Mission Plan shall include specific
12142 recommendations for the construction of transportation
12143 facilities connecting any port to another transportation mode
12144 and for the efficient, cost-effective development of
12145 transportation facilities or port facilities for the purpose of
12146 enhancing international trade, promoting cargo flow, increasing
12147 cruise passenger movements, increasing port revenues, and
12148 providing economic benefits to the state. The council shall
12149 update the 5-year Florida Seaport Mission Plan annually and
12150 shall submit the plan no later than February 1 of each year to
12151 the President of the Senate, ~~the~~ the Speaker of the House of
12152 Representatives, ~~the~~ the Department of Economic Opportunity, and
12153 ~~the Office of Tourism, Trade, and Economic Development;~~ the
12154 Department of Transportation; ~~and the Department of Community~~
12155 ~~Affairs.~~ The council shall develop programs, based on an
12156 examination of existing programs in Florida and other states,
12157 for the training of minorities and secondary school students in
12158 job skills associated with employment opportunities in the
12159 maritime industry, and report on progress and recommendations
12160 for further action to the President of the Senate and the
12161 Speaker of the House of Representatives annually.

12162 (5) The council shall review and approve or disapprove each
12163 project eligible to be funded pursuant to the Florida Seaport



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12164 Transportation and Economic Development Program. The council
12165 shall annually submit to the Secretary of Transportation and
12166 the executive director of the Department of Economic
12167 Opportunity, or his or her designee, director of the Office of
12168 Tourism, Trade, and Economic Development; and the Secretary of
12169 Community Affairs a list of projects which have been approved by
12170 the council. The list shall specify the recommended funding
12171 level for each project; and, if staged implementation of the
12172 project is appropriate, the funding requirements for each stage
12173 shall be specified.

12174 (8) The Department of Economic Opportunity ~~Office of~~
12175 ~~Tourism, Trade, and Economic Development, in consultation with~~
12176 ~~Enterprise Florida, Inc.,~~ shall review the list of projects
12177 approved by the council to evaluate the economic benefit of the
12178 project and to determine whether the project is consistent with
12179 the Florida Seaport Mission Plan. The Department of Economic
12180 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
12181 shall review the economic benefits of each project based upon
12182 the rules adopted pursuant to subsection (4). The Department of
12183 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12184 ~~Development~~ shall identify those projects which it has
12185 determined do not offer an economic benefit to the state or are
12186 not consistent with the Florida Seaport Mission Plan and shall
12187 notify the council of its findings.

12188 (9) The council shall review the findings of the Department
12189 of Economic Opportunity ~~Department of Community Affairs; the~~
12190 ~~Office of Tourism, Trade, and Economic Development; and the~~
12191 Department of Transportation. Projects found to be inconsistent
12192 pursuant to subsections (6), (7), and (8) and projects which



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12193 have been determined not to offer an economic benefit to the
12194 state pursuant to subsection (8) shall not be included in the
12195 list of projects to be funded.

12196 (10) The Department of Transportation shall include in its
12197 annual legislative budget request a Florida Seaport
12198 Transportation and Economic Development grant program for
12199 expenditure of funds of not less than \$8 million per year. Such
12200 budget shall include funding for projects approved by the
12201 council which have been determined by each agency to be
12202 consistent and which have been determined by the Department of
12203 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12204 ~~Development~~ to be economically beneficial. The department shall
12205 include the specific approved seaport projects to be funded
12206 under this section during the ensuing fiscal year in the
12207 tentative work program developed pursuant to s. 339.135(4). The
12208 total amount of funding to be allocated to seaport projects
12209 under s. 311.07 during the successive 4 fiscal years shall also
12210 be included in the tentative work program developed pursuant to
12211 s. 339.135(4). The council may submit to the department a list
12212 of approved projects that could be made production-ready within
12213 the next 2 years. The list shall be submitted by the department
12214 as part of the needs and project list prepared pursuant to s.
12215 339.135(2)(b). However, the department shall, upon written
12216 request of the Florida Seaport Transportation and Economic
12217 Development Council, submit work program amendments pursuant to
12218 s. 339.135(7) to the Governor within 10 days after the later of
12219 the date the request is received by the department or the
12220 effective date of the amendment, termination, or closure of the
12221 applicable funding agreement between the department and the



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12222 affected seaport, as required to release the funds from the
12223 existing commitment. Notwithstanding s. 339.135(7)(c), any work
12224 program amendment to transfer prior year funds from one approved
12225 seaport project to another seaport project is subject to the
12226 procedures in s. 339.135(7)(d). Notwithstanding any provision of
12227 law to the contrary, the department may transfer unexpended
12228 budget between the seaport projects as identified in the
12229 approved work program amendments.

12230 (11) The council shall meet at the call of its chairperson,
12231 at the request of a majority of its membership, or at such times
12232 as may be prescribed in its bylaws. However, the council must
12233 meet at least semiannually. A majority of voting members of the
12234 council constitutes a quorum for the purpose of transacting the
12235 business of the council. All members of the council are voting
12236 members. A vote of the majority of the voting members present is
12237 sufficient for any action of the council, except that a member
12238 representing the Department of Transportation, ~~the Department of~~
12239 ~~Community Affairs,~~ or the Department of Economic Opportunity
12240 ~~Office of Tourism, Trade, and Economic Development~~ may vote to
12241 overrule any action of the council approving a project pursuant
12242 to subsection (5). The bylaws of the council may require a
12243 greater vote for a particular action.

12244 Section 228. Paragraph (b) of subsection (1) of section
12245 311.105, Florida Statutes, is amended to read:

12246 311.105 Florida Seaport Environmental Management Committee;
12247 permitting; mitigation.—

12248 (1)

12249 (b) The committee shall consist of the following members:
12250 the Secretary of Environmental Protection, or his or her



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12251 designee, as an ex officio, nonvoting member; a designee from
12252 the United States Army Corps of Engineers, as an ex officio,
12253 nonvoting member; a designee from the Florida Inland Navigation
12254 District, as an ex officio, nonvoting member; the executive
12255 director of Economic Opportunity ~~Secretary of Community Affairs,~~
12256 or his or her designee, as an ex officio, nonvoting member; and
12257 five or more port directors, as voting members, appointed to the
12258 committee by the council chair, who shall also designate one
12259 such member as committee chair.

12260 Section 229. Subsection (3) of section 327.803, Florida
12261 Statutes, is amended to read:

12262 327.803 Boating Advisory Council.—

12263 (3) The purpose of the council is to make recommendations
12264 to the Fish and Wildlife Conservation Commission and the
12265 Department of Economic Opportunity ~~Community Affairs~~ regarding
12266 issues affecting the boating community, including, but not
12267 limited to, issues related to:

12268 (a) Boating and diving safety education.

12269 (b) Boating-related facilities, including marinas and boat
12270 testing facilities.

12271 (c) Boat usage.

12272 (d) Boat access.

12273 (e) Working waterfronts.

12274 Section 230. Section 311.11, Florida Statutes, is amended
12275 to read:

12276 311.11 Seaport Employment Training Grant Program.—

12277 (1) The Department of Economic Opportunity ~~Office of~~
12278 ~~Tourism, Trade, and Economic Development~~, in cooperation with
12279 the Florida Seaport Transportation and Economic Development



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12280 Council, shall establish a Seaport Employment Training Grant
12281 Program within the Department of Economic Opportunity Office.
12282 The Department of Economic Opportunity office shall grant funds
12283 appropriated by the Legislature to the program for the purpose
12284 of stimulating and supporting seaport training and employment
12285 programs which will seek to match state and local training
12286 programs with identified job skills associated with employment
12287 opportunities in the port, maritime, and transportation
12288 industries, and for the purpose of providing such other
12289 training, educational, and information services as required to
12290 stimulate jobs in the described industries. Funds may be used
12291 for the purchase of equipment to be used for training purposes,
12292 hiring instructors, and any other purpose associated with the
12293 training program. The ~~office's~~ contribution of the Department of
12294 Economic Opportunity to any specific training program may not
12295 exceed 50 percent of the total cost of the program. Matching
12296 contributions may include services in kind, including, but not
12297 limited to, training instructors, equipment usage, and training
12298 facilities.

12299 (2) The Department of Economic Opportunity Office shall
12300 adopt criteria to implement this section.

12301 Section 231. Paragraph (i) of subsection (1) of section
12302 311.115, Florida Statutes, are amended to read:

12303 311.115 Seaport Security Standards Advisory Council.—The
12304 Seaport Security Standards Advisory Council is created under the
12305 Office of Drug Control. The council shall serve as an advisory
12306 council as provided in s. 20.03(7).

12307 (1) The members of the council shall be appointed by the
12308 Governor and consist of the following:



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12309 (i) One representative of Department of Economic
12310 Opportunity ~~member from the Office of Tourism, Trade, and~~
12311 ~~Economic Development.~~

12312 Section 232. Subsection (2) of section 311.22, Florida
12313 Statutes, is amended to read:

12314 311.22 Additional authorization for funding certain
12315 dredging projects.—

12316 (2) The council shall adopt rules for evaluating the
12317 projects that may be funded pursuant to this section. The rules
12318 must provide criteria for evaluating the economic benefit of the
12319 project. The rules must include the creation of an
12320 administrative review process by the council which is similar to
12321 the process described in s. 311.09(5)-(12), and provide for a
12322 review by ~~the Department of Community Affairs,~~ the Department of
12323 ~~Transportation,~~ and the Department of Economic Opportunity
12324 ~~Office of Tourism, Trade, and Economic Development~~ of all
12325 projects submitted for funding under this section.

12326 Section 233. Paragraph (a) of subsection (6), paragraph (b)
12327 of subsection (9), subsection (60), and paragraph (b) of
12328 subsection (65) of section 320.08058, Florida Statutes, are
12329 amended to read:

12330 320.08058 Specialty license plates.—

12331 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
12332 PLATES.—

12333 (a) Because the United States Olympic Committee has
12334 selected this state to participate in a combined fundraising
12335 program that provides for one-half of all money raised through
12336 volunteer giving to stay in this state and be administered by
12337 Enterprise Florida, Inc., ~~the direct support organization~~



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12338 ~~established under s. 288.1229~~ to support amateur sports, and
12339 because the United States Olympic Committee and Enterprise
12340 Florida, Inc., ~~the direct support organization~~ are nonprofit
12341 organizations dedicated to providing athletes with support and
12342 training and preparing athletes of all ages and skill levels for
12343 sports competition, and because Enterprise Florida, Inc., ~~the~~
12344 ~~direct support organization~~ assists in the bidding for sports
12345 competitions that provide significant impact to the economy of
12346 this state, and the Legislature supports the efforts of the
12347 United States Olympic Committee and Enterprise Florida, Inc.,
12348 ~~the direct support organization,~~ the Legislature establishes a
12349 Florida United States Olympic Committee license plate for the
12350 purpose of providing a continuous funding source to support this
12351 worthwhile effort. Florida United States Olympic Committee
12352 license plates must contain the official United States Olympic
12353 Committee logo and must bear a design and colors that are
12354 approved by the department. The word "Florida" must be centered
12355 at the top of the plate.

12356 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

12357 (b) The license plate annual use fees are to be annually
12358 distributed as follows:

12359 1. Fifty-five percent of the proceeds from the Florida
12360 Professional Sports Team plate must be deposited into the
12361 Professional Sports Development Trust Fund within the Department
12362 of Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12363 ~~Development~~. These funds must be used solely to attract and
12364 support major sports events in this state. As used in this
12365 subparagraph, the term "major sports events" means, but is not
12366 limited to, championship or all-star contests of Major League



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12367 Baseball, the National Basketball Association, the National
12368 Football League, the National Hockey League, the men's and
12369 women's National Collegiate Athletic Association Final Four
12370 basketball championship, or a horseracing or dogracing Breeders'
12371 Cup. All funds must be used to support and promote major
12372 sporting events, and the uses must be approved by the Florida
12373 Sports Foundation.

12374 2. The remaining proceeds of the Florida Professional
12375 Sports Team license plate must be allocated to Enterprise
12376 Florida, Inc ~~the Florida Sports Foundation, a direct support~~
12377 ~~organization of the Office of Tourism, Trade, and Economic~~
12378 ~~Development~~. These funds must be deposited into the Professional
12379 Sports Development Trust Fund within the Department of Economic
12380 Opportunity ~~Office of Tourism, Trade, and Economic Development~~.
12381 These funds must be used by Enterprise Florida, Inc., ~~the~~
12382 ~~Florida Sports Foundation~~ to promote the economic development of
12383 the sports industry; to distribute licensing and royalty fees to
12384 participating professional sports teams; to promote education
12385 programs in Florida schools that provide an awareness of the
12386 benefits of physical activity and nutrition standards; to
12387 partner with the Department of Education and the Department of
12388 Health to develop a program that recognizes schools whose
12389 students demonstrate excellent physical fitness or fitness
12390 improvement; to institute a grant program for communities
12391 bidding on minor sporting events that create an economic impact
12392 for the state; to distribute funds to Florida-based charities
12393 designated by Enterprise Florida, Inc., ~~the Florida Sports~~
12394 ~~Foundation~~ and the participating professional sports teams; and
12395 to fulfill the sports promotion responsibilities of the



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12396 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
12397 ~~Economic Development.~~

12398 3. Enterprise Florida, Inc., ~~The Florida Sports Foundation~~
12399 shall provide an annual financial audit in accordance with s.
12400 215.981 of its financial accounts and records by an independent
12401 certified public accountant pursuant to the contract established
12402 by the Department of Economic Opportunity ~~Office of Tourism,~~
12403 ~~Trade, and Economic Development as specified in s. 288.1229(5).~~
12404 The auditor shall submit the audit report to the Department of
12405 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
12406 ~~Development~~ for review and approval. If the audit report is
12407 approved, the Department of Economic Opportunity ~~office~~ shall
12408 certify the audit report to the Auditor General for review.

12409 4. Notwithstanding the provisions of subparagraphs 1. and
12410 2., proceeds from the Professional Sports Development Trust Fund
12411 may also be used for operational expenses of Enterprise Florida,
12412 Inc., ~~the Florida Sports Foundation~~ and financial support of the
12413 Sunshine State Games.

12414 (60) FLORIDA NASCAR LICENSE PLATES.—

12415 (a) The department shall develop a Florida NASCAR license
12416 plate as provided in this section. Florida NASCAR license plates
12417 must bear the colors and design approved by the department. The
12418 word "Florida" must appear at the top of the plate, and the term
12419 "NASCAR" must appear at the bottom of the plate. The National
12420 Association for Stock Car Auto Racing, following consultation
12421 with Enterprise Florida, Inc., ~~the Florida Sports Foundation,~~
12422 may submit a sample plate for consideration by the department.

12423 (b) The license plate annual use fees shall be distributed
12424 to Enterprise Florida, Inc. ~~the Florida Sports Foundation,~~ a



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12425 ~~direct support organization of the Office of Tourism, Trade, and~~
12426 ~~Economic Development.~~ The license plate annual use fees shall be
12427 annually allocated as follows:

12428 1. Up to 5 percent of the proceeds from the annual use fees
12429 may be used by Enterprise Florida, Inc., ~~the Florida Sports~~
12430 ~~Foundation~~ for the administration of the NASCAR license plate
12431 program.

12432 2. The National Association for Stock Car Auto Racing shall
12433 receive up to \$60,000 in proceeds from the annual use fees to be
12434 used to pay startup costs, including costs incurred in
12435 developing and issuing the plates. Thereafter, 10 percent of the
12436 proceeds from the annual use fees shall be provided to the
12437 association for the royalty rights for the use of its marks.

12438 3. The remaining proceeds from the annual use fees shall be
12439 distributed to Enterprise Florida, Inc. ~~the Florida Sports~~
12440 ~~Foundation.~~ Enterprise Florida, Inc., ~~The Florida Sports~~
12441 ~~Foundation~~ will retain 15 percent to support its regional grant
12442 program, attracting sporting events to Florida; 20 percent to
12443 support the marketing of motorsports-related tourism in the
12444 state; and 50 percent to be paid to the NASCAR Foundation, a s.
12445 501(c)(3) charitable organization, to support Florida-based
12446 charitable organizations.

12447 (c) Enterprise Florida, Inc., ~~The Florida Sports Foundation~~
12448 shall provide an annual financial audit in accordance with s.
12449 215.981 of its financial accounts and records by an independent
12450 certified public accountant pursuant to the contract established
12451 by the Department of Economic Opportunity ~~Office of Tourism,~~
12452 ~~Trade, and Economic Development~~ as specified in s. ~~288.1229(5)~~.
12453 The auditor shall submit the audit report to the Department of



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12454 ~~Economic Opportunity Office of Tourism, Trade, and Economic~~
12455 ~~Development~~ for review and approval. If the audit report is
12456 approved, the Department of Economic Opportunity ~~office~~ shall
12457 certify the audit report to the Auditor General for review.

12458 (65) FLORIDA TENNIS LICENSE PLATES.—

12459 (b) The department shall distribute the annual use fees to
12460 Enterprise Florida, Inc ~~the Florida Sports Foundation, a direct~~
12461 ~~support organization of the Office of Tourism, Trade, and~~
12462 ~~Economic Development~~. The license plate annual use fees shall be
12463 annually allocated as follows:

12464 1. Up to 5 percent of the proceeds from the annual use fees
12465 may be used by Enterprise Florida, Inc., ~~the Florida Sports~~
12466 ~~Foundation~~ to administer the license plate program.

12467 2. The United States Tennis Association Florida Section
12468 Foundation shall receive the first \$60,000 in proceeds from the
12469 annual use fees to reimburse it for startup costs,
12470 administrative costs, and other costs it incurs in the
12471 development and approval process.

12472 3. Up to 5 percent of the proceeds from the annual use fees
12473 may be used for promoting and marketing the license plates. The
12474 remaining proceeds shall be available for grants by the United
12475 States Tennis Association Florida Section Foundation to
12476 nonprofit organizations to operate youth tennis programs and
12477 adaptive tennis programs for special populations of all ages,
12478 and for building, renovating, and maintaining public tennis
12479 courts.

12480 Section 234. Subsection (3) of section 320.63, Florida
12481 Statutes, is amended to read:

12482 320.63 Application for license; contents.—Any person



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12483 desiring to be licensed pursuant to ss. 320.60-320.70 shall make
12484 application therefor to the department upon a form containing
12485 such information as the department requires. The department
12486 shall require, with such application or otherwise and from time
12487 to time, all of the following, which information may be
12488 considered by the department in determining the fitness of the
12489 applicant or licensee to engage in the business for which the
12490 applicant or licensee desires to be licensed:

12491 (3) From each manufacturer, distributor, or importer which
12492 utilizes an identical blanket basic agreement for its dealers or
12493 distributors in this state, which agreement comprises all or any
12494 part of the applicant's or licensee's agreements with motor
12495 vehicle dealers in this state, a copy of the written agreement
12496 and all supplements thereto, together with a list of the
12497 applicant's or licensee's authorized dealers or distributors and
12498 their addresses. The applicant or licensee shall further notify
12499 the department immediately of the appointment of any additional
12500 dealer or distributor. The applicant or licensee shall annually
12501 report to the department on its efforts to add new minority
12502 dealer points, including difficulties encountered under ss.
12503 320.61-320.70. For purposes of this section "minority" shall
12504 have the same meaning as that given it in the definition of
12505 "minority person" in s. 288.703-~~(3)~~. Not later than 60 days
12506 before ~~prior to~~ the date a revision or modification to a
12507 franchise agreement is offered uniformly to a licensee's motor
12508 vehicle dealers in this state, the licensee shall notify the
12509 department of such revision, modification, or addition to the
12510 franchise agreement on file with the department. In no event may
12511 a franchise agreement, or any addendum or supplement thereto, be



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12512 offered to a motor vehicle dealer in this state until the
12513 applicant or licensee files an affidavit with the department
12514 acknowledging that the terms or provisions of the agreement, or
12515 any related document, are not inconsistent with, prohibited by,
12516 or contrary to the provisions contained in ss. 320.60-320.70.
12517 Any franchise agreement offered to a motor vehicle dealer in
12518 this state shall provide that all terms and conditions in such
12519 agreement inconsistent with the law and rules of this state are
12520 of no force and effect.

12521 Section 235. Subsection (5) of section 331.3051, Florida
12522 Statutes, is amended to read:

12523 331.3051 Duties of Space Florida.—Space Florida shall:

12524 (5) Consult with Enterprise Florida, Inc., ~~the Florida~~
12525 ~~Commission on Tourism~~ in developing a space tourism marketing
12526 plan. Space Florida and Enterprise Florida, Inc., ~~the Florida~~
12527 ~~Commission on Tourism~~ may enter into a mutually beneficial
12528 agreement that provides funding to Enterprise Florida, Inc., ~~the~~
12529 ~~commission~~ for its services to implement this subsection.

12530 Section 236. Section 331.3081, Florida Statutes, is amended
12531 to read:

12532 (Substantial rewording of section. See
12533 s. 331.3081, F.S., for present text.)

12534 331.3081 Board of Directors; advisory board.—

12535 (1) Space Florida shall be governed by a 12-member
12536 independent board of directors that consists of the members
12537 appointed to the board of directors of Enterprise Florida, Inc.,
12538 by the Governor, the President of the Senate, and the Speaker of
12539 the House of Representatives pursuant to s. 288.901(5)(a)5.

12540 (2) Space Florida shall have a 15-member advisory council,



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12541 appointed by the Governor from a list of nominations submitted
12542 by the board of directors. The advisory council shall be
12543 composed of Florida residents with expertise in the space
12544 industry, and each of the following areas of expertise or
12545 experience must be represented by at least one advisory council
12546 member: human space-flight programs, commercial launches into
12547 space, organized labor with experience working in the aerospace
12548 industry, aerospace-related industries, a commercial company
12549 working under Federal Government contracts to conduct space-
12550 related business, an aerospace company whose primary client is
12551 the United States Department of Defense, and an alternative
12552 energy enterprise with potential for aerospace applications. The
12553 advisory council shall elect a member to serve as the chair of
12554 the council.

12555 (3) The advisory council shall make recommendations to the
12556 board of directors of Enterprise Florida, Inc., on the operation
12557 of Space Florida, including matters pertaining to ways to
12558 improve or enhance Florida's efforts to expand its existing
12559 space and aerospace industry, to improve management and use of
12560 Florida's state-owned real property assets related to space and
12561 aerospace, how best to retain and, if necessary, retrain
12562 Florida's highly skilled space and aerospace workforce, and how
12563 to strengthen bonds between this state, NASA, the Department of
12564 Defense, and private space and aerospace industries.

12565 (4) The term for an advisory council member is 4 years. A
12566 member may not serve more than two consecutive terms. The
12567 Governor may remove any member for cause and shall fill all
12568 vacancies that occur.

12569 (5) Advisory council members shall serve without



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12570 compensation, but may be reimbursed for all reasonable,
12571 necessary, and actual expenses as determined by the board of
12572 directors of Enterprise Florida, Inc.

12573 Section 237. Subsection (1) of section 332.115, Florida
12574 Statutes, is amended to read:

12575 332.115 Joint project agreement with port district for
12576 transportation corridor between airport and port facility.-

12577 (1) An eligible agency may acquire, construct, and operate
12578 all equipment, appurtenances, and land necessary to establish,
12579 maintain, and operate, or to license others to establish,
12580 maintain, operate, or use, a transportation corridor connecting
12581 an airport operated by such eligible agency with a port
12582 facility, which corridor must be acquired, constructed, and used
12583 for the transportation of persons between the airport and the
12584 port facility, for the transportation of cargo, and for the
12585 location and operation of lines for the transmission of water,
12586 electricity, communications, information, petroleum products,
12587 products of a public utility (including new technologies of a
12588 public utility nature), and materials. However, any such
12589 corridor may be established and operated only pursuant to a
12590 joint project agreement between an eligible agency as defined in
12591 s. 332.004 and a port district as defined in s. 315.02, and such
12592 agreement must be approved by the Department of Transportation
12593 and the Department of Economic Opportunity ~~Community Affairs~~.
12594 Before the Department of Transportation approves the joint
12595 project agreement, that department must review the public
12596 purpose and necessity for the corridor pursuant to s. 337.273(5)
12597 and must also determine that the proposed corridor is consistent
12598 with the Florida Transportation Plan. Before the Department of



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12599 Economic Opportunity ~~Community Affairs~~ approves the joint
12600 project agreement, that department must determine that the
12601 proposed corridor is consistent with the applicable local
12602 government comprehensive plans. An affected local government may
12603 provide its comments regarding the consistency of the proposed
12604 corridor with its comprehensive plan to the Department of
12605 Economic Opportunity ~~Community Affairs~~.

12606 Section 238. Section 333.065, Florida Statutes, is amended
12607 to read:

12608 333.065 Guidelines regarding land use near airports.—The
12609 Department of Transportation, after consultation with the
12610 Department of Economic Opportunity ~~Community Affairs~~, local
12611 governments, and other interested persons, shall adopt by rule
12612 recommended guidelines regarding compatible land uses in the
12613 vicinity of airports. These guidelines shall utilize acceptable
12614 and established quantitative measures, such as the Air
12615 Installation Compatible Use Zone standards, the Florida
12616 Statutes, and applicable Federal Aviation Administration
12617 documents.

12618 Section 239. Paragraph (f) of subsection (4) and paragraph
12619 (g) of subsection (7) of section 339.135, Florida Statutes, are
12620 amended to read:

12621 339.135 Work program; legislative budget request;
12622 definitions; preparation, adoption, execution, and amendment.—

12623 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

12624 (f) The central office shall submit a preliminary copy of
12625 the tentative work program to the Executive Office of the
12626 Governor, the legislative appropriations committees, the Florida
12627 Transportation Commission, and the Department of Economic



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12628 ~~Opportunity Community Affairs~~ at least 14 days prior to the
12629 convening of the regular legislative session. Prior to the
12630 statewide public hearing required by paragraph (g), the
12631 Department of Economic Opportunity ~~Community Affairs~~ shall
12632 transmit to the Florida Transportation Commission a list of
12633 those projects and project phases contained in the tentative
12634 work program which are identified as being inconsistent with
12635 approved local government comprehensive plans. For urbanized
12636 areas of metropolitan planning organizations, the list may not
12637 contain any project or project phase that is scheduled in a
12638 transportation improvement program unless such inconsistency has
12639 been previously reported to the affected metropolitan planning
12640 organization.

12641 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

12642 (g) Notwithstanding ~~the requirements in~~ paragraphs (d) and
12643 (g) and ss. 216.177(2) and 216.351, the secretary may request
12644 the Executive Office of the Governor to amend the adopted work
12645 program when an emergency exists, as defined in s. 252.34~~(3)~~,
12646 and the emergency relates to the repair or rehabilitation of any
12647 state transportation facility. The Executive Office of the
12648 Governor may approve the amendment to the adopted work program
12649 and amend that portion of the department's approved budget if a
12650 ~~in the event that the~~ delay incident to the notification
12651 requirements in paragraph (d) would be detrimental to the
12652 interests of the state. However, the department shall
12653 immediately notify the parties specified in paragraph (d) and
12654 ~~shall~~ provide such parties written justification for the
12655 emergency action within 7 days after ~~of the~~ approval by the
12656 Executive Office of the Governor of the amendment to the adopted



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12657 work program and the department's budget. ~~In no event may~~ The
12658 adopted work program may not be amended under ~~the provisions of~~
12659 this subsection without ~~the~~ certification by the comptroller of
12660 the department that there are sufficient funds available
12661 pursuant to the 36-month cash forecast and applicable statutes.

12662 Section 240. Paragraphs (f) and (g) of subsection (8) of
12663 section 339.175, Florida Statutes, are amended to read:

12664 339.175 Metropolitan planning organization.—

12665 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
12666 in cooperation with the state and affected public transportation
12667 operators, develop a transportation improvement program for the
12668 area within the jurisdiction of the M.P.O. In the development of
12669 the transportation improvement program, each M.P.O. must provide
12670 the public, affected public agencies, representatives of
12671 transportation agency employees, freight shippers, providers of
12672 freight transportation services, private providers of
12673 transportation, representatives of users of public transit, and
12674 other interested parties with a reasonable opportunity to
12675 comment on the proposed transportation improvement program.

12676 (f) The adopted annual transportation improvement program
12677 for M.P.O.'s in nonattainment or maintenance areas must be
12678 submitted to the district secretary and the Department of
12679 Economic Opportunity ~~Community Affairs~~ at least 90 days before
12680 the submission of the state transportation improvement program
12681 by the department to the appropriate federal agencies. The
12682 annual transportation improvement program for M.P.O.'s in
12683 attainment areas must be submitted to the district secretary and
12684 the Department of Economic Opportunity ~~Community Affairs~~ at
12685 least 45 days before the department submits the state



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12686 transportation improvement program to the appropriate federal
12687 agencies; however, the department, the Department of Economic
12688 Opportunity Community Affairs, and a metropolitan planning
12689 organization may, in writing, agree to vary this submittal date.
12690 The Governor or the Governor's designee shall review and approve
12691 each transportation improvement program and any amendments
12692 thereto.

12693 (g) The Department of Economic Opportunity Community
12694 Affairs shall review the annual transportation improvement
12695 program of each M.P.O. for consistency with the approved local
12696 government comprehensive plans of the units of local government
12697 whose boundaries are within the metropolitan area of each M.P.O.
12698 and shall identify those projects that are inconsistent with
12699 such comprehensive plans. The Department of Economic Opportunity
12700 Community Affairs shall notify an M.P.O. of any transportation
12701 projects contained in its transportation improvement program
12702 which are inconsistent with the approved local government
12703 comprehensive plans of the units of local government whose
12704 boundaries are within the metropolitan area of the M.P.O.

12705 Section 241. Subsection (1) of section 342.201, Florida
12706 Statutes, is amended to read:

12707 342.201 Waterfronts Florida Program.—

12708 (1) There is established within the Department of
12709 Environmental Protection Community Affairs the Waterfronts
12710 Florida Program to provide technical assistance and support to
12711 communities in revitalizing waterfront areas in this state.

12712 Section 242. Subsection (3) of section 369.303, Florida
12713 Statutes, is amended to read:

12714 369.303 Definitions.—As used in this part:



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12715 (3) "Department" means the Department of Economic
12716 Opportunity Community Affairs.

12717 Section 243. Subsection (1) of section 369.318, Florida
12718 Statutes, is amended to read:

12719 369.318 Studies.—

12720 (1) The Department of Environmental Protection shall study
12721 the efficacy and applicability of water quality and wastewater
12722 treatment standards needed to achieve nitrogen reductions
12723 protective of surface and groundwater quality within the Wekiva
12724 Study Area and report to the Governor and the Department of
12725 Economic Opportunity Community Affairs. The Department of
12726 Environmental Protection may adopt rules to implement the
12727 specific recommendations set forth in sections C.2. and C.4. of
12728 its report entitled "A Strategy for Water Quality Protection:
12729 Wastewater Treatment in the Wekiva Study Area," dated December
12730 2004, in order to achieve nitrogen reductions protective of
12731 surface and groundwater quality in the Wekiva Study Area and
12732 implement Recommendation 8 of the Wekiva River Basin
12733 Coordinating Committee's final report dated March 16, 2004. The
12734 rules shall provide an opportunity for relief from such specific
12735 recommendations upon affirmative demonstration by the permittee
12736 or permit applicant, based on water quality data, physical
12737 circumstances, or other credible information, that the discharge
12738 of treated wastewater is protective of surface water and
12739 groundwater quality with respect to nitrate nitrogen as set
12740 forth in section C.1. of the referenced December 2004 report.

12741 Section 244. Subsections (5) and (7) of section 369.321,
12742 Florida Statutes, are amended to read:

12743 369.321 Comprehensive plan amendments.—Except as otherwise



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12744 expressly provided, by January 1, 2006, each local government
12745 within the Wekiva Study Area shall amend its local government
12746 comprehensive plan to include the following:

12747 (5) Comprehensive plans and comprehensive plan amendments
12748 adopted by the local governments to implement this section shall
12749 be reviewed by the Department of Economic Opportunity ~~Community~~
12750 ~~Affairs~~ pursuant to s. 163.3184, and shall be exempt from the
12751 provisions of s. 163.3187(1).

12752 (7) During the period prior to the adoption of the
12753 comprehensive plan amendments required by this act, any local
12754 comprehensive plan amendment adopted by a city or county that
12755 applies to land located within the Wekiva Study Area shall
12756 protect surface and groundwater resources and be reviewed by the
12757 Department of Economic Opportunity ~~Community Affairs~~, pursuant
12758 to chapter 163 and chapter 9J-5, Florida Administrative Code,
12759 using best available data, including the information presented
12760 to the Wekiva River Basin Coordinating Committee.

12761 Section 245. Subsections (1) and (3) of section 369.322,
12762 Florida Statutes, are amended to read:

12763 369.322 Coordination of land use and water supply within
12764 the Wekiva Study Area.—

12765 (1) In their review of local government comprehensive plan
12766 amendments for property located within the Wekiva Study Area
12767 pursuant to s. 163.3184, the Department of Economic Opportunity
12768 ~~Community Affairs~~ and the St. Johns River Water Management
12769 District shall assure that amendments that increase development
12770 potential demonstrate that adequate potable water consumptive
12771 use permit capacity is available.

12772 (3) In recognition of the need to balance resource



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12773 protection, existing infrastructure and improvements planned or
12774 committed as part of approved development, consistent with
12775 existing municipal or county comprehensive plans and economic
12776 development opportunities, planned community development
12777 initiatives that assure protection of surface and groundwater
12778 resources while promoting compact, ecologically and economically
12779 sustainable growth should be encouraged. Small area studies,
12780 sector plans, or similar planning tools should support these
12781 community development initiatives. In addition, the Department
12782 of Economic Opportunity ~~Community Affairs~~ may make available
12783 best practice guides that demonstrate how to balance resource
12784 protection and economic development opportunities.

12785 Section 246. Section 369.323, Florida Statutes, is amended
12786 to read:

12787 369.323 Compliance.—Comprehensive plans and plan amendments
12788 adopted by the local governments within the Wekiva Study Area to
12789 implement this act shall be reviewed for compliance by the
12790 Department of Economic Opportunity ~~Community Affairs~~.

12791 Section 247. Subsections (1) and (5) of section 369.324,
12792 Florida Statutes, are amended to read:

12793 369.324 Wekiva River Basin Commission.—

12794 (1) The Wekiva River Basin Commission is created to monitor
12795 and ensure the implementation of the recommendations of the
12796 Wekiva River Basin Coordinating Committee for the Wekiva Study
12797 Area. The East Central Florida Regional Planning Council shall
12798 provide staff support to the commission with funding assistance
12799 from the Department of Economic Opportunity ~~Community Affairs~~.

12800 The commission shall be comprised of a total of 19 members
12801 appointed by the Governor, 9 of whom shall be voting members and



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12802 10 shall be ad hoc nonvoting members. The voting members shall
12803 include:

12804 (a) One member of each of the Boards of County
12805 Commissioners for Lake, Orange, and Seminole Counties.

12806 (b) One municipal elected official to serve as a
12807 representative of the municipalities located within the Wekiva
12808 Study Area of Lake County.

12809 (c) One municipal elected official to serve as a
12810 representative of the municipalities located within the Wekiva
12811 Study Area of Orange County.

12812 (d) One municipal elected official to serve as a
12813 representative of the municipalities located within the Wekiva
12814 Study Area of Seminole County.

12815 (e) One citizen representing an environmental or
12816 conservation organization, one citizen representing a local
12817 property owner, a land developer, or an agricultural entity, and
12818 one at-large citizen who shall serve as chair of the council.

12819 (f) The ad hoc nonvoting members shall include one
12820 representative from each of the following entities:

- 12821 1. St. Johns River Management District.
- 12822 2. Department of Economic Opportunity ~~Community Affairs~~.
- 12823 3. Department of Environmental Protection.
- 12824 4. Department of Health.
- 12825 5. Department of Agriculture and Consumer Services.
- 12826 6. Fish and Wildlife Conservation Commission.
- 12827 7. Department of Transportation.
- 12828 8. MetroPlan Orlando.
- 12829 9. Orlando-Orange County Expressway Authority.
- 12830 10. Seminole County Expressway Authority.



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12831 (5) The commission shall report annually, no later than
12832 December 31 of each year, to the Governor, the President of the
12833 Senate, the Speaker of the House of Representatives, and the
12834 Department of Economic Opportunity ~~Community Affairs~~ on
12835 implementation progress.

12836 Section 248. Paragraph (b) of subsection (3) of section
12837 373.199, Florida Statutes, is amended to read:

12838 373.199 Florida Forever Water Management District Work
12839 Plan.—

12840 (3) In developing the list, each water management district
12841 shall:

12842 (b) Work cooperatively with the applicable ecosystem
12843 management area teams and other citizen advisory groups, the
12844 Department of Environmental Protection and its district offices,
12845 the Department of Agriculture and Consumer Services, the Fish
12846 and Wildlife Conservation Commission, the Department of Economic
12847 Opportunity ~~Community Affairs~~, the Department of Transportation,
12848 other state agencies, and federal agencies, where applicable.

12849 Section 249. Subsection (5) of section 373.4149, Florida
12850 Statutes, is amended to read:

12851 373.4149 Miami-Dade County Lake Belt Plan.—

12852 (5) The secretary of the Department of Environmental
12853 Protection, the executive director ~~secretary~~ of the Department
12854 of Economic Opportunity ~~Community Affairs~~, the secretary of the
12855 Department of Transportation, the Commissioner of Agriculture,
12856 the executive director of the Fish and Wildlife Conservation
12857 Commission, and the executive director of the South Florida
12858 Water Management District may enter into agreements with
12859 landowners, developers, businesses, industries, individuals, and



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12860 governmental agencies as necessary to effectuate the Miami-Dade
12861 Lake Belt Plan and the provisions of this section.

12862 Section 250. Paragraph (a) of subsection (1) of section
12863 373.453, Florida Statutes, is amended to read:

12864 373.453 Surface water improvement and management plans and
12865 programs.—

12866 (1) (a) Each water management district, in cooperation with
12867 the department, the Department of Agriculture and Consumer
12868 Services, the Department of Economic Opportunity Community
12869 ~~Affairs~~, the Fish and Wildlife Conservation Commission, local
12870 governments, and others, shall maintain a list that prioritizes
12871 water bodies of regional or statewide significance within the
12872 water management district. The list shall be reviewed and
12873 updated every 5 years.

12874 Section 251. Subsection (1) of section 375.021, Florida
12875 Statutes, is amended to read:

12876 375.021 Comprehensive multipurpose outdoor recreation
12877 plan.—

12878 (1) The department is given the responsibility, authority,
12879 and power to develop and execute a comprehensive multipurpose
12880 outdoor recreation plan for this state with the cooperation of
12881 the Department of Agriculture and Consumer Services, the
12882 Department of Transportation, the Fish and Wildlife Conservation
12883 Commission, the Department of Economic Opportunity Florida
12884 ~~Commission on Tourism~~, and the water management districts.

12885 Section 252. Section 376.60, Florida Statutes, is amended
12886 to read:

12887 376.60 Asbestos removal program inspection and notification
12888 fee.—The Department of Environmental Protection shall charge an



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12889 inspection and notification fee, not to exceed \$300 for a small
12890 business as defined in s. 288.703~~(1)~~, or \$1,000 for any other
12891 project, for any asbestos removal project. The department may
12892 establish a fee schedule by rule. Schools, colleges,
12893 universities, residential dwellings, and those persons otherwise
12894 exempted from licensure under s. 469.002(4) are exempt from the
12895 fees. Any fee collected must be deposited in the asbestos
12896 program account in the Air Pollution Control Trust Fund to be
12897 used by the department to administer its asbestos removal
12898 program.

12899 (1) In those counties with approved local air pollution
12900 control programs, the department shall return 80 percent of the
12901 asbestos removal program inspection and notification fees
12902 collected in that county to the local government quarterly, if
12903 the county requests it.

12904 (2) The fees returned to a county under subsection (1) must
12905 be used only for asbestos-related program activities.

12906 (3) A county may not levy any additional fees for asbestos
12907 removal activity while it receives fees under subsection (1).

12908 (4) If a county has requested reimbursement under
12909 subsection (1), the department shall reimburse the approved
12910 local air pollution control program with 80 percent of the fees
12911 collected in the county retroactive to July 1, 1994, for
12912 asbestos-related program activities.

12913 (5) If an approved local air pollution control program that
12914 is providing asbestos notification and inspection services
12915 according to 40 C.F.R. part 61, subpart M, and is collecting
12916 fees sufficient to support the requirements of 40 C.F.R. part
12917 61, subpart M, opts not to receive the state-generated asbestos



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12918 notification fees, the state may discontinue collection of the
12919 state asbestos notification fees in that county.

12920 Section 253. Subsection (2) of section 376.86, Florida
12921 Statutes, is amended to read:

12922 376.86 Brownfield Areas Loan Guarantee Program.—

12923 (2) The council shall consist of the secretary of the
12924 Department of Environmental Protection or the secretary's
12925 designee, ~~the secretary of the Department of Community Affairs~~
12926 ~~or the secretary's designee~~, the State Surgeon General or the
12927 State Surgeon General's designee, the executive director of the
12928 State Board of Administration or the executive director's
12929 designee, the executive director of the Florida Housing Finance
12930 Corporation or the executive director's designee, and the
12931 executive director of Economic Opportunity or the director's
12932 ~~Director of the Governor's Office of Tourism, Trade, and~~
12933 ~~Economic Development or the director's~~ designee. The executive
12934 director of Economic Opportunity or the director's designee
12935 shall serve as chair ~~chairperson~~ of the council ~~shall be the~~
12936 ~~Director of the Governor's Office of Tourism, Trade, and~~
12937 ~~Economic Development~~. Staff services for activities of the
12938 council shall be provided as needed by the member agencies.

12939 Section 254. Subsection (1), paragraph (c) of subsection
12940 (2), and subsections (3) and (4) of section 377.809, Florida
12941 Statutes, are amended to read:

12942 377.809 Energy Economic Zone Pilot Program.—

12943 (1) The Department of Economic Opportunity ~~Community~~
12944 ~~Affairs~~, in consultation with the Department of Transportation,
12945 shall implement an Energy Economic Zone Pilot Program for the
12946 purpose of developing a model to help communities cultivate



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12947 green economic development, encourage renewable electric energy
12948 generation, manufacture products that contribute to energy
12949 conservation and green jobs, and further implement chapter 2008-
12950 191, Laws of Florida, relative to discouraging sprawl and
12951 developing energy-efficient land use patterns and greenhouse gas
12952 reduction strategies. The Department of Agriculture and Consumer
12953 Services Office of Tourism, Trade, and Economic Development and
12954 ~~the Florida Energy and Climate Commission~~ shall provide
12955 technical assistance to the departments in developing and
12956 administering the program.

12957 (2)

12958 (c) The Department of Economic Opportunity Community
12959 ~~Affairs~~ shall grant at least one application if the application
12960 meets the requirements of this subsection and the community has
12961 demonstrated a prior commitment to energy conservation, carbon
12962 reduction, green building, and economic development. The
12963 Department of Economic Opportunity Community Affairs and the
12964 ~~Office of Tourism, Trade, and Economic Development~~ shall provide
12965 the pilot community, including businesses within the energy
12966 economic zone, with technical assistance in identifying and
12967 qualifying for eligible grants and credits in job creation,
12968 energy, and other areas.

12969 ~~(3) The Department of Community Affairs, with the~~
12970 ~~assistance of the Office of Tourism, Trade, and Economic~~
12971 ~~Development, shall submit an interim report by February 15,~~
12972 ~~2010, to the Governor, the President of the Senate, and the~~
12973 ~~Speaker of the House of Representatives regarding the status of~~
12974 ~~the pilot program. The report shall contain any recommendations~~
12975 ~~deemed appropriate by the department for statutory changes to~~



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12976 ~~accomplish the goals of the pilot program community, including~~
12977 ~~whether it would be beneficial to provide financial incentives~~
12978 ~~similar to those offered to an enterprise zone.~~

12979 ~~(3)(4)~~ If the pilot project is ongoing, the Department of
12980 ~~Economic Opportunity Community Affairs, with the assistance of~~
12981 ~~the Office of Tourism, Trade, and Economic Development, shall~~
12982 submit a report to the Governor, the President of the Senate,
12983 and the Speaker of the House of Representatives by February 15,
12984 2012, evaluating whether the pilot program has demonstrated
12985 success. The report shall contain recommendations with regard to
12986 whether the program should be expanded for use by other local
12987 governments and whether state policies should be revised to
12988 encourage the goals of the program.

12989 Section 255. Subsection (3) of section 378.411, Florida
12990 Statutes, is amended to read:

12991 378.411 Certification to receive notices of intent to mine,
12992 to review, and to inspect for compliance.—

12993 (3) In making his or her determination, the secretary shall
12994 consult with the Department of Economic Opportunity Community
12995 ~~Affairs~~, the appropriate regional planning council, and the
12996 appropriate water management district.

12997 Section 256. Paragraph (c) of subsection (4) of section
12998 379.2291, Florida Statutes, is amended to read:

12999 379.2291 Endangered and Threatened Species Act.—

13000 (4) INTERAGENCY COORDINATION.—

13001 (c) The commission, in consultation with the Department of
13002 Agriculture and Consumer Services, the Department of Economic
13003 Opportunity Community Affairs, or the Department of
13004 Transportation, may establish reduced speed zones along roads,



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13005 streets, and highways to protect endangered species or
13006 threatened species.

13007 Section 257. Subsection (18) of section 380.031, Florida
13008 Statutes, is amended to read:

13009 380.031 Definitions.—As used in this chapter:

13010 (18) "State land planning agency" means the Department of
13011 Economic Opportunity ~~Community Affairs~~ and may be referred to in
13012 this part as the "department."

13013 Section 258. Paragraph (d) of subsection (2), paragraph (e)
13014 of subsection (15), and subsections (24) and (27) of section
13015 380.06, Florida Statutes, are amended to read:

13016 380.06 Developments of regional impact.—

13017 (2) STATEWIDE GUIDELINES AND STANDARDS.—

13018 (d) The guidelines and standards shall be applied as
13019 follows:

13020 1. Fixed thresholds.—

13021 a. A development that is below 100 percent of all numerical
13022 thresholds in the guidelines and standards is ~~shall~~ not be
13023 required to undergo development-of-regional-impact review.

13024 b. A development that is at or above 120 percent of any
13025 numerical threshold shall be required to undergo development-of-
13026 regional-impact review.

13027 c. Projects certified under s. 403.973 which create at
13028 least 100 jobs and meet the criteria of the Department of
13029 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
13030 ~~Development~~ as to their impact on an area's economy, employment,
13031 and prevailing wage and skill levels that are at or below 100
13032 percent of the numerical thresholds for industrial plants,
13033 industrial parks, distribution, warehousing or wholesaling



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13034 facilities, office development or multiuse projects other than
13035 residential, as described in s. 380.0651(3)(c), (d), and (h),
13036 are not required to undergo development-of-regional-impact
13037 review.

13038 2. Rebuttable presumption.—It shall be presumed that a
13039 development that is at 100 percent or between 100 and 120
13040 percent of a numerical threshold shall be required to undergo
13041 development-of-regional-impact review.

13042 (15) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

13043 (e)1. A local government shall not include, as a
13044 development order condition for a development of regional
13045 impact, any requirement that a developer contribute or pay for
13046 land acquisition or construction or expansion of public
13047 facilities or portions thereof unless the local government has
13048 enacted a local ordinance which requires other development not
13049 subject to this section to contribute its proportionate share of
13050 the funds, land, or public facilities necessary to accommodate
13051 any impacts having a rational nexus to the proposed development,
13052 and the need to construct new facilities or add to the present
13053 system of public facilities must be reasonably attributable to
13054 the proposed development.

13055 2. A local government shall not approve a development of
13056 regional impact that does not make adequate provision for the
13057 public facilities needed to accommodate the impacts of the
13058 proposed development unless the local government includes in the
13059 development order a commitment by the local government to
13060 provide these facilities consistently with the development
13061 schedule approved in the development order; however, a local
13062 government's failure to meet the requirements of subparagraph 1.



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13063 and this subparagraph shall not preclude the issuance of a
13064 development order where adequate provision is made by the
13065 developer for the public facilities needed to accommodate the
13066 impacts of the proposed development. Any funds or lands
13067 contributed by a developer must be expressly designated and used
13068 to accommodate impacts reasonably attributable to the proposed
13069 development.

13070 3. The Department of Economic Opportunity ~~Community Affairs~~
13071 and other state and regional agencies involved in the
13072 administration and implementation of this act shall cooperate
13073 and work with units of local government in preparing and
13074 adopting local impact fee and other contribution ordinances.

13075 (24) STATUTORY EXEMPTIONS.—

13076 (a) Any proposed hospital is exempt from ~~the provisions of~~
13077 this section.

13078 (b) Any proposed electrical transmission line or electrical
13079 power plant is exempt from ~~the provisions of~~ this section.

13080 (c) Any proposed addition to an existing sports facility
13081 complex is exempt from ~~the provisions of~~ this section if the
13082 addition meets the following characteristics:

13083 1. It would not operate concurrently with the scheduled
13084 hours of operation of the existing facility.

13085 2. Its seating capacity would be no more than 75 percent of
13086 the capacity of the existing facility.

13087 3. The sports facility complex property is owned by a
13088 public body before ~~prior to~~ July 1, 1983.

13089
13090 This exemption does not apply to any pari-mutuel facility.

13091 (d) Any proposed addition or cumulative additions



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13092 subsequent to July 1, 1988, to an existing sports facility
13093 complex owned by a state university is exempt if the increased
13094 seating capacity of the complex is no more than 30 percent of
13095 the capacity of the existing facility.

13096 (e) Any addition of permanent seats or parking spaces for
13097 an existing sports facility located on property owned by a
13098 public body before ~~prior to~~ July 1, 1973, is exempt from ~~the~~
13099 ~~provisions of~~ this section if future additions do not expand
13100 existing permanent seating or parking capacity more than 15
13101 percent annually in excess of the prior year's capacity.

13102 (f) Any increase in the seating capacity of an existing
13103 sports facility having a permanent seating capacity of at least
13104 50,000 spectators is exempt from ~~the provisions of~~ this section,
13105 provided that such an increase does not increase permanent
13106 seating capacity by more than 5 percent per year and not to
13107 exceed a total of 10 percent in any 5-year period, and provided
13108 that the sports facility notifies the appropriate local
13109 government within which the facility is located of the increase
13110 at least 6 months before ~~prior to~~ the initial use of the
13111 increased seating, in order to permit the appropriate local
13112 government to develop a traffic management plan for the traffic
13113 generated by the increase. Any traffic management plan shall be
13114 consistent with the local comprehensive plan, the regional
13115 policy plan, and the state comprehensive plan.

13116 (g) Any expansion in the permanent seating capacity or
13117 additional improved parking facilities of an existing sports
13118 facility is exempt from ~~the provisions of~~ this section, if the
13119 following conditions exist:

13120 1.a. The sports facility had a permanent seating capacity



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13121 on January 1, 1991, of at least 41,000 spectator seats;
13122 b. The sum of such expansions in permanent seating capacity
13123 does not exceed a total of 10 percent in any 5-year period and
13124 does not exceed a cumulative total of 20 percent for any such
13125 expansions; or
13126 c. The increase in additional improved parking facilities
13127 is a one-time addition and does not exceed 3,500 parking spaces
13128 serving the sports facility; and
13129 2. The local government having jurisdiction of the sports
13130 facility includes in the development order or development permit
13131 approving such expansion under this paragraph a finding of fact
13132 that the proposed expansion is consistent with the
13133 transportation, water, sewer and stormwater drainage provisions
13134 of the approved local comprehensive plan and local land
13135 development regulations relating to those provisions.
13136
13137 Any owner or developer who intends to rely on this statutory
13138 exemption shall provide to the department a copy of the local
13139 government application for a development permit. Within 45 days
13140 after ~~of~~ receipt of the application, the department shall render
13141 to the local government an advisory and nonbinding opinion, in
13142 writing, stating whether, in the department's opinion, the
13143 prescribed conditions exist for an exemption under this
13144 paragraph. The local government shall render the development
13145 order approving each such expansion to the department. The
13146 owner, developer, or department may appeal the local government
13147 development order pursuant to s. 380.07, within 45 days after
13148 the order is rendered. The scope of review shall be limited to
13149 the determination of whether the conditions prescribed in this



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13150 paragraph exist. If any sports facility expansion undergoes
13151 development-of-regional-impact review, all previous expansions
13152 which were exempt under this paragraph shall be included in the
13153 development-of-regional-impact review.

13154 (h) Expansion to port harbors, spoil disposal sites,
13155 navigation channels, turning basins, harbor berths, and other
13156 related inwater harbor facilities of ports listed in s.
13157 403.021(9)(b), port transportation facilities and projects
13158 listed in s. 311.07(3)(b), and intermodal transportation
13159 facilities identified pursuant to s. 311.09(3) are exempt from
13160 ~~the provisions of~~ this section when such expansions, projects,
13161 or facilities are consistent with comprehensive master plans
13162 that are in compliance with ~~the provisions of~~ s. 163.3178.

13163 (i) Any proposed facility for the storage of any petroleum
13164 product or any expansion of an existing facility is exempt from
13165 ~~the provisions of~~ this section.

13166 (j) Any renovation or redevelopment within the same land
13167 parcel which does not change land use or increase density or
13168 intensity of use.

13169 (k) Waterport and marina development, including dry storage
13170 facilities, are exempt from ~~the provisions of~~ this section.

13171 (l) Any proposed development within an urban service
13172 boundary established under s. 163.3177(14), which is not
13173 otherwise exempt pursuant to subsection (29), is exempt from ~~the~~
13174 ~~provisions of~~ this section if the local government having
13175 jurisdiction over the area where the development is proposed has
13176 adopted the urban service boundary, has entered into a binding
13177 agreement with jurisdictions that would be impacted and with the
13178 Department of Transportation regarding the mitigation of impacts



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13179 on state and regional transportation facilities, and has adopted
13180 a proportionate share methodology pursuant to s. 163.3180(16).

13181 (m) Any proposed development within a rural land
13182 stewardship area created under s. 163.3177(11)(d) is exempt from
13183 ~~the provisions of~~ this section if the local government that has
13184 adopted the rural land stewardship area has entered into a
13185 binding agreement with jurisdictions that would be impacted and
13186 the Department of Transportation regarding the mitigation of
13187 impacts on state and regional transportation facilities, and has
13188 adopted a proportionate share methodology pursuant to s.
13189 163.3180(16).

13190 (n) The establishment, relocation, or expansion of any
13191 military installation as defined in s. 163.3175, is exempt from
13192 this section.

13193 (o) Any self-storage warehousing that does not allow retail
13194 or other services is exempt from this section.

13195 (p) Any proposed nursing home or assisted living facility
13196 is exempt from this section.

13197 (q) Any development identified in an airport master plan
13198 and adopted into the comprehensive plan pursuant to s.
13199 163.3177(6)(k) is exempt from this section.

13200 (r) Any development identified in a campus master plan and
13201 adopted pursuant to s. 1013.30 is exempt from this section.

13202 (s) Any development in a specific area plan which is
13203 prepared pursuant to s. 163.3245 and adopted into the
13204 comprehensive plan is exempt from this section.

13205 (t) Any development within a county with a research and
13206 education authority created by special act and that is also
13207 within a research and development park that is operated or



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13208 managed by a research and development authority pursuant to part
13209 V of chapter 159 is exempt from this section.

13210
13211 If a use is exempt from review as a development of regional
13212 impact under paragraphs (a)-(s), but will be part of a larger
13213 project that is subject to review as a development of regional
13214 impact, the impact of the exempt use must be included in the
13215 review of the larger project, unless such exempt use involves a
13216 development of regional impact that includes a landowner,
13217 tenant, or user that has entered into a funding agreement with
13218 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
13219 ~~and Economic Development~~ under the Innovation Incentive Program
13220 and the agreement contemplates a state award of at least \$50
13221 million.

13222 (27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A
13223 DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his
13224 or her rights, responsibilities, and obligations under a
13225 development order and the development order does not clearly
13226 define his or her rights, responsibilities, and obligations, the
13227 developer or owner may request participation in resolving the
13228 dispute through the dispute resolution process outlined in s.
13229 186.509. The Department of Economic Opportunity ~~Community~~
13230 ~~Affairs~~ shall be notified by certified mail of any meeting held
13231 under the process provided for by this subsection at least 5
13232 days before the meeting.

13233 Section 259. Paragraph (a) of subsection (5) of section
13234 380.061, Florida Statutes, is amended to read:

13235 380.061 The Florida Quality Developments program.—

13236 (5) (a) Before filing an application for development



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13237 designation, the developer shall contact the Department of
13238 Economic Opportunity ~~Community Affairs~~ to arrange one or more
13239 preapplication conferences with the other reviewing entities.
13240 Upon the request of the developer or any of the reviewing
13241 entities, other affected state or regional agencies shall
13242 participate in this conference. The department, in coordination
13243 with the local government with jurisdiction and the regional
13244 planning council, shall provide the developer information about
13245 the Florida Quality Developments designation process and the use
13246 of preapplication conferences to identify issues, coordinate
13247 appropriate state, regional, and local agency requirements,
13248 fully address any concerns of the local government, the regional
13249 planning council, and other reviewing agencies and the meeting
13250 of those concerns, if applicable, through development order
13251 conditions, and otherwise promote a proper, efficient, and
13252 timely review of the proposed Florida Quality Development. The
13253 department shall take the lead in coordinating the review
13254 process.

13255 Section 260. Subsections (2) and (6) of section 380.0677,
13256 Florida Statutes, are amended to read:

13257 380.0677 Green Swamp Land Authority.—

13258 (2) MISSION.—The mission of the Green Swamp Land Authority
13259 shall be to balance the protection of the ecological values of
13260 the Green Swamp Area of Critical State Concern with the
13261 protection of private property rights and the interests of
13262 taxpayers through the acquisition of lands, or rights or
13263 interests in lands, from willing sellers within the Green Swamp
13264 Area of Critical State Concern. To that end, the authority is
13265 encouraged to coordinate with the Division of State Lands of the



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13266 Department of Environmental Protection, the Florida Communities
13267 Trust Program within the Department of Environmental Protection
13268 ~~Community Affairs~~, the Southwest Florida Water Management
13269 District, and the St. Johns River Water Management District to
13270 identify, select, and acquire less-than-fee-simple interests or
13271 rights in parcels within the Green Swamp Area of Critical State
13272 Concern, as part of overall land acquisition efforts by the
13273 state and the districts. When the Department of Environmental
13274 Protection and the water management districts are planning to
13275 acquire parcels within the Green Swamp Area of Critical State
13276 Concern, they shall consider acquiring such parcels using
13277 alternatives to fee simple techniques in consultation with the
13278 land authority.

13279 (6) APPROPRIATIONS. ~~From funds appropriated to the~~
13280 ~~Department of Environmental Protection for land acquisition from~~
13281 ~~the Conservation and Recreation Lands Trust Fund for fiscal~~
13282 ~~years 1994-1995, 1995-1996, and 1996-1997, \$4 million shall be~~
13283 ~~reserved each fiscal year to carry out the purposes of this~~
13284 ~~section.~~ To the extent practicable, moneys appropriated from the
13285 Conservation and Recreation Lands Trust Fund, Save Our Rivers
13286 Trust Fund, and Florida Communities Trust Fund shall be used to
13287 acquire lands, or interests or rights in lands, on the
13288 Conservation and Recreation Lands, Save Our Rivers, or Florida
13289 Communities Trust land acquisition plans or lists, as defined in
13290 s. 259.035, or a land acquisition plan under s. 373.59 or s.
13291 380.508. However, nothing in this subsection prohibits the Green
13292 Swamp Land Authority from entering into land protection
13293 agreements with any property owner whose property is not on any
13294 of such lists. ~~From sums appropriated to the Department of~~



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13295 ~~Environmental Protection from the Water Management District~~
13296 ~~Lands Trust Fund for fiscal years 1994-1995, 1995-1996, and~~
13297 ~~1996-1997, \$3 million shall be reserved each fiscal year to~~
13298 ~~carry out the purposes of this section. Such amounts as are used~~
13299 ~~from the Water Management District Lands Trust Fund shall be~~
13300 ~~credited against the allocations as provided in s. 373.59 to the~~
13301 ~~St. Johns River Water Management District or the Southwest~~
13302 ~~Florida Water Management District in proportion to the amount of~~
13303 ~~lands for which an interest was acquired, and shall not be~~
13304 ~~required by a district for debt service payments or land~~
13305 ~~management purposes. From funds appropriated to the Department~~
13306 ~~of Community Affairs for the Florida Communities Trust Program~~
13307 ~~from the Preservation 2000 Trust Fund for fiscal years 1994-1995~~
13308 ~~through 1999-2000, \$3 million shall be reserved each fiscal year~~
13309 ~~to carry out the purposes of this section. Appropriations~~
13310 ~~identified pursuant to this subsection shall fund the~~
13311 ~~acquisition of lands, or the interests or rights in lands, and~~
13312 ~~related costs of acquisition. Such funds shall be available for~~
13313 ~~expenditure after the land authority has adopted rules to begin~~
13314 ~~its program. Funds reserved pursuant to this subsection, for~~
13315 ~~each of the referenced fiscal years, shall remain available for~~
13316 ~~the purposes specified in this subsection for 24 months from the~~
13317 ~~date on which such funds become available for disbursement.~~
13318 ~~After such time has elapsed, any funds which are not legally~~
13319 ~~obligated for expenditure shall be released for the lawful~~
13320 ~~purposes for which they were otherwise appropriated.~~

13321 Section 261. Section 380.285, Florida Statutes, is amended
13322 to read:

13323 380.285 Lighthouses; study; preservation; funding.—The



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13324 ~~Department of Community Affairs and the~~ Division of Historical
13325 Resources of the Department of State shall undertake a study of
13326 the lighthouses in the state. The study must determine the
13327 location, ownership, condition, and historical significance of
13328 all lighthouses in the state and ensure that all historically
13329 significant lighthouses are nominated for inclusion on the
13330 National Register of Historic Places. The study must assess the
13331 condition and restoration needs of historic lighthouses and
13332 develop plans for appropriate future public access and use. The
13333 Division of Historical Resources shall take a leadership role in
13334 implementing plans to stabilize lighthouses and associated
13335 structures and to preserve and protect them from future
13336 deterioration. When possible, the lighthouses and associated
13337 buildings should be made available to the public for educational
13338 and recreational purposes. The Department of State shall request
13339 in its annual legislative budget requests funding necessary to
13340 carry out the duties and responsibilities specified in this act.
13341 Funds for the rehabilitation of lighthouses should be allocated
13342 through matching grants-in-aid to state and local government
13343 agencies and to nonprofit organizations. The Department of
13344 Environmental Protection may assist the Division of Historical
13345 Resources in projects to accomplish the goals and activities
13346 described in this section.

13347 Section 262. Subsection (2) of section 380.503, Florida
13348 Statutes, is amended to read:

13349 380.503 Definitions.—As used in ss. 380.501-380.515, unless
13350 the context indicates a different meaning or intent:

13351 (2) "Department" means the Department of Environmental
13352 Protection ~~Community Affairs~~.



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13353 Section 263. Subsection (1) of section 380.504, Florida
13354 Statutes, is amended to read:

13355 380.504 Florida Communities Trust; creation; membership;
13356 expenses.—

13357 (1) There is created within the Department of Environmental
13358 Protection ~~the Department of Community Affairs~~ a nonregulatory
13359 state agency and instrumentality, which shall be a public body
13360 corporate and politic, known as the "Florida Communities Trust."
13361 The governing body of the trust shall consist of:

13362 (a) ~~The Secretary of Community Affairs and the~~ Secretary of
13363 Environmental Protection; and

13364 (b) Four public members whom the Governor shall appoint
13365 subject to Senate confirmation.

13366
13367 The Governor shall appoint a former elected official of a county
13368 government, a former elected official of a metropolitan
13369 municipal government, a representative of a nonprofit
13370 organization as defined in this part, and a representative of
13371 the development industry. ~~The Secretary of Community Affairs may~~
13372 ~~designate his or her assistant secretary or the director of the~~
13373 ~~Division of Community Planning to serve in his or her absence.~~

13374 The Secretary of Environmental Protection may appoint his or her
13375 deputy secretary, the director of the Division of State Lands,
13376 or the director of the Division of Recreation and Parks to serve
13377 in his or her absence. The Secretary of Environmental Protection
13378 ~~Secretary of Community Affairs~~ shall be the chair of the
13379 governing body of the trust. The Governor shall make his or her
13380 appointments upon the expiration of any current terms or within
13381 60 days after the effective date of the resignation of any



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13382 member.

13383 Section 264. Subsection (1) of section 380.5115, Florida
13384 Statutes, is amended to read:

13385 380.5115 Florida Forever Program Trust Fund of the
13386 Department of Environmental Protection ~~Community Affairs~~.-

13387 (1) There is created a Florida Forever Program Trust Fund
13388 within the department ~~of Community Affairs~~ to further the
13389 purposes of this part as specified in s. 259.105(3)(c) and (j).
13390 The trust fund shall receive funds pursuant to s. 259.105(3)(c)
13391 and (j).

13392 Section 265. Paragraph (e) of subsection (1) of section
13393 381.0054, Florida Statutes, is amended to read:

13394 381.0054 Healthy lifestyles promotion.-

13395 (1) The Department of Health shall promote healthy
13396 lifestyles to reduce the prevalence of excess weight gain and
13397 obesity in Florida by implementing appropriate physical activity
13398 and nutrition programs that are directed towards all Floridians
13399 by:

13400 (e) Partnering with the Department of Education, school
13401 districts, and Enterprise Florida, Inc., ~~the Florida Sports~~
13402 ~~Foundation~~ to develop a program that recognizes schools whose
13403 students demonstrate excellent physical fitness or fitness
13404 improvement.

13405 Section 266. Subsection (6) of section 381.0086, Florida
13406 Statutes, is amended to read:

13407 381.0086 Rules; variances; penalties.-

13408 (6) For the purposes of filing an interstate clearance
13409 order with the Department of Economic Opportunity ~~Agency for~~
13410 ~~Workforce Innovation~~, if the housing is covered by 20 C.F.R.



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13411 part 654, subpart E, no permanent structural variance referred
13412 to in subsection (2) is allowed.

13413 Section 267. Paragraph (e) of subsection (2) and paragraph
13414 (b) of subsection (5) of section 381.0303, Florida Statutes, are
13415 amended to read:

13416 381.0303 Special needs shelters.—

13417 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
13418 ASSISTANCE.—If funds have been appropriated to support disaster
13419 coordinator positions in county health departments:

13420 (e) The Secretary of Elderly Affairs, or his or her
13421 designee, shall convene, at any time that he or she deems
13422 appropriate and necessary, a multiagency special needs shelter
13423 discharge planning team to assist local areas that are severely
13424 impacted by a natural or manmade disaster that requires the use
13425 of special needs shelters. Multiagency special needs shelter
13426 discharge planning teams shall provide assistance to local
13427 emergency management agencies with the continued operation or
13428 closure of the shelters, as well as with the discharge of
13429 special needs clients to alternate facilities if necessary.
13430 Local emergency management agencies may request the assistance
13431 of a multiagency special needs shelter discharge planning team
13432 by alerting statewide emergency management officials of the
13433 necessity for additional assistance in their area. The Secretary
13434 of Elderly Affairs is encouraged to proactively work with other
13435 state agencies prior to any natural disasters for which warnings
13436 are provided to ensure that multiagency special needs shelter
13437 discharge planning teams are ready to assemble and deploy
13438 rapidly upon a determination by state emergency management
13439 officials that a disaster area requires additional assistance.



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13440 The Secretary of Elderly Affairs may call upon any state agency
13441 or office to provide staff to assist a multiagency special needs
13442 shelter discharge planning team. Unless the secretary determines
13443 that the nature or circumstances surrounding the disaster do not
13444 warrant participation from a particular agency's staff, each
13445 multiagency special needs shelter discharge planning team shall
13446 include at least one representative from each of the following
13447 state agencies:

- 13448 1. Department of Elderly Affairs.
- 13449 2. Department of Health.
- 13450 3. Department of Children and Family Services.
- 13451 4. Department of Veterans' Affairs.
- 13452 5. Division of Emergency Management ~~Department of Community~~
13453 ~~Affairs.~~
- 13454 6. Agency for Health Care Administration.
- 13455 7. Agency for Persons with Disabilities.

13456 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
13457 Surgeon General may establish a special needs shelter
13458 interagency committee and serve as, or appoint a designee to
13459 serve as, the committee's chair. The department shall provide
13460 any necessary staff and resources to support the committee in
13461 the performance of its duties. The committee shall address and
13462 resolve problems related to special needs shelters not addressed
13463 in the state comprehensive emergency medical plan and shall
13464 consult on the planning and operation of special needs shelters.

13465 (b) The special needs shelter interagency committee shall
13466 be composed of representatives of emergency management, health,
13467 medical, and social services organizations. Membership shall
13468 include, but shall not be limited to, representatives of the



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13469 Departments of Health, ~~Community Affairs~~, Children and Family
13470 Services, Elderly Affairs, and Education; the Agency for Health
13471 Care Administration; the Division of Emergency Management; the
13472 Florida Medical Association; the Florida Osteopathic Medical
13473 Association; Associated Home Health Industries of Florida, Inc.;
13474 the Florida Nurses Association; the Florida Health Care
13475 Association; the Florida Assisted Living Affiliation; the
13476 Florida Hospital Association; the Florida Statutory Teaching
13477 Hospital Council; the Florida Association of Homes for the
13478 Aging; the Florida Emergency Preparedness Association; the
13479 American Red Cross; Florida Hospices and Palliative Care, Inc.;
13480 the Association of Community Hospitals and Health Systems; the
13481 Florida Association of Health Maintenance Organizations; the
13482 Florida League of Health Systems; the Private Care Association;
13483 the Salvation Army; the Florida Association of Aging Services
13484 Providers; the AARP; and the Florida Renal Coalition.

13485 Section 268. Subsection (3) of section 381.7354, Florida
13486 Statutes, is amended to read:

13487 381.7354 Eligibility.-

13488 (3) In addition to the grants awarded under subsections (1)
13489 and (2), up to 20 percent of the funding for the Reducing Racial
13490 and Ethnic Health Disparities: Closing the Gap grant program
13491 shall be dedicated to projects that address improving racial and
13492 ethnic health status within specific Front Porch Florida
13493 Communities, ~~as designated pursuant to s. 20.18(6)~~.

13494 Section 269. Paragraph (b) of subsection (1) and subsection
13495 (2) of section 383.14, Florida Statutes, are amended to read:

13496 383.14 Screening for metabolic disorders, other hereditary
13497 and congenital disorders, and environmental risk factors.-



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13498 (1) SCREENING REQUIREMENTS.—To help ensure access to the
13499 maternal and child health care system, the Department of Health
13500 shall promote the screening of all newborns born in Florida for
13501 metabolic, hereditary, and congenital disorders known to result
13502 in significant impairment of health or intellect, as screening
13503 programs accepted by current medical practice become available
13504 and practical in the judgment of the department. The department
13505 shall also promote the identification and screening of all
13506 newborns in this state and their families for environmental risk
13507 factors such as low income, poor education, maternal and family
13508 stress, emotional instability, substance abuse, and other high-
13509 risk conditions associated with increased risk of infant
13510 mortality and morbidity to provide early intervention,
13511 remediation, and prevention services, including, but not limited
13512 to, parent support and training programs, home visitation, and
13513 case management. Identification, perinatal screening, and
13514 intervention efforts shall begin prior to and immediately
13515 following the birth of the child by the attending health care
13516 provider. Such efforts shall be conducted in hospitals,
13517 perinatal centers, county health departments, school health
13518 programs that provide prenatal care, and birthing centers, and
13519 reported to the Office of Vital Statistics.

13520 (b) *Postnatal screening.*—A risk factor analysis using the
13521 department's designated risk assessment instrument shall also be
13522 conducted as part of the medical screening process upon the
13523 birth of a child and submitted to the department's Office of
13524 Vital Statistics for recording and other purposes provided for
13525 in this chapter. The department's screening process for risk
13526 assessment shall include a scoring mechanism and procedures that



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13527 establish thresholds for notification, further assessment,
13528 referral, and eligibility for services by professionals or
13529 paraprofessionals consistent with the level of risk. Procedures
13530 for developing and using the screening instrument, notification,
13531 referral, and care coordination services, reporting
13532 requirements, management information, and maintenance of a
13533 computer-driven registry in the Office of Vital Statistics which
13534 ensures privacy safeguards must be consistent with the
13535 provisions and plans established under chapter 411, Pub. L. No.
13536 99-457, and this chapter. Procedures established for reporting
13537 information and maintaining a confidential registry must include
13538 a mechanism for a centralized information depository at the
13539 state and county levels. The department shall coordinate with
13540 existing risk assessment systems and information registries. The
13541 department must ensure, to the maximum extent possible, that the
13542 screening information registry is integrated with the
13543 department's automated data systems, including the Florida On-
13544 line Recipient Integrated Data Access (FLORIDA) system. Tests
13545 and screenings must be performed by the State Public Health
13546 Laboratory, in coordination with Children's Medical Services, at
13547 such times and in such manner as is prescribed by the department
13548 after consultation with the Genetics and Newborn Infant
13549 Screening Advisory Council and the Office of Early Learning
13550 Agency for Workforce Innovation.

13551 (2) RULES.—After consultation with the Genetics and Newborn
13552 Screening Advisory Council, the department shall adopt and
13553 enforce rules requiring that every newborn in this state shall,
13554 prior to becoming 1 week of age, be subjected to a test for
13555 phenylketonuria and, at the appropriate age, be tested for such



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13556 other metabolic diseases and hereditary or congenital disorders
13557 as the department may deem necessary from time to time. After
13558 consultation with the Office of Early Learning ~~Agency for~~
13559 ~~Workforce Innovation~~, the department shall also adopt and
13560 enforce rules requiring every newborn in this state to be
13561 screened for environmental risk factors that place children and
13562 their families at risk for increased morbidity, mortality, and
13563 other negative outcomes. The department shall adopt such
13564 additional rules as are found necessary for the administration
13565 of this section and s. 383.145, including rules providing
13566 definitions of terms, rules relating to the methods used and
13567 time or times for testing as accepted medical practice
13568 indicates, rules relating to charging and collecting fees for
13569 the administration of the newborn screening program authorized
13570 by this section, rules for processing requests and releasing
13571 test and screening results, and rules requiring mandatory
13572 reporting of the results of tests and screenings for these
13573 conditions to the department.

13574 Section 270. Subsection (8) of section 393.067, Florida
13575 Statutes, is amended to read:

13576 393.067 Facility licensure.—

13577 (8) The agency, after consultation with the Division of
13578 Emergency Management ~~Department of Community Affairs~~, shall
13579 adopt rules for foster care facilities, group home facilities,
13580 and residential habilitation centers which establish minimum
13581 standards for the preparation and annual update of a
13582 comprehensive emergency management plan. At a minimum, the rules
13583 must provide for plan components that address emergency
13584 evacuation transportation; adequate sheltering arrangements;



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13585 postdisaster activities, including emergency power, food, and
13586 water; postdisaster transportation; supplies; staffing;
13587 emergency equipment; individual identification of residents and
13588 transfer of records; and responding to family inquiries. The
13589 comprehensive emergency management plan for all comprehensive
13590 transitional education programs and for homes serving
13591 individuals who have complex medical conditions is subject to
13592 review and approval by the local emergency management agency.
13593 During its review, the local emergency management agency shall
13594 ensure that the agency and the Division of Emergency Management
13595 ~~Department of Community Affairs~~, at a minimum, are given the
13596 opportunity to review the plan. Also, appropriate volunteer
13597 organizations must be given the opportunity to review the plan.
13598 The local emergency management agency shall complete its review
13599 within 60 days and either approve the plan or advise the
13600 facility of necessary revisions.

13601 Section 271. Paragraph (c) of subsection (1) of section
13602 395.1055, Florida Statutes, is amended to read:

13603 395.1055 Rules and enforcement.—

13604 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
13605 and 120.54 to implement the provisions of this part, which shall
13606 include reasonable and fair minimum standards for ensuring that:

13607 (c) A comprehensive emergency management plan is prepared
13608 and updated annually. Such standards must be included in the
13609 rules adopted by the agency after consulting with the Division
13610 of Emergency Management ~~Department of Community Affairs~~. At a
13611 minimum, the rules must provide for plan components that address
13612 emergency evacuation transportation; adequate sheltering
13613 arrangements; postdisaster activities, including emergency



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13614 power, food, and water; postdisaster transportation; supplies;
13615 staffing; emergency equipment; individual identification of
13616 residents and transfer of records, and responding to family
13617 inquiries. The comprehensive emergency management plan is
13618 subject to review and approval by the local emergency management
13619 agency. During its review, the local emergency management agency
13620 shall ensure that the following agencies, at a minimum, are
13621 given the opportunity to review the plan: the Department of
13622 Elderly Affairs, the Department of Health, the Agency for Health
13623 Care Administration, and the Division of Emergency Management
13624 ~~Department of Community Affairs~~. Also, appropriate volunteer
13625 organizations must be given the opportunity to review the plan.
13626 The local emergency management agency shall complete its review
13627 within 60 days and either approve the plan or advise the
13628 facility of necessary revisions.

13629 Section 272. Paragraph (a) of subsection (1) of section
13630 395.1056, Florida Statutes, is amended to read:

13631 395.1056 Plan components addressing a hospital's response
13632 to terrorism; public records exemption; public meetings
13633 exemption.—

13634 (1)(a) Those portions of a comprehensive emergency
13635 management plan that address the response of a public or private
13636 hospital to an act of terrorism as defined by s. 775.30 held by
13637 the agency, a state or local law enforcement agency, a county or
13638 municipal emergency management agency, the Executive Office of
13639 the Governor, the Department of Health, or the Division of
13640 Emergency Management ~~Department of Community Affairs~~ are
13641 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
13642 of the State Constitution.



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13643 Section 273. Paragraph (c) of subsection (14) of section
13644 397.321, Florida Statutes, is amended to read:

13645 397.321 Duties of the department.—The department shall:

13646 (14) In cooperation with service providers, foster and
13647 actively seek additional funding to enhance resources for
13648 prevention, intervention, clinical treatment, and recovery
13649 support services, including, but not limited to, the development
13650 of partnerships with:

13651 (c) State agencies, including, but not limited to, the
13652 Department of Corrections, the Department of Education, the
13653 Department of Juvenile Justice, the ~~Department of Community~~
13654 ~~Affairs~~, the Department of Elderly Affairs, the Department of
13655 Health, the Department of Financial Services, and the Agency for
13656 Health Care Administration.

13657 Section 274. Subsection (1) of section 397.801, Florida
13658 Statutes, is amended to read:

13659 397.801 Substance abuse impairment coordination.—

13660 (1) The Department of Children and Family Services, the
13661 Department of Education, the Department of Corrections, the
13662 ~~Department of Community Affairs~~, and the Department of Law
13663 Enforcement each shall appoint a policy level staff person to
13664 serve as the agency substance abuse impairment coordinator. The
13665 responsibilities of the agency coordinator include interagency
13666 and intraagency coordination, collection and dissemination of
13667 agency-specific data relating to substance abuse impairment, and
13668 participation in the development of the state comprehensive plan
13669 for substance abuse impairment.

13670 Section 275. Paragraph (g) of subsection (2) of section
13671 400.23, Florida Statutes, is amended to read:



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13672 400.23 Rules; evaluation and deficiencies; licensure
13673 status.—
13674 (2) Pursuant to the intention of the Legislature, the
13675 agency, in consultation with the Department of Health and the
13676 Department of Elderly Affairs, shall adopt and enforce rules to
13677 implement this part and part II of chapter 408, which shall
13678 include reasonable and fair criteria in relation to:
13679 (g) The preparation and annual update of a comprehensive
13680 emergency management plan. The agency shall adopt rules
13681 establishing minimum criteria for the plan after consultation
13682 with the Division of Emergency Management ~~Department of~~
13683 ~~Community Affairs~~. At a minimum, the rules must provide for plan
13684 components that address emergency evacuation transportation;
13685 adequate sheltering arrangements; postdisaster activities,
13686 including emergency power, food, and water; postdisaster
13687 transportation; supplies; staffing; emergency equipment;
13688 individual identification of residents and transfer of records;
13689 and responding to family inquiries. The comprehensive emergency
13690 management plan is subject to review and approval by the local
13691 emergency management agency. During its review, the local
13692 emergency management agency shall ensure that the following
13693 agencies, at a minimum, are given the opportunity to review the
13694 plan: the Department of Elderly Affairs, the Department of
13695 Health, the Agency for Health Care Administration, and the
13696 Division of Emergency Management ~~Department of Community~~
13697 ~~Affairs~~. Also, appropriate volunteer organizations must be given
13698 the opportunity to review the plan. The local emergency
13699 management agency shall complete its review within 60 days and
13700 either approve the plan or advise the facility of necessary



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13701 revisions.

13702 Section 276. Paragraph (a) of subsection (10) of section
13703 400.497, Florida Statutes, is amended to read:

13704 400.497 Rules establishing minimum standards.—The agency
13705 shall adopt, publish, and enforce rules to implement part II of
13706 chapter 408 and this part, including, as applicable, ss. 400.506
13707 and 400.509, which must provide reasonable and fair minimum
13708 standards relating to:

13709 (10) Preparation of a comprehensive emergency management
13710 plan pursuant to s. 400.492.

13711 (a) The Agency for Health Care Administration shall adopt
13712 rules establishing minimum criteria for the plan and plan
13713 updates, with the concurrence of the Department of Health and in
13714 consultation with the Division of Emergency Management
13715 ~~Department of Community Affairs~~.

13716 Section 277. Paragraph (f) of subsection (12) of section
13717 400.506, Florida Statutes, is amended to read:

13718 400.506 Licensure of nurse registries; requirements;
13719 penalties.—

13720 (12) Each nurse registry shall prepare and maintain a
13721 comprehensive emergency management plan that is consistent with
13722 the criteria in this subsection and with the local special needs
13723 plan. The plan shall be updated annually. The plan shall include
13724 the means by which the nurse registry will continue to provide
13725 the same type and quantity of services to its patients who
13726 evacuate to special needs shelters which were being provided to
13727 those patients prior to evacuation. The plan shall specify how
13728 the nurse registry shall facilitate the provision of continuous
13729 care by persons referred for contract to persons who are



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13730 registered pursuant to s. 252.355 during an emergency that
13731 interrupts the provision of care or services in private
13732 residences. Nurse registries may establish links to local
13733 emergency operations centers to determine a mechanism by which
13734 to approach specific areas within a disaster area in order for a
13735 provider to reach its clients. Nurse registries shall
13736 demonstrate a good faith effort to comply with the requirements
13737 of this subsection by documenting attempts of staff to follow
13738 procedures outlined in the nurse registry's comprehensive
13739 emergency management plan which support a finding that the
13740 provision of continuing care has been attempted for patients
13741 identified as needing care by the nurse registry and registered
13742 under s. 252.355 in the event of an emergency under this
13743 subsection.

13744 (f) The Agency for Health Care Administration shall adopt
13745 rules establishing minimum criteria for the comprehensive
13746 emergency management plan and plan updates required by this
13747 subsection, with the concurrence of the Department of Health and
13748 in consultation with the Division of Emergency Management
13749 ~~Department of Community Affairs.~~

13750 Section 278. Paragraph (h) of subsection (1) of section
13751 400.605, Florida Statutes, is amended to read:

13752 400.605 Administration; forms; fees; rules; inspections;
13753 fines.-

13754 (1) The agency, in consultation with the department, may
13755 adopt rules to administer the requirements of part II of chapter
13756 408. The department, in consultation with the agency, shall by
13757 rule establish minimum standards and procedures for a hospice
13758 pursuant to this part. The rules must include:



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13759 (h) Components of a comprehensive emergency management
13760 plan, developed in consultation with the Department of Health,
13761 the Department of Elderly Affairs, and the Division of Emergency
13762 Management ~~Department of Community Affairs~~.

13763 Section 279. Subsection (9) of section 400.935, Florida
13764 Statutes, is amended to read:

13765 400.935 Rules establishing minimum standards.—The agency
13766 shall adopt, publish, and enforce rules to implement this part
13767 and part II of chapter 408, which must provide reasonable and
13768 fair minimum standards relating to:

13769 (9) Preparation of the comprehensive emergency management
13770 plan under s. 400.934 and the establishment of minimum criteria
13771 for the plan, including the maintenance of patient equipment and
13772 supply lists that can accompany patients who are transported
13773 from their homes. Such rules shall be formulated in consultation
13774 with the Department of Health and the Division of Emergency
13775 Management ~~Department of Community Affairs~~.

13776 Section 280. Paragraph (g) of subsection (2) of section
13777 400.967, Florida Statutes, is amended to read:

13778 400.967 Rules and classification of deficiencies.—

13779 (2) Pursuant to the intention of the Legislature, the
13780 agency, in consultation with the Agency for Persons with
13781 Disabilities and the Department of Elderly Affairs, shall adopt
13782 and enforce rules to administer this part and part II of chapter
13783 408, which shall include reasonable and fair criteria governing:

13784 (g) The preparation and annual update of a comprehensive
13785 emergency management plan. The agency shall adopt rules
13786 establishing minimum criteria for the plan after consultation
13787 with the Division of Emergency Management ~~Department of~~



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13788 ~~Community Affairs~~. At a minimum, the rules must provide for plan
13789 components that address emergency evacuation transportation;
13790 adequate sheltering arrangements; postdisaster activities,
13791 including emergency power, food, and water; postdisaster
13792 transportation; supplies; staffing; emergency equipment;
13793 individual identification of residents and transfer of records;
13794 and responding to family inquiries. The comprehensive emergency
13795 management plan is subject to review and approval by the local
13796 emergency management agency. During its review, the local
13797 emergency management agency shall ensure that the following
13798 agencies, at a minimum, are given the opportunity to review the
13799 plan: the Department of Elderly Affairs, the Agency for Persons
13800 with Disabilities, the Agency for Health Care Administration,
13801 and the Division of Emergency Management ~~Department of Community~~
13802 ~~Affairs~~. Also, appropriate volunteer organizations must be given
13803 the opportunity to review the plan. The local emergency
13804 management agency shall complete its review within 60 days and
13805 either approve the plan or advise the facility of necessary
13806 revisions.

13807 Section 281. Paragraph (b) of subsection (2) of section
13808 401.245, Florida Statutes, is amended to read:

13809 401.245 Emergency Medical Services Advisory Council.—

13810 (2)

13811 (b) Representation on the Emergency Medical Services
13812 Advisory Council shall include: two licensed physicians who are
13813 "medical directors" as defined in s. 401.23(15) or whose medical
13814 practice is closely related to emergency medical services; two
13815 emergency medical service administrators, one of whom is
13816 employed by a fire service; two certified paramedics, one of



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13817 whom is employed by a fire service; two certified emergency
13818 medical technicians, one of whom is employed by a fire service;
13819 one emergency medical services educator; one emergency nurse;
13820 one hospital administrator; one representative of air ambulance
13821 services; one representative of a commercial ambulance operator;
13822 and two laypersons who are in no way connected with emergency
13823 medical services, one of whom is a representative of the
13824 elderly. Ex officio members of the advisory council from state
13825 agencies shall include, but shall not be limited to,
13826 representatives from the Department of Education, the Department
13827 of Management Services, the State Fire Marshal, the Department
13828 of Highway Safety and Motor Vehicles, the Department of
13829 Transportation, and the Division of Emergency Management
13830 ~~Department of Community Affairs.~~

13831 Section 282. Paragraph (b) of subsection (3) of section
13832 402.281, Florida Statutes, is amended to read:

13833 402.281 Gold Seal Quality Care program.—

13834 (3)

13835 (b) In approving accrediting associations, the department
13836 shall consult with the Department of Education, ~~the Agency for~~
13837 ~~Workforce Innovation~~, the Florida Head Start Directors
13838 Association, the Florida Association of Child Care Management,
13839 the Florida Family Day Care Association, the Florida Children's
13840 Forum, the Early Childhood Association of Florida, the Child
13841 Development Education Alliance, providers receiving exemptions
13842 under s. 402.316, and parents.

13843 Section 283. Subsection (6) of section 402.45, Florida
13844 Statutes, is amended to read:

13845 402.45 Community resource mother or father program.—



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13846 (6) Individuals under contract to provide community
13847 resource mother or father services shall participate in
13848 preservice and ongoing training as determined by the Department
13849 of Health in consultation with the Office of Early Learning
13850 ~~Agency for Workforce Innovation~~. A community resource mother or
13851 father shall not be assigned a client caseload until all
13852 preservice training requirements are completed.

13853 Section 284. Paragraph (a) of subsection (4) of section
13854 402.56, Florida Statutes, is amended to read:

13855 402.56 Children's cabinet; organization; responsibilities;
13856 annual report.—

13857 (4) MEMBERS.—The cabinet shall consist of 14 ~~15~~ members
13858 including the Governor and the following persons:

13859 (a)1. The Secretary of Children and Family Services;

13860 2. The Secretary of Juvenile Justice;

13861 3. The director of the Agency for Persons with
13862 Disabilities;

13863 4. The director of the Division of Early Learning ~~Agency~~
13864 ~~for Workforce Innovation~~;

13865 5. The State Surgeon General;

13866 6. The Secretary of Health Care Administration;

13867 7. The Commissioner of Education;

13868 8. The director of the Statewide Guardian Ad Litem Office;

13869 9. The director of the Office of Child Abuse Prevention;

13870 and

13871 10. Five members representing children and youth advocacy
13872 organizations, who are not service providers and who are
13873 appointed by the Governor.

13874 Section 285. Subsection (5) of section 403.0752, Florida



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13875 Statutes, is amended to read:

13876 403.0752 Ecosystem management agreements.—

13877 (5) The executive director of the Department of Economic
13878 Opportunity Secretary of Community Affairs, the Secretary of
13879 Transportation, the Commissioner of Agriculture, the Executive
13880 Director of the Fish and Wildlife Conservation Commission, and
13881 the executive directors of the water management districts are
13882 authorized to participate in the development of ecosystem
13883 management agreements with regulated entities and other
13884 governmental agencies as necessary to effectuate the provisions
13885 of this section. Local governments are encouraged to participate
13886 in ecosystem management agreements.

13887 Section 286. Paragraph (b) of subsection (3) of section
13888 403.42, Florida Statutes, is amended to read:

13889 403.42 Florida Clean Fuel Act.—

13890 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
13891 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

13892 (b)1. The advisory board shall consist of the executive
13893 director of the Department of Economic Opportunity Secretary of
13894 Community Affairs, ~~or a designee from that department~~, the
13895 Secretary of Environmental Protection, or a designee from that
13896 department, the Commissioner of Education, or a designee from
13897 that department, the Secretary of Transportation, or a designee
13898 from that department, the Commissioner of Agriculture, or a
13899 designee from that ~~the~~ department of ~~Agriculture and Consumer~~
13900 ~~Services~~, the Secretary of Management Services, or a designee
13901 from that department, and a representative of each of the
13902 following, who shall be appointed by the Secretary of
13903 Environmental Protection:



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- 13904 a. The Florida biodiesel industry.
- 13905 b. The Florida electric utility industry.
- 13906 c. The Florida natural gas industry.
- 13907 d. The Florida propane gas industry.
- 13908 e. An automobile manufacturers' association.
- 13909 f. A Florida Clean Cities Coalition designated by the
13910 United States Department of Energy.
- 13911 g. Enterprise Florida, Inc.
- 13912 h. EV Ready Broward.
- 13913 i. The Florida petroleum industry.
- 13914 j. The Florida League of Cities.
- 13915 k. The Florida Association of Counties.
- 13916 l. Floridians for Better Transportation.
- 13917 m. A motor vehicle manufacturer.
- 13918 n. Florida Local Environment Resource Agencies.
- 13919 o. Project for an Energy Efficient Florida.
- 13920 p. Florida Transportation Builders Association.
- 13921 2. The purpose of the advisory board is to serve as a
13922 resource for the department and to provide the Governor, the
13923 Legislature, and the Secretary of Environmental Protection with
13924 private sector and other public agency perspectives on achieving
13925 the goal of increasing the use of alternative fuel vehicles in
13926 this state.
- 13927 3. Members shall be appointed to serve terms of 1 year
13928 each, with reappointment at the discretion of the Secretary of
13929 Environmental Protection. Vacancies shall be filled for the
13930 remainder of the unexpired term in the same manner as the
13931 original appointment.
- 13932 4. The board shall annually select a chairperson.



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13933 5.a. The board shall meet at least once each quarter or
13934 more often at the call of the chairperson or the Secretary of
13935 Environmental Protection.

13936 b. Meetings are exempt from the notice requirements of
13937 chapter 120, and sufficient notice shall be given to afford
13938 interested persons reasonable notice under the circumstances.

13939 6. Members of the board are entitled to travel expenses
13940 while engaged in the performance of board duties.

13941 7. The board shall terminate 5 years after the effective
13942 date of this act.

13943 Section 287. Paragraph (a) of subsection (2) of section
13944 403.507, Florida Statutes, is amended to read:

13945 403.507 Preliminary statements of issues, reports, project
13946 analyses, and studies.—

13947 (2) (a) No later than 100 days after the certification
13948 application has been determined complete, the following agencies
13949 shall prepare reports as provided below and shall submit them to
13950 the department and the applicant, unless a final order denying
13951 the determination of need has been issued under s. 403.519:

13952 1. The Department of Economic Opportunity ~~Community Affairs~~
13953 shall prepare a report containing recommendations which address
13954 the impact upon the public of the proposed electrical power
13955 plant, based on the degree to which the electrical power plant
13956 is consistent with the applicable portions of the state
13957 comprehensive plan, emergency management, and other such matters
13958 within its jurisdiction. The Department of Economic Opportunity
13959 ~~Community Affairs~~ may also comment on the consistency of the
13960 proposed electrical power plant with applicable strategic
13961 regional policy plans or local comprehensive plans and land



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13962 development regulations.

13963 2. The water management district shall prepare a report as
13964 to matters within its jurisdiction, including but not limited
13965 to, the impact of the proposed electrical power plant on water
13966 resources, regional water supply planning, and district-owned
13967 lands and works.

13968 3. Each local government in whose jurisdiction the proposed
13969 electrical power plant is to be located shall prepare a report
13970 as to the consistency of the proposed electrical power plant
13971 with all applicable local ordinances, regulations, standards, or
13972 criteria that apply to the proposed electrical power plant,
13973 including any applicable local environmental regulations adopted
13974 pursuant to s. 403.182 or by other means.

13975 4. The Fish and Wildlife Conservation Commission shall
13976 prepare a report as to matters within its jurisdiction.

13977 5. Each regional planning council shall prepare a report
13978 containing recommendations that address the impact upon the
13979 public of the proposed electrical power plant, based on the
13980 degree to which the electrical power plant is consistent with
13981 the applicable provisions of the strategic regional policy plan
13982 adopted pursuant to chapter 186 and other matters within its
13983 jurisdiction.

13984 6. The Department of Transportation shall address the
13985 impact of the proposed electrical power plant on matters within
13986 its jurisdiction.

13987 Section 288. Paragraph (a) of subsection (3) of section
13988 403.508, Florida Statutes, is amended to read:

13989 403.508 Land use and certification hearings, parties,
13990 participants.-



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- 13991 (3) (a) Parties to the proceeding shall include:
- 13992 1. The applicant.
- 13993 2. The Public Service Commission.
- 13994 3. The Department of Economic Opportunity Community
- 13995 Affairs.
- 13996 4. The Fish and Wildlife Conservation Commission.
- 13997 5. The water management district.
- 13998 6. The department.
- 13999 7. The regional planning council.
- 14000 8. The local government.
- 14001 9. The Department of Transportation.
- 14002 Section 289. Paragraph (b) of subsection (2) of section
- 14003 403.524, Florida Statutes, is amended to read:
- 14004 403.524 Applicability; certification; exemptions.—
- 14005 (2) Except as provided in subsection (1), construction of a
- 14006 transmission line may not be undertaken without first obtaining
- 14007 certification under this act, but this act does not apply to:
- 14008 (b) Transmission lines that have been exempted by a binding
- 14009 letter of interpretation issued under s. 380.06(4), or in which
- 14010 the Department of Economic Opportunity Community Affairs or its
- 14011 predecessor agency has determined the utility to have vested
- 14012 development rights within the meaning of s. 380.05(18) or s.
- 14013 380.06(20).
- 14014 Section 290. Paragraph (a) of subsection (2) of section
- 14015 403.526, Florida Statutes, is amended to read:
- 14016 403.526 Preliminary statements of issues, reports, and
- 14017 project analyses; studies.—
- 14018 (2) (a) No later than 90 days after the filing of the
- 14019 application, the following agencies shall prepare reports as



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14020 provided below, unless a final order denying the determination
14021 of need has been issued under s. 403.537:

14022 1. The department shall prepare a report as to the impact
14023 of each proposed transmission line or corridor as it relates to
14024 matters within its jurisdiction.

14025 2. Each water management district in the jurisdiction of
14026 which a proposed transmission line or corridor is to be located
14027 shall prepare a report as to the impact on water resources and
14028 other matters within its jurisdiction.

14029 3. The Department of Economic Opportunity ~~Community Affairs~~
14030 shall prepare a report containing recommendations which address
14031 the impact upon the public of the proposed transmission line or
14032 corridor, based on the degree to which the proposed transmission
14033 line or corridor is consistent with the applicable portions of
14034 the state comprehensive plan, emergency management, and other
14035 matters within its jurisdiction. The Department of Economic
14036 Opportunity ~~Community Affairs~~ may also comment on the
14037 consistency of the proposed transmission line or corridor with
14038 applicable strategic regional policy plans or local
14039 comprehensive plans and land development regulations.

14040 4. The Fish and Wildlife Conservation Commission shall
14041 prepare a report as to the impact of each proposed transmission
14042 line or corridor on fish and wildlife resources and other
14043 matters within its jurisdiction.

14044 5. Each local government shall prepare a report as to the
14045 impact of each proposed transmission line or corridor on matters
14046 within its jurisdiction, including the consistency of the
14047 proposed transmission line or corridor with all applicable local
14048 ordinances, regulations, standards, or criteria that apply to



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14049 the proposed transmission line or corridor, including local
14050 comprehensive plans, zoning regulations, land development
14051 regulations, and any applicable local environmental regulations
14052 adopted pursuant to s. 403.182 or by other means. A change by
14053 the responsible local government or local agency in local
14054 comprehensive plans, zoning ordinances, or other regulations
14055 made after the date required for the filing of the local
14056 government's report required by this section is not applicable
14057 to the certification of the proposed transmission line or
14058 corridor unless the certification is denied or the application
14059 is withdrawn.

14060 6. Each regional planning council shall present a report
14061 containing recommendations that address the impact upon the
14062 public of the proposed transmission line or corridor based on
14063 the degree to which the transmission line or corridor is
14064 consistent with the applicable provisions of the strategic
14065 regional policy plan adopted under chapter 186 and other impacts
14066 of each proposed transmission line or corridor on matters within
14067 its jurisdiction.

14068 7. The Department of Transportation shall prepare a report
14069 as to the impact of the proposed transmission line or corridor
14070 on state roads, railroads, airports, aeronautics, seaports, and
14071 other matters within its jurisdiction.

14072 8. The commission shall prepare a report containing its
14073 determination under s. 403.537, and the report may include the
14074 comments from the commission with respect to any other subject
14075 within its jurisdiction.

14076 9. Any other agency, if requested by the department, shall
14077 also perform studies or prepare reports as to subjects within



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14078 the jurisdiction of the agency which may potentially be affected
14079 by the proposed transmission line.

14080 Section 291. Paragraph (a) of subsection (2) of section
14081 403.527, Florida Statutes, is amended to read:

14082 403.527 Certification hearing, parties, participants.—

14083 (2) (a) Parties to the proceeding shall be:

14084 1. The applicant.

14085 2. The department.

14086 3. The commission.

14087 4. The Department of Economic Opportunity Community
14088 ~~Affairs~~.

14089 5. The Fish and Wildlife Conservation Commission.

14090 6. The Department of Transportation.

14091 7. Each water management district in the jurisdiction of
14092 which the proposed transmission line or corridor is to be
14093 located.

14094 8. The local government.

14095 9. The regional planning council.

14096 Section 292. Subsection (1) of section 403.757, Florida
14097 Statutes, is amended to read:

14098 403.757 Coordination with other state agencies.—

14099 (1) The department shall coordinate its activities and
14100 functions under ss. 403.75-403.769 and s. 526.01, as amended by
14101 chapter 84-338, Laws of Florida, with the Department of Economic
14102 Opportunity Community Affairs and other state agencies to avoid
14103 duplication in reporting and information gathering.

14104 Section 293. Paragraph (m) of subsection (5) of section
14105 403.7032, Florida Statutes, is amended to read:

14106 403.7032 Recycling.—



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14107 (5) The Department of Environmental Protection shall create
14108 the Recycling Business Assistance Center by December 1, 2010. In
14109 carrying out its duties under this subsection, the department
14110 shall consult with state agency personnel appointed to serve as
14111 economic development liaisons under s. 288.021 and seek
14112 technical assistance from Enterprise Florida, Inc., to ensure
14113 the Recycling Business Assistance Center is positioned to
14114 succeed. The purpose of the center shall be to serve as the
14115 mechanism for coordination among state agencies and the private
14116 sector in order to coordinate policy and overall strategic
14117 planning for developing new markets and expanding and enhancing
14118 existing markets for recyclable materials in this state, other
14119 states, and foreign countries. The duties of the center must
14120 include, at a minimum:

14121 (m) Coordinating with the Department of Economic
14122 Opportunity ~~Agency for Workforce Innovation~~ and its partners to
14123 provide job placement and job training services to job seekers
14124 through the state's workforce services programs.

14125 Section 294. Paragraph (a) of subsection (2) of section
14126 403.941, Florida Statutes, is amended to read:

14127 403.941 Preliminary statements of issues, reports, and
14128 studies.—

14129 (2) (a) The affected agencies shall prepare reports as
14130 provided in this paragraph and shall submit them to the
14131 department and the applicant within 60 days after the
14132 application is determined sufficient:

14133 1. The department shall prepare a report as to the impact
14134 of each proposed natural gas transmission pipeline or corridor
14135 as it relates to matters within its jurisdiction.



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14136 2. Each water management district in the jurisdiction of
14137 which a proposed natural gas transmission pipeline or corridor
14138 is to be located shall prepare a report as to the impact on
14139 water resources and other matters within its jurisdiction.

14140 3. The Department of Economic Opportunity ~~Community Affairs~~
14141 shall prepare a report containing recommendations which address
14142 the impact upon the public of the proposed natural gas
14143 transmission pipeline or corridor, based on the degree to which
14144 the proposed natural gas transmission pipeline or corridor is
14145 consistent with the applicable portions of the state
14146 comprehensive plan and other matters within its jurisdiction.
14147 The Department of Economic Opportunity ~~Community Affairs~~ may
14148 also comment on the consistency of the proposed natural gas
14149 transmission pipeline or corridor with applicable strategic
14150 regional policy plans or local comprehensive plans and land
14151 development regulations.

14152 4. The Fish and Wildlife Conservation Commission shall
14153 prepare a report as to the impact of each proposed natural gas
14154 transmission pipeline or corridor on fish and wildlife resources
14155 and other matters within its jurisdiction.

14156 5. Each local government in which the natural gas
14157 transmission pipeline or natural gas transmission pipeline
14158 corridor will be located shall prepare a report as to the impact
14159 of each proposed natural gas transmission pipeline or corridor
14160 on matters within its jurisdiction, including the consistency of
14161 the proposed natural gas transmission pipeline or corridor with
14162 all applicable local ordinances, regulations, standards, or
14163 criteria that apply to the proposed natural gas transmission
14164 pipeline or corridor, including local comprehensive plans,



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14165 zoning regulations, land development regulations, and any
14166 applicable local environmental regulations adopted pursuant to
14167 s. 403.182 or by other means. No change by the responsible local
14168 government or local agency in local comprehensive plans, zoning
14169 ordinances, or other regulations made after the date required
14170 for the filing of the local government's report required by this
14171 section shall be applicable to the certification of the proposed
14172 natural gas transmission pipeline or corridor unless the
14173 certification is denied or the application is withdrawn.

14174 6. Each regional planning council in which the natural gas
14175 transmission pipeline or natural gas transmission pipeline
14176 corridor will be located shall present a report containing
14177 recommendations that address the impact upon the public of the
14178 proposed natural gas transmission pipeline or corridor, based on
14179 the degree to which the natural gas transmission pipeline or
14180 corridor is consistent with the applicable provisions of the
14181 strategic regional policy plan adopted pursuant to chapter 186
14182 and other impacts of each proposed natural gas transmission
14183 pipeline or corridor on matters within its jurisdiction.

14184 7. The Department of Transportation shall prepare a report
14185 on the effect of the natural gas transmission pipeline or
14186 natural gas transmission pipeline corridor on matters within its
14187 jurisdiction, including roadway crossings by the pipeline. The
14188 report shall contain at a minimum:

14189 a. A report by the applicant to the department stating that
14190 all requirements of the department's utilities accommodation
14191 guide have been or will be met in regard to the proposed
14192 pipeline or pipeline corridor; and

14193 b. A statement by the department as to the adequacy of the



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14194 report to the department by the applicant.

14195 8. The Department of State, Division of Historical
14196 Resources, shall prepare a report on the impact of the natural
14197 gas transmission pipeline or natural gas transmission pipeline
14198 corridor on matters within its jurisdiction.

14199 9. The commission shall prepare a report addressing matters
14200 within its jurisdiction. The commission's report shall include
14201 its determination of need issued pursuant to s. 403.9422.

14202 Section 295. Paragraph (a) of subsection (4) of section
14203 403.9411, Florida Statutes, is amended to read:

14204 403.9411 Notice; proceedings; parties and participants.—

14205 (4) (a) Parties to the proceeding shall be:

14206 1. The applicant.

14207 2. The department.

14208 3. The commission.

14209 4. The Department of Economic Opportunity Community
14210 Affairs.

14211 5. The Fish and Wildlife Conservation Commission.

14212 6. Each water management district in the jurisdiction of
14213 which the proposed natural gas transmission pipeline or corridor
14214 is to be located.

14215 7. The local government.

14216 8. The regional planning council.

14217 9. The Department of Transportation.

14218 10. The Department of State, Division of Historical
14219 Resources.

14220 Section 296. Paragraphs (c), (d), and (e) of subsection
14221 (2), paragraphs (b) and (c) of subsection (3), and subsections
14222 (4), (15), (17), and (18) of section 403.973, Florida Statutes,



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14223 are amended to read:

14224 403.973 Expedited permitting; amendments to comprehensive
14225 plans.-

14226 (2) As used in this section, the term:

14227 ~~(c) "Office" means the Office of Tourism, Trade, and~~
14228 ~~Economic Development.~~

14229 (c) ~~(d)~~ "Permit applications" means state permits and
14230 licenses, and at the option of a participating local government,
14231 local development permits or orders.

14232 (d) ~~(e)~~ "Secretary" means the Secretary of Environmental
14233 Protection or his or her designee.

14234 (3)

14235 (b) On a case-by-case basis and at the request of a county
14236 or municipal government, the Department of Economic Opportunity
14237 ~~office~~ may certify as eligible for expedited review a project
14238 not meeting the minimum job creation thresholds but creating a
14239 minimum of 10 jobs. The recommendation from the governing body
14240 of the county or municipality in which the project may be
14241 located is required in order for the Department of Economic
14242 Opportunity ~~office~~ to certify that any project is eligible for
14243 expedited review under this paragraph. When considering projects
14244 that do not meet the minimum job creation thresholds but that
14245 are recommended by the governing body in which the project may
14246 be located, the Department of Economic Opportunity ~~office~~ shall
14247 consider economic impact factors that include, but are not
14248 limited to:

14249 1. The proposed wage and skill levels relative to those
14250 existing in the area in which the project may be located;

14251 2. The project's potential to diversify and strengthen the



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14252 area's economy;

14253 3. The amount of capital investment; and

14254 4. The number of jobs that will be made available for

14255 persons served by the welfare transition program.

14256 (c) At the request of a county or municipal government, the

14257 Department of Economic Opportunity ~~office~~ or a Quick Permitting

14258 County may certify projects located in counties where the ratio

14259 of new jobs per participant in the welfare transition program,

14260 as determined by Workforce Florida, Inc., is less than one or

14261 otherwise critical, as eligible for the expedited permitting

14262 process. Such projects must meet the numerical job creation

14263 criteria of this subsection, but the jobs created by the project

14264 do not have to be high-wage jobs that diversify the state's

14265 economy.

14266 (4) The regional teams shall be established through the

14267 execution of memoranda of agreement developed by the applicant

14268 and the secretary, with input solicited from the Department of

14269 Economic Opportunity ~~office~~ and the respective heads of ~~the~~

14270 ~~Department of Community Affairs~~, the Department of

14271 Transportation and its district offices, the Department of

14272 Agriculture and Consumer Services, the Fish and Wildlife

14273 Conservation Commission, appropriate regional planning councils,

14274 appropriate water management districts, and voluntarily

14275 participating municipalities and counties. The memoranda of

14276 agreement should also accommodate participation in this

14277 expedited process by other local governments and federal

14278 agencies as circumstances warrant.

14279 (15) The Department of Economic Opportunity ~~office~~, working

14280 with the agencies providing cooperative assistance and input



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14281 regarding the memoranda of agreement, shall review sites
14282 proposed for the location of facilities eligible for the
14283 Innovation Incentive Program under s. 288.1089. Within 20 days
14284 after the request for the review by the Department of Economic
14285 Opportunity ~~office~~, the agencies shall provide to the Department
14286 of Economic Opportunity ~~office~~ a statement as to each site's
14287 necessary permits under local, state, and federal law and an
14288 identification of significant permitting issues, which if
14289 unresolved, may result in the denial of an agency permit or
14290 approval or any significant delay caused by the permitting
14291 process.

14292 (17) The Department of Economic Opportunity ~~office~~ shall be
14293 responsible for certifying a business as eligible for undergoing
14294 expedited review under this section. Enterprise Florida, Inc., a
14295 county or municipal government, or the Rural Economic
14296 Development Initiative may recommend to the Department of
14297 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
14298 ~~Development~~ that a project meeting the minimum job creation
14299 threshold undergo expedited review.

14300 (18) The Department of Economic Opportunity ~~office~~, working
14301 with the Rural Economic Development Initiative and the agencies
14302 participating in the memoranda of agreement, shall provide
14303 technical assistance in preparing permit applications and local
14304 comprehensive plan amendments for counties having a population
14305 of fewer than 75,000 residents, or counties having fewer than
14306 125,000 residents which are contiguous to counties having fewer
14307 than 75,000 residents. Additional assistance may include, but
14308 not be limited to, guidance in land development regulations and
14309 permitting processes, working cooperatively with state,



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14310 regional, and local entities to identify areas within these
14311 counties which may be suitable or adaptable for preclearance
14312 review of specified types of land uses and other activities
14313 requiring permits.

14314 Section 297. Subsection (4) of section 404.056, Florida
14315 Statutes, is amended to read:

14316 404.056 Environmental radiation standards and projects;
14317 certification of persons performing measurement or mitigation
14318 services; mandatory testing; notification on real estate
14319 documents; rules.-

14320 (4) MANDATORY TESTING.-All public and private school
14321 buildings or school sites housing students in kindergarten
14322 through grade 12; all state-owned, state-operated, state-
14323 regulated, or state-licensed 24-hour care facilities; and all
14324 state-licensed day care centers for children or minors which are
14325 located in counties designated within the Department of Business
14326 and Professional Regulation's Community Affairs' Florida Radon
14327 Protection Map Categories as "Intermediate" or "Elevated Radon
14328 Potential" shall be measured to determine the level of indoor
14329 radon, using measurement procedures established by the
14330 department. Initial measurements shall be conducted in 20
14331 percent of the habitable first floor spaces within any of the
14332 regulated buildings and shall be completed and reported to the
14333 department within 1 year after the date the building is opened
14334 for occupancy or within 1 year after license approval for the
14335 entity residing in the existing building. Followup testing must
14336 be completed in 5 percent of the habitable first floor spaces
14337 within any of the regulated buildings after the building has
14338 been occupied for 5 years, and results must be reported to the



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14339 department by the first day of the 6th year of occupancy. After
14340 radon measurements have been made twice, regulated buildings
14341 need not undergo further testing unless significant structural
14342 changes occur. No funds collected pursuant to s. 553.721 shall
14343 be used to carry out the provisions of this subsection.

14344 Section 298. Paragraph (d) of subsection (4) of section
14345 404.0617, Florida Statutes, is amended to read:

14346 404.0617 Siting of commercial low-level radioactive waste
14347 management facilities.—

14348 (4) The Governor and Cabinet shall consider the following
14349 when determining whether to grant a petition for a variance from
14350 local ordinances, regulations, or plans:

14351 (d) Such studies, reports, and information as the Governor
14352 and Cabinet may request of the Department of Economic
14353 Opportunity ~~Community Affairs~~ addressing whether or not the
14354 proposed facility unreasonably interferes with the achievement
14355 of the goals and objectives of any adopted state or local
14356 comprehensive plan and any other matter within its jurisdiction.

14357 Section 299. Paragraph (a) of subsection (3) of section
14358 409.017, Florida Statutes, is amended to read:

14359 409.017 Revenue Maximization Act; legislative intent;
14360 revenue maximization program.—

14361 (3) REVENUE MAXIMIZATION PROGRAM.—

14362 (a) For purposes of this section, the term "agency" means
14363 any state agency or department that is involved in providing
14364 health, social, or human services, including, but not limited
14365 to, the Agency for Health Care Administration, ~~the Agency for~~
14366 ~~Workforce Innovation~~, the Department of Children and Family
14367 Services, the Department of Elderly Affairs, the Department of



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14368 Juvenile Justice, the Department of Education, and the State
14369 Board of Education.

14370 Section 300. Paragraph (c) of subsection (7) of section
14371 409.1451, Florida Statutes, is amended to read:

14372 409.1451 Independent living transition services.—

14373 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
14374 Secretary of Children and Family Services shall establish the
14375 Independent Living Services Advisory Council for the purpose of
14376 reviewing and making recommendations concerning the
14377 implementation and operation of the independent living
14378 transition services. This advisory council shall continue to
14379 function as specified in this subsection until the Legislature
14380 determines that the advisory council can no longer provide a
14381 valuable contribution to the department's efforts to achieve the
14382 goals of the independent living transition services.

14383 (c) Members of the advisory council shall be appointed by
14384 the secretary of the department. The membership of the advisory
14385 council must include, at a minimum, representatives from the
14386 headquarters and district offices of the Department of Children
14387 and Family Services, community-based care lead agencies, ~~the~~
14388 ~~Agency for Workforce Innovation,~~ the Department of Education,
14389 the Agency for Health Care Administration, the State Youth
14390 Advisory Board, Workforce Florida, Inc., the Statewide Guardian
14391 Ad Litem Office, foster parents, recipients of Road-to-
14392 Independence Program funding, and advocates for foster children.
14393 The secretary shall determine the length of the term to be
14394 served by each member appointed to the advisory council, which
14395 may not exceed 4 years.

14396 Section 301. Subsection (1), paragraph (b) of subsection



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14397 (3), and subsection (8) of section 409.2576, Florida Statutes,
14398 are amended to read:

14399 409.2576 State Directory of New Hires.—

14400 (1) DIRECTORY CREATED.—The State Directory of New Hires is
14401 hereby created and shall be administered by the Department of
14402 Revenue or its agent. ~~The Department of Labor and Employment~~
14403 ~~Security will act as the agent until a date not later than~~
14404 ~~October 1, 1998.~~ All employers in the state shall furnish a
14405 report consistent with subsection (3) for each newly hired or
14406 rehired employee unless the employee is employed by a federal or
14407 state agency performing intelligence or counterintelligence
14408 functions and the head of such agency has determined that
14409 reporting pursuant to this section could endanger the safety of
14410 the employee or compromise an ongoing investigation or
14411 intelligence mission.

14412 (3) EMPLOYERS TO FURNISH REPORTS.—

14413 (b) ~~Upon termination of the contract with the Department of~~
14414 ~~Labor and Employment Security, but not later than October 1,~~
14415 ~~1998,~~ All employers shall furnish a report to the State
14416 Directory of New Hires of the state in which the newly hired or
14417 rehired employee works. The report required in this section
14418 shall be made on a W-4 form or, at the option of the employer,
14419 an equivalent form, and can be transmitted magnetically,
14420 electronically, by first-class mail, or other methods which may
14421 be prescribed by the State Directory. Each report shall include
14422 the name, address, date of hire, and social security number of
14423 every new and rehired employee and the name, address, and
14424 federal employer identification number of the reporting
14425 employer. If available, the employer may also include the



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14426 employee's date of birth in the report. Multistate employers
14427 that report new hire information electronically or magnetically
14428 may designate a single state to which it will transmit the above
14429 noted report, provided the employer has employees in that state
14430 and the employer notifies the Secretary of Health and Human
14431 Services in writing to which state the information will be
14432 provided. Agencies of the United States Government shall report
14433 directly to the National Directory of New Hires.

14434 (8) PROVIDING INFORMATION TO NATIONAL DIRECTORY. ~~Not later~~
14435 ~~than October 1, 1997,~~ The State Directory of New Hires must
14436 furnish information regarding newly hired or rehired employees
14437 to the National Directory of New Hires for matching with the
14438 records of other state case registries within 3 business days of
14439 entering such information from the employer into the State
14440 Directory of New Hires. The State Directory of New Hires shall
14441 enter into an agreement with the Department of Economic
14442 Opportunity or its tax collection service provider ~~the Florida~~
14443 ~~Department of Labor and Employment Security~~ for the quarterly
14444 reporting to the National Directory of New Hires information on
14445 wages and unemployment compensation taken from the quarterly
14446 report to the Secretary of Labor, now required by Title III of
14447 the Social Security Act, except that no report shall be filed
14448 with respect to an employee of a state or local agency
14449 performing intelligence or counterintelligence functions, if the
14450 head of such agency has determined that filing such a report
14451 could endanger the safety of the employee or compromise an
14452 ongoing investigation or intelligence mission.

14453 Section 302. Subsections (2), (3), and (4) of section
14454 409.508, Florida Statutes, are amended to read:



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14455 409.508 Low-income home energy assistance program.-
14456 (2) The Department of Economic Opportunity Community
14457 ~~Affairs~~ is designated as the state agency to administer the Low-
14458 income Home Energy Assistance Act of 1981, 42 U.S.C. ss. 8621 et
14459 seq. The Department of Economic Opportunity Community ~~Affairs~~ is
14460 authorized to provide home energy assistance benefits to
14461 eligible households which may be in the form of cash, vouchers,
14462 certificates, or direct payments to electric or natural gas
14463 utilities or other energy suppliers and operators of low-rent,
14464 subsidized housing in behalf of eligible households. Priority
14465 shall be given to eligible households having at least one
14466 elderly or handicapped individual and to eligible households
14467 with the lowest incomes.

14468 (3) Agreements may be established between electric or
14469 natural gas utility companies, other energy suppliers, the
14470 Department of Revenue, and the Department of Economic
14471 Opportunity Community ~~Affairs~~ for the purpose of providing
14472 payments to energy suppliers in the form of a credit against
14473 sales and use taxes due or direct payments to energy suppliers
14474 for services rendered to low-income, eligible households.

14475 (4) The Department of Economic Opportunity Community
14476 ~~Affairs~~ shall adopt rules to carry out the provisions of this
14477 act.

14478 Section 303. Subsection (2) of section 409.509, Florida
14479 Statutes, is amended to read:

14480 409.509 Definitions; weatherization of low-income
14481 residences.-As used in this act, the term:

14482 (2) "Department" means the Department of Economic
14483 Opportunity Community ~~Affairs~~.



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14484 Section 304. Subsection (2) and paragraph (f) of subsection
14485 (3) of section 410.502, Florida Statutes, is amended to read:

14486 410.502 Housing and living arrangements; special needs of
14487 the elderly; services.—The Department of Elderly Affairs shall
14488 provide services related to housing and living arrangements
14489 which meet the special needs of the elderly. Such services shall
14490 include, but not be limited to:

14491 (2) Coordinating with the Department of Economic
14492 Opportunity Community Affairs to gather and maintain data on
14493 living arrangements which meet the special needs of the elderly
14494 and to disseminate such information to the public. Such
14495 information shall include types of facilities, cost of care,
14496 services provided, and possible sources of help in meeting the
14497 cost of care for indigent individuals.

14498 (3) Promoting, through the Department of Elderly Affairs
14499 staff activities and area agencies on aging, the development of
14500 a variety of living arrangements through public and private
14501 auspices to meet the various needs and desires of the elderly,
14502 including, but not limited to:

14503 (f) Retirement communities for independent communal living,
14504 to be developed in conjunction with the Department of Economic
14505 Opportunity Community Affairs.

14506
14507 Demonstration projects must be used advisedly to test the extent
14508 to which these and other innovative housing and living
14509 arrangements do meet the basic and special needs of the elderly.

14510 Section 305. Paragraph (d) of subsection (2), subsection
14511 (4), paragraphs (a), (c), (d), (e), and (f) of subsection (5),
14512 paragraph (e) of subsection (7), subsection (8), and paragraphs



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14513 (b), (c), (d), and (e) of subsection (9) of section 411.01,
14514 Florida Statutes, are amended to read:

14515 411.01 School readiness programs; early learning
14516 coalitions.—

14517 (2) LEGISLATIVE INTENT.—

14518 (d) It is the intent of the Legislature that the
14519 administrative staff for school readiness programs be kept to
14520 the minimum necessary to administer the duties of the Office of
14521 Early Learning Agency for Workforce Innovation and early
14522 learning coalitions. The Office of Early Learning Agency for
14523 Workforce Innovation shall adopt system support services at the
14524 state level to build a comprehensive early learning system. Each
14525 early learning coalition shall implement and maintain direct
14526 enhancement services at the local level, as approved in its
14527 school readiness plan by the Office of Early Learning Agency for
14528 Workforce Innovation, and ensure access to such services in all
14529 67 counties.

14530 (4) OFFICE OF EARLY LEARNING OF THE DEPARTMENT OF EDUCATION
14531 AGENCY FOR WORKFORCE INNOVATION.—

14532 (a) The Office of Early Learning Agency for Workforce
14533 Innovation shall administer school readiness programs at the
14534 state level and shall coordinate with the early learning
14535 coalitions in providing school readiness services on a full-day,
14536 full-year, full-choice basis to the extent possible in order to
14537 enable parents to work and be financially self-sufficient.

14538 (b) The Office of Early Learning Agency for Workforce
14539 Innovation shall:

14540 1. Coordinate the birth-to-kindergarten services for
14541 children who are eligible under subsection (6) and the



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14542 programmatic, administrative, and fiscal standards under this
14543 section for all public providers of school readiness programs.

14544 2. Focus on improving the educational quality of all
14545 program providers participating in publicly funded school
14546 readiness programs.

14547 3. Provide comprehensive services to the state's birth-to-5
14548 population, which shall ensure the preservation of parental
14549 choice by permitting parents to choose from a variety of child
14550 care categories, including: center-based child care; group home
14551 child care; family child care; and in-home child care. Care and
14552 curriculum by a sectarian provider may not be limited or
14553 excluded in any of these categories.

14554 (c) The Governor shall designate the Office of Early
14555 Learning Agency for Workforce Innovation as the lead agency for
14556 administration of the federal Child Care and Development Fund,
14557 45 C.F.R. parts 98 and 99, and the office ~~agency~~ shall comply
14558 with the lead agency responsibilities under federal law.

14559 (d) The Office of Early Learning Agency for Workforce
14560 Innovation shall:

14561 1. Be responsible for the prudent use of all public and
14562 private funds in accordance with all legal and contractual
14563 requirements.

14564 2. Provide final approval and every 2 years review early
14565 learning coalitions and school readiness plans.

14566 3. Establish a unified approach to the state's efforts
14567 toward enhancement of school readiness. In support of this
14568 effort, the Office of Early Learning Agency for Workforce
14569 Innovation shall adopt specific system support services that
14570 address the state's school readiness programs. An early learning



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14571 coalition shall amend its school readiness plan to conform to
14572 the specific system support services adopted by the Office of
14573 Early Learning Agency for Workforce Innovation. System support
14574 services shall include, but are not limited to:

- 14575 a. Child care resource and referral services;
- 14576 b. Warm-Line services;
- 14577 c. Eligibility determinations;
- 14578 d. Child performance standards;
- 14579 e. Child screening and assessment;
- 14580 f. Developmentally appropriate curricula;
- 14581 g. Health and safety requirements;
- 14582 h. Statewide data system requirements; and
- 14583 i. Rating and improvement systems.

14584 4. Safeguard the effective use of federal, state, local,
14585 and private resources to achieve the highest possible level of
14586 school readiness for the children in this state.

14587 5. Adopt a rule establishing criteria for the expenditure
14588 of funds designated for the purpose of funding activities to
14589 improve the quality of child care within the state in accordance
14590 with s. 658G of the federal Child Care and Development Block
14591 Grant Act.

14592 6. Provide technical assistance to early learning
14593 coalitions in a manner determined by the Office of Early
14594 Learning Agency for Workforce Innovation based upon information
14595 obtained by the office agency from various sources, including,
14596 but not limited to, public input, government reports, private
14597 interest group reports, office agency monitoring visits, and
14598 coalition requests for service.

14599 7. In cooperation with the ~~Department of Education and~~



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14600 early learning coalitions, coordinate with the Child Care
14601 Services Program Office of the Department of Children and Family
14602 Services to minimize duplicating interagency activities, health
14603 and safety monitoring, and acquiring and composing data
14604 pertaining to child care training and credentialing.

14605 8. Develop and adopt performance standards and outcome
14606 measures for school readiness programs. The performance
14607 standards must address the age-appropriate progress of children
14608 in the development of school readiness skills. The performance
14609 standards for children from birth to 5 years of age in school
14610 readiness programs must be integrated with the performance
14611 standards adopted by the Department of Education for children in
14612 the Voluntary Prekindergarten Education Program under s.
14613 1002.67.

14614 9. Adopt a standard contract that must be used by the
14615 coalitions when contracting with school readiness providers.

14616 (e) The Office of Early Learning Agency for Workforce
14617 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 to
14618 administer the provisions of law conferring duties upon the
14619 office agency, including, but not limited to, rules governing
14620 the administration of system support services of school
14621 readiness programs, the collection of data, the approval of
14622 early learning coalitions and school readiness plans, the
14623 provision of a method whereby an early learning coalition may
14624 serve two or more counties, the award of incentives to early
14625 learning coalitions, child performance standards, child outcome
14626 measures, the issuance of waivers, and the implementation of the
14627 state's Child Care and Development Fund Plan as approved by the
14628 federal Administration for Children and Families.



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14629 (f) The Office of Early Learning ~~Agency for Workforce~~
14630 ~~Innovation~~ shall have all powers necessary to administer this
14631 section, including, but not limited to, the power to receive and
14632 accept grants, loans, or advances of funds from any public or
14633 private agency and to receive and accept from any source
14634 contributions of money, property, labor, or any other thing of
14635 value, to be held, used, and applied for purposes of this
14636 section.

14637 (g) Except as provided by law, the Office of Early Learning
14638 ~~Agency for Workforce Innovation~~ may not impose requirements on a
14639 child care or early childhood education provider that does not
14640 deliver services under the school readiness programs or receive
14641 state or federal funds under this section.

14642 (h) The Office of Early Learning ~~Agency for Workforce~~
14643 ~~Innovation~~ shall have a budget for school readiness programs,
14644 which shall be financed through an annual appropriation made for
14645 purposes of this section in the General Appropriations Act.

14646 (i) The Office of Early Learning ~~Agency for Workforce~~
14647 ~~Innovation~~ shall coordinate the efforts toward school readiness
14648 in this state and provide independent policy analyses, data
14649 analyses, and recommendations to the Governor, the State Board
14650 of Education, and the Legislature.

14651 (j) The Office of Early Learning ~~Agency for Workforce~~
14652 ~~Innovation~~ shall require that school readiness programs, at a
14653 minimum, enhance the age-appropriate progress of each child in
14654 attaining the performance standards adopted under subparagraph
14655 (d)8. and in the development of the following school readiness
14656 skills:

14657 1. Compliance with rules, limitations, and routines.



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- 14658 2. Ability to perform tasks.
- 14659 3. Interactions with adults.
- 14660 4. Interactions with peers.
- 14661 5. Ability to cope with challenges.
- 14662 6. Self-help skills.
- 14663 7. Ability to express the child's needs.
- 14664 8. Verbal communication skills.
- 14665 9. Problem-solving skills.
- 14666 10. Following of verbal directions.
- 14667 11. Demonstration of curiosity, persistence, and
- 14668 exploratory behavior.
- 14669 12. Interest in books and other printed materials.
- 14670 13. Paying attention to stories.
- 14671 14. Participation in art and music activities.
- 14672 15. Ability to identify colors, geometric shapes, letters
- 14673 of the alphabet, numbers, and spatial and temporal
- 14674 relationships.

14675
14676 Within 30 days after enrollment in the school readiness program,
14677 the early learning coalition must ensure that the program
14678 provider obtains information regarding the child's
14679 immunizations, physical development, and other health
14680 requirements as necessary, including appropriate vision and
14681 hearing screening and examinations. For a program provider
14682 licensed by the Department of Children and Family Services, the
14683 provider's compliance with s. 402.305(9), as verified pursuant
14684 to s. 402.311, shall satisfy this requirement.

14685 (k) The Office of Early Learning ~~Agency for Workforce~~
14686 ~~Innovation~~ shall conduct studies and planning activities related



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14687 to the overall improvement and effectiveness of the outcome
14688 measures adopted by the office ~~agency~~ for school readiness
14689 programs and the specific system support services to address the
14690 state's school readiness programs adopted by the Office of Early
14691 Learning Agency for Workforce Innovation in accordance with
14692 subparagraph (d)3.

14693 (l) The Office of Early Learning Agency for Workforce
14694 Innovation shall monitor and evaluate the performance of each
14695 early learning coalition in administering the school readiness
14696 program, implementing the coalition's school readiness plan, and
14697 administering the Voluntary Prekindergarten Education Program.
14698 These monitoring and performance evaluations must include, at a
14699 minimum, onsite monitoring of each coalition's finances,
14700 management, operations, and programs.

14701 (m) The Office of Early Learning Agency for Workforce
14702 Innovation shall submit an annual report of its activities
14703 conducted under this section to the Governor, the President of
14704 the Senate, the Speaker of the House of Representatives, and the
14705 minority leaders of both houses of the Legislature. In addition,
14706 the Office of Early Learning's Agency for Workforce Innovation's
14707 reports and recommendations shall be made available to the
14708 Florida Early Learning Advisory Council and other appropriate
14709 state agencies and entities. The annual report must provide an
14710 analysis of school readiness activities across the state,
14711 including the number of children who were served in the
14712 programs.

14713 (n) The Office of Early Learning Agency for Workforce
14714 Innovation shall work with the early learning coalitions to
14715 ensure availability of training and support for parental



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14716 involvement in children's early education and to provide family
14717 literacy activities and services.

14718 (5) CREATION OF EARLY LEARNING COALITIONS.—

14719 (a) *Early learning coalitions.*—

14720 1. Each early learning coalition shall maintain direct
14721 enhancement services at the local level and ensure access to
14722 such services in all 67 counties.

14723 2. The Office of Early Learning Agency for Workforce
14724 ~~Innovation~~ shall establish the minimum number of children to be
14725 served by each early learning coalition through the coalition's
14726 school readiness program. The Office of Early Learning Agency
14727 ~~for Workforce Innovation~~ may only approve school readiness plans
14728 in accordance with this minimum number. The minimum number must
14729 be uniform for every early learning coalition and must:

14730 a. Permit 31 or fewer coalitions to be established; and

14731 b. Require each coalition to serve at least 2,000 children
14732 based upon the average number of all children served per month
14733 through the coalition's school readiness program during the
14734 previous 12 months.

14735 3. If an early learning coalition would serve fewer
14736 children than the minimum number established under subparagraph
14737 2., the coalition must merge with another county to form a
14738 multicounty coalition. The Office of Early Learning Agency for
14739 ~~Workforce Innovation~~ shall adopt procedures for merging early
14740 learning coalitions, including procedures for the consolidation
14741 of merging coalitions, and for the early termination of the
14742 terms of coalition members which are necessary to accomplish the
14743 mergers. However, the Office of Early Learning Agency for
14744 ~~Workforce Innovation~~ shall grant a waiver to an early learning



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14745 coalition to serve fewer children than the minimum number
14746 established under subparagraph 2., if:

14747 a. The Office of Early Learning ~~Agency for Workforce~~
14748 ~~Innovation~~ has determined during the most recent review of the
14749 coalition's school readiness plan, or through monitoring and
14750 performance evaluations conducted under paragraph (4)(1), that
14751 the coalition has substantially implemented its plan;

14752 b. The coalition demonstrates to the Office of Early
14753 Learning ~~Agency for Workforce Innovation~~ the coalition's ability
14754 to effectively and efficiently implement the Voluntary
14755 Prekindergarten Education Program; and

14756 c. The coalition demonstrates to the Office of Early
14757 Learning ~~Agency for Workforce Innovation~~ that the coalition can
14758 perform its duties in accordance with law.

14759

14760 If an early learning coalition fails or refuses to merge as
14761 required by this subparagraph, the Office of Early Learning
14762 ~~Agency for Workforce Innovation~~ may dissolve the coalition and
14763 temporarily contract with a qualified entity to continue school
14764 readiness and prekindergarten services in the coalition's county
14765 or multicounty region until the office agency reestablishes the
14766 coalition and a new school readiness plan is approved by the
14767 office agency.

14768 4. Each early learning coalition shall be composed of at
14769 least 15 members but not more than 30 members. The Office of
14770 Early Learning ~~Agency for Workforce Innovation~~ shall adopt
14771 standards establishing within this range the minimum and maximum
14772 number of members that may be appointed to an early learning
14773 coalition and procedures for identifying which members have



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14774 voting privileges under subparagraph 6. These standards must
14775 include variations for a coalition serving a multicounty region.
14776 Each early learning coalition must comply with these standards.

14777 5. The Governor shall appoint the chair and two other
14778 members of each early learning coalition, who must each meet the
14779 same qualifications as private sector business members appointed
14780 by the coalition under subparagraph 7.

14781 6. Each early learning coalition must include the following
14782 member positions; however, in a multicounty coalition, each ex
14783 officio member position may be filled by multiple nonvoting
14784 members but no more than one voting member shall be seated per
14785 member position. If an early learning coalition has more than
14786 one member representing the same entity, only one of such
14787 members may serve as a voting member:

14788 a. A Department of Children and Family Services circuit
14789 administrator or his or her designee who is authorized to make
14790 decisions on behalf of the department.

14791 b. A district superintendent of schools or his or her
14792 designee who is authorized to make decisions on behalf of the
14793 district.

14794 c. A regional workforce board executive director or his or
14795 her designee.

14796 d. A county health department director or his or her
14797 designee.

14798 e. A children's services council or juvenile welfare board
14799 chair or executive director, if applicable.

14800 f. An agency head of a local licensing agency as defined in
14801 s. 402.302, where applicable.

14802 g. A president of a community college or his or her



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14803 designee.

14804 h. One member appointed by a board of county commissioners
14805 or the governing board of a municipality.

14806 i. A central agency administrator, where applicable.

14807 j. A Head Start director.

14808 k. A representative of private for-profit child care
14809 providers, including private for-profit family day care homes.

14810 l. A representative of faith-based child care providers.

14811 m. A representative of programs for children with
14812 disabilities under the federal Individuals with Disabilities
14813 Education Act.

14814 7. Including the members appointed by the Governor under
14815 subparagraph 5., more than one-third of the members of each
14816 early learning coalition must be private sector business members
14817 who do not have, and none of whose relatives as defined in s.
14818 112.3143 has, a substantial financial interest in the design or
14819 delivery of the Voluntary Prekindergarten Education Program
14820 created under part V of chapter 1002 or the coalition's school
14821 readiness program. To meet this requirement an early learning
14822 coalition must appoint additional members. The Office of Early
14823 Learning Agency for Workforce Innovation shall establish
14824 criteria for appointing private sector business members. These
14825 criteria must include standards for determining whether a member
14826 or relative has a substantial financial interest in the design
14827 or delivery of the Voluntary Prekindergarten Education Program
14828 or the coalition's school readiness program.

14829 8. A majority of the voting membership of an early learning
14830 coalition constitutes a quorum required to conduct the business
14831 of the coalition. An early learning coalition board may use any



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14832 method of telecommunications to conduct meetings, including
14833 establishing a quorum through telecommunications, provided that
14834 the public is given proper notice of a telecommunications
14835 meeting and reasonable access to observe and, when appropriate,
14836 participate.

14837 9. A voting member of an early learning coalition may not
14838 appoint a designee to act in his or her place, except as
14839 otherwise provided in this paragraph. A voting member may send a
14840 representative to coalition meetings, but that representative
14841 does not have voting privileges. When a district administrator
14842 for the Department of Children and Family Services appoints a
14843 designee to an early learning coalition, the designee is the
14844 voting member of the coalition, and any individual attending in
14845 the designee's place, including the district administrator, does
14846 not have voting privileges.

14847 10. Each member of an early learning coalition is subject
14848 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.
14849 112.3143(3)(a), each voting member is a local public officer who
14850 must abstain from voting when a voting conflict exists.

14851 11. For purposes of tort liability, each member or employee
14852 of an early learning coalition shall be governed by s. 768.28.

14853 12. An early learning coalition serving a multicounty
14854 region must include representation from each county.

14855 13. Each early learning coalition shall establish terms for
14856 all appointed members of the coalition. The terms must be
14857 staggered and must be a uniform length that does not exceed 4
14858 years per term. Coalition chairs shall be appointed for 4 years
14859 in conjunction with their membership on the Early Learning
14860 Advisory Council under s. 20.052. Appointed members may serve a



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14861 maximum of two consecutive terms. When a vacancy occurs in an
14862 appointed position, the coalition must advertise the vacancy.

14863 (c) *Program expectations.*—

14864 1. The school readiness program must meet the following
14865 expectations:

14866 a. The program must, at a minimum, enhance the age-
14867 appropriate progress of each child in attaining the performance
14868 standards and outcome measures adopted by the Office of Early
14869 Learning Agency for Workforce Innovation.

14870 b. The program must provide extended-day and extended-year
14871 services to the maximum extent possible without compromising the
14872 quality of the program to meet the needs of parents who work.

14873 c. The program must provide a coordinated professional
14874 development system that supports the achievement and maintenance
14875 of core competencies by school readiness instructors in helping
14876 children attain the performance standards and outcome measures
14877 adopted by the Office of Early Learning Agency for Workforce
14878 Innovation.

14879 d. There must be expanded access to community services and
14880 resources for families to help achieve economic self-
14881 sufficiency.

14882 e. There must be a single point of entry and unified
14883 waiting list. As used in this sub-subparagraph, the term "single
14884 point of entry" means an integrated information system that
14885 allows a parent to enroll his or her child in the school
14886 readiness program at various locations throughout a county, that
14887 may allow a parent to enroll his or her child by telephone or
14888 through an Internet website, and that uses a unified waiting
14889 list to track eligible children waiting for enrollment in the



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14890 school readiness program. The Office of Early Learning Agency
14891 ~~for Workforce Innovation~~ shall establish through technology a
14892 single statewide information system that each coalition must use
14893 for the purposes of managing the single point of entry, tracking
14894 children's progress, coordinating services among stakeholders,
14895 determining eligibility, tracking child attendance, and
14896 streamlining administrative processes for providers and early
14897 learning coalitions.

14898 f. The Office of Early Learning Agency ~~for Workforce~~
14899 ~~Innovation~~ must consider the access of eligible children to the
14900 school readiness program, as demonstrated in part by waiting
14901 lists, before approving a proposed increase in payment rates
14902 submitted by an early learning coalition. In addition, early
14903 learning coalitions shall use school readiness funds made
14904 available due to enrollment shifts from school readiness
14905 programs to the Voluntary Prekindergarten Education Program for
14906 increasing the number of children served in school readiness
14907 programs before increasing payment rates.

14908 g. The program must meet all state licensing guidelines,
14909 where applicable.

14910 h. The program must ensure that minimum standards for child
14911 discipline practices are age-appropriate. Such standards must
14912 provide that children not be subjected to discipline that is
14913 severe, humiliating, or frightening or discipline that is
14914 associated with food, rest, or toileting. Spanking or any other
14915 form of physical punishment is prohibited.

14916 2. Each early learning coalition must implement a
14917 comprehensive program of school readiness services in accordance
14918 with the rules adopted by the office ~~agency~~ which enhance the



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14919 cognitive, social, and physical development of children to
14920 achieve the performance standards and outcome measures. At a
14921 minimum, these programs must contain the following system
14922 support service elements:

14923 a. Developmentally appropriate curriculum designed to
14924 enhance the age-appropriate progress of children in attaining
14925 the performance standards adopted by the Office of Early
14926 Learning Agency for Workforce Innovation under subparagraph
14927 (4) (d) 8.

14928 b. A character development program to develop basic values.

14929 c. An age-appropriate screening of each child's
14930 development.

14931 d. An age-appropriate assessment administered to children
14932 when they enter a program and an age-appropriate assessment
14933 administered to children when they leave the program.

14934 e. An appropriate staff-to-children ratio, pursuant to s.
14935 402.305(4) or s. 402.302(7) or (8), as applicable, and as
14936 verified pursuant to s. 402.311.

14937 f. A healthy and safe environment pursuant to s.
14938 401.305(5), (6), and (7), as applicable, and as verified
14939 pursuant to s. 402.311.

14940 g. A resource and referral network established under s.
14941 411.0101 to assist parents in making an informed choice and a
14942 regional Warm-Line under s. 411.01015.

14943

14944 The Office of Early Learning Agency for Workforce Innovation,
14945 ~~the Department of Education~~, and early learning coalitions shall
14946 coordinate with the Child Care Services Program Office of the
14947 Department of Children and Family Services to minimize



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14948 duplicating interagency activities pertaining to acquiring and
14949 composing data for child care training and credentialing.

14950 (d) *Implementation.*—

14951 1. An early learning coalition may not implement the school
14952 readiness program until the coalition's school readiness plan is
14953 approved by the Office of Early Learning ~~Agency for Workforce~~
14954 ~~Innovation.~~

14955 2. Each early learning coalition shall coordinate with one
14956 another to implement a comprehensive program of school readiness
14957 services which enhances the cognitive, social, physical, and
14958 moral character of the children to achieve the performance
14959 standards and outcome measures and which helps families achieve
14960 economic self-sufficiency. Such program must contain, at a
14961 minimum, the following elements:

14962 a. Implement the school readiness program to meet the
14963 requirements of this section and the system support services,
14964 performance standards, and outcome measures adopted by the
14965 Office of Early Learning ~~Agency for Workforce Innovation.~~

14966 b. Demonstrate how the program will ensure that each child
14967 from birth through 5 years of age in a publicly funded school
14968 readiness program receives scheduled activities and instruction
14969 designed to enhance the age-appropriate progress of the children
14970 in attaining the performance standards adopted by the department
14971 ~~agency~~ under subparagraph (4) (d) 8.

14972 c. Ensure that the coalition has solicited and considered
14973 comments regarding the proposed school readiness plan from the
14974 local community.

14975
14976 Before implementing the school readiness program, the early



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14977 learning coalition must submit the plan to the office agency for
14978 approval. The office agency may approve the plan, reject the
14979 plan, or approve the plan with conditions. The office agency
14980 shall review school readiness plans at least every 2 years.

14981 3. If the Office of Early Learning Agency for Workforce
14982 ~~Innovation~~ determines during the review of school readiness
14983 plans, or through monitoring and performance evaluations
14984 conducted under paragraph (4)(1), that an early learning
14985 coalition has not substantially implemented its plan, has not
14986 substantially met the performance standards and outcome measures
14987 adopted by the office agency, or has not effectively
14988 administered the school readiness program or Voluntary
14989 Prekindergarten Education Program, the office agency may
14990 dissolve the coalition and temporarily contract with a qualified
14991 entity to continue school readiness and prekindergarten services
14992 in the coalition's county or multicounty region until the office
14993 agency reestablishes the coalition and a new school readiness
14994 plan is approved in accordance with the rules adopted by the
14995 office agency.

14996 4. The Office of Early Learning Agency for Workforce
14997 ~~Innovation~~ shall adopt rules establishing criteria for the
14998 approval of school readiness plans. The criteria must be
14999 consistent with the system support services, performance
15000 standards, and outcome measures adopted by the office agency and
15001 must require each approved plan to include the following minimum
15002 standards for the school readiness program:

15003 a. A community plan that addresses the needs of all
15004 children and providers within the coalition's county or
15005 multicounty region.



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15006 b. A sliding fee scale establishing a copayment for parents
15007 based upon their ability to pay, which is the same for all
15008 program providers.

15009 c. A choice of settings and locations in licensed,
15010 registered, religious-exempt, or school-based programs to be
15011 provided to parents.

15012 d. Specific eligibility priorities for children in
15013 accordance with subsection (6).

15014 e. Performance standards and outcome measures adopted by
15015 the office agency.

15016 f. Payment rates adopted by the early learning coalitions
15017 and approved by the office agency. Payment rates may not have
15018 the effect of limiting parental choice or creating standards or
15019 levels of services that have not been expressly established by
15020 the Legislature, unless the creation of such standards or levels
15021 of service, which must be uniform throughout the state, has been
15022 approved by the Federal Government and result in the state being
15023 eligible to receive additional federal funds available for early
15024 learning on a statewide basis.

15025 g. Direct enhancement services for families and children.
15026 System support and direct enhancement services shall be in
15027 addition to payments for the placement of children in school
15028 readiness programs. Direct enhancement services for families may
15029 include parent training and involvement activities and
15030 strategies to meet the needs of unique populations and local
15031 eligibility priorities. Enhancement services for children may
15032 include provider supports and professional development approved
15033 in the plan by the Office of Early Learning Agency for Workforce
15034 Innovation.



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15035 h. The business organization of the early learning
15036 coalition, which must include the coalition's articles of
15037 incorporation and bylaws if the coalition is organized as a
15038 corporation. If the coalition is not organized as a corporation
15039 or other business entity, the plan must include the contract
15040 with a fiscal agent. An early learning coalition may contract
15041 with other coalitions to achieve efficiency in multicounty
15042 services, and these contracts may be part of the coalition's
15043 school readiness plan.

15044 i. The implementation of locally developed quality programs
15045 in accordance with the requirements adopted by the office agency
15046 under subparagraph (4) (d)5.

15047
15048 The Office of Early Learning Agency for Workforce Innovation may
15049 request the Governor to apply for a waiver to allow the
15050 coalition to administer the Head Start Program to accomplish the
15051 purposes of the school readiness program.

15052 5. Persons with an early childhood teaching certificate may
15053 provide support and supervision to other staff in the school
15054 readiness program.

15055 6. An early learning coalition may not implement its school
15056 readiness plan until it submits the plan to and receives
15057 approval from the Office of Early Learning Agency for Workforce
15058 ~~Innovation~~. Once the plan is approved, the plan and the services
15059 provided under the plan shall be controlled by the early
15060 learning coalition. The plan shall be reviewed and revised as
15061 necessary, but at least biennially. An early learning coalition
15062 may not implement the revisions until the coalition submits the
15063 revised plan to and receives approval from the office agency. If



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15064 the office ~~agency~~ rejects a revised plan, the coalition must
15065 continue to operate under its prior approved plan.

15066 7. Section 125.901(2)(a)3. does not apply to school
15067 readiness programs. The Office of Early Learning ~~Agency for~~
15068 ~~Workforce Innovation~~ may apply to the Governor and Cabinet for a
15069 waiver of, and the Governor and Cabinet may waive, any of the
15070 provisions of ss. 411.223 and 1003.54, if the waiver is
15071 necessary for implementation of school readiness programs.

15072 8. Two or more early learning coalitions may join for
15073 purposes of planning and implementing a school readiness
15074 program.

15075 (e) *Requests for proposals; payment schedule.*—

15076 1. Each early learning coalition must comply with the
15077 procurement and expenditure procedures adopted by the Office of
15078 Early Learning ~~Agency for Workforce Innovation~~, including, but
15079 not limited to, applying the procurement and expenditure
15080 procedures required by federal law for the expenditure of
15081 federal funds.

15082 2. Each early learning coalition shall adopt a payment
15083 schedule that encompasses all programs funded under this
15084 section. The payment schedule must take into consideration the
15085 prevailing market rate, must include the projected number of
15086 children to be served, and must be submitted for approval by the
15087 Office of Early Learning ~~Agency for Workforce Innovation~~.

15088 Informal child care arrangements shall be reimbursed at not more
15089 than 50 percent of the rate adopted for a family day care home.

15090 (f) *Evaluation and annual report.*—Each early learning
15091 coalition shall conduct an evaluation of its implementation of
15092 the school readiness program, including system support services,



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15093 performance standards, and outcome measures, and shall provide
15094 an annual report and fiscal statement to the Office of Early
15095 Learning Agency for Workforce Innovation. This report must also
15096 include an evaluation of the effectiveness of its direct
15097 enhancement services and conform to the content and format
15098 specifications adopted by the Office of Early Learning Agency
15099 for Workforce Innovation. The Office of Early Learning Agency
15100 for Workforce Innovation must include an analysis of the early
15101 learning coalitions' reports in the office's ~~agency's~~ annual
15102 report.

15103 (7) PARENTAL CHOICE.—

15104 (e) The office of the Chief Financial Officer shall
15105 establish an electronic transfer system for the disbursement of
15106 funds in accordance with this subsection. Each early learning
15107 coalition shall fully implement the electronic funds transfer
15108 system within 2 years after approval of the coalition's school
15109 readiness plan, unless a waiver is obtained from the Office of
15110 Early Learning Agency for Workforce Innovation.

15111 (8) STANDARDS; OUTCOME MEASURES.—A program provider
15112 participating in the school readiness program must meet the
15113 performance standards and outcome measures adopted by the Office
15114 of Early Learning Agency for Workforce Innovation.

15115 (9) FUNDING; SCHOOL READINESS PROGRAM.—

15116 (b)1. The Office of Early Learning Agency for Workforce
15117 Innovation shall administer school readiness funds, plans, and
15118 policies and shall prepare and submit a unified budget request
15119 for the school readiness system in accordance with chapter 216.

15120 2. All instructions to early learning coalitions for
15121 administering this section shall emanate from the Office of



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15122 ~~Early Learning Agency for Workforce Innovation~~ in accordance
15123 with the policies of the Legislature.

15124 (c) The ~~Office of Early Learning Agency for Workforce~~
15125 ~~Innovation~~, subject to legislative notice and review under s.
15126 216.177, shall establish a formula for the allocation of all
15127 state and federal school readiness funds provided for children
15128 participating in the school readiness program, whether served by
15129 a public or private provider, based upon equity for each county.
15130 The allocation formula must be submitted to the Governor, the
15131 chair of the Senate Ways and Means Committee or its successor,
15132 and the chair of the House of Representatives Fiscal Council or
15133 its successor no later than January 1 of each year. If the
15134 Legislature specifies changes to the allocation formula, the
15135 ~~Office of Early Learning Agency for Workforce Innovation~~ shall
15136 allocate funds as specified in the General Appropriations Act.

15137 (d) All state, federal, and required local maintenance-of-
15138 effort or matching funds provided to an early learning coalition
15139 for purposes of this section shall be used for implementation of
15140 its approved school readiness plan, including the hiring of
15141 staff to effectively operate the coalition's school readiness
15142 program. As part of plan approval and periodic plan review, the
15143 ~~Office of Early Learning Agency for Workforce Innovation~~ shall
15144 require that administrative costs be kept to the minimum
15145 necessary for efficient and effective administration of the
15146 school readiness plan, but total administrative expenditures
15147 must not exceed 5 percent unless specifically waived by the
15148 ~~Office of Early Learning Agency for Workforce Innovation~~. The
15149 ~~Office of Early Learning Agency for Workforce Innovation~~ shall
15150 annually report to the Legislature any problems relating to



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15151 administrative costs.

15152 (e) The Office of Early Learning ~~Agency for Workforce~~
15153 ~~Innovation~~ shall annually distribute, to a maximum extent
15154 practicable, all eligible funds provided under this section as
15155 block grants to the early learning coalitions in accordance with
15156 the terms and conditions specified by the office ~~agency~~.

15157 Section 306. Subsections (1) and (2), paragraph (a) of
15158 subsection (3), and subsection (4) of section 411.0101, Florida
15159 Statutes, are amended to read:

15160 411.0101 Child care and early childhood resource and
15161 referral.—

15162 (1) As a part of the school readiness programs, the Office
15163 of Early Learning ~~Agency for Workforce Innovation~~ shall
15164 establish a statewide child care resource and referral network
15165 that is unbiased and provides referrals to families for child
15166 care. Preference shall be given to using the already established
15167 early learning coalitions as the child care resource and
15168 referral agencies. If an early learning coalition cannot comply
15169 with the requirements to offer the resource information
15170 component or does not want to offer that service, the early
15171 learning coalition shall select the resource and referral agency
15172 for its county or multicounty region based upon a request for
15173 proposal pursuant to s. 411.01(5)(e)1.

15174 (2) At least one child care resource and referral agency
15175 must be established in each early learning coalition's county or
15176 multicounty region. The Office of Early Learning ~~Agency for~~
15177 ~~Workforce Innovation~~ shall adopt rules regarding accessibility
15178 of child care resource and referral services offered through
15179 child care resource and referral agencies in each county or



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15180 multicounty region which include, at a minimum, required hours
15181 of operation, methods by which parents may request services, and
15182 child care resource and referral staff training requirements.

15183 (3) Child care resource and referral agencies shall provide
15184 the following services:

15185 (a) Identification of existing public and private child
15186 care and early childhood education services, including child
15187 care services by public and private employers, and the
15188 development of a resource file of those services through the
15189 single statewide information system developed by the Office of
15190 Early Learning Agency for Workforce Innovation under s.
15191 411.01(5)(c)1.e. These services may include family day care,
15192 public and private child care programs, the Voluntary
15193 Prekindergarten Education Program, Head Start, the school
15194 readiness program, special education programs for
15195 prekindergarten children with disabilities, services for
15196 children with developmental disabilities, full-time and part-
15197 time programs, before-school and after-school programs, vacation
15198 care programs, parent education, the Temporary Cash Assistance
15199 Program, and related family support services. The resource file
15200 shall include, but not be limited to:

- 15201 1. Type of program.
- 15202 2. Hours of service.
- 15203 3. Ages of children served.
- 15204 4. Number of children served.
- 15205 5. Significant program information.
- 15206 6. Fees and eligibility for services.
- 15207 7. Availability of transportation.

15208 (4) The Office of Early Learning Agency for Workforce



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15209 ~~Innovation~~ shall adopt any rules necessary for the
15210 implementation and administration of this section.

15211 Section 307. Subsections (2), (6), and (7) of section
15212 411.01013, Florida Statutes, are amended to read:

15213 411.01013 Prevailing market rate schedule.—

15214 (2) The Office of Early Learning ~~Agency for Workforce~~
15215 ~~Innovation~~ shall establish procedures for the adoption of a
15216 prevailing market rate schedule. The schedule must include, at a
15217 minimum, county-by-county rates:

15218 (a) At the prevailing market rate, plus the maximum rate,
15219 for child care providers that hold a Gold Seal Quality Care
15220 designation under s. 402.281.

15221 (b) At the prevailing market rate for child care providers
15222 that do not hold a Gold Seal Quality Care designation.

15223 (6) The Office of Early Learning ~~Agency for Workforce~~
15224 ~~Innovation~~ may contract with one or more qualified entities to
15225 administer this section and provide support and technical
15226 assistance for child care providers.

15227 (7) The Office of Early Learning ~~Agency for Workforce~~
15228 ~~Innovation~~ may adopt rules pursuant to ss. 120.536(1) and 120.54
15229 for establishing procedures for the collection of child care
15230 providers' market rate, the calculation of a reasonable
15231 frequency distribution of the market rate, and the publication
15232 of a prevailing market rate schedule.

15233 Section 308. Subsection (1) of section 411.01014, Florida
15234 Statutes, is amended to read:

15235 411.01014 School readiness transportation services.—

15236 (1) The Office of Early Learning ~~Agency for Workforce~~
15237 ~~Innovation~~, pursuant to chapter 427, may authorize an early



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15238 learning coalition to establish school readiness transportation
15239 services for children at risk of abuse or neglect participating
15240 in the school readiness program. The early learning coalitions
15241 may contract for the provision of transportation services as
15242 required by this section.

15243 Section 309. Subsections (1), (3), and (4) of section
15244 411.01015, Florida Statutes, are amended to read:

15245 411.01015 Consultation to child care centers and family day
15246 care homes regarding health, developmental, disability, and
15247 special needs issues.—

15248 (1) Contingent upon specific appropriations, the Office of
15249 Early Learning Agency for Workforce Innovation shall administer
15250 a statewide toll-free Warm-Line for the purpose of providing
15251 assistance and consultation to child care centers and family day
15252 care homes regarding health, developmental, disability, and
15253 special needs issues of the children they are serving,
15254 particularly children with disabilities and other special needs.

15255 (3) The Office of Early Learning Agency for Workforce
15256 Innovation shall annually inform child care centers and family
15257 day care homes of the availability of this service through the
15258 child care resource and referral network under s. 411.0101.

15259 (4) Contingent upon specific appropriations, the Office of
15260 Early Learning Agency for Workforce Innovation shall expand, or
15261 contract for the expansion of, the Warm-Line to maintain at
15262 least one Warm-Line site in each early learning coalition
15263 service area.

15264 Section 310. Subsections (2) and (3) of section 411.0103,
15265 Florida Statutes, are amended to read:

15266 411.0103 Teacher Education and Compensation Helps (TEACH)



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15267 scholarship program.-

15268 (2) The Office of Early Learning Agency for Workforce
15269 ~~Innovation~~ may contract for the administration of the Teacher
15270 Education and Compensation Helps (TEACH) scholarship program,
15271 which provides educational scholarships to caregivers and
15272 administrators of early childhood programs, family day care
15273 homes, and large family child care homes.

15274 (3) The office agency shall adopt rules under ss.
15275 120.536(1) and 120.54 as necessary to administer this section.

15276 Section 311. Subsections (1) and (3) of section 411.0104,
15277 Florida Statutes, are amended to read:

15278 411.0104 Early Head Start collaboration grants.-

15279 (1) Contingent upon specific appropriations, the Office of
15280 Early Learning Agency for Workforce Innovation shall establish a
15281 program to award collaboration grants to assist local agencies
15282 in securing Early Head Start programs through Early Head Start
15283 program federal grants. The collaboration grants shall provide
15284 the required matching funds for public and private nonprofit
15285 agencies that have been approved for Early Head Start program
15286 federal grants.

15287 (3) The Office of Early Learning Agency for Workforce
15288 ~~Innovation~~ may adopt rules under ss. 120.536(1) and 120.54 as
15289 necessary for the award of collaboration grants to competing
15290 agencies and the administration of the collaboration grants
15291 program under this section.

15292 Section 312. Section 411.0105, Florida Statutes, is amended
15293 to read:

15294 411.0105 Early Learning Opportunities Act and Even Start
15295 Family Literacy Programs; lead agency.-For purposes of



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15296 administration of the Early Learning Opportunities Act and the
15297 Even Start Family Literacy Programs, pursuant to Pub. L. No.
15298 106-554, the Office of Early Learning Agency for Workforce
15299 ~~Innovation~~ is designated as the lead agency and must comply with
15300 lead agency responsibilities pursuant to federal law.

15301 Section 313. Section 411.0106, Florida Statutes, is amended
15302 to read:

15303 411.0106 Infants and toddlers in state-funded education and
15304 care programs; brain development activities.—Each state-funded
15305 education and care program for children from birth to 5 years of
15306 age must provide activities to foster brain development in
15307 infants and toddlers. A program must provide an environment that
15308 helps children attain the performance standards adopted by the
15309 Office of Early Learning Agency for Workforce Innovation under
15310 s. 411.01(4)(d)8. and must be rich in language and music and
15311 filled with objects of various colors, shapes, textures, and
15312 sizes to stimulate visual, tactile, auditory, and linguistic
15313 senses in the children and must include classical music and at
15314 least 30 minutes of reading to the children each day. A program
15315 may be offered through an existing early childhood program such
15316 as Healthy Start, the Title I program, the school readiness
15317 program, the Head Start program, or a private child care
15318 program. A program must provide training for the infants' and
15319 toddlers' parents including direct dialogue and interaction
15320 between teachers and parents demonstrating the urgency of brain
15321 development in the first year of a child's life. Family day care
15322 centers are encouraged, but not required, to comply with this
15323 section.

15324 Section 314. Subsection (1) and paragraph (g) of subsection



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15325 (3) of section 411.011, Florida Statutes, are amended to read:
15326 411.011 Records of children in school readiness programs.—
15327 (1) The individual records of children enrolled in school
15328 readiness programs provided under s. 411.01, held by an early
15329 learning coalition or the Office of Early Learning Agency for
15330 ~~Workforce Innovation~~, are confidential and exempt from s.
15331 119.07(1) and s. 24(a), Art. I of the State Constitution. For
15332 purposes of this section, records include assessment data,
15333 health data, records of teacher observations, and personal
15334 identifying information.
15335 (3) School readiness records may be released to:
15336 (g) Parties to an interagency agreement among early
15337 learning coalitions, local governmental agencies, providers of
15338 school readiness programs, state agencies, and the Office of
15339 Early Learning Agency for Workforce Innovation for the purpose
15340 of implementing the school readiness program.
15341
15342 Agencies, organizations, or individuals that receive school
15343 readiness records in order to carry out their official functions
15344 must protect the data in a manner that does not permit the
15345 personal identification of a child enrolled in a school
15346 readiness program and his or her parents by persons other than
15347 those authorized to receive the records.
15348 Section 315. Paragraph (e) of subsection (2) of section
15349 411.226, Florida Statutes, is amended to read:
15350 411.226 Learning Gateway.—
15351 (2) LEARNING GATEWAY STEERING COMMITTEE.—
15352 (e) To support and facilitate system improvements, the
15353 steering committee must consult with representatives from the



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15354 Department of Education, the Department of Health, the Office of
15355 Early Learning ~~the Agency for Workforce Innovation~~, the
15356 Department of Children and Family Services, the Agency for
15357 Health Care Administration, the Department of Juvenile Justice,
15358 and the Department of Corrections and with the director of the
15359 Learning Development and Evaluation Center of Florida
15360 Agricultural and Mechanical University.

15361 Section 316. Paragraph (d) of subsection (1), paragraph (a)
15362 of subsection (2), and paragraph (c) of subsection (3) of
15363 section 411.227, Florida Statutes, are amended to read:

15364 411.227 Components of the Learning Gateway.—The Learning
15365 Gateway system consists of the following components:

15366 (1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED
15367 ACCESS.—

15368 (d) In collaboration with other local resources, the
15369 demonstration projects shall develop public awareness strategies
15370 to disseminate information about developmental milestones,
15371 precursors of learning problems and other developmental delays,
15372 and the service system that is available. The information should
15373 target parents of children from birth through age 9 and should
15374 be distributed to parents, health care providers, and caregivers
15375 of children from birth through age 9. A variety of media should
15376 be used as appropriate, such as print, television, radio, and a
15377 community-based Internet website, as well as opportunities such
15378 as those presented by parent visits to physicians for well-child
15379 checkups. The Learning Gateway Steering Committee shall provide
15380 technical assistance to the local demonstration projects in
15381 developing and distributing educational materials and
15382 information.



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15383 1. Public awareness strategies targeting parents of
15384 children from birth through age 5 shall be designed to provide
15385 information to public and private preschool programs, child care
15386 providers, pediatricians, parents, and local businesses and
15387 organizations. These strategies should include information on
15388 the school readiness performance standards adopted by the Office
15389 of Early Learning Agency for Workforce Innovation.

15390 2. Public awareness strategies targeting parents of
15391 children from ages 6 through 9 must be designed to disseminate
15392 training materials and brochures to parents and public and
15393 private school personnel, and must be coordinated with the local
15394 school board and the appropriate school advisory committees in
15395 the demonstration projects. The materials should contain
15396 information on state and district proficiency levels for grades
15397 K-3.

15398 (2) SCREENING AND DEVELOPMENTAL MONITORING.—

15399 (a) In coordination with the Office of Early Learning
15400 Agency for Workforce Innovation, the Department of Education,
15401 and the Florida Pediatric Society, and using information learned
15402 from the local demonstration projects, the Learning Gateway
15403 Steering Committee shall establish guidelines for screening
15404 children from birth through age 9. The guidelines should
15405 incorporate recent research on the indicators most likely to
15406 predict early learning problems, mild developmental delays,
15407 child-specific precursors of school failure, and other related
15408 developmental indicators in the domains of cognition;
15409 communication; attention; perception; behavior; and social,
15410 emotional, sensory, and motor functioning.

15411 (3) EARLY EDUCATION, SERVICES AND SUPPORTS.—



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15412 (c) The steering committee, in cooperation with the
15413 Department of Children and Family Services, the Department of
15414 Education, and the Office of Early Learning ~~Agency for Workforce~~
15415 ~~Innovation~~, shall identify the elements of an effective
15416 research-based curriculum for early care and education programs.

15417 Section 317. Section 414.24, Florida Statutes, is amended
15418 to read:

15419 414.24 Integrated welfare reform and child welfare
15420 services.—The department shall develop integrated service
15421 delivery strategies to better meet the needs of families subject
15422 to work activity requirements who are involved in the child
15423 welfare system or are at high risk of involvement in the child
15424 welfare system. To the extent that resources are available, the
15425 department and the Department of Economic Opportunity ~~Labor and~~
15426 ~~Employment Security~~ shall provide funds to one or more service
15427 districts to promote development of integrated, nonduplicative
15428 case management within the department, the Department of
15429 Department of Economic Opportunity ~~Labor and Employment~~
15430 ~~Security~~, other participating government agencies, and community
15431 partners. Alternative delivery systems shall be encouraged which
15432 include well-defined, pertinent outcome measures. Other factors
15433 to be considered shall include innovation regarding training,
15434 enhancement of existing resources, and increased private sector
15435 and business sector participation.

15436 Section 318. Section 414.40, Florida Statutes, is amended
15437 to read:

15438 414.40 Stop Inmate Fraud Program established; guidelines.—

15439 (1) There is created within the Department of Financial
15440 Services ~~Department of Law Enforcement~~ a Stop Inmate Fraud



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15441 Program.

15442 (2) The Department of Financial Services ~~Department of Law~~
15443 ~~Enforcement~~ is directed to implement the Stop Inmate Fraud
15444 Program in accordance with the following guidelines:

15445 (a) The program shall establish procedures for sharing
15446 public records not exempt from the public records law among
15447 social services agencies regarding the identities of persons
15448 incarcerated in state correctional institutions, as defined in
15449 s. 944.02, or in county, municipal, or regional jails or other
15450 detention facilities of local governments under chapter 950 or
15451 chapter 951 who are wrongfully receiving public assistance
15452 benefits or entitlement benefits.

15453 (b) Pursuant to these procedures, the program shall have
15454 access to records containing correctional information not exempt
15455 from the public records law on incarcerated persons which have
15456 been generated as criminal justice information. As used in this
15457 paragraph, the term "record" is defined as provided in s.
15458 943.045(7), and the term "criminal justice information" is
15459 defined as provided in s. 943.045(3).

15460 (c) Database searches shall be conducted of the inmate
15461 population at each correctional institution or other detention
15462 facility. A correctional institution or a detention facility
15463 shall provide the Stop Inmate Fraud Program with the information
15464 necessary to identify persons wrongfully receiving benefits in
15465 the medium requested by the Stop Inmate Fraud Program if the
15466 correctional institution or detention facility maintains the
15467 information in that medium.

15468 (d) Data obtained from correctional institutions or other
15469 detention facilities shall be compared with the client files of



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15470 the Department of Children and Family Services, the Department
15471 of Economic Opportunity ~~Labor and Employment Security~~, and other
15472 state or local agencies as needed to identify persons wrongfully
15473 obtaining benefits. Data comparisons shall be accomplished
15474 during periods of low information demand by agency personnel to
15475 minimize inconvenience to the agency.

15476 (e) Results of data comparisons shall be furnished to the
15477 appropriate office for use in the county in which the data
15478 originated. The program may provide reports of the data it
15479 obtains to appropriate state, federal, and local government
15480 agencies or governmental entities, including, but not limited
15481 to:

15482 1. The Child Support Enforcement Program of the Department
15483 of Revenue, so that the data may be used as locator information
15484 on persons being sought for purposes of child support.

15485 2. The Social Security Administration, so that the data may
15486 be used to reduce federal entitlement fraud within the state.

15487 (f) Reports by the program to another agency or entity
15488 shall be generated bimonthly, or as otherwise directed, and
15489 shall be designed to accommodate that agency's or entity's
15490 particular needs for data.

15491 (g) Only those persons with active cases, or with cases
15492 that were active during the incarceration period, shall be
15493 reported, in order that the funding agency or entity, upon
15494 verification of the data, may take whatever action is deemed
15495 appropriate.

15496 (h) For purposes of program review and analysis, each
15497 agency or entity receiving data from the program shall submit
15498 reports to the program which indicate the results of how the



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15499 data was used.

15500 Section 319. Subsection (1) of section 414.295, Florida
15501 Statutes, is amended to read:

15502 414.295 Temporary cash assistance programs; public records
15503 exemption.—

15504 (1) Personal identifying information of a temporary cash
15505 assistance program participant, a participant's family, or a
15506 participant's family or household member, except for information
15507 identifying a parent who does not live in the same home as the
15508 child, held by the department, the Division of Early Learning
15509 ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the
15510 Department of Health, the Department of Revenue, the Department
15511 of Education, or a regional workforce board or local committee
15512 created pursuant to s. 445.007 is confidential and exempt from
15513 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
15514 Such confidential and exempt information may be released for
15515 purposes directly connected with:

15516 (a) The administration of the temporary assistance for
15517 needy families plan under Title IV-A of the Social Security Act,
15518 as amended, by the department, the Division of Early Learning
15519 ~~Agency for Workforce Innovation~~, Workforce Florida, Inc., the
15520 Department of Military Affairs, the Department of Health, the
15521 Department of Revenue, the Department of Education, a regional
15522 workforce board or local committee created pursuant to s.
15523 445.007, or a school district.

15524 (b) The administration of the state's plan or program
15525 approved under Title IV-B, Title IV-D, or Title IV-E of the
15526 Social Security Act, as amended, or under Title I, Title X,
15527 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the



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15528 Social Security Act, as amended.

15529 (c) Any investigation, prosecution, or any criminal, civil,
15530 or administrative proceeding conducted in connection with the
15531 administration of any of the plans or programs specified in
15532 paragraph (a) or paragraph (b) by a federal, state, or local
15533 governmental entity, upon request by that entity, when such
15534 request is made pursuant to the proper exercise of that entity's
15535 duties and responsibilities.

15536 (d) The administration of any other state, federal, or
15537 federally assisted program that provides assistance or services
15538 on the basis of need, in cash or in kind, directly to a
15539 participant.

15540 (e) Any audit or similar activity, such as a review of
15541 expenditure reports or financial review, conducted in connection
15542 with the administration of any of the plans or programs
15543 specified in paragraph (a) or paragraph (b) by a governmental
15544 entity authorized by law to conduct such audit or activity.

15545 (f) The administration of the unemployment compensation
15546 program.

15547 (g) The reporting to the appropriate agency or official of
15548 information about known or suspected instances of physical or
15549 mental injury, sexual abuse or exploitation, or negligent
15550 treatment or maltreatment of a child or elderly person receiving
15551 assistance, if circumstances indicate that the health or welfare
15552 of the child or elderly person is threatened.

15553 (h) The administration of services to elderly persons under
15554 ss. 430.601-430.606.

15555 Section 320. Subsections (1) and (3) of section 414.411,
15556 Florida Statutes, are amended to read:



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15557 414.411 Public assistance fraud.-

15558 (1) The Department of Financial Services shall investigate
15559 all public assistance provided to residents of the state or
15560 provided to others by the state. In the course of such
15561 investigation the department shall examine all records,
15562 including electronic benefits transfer records and make inquiry
15563 of all persons who may have knowledge as to any irregularity
15564 incidental to the disbursement of public moneys, food
15565 assistance, or other items or benefits authorizations to
15566 recipients. All public assistance recipients, as a condition
15567 precedent to qualification for public assistance under chapter
15568 409, chapter 411, or this chapter, must first give in writing,
15569 to the Agency for Health Care Administration, the Department of
15570 Health, the Department of Economic Opportunity ~~Agency for~~
15571 ~~Workforce Innovation~~, and the Department of Children and Family
15572 Services, as appropriate, and to the Department of Financial
15573 Services, consent to make inquiry of past or present employers
15574 and records, financial or otherwise.

15575 (3) The results of such investigation shall be reported by
15576 the Department of Financial Services to the appropriate
15577 legislative committees, the Agency for Health Care
15578 Administration, the Department of Health, the Department of
15579 Economic Opportunity ~~Agency for Workforce Innovation~~, and the
15580 Department of Children and Family Services, and to such others
15581 as the department may determine.

15582 Section 321. Subsection (2) of section 418.12, Florida
15583 Statutes, is amended to read:

15584 418.12 Duties and functions of Division of Recreation and
15585 Parks.-Among its functions, the Division of Recreation and Parks



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15586 of the Department of Environmental Protection shall:

15587 (2) Provide consultation assistance to the Department of
15588 Economic Opportunity ~~Community Affairs~~ and to local governing
15589 units as to the promotion, organization, and administration of
15590 local recreation systems and as to the planning and design of
15591 local recreation areas and facilities;

15592 Section 322. Paragraph (e) of subsection (3) and subsection
15593 (4) of section 420.0003, Florida Statutes, are amended to read:

15594 420.0003 State housing strategy.—

15595 (3) POLICIES.—

15596 (e) *Housing production or rehabilitation programs.*—New
15597 programs for housing production or rehabilitation shall be
15598 developed in accordance with the following general guidelines as
15599 appropriate for the purpose of the specific program:

15600 1. State and local governments shall provide incentives to
15601 encourage the private sector to be the primary delivery vehicle
15602 for the development of affordable housing.

15603 2. State funds should be heavily leveraged to achieve the
15604 maximum local and private commitment of funds while achieving
15605 the program objectives.

15606 3. To the maximum extent possible, state funds should be
15607 expended to provide housing units rather than to support program
15608 administration.

15609 4. State money should be used, when possible, as loans
15610 rather than grants.

15611 5. State funds should be available only to local
15612 governments that provide incentives or financial assistance for
15613 housing.

15614 6. State funds should be made available only for projects



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15615 which are consistent with the local government comprehensive
15616 plan.

15617 7. State funding for housing should not be made available
15618 to local governments whose comprehensive plans have been found
15619 not in compliance with chapter 163 and who have not entered into
15620 a stipulated settlement agreement with the Department of
15621 Economic Opportunity ~~the Department of Community Affairs~~ to
15622 bring the plan into compliance.

15623 8. Mixed income projects should be encouraged, to avoid a
15624 concentration of low-income residents in one area or project.

15625 9. Distribution of state housing funds should be flexible
15626 and consider the regional and local needs, resources, and
15627 capabilities of housing producers.

15628 10. Income levels used to determine program eligibility
15629 should be adjusted for family size in determining the
15630 eligibility of specific beneficiaries.

15631 11. To the maximum extent possible, state-owned lands that
15632 are appropriate for the development of affordable housing shall
15633 be made available for that purpose.

15634 (4) IMPLEMENTATION.—The Department of Economic Opportunity
15635 ~~The Department of Community Affairs~~ and the Florida Housing
15636 Finance Corporation in carrying out the strategy articulated
15637 herein shall have the following duties:

15638 (a) The fiscal resources of the Department of Economic
15639 Opportunity ~~the Department of Community Affairs~~ shall be
15640 directed to achieve the following programmatic objectives:

15641 1. Effective technical assistance and capacity-building
15642 programs shall be established at the state and local levels.

15643 2. The Shimberg Center for Affordable Housing at the



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15644 University of Florida shall develop and maintain statewide data
15645 on housing needs and production, provide technical assistance
15646 relating to real estate development and finance, operate an
15647 information clearinghouse on housing programs, and coordinate
15648 state housing initiatives with local government and federal
15649 programs.

15650 (b) The agency strategic plan of the Department of Economic
15651 Opportunity ~~the Department of Community Affairs~~ shall include
15652 specific goals, objectives, and strategies that implement the
15653 housing policies in this section and shall include the strategic
15654 plan for housing production prepared by the corporation pursuant
15655 to s. 420.511.

15656 (c) The Shimberg Center for Affordable Housing, in
15657 consultation with the Department of Economic Opportunity ~~the~~
15658 ~~Department of Community Affairs~~ and the Florida Housing Finance
15659 Corporation, shall review and evaluate existing housing
15660 rehabilitation, production, and finance programs to determine
15661 their consistency with relevant policies in this section and
15662 identify the needs of specific populations, including, but not
15663 limited to, elderly and handicapped persons, and shall recommend
15664 statutory modifications where appropriate. The Shimberg Center
15665 for Affordable Housing, in consultation with the Department of
15666 Economic Opportunity ~~the Department of Community Affairs~~ and the
15667 corporation, shall also evaluate the degree of coordination
15668 between state housing programs, and between state, federal, and
15669 local housing activities, and shall recommend improved program
15670 linkages. The recommendations required above and a report of any
15671 programmatic modifications made as a result of these policies
15672 shall be included in the housing report required by s. 420.6075,



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15673 beginning December 31, 1991, and every 5 years thereafter.

15674 (d) The department and the corporation are anticipated to
15675 conform the administrative rules for each housing program to the
15676 policies stated in this section, provided that such changes in
15677 the rules are consistent with the statutory intent or
15678 requirements for the program. This authority applies only to
15679 programs offering loans, grants, or tax credits and only to the
15680 extent that state policies are consistent with applicable
15681 federal requirements.

15682 Section 323. Subsection (6) of section 420.0004, Florida
15683 Statutes, is amended to read:

15684 420.0004 Definitions.—As used in this part, unless the
15685 context otherwise indicates:

15686 (6) "Department" means the Department of Economic
15687 Opportunity ~~the Department of Community Affairs~~.

15688 Section 324. Section 420.0005, Florida Statutes, is amended
15689 to read:

15690 420.0005 State Housing Trust Fund; State Housing Fund.—
15691 There is hereby established in the State Treasury a separate
15692 trust fund to be named the "State Housing Trust Fund." There
15693 shall be deposited in the fund all moneys appropriated by the
15694 Legislature, or moneys received from any other source, for the
15695 purpose of this chapter, and all proceeds derived from the use
15696 of such moneys. The fund shall be administered by the Florida
15697 Housing Finance Corporation on behalf of the department, as
15698 specified in this chapter. Money deposited to the fund and
15699 appropriated by the Legislature must, notwithstanding the
15700 provisions of chapter 216 or s. 420.504(3), be transferred
15701 quarterly in advance, to the extent available, or, if not so



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15702 available, as soon as received into the State Housing Trust
15703 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
15704 by the Chief Financial Officer to the corporation upon
15705 certification by the executive director of the Department of
15706 Economic Opportunity ~~Secretary of Community Affairs~~ that the
15707 corporation is in compliance with the requirements of s.
15708 420.0006. The certification made by the secretary shall also
15709 include the split of funds among programs administered by the
15710 corporation and the department as specified in chapter 92-317,
15711 Laws of Florida, as amended. Moneys advanced by the Chief
15712 Financial Officer must be deposited by the corporation into a
15713 separate fund established with a qualified public depository
15714 meeting the requirements of chapter 280 to be named the "State
15715 Housing Fund" and used for the purposes of this chapter.
15716 Administrative and personnel costs incurred in implementing this
15717 chapter may be paid from the State Housing Fund, but such costs
15718 may not exceed 5 percent of the moneys deposited into such fund.
15719 To the State Housing Fund shall be credited all loan repayments,
15720 penalties, and other fees and charges accruing to such fund
15721 under this chapter. It is the intent of this chapter that all
15722 loan repayments, penalties, and other fees and charges collected
15723 be credited in full to the program account from which the loan
15724 originated. Moneys in the State Housing Fund which are not
15725 currently needed for the purposes of this chapter shall be
15726 invested in such manner as is provided for by statute. The
15727 interest received on any such investment shall be credited to
15728 the State Housing Fund.

15729 Section 325. Paragraph (d) of subsection (1) of section
15730 420.101, Florida Statutes, is amended to read:



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15731 420.101 Housing Development Corporation of Florida;
15732 creation, membership, and purposes.—

15733 (1) Twenty-five or more persons, a majority of whom shall
15734 be residents of this state, who may desire to create a housing
15735 development corporation under the provisions of this part for
15736 the purpose of promoting and developing housing and advancing
15737 the prosperity and economic welfare of the state and, to that
15738 end, to exercise the powers and privileges hereinafter provided,
15739 may be incorporated by filing in the Department of State, as
15740 hereinafter provided, articles of incorporation. The articles of
15741 incorporation shall contain:

15742 (d) The names and post office addresses of the members of
15743 the first board of directors. The first board of directors shall
15744 be elected by and from the stockholders of the corporation and
15745 shall consist of 21 members. However, five of such members shall
15746 consist of the following persons, who shall be nonvoting
15747 members: the secretary of the Department of Economic Opportunity
15748 ~~Community Affairs~~ or her or his designee; the head of the
15749 Department of Financial Services or her or his designee with
15750 expertise in banking matters; a designee of the head of the
15751 Department of Financial Services with expertise in insurance
15752 matters; one state senator appointed by the President of the
15753 Senate; and one representative appointed by the Speaker of the
15754 House of Representatives.

15755 Section 326. Subsection (8) of section 420.111, Florida
15756 Statutes, is amended to read:

15757 420.111 Housing Development Corporation of Florida;
15758 additional powers.—In furtherance of its purposes and in
15759 addition to the powers now or hereafter conferred on business



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15760 corporations by chapter 607, the corporation shall, subject to
15761 the restrictions and limitations herein contained, have the
15762 following powers:

15763 (8) To cooperate with, and avail itself of the facilities
15764 of, the United States Department of Housing and Urban
15765 Development, the Department of Economic Opportunity Community
15766 ~~Affairs~~, and any other similar local, state, or Federal
15767 Government agency; and to cooperate with and assist, and
15768 otherwise encourage, organizations in the various communities of
15769 the state on the promotion, assistance, and development of the
15770 housing and economic welfare of such communities or of this
15771 state or any part thereof.

15772 Section 327. Section 420.36, Florida Statutes, is amended
15773 to read:

15774 420.36 Low-income Emergency Home Repair Program.—There is
15775 established within the Department of Economic Opportunity
15776 ~~Community Affairs~~ the Low-income Emergency Home Repair Program
15777 to assist low-income persons, especially the elderly and
15778 physically disabled, in making emergency repairs which directly
15779 affect their health and safety.

15780 (1) As used in this section, the term:

15781 (a) "Grantee" means a local public or private nonprofit
15782 agency currently receiving funds from the department to conduct
15783 a weatherization assistance program in one or more counties or a
15784 public or nonprofit agency chosen as outlined in subparagraph
15785 (4) (c) 4.

15786 (b) "Subgrantee" means a local public or private nonprofit
15787 agency experienced in weatherization, emergency repairs, or
15788 rehabilitation of housing.



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15789 (2) A person is eligible to receive assistance if that
15790 person has an income in relation to that person's family size
15791 which is at or below 125 percent of the poverty level as
15792 specified annually in the federal Office of Management and
15793 Budget Poverty Guidelines. Eligible persons over 60 years of age
15794 and eligible persons who are physically disabled shall be given
15795 priority in the program.

15796 (3) (a) Allowable repairs, including materials and labor,
15797 which may be charged under the program include:

15798 1. Correcting deficiencies in support beams, load-bearing
15799 walls, and floor joists.

15800 2. Repair or replacement of unsafe or nonfunctional space
15801 heating or water heating systems.

15802 3. Egress or physically disabled accessibility repairs,
15803 improvements, or assistive devices, including wheelchair ramps,
15804 steps, porches, handrails, or other health and safety measures.

15805 4. Plumbing, pump, well, and line repairs to ensure safe
15806 drinking water and sanitary sewage.

15807 5. Electrical repairs.

15808 6. Repairs to deteriorating walls, floors, and roofs.

15809 7. Other interior and exterior repairs as necessary for the
15810 health and safety of the resident.

15811 (b) Administrative expenses may not exceed 10 percent of
15812 the total grant funds.

15813 (c) Each grantee shall be required to provide an in-kind or
15814 cash match of at least 20 percent of the funds granted. Grantees
15815 and subgrantees shall be encouraged to use community resources
15816 to provide such match, including family, church, and
15817 neighborhood volunteers and materials provided by local groups



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15818 and businesses. Grantees shall coordinate with local governments
15819 through their community development block grant entitlement
15820 programs and other housing programs, local housing partnerships,
15821 and agencies under contract to a lead agency for the provisions
15822 of services under the Community Care for the Elderly Act, ss.
15823 430.201-430.207.

15824 (4) (a) Funds appropriated to the department for the program
15825 shall be deposited in the Energy Consumption Trust Fund.
15826 Administrative and personnel costs incurred by the department in
15827 implementing the provisions of this section may be paid from the
15828 fund.

15829 (b) The grantee may subgrant these funds to a subgrantee if
15830 the grantee is unable to serve all of the county or the target
15831 population. Grantee and subgrantee eligibility shall be
15832 determined by the department.

15833 (c) Funds shall be distributed to grantees and subgrantees
15834 as follows:

15835 1. For each county, a base amount of at least \$3,000 shall
15836 be set aside from the total funds available, and such amount
15837 shall be deducted from the total amount appropriated by the
15838 Legislature.

15839 2. The balance of the funds appropriated by the Legislature
15840 shall be divided by the total poverty population of the state,
15841 and this quotient shall be multiplied by each county's share of
15842 the poverty population. That amount plus the base of at least
15843 \$3,000 shall constitute each county's share. A grantee which
15844 serves more than one county shall receive the base amount plus
15845 the poverty population share for each county to be served.
15846 Contracts with grantees may be renewed annually.



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15847 3. The funds allocated to each county shall be offered
15848 first to an existing weatherization assistance program grantee
15849 in good standing, as determined by the department, that can
15850 provide services to the target population of low-income persons,
15851 low-income elderly persons, and low-income physically disabled
15852 persons throughout the county.

15853 4. If a weatherization assistance program grantee is not
15854 available to serve the entire county area, the funds shall be
15855 distributed through the following process:

15856 a. An announcement of funding availability shall be
15857 provided to the county. The county may elect to administer the
15858 program.

15859 b. If the county elects not to administer the program, the
15860 department shall establish rules to address the selection of one
15861 or more public or private not-for-profit agencies that are
15862 experienced in weatherization, rehabilitation, or emergency
15863 repair to administer the program.

15864 5. If no eligible agency agrees to serve a county, the
15865 funds for that county shall be distributed to grantees having
15866 the best performance record as determined by department rule. At
15867 the end of the contract year, any uncontracted or unexpended
15868 funds shall be returned to the Energy Consumption Trust Fund and
15869 reallocated under the next year's contracting cycle.

15870 (5) The department may perform all actions appropriate and
15871 necessary to carry out the purposes of this section, including,
15872 but not limited to:

15873 (a) Entering into contracts and agreements with the Federal
15874 Government, agencies of the state, local governments, or any
15875 person, association, corporation, or entity.



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15876 (b) Seeking and accepting funding from any public or
15877 private source.

15878 (c) Adopting and enforcing rules consistent with this
15879 section.

15880 Section 328. Subsections (1) and (2) of section 420.424,
15881 Florida Statutes, are amended, and subsections (3) through (7)
15882 of that section are redesignated as subsections (2) through (6),
15883 to read:

15884 420.424 Definitions.—As used in ss. 420.421-420.429:

15885 (1) "Department" means the Department of Economic
15886 Opportunity Community Affairs.

15887 ~~(2) "Secretary" means the Secretary of Community Affairs.~~

15888 Section 329. Subsection (12) of section 420.503, Florida
15889 Statutes, is amended to read:

15890 420.503 Definitions.—As used in this part, the term:

15891 (12) "Department" means the Department of Economic
15892 Opportunity the Department of Community Affairs.

15893 Section 330. Subsections (1) and (3) of section 420.504,
15894 Florida Statutes, are amended to read:

15895 420.504 Public corporation; creation, membership, terms,
15896 expenses.—

15897 (1) There is created within the Department of Economic
15898 Opportunity the Department of Community Affairs a public
15899 corporation and a public body corporate and politic, to be known
15900 as the "Florida Housing Finance Corporation." It is declared to
15901 be the intent of and constitutional construction by the
15902 Legislature that the Florida Housing Finance Corporation
15903 constitutes an entrepreneurial public corporation organized to
15904 provide and promote the public welfare by administering the



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15905 governmental function of financing or refinancing housing and
15906 related facilities in Florida and that the corporation is not a
15907 department of the executive branch of state government within
15908 the scope and meaning of s. 6, Art. IV of the State
15909 Constitution, but is functionally related to the Department of
15910 Economic Opportunity ~~the Department of Community Affairs~~ in
15911 which it is placed. The executive function of state government
15912 to be performed by the executive director of the Department of
15913 Economic Opportunity ~~secretary of the department~~ in the conduct
15914 of the business of the Florida Housing Finance Corporation must
15915 be performed pursuant to a contract to monitor and set
15916 performance standards for the implementation of the business
15917 plan for the provision of housing approved for the corporation
15918 as provided in s. 420.0006. This contract shall include the
15919 performance standards for the provision of affordable housing in
15920 Florida established in the business plan described in s.
15921 420.511.

15922 (3) The corporation is a separate budget entity and is not
15923 subject to control, supervision, or direction by the Department
15924 of Economic Opportunity ~~the Department of Community Affairs~~ in
15925 any manner, including, but not limited to, personnel,
15926 purchasing, transactions involving real or personal property,
15927 and budgetary matters. The corporation shall consist of a board
15928 of directors composed of the executive director of the
15929 Department of Economic Opportunity ~~Secretary of Community~~
15930 ~~Affairs~~ as an ex officio and voting member, or a senior-level
15931 agency employee designated by the director, and eight members
15932 appointed by the Governor subject to confirmation by the Senate
15933 from the following:



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15934 (a) One citizen actively engaged in the residential home
15935 building industry.

15936 (b) One citizen actively engaged in the banking or mortgage
15937 banking industry.

15938 (c) One citizen who is a representative of those areas of
15939 labor engaged in home building.

15940 (d) One citizen with experience in housing development who
15941 is an advocate for low-income persons.

15942 (e) One citizen actively engaged in the commercial building
15943 industry.

15944 (f) One citizen who is a former local government elected
15945 official.

15946 (g) Two citizens of the state who are not principally
15947 employed as members or representatives of any of the groups
15948 specified in paragraphs (a)-(f).

15949 Section 331. Section 420.506, Florida Statutes, is amended
15950 to read:

15951 420.506 Executive director; agents and employees; inspector
15952 general.-

15953 (1) The appointment and removal of an executive director
15954 shall be by the executive director of the Department of Economic
15955 Opportunity ~~Secretary of Community Affairs~~, with the advice and
15956 consent of the corporation's board of directors. The executive
15957 director shall employ legal and technical experts and such other
15958 agents and employees, permanent and temporary, as the
15959 corporation may require, and shall communicate with and provide
15960 information to the Legislature with respect to the corporation's
15961 activities. The board is authorized, notwithstanding the
15962 provisions of s. 216.262, to develop and implement rules



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15963 regarding the employment of employees of the corporation and
15964 service providers, including legal counsel. The board of
15965 directors of the corporation is entitled to establish travel
15966 procedures and guidelines for employees of the corporation. The
15967 executive director's office and the corporation's files and
15968 records must be located in Leon County.

15969 (2) The appointment and removal of an inspector general
15970 shall be by the executive director, with the advice and consent
15971 of the corporation's board of directors. The corporation's
15972 inspector general shall perform for the corporation the
15973 functions set forth in s. 20.055. The inspector general shall
15974 administratively report to the executive director. The inspector
15975 general shall meet the minimum qualifications as set forth s.
15976 20.055(4). The corporation may establish additional
15977 qualifications deemed necessary by the board of directors to
15978 meet the unique needs of the corporation. The inspector general
15979 shall be responsible for coordinating the responsibilities set
15980 forth in s. 420.0006.

15981 Section 332. Paragraph (e) of subsection (12) of section
15982 420.5095, Florida Statutes, is amended to read:

15983 420.5095 Community Workforce Housing Innovation Pilot
15984 Program.—

15985 (12) All eligible applications shall:

15986 (e) Demonstrate how the applicant will use the regulatory
15987 incentives and financial strategies outlined in subsection (8)
15988 from the local jurisdiction in which the proposed project is to
15989 be located. The corporation may consult with the Department of
15990 Economic Opportunity ~~the Department of Community Affairs~~ in
15991 evaluating the use of regulatory incentives by applicants.



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15992 Section 333. Subsections (6) through (10) of section
15993 420.602, Florida Statutes, are amended, and a new subsection (7)
15994 is added to that section, to read:

15995 420.602 Definitions.—As used in this part, the following
15996 terms shall have the following meanings, unless the context
15997 otherwise requires:

15998 (6) "Department" means the Department of Economic
15999 Opportunity ~~the Department of Community Affairs.~~

16000 (7) "Director" means the executive director of the
16001 Department of Economic Opportunity.

16002 ~~(8)-(7)~~ "Fund" means the Florida Affordable Housing Trust
16003 Fund as created in this part.

16004 ~~(9)-(8)~~ "Low-income persons" means one or more natural
16005 persons or a family, the total annual adjusted gross household
16006 income of which does not exceed 80 percent of the median annual
16007 adjusted gross income for households within the state, or 80
16008 percent of the median annual adjusted gross income for
16009 households within the metropolitan statistical area (MSA) or, if
16010 not within an MSA, within the county in which the person or
16011 family resides, whichever is greater.

16012 ~~(10)-(9)~~ "Moderate-income persons" means one or more natural
16013 persons or a family, the total annual adjusted gross household
16014 income of which is less than 120 percent of the median annual
16015 adjusted gross income for households within the state, or 120
16016 percent of the median annual adjusted gross income for
16017 households within the metropolitan statistical area (MSA) or, if
16018 not within an MSA, within the county in which the household is
16019 located, whichever is greater.

16020 ~~(10) "Secretary" means the Secretary of Community Affairs.~~



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16021 Section 334. Subsections (3) and (4) of section 420.606,
16022 Florida Statutes, are amended to read:

16023 420.606 Training and technical assistance program.—

16024 (3) TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—The
16025 Department of Economic Opportunity ~~Community Affairs~~ shall be
16026 responsible for securing the necessary expertise to provide
16027 training and technical assistance to staff of local governments,
16028 to staff of state agencies, as appropriate, and to community-
16029 based organizations, and to persons forming such organizations,
16030 which are formed for the purpose of developing new housing and
16031 rehabilitating existing housing which is affordable for very-
16032 low-income persons, low-income persons, and moderate-income
16033 persons.

16034 (a) The training component of the program shall be designed
16035 to build the housing development capacity of community-based
16036 organizations and local governments as a permanent resource for
16037 the benefit of communities in this state.

16038 1. The scope of training shall include, but not be limited
16039 to, real estate development skills related to affordable
16040 housing, including the construction process and property
16041 management and disposition, the development of public-private
16042 partnerships to reduce housing costs, model housing projects,
16043 and management and board responsibilities of community-based
16044 organizations.

16045 2. Training activities may include, but are not limited to,
16046 materials for self-instruction, workshops, seminars,
16047 internships, coursework, and special programs developed in
16048 conjunction with state universities and community colleges.

16049 (b) The technical assistance component of the program shall



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16050 be designed to assist applicants for state-administered programs
16051 in developing applications and in expediting project
16052 implementation. Technical assistance activities for the staffs
16053 of community-based organizations and local governments who are
16054 directly involved in the production of affordable housing may
16055 include, but are not limited to, workshops for program
16056 applicants, onsite visits, guidance in achieving project
16057 completion, and a newsletter to community-based organizations
16058 and local governments.

16059 (4) POWERS.—The Department of Economic Opportunity
16060 ~~Community Affairs~~ may do all things necessary or appropriate to
16061 carry out the purposes of this section, including exercising the
16062 power to:

16063 (a) Enter into contracts and agreements with the Federal
16064 Government or with other agencies of the state, with local
16065 governments, or with any other person, association, corporation,
16066 or entity;

16067 (b) Seek and accept funding from any public or private
16068 source; and

16069 (c) Adopt and enforce rules consistent with this section.

16070 Section 335. Subsection (5) of section 420.609, Florida
16071 Statutes, is amended to read:

16072 420.609 Affordable Housing Study Commission.—Because the
16073 Legislature firmly supports affordable housing in Florida for
16074 all economic classes:

16075 (5) The commission shall review, evaluate, and make
16076 recommendations regarding existing and proposed housing programs
16077 and initiatives. The commission shall provide these and any
16078 other housing recommendations to the director of the department



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16079 ~~secretary of the Department of Community Affairs~~ and the
16080 executive director of the corporation.

16081 Section 336. Subsection (2) of section 420.622, Florida
16082 Statutes, is amended to read:

16083 420.622 State Office on Homelessness; Council on
16084 Homelessness.—

16085 (2) The Council on Homelessness is created to consist of a
16086 17-member council of public and private agency representatives
16087 who shall develop policy and advise the State Office on
16088 Homelessness. The council members shall be: the Secretary of
16089 Children and Family Services, or his or her designee; the
16090 executive director of the Department of Economic Opportunity
16091 ~~Secretary of Community Affairs~~, or his or her designee, to
16092 advise the council on issues related to rural development; the
16093 State Surgeon General, or his or her designee; the Executive
16094 Director of Veterans' Affairs, or his or her designee; the
16095 Secretary of Corrections, or his or her designee; the Secretary
16096 of Health Care Administration, or his or her designee; the
16097 Commissioner of Education, or his or her designee; the Director
16098 of Workforce Florida, Inc., or his or her designee; one
16099 representative of the Florida Association of Counties; one
16100 representative from the Florida League of Cities; one
16101 representative of the Florida Supportive Housing Coalition; the
16102 Executive Director of the Florida Housing Finance Corporation,
16103 or his or her designee; one representative of the Florida
16104 Coalition for the Homeless; and four members appointed by the
16105 Governor. The council members shall be volunteer, nonpaid
16106 persons and shall be reimbursed for travel expenses only. The
16107 appointed members of the council shall be appointed to staggered



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16108 2-year terms, and the council shall meet at least four times per
16109 year. The importance of minority, gender, and geographic
16110 representation must be considered when appointing members to the
16111 council.

16112 Section 337. Subsections (2) through (9) of section
16113 420.631, Florida Statutes, are amended to read:

16114 420.631 Definitions relating to Urban Homesteading Act.—As
16115 used in ss. 420.630-420.635:

16116 ~~(2) "Department" means the Department of Community Affairs.~~

16117 (2)~~(3)~~ "Homestead agreement" means a written contract
16118 between a local government or its designee and a qualified buyer
16119 which contains the terms under which the qualified buyer may
16120 acquire a single-family housing property.

16121 (3)~~(4)~~ "Local government" means any county or incorporated
16122 municipality within this state.

16123 (4)~~(5)~~ "Designee" means a housing authority appointed by a
16124 local government, or a nonprofit community organization
16125 appointed by a local government, to administer the urban
16126 homesteading program for single-family housing under ss.
16127 420.630-420.635.

16128 (5)~~(6)~~ "Nonprofit community organization" means an
16129 organization that is exempt from taxation under s. 501(c)(3) of
16130 the Internal Revenue Code.

16131 (6)~~(7)~~ "Office" means the Office of Urban Opportunity
16132 within the Department of Economic Opportunity ~~Community Affairs~~.

16133 (7)~~(8)~~ "Qualified buyer" means a person who meets the
16134 criteria under s. 420.633.

16135 (8)~~(9)~~ "Qualified loan rate" means an interest rate that
16136 does not exceed the interest rate charged for home improvement



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16137 loans by the Federal Housing Administration under Title I of the
16138 National Housing Act, ch. 847, 48 Stat. 1246, or 12 U.S.C. ss.
16139 1702, 1703, 1705, and 1706b et seq.

16140 Section 338. Section 420.635, Florida Statutes, is amended
16141 to read:

16142 420.635 Loans to qualified buyers.—Contingent upon an
16143 appropriation, the Department of Economic Opportunity, in
16144 consultation with the Office of Urban Opportunity, shall provide
16145 loans to qualified buyers who are required to pay the pro rata
16146 portion of the bonded debt on single-family housing pursuant to
16147 s. 420.634. Loans provided under this section shall be made at a
16148 rate of interest which does not exceed the qualified loan rate.
16149 A buyer must maintain the qualifications specified in s. 420.633
16150 for the full term of the loan. The loan agreement may contain
16151 additional terms and conditions as determined by the department.

16152 Section 339. Section 421.001, Florida Statutes, is amended
16153 to read:

16154 421.001 State role in housing and urban development.—The
16155 role of state government required by part I of chapter 421
16156 (Housing Authorities Law), chapter 422 (Housing Cooperation
16157 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16158 the responsibility of the Department of Economic Opportunity
16159 ~~Community Affairs~~; and the department is the agency of state
16160 government responsible for the state's role in housing and urban
16161 development.

16162 Section 340. Section 422.001, Florida Statutes, is amended
16163 to read:

16164 422.001 State role in housing and urban development.—The
16165 role of state government required by part I of chapter 421



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16166 (Housing Authorities Law), chapter 422 (Housing Cooperation
16167 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16168 the responsibility of the Department of Economic Opportunity
16169 ~~Community Affairs~~; and the department is the agency of state
16170 government responsible for the state's role in housing and urban
16171 development.

16172 Section 341. Section 423.001, Florida Statutes, is amended
16173 to read:

16174 423.001 State role in housing and urban development.—The
16175 role of state government required by part I of chapter 421
16176 (Housing Authorities Law), chapter 422 (Housing Cooperation
16177 Law), and chapter 423 (Tax Exemption of Housing Authorities) is
16178 the responsibility of the Department of Economic Opportunity
16179 ~~Community Affairs~~; and the department is the agency of state
16180 government responsible for the state's role in housing and urban
16181 development.

16182 Section 342. Paragraph (g) of subsection (1) of section
16183 427.012, Florida Statutes, is amended to read:

16184 427.012 The Commission for the Transportation
16185 Disadvantaged.—There is created the Commission for the
16186 Transportation Disadvantaged in the Department of
16187 Transportation.

16188 (1) The commission shall consist of seven members, all of
16189 whom shall be appointed by the Governor, in accordance with the
16190 requirements of s. 20.052.

16191 (g) The Secretary of Transportation, the Secretary of
16192 Children and Family Services, the executive director of Economic
16193 Opportunity ~~director of Workforce Innovation~~, the executive
16194 director of the Department of Veterans' Affairs, the Secretary



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16195 of Elderly Affairs, the Secretary of Health Care Administration,
16196 the director of the Agency for Persons with Disabilities, and a
16197 county manager or administrator who is appointed by the
16198 Governor, or a senior management level representative of each,
16199 shall serve as ex officio, nonvoting advisors to the commission.

16200 Section 343. Paragraph (b) of subsection (1) of section
16201 429.41, Florida Statutes, is amended to read:

16202 429.41 Rules establishing standards.—

16203 (1) It is the intent of the Legislature that rules
16204 published and enforced pursuant to this section shall include
16205 criteria by which a reasonable and consistent quality of
16206 resident care and quality of life may be ensured and the results
16207 of such resident care may be demonstrated. Such rules shall also
16208 ensure a safe and sanitary environment that is residential and
16209 noninstitutional in design or nature. It is further intended
16210 that reasonable efforts be made to accommodate the needs and
16211 preferences of residents to enhance the quality of life in a
16212 facility. The agency, in consultation with the department, may
16213 adopt rules to administer the requirements of part II of chapter
16214 408. In order to provide safe and sanitary facilities and the
16215 highest quality of resident care accommodating the needs and
16216 preferences of residents, the department, in consultation with
16217 the agency, the Department of Children and Family Services, and
16218 the Department of Health, shall adopt rules, policies, and
16219 procedures to administer this part, which must include
16220 reasonable and fair minimum standards in relation to:

16221 (b) The preparation and annual update of a comprehensive
16222 emergency management plan. Such standards must be included in
16223 the rules adopted by the department after consultation with the



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16224 Division of Emergency Management ~~Department of Community~~
16225 ~~Affairs~~. At a minimum, the rules must provide for plan
16226 components that address emergency evacuation transportation;
16227 adequate sheltering arrangements; postdisaster activities,
16228 including provision of emergency power, food, and water;
16229 postdisaster transportation; supplies; staffing; emergency
16230 equipment; individual identification of residents and transfer
16231 of records; communication with families; and responses to family
16232 inquiries. The comprehensive emergency management plan is
16233 subject to review and approval by the local emergency management
16234 agency. During its review, the local emergency management agency
16235 shall ensure that the following agencies, at a minimum, are
16236 given the opportunity to review the plan: the Department of
16237 Elderly Affairs, the Department of Health, the Agency for Health
16238 Care Administration, and the Division of Emergency Management
16239 ~~Department of Community Affairs~~. Also, appropriate volunteer
16240 organizations must be given the opportunity to review the plan.
16241 The local emergency management agency shall complete its review
16242 within 60 days and either approve the plan or advise the
16243 facility of necessary revisions.

16244 Section 344. Paragraph (b) of subsection (2) of section
16245 429.907, Florida Statutes, is amended to read:

16246 429.907 License requirement; fee; exemption; display.-

16247 (2)

16248 (b) If ~~In the event~~ a licensed center becomes wholly or
16249 substantially unusable due to a disaster ~~as defined in s.~~
16250 ~~252.34(1)~~ or due to an emergency as those terms are defined in
16251 s. 252.34(3):

16252 1. The licensee may continue to operate under its current



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16253 license in ~~a premise or~~ premises separate from that authorized
16254 under the license if the licensee has:

16255 a. Specified the location of the ~~premise or~~ premises in its
16256 comprehensive emergency management plan submitted to and
16257 approved by the applicable county emergency management
16258 authority; and

16259 b. Notified the agency and the county emergency management
16260 authority within 24 hours of operating in the separate ~~premise~~
16261 ~~or~~ premises.

16262 2. The licensee shall operate the separate ~~premise or~~
16263 premises only while the licensed center's original location is
16264 substantially unusable and for up to ~~no longer than~~ 180 days.
16265 The agency may extend use of the alternate ~~premise or~~ premises
16266 beyond the initial 180 days. The agency may also review the
16267 operation of the disaster ~~premise or~~ premises quarterly.

16268 Section 345. Paragraph (g) of subsection (1) of section
16269 429.929, Florida Statutes, is amended to read:

16270 429.929 Rules establishing standards.-

16271 (1) The agency, in consultation with the department, may
16272 adopt rules to administer the requirements of part II of chapter
16273 408. The Department of Elderly Affairs, in conjunction with the
16274 agency, shall adopt rules to implement the provisions of this
16275 part. The rules must include reasonable and fair standards. Any
16276 conflict between these standards and those that may be set forth
16277 in local, county, or municipal ordinances shall be resolved in
16278 favor of those having statewide effect. Such standards must
16279 relate to:

16280 (g) Components of a comprehensive emergency management
16281 plan, developed in consultation with the Department of Health,



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16282 the Agency for Health Care Administration, and the Division of
16283 Emergency Management ~~Department of Community Affairs~~.

16284 Section 346. Subsection (2) of section 440.12, Florida
16285 Statutes, is amended to read:

16286 440.12 Time for commencement and limits on weekly rate of
16287 compensation.—

16288 (2) Compensation for disability resulting from injuries
16289 which occur after December 31, 1974, shall not be less than \$20
16290 per week. However, if the employee's wages at the time of injury
16291 are less than \$20 per week, he or she shall receive his or her
16292 full weekly wages. If the employee's wages at the time of the
16293 injury exceed \$20 per week, compensation shall not exceed an
16294 amount per week which is:

16295 (a) Equal to 100 percent of the statewide average weekly
16296 wage, determined as hereinafter provided for the year in which
16297 the injury occurred; however, the increase to 100 percent from
16298 66 2/3 percent of the statewide average weekly wage shall apply
16299 only to injuries occurring on or after August 1, 1979; and

16300 (b) Adjusted to the nearest dollar.

16301
16302 For the purpose of this subsection, the "statewide average
16303 weekly wage" means the average weekly wage paid by employers
16304 subject to the Florida Unemployment Compensation Law as reported
16305 to the Department of Economic Opportunity ~~Agency for Workforce~~
16306 ~~Innovation~~ for the four calendar quarters ending each June 30,
16307 which average weekly wage shall be determined by the Department
16308 of Economic Opportunity ~~Agency for Workforce Innovation~~ on or
16309 before November 30 of each year and shall be used in determining
16310 the maximum weekly compensation rate with respect to injuries



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16311 occurring in the calendar year immediately following. The
16312 statewide average weekly wage determined by the Department of
16313 Economic Opportunity Agency for Workforce Innovation shall be
16314 reported annually to the Legislature.

16315 Section 347. Paragraph (c) of subsection (9) of section
16316 440.15, Florida Statutes, is amended to read:

16317 440.15 Compensation for disability.—Compensation for
16318 disability shall be paid to the employee, subject to the limits
16319 provided in s. 440.12(2), as follows:

16320 (9) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND
16321 FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

16322 (c) Disability compensation benefits payable for any week,
16323 including those benefits provided by paragraph (1)(f), may not
16324 be reduced pursuant to this subsection until the Social Security
16325 Administration determines the amount otherwise payable to the
16326 employee under 42 U.S.C. ss. 402 and 423 and the employee has
16327 begun receiving such social security benefit payments. The
16328 employee shall, upon demand by the department, the employer, or
16329 the carrier, authorize the Social Security Administration to
16330 release disability information relating to her or him and
16331 authorize the Department of Economic Opportunity Agency for
16332 Workforce Innovation to release unemployment compensation
16333 information relating to her or him, in accordance with rules to
16334 be adopted by the department prescribing the procedure and
16335 manner for requesting the authorization and for compliance by
16336 the employee. The department or the employer or carrier may not
16337 make any payment of benefits for total disability or those
16338 additional benefits provided by paragraph (1)(f) for any period
16339 during which the employee willfully fails or refuses to



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16340 authorize the release of information in the manner and within
16341 the time prescribed by such rules. The authority for release of
16342 disability information granted by an employee under this
16343 paragraph is effective for a period not to exceed 12 months and
16344 such authority may be renewed, as the department prescribes by
16345 rule.

16346 Section 348. Paragraph (b) of subsection (2) of section
16347 440.45, Florida Statutes, is amended to read:

16348 440.45 Office of the Judges of Compensation Claims.—

16349 (2)

16350 (b) Except as provided in paragraph (c), the Governor shall
16351 appoint a judge of compensation claims from a list of three
16352 persons nominated by a statewide nominating commission. The
16353 statewide nominating commission shall be composed of the
16354 following:

16355 1. Five members, at least one of whom must be a member of a
16356 minority group as defined in s. 288.703~~(3)~~, one of each who
16357 resides in each of the territorial jurisdictions of the district
16358 courts of appeal, appointed by the Board of Governors of The
16359 Florida Bar from among The Florida Bar members who are engaged
16360 in the practice of law. On July 1, 1999, the term of office of
16361 each person appointed by the Board of Governors of The Florida
16362 Bar to the commission expires. The Board of Governors shall
16363 appoint members who reside in the odd-numbered district court of
16364 appeal jurisdictions to 4-year terms each, beginning July 1,
16365 1999, and members who reside in the even-numbered district court
16366 of appeal jurisdictions to 2-year terms each, beginning July 1,
16367 1999. Thereafter, each member shall be appointed for a 4-year
16368 term;



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16369 2. Five electors, at least one of whom must be a member of
16370 a minority group as defined in s. 288.703~~(3)~~, one of each who
16371 resides in each of the territorial jurisdictions of the district
16372 courts of appeal, appointed by the Governor. On July 1, 1999,
16373 the term of office of each person appointed by the Governor to
16374 the commission expires. The Governor shall appoint members who
16375 reside in the odd-numbered district court of appeal
16376 jurisdictions to 2-year terms each, beginning July 1, 1999, and
16377 members who reside in the even-numbered district court of appeal
16378 jurisdictions to 4-year terms each, beginning July 1, 1999.
16379 Thereafter, each member shall be appointed for a 4-year term;
16380 and

16381 3. Five electors, at least one of whom must be a member of
16382 a minority group as defined in s. 288.703~~(3)~~, one of each who
16383 resides in the territorial jurisdictions of the district courts
16384 of appeal, selected and appointed by a majority vote of the
16385 other 10 members of the commission. On October 1, 1999, the term
16386 of office of each person appointed to the commission by its
16387 other members expires. A majority of the other members of the
16388 commission shall appoint members who reside in the odd-numbered
16389 district court of appeal jurisdictions to 2-year terms each,
16390 beginning October 1, 1999, and members who reside in the even-
16391 numbered district court of appeal jurisdictions to 4-year terms
16392 each, beginning October 1, 1999. Thereafter, each member shall
16393 be appointed for a 4-year term.

16394
16395 A vacancy occurring on the commission shall be filled by the
16396 original appointing authority for the unexpired balance of the
16397 term. No attorney who appears before any judge of compensation



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16398 claims more than four times a year is eligible to serve on the
16399 statewide nominating commission. The meetings and determinations
16400 of the nominating commission as to the judges of compensation
16401 claims shall be open to the public.

16402 Section 349. Subsection (1), paragraph (a) of subsection
16403 (3), and subsection (6) of section 473.3065, Florida Statutes,
16404 are amended to read:

16405 473.3065 Certified Public Accountant Education Minority
16406 Assistance Program; advisory council.—

16407 (1) The Certified Public Accountant Education Minority
16408 Assistance Program for Florida residents is hereby established
16409 in the division for the purpose of providing scholarships to
16410 minority persons~~7~~ as defined in s. 288.703~~(3)~~~~7~~, who are students
16411 enrolled in their fifth year of an accounting education program
16412 at an institution in this state approved by the board by rule. A
16413 Certified Public Accountant Education Minority Assistance
16414 Advisory Council shall assist the board in administering the
16415 program.

16416 (3) The board shall adopt rules as necessary for
16417 administration of the program, including rules relating to the
16418 following:

16419 (a) Eligibility criteria for receipt of a scholarship,
16420 which, at a minimum, shall include the following factors:

16421 1. Financial need.

16422 2. Ethnic, gender, or racial minority status pursuant to s.
16423 288.703~~(4)~~~~(3)~~.

16424 3. Scholastic ability and performance.

16425 (6) There is hereby created the Certified Public Accountant
16426 Education Minority Assistance Advisory Council to assist the



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16427 board in administering the program. The council shall be diverse
16428 and representative of the gender, ethnic, and racial categories
16429 set forth in s. 288.703(4)~~(3)~~.

16430 (a) The council shall consist of five licensed Florida-
16431 certified public accountants selected by the board, of whom one
16432 shall be a board member who serves as chair of the council, one
16433 shall be a representative of the National Association of Black
16434 Accountants, one shall be a representative of the Cuban American
16435 CPA Association, and two shall be selected at large. At least
16436 one member of the council must be a woman.

16437 (b) The board shall determine the terms for initial
16438 appointments and appointments thereafter.

16439 (c) Any vacancy on the council shall be filled in the
16440 manner provided for the selection of the initial member. Any
16441 member appointed to fill a vacancy of an unexpired term shall be
16442 appointed for the remainder of that term.

16443 (d) Three consecutive absences or absences constituting 50
16444 percent or more of the council's meetings within any 12-month
16445 period shall cause the council membership of the member in
16446 question to become void, and the position shall be considered
16447 vacant.

16448 (e) The members of the council shall serve without
16449 compensation, and any necessary and actual expenses incurred by
16450 a member while engaged in the business of the council shall be
16451 borne by such member or by the organization or agency such
16452 member represents. However, the council member who is a member
16453 of the board shall be compensated in accordance with ~~the~~
16454 ~~provisions of~~ ss. 455.207(4) and 112.061.

16455 Section 350. Subsections (4) and (7) of section 440.381,



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16456 Florida Statutes, are amended to read:

16457 440.381 Application for coverage; reporting payroll;
16458 payroll audit procedures; penalties.—

16459 (4) Each employer must submit a copy of the quarterly
16460 earnings ~~earning~~ report required by chapter 443 at the end of
16461 each quarter to the carrier and submit self-audits supported by
16462 the quarterly earnings reports required by chapter 443 and the
16463 rules adopted by the Department of Economic Opportunity Agency
16464 ~~for Workforce Innovation~~ or by the state agency providing
16465 unemployment tax collection services under contract with the
16466 Department of Economic Opportunity Agency ~~for Workforce~~
16467 ~~Innovation~~ through an interagency agreement pursuant to s.
16468 443.1316. The reports must include a sworn statement by an
16469 officer or principal of the employer attesting to the accuracy
16470 of the information contained in the report.

16471 (7) If an employee suffering a compensable injury was not
16472 reported as earning wages on the last quarterly earnings report
16473 filed with the Department of Economic Opportunity Agency ~~for~~
16474 ~~Workforce Innovation~~ or the state agency providing unemployment
16475 tax collection services under contract with the Department of
16476 Economic Opportunity Agency ~~for Workforce Innovation~~ through an
16477 interagency agreement pursuant to s. 443.1316 before the
16478 accident, the employer shall indemnify the carrier for all
16479 workers' compensation benefits paid to or on behalf of the
16480 employee unless the employer establishes that the employee was
16481 hired after the filing of the quarterly report, in which case
16482 the employer and employee shall attest to the fact that the
16483 employee was employed by the employer at the time of the injury.
16484 Failure of the employer to indemnify the insurer within 21 days



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16485 after demand by the insurer is grounds for the insurer to
16486 immediately cancel coverage. Any action for indemnification
16487 brought by the carrier is cognizable in the circuit court having
16488 jurisdiction where the employer or carrier resides or transacts
16489 business. The insurer is entitled to a reasonable attorney's fee
16490 if it recovers any portion of the benefits paid in the action.

16491 Section 351. Subsections (1), (4), and (5) of section
16492 443.012, Florida Statutes, are amended to read:

16493 443.012 Unemployment Appeals Commission.—

16494 (1) There is created within the Division of Workforce
16495 Services of the Department of Economic Opportunity Agency for
16496 Workforce Innovation an Unemployment Appeals Commission. The
16497 commission is composed of a chair and two other members
16498 appointed by the Governor, subject to confirmation by the
16499 Senate. Only one appointee may be a representative of employers,
16500 as demonstrated by his or her previous vocation, employment, or
16501 affiliation; and only one appointee may be a representative of
16502 employees, as demonstrated by his or her previous vocation,
16503 employment, or affiliation.

16504 (a) The chair shall devote his or her entire time to
16505 commission duties and is responsible for the administrative
16506 functions of the commission.

16507 (b) The chair has authority to appoint a general counsel
16508 and other personnel to carry out the duties and responsibilities
16509 of the commission.

16510 (c) The chair must have the qualifications required by law
16511 for a judge of the circuit court and may not engage in any other
16512 business vocation or employment. Notwithstanding any other law,
16513 the chair shall be paid a salary equal to that paid under state



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16514 law to a judge of the circuit court.

16515 (d) The remaining members shall be paid a stipend of \$100
16516 for each day they are engaged in the work of the commission. The
16517 chair and other members are entitled to be reimbursed for travel
16518 expenses, as provided in s. 112.061.

16519 (e) The total salary and travel expenses of each member of
16520 the commission shall be paid from the Employment Security
16521 Administration Trust Fund.

16522 (4) The property, personnel, and appropriations relating to
16523 the specified authority, powers, duties, and responsibilities of
16524 the commission shall be provided to the commission by the
16525 Department of Economic Opportunity ~~Agency for Workforce~~
16526 ~~Innovation~~.

16527 (5) The commission is not subject to control, supervision,
16528 or direction by the Department of Economic Opportunity ~~Agency~~
16529 ~~for Workforce Innovation~~ in performing its powers or duties
16530 under this chapter.

16531 Section 352. Subsections (9), (41), (43), and (45) of
16532 section 443.036, Florida Statutes, are amended to read:

16533 443.036 Definitions.—As used in this chapter, the term:

16534 (9) "Benefit year" means, for an individual, the 1-year
16535 period beginning with the first day of the first week for which
16536 the individual first files a valid claim for benefits and,
16537 thereafter, the 1-year period beginning with the first day of
16538 the first week for which the individual next files a valid claim
16539 for benefits after the termination of his or her last preceding
16540 benefit year. Each claim for benefits made in accordance with s.
16541 443.151(2) is a valid claim under this subsection if the
16542 individual was paid wages for insured work in accordance with s.



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16543 443.091(1)(g) and is unemployed as defined in subsection (43) at
16544 the time of filing the claim. However, the Department of
16545 Economic Opportunity Agency for Workforce Innovation may adopt
16546 rules providing for the establishment of a uniform benefit year
16547 for all workers in one or more groups or classes of service or
16548 within a particular industry if the department agency
16549 determines, after notice to the industry and to the workers in
16550 the industry and an opportunity to be heard in the matter, that
16551 those groups or classes of workers in a particular industry
16552 periodically experience unemployment resulting from layoffs or
16553 shutdowns for limited periods of time.

16554 (41) "Tax collection service provider" or "service
16555 provider" means the state agency providing unemployment tax
16556 collection services under contract with the Department of
16557 Economic Opportunity Agency for Workforce Innovation through an
16558 interagency agreement pursuant to s. 443.1316.

16559 (43) "Unemployment" means:

16560 (a) An individual is "totally unemployed" in any week
16561 during which he or she does not perform any services and for
16562 which earned income is not payable to him or her. An individual
16563 is "partially unemployed" in any week of less than full-time
16564 work if the earned income payable to him or her for that week is
16565 less than his or her weekly benefit amount. The Department of
16566 Economic Opportunity Agency for Workforce Innovation may adopt
16567 rules prescribing distinctions in the procedures for unemployed
16568 individuals based on total unemployment, part-time unemployment,
16569 partial unemployment of individuals attached to their regular
16570 jobs, and other forms of short-time work.

16571 (b) An individual's week of unemployment commences only



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16572 after his or her registration with the Department of Economic
16573 Opportunity Agency for Workforce Innovation as required in s.
16574 443.091, except as the agency may otherwise prescribe by rule.

16575 (45) "Week" means a period of 7 consecutive days as defined
16576 in the rules of the Department of Economic Opportunity Agency
16577 ~~for Workforce Innovation~~. The department Agency for Workforce
16578 ~~Innovation~~ may by rule prescribe that a week is deemed to be
16579 "in," "within," or "during" the benefit year that contains the
16580 greater part of the week.

16581 Section 353. Subsections (2) and (3) of section 443.041,
16582 Florida Statutes, are amended to read:

16583 443.041 Waiver of rights; fees; privileged communications.—

16584 (2) FEES.—

16585 (a) Except as otherwise provided in this chapter, an
16586 individual claiming benefits may not be charged fees of any kind
16587 in any proceeding under this chapter by the commission or the
16588 Department of Economic Opportunity Agency for Workforce
16589 ~~Innovation~~, or their representatives, or by any court or any
16590 officer of the court. An individual claiming benefits in any
16591 proceeding before the commission or the department Agency for
16592 ~~Workforce Innovation~~, or representatives of either, or a court
16593 may be represented by counsel or an authorized representative,
16594 but the counsel or representative may not charge or receive for
16595 those services more than an amount approved by the commission,
16596 the department Agency for Workforce Innovation, or the court.

16597 (b) An attorney at law representing a claimant for benefits
16598 in any district court of appeal of this state or in the Supreme
16599 Court of Florida is entitled to counsel fees payable by the
16600 department Agency for Workforce Innovation as set by the court



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16601 if the petition for review or appeal is initiated by the
16602 claimant and results in a decision awarding more benefits than
16603 provided in the decision from which appeal was taken. The amount
16604 of the fee may not exceed 50 percent of the total amount of
16605 regular benefits permitted under s. 443.111(5) (a) during the
16606 benefit year.

16607 (c) The department ~~Agency for Workforce Innovation~~ shall
16608 pay attorneys' fees awarded under this section from the
16609 Employment Security Administration Trust Fund as part of the
16610 costs of administration of this chapter and may pay these fees
16611 directly to the attorney for the claimant in a lump sum. The
16612 department ~~Agency for Workforce Innovation~~ or the commission may
16613 not pay any other fees or costs in connection with an appeal.

16614 (d) Any person, firm, or corporation who or which seeks or
16615 receives any remuneration or gratuity for any services rendered
16616 on behalf of a claimant, except as allowed by this section and
16617 in an amount approved by the department ~~Agency for Workforce~~
16618 ~~Innovation~~, the commission, or a court, commits a misdemeanor of
16619 the second degree, punishable as provided in s. 775.082 or s.
16620 775.083.

16621 (3) PRIVILEGED COMMUNICATIONS.—All letters, reports,
16622 communications, or any other matters, either oral or written,
16623 between an employer and an employee or between the Department of
16624 Economic Opportunity ~~Agency for Workforce Innovation~~ or its tax
16625 collection service provider and any of their agents,
16626 representatives, or employees which are written, sent,
16627 delivered, or made in connection with this chapter, are
16628 privileged and may not be the subject matter or basis for any
16629 suit for slander or libel in any court of the state.



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16630 Section 354. Subsection (3) of section 443.051, Florida
16631 Statutes, is amended to read:
16632 443.051 Benefits not alienable; exception, child support
16633 intercept.—
16634 (3) EXCEPTION, SUPPORT INTERCEPT.—
16635 (a) The Department of Revenue shall, at least biweekly,
16636 provide the Department of Economic Opportunity Agency ~~for~~
16637 ~~Workforce Innovation~~ with a magnetic tape or other electronic
16638 data file disclosing the individuals who owe support obligations
16639 and the amount of any legally required deductions.
16640 (b) For support obligations established on or after July 1,
16641 2006, and for support obligations established before July 1,
16642 2006, when the support order does not address the withholding of
16643 unemployment compensation, the department ~~Agency for Workforce~~
16644 ~~Innovation~~ shall deduct and withhold 40 percent of the
16645 unemployment compensation otherwise payable to an individual
16646 disclosed under paragraph (a). If delinquencies, arrearages, or
16647 retroactive support are owed and repayment has not been ordered,
16648 the unpaid amounts are included in the support obligation and
16649 are subject to withholding. If the amount deducted exceeds the
16650 support obligation, the Department of Revenue shall promptly
16651 refund the amount of the excess deduction to the obligor. For
16652 support obligations in effect before July 1, 2006, if the
16653 support order addresses the withholding of unemployment
16654 compensation, the department ~~Agency for Workforce Innovation~~
16655 shall deduct and withhold the amount ordered by the court or
16656 administrative agency that issued the support order as disclosed
16657 by the Department of Revenue.
16658 (c) The department ~~Agency for Workforce Innovation~~ shall



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16659 pay any amount deducted and withheld under paragraph (b) to the
16660 Department of Revenue.

16661 (d) Any amount deducted and withheld under this subsection
16662 shall for all purposes be treated as if it were paid to the
16663 individual as unemployment compensation and paid by the
16664 individual to the Department of Revenue for support obligations.

16665 (e) The Department of Revenue shall reimburse the
16666 department ~~Agency for Workforce Innovation~~ for the
16667 administrative costs incurred by the department ~~agency~~ under
16668 this subsection which are attributable to support obligations
16669 being enforced by the department.

16670 Section 355. Subsections (3) and (4), paragraph (b) of
16671 subsection (5), and subsections (6) and (8) of section 443.071,
16672 Florida Statutes, are amended to read:

16673 443.071 Penalties.—

16674 (3) Any employing unit or any officer or agent of any
16675 employing unit or any other person who fails to furnish any
16676 reports required under this chapter or to produce or permit the
16677 inspection of or copying of records as required under this
16678 chapter, who fails or refuses, within 6 months after written
16679 demand by the Department of Economic Opportunity ~~Agency for~~
16680 ~~Workforce Innovation~~ or its tax collection service provider, to
16681 keep and maintain the payroll records required by this chapter
16682 or by rule of the department ~~Agency for Workforce Innovation~~ or
16683 the state agency providing tax collection services, or who
16684 willfully fails or refuses to make any contribution,
16685 reimbursement, or other payment required from an employer under
16686 this chapter commits a misdemeanor of the second degree,
16687 punishable as provided in s. 775.082 or s. 775.083.



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16688 (4) Any person who establishes a fictitious employing unit
16689 by submitting to the Department of Economic Opportunity Agency
16690 ~~for Workforce Innovation~~ or its tax collection service provider
16691 fraudulent employing unit records or tax or wage reports by the
16692 introduction of fraudulent records into a computer system, the
16693 intentional or deliberate alteration or destruction of
16694 computerized information or files, or the theft of financial
16695 instruments, data, and other assets, for the purpose of enabling
16696 herself or himself or any other person to receive benefits under
16697 this chapter to which such person is not entitled, commits a
16698 felony of the third degree, punishable as provided in s.
16699 775.082, s. 775.083, or s. 775.084.

16700 (5) In any prosecution or action under this section, the
16701 entry into evidence of the signature of a person on a document,
16702 letter, or other writing constitutes prima facie evidence of the
16703 person's identity if the following conditions exist:

16704 (b) The signature of the person is witnessed by an agent or
16705 employee of the Department of Economic Opportunity Agency ~~for~~
16706 ~~Workforce Innovation~~ or its tax collection service provider at
16707 the time the document, letter, or other writing is filed.

16708 (6) The entry into evidence of an application for
16709 unemployment benefits initiated by the use of the Internet
16710 claims program or the interactive voice response system
16711 telephone claims program of the Department of Economic
16712 Opportunity Agency ~~for Workforce Innovation~~ constitutes prima
16713 facie evidence of the establishment of a personal benefit
16714 account by or for an individual if the following information is
16715 provided: the applicant's name, residence address, date of
16716 birth, social security number, and present or former place of



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16717 work.

16718 (8) All records relating to investigations of unemployment
16719 compensation fraud in the custody of the Department of Economic
16720 Opportunity Agency for Workforce Innovation or its tax
16721 collection service provider are available for examination by the
16722 Department of Law Enforcement, the state attorneys, or the
16723 Office of the Statewide Prosecutor in the prosecution of
16724 offenses under s. 817.568 or in proceedings brought under this
16725 chapter.

16726 Section 356. Subsections (1) and (4) of section 443.091,
16727 Florida Statutes, are amended to read:

16728 443.091 Benefit eligibility conditions.—

16729 (1) An unemployed individual is eligible to receive
16730 benefits for any week only if the Department of Economic
16731 Opportunity Agency for Workforce Innovation finds that:

16732 (a) She or he has made a claim for benefits for that week
16733 in accordance with the rules adopted by the department Agency
16734 for Workforce Innovation.

16735 (b) She or he has registered with the department agency for
16736 work and subsequently reports to the one-stop career center as
16737 directed by the regional workforce board for reemployment
16738 services. This requirement does not apply to persons who are:

- 16739 1. Non-Florida residents;
16740 2. On a temporary layoff, ~~as defined in s. 443.036(42);~~
16741 3. Union members who customarily obtain employment through
16742 a union hiring hall; or
16743 4. Claiming benefits under an approved short-time
16744 compensation plan as provided in s. 443.1116.

16745 (c) To make continued claims for benefits, she or he is



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16746 reporting to the department agency in accordance with its rules.
16747 These rules may not conflict with s. 443.111(1)(b), including
16748 the requirement that each claimant continue to report regardless
16749 of any pending appeal relating to her or his eligibility or
16750 disqualification for benefits.

16751 (d) She or he is able to work and is available for work. In
16752 order to assess eligibility for a claimed week of unemployment,
16753 the department agency shall develop criteria to determine a
16754 claimant's ability to work and availability for work. However:

16755 1. Notwithstanding any other provision of this paragraph or
16756 paragraphs (b) and (e), an otherwise eligible individual may not
16757 be denied benefits for any week because she or he is in training
16758 with the approval of the department agency, or by reason of s.
16759 443.101(2) relating to failure to apply for, or refusal to
16760 accept, suitable work. Training may be approved by the
16761 department agency in accordance with criteria prescribed by
16762 rule. A claimant's eligibility during approved training is
16763 contingent upon satisfying eligibility conditions prescribed by
16764 rule.

16765 2. Notwithstanding any other provision of this chapter, an
16766 otherwise eligible individual who is in training approved under
16767 s. 236(a)(1) of the Trade Act of 1974, as amended, may not be
16768 determined ineligible or disqualified for benefits due to her or
16769 his enrollment in such training or because of leaving work that
16770 is not suitable employment to enter such training. As used in
16771 this subparagraph, the term "suitable employment" means work of
16772 a substantially equal or higher skill level than the worker's
16773 past adversely affected employment, as defined for purposes of
16774 the Trade Act of 1974, as amended, the wages for which are at



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16775 least 80 percent of the worker's average weekly wage as
16776 determined for purposes of the Trade Act of 1974, as amended.

16777 3. Notwithstanding any other provision of this section, an
16778 otherwise eligible individual may not be denied benefits for any
16779 week because she or he is before any state or federal court
16780 pursuant to a lawfully issued summons to appear for jury duty.

16781 (e) She or he participates in reemployment services, such
16782 as job search assistance services, whenever the individual has
16783 been determined, by a profiling system established by the rules
16784 of the department ~~agency rule~~, to be likely to exhaust regular
16785 benefits and to be in need of reemployment services.

16786 (f) She or he has been unemployed for a waiting period of 1
16787 week. A week may not be counted as a week of unemployment under
16788 this subsection:

16789 1. Unless it occurs within the benefit year that includes
16790 the week for which she or he claims payment of benefits.

16791 2. If benefits have been paid for that week.

16792 3. Unless the individual was eligible for benefits for that
16793 week as provided in this section and s. 443.101, except for the
16794 requirements of this subsection and of s. 443.101(5).

16795 (g) She or he has been paid wages for insured work equal to
16796 1.5 times her or his high quarter wages during her or his base
16797 period, except that an unemployed individual is not eligible to
16798 receive benefits if the base period wages are less than \$3,400.

16799 (h) She or he submitted to the department ~~agency~~ a valid
16800 social security number assigned to her or him. The department
16801 ~~agency~~ may verify the social security number with the United
16802 States Social Security Administration and may deny benefits if
16803 the department ~~agency~~ is unable to verify the individual's



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16804 social security number, the social security number is invalid,
16805 or the social security number is not assigned to the individual.

16806 (4) In the event of national emergency, in the course of
16807 which the Federal Emergency Unemployment Payment Plan is, at the
16808 request of the Governor, invoked for all or any part of the
16809 state, the emergency plan shall supersede the procedures
16810 prescribed by this chapter, and by rules adopted under this
16811 chapter, and the department ~~Agency for Workforce Innovation~~
16812 shall act as the Florida agency for the United States Department
16813 of Labor in the administration of the plan.

16814 Section 357. Subsections (1), (2), (4), (6), (7), and (9)
16815 of section 443.101, Florida Statutes, are amended to read:

16816 443.101 Disqualification for benefits.—An individual shall
16817 be disqualified for benefits:

16818 (1)(a) For the week in which he or she has voluntarily left
16819 work without good cause attributable to his or her employing
16820 unit or in which the individual has been discharged by the
16821 employing unit for misconduct connected with his or her work,
16822 based on a finding by the Department of Economic Opportunity
16823 ~~Agency for Workforce Innovation~~. As used in this paragraph, the
16824 term "work" means any work, whether full-time, part-time, or
16825 temporary.

16826 1. Disqualification for voluntarily quitting continues for
16827 the full period of unemployment next ensuing after the
16828 individual has left his or her full-time, part-time, or
16829 temporary work voluntarily without good cause and until the
16830 individual has earned income equal to or in excess of 17 times
16831 his or her weekly benefit amount. As used in this subsection,
16832 the term "good cause" includes only that cause attributable to



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16833 the employing unit or which consists of the individual's illness
16834 or disability requiring separation from his or her work. Any
16835 other disqualification may not be imposed. An individual is not
16836 disqualified under this subsection for voluntarily leaving
16837 temporary work to return immediately when called to work by the
16838 permanent employing unit that temporarily terminated his or her
16839 work within the previous 6 calendar months. An individual is not
16840 disqualified under this subsection for voluntarily leaving work
16841 to relocate as a result of his or her military-connected
16842 spouse's permanent change of station orders, activation orders,
16843 or unit deployment orders.

16844 2. Disqualification for being discharged for misconduct
16845 connected with his or her work continues for the full period of
16846 unemployment next ensuing after having been discharged and until
16847 the individual is reemployed and has earned income of at least
16848 17 times his or her weekly benefit amount and for not more than
16849 52 weeks that immediately follow that week, as determined by the
16850 department agency in each case according to the circumstances in
16851 each case or the seriousness of the misconduct, under the
16852 department's agency's rules adopted for determinations of
16853 disqualification for benefits for misconduct.

16854 3. If an individual has provided notification to the
16855 employing unit of his or her intent to voluntarily leave work
16856 and the employing unit discharges the individual for reasons
16857 other than misconduct before the date the voluntary quit was to
16858 take effect, the individual, if otherwise entitled, shall
16859 receive benefits from the date of the employer's discharge until
16860 the effective date of his or her voluntary quit.

16861 4. If an individual is notified by the employing unit of



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16862 the employer's intent to discharge the individual for reasons
16863 other than misconduct and the individual quits without good
16864 cause, as defined in this section, before the date the discharge
16865 was to take effect, the claimant is ineligible for benefits
16866 pursuant to s. 443.091(1)(d) for failing to be available for
16867 work for the week or weeks of unemployment occurring before the
16868 effective date of the discharge.

16869 (b) For any week with respect to which the department
16870 ~~Agency for Workforce Innovation~~ finds that his or her
16871 unemployment is due to a suspension for misconduct connected
16872 with the individual's work.

16873 (c) For any week with respect to which the department
16874 ~~Agency for Workforce Innovation~~ finds that his or her
16875 unemployment is due to a leave of absence, if the leave was
16876 voluntarily initiated by the individual.

16877 (d) For any week with respect to which the department
16878 ~~Agency for Workforce Innovation~~ finds that his or her
16879 unemployment is due to a discharge for misconduct connected with
16880 the individual's work, consisting of drug use, as evidenced by a
16881 positive, confirmed drug test.

16882 (2) If the Department of Economic Opportunity ~~Agency for~~
16883 ~~Workforce Innovation~~ finds that the individual has failed
16884 without good cause to apply for available suitable work when
16885 directed by the department ~~agency~~ or the one-stop career center,
16886 to accept suitable work when offered to him or her, or to return
16887 to the individual's customary self-employment when directed by
16888 the department ~~agency~~, the disqualification continues for the
16889 full period of unemployment next ensuing after he or she failed
16890 without good cause to apply for available suitable work, to



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16891 accept suitable work, or to return to his or her customary self-
16892 employment, under this subsection, and until the individual has
16893 earned income at least 17 times his or her weekly benefit
16894 amount. The department ~~Agency for Workforce Innovation~~ shall by
16895 rule adopt criteria for determining the "suitability of work,"
16896 as used in this section. The department ~~Agency for Workforce~~
16897 ~~Innovation~~ in developing these rules shall consider the duration
16898 of a claimant's unemployment in determining the suitability of
16899 work and the suitability of proposed rates of compensation for
16900 available work. Further, after an individual has received 25
16901 weeks of benefits in a single year, suitable work is a job that
16902 pays the minimum wage and is 120 percent or more of the weekly
16903 benefit amount the individual is drawing.

16904 (a) In determining whether or not any work is suitable for
16905 an individual, the department ~~Agency for Workforce Innovation~~
16906 shall consider the degree of risk involved to his or her health,
16907 safety, and morals; his or her physical fitness and prior
16908 training; the individual's experience and prior earnings; his or
16909 her length of unemployment and prospects for securing local work
16910 in his or her customary occupation; and the distance of the
16911 available work from his or her residence.

16912 (b) Notwithstanding any other provisions of this chapter,
16913 work is not deemed suitable and benefits may not be denied under
16914 this chapter to any otherwise eligible individual for refusing
16915 to accept new work under any of the following conditions:

16916 1. If the position offered is vacant due directly to a
16917 strike, lockout, or other labor dispute.

16918 2. If the wages, hours, or other conditions of the work
16919 offered are substantially less favorable to the individual than



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16920 those prevailing for similar work in the locality.

16921 3. If as a condition of being employed, the individual
16922 would be required to join a company union or to resign from or
16923 refrain from joining any bona fide labor organization.

16924 (c) If the department ~~Agency for Workforce Innovation~~ finds
16925 that an individual was rejected for offered employment as the
16926 direct result of a positive, confirmed drug test required as a
16927 condition of employment, the individual is disqualified for
16928 refusing to accept an offer of suitable work.

16929 (4) For any week with respect to which the department
16930 ~~Agency for Workforce Innovation~~ finds that his or her total or
16931 partial unemployment is due to a labor dispute in active
16932 progress which exists at the factory, establishment, or other
16933 premises at which he or she is or was last employed; except that
16934 this subsection does not apply if it is shown to the
16935 satisfaction of the department ~~Agency for Workforce Innovation~~
16936 that:

16937 (a)1. He or she is not participating in, financing, or
16938 directly interested in the labor dispute that is in active
16939 progress; however, the payment of regular union dues may not be
16940 construed as financing a labor dispute within the meaning of
16941 this section; and

16942 2. He or she does not belong to a grade or class of workers
16943 of which immediately before the commencement of the labor
16944 dispute there were members employed at the premises at which the
16945 labor dispute occurs any of whom are participating in,
16946 financing, or directly interested in the dispute; if in any case
16947 separate branches of work are commonly conducted as separate
16948 businesses in separate premises, or are conducted in separate



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16949 departments of the same premises, each department, for the
16950 purpose of this subsection, is deemed to be a separate factory,
16951 establishment, or other premise.

16952 (b) His or her total or partial unemployment results from a
16953 lockout by his or her employer. As used in this section, the
16954 term "lockout" means a situation in which employees have not
16955 gone on strike, nor have employees notified the employer of a
16956 date certain for a strike, but in which employees have been
16957 denied entry to the factory, establishment, or other premises of
16958 employment by the employer. However, benefits are not payable
16959 under this paragraph if the lockout action was taken in response
16960 to threats, actions, or other indications of impending damage to
16961 property and equipment or possible physical violence by
16962 employees or in response to actual damage or violence or a
16963 substantial reduction in production instigated or perpetrated by
16964 employees.

16965 (6) For a period not to exceed 1 year from the date of the
16966 discovery by the Department of Economic Opportunity ~~Agency for~~
16967 ~~Workforce Innovation~~ of the making of any false or fraudulent
16968 representation for the purpose of obtaining benefits contrary to
16969 this chapter, constituting a violation under s. 443.071. This
16970 disqualification may be appealed in the same manner as any other
16971 disqualification imposed under this section. A conviction by any
16972 court of competent jurisdiction in this state of the offense
16973 prohibited or punished by s. 443.071 is conclusive upon the
16974 appeals referee and the commission of the making of the false or
16975 fraudulent representation for which disqualification is imposed
16976 under this section.

16977 (7) If the Department of Economic Opportunity ~~Agency for~~



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16978 ~~Workforce Innovation~~ finds that the individual is an alien,
16979 unless the alien is an individual who has been lawfully admitted
16980 for permanent residence or otherwise is permanently residing in
16981 the United States under color of law, including an alien who is
16982 lawfully present in the United States as a result of the
16983 application of s. 203(a)(7) or s. 212(d)(5) of the Immigration
16984 and Nationality Act, if any modifications to s. 3304(a)(14) of
16985 the Federal Unemployment Tax Act, as provided by Pub. L. No. 94-
16986 566, which specify other conditions or other effective dates
16987 than those stated under federal law for the denial of benefits
16988 based on services performed by aliens, and which modifications
16989 are required to be implemented under state law as a condition
16990 for full tax credit against the tax imposed by the Federal
16991 Unemployment Tax Act, are deemed applicable under this section,
16992 if:

16993 (a) Any data or information required of individuals
16994 applying for benefits to determine whether benefits are not
16995 payable to them because of their alien status is uniformly
16996 required from all applicants for benefits; and

16997 (b) In the case of an individual whose application for
16998 benefits would otherwise be approved, a determination that
16999 benefits to such individual are not payable because of his or
17000 her alien status may not be made except by a preponderance of
17001 the evidence.

17002
17003 If the department ~~Agency for Workforce Innovation~~ finds that the
17004 individual has refused without good cause an offer of
17005 resettlement or relocation, which offer provides for suitable
17006 employment for the individual notwithstanding the distance of



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17007 relocation, resettlement, or employment from the current
17008 location of the individual in this state, this disqualification
17009 continues for the week in which the failure occurred and for not
17010 more than 17 weeks immediately after that week, or a reduction
17011 by not more than 5 weeks from the duration of benefits, as
17012 determined by the department ~~Agency for Workforce Innovation~~ in
17013 each case.

17014 (9) If the individual was terminated from his or her work
17015 for violation of any criminal law punishable by imprisonment, or
17016 for any dishonest act, in connection with his or her work, as
17017 follows:

17018 (a) If the Department of Economic Opportunity ~~Agency for~~
17019 ~~Workforce Innovation~~ or the Unemployment Appeals Commission
17020 finds that the individual was terminated from his or her work
17021 for violation of any criminal law punishable by imprisonment in
17022 connection with his or her work, and the individual was found
17023 guilty of the offense, made an admission of guilt in a court of
17024 law, or entered a plea of no contest, the individual is not
17025 entitled to unemployment benefits for up to 52 weeks, under
17026 rules adopted by the department ~~Agency for Workforce Innovation~~,
17027 and until he or she has earned income of at least 17 times his
17028 or her weekly benefit amount. If, before an adjudication of
17029 guilt, an admission of guilt, or a plea of no contest, the
17030 employer shows the department ~~Agency for Workforce Innovation~~
17031 that the arrest was due to a crime against the employer or the
17032 employer's business and, after considering all the evidence, the
17033 department ~~Agency for Workforce Innovation~~ finds misconduct in
17034 connection with the individual's work, the individual is not
17035 entitled to unemployment benefits.



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17036 (b) If the department ~~Agency for Workforce Innovation~~ or
17037 the Unemployment Appeals Commission finds that the individual
17038 was terminated from work for any dishonest act in connection
17039 with his or her work, the individual is not entitled to
17040 unemployment benefits for up to 52 weeks, under rules adopted by
17041 the department ~~Agency for Workforce Innovation~~, and until he or
17042 she has earned income of at least 17 times his or her weekly
17043 benefit amount. In addition, if the employer terminates an
17044 individual as a result of a dishonest act in connection with his
17045 or her work and the department ~~Agency for Workforce Innovation~~
17046 finds misconduct in connection with his or her work, the
17047 individual is not entitled to unemployment benefits.

17048
17049 With respect to an individual disqualified for benefits, the
17050 account of the terminating employer, if the employer is in the
17051 base period, is noncharged at the time the disqualification is
17052 imposed.

17053 Section 358. Subsection (1) of section 443.111, Florida
17054 Statutes, is amended to read:

17055 443.111 Payment of benefits.—

17056 (1) MANNER OF PAYMENT.—Benefits are payable from the fund
17057 in accordance with rules adopted by the Department of Economic
17058 Opportunity ~~Agency for Workforce Innovation~~, subject to the
17059 following requirements:

17060 (a) Benefits are payable by mail or electronically. The
17061 department ~~Notwithstanding s. 409.942(4), the agency~~ may develop
17062 a system for the payment of benefits by electronic funds
17063 transfer, including, but not limited to, debit cards, electronic
17064 payment cards, or any other means of electronic payment that the



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17065 department ~~agency~~ deems to be commercially viable or cost-
17066 effective. Commodities or services related to the development of
17067 such a system shall be procured by competitive solicitation,
17068 unless they are purchased from a state term contract pursuant to
17069 s. 287.056. The department ~~agency~~ shall adopt rules necessary to
17070 administer this paragraph ~~the system~~.

17071 (b) Each claimant must report in the manner prescribed by
17072 the department ~~Agency for Workforce Innovation~~ to certify for
17073 benefits that are paid and must continue to report at least
17074 biweekly to receive unemployment benefits and to attest to the
17075 fact that she or he is able and available for work, has not
17076 refused suitable work, is seeking work, and, if she or he has
17077 worked, to report earnings from that work. Each claimant must
17078 continue to report regardless of any appeal or pending appeal
17079 relating to her or his eligibility or disqualification for
17080 benefits.

17081 Section 359. Subsections (1), (4), and (5) of section
17082 443.1113, Florida Statutes, are amended to read:

17083 443.1113 Unemployment Compensation Claims and Benefits
17084 Information System.—

17085 (1) To the extent that funds are appropriated for each
17086 phase of the Unemployment Compensation Claims and Benefits
17087 Information System by the Legislature, the Department of
17088 Economic Opportunity ~~Agency for Workforce Innovation~~ shall
17089 replace and enhance the functionality provided in the following
17090 systems with an integrated Internet-based system that is known
17091 as the "Unemployment Compensation Claims and Benefits
17092 Information System":

17093 (a) Claims and benefit mainframe system.



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- 17094 (b) Florida unemployment Internet direct.
- 17095 (c) Florida continued claim Internet directory.
- 17096 (d) Call center interactive voice response system.
- 17097 (e) Benefit overpayment screening system.
- 17098 (f) Internet and Intranet appeals system.
- 17099 (4) The project to implement the Unemployment Compensation
- 17100 Claims and Benefits Information System shall be comprised of the
- 17101 following phases and corresponding implementation timeframes:
- 17102 (a) No later than the end of fiscal year 2009-2010
- 17103 completion of the business re-engineering analysis and
- 17104 documentation of both the detailed system requirements and the
- 17105 overall system architecture.
- 17106 (b) The Unemployment Claims and Benefits Internet portal
- 17107 that replaces the Florida Unemployment Internet Direct and the
- 17108 Florida Continued Claims Internet Directory systems, the Call
- 17109 Center Interactive Voice Response System, the Benefit
- 17110 Overpayment Screening System, the Internet and Intranet Appeals
- 17111 System, and the Claims and Benefits Mainframe System shall be
- 17112 deployed to full operational status no later than the end of
- 17113 fiscal year 2012-2013.
- 17114 ~~(b) The new Unemployment Claims and Benefits Internet~~
- 17115 ~~portal that replaces the Florida Unemployment Internet Direct~~
- 17116 ~~and the Florida Continued Claims Internet Directory systems and~~
- 17117 ~~shall be deployed to full production operational status no later~~
- 17118 ~~than the end of fiscal year 2010-2011.~~
- 17119 ~~(c) The new Call Center Interactive Voice Response System~~
- 17120 ~~and the Benefit Overpayment Screening System shall be deployed~~
- 17121 ~~to full production operational status no later than the end of~~
- 17122 ~~fiscal year 2011-2012.~~



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17123 ~~(d) The new Internet and Intranet Appeals System and the~~
17124 ~~Claims and Benefits Mainframe System shall be deployed to full~~
17125 ~~operational status no later than the end of fiscal year 2012-~~
17126 ~~2013.~~

17127 (5) The Department of Economic Opportunity Agency ~~for~~
17128 ~~Workforce Innovation~~ shall implement the following project
17129 governance structure until such time as the project is
17130 completed, suspended, or terminated:

17131 (a) The project sponsor for the Unemployment Compensation
17132 Claims and Benefits Information System project is the department
17133 ~~executive director of the Agency for Workforce Innovation.~~

17134 (b) The project shall be governed by an executive steering
17135 committee composed of the following voting members or their
17136 designees:

17137 1. The executive director of the department ~~Agency for~~
17138 ~~Workforce Innovation.~~

17139 2. The executive director of the Department of Revenue.

17140 3. The director of the Division of Workforce Services
17141 ~~within the department Office of Unemployment Compensation within~~
17142 ~~the Agency for Workforce Innovation.~~

17143 4. The program director of the General Tax Administration
17144 Program Office within the Department of Revenue.

17145 5. The chief information officer of the department ~~Agency~~
17146 ~~for Workforce Innovation.~~

17147 (c) The executive steering committee has the overall
17148 responsibility for ensuring that the project meets its primary
17149 objectives and is specifically responsible for:

17150 1. Providing management direction and support to the
17151 project management team.



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17152 2. Assessing the project's alignment with the strategic
17153 goals of the department ~~Agency for Workforce Innovation~~ for
17154 administering the unemployment compensation program.

17155 3. Reviewing and approving or disapproving any changes to
17156 the project's scope, schedule, and costs.

17157 4. Reviewing, approving or disapproving, and determining
17158 whether to proceed with any major project deliverables.

17159 5. Recommending suspension or termination of the project to
17160 the Governor, the President of the Senate, and the Speaker of
17161 the House of Representatives if it determines that the primary
17162 objectives cannot be achieved.

17163 (d) The project management team shall work under the
17164 direction of the executive steering committee and shall be
17165 minimally comprised of senior managers and stakeholders from the
17166 department ~~Agency for Workforce Innovation~~ and the Department of
17167 Revenue. The project management team is responsible for:

17168 1. Providing daily planning, management, and oversight of
17169 the project.

17170 2. Submitting an operational work plan and providing
17171 quarterly updates to that plan to the executive steering
17172 committee. The plan must specify project milestones,
17173 deliverables, and expenditures.

17174 3. Submitting written monthly project status reports to the
17175 executive steering committee which include:

17176 a. Planned versus actual project costs;

17177 b. An assessment of the status of major milestones and
17178 deliverables;

17179 c. Identification of any issues requiring resolution, the
17180 proposed resolution for these issues, and information regarding



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17181 the status of the resolution;

17182 d. Identification of risks that must be managed; and

17183 e. Identification of and recommendations regarding

17184 necessary changes in the project's scope, schedule, or costs.

17185 All recommendations must be reviewed by project stakeholders
17186 before submission to the executive steering committee in order
17187 to ensure that the recommendations meet required acceptance
17188 criteria.

17189 Section 360. Paragraph (d) of subsection (1), subsection
17190 (2), paragraphs (a) and (c) of subsection (3), and subsection
17191 (6) of section 443.1115, Florida Statutes, are amended to read:

17192 443.1115 Extended benefits.—

17193 (1) DEFINITIONS.—As used in this section, the term:

17194 (d) "Rate of insured unemployment" means the percentage
17195 derived by dividing the average weekly number of individuals
17196 filing claims for regular compensation in this state, excluding
17197 extended-benefit claimants for weeks of unemployment with
17198 respect to the most recent 13-consecutive-week period, as
17199 determined by the Department of Economic Opportunity Agency for
17200 ~~Workforce Innovation~~ on the basis of its reports to the United
17201 States Secretary of Labor, by the average monthly employment
17202 covered under this chapter for the first four of the most recent
17203 six completed calendar quarters ending before the end of that
17204 13-week period.

17205 (2) REGULAR BENEFITS ON CLAIMS FOR, AND THE PAYMENT OF,
17206 EXTENDED BENEFITS.—Except when the result is inconsistent with
17207 the other provisions of this section and as provided in the
17208 rules of the Department of Economic Opportunity Agency for
17209 ~~Workforce Innovation~~, the provisions of this chapter applying to



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17210 claims for, or the payment of, regular benefits apply to claims
17211 for, and the payment of, extended benefits. These extended
17212 benefits are charged to the employment records of employers to
17213 the extent that the share of those extended benefits paid from
17214 this state's Unemployment Compensation Trust Fund is not
17215 eligible to be reimbursed from federal sources.

17216 (3) ELIGIBILITY REQUIREMENTS FOR EXTENDED BENEFITS.—

17217 (a) An individual is eligible to receive extended benefits
17218 for any week of unemployment in her or his eligibility period
17219 only if the Department of Economic Opportunity ~~Agency for~~
17220 ~~Workforce Innovation~~ finds that, for that week:

17221 1. She or he is an exhaustee as defined in subsection (1).

17222 2. She or he satisfies the requirements of this chapter for
17223 the receipt of regular benefits applicable to individuals
17224 claiming extended benefits, including not being subject to
17225 disqualification from the receipt of benefits. An individual
17226 disqualified from receiving regular benefits may not receive
17227 extended benefits after the disqualification period terminates
17228 if he or she was disqualified for voluntarily leaving work,
17229 being discharged from work for misconduct, or refusing suitable
17230 work. However, if the disqualification period for regular
17231 benefits terminates because the individual received the required
17232 amount of remuneration for services rendered as a common-law
17233 employee, she or he may receive extended benefits.

17234 3. The individual was paid wages for insured work for the
17235 applicable benefit year equal to 1.5 times the high quarter
17236 earnings during the base period.

17237 (c)1. An individual is disqualified from receiving extended
17238 benefits if the department ~~Agency for Workforce Innovation~~ finds



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17239 that, during any week of unemployment in her or his eligibility
17240 period:

17241 a. She or he failed to apply for suitable work or, if
17242 offered, failed to accept suitable work, unless the individual
17243 can furnish to the department ~~agency~~ satisfactory evidence that
17244 her or his prospects for obtaining work in her or his customary
17245 occupation within a reasonably short period are good. If this
17246 evidence is deemed satisfactory for this purpose, the
17247 determination of whether any work is suitable for the individual
17248 shall be made in accordance with the definition of suitable work
17249 in s. 443.101(2). This disqualification begins with the week the
17250 failure occurred and continues until she or he is employed for
17251 at least 4 weeks and receives earned income of at least 17 times
17252 her or his weekly benefit amount.

17253 b. She or he failed to furnish tangible evidence that she
17254 or he actively engaged in a systematic and sustained effort to
17255 find work. This disqualification begins with the week the
17256 failure occurred and continues until she or he is employed for
17257 at least 4 weeks and receives earned income of at least 4 times
17258 her or his weekly benefit amount.

17259 2. Except as otherwise provided in sub-subparagraph 1.a.,
17260 as used in this paragraph, the term "suitable work" means any
17261 work within the individual's capabilities to perform, if:

17262 a. The gross average weekly remuneration payable for the
17263 work exceeds the sum of the individual's weekly benefit amount
17264 plus the amount, if any, of supplemental unemployment benefits,
17265 as defined in s. 501(c)(17)(D) of the Internal Revenue Code of
17266 1954, as amended, payable to the individual for that week;

17267 b. The wages payable for the work equal the higher of the



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17268 minimum wages provided by s. 6(a)(1) of the Fair Labor Standards
17269 Act of 1938, without regard to any exemption, or the state or
17270 local minimum wage; and

17271 c. The work otherwise meets the definition of suitable work
17272 in s. 443.101(2) to the extent that the criteria for suitability
17273 are not inconsistent with this paragraph.

17274 (6) COMPUTATIONS.—The Department of Economic Opportunity
17275 ~~Agency for Workforce Innovation~~ shall perform the computations
17276 required under paragraph (1)(d) in accordance with regulations
17277 of the United States Secretary of Labor.

17278 Section 361. Subsection (2) and paragraphs (a) and (b) of
17279 subsection (5) of section 443.1116, Florida Statutes, are
17280 amended to read:

17281 443.1116 Short-time compensation.—

17282 (2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer
17283 wishing to participate in the short-time compensation program
17284 must submit a signed, written, short-time plan to the Department
17285 of Economic Opportunity ~~director of the Agency for Workforce~~
17286 ~~Innovation~~ for approval. The director or his or her designee
17287 shall approve the plan if:

17288 (a) The plan applies to and identifies each specific
17289 affected unit;

17290 (b) The individuals in the affected unit are identified by
17291 name and social security number;

17292 (c) The normal weekly hours of work for individuals in the
17293 affected unit are reduced by at least 10 percent and by not more
17294 than 40 percent;

17295 (d) The plan includes a certified statement by the employer
17296 that the aggregate reduction in work hours is in lieu of



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17297 temporary layoffs that would affect at least 10 percent of the
17298 employees in the affected unit and that would have resulted in
17299 an equivalent reduction in work hours;

17300 (e) The plan applies to at least 10 percent of the
17301 employees in the affected unit;

17302 (f) The plan is approved in writing by the collective
17303 bargaining agent for each collective bargaining agreement
17304 covering any individual in the affected unit;

17305 (g) The plan does not serve as a subsidy to seasonal
17306 employers during the off-season or as a subsidy to employers who
17307 traditionally use part-time employees; and

17308 (h) The plan certifies the manner in which the employer
17309 will treat fringe benefits of the individuals in the affected
17310 unit if the hours of the individuals are reduced to less than
17311 their normal weekly hours of work. As used in this paragraph,
17312 the term "fringe benefits" includes, but is not limited to,
17313 health insurance, retirement benefits under defined benefit
17314 pension plans as defined in subsection 35 of s. 1002 of the
17315 Employee Retirement Income Security Act of 1974, 29 U.S.C., paid
17316 vacation and holidays, and sick leave.

17317 (5) ELIGIBILITY REQUIREMENTS FOR SHORT-TIME COMPENSATION
17318 BENEFITS.—

17319 (a) Except as provided in this subsection, an individual is
17320 eligible to receive short-time compensation benefits for any
17321 week only if she or he complies with this chapter and the
17322 Department of Economic Opportunity Agency for Workforce
17323 ~~Innovation~~ finds that:

17324 1. The individual is employed as a member of an affected
17325 unit in an approved plan that was approved before the week and



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17326 is in effect for the week;

17327 2. The individual is able to work and is available for
17328 additional hours of work or for full-time work with the short-
17329 time employer; and

17330 3. The normal weekly hours of work of the individual are
17331 reduced by at least 10 percent but not by more than 40 percent,
17332 with a corresponding reduction in wages.

17333 (b) The department ~~Agency for Workforce Innovation~~ may not
17334 deny short-time compensation benefits to an individual who is
17335 otherwise eligible for these benefits for any week by reason of
17336 the application of any provision of this chapter relating to
17337 availability for work, active search for work, or refusal to
17338 apply for or accept work from other than the short-time
17339 compensation employer of that individual.

17340 Section 362. Subsection (3) of section 443.1215, Florida
17341 Statutes, is amended to read:

17342 443.1215 Employers.—

17343 (3) An employing unit that fails to keep the records of
17344 employment required by this chapter and by the rules of the
17345 Department of Economic Opportunity ~~Agency for Workforce~~
17346 ~~Innovation~~ and the state agency providing unemployment tax
17347 collection services is presumed to be an employer liable for the
17348 payment of contributions under this chapter, regardless of the
17349 number of individuals employed by the employing unit. However,
17350 the tax collection service provider shall make written demand
17351 that the employing unit keep and maintain required payroll
17352 records. The demand must be made at least 6 months before
17353 assessing contributions against an employing unit determined to
17354 be an employer that is subject to this chapter solely by reason



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17355 of this subsection.

17356 Section 363. Paragraphs (a) and (d) of subsection (1),
17357 subsection (12), and paragraph (p) of subsection (13) of section
17358 443.1216, Florida Statutes, are amended to read:

17359 443.1216 Employment.—Employment, as defined in s. 443.036,
17360 is subject to this chapter under the following conditions:

17361 (1) (a) The employment subject to this chapter includes a
17362 service performed, including a service performed in interstate
17363 commerce, by:

17364 1. An officer of a corporation.

17365 2. An individual who, under the usual common-law rules
17366 applicable in determining the employer-employee relationship, is
17367 an employee. However, whenever a client, as defined in s.
17368 443.036(18), which would otherwise be designated as an employing
17369 unit has contracted with an employee leasing company to supply
17370 it with workers, those workers are considered employees of the
17371 employee leasing company. An employee leasing company may lease
17372 corporate officers of the client to the client and other workers
17373 to the client, except as prohibited by regulations of the
17374 Internal Revenue Service. Employees of an employee leasing
17375 company must be reported under the employee leasing company's
17376 tax identification number and contribution rate for work
17377 performed for the employee leasing company.

17378 a. In addition to any other report required to be filed by
17379 law, an employee leasing company shall submit a report to the
17380 Labor Market Statistics Center within the Department of Economic
17381 Opportunity Agency for Workforce Innovation which includes each
17382 client establishment and each establishment of the employee
17383 leasing company, or as otherwise directed by the department



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17384 agency. The report must include the following information for
17385 each establishment:
17386 (I) The trade or establishment name;
17387 (II) The former unemployment compensation account number,
17388 if available;
17389 (III) The former federal employer's identification number
17390 (FEIN), if available;
17391 (IV) The industry code recognized and published by the
17392 United States Office of Management and Budget, if available;
17393 (V) A description of the client's primary business activity
17394 in order to verify or assign an industry code;
17395 (VI) The address of the physical location;
17396 (VII) The number of full-time and part-time employees who
17397 worked during, or received pay that was subject to unemployment
17398 compensation taxes for, the pay period including the 12th of the
17399 month for each month of the quarter;
17400 (VIII) The total wages subject to unemployment compensation
17401 taxes paid during the calendar quarter;
17402 (IX) An internal identification code to uniquely identify
17403 each establishment of each client;
17404 (X) The month and year that the client entered into the
17405 contract for services; and
17406 (XI) The month and year that the client terminated the
17407 contract for services.
17408 b. The report shall be submitted electronically or in a
17409 manner otherwise prescribed by the Department of Economic
17410 Opportunity Agency for Workforce Innovation in the format
17411 specified by the Bureau of Labor Statistics of the United States
17412 Department of Labor for its Multiple Worksite Report for



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17413 Professional Employer Organizations. The report must be provided
17414 quarterly to the Labor Market Statistics Center within the
17415 department ~~Agency for Workforce Innovation~~, or as otherwise
17416 directed by the department ~~agency~~, and must be filed by the last
17417 day of the month immediately following the end of the calendar
17418 quarter. The information required in sub-sub-subparagraphs a. (X)
17419 and (XI) need be provided only in the quarter in which the
17420 contract to which it relates was entered into or terminated. The
17421 sum of the employment data and the sum of the wage data in this
17422 report must match the employment and wages reported in the
17423 unemployment compensation quarterly tax and wage report. A
17424 report is not required for any calendar quarter preceding the
17425 third calendar quarter of 2010.

17426 c. The department ~~Agency for Workforce Innovation~~ shall
17427 adopt rules as necessary to administer this subparagraph, and
17428 may administer, collect, enforce, and waive the penalty imposed
17429 by s. 443.141(1)(b) for the report required by this
17430 subparagraph.

17431 d. For the purposes of this subparagraph, the term
17432 "establishment" means any location where business is conducted
17433 or where services or industrial operations are performed.

17434 3. An individual other than an individual who is an
17435 employee under subparagraph 1. or subparagraph 2., who performs
17436 services for remuneration for any person:

17437 a. As an agent-driver or commission-driver engaged in
17438 distributing meat products, vegetable products, fruit products,
17439 bakery products, beverages other than milk, or laundry or
17440 drycleaning services for his or her principal.

17441 b. As a traveling or city salesperson engaged on a full-



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17442 time basis in the solicitation on behalf of, and the
17443 transmission to, his or her principal of orders from
17444 wholesalers, retailers, contractors, or operators of hotels,
17445 restaurants, or other similar establishments for merchandise for
17446 resale or supplies for use in their business operations. This
17447 sub-subparagraph does not apply to an agent-driver or a
17448 commission-driver and does not apply to sideline sales
17449 activities performed on behalf of a person other than the
17450 salesperson's principal.

17451 4. The services described in subparagraph 3. are employment
17452 subject to this chapter only if:

17453 a. The contract of service contemplates that substantially
17454 all of the services are to be performed personally by the
17455 individual;

17456 b. The individual does not have a substantial investment in
17457 facilities used in connection with the services, other than
17458 facilities used for transportation; and

17459 c. The services are not in the nature of a single
17460 transaction that is not part of a continuing relationship with
17461 the person for whom the services are performed.

17462 (d) If two or more related corporations concurrently employ
17463 the same individual and compensate the individual through a
17464 common paymaster, each related corporation is considered to have
17465 paid wages to the individual only in the amounts actually
17466 disbursed by that corporation to the individual and is not
17467 considered to have paid the wages actually disbursed to the
17468 individual by another of the related corporations. The
17469 department ~~Agency for Workforce Innovation~~ and the state agency
17470 providing unemployment tax collection services may adopt rules



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17471 necessary to administer this paragraph.

17472 1. As used in this paragraph, the term "common paymaster"
17473 means a member of a group of related corporations that disburses
17474 wages to concurrent employees on behalf of the related
17475 corporations and that is responsible for keeping payroll records
17476 for those concurrent employees. A common paymaster is not
17477 required to disburse wages to all the employees of the related
17478 corporations; however, this subparagraph does not apply to wages
17479 of concurrent employees which are not disbursed through a common
17480 paymaster. A common paymaster must pay concurrently employed
17481 individuals under this subparagraph by one combined paycheck.

17482 2. As used in this paragraph, the term "concurrent
17483 employment" means the existence of simultaneous employment
17484 relationships between an individual and related corporations.
17485 Those relationships require the performance of services by the
17486 employee for the benefit of the related corporations, including
17487 the common paymaster, in exchange for wages that, if deductible
17488 for the purposes of federal income tax, are deductible by the
17489 related corporations.

17490 3. Corporations are considered related corporations for an
17491 entire calendar quarter if they satisfy any one of the following
17492 tests at any time during the calendar quarter:

17493 a. The corporations are members of a "controlled group of
17494 corporations" as defined in s. 1563 of the Internal Revenue Code
17495 of 1986 or would be members if s. 1563(a)(4) and (b) did not
17496 apply.

17497 b. In the case of a corporation that does not issue stock,
17498 at least 50 percent of the members of the board of directors or
17499 other governing body of one corporation are members of the board



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17500 of directors or other governing body of the other corporation or
17501 the holders of at least 50 percent of the voting power to select
17502 those members are concurrently the holders of at least 50
17503 percent of the voting power to select those members of the other
17504 corporation.

17505 c. At least 50 percent of the officers of one corporation
17506 are concurrently officers of the other corporation.

17507 d. At least 30 percent of the employees of one corporation
17508 are concurrently employees of the other corporation.

17509 4. The common paymaster must report to the tax collection
17510 service provider, as part of the unemployment compensation
17511 quarterly tax and wage report, the state unemployment
17512 compensation account number and name of each related corporation
17513 for which concurrent employees are being reported. Failure to
17514 timely report this information shall result in the related
17515 corporations being denied common paymaster status for that
17516 calendar quarter.

17517 5. The common paymaster also has the primary responsibility
17518 for remitting contributions due under this chapter for the wages
17519 it disburses as the common paymaster. The common paymaster must
17520 compute these contributions as though it were the sole employer
17521 of the concurrently employed individuals. If a common paymaster
17522 fails to timely remit these contributions or reports, in whole
17523 or in part, the common paymaster remains liable for the full
17524 amount of the unpaid portion of these contributions. In
17525 addition, each of the other related corporations using the
17526 common paymaster is jointly and severally liable for its
17527 appropriate share of these contributions. Each related
17528 corporation's share equals the greater of:



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17529 a. The liability of the common paymaster under this
17530 chapter, after taking into account any contributions made.
17531 b. The liability under this chapter which, notwithstanding
17532 this section, would have existed for the wages from the other
17533 related corporations, reduced by an allocable portion of any
17534 contributions previously paid by the common paymaster for those
17535 wages.
17536 (12) The employment subject to this chapter includes
17537 services covered by a reciprocal arrangement under s. 443.221
17538 between the Department of Economic Opportunity ~~Agency for~~
17539 ~~Workforce Innovation~~ or its tax collection service provider and
17540 the agency charged with the administration of another state
17541 unemployment compensation law or a federal unemployment
17542 compensation law, under which all services performed by an
17543 individual for an employing unit are deemed to be performed
17544 entirely within this state, if the department ~~Agency for~~
17545 ~~Workforce Innovation~~ or its tax collection service provider
17546 approved an election of the employing unit in which all of the
17547 services performed by the individual during the period covered
17548 by the election are deemed to be insured work.
17549 (13) The following are exempt from coverage under this
17550 chapter:
17551 (p) Service covered by an arrangement between the
17552 Department of Economic Opportunity ~~Agency for Workforce~~
17553 ~~Innovation~~, or its tax collection service provider, and the
17554 agency charged with the administration of another state or
17555 federal unemployment compensation law under which all services
17556 performed by an individual for an employing unit during the
17557 period covered by the employing unit's duly approved election is



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17558 deemed to be performed entirely within the other agency's state
17559 or under the federal law.

17560 Section 364. Subsection (1) of section 443.1217, Florida
17561 Statutes, is amended to read:

17562 443.1217 Wages.—

17563 (1) The wages subject to this chapter include all
17564 remuneration for employment, including commissions, bonuses,
17565 back pay awards, and the cash value of all remuneration paid in
17566 any medium other than cash. The reasonable cash value of
17567 remuneration in any medium other than cash must be estimated and
17568 determined in accordance with rules adopted by the Department of
17569 Economic Opportunity ~~Agency for Workforce Innovation~~ or the
17570 state agency providing tax collection services. The wages
17571 subject to this chapter include tips or gratuities received
17572 while performing services that constitute employment and are
17573 included in a written statement furnished to the employer under
17574 s. 6053(a) of the Internal Revenue Code of 1954. As used in this
17575 section only, the term "employment" includes services
17576 constituting employment under any employment security law of
17577 another state or of the Federal Government.

17578 Section 365. Subsection (1) and paragraphs (a), (g), and
17579 (i) of subsection (3) of section 443.131, Florida Statutes, are
17580 amended to read:

17581 443.131 Contributions.—

17582 (1) PAYMENT OF CONTRIBUTIONS.—Contributions accrue and are
17583 payable by each employer for each calendar quarter he or she is
17584 subject to this chapter for wages paid during each calendar
17585 quarter for employment. Contributions are due and payable by
17586 each employer to the tax collection service provider, in



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17587 accordance with the rules adopted by the Department of Economic
17588 Opportunity Agency for Workforce Innovation or the state agency
17589 providing tax collection services. This subsection does not
17590 prohibit the tax collection service provider from allowing, at
17591 the request of the employer, employers of employees performing
17592 domestic services, as defined in s. 443.1216(6), to pay
17593 contributions or report wages at intervals other than quarterly
17594 when the nonquarterly payment or reporting assists the service
17595 provider and when nonquarterly payment and reporting is
17596 authorized under federal law. Employers of employees performing
17597 domestic services may report wages and pay contributions
17598 annually, with a due date of January 1 and a delinquency date of
17599 February 1. To qualify for this election, the employer must
17600 employ only employees performing domestic services, be eligible
17601 for a variation from the standard rate computed under subsection
17602 (3), apply to this program no later than December 1 of the
17603 preceding calendar year, and agree to provide the department
17604 Agency for Workforce Innovation or its tax collection service
17605 provider with any special reports that are requested, including
17606 copies of all federal employment tax forms. An employer who
17607 fails to timely furnish any wage information required by the
17608 department Agency for Workforce Innovation or its tax collection
17609 service provider loses the privilege to participate in this
17610 program, effective the calendar quarter immediately after the
17611 calendar quarter the failure occurred. The employer may reapply
17612 for annual reporting when a complete calendar year elapses after
17613 the employer's disqualification if the employer timely furnished
17614 any requested wage information during the period in which annual
17615 reporting was denied. An employer may not deduct contributions,



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17616 interests, penalties, fines, or fees required under this chapter
17617 from any part of the wages of his or her employees. A fractional
17618 part of a cent less than one-half cent shall be disregarded from
17619 the payment of contributions, but a fractional part of at least
17620 one-half cent shall be increased to 1 cent.

17621 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
17622 EXPERIENCE.—

17623 (a) *Employment records.*—The regular and short-time
17624 compensation benefits paid to an eligible individual shall be
17625 charged to the employment record of each employer who paid the
17626 individual wages of at least \$100 during the individual's base
17627 period in proportion to the total wages paid by all employers
17628 who paid the individual wages during the individual's base
17629 period. Benefits may not be charged to the employment record of
17630 an employer who furnishes part-time work to an individual who,
17631 because of loss of employment with one or more other employers,
17632 is eligible for partial benefits while being furnished part-time
17633 work by the employer on substantially the same basis and in
17634 substantially the same amount as the individual's employment
17635 during his or her base period, regardless of whether this part-
17636 time work is simultaneous or successive to the individual's lost
17637 employment. Further, as provided in s. 443.151(3), benefits may
17638 not be charged to the employment record of an employer who
17639 furnishes the Department of Economic Opportunity ~~Agency for~~
17640 ~~Workforce Innovation~~ with notice, as prescribed in ~~agency~~ rules
17641 of the department, that any of the following apply:

17642 1. If an individual leaves his or her work without good
17643 cause attributable to the employer or is discharged by the
17644 employer for misconduct connected with his or her work, benefits



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17645 subsequently paid to the individual based on wages paid by the
17646 employer before the separation may not be charged to the
17647 employment record of the employer.

17648 2. If an individual is discharged by the employer for
17649 unsatisfactory performance during an initial employment
17650 probationary period, benefits subsequently paid to the
17651 individual based on wages paid during the probationary period by
17652 the employer before the separation may not be charged to the
17653 employer's employment record. As used in this subparagraph, the
17654 term "initial employment probationary period" means an
17655 established probationary plan that applies to all employees or a
17656 specific group of employees and that does not exceed 90 calendar
17657 days following the first day a new employee begins work. The
17658 employee must be informed of the probationary period within the
17659 first 7 days of work. The employer must demonstrate by
17660 conclusive evidence that the individual was separated because of
17661 unsatisfactory work performance and not because of lack of work
17662 due to temporary, seasonal, casual, or other similar employment
17663 that is not of a regular, permanent, and year-round nature.

17664 3. Benefits subsequently paid to an individual after his or
17665 her refusal without good cause to accept suitable work from an
17666 employer may not be charged to the employment record of the
17667 employer if any part of those benefits are based on wages paid
17668 by the employer before the individual's refusal to accept
17669 suitable work. As used in this subparagraph, the term "good
17670 cause" does not include distance to employment caused by a
17671 change of residence by the individual. The department ~~Agency for~~
17672 ~~Workforce Innovation~~ shall adopt rules prescribing for the
17673 payment of all benefits whether this subparagraph applies



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17674 regardless of whether a disqualification under s. 443.101
17675 applies to the claim.

17676 4. If an individual is separated from work as a direct
17677 result of a natural disaster declared under the Robert T.
17678 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
17679 ss. 5121 et seq., benefits subsequently paid to the individual
17680 based on wages paid by the employer before the separation may
17681 not be charged to the employment record of the employer.

17682 (g) *Transfer of unemployment experience upon transfer or*
17683 *acquisition of a business.*—Notwithstanding any other provision
17684 of law, upon transfer or acquisition of a business, the
17685 following conditions apply to the assignment of rates and to
17686 transfers of unemployment experience:

17687 1.a. If an employer transfers its trade or business, or a
17688 portion thereof, to another employer and, at the time of the
17689 transfer, there is any common ownership, management, or control
17690 of the two employers, the unemployment experience attributable
17691 to the transferred trade or business shall be transferred to the
17692 employer to whom the business is so transferred. The rates of
17693 both employers shall be recalculated and made effective as of
17694 the beginning of the calendar quarter immediately following the
17695 date of the transfer of the trade or business unless the
17696 transfer occurred on the first day of a calendar quarter, in
17697 which case the rate shall be recalculated as of that date.

17698 b. If, following a transfer of experience under sub-
17699 subparagraph a., the department ~~Agency for Workforce Innovation~~
17700 or the tax collection service provider determines that a
17701 substantial purpose of the transfer of trade or business was to
17702 obtain a reduced liability for contributions, the experience



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17703 rating account of the employers involved shall be combined into
17704 a single account and a single rate assigned to the account.

17705 2. Whenever a person who is not an employer under this
17706 chapter at the time it acquires the trade or business of an
17707 employer, the unemployment experience of the acquired business
17708 shall not be transferred to the person if the department ~~Agency~~
17709 ~~for Workforce Innovation~~ or the tax collection service provider
17710 finds that such person acquired the business solely or primarily
17711 for the purpose of obtaining a lower rate of contributions.
17712 Instead, such person shall be assigned the new employer rate
17713 under paragraph (2) (a). In determining whether the business was
17714 acquired solely or primarily for the purpose of obtaining a
17715 lower rate of contributions, the tax collection service provider
17716 shall consider, but not be limited to, the following factors:

- 17717 a. Whether the person continued the business enterprise of
17718 the acquired business;
- 17719 b. How long such business enterprise was continued; or
- 17720 c. Whether a substantial number of new employees was hired
17721 for performance of duties unrelated to the business activity
17722 conducted before the acquisition.

17723 3. If a person knowingly violates or attempts to violate
17724 subparagraph 1. or subparagraph 2. or any other provision of
17725 this chapter related to determining the assignment of a
17726 contribution rate, or if a person knowingly advises another
17727 person to violate the law, the person shall be subject to the
17728 following penalties:

- 17729 a. If the person is an employer, the employer shall be
17730 assigned the highest rate assignable under this chapter for the
17731 rate year during which such violation or attempted violation



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17732 occurred and for the 3 rate years immediately following this
17733 rate year. However, if the person's business is already at the
17734 highest rate for any year, or if the amount of increase in the
17735 person's rate would be less than 2 percent for such year, then a
17736 penalty rate of contribution of 2 percent of taxable wages shall
17737 be imposed for such year and the following 3 rate years.

17738 b. If the person is not an employer, such person shall be
17739 subject to a civil money penalty of not more than \$5,000. The
17740 procedures for the assessment of a penalty shall be in
17741 accordance with the procedures set forth in s. 443.141(2), and
17742 the provisions of s. 443.141(3) shall apply to the collection of
17743 the penalty. Any such penalty shall be deposited in the penalty
17744 and interest account established under s. 443.211(2).

17745 4. For purposes of this paragraph, the term:

17746 a. "Knowingly" means having actual knowledge of or acting
17747 with deliberate ignorance or reckless disregard for the
17748 prohibition involved.

17749 b. "Violates or attempts to violate" includes, but is not
17750 limited to, intent to evade, misrepresent, or willfully
17751 nondisclose.

17752 5. In addition to the penalty imposed by subparagraph 3.,
17753 any person who violates this paragraph commits a felony of the
17754 third degree, punishable as provided in s. 775.082, s. 775.083,
17755 or s. 775.084.

17756 6. The department ~~Agency for Workforce Innovation~~ and the
17757 tax collection service provider shall establish procedures to
17758 identify the transfer or acquisition of a business for the
17759 purposes of this paragraph and shall adopt any rules necessary
17760 to administer this paragraph.



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17761 7. For purposes of this paragraph:
17762 a. "Person" has the meaning given to the term by s.
17763 7701(a)(1) of the Internal Revenue Code of 1986.
17764 b. "Trade or business" shall include the employer's
17765 workforce.
17766 8. This paragraph shall be interpreted and applied in such
17767 a manner as to meet the minimum requirements contained in any
17768 guidance or regulations issued by the United States Department
17769 of Labor.
17770 (i) *Notice of determinations of contribution rates;*
17771 *redeterminations.*—The state agency providing tax collection
17772 services:
17773 1. Shall promptly notify each employer of his or her
17774 contribution rate as determined for any calendar year under this
17775 section. The determination is conclusive and binding on the
17776 employer unless within 20 days after mailing the notice of
17777 determination to the employer's last known address, or, in the
17778 absence of mailing, within 20 days after delivery of the notice,
17779 the employer files an application for review and redetermination
17780 setting forth the grounds for review. An employer may not, in
17781 any proceeding involving his or her contribution rate or
17782 liability for contributions, contest the chargeability to his or
17783 her employment record of any benefits paid in accordance with a
17784 determination, redetermination, or decision under s. 443.151,
17785 except on the ground that the benefits charged were not based on
17786 services performed in employment for him or her and then only if
17787 the employer was not a party to the determination,
17788 redetermination, or decision, or to any other proceeding under
17789 this chapter, in which the character of those services was



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17790 determined.

17791 2. Shall, upon discovery of an error in computation,
17792 reconsider any prior determination or redetermination of a
17793 contribution rate after the 20-day period has expired and issue
17794 a revised notice of contribution rate as redetermined. A
17795 redetermination is subject to review, and is conclusive and
17796 binding if review is not sought, in the same manner as review of
17797 a determination under subparagraph 1. A reconsideration may not
17798 be made after March 31 of the calendar year immediately after
17799 the calendar year for which the contribution rate is applicable,
17800 and interest may not accrue on any additional contributions
17801 found to be due until 30 days after the employer is mailed
17802 notice of his or her revised contribution rate.

17803 3. May adopt rules providing for periodic notification to
17804 employers of benefits paid and charged to their employment
17805 records or of the status of those employment records. A
17806 notification, unless an application for redetermination is filed
17807 in the manner and within the time limits prescribed by the
17808 Department of Economic Opportunity ~~Agency for Workforce~~
17809 ~~Innovation~~, is conclusive and binding on the employer under this
17810 chapter. The redetermination, and the ~~Agency for Workforce~~
17811 ~~Innovation's~~ finding of fact of the department in connection
17812 with the redetermination, may be introduced in any subsequent
17813 administrative or judicial proceeding involving the
17814 determination of the contribution rate of an employer for any
17815 calendar year. A redetermination becomes final in the same
17816 manner provided in this subsection for findings of fact made by
17817 the department ~~Agency for Workforce Innovation~~ in proceedings to
17818 redetermine the contribution rate of an employer. Pending a



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17819 redetermination or an administrative or judicial proceeding, the
17820 employer must file reports and pay contributions in accordance
17821 with this section.

17822 Section 366. Paragraph (d) of subsection (2) and paragraph
17823 (d) of subsection (3) of section 443.1312, Florida Statutes, are
17824 amended to read:

17825 443.1312 Reimbursements; nonprofit organizations.—Benefits
17826 paid to employees of nonprofit organizations shall be financed
17827 in accordance with this section.

17828 (2) LIABILITY FOR CONTRIBUTIONS AND ELECTION OF
17829 REIMBURSEMENT.—A nonprofit organization that is, or becomes,
17830 subject to this chapter under s. 443.1215(1)(c) or s.
17831 443.121(3)(a) must pay contributions under s. 443.131 unless it
17832 elects, in accordance with this subsection, to reimburse the
17833 Unemployment Compensation Trust Fund for all of the regular
17834 benefits, short-time compensation benefits, and one-half of the
17835 extended benefits paid, which are attributable to service in the
17836 employ of the nonprofit organization, to individuals for weeks
17837 of unemployment which begin during the effective period of the
17838 election.

17839 (d) In accordance with rules adopted by the Department of
17840 Economic Opportunity ~~Agency for Workforce Innovation~~ or the
17841 state agency providing unemployment tax collection services, the
17842 tax collection service provider shall notify each nonprofit
17843 organization of any determination of the organization's status
17844 as an employer, the effective date of any election the
17845 organization makes, and the effective date of any termination of
17846 the election. Each determination is subject to reconsideration,
17847 appeal, and review under s. 443.141(2)(c).



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17848 (3) PAYMENT OF REIMBURSEMENTS.—Reimbursements in lieu of
17849 contributions must be paid in accordance with this subsection.

17850 (d) The amount due, as specified in any bill from the tax
17851 collection service provider, is conclusive, and the nonprofit
17852 organization is liable for payment of that amount unless, within
17853 20 days after the bill is mailed to the organization's last
17854 known address or otherwise delivered to the organization, the
17855 organization files an application for redetermination by the
17856 Department of Economic Opportunity Agency for Workforce
17857 Innovation, setting forth the grounds for the application. The
17858 department Agency for Workforce Innovation shall promptly review
17859 and reconsider the amount due, as specified in the bill, and
17860 shall issue a redetermination in each case in which an
17861 application for redetermination is filed. The redetermination is
17862 conclusive and the nonprofit organization is liable for payment
17863 of the amount due, as specified in the redetermination, unless,
17864 within 20 days after the redetermination is mailed to the
17865 organization's last known address or otherwise delivered to the
17866 organization, the organization files a protest, setting forth
17867 the grounds for the appeal. Proceedings on the protest shall be
17868 conducted in accordance with s. 443.141(2).

17869 Section 367. Paragraph (b) of subsection (1) of section
17870 443.1313, Florida Statutes, is amended to read:

17871 443.1313 Public employers; reimbursements; election to pay
17872 contributions.—Benefits paid to employees of a public employer,
17873 as defined in s. 443.036, based on service described in s.
17874 443.1216(2) shall be financed in accordance with this section.

17875 (1) PAYMENT OF REIMBURSEMENTS.—

17876 (b) If a state agency is more than 120 days delinquent on



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17877 reimbursements due to the Unemployment Compensation Trust Fund,
17878 the tax collection service provider shall certify to the Chief
17879 Financial Officer the amount due and the Chief Financial Officer
17880 shall transfer the amount due to the Unemployment Compensation
17881 Trust Fund from the funds of the agency which legally may be
17882 used for that purpose. If a public employer other than a state
17883 agency is more than 120 days delinquent on reimbursements due to
17884 the Unemployment Compensation Trust Fund, upon request by the
17885 tax collection service provider after a hearing, the Department
17886 of Revenue or the Department of Financial Services, as
17887 applicable, shall deduct the amount owed by the public employer
17888 from any funds to be distributed by the applicable department to
17889 the public employer for further distribution to the trust fund
17890 in accordance with this chapter. If an employer for whom the
17891 municipal or county tax collector collects taxes fails to make
17892 the reimbursements to the Unemployment Compensation Trust Fund
17893 required by this chapter, the tax collector after a hearing, at
17894 the request of the tax collection service provider and upon
17895 receipt of a certificate showing the amount owed by the
17896 employer, shall deduct the certified amount from any taxes
17897 collected for the employer and remit that amount to the tax
17898 collection service provider for further distribution to the
17899 trust fund in accordance with this chapter. This paragraph does
17900 not apply to amounts owed by a political subdivision of the
17901 state for benefits erroneously paid in which the claimant must
17902 repay to the Department of Economic Opportunity ~~Agency for~~
17903 ~~Workforce Innovation~~ under s. 443.151(6) (a) or (b) any sum as
17904 benefits received.

17905 Section 368. Paragraphs (b) and (c) of subsection (4) and



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17906 subsection (7) of section 443.1315, Florida Statutes, are
17907 amended to read:

17908 443.1315 Treatment of Indian tribes.—

17909 (4)

17910 (b)1. Services performed for an Indian tribe or tribal unit
17911 that fails to make required reimbursements, including
17912 assessments of interest and penalty, after all collection
17913 activities deemed necessary by the tax collection service
17914 provider, subject to approval by the Department of Economic
17915 Opportunity Agency for Workforce Innovation, are exhausted may
17916 not be treated as employment for purposes of paragraph (1)(b).

17917 2. The tax collection service provider may determine that
17918 any Indian tribe that loses coverage under subparagraph 1. may
17919 have services performed for the tribe subsequently included as
17920 employment for purposes of paragraph (1)(b) if all
17921 contributions, reimbursements, penalties, and interest are paid.

17922 (c) The department Agency for Workforce Innovation or its
17923 tax collection service provider shall immediately notify the
17924 United States Internal Revenue Service and the United States
17925 Department of Labor when an Indian tribe fails to make
17926 reimbursements required under this section, including
17927 assessments of interest and penalty, within 90 days after a
17928 final notice of delinquency.

17929 (7) The Department of Economic Opportunity Agency for
17930 Workforce Innovation and the state agency providing unemployment
17931 tax collection services shall adopt rules necessary to
17932 administer this section.

17933 Section 369. Section 443.1316, Florida Statutes, is amended
17934 to read:



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17935 443.1316 Unemployment tax collection services; interagency
17936 agreement.—

17937 (1) The Department of Economic Opportunity Agency for
17938 ~~Workforce Innovation~~ shall contract with the Department of
17939 Revenue, through an interagency agreement, to perform the duties
17940 of the tax collection service provider and provide other
17941 unemployment tax collection services under this chapter. Under
17942 the interagency agreement, the tax collection service provider
17943 may only implement:

17944 (a) The provisions of this chapter conferring duties upon
17945 the tax collection service provider.

17946 (b) The provisions of law conferring duties upon the
17947 department Agency for Workforce Innovation which are
17948 specifically delegated to the tax collection service provider in
17949 the interagency agreement.

17950 (2) (a) The Department of Revenue is considered to be
17951 administering a revenue law of this state when the department
17952 implements this chapter, or otherwise provides unemployment tax
17953 collection services, under contract with the department Agency
17954 ~~for Workforce Innovation~~ through the interagency agreement.

17955 (b) Sections 213.015(1)-(3), (5)-(7), (9)-(19), and (21);
17956 213.018; 213.025; 213.051; 213.053; 213.0532; 213.0535; 213.055;
17957 213.071; 213.10; 213.21(4); 213.2201; 213.23; 213.24; 213.25;
17958 213.27; 213.28; 213.285; 213.34(1), (3), and (4); 213.37;
17959 213.50; 213.67; 213.69; 213.692; 213.73; 213.733; 213.74; and
17960 213.757 apply to the collection of unemployment contributions
17961 and reimbursements by the Department of Revenue unless
17962 prohibited by federal law.

17963 Section 370. Section 443.1317, Florida Statutes, is amended



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17964 to read:

17965 443.1317 Rulemaking authority; enforcement of rules.—

17966 (1) DEPARTMENT OF ECONOMIC OPPORTUNITY AGENCY FOR WORKFORCE
17967 INNOVATION.—

17968 (a) Except as otherwise provided in s. 443.012, the
17969 Department of Economic Opportunity Agency for Workforce
17970 Innovation has ultimate authority over the administration of the
17971 Unemployment Compensation Program.

17972 (b) The department Agency for Workforce Innovation may
17973 adopt rules under ss. 120.536(1) and 120.54 to administer the
17974 provisions of this chapter conferring duties upon either the
17975 department agency or its tax collection service provider.

17976 (2) TAX COLLECTION SERVICE PROVIDER.—The state agency
17977 providing unemployment tax collection services under contract
17978 with the Department of Economic Opportunity Agency for Workforce
17979 Innovation through an interagency agreement pursuant to s.
17980 443.1316 may adopt rules under ss. 120.536(1) and 120.54,
17981 subject to approval by the department Agency for Workforce
17982 Innovation, to administer the provisions of law described in s.
17983 443.1316(1) (a) and (b) which are within this chapter. These
17984 rules must not conflict with the rules adopted by the department
17985 Agency for Workforce Innovation or with the interagency
17986 agreement.

17987 (3) ENFORCEMENT OF RULES.—The Department of Economic
17988 Opportunity Agency for Workforce Innovation may enforce any rule
17989 adopted by the state agency providing unemployment tax
17990 collection services to administer this chapter. The tax
17991 collection service provider may enforce any rule adopted by the
17992 department Agency for Workforce Innovation to administer the



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17993 provisions of law described in s. 443.1316(1) (a) and (b).
17994 Section 371. Paragraphs (b), (c), and (f) of subsection
17995 (1), subsection (2), paragraphs (f) and (g) of subsection (3),
17996 and paragraph (c) of subsection (4) of section 443.141, Florida
17997 Statutes, are amended to read:
17998 443.141 Collection of contributions and reimbursements.—
17999 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
18000 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—
18001 (b) *Penalty for delinquent, erroneous, incomplete, or*
18002 *insufficient reports.*—
18003 1. An employing unit that fails to file any report required
18004 by the Department of Economic Opportunity ~~Agency for Workforce~~
18005 ~~Innovation~~ or its tax collection service provider, in accordance
18006 with rules for administering this chapter, shall pay to the
18007 service provider for each delinquent report the sum of \$25 for
18008 each 30 days or fraction thereof that the employing unit is
18009 delinquent, unless the agency or its service provider, whichever
18010 required the report, finds that the employing unit has good
18011 reason for failing to file the report. The department ~~agency~~ or
18012 its service provider may assess penalties only through the date
18013 of the issuance of the final assessment notice. However,
18014 additional penalties accrue if the delinquent report is
18015 subsequently filed.
18016 2.a. An employing unit that files an erroneous, incomplete,
18017 or insufficient report with the department ~~Agency for Workforce~~
18018 ~~Innovation~~ or its tax collection service provider shall pay a
18019 penalty. The amount of the penalty is \$50 or 10 percent of any
18020 tax due, whichever is greater, but no more than \$300 per report.
18021 The penalty shall be added to any tax, penalty, or interest



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18022 otherwise due.

18023 b. The department agency or its tax collection service
18024 provider shall waive the penalty if the employing unit files an
18025 accurate, complete, and sufficient report within 30 days after a
18026 penalty notice is issued to the employing unit. The penalty may
18027 not be waived pursuant to this subparagraph more than one time
18028 during a 12-month period.

18029 c. As used in this subsection, the term "erroneous,
18030 incomplete, or insufficient report" means a report so lacking in
18031 information, completeness, or arrangement that the report cannot
18032 be readily understood, verified, or reviewed. Such reports
18033 include, but are not limited to, reports having missing wage or
18034 employee information, missing or incorrect social security
18035 numbers, or illegible entries; reports submitted in a format
18036 that is not approved by the department agency or its tax
18037 collection service provider; and reports showing gross wages
18038 that do not equal the total of the wages of each employee.
18039 However, the term does not include a report that merely contains
18040 inaccurate data that was supplied to the employer by the
18041 employee, if the employer was unaware of the inaccuracy.

18042 3. Penalties imposed pursuant to this paragraph shall be
18043 deposited in the Special Employment Security Administration
18044 Trust Fund.

18045 4. The penalty and interest for a delinquent, erroneous,
18046 incomplete, or insufficient report may be waived if the penalty
18047 or interest is inequitable. The provisions of s. 213.24(1) apply
18048 to any penalty or interest that is imposed under this section.

18049 (c) *Application of partial payments.*—If a delinquency
18050 exists in the employment record of an employer not in



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18051 bankruptcy, a partial payment less than the total delinquency
18052 amount shall be applied to the employment record as the payor
18053 directs. In the absence of specific direction, the partial
18054 payment shall be applied to the payor's employment record as
18055 prescribed in the rules of the department ~~Agency for Workforce~~
18056 ~~Innovation~~ or the state agency providing tax collection
18057 services.

18058 (f) *Adoption of rules.*—The department ~~Agency for Workforce~~
18059 ~~Innovation~~ and the state agency providing unemployment tax
18060 collection services may adopt rules to administer this
18061 subsection.

18062 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

18063 (a) *Failure to make reports and pay contributions.*—If an
18064 employing unit determined by the tax collection service provider
18065 to be an employer subject to this chapter fails to make and file
18066 any report as and when required by this chapter or by any rule
18067 of the Department of Economic Opportunity ~~Agency for Workforce~~
18068 ~~Innovation~~ or the state agency providing tax collection
18069 services, for the purpose of determining the amount of
18070 contributions due by the employer under this chapter, or if any
18071 filed report is found by the service provider to be incorrect or
18072 insufficient, and the employer, after being notified in writing
18073 by the service provider to file the report, or a corrected or
18074 sufficient report, as applicable, fails to file the report
18075 within 15 days after the date of the mailing of the notice, the
18076 tax collection service provider may:

18077 1. Determine the amount of contributions due from the
18078 employer based on the information readily available to it, which
18079 determination is deemed to be prima facie correct;



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18080 2. Assess the employer the amount of contributions
18081 determined to be due; and

18082 3. Immediately notify the employer by mail of the
18083 determination and assessment including penalties as provided in
18084 this chapter, if any, added and assessed, and demand payment
18085 together with interest on the amount of contributions from the
18086 date that amount was due and payable.

18087 (b) *Hearings.*—The determination and assessment are final 15
18088 days after the date the assessment is mailed unless the employer
18089 files with the tax collection service provider within the 15
18090 days a written protest and petition for hearing specifying the
18091 objections thereto. The tax collection service provider shall
18092 promptly review each petition and may reconsider its
18093 determination and assessment in order to resolve the
18094 petitioner's objections. The tax collection service provider
18095 shall forward each petition remaining unresolved to the
18096 department ~~Agency for Workforce Innovation~~ for a hearing on the
18097 objections. Upon receipt of a petition, the department ~~Agency~~
18098 ~~for Workforce Innovation~~ shall schedule a hearing and notify the
18099 petitioner of the time and place of the hearing. The department
18100 ~~Agency for Workforce Innovation~~ may appoint special deputies to
18101 conduct hearings and to submit their findings together with a
18102 transcript of the proceedings before them and their
18103 recommendations to the department ~~agency~~ for its final order.
18104 Special deputies are subject to the prohibition against ex parte
18105 communications in s. 120.66. At any hearing conducted by the
18106 department ~~Agency for Workforce Innovation~~ or its special
18107 deputy, evidence may be offered to support the determination and
18108 assessment or to prove it is incorrect. In order to prevail,



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18109 however, the petitioner must either prove that the determination
18110 and assessment are incorrect or file full and complete corrected
18111 reports. Evidence may also be submitted at the hearing to rebut
18112 the determination by the tax collection service provider that
18113 the petitioner is an employer under this chapter. Upon evidence
18114 taken before it or upon the transcript submitted to it with the
18115 findings and recommendation of its special deputy, the
18116 department ~~Agency for Workforce Innovation~~ shall either set
18117 aside the tax collection service provider's determination that
18118 the petitioner is an employer under this chapter or reaffirm the
18119 determination. The amounts assessed under the final order,
18120 together with interest and penalties, must be paid within 15
18121 days after notice of the final order is mailed to the employer,
18122 unless judicial review is instituted in a case of status
18123 determination. Amounts due when the status of the employer is in
18124 dispute are payable within 15 days after the entry of an order
18125 by the court affirming the determination. However, any
18126 determination that an employing unit is not an employer under
18127 this chapter does not affect the benefit rights of any
18128 individual as determined by an appeals referee or the commission
18129 unless:

18130 1. The individual is made a party to the proceedings before
18131 the special deputy; or

18132 2. The decision of the appeals referee or the commission
18133 has not become final or the employing unit and the department
18134 ~~Agency for Workforce Innovation~~ were not made parties to the
18135 proceedings before the appeals referee or the commission.

18136 (c) *Appeals.*—The department ~~Agency for Workforce Innovation~~
18137 and the state agency providing unemployment tax collection



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18138 services shall adopt rules prescribing the procedures for an
18139 employing unit determined to be an employer to file an appeal
18140 and be afforded an opportunity for a hearing on the
18141 determination. Pending a hearing, the employing unit must file
18142 reports and pay contributions in accordance with s. 443.131.

18143 (3) COLLECTION PROCEEDINGS.—

18144 (f) *Reproductions.*—In any proceedings in any court under
18145 this chapter, reproductions of the original records of the
18146 Department of Economic Opportunity Agency for Workforce
18147 Innovation, its tax collection service provider, the former
18148 Agency for Workforce Innovation, the former Department of Labor
18149 and Employment Security, or the commission, including, but not
18150 limited to, photocopies or microfilm, are primary evidence in
18151 lieu of the original records or of the documents that were
18152 transcribed into those records.

18153 (g) *Jeopardy assessment and warrant.*—If the tax collection
18154 service provider reasonably believes that the collection of
18155 contributions or reimbursements from an employer will be
18156 jeopardized by delay, the service provider may assess the
18157 contributions or reimbursements immediately, together with
18158 interest or penalties when due, regardless of whether the
18159 contributions or reimbursements accrued are due, and may
18160 immediately issue a notice of lien and jeopardy warrant upon
18161 which proceedings may be conducted as provided in this section
18162 for notice of lien and warrant of the service provider. Within
18163 15 days after mailing the notice of lien by registered mail, the
18164 employer may protest the issuance of the lien in the same manner
18165 provided in paragraph (2) (a). The protest does not operate as a
18166 supersedeas or stay of enforcement unless the employer files



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18167 with the sheriff seeking to enforce the warrant a good and
18168 sufficient surety bond in twice the amount demanded by the
18169 notice of lien or warrant. The bond must be conditioned upon
18170 payment of the amount subsequently found to be due from the
18171 employer to the tax collection service provider in the final
18172 order of the Department of Economic Opportunity ~~Agency for~~
18173 ~~Workforce Innovation~~ upon protest of assessment. The jeopardy
18174 warrant and notice of lien are satisfied in the manner provided
18175 in this section upon payment of the amount finally determined to
18176 be due from the employer. If enforcement of the jeopardy warrant
18177 is not superseded as provided in this section, the employer is
18178 entitled to a refund from the fund of all amounts paid as
18179 contributions or reimbursements in excess of the amount finally
18180 determined to be due by the employer upon application being made
18181 as provided in this chapter.

18182 (4) MISCELLANEOUS PROVISIONS FOR COLLECTION OF
18183 CONTRIBUTIONS AND REIMBURSEMENTS.—

18184 (c) Any agent or employee designated by the Department of
18185 Economic Opportunity ~~Agency for Workforce Innovation~~ or its tax
18186 collection service provider may administer an oath to any person
18187 for any return or report required by this chapter or by the
18188 rules of the department ~~Agency for Workforce Innovation~~ or the
18189 state agency providing unemployment tax collection services, and
18190 an oath made before the department ~~agency~~ or its service
18191 provider or any authorized agent or employee has the same effect
18192 as an oath made before any judicial officer or notary public of
18193 the state.

18194 Section 372. Section 443.151, Florida Statutes, is amended
18195 to read:



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18196 443.151 Procedure concerning claims.-

18197 (1) POSTING OF INFORMATION.-

18198 (a) Each employer must post and maintain in places readily
18199 accessible to individuals in her or his employ printed
18200 statements concerning benefit rights, claims for benefits, and
18201 other matters relating to the administration of this chapter as
18202 the Department of Economic Opportunity ~~Agency for Workforce~~
18203 ~~Innovation~~ may by rule prescribe. Each employer must supply to
18204 individuals copies of printed statements or other materials
18205 relating to claims for benefits as directed by the ~~agency's~~
18206 rules of the department. The department ~~Agency for Workforce~~
18207 ~~Innovation~~ shall supply these printed statements and other
18208 materials to each employer without cost to the employer.

18209 (b)1. The department ~~Agency for Workforce Innovation~~ shall
18210 advise each individual filing a new claim for unemployment
18211 compensation, at the time of filing the claim, that:

18212 a. Unemployment compensation is subject to federal income
18213 tax.

18214 b. Requirements exist pertaining to estimated tax payments.

18215 c. The individual may elect to have federal income tax
18216 deducted and withheld from the individual's payment of
18217 unemployment compensation at the amount specified in the federal
18218 Internal Revenue Code.

18219 d. The individual is not permitted to change a previously
18220 elected withholding status more than twice per calendar year.

18221 2. Amounts deducted and withheld from unemployment
18222 compensation must remain in the Unemployment Compensation Trust
18223 Fund until transferred to the federal taxing authority as
18224 payment of income tax.



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18225 3. The department ~~Agency for Workforce Innovation~~ shall
18226 follow all procedures specified by the United States Department
18227 of Labor and the federal Internal Revenue Service pertaining to
18228 the deducting and withholding of income tax.

18229 4. If more than one authorized request for deduction and
18230 withholding is made, amounts must be deducted and withheld in
18231 accordance with the following priorities:

- 18232 a. Unemployment overpayments have first priority;
- 18233 b. Child support payments have second priority; and
- 18234 c. Withholding under this subsection has third priority.

18235 (2) FILING OF CLAIM INVESTIGATIONS; NOTIFICATION OF
18236 CLAIMANTS AND EMPLOYERS.—

18237 (a) *In general.*—Claims for benefits must be made in
18238 accordance with the rules adopted by the Department of Economic
18239 Opportunity ~~Agency for Workforce Innovation~~. The department
18240 ~~agency~~ must notify claimants and employers regarding monetary
18241 and nonmonetary determinations of eligibility. Investigations of
18242 issues raised in connection with a claimant which may affect a
18243 claimant's eligibility for benefits or charges to an employer's
18244 employment record shall be conducted by the department ~~agency~~
18245 through written, telephonic, or electronic means as prescribed
18246 by rule.

18247 (b) *Process.*—When the Unemployment Compensation Claims and
18248 Benefits Information System described in s. 443.1113 is fully
18249 operational, the process for filing claims must incorporate the
18250 process for registering for work with the workforce information
18251 systems established pursuant to s. 445.011. A claim for benefits
18252 may not be processed until the work registration requirement is
18253 satisfied. The department ~~Agency for Workforce Innovation~~ may



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18254 adopt rules as necessary to administer the work registration
18255 requirement set forth in this paragraph.

18256 (3) DETERMINATION OF ELIGIBILITY.—

18257 (a) *Notices of claim.*—The Department of Economic
18258 Opportunity Agency ~~for Workforce Innovation~~ shall promptly
18259 provide a notice of claim to the claimant's most recent
18260 employing unit and all employers whose employment records are
18261 liable for benefits under the monetary determination. The
18262 employer must respond to the notice of claim within 20 days
18263 after the mailing date of the notice, or in lieu of mailing,
18264 within 20 days after the delivery of the notice. If a
18265 contributing employer fails to timely respond to the notice of
18266 claim, the employer's account may not be relieved of benefit
18267 charges as provided in s. 443.131(3)(a), notwithstanding
18268 paragraph (5)(b). The department ~~agency~~ may adopt rules as
18269 necessary to implement the processes described in this paragraph
18270 relating to notices of claim.

18271 (b) *Monetary determinations.*—In addition to the notice of
18272 claim, the department ~~agency~~ shall also promptly provide an
18273 initial monetary determination to the claimant and each base
18274 period employer whose account is subject to being charged for
18275 its respective share of benefits on the claim. The monetary
18276 determination must include a statement of whether and in what
18277 amount the claimant is entitled to benefits, and, in the event
18278 of a denial, must state the reasons for the denial. A monetary
18279 determination for the first week of a benefit year must also
18280 include a statement of whether the claimant was paid the wages
18281 required under s. 443.091(1)(g) and, if so, the first day of the
18282 benefit year, the claimant's weekly benefit amount, and the



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18283 maximum total amount of benefits payable to the claimant for a
18284 benefit year. The monetary determination is final unless within
18285 20 days after the mailing of the notices to the parties' last
18286 known addresses, or in lieu of mailing, within 20 days after the
18287 delivery of the notices, an appeal or written request for
18288 reconsideration is filed by the claimant or other party entitled
18289 to notice. The department agency may adopt rules as necessary to
18290 implement the processes described in this paragraph relating to
18291 notices of monetary determinations and the appeals or
18292 reconsideration requests filed in response to such notices.

18293 (c) *Nonmonetary determinations.*—If the department agency
18294 receives information that may result in a denial of benefits,
18295 the department agency must complete an investigation of the
18296 claim required by subsection (2) and provide notice of a
18297 nonmonetary determination to the claimant and the employer from
18298 whom the claimant's reason for separation affects his or her
18299 entitlement to benefits. The determination must state the reason
18300 for the determination and whether the unemployment tax account
18301 of the contributing employer is charged for benefits paid on the
18302 claim. The nonmonetary determination is final unless within 20
18303 days after the mailing of the notices to the parties' last known
18304 addresses, or in lieu of mailing, within 20 days after the
18305 delivery of the notices, an appeal or written request for
18306 reconsideration is filed by the claimant or other party entitled
18307 to notice. The department agency may adopt rules as necessary to
18308 implement the processes described in this paragraph relating to
18309 notices of nonmonetary determination and the appeals or
18310 reconsideration requests filed in response to such notices, and
18311 may adopt rules prescribing the manner and procedure by which



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18312 employers within the base period of a claimant become entitled
18313 to notice of nonmonetary determination.

18314 (d) *Determinations in labor dispute cases.*—Whenever any
18315 claim involves a labor dispute described in s. 443.101(4), the
18316 department ~~Agency for Workforce Innovation~~ shall promptly assign
18317 the claim to a special examiner who shall make a determination
18318 on the issues involving unemployment due to the labor dispute.
18319 The special examiner shall make the determination after an
18320 investigation, as necessary. The claimant or another party
18321 entitled to notice of the determination may appeal a
18322 determination under subsection (4).

18323 (e) *Redeterminations.*—

18324 1. The department ~~Agency for Workforce Innovation~~ may
18325 reconsider a determination if it finds an error or if new
18326 evidence or information pertinent to the determination is
18327 discovered after a prior determination or redetermination. A
18328 redetermination may not be made more than 1 year after the last
18329 day of the benefit year unless the disqualification for making a
18330 false or fraudulent representation under s. 443.101(6) is
18331 applicable, in which case the redetermination may be made within
18332 2 years after the false or fraudulent representation. The
18333 department ~~agency~~ must promptly give notice of redetermination
18334 to the claimant and to any employers entitled to notice in the
18335 manner prescribed in this section for the notice of an initial
18336 determination.

18337 2. If the amount of benefits is increased by the
18338 redetermination, an appeal of the redetermination based solely
18339 on the increase may be filed as provided in subsection (4). If
18340 the amount of benefits is decreased by the redetermination, the



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18341 redetermination may be appealed by the claimant if a subsequent
18342 claim for benefits is affected in amount or duration by the
18343 redetermination. If the final decision on the determination or
18344 redetermination to be reconsidered was made by an appeals
18345 referee, the commission, or a court, the department ~~Agency for~~
18346 ~~Workforce Innovation~~ may apply for a revised decision from the
18347 body or court that made the final decision.

18348 3. If an appeal of an original determination is pending
18349 when a redetermination is issued, the appeal unless withdrawn is
18350 treated as an appeal from the redetermination.

18351 (4) APPEALS.—

18352 (a) *Appeals referees.*—The Department of Economic
18353 Opportunity ~~Agency for Workforce Innovation~~ shall appoint one or
18354 more impartial salaried appeals referees in accordance with s.
18355 443.171(3) to hear and decide appealed claims. A person may not
18356 participate on behalf of the department ~~Agency for Workforce~~
18357 ~~Innovation~~ as an appeals referee in any case in which she or he
18358 is an interested party. The department ~~Agency for Workforce~~
18359 ~~Innovation~~ may designate alternates to serve in the absence or
18360 disqualification of any appeals referee on a temporary basis.
18361 These alternates must have the same qualifications required of
18362 appeals referees. The department ~~Agency for Workforce Innovation~~
18363 shall provide the commission and the appeals referees with
18364 proper facilities and assistance for the execution of their
18365 functions.

18366 (b) *Filing and hearing.*—

18367 1. The claimant or any other party entitled to notice of a
18368 determination may appeal an adverse determination to an appeals
18369 referee within 20 days after the date of mailing of the notice



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18370 to her or his last known address or, if the notice is not
18371 mailed, within 20 days after the date of delivery of the notice.

18372 2. Unless the appeal is untimely or withdrawn or review is
18373 initiated by the commission, the appeals referee, after mailing
18374 all parties and attorneys of record a notice of hearing at least
18375 10 days before the date of hearing, notwithstanding the 14-day
18376 notice requirement in s. 120.569(2)(b), may only affirm, modify,
18377 or reverse the determination. An appeal may not be withdrawn
18378 without the permission of the appeals referee.

18379 3. However, when an appeal appears to have been filed after
18380 the permissible time limit, the Office of Appeals may issue an
18381 order to show cause to the appellant, requiring the appellant to
18382 show why the appeal should not be dismissed as untimely. If the
18383 appellant does not, within 15 days after the mailing date of the
18384 order to show cause, provide written evidence of timely filing
18385 or good cause for failure to appeal timely, the appeal shall be
18386 dismissed.

18387 4. When an appeal involves a question of whether services
18388 were performed by a claimant in employment or for an employer,
18389 the referee must give special notice of the question and of the
18390 pendency of the appeal to the employing unit and to the
18391 department ~~Agency for Workforce Innovation~~, both of which become
18392 parties to the proceeding.

18393 5. The parties must be notified promptly of the referee's
18394 decision. The referee's decision is final unless further review
18395 is initiated under paragraph (c) within 20 days after the date
18396 of mailing notice of the decision to the party's last known
18397 address or, in lieu of mailing, within 20 days after the
18398 delivery of the notice.



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18399 (c) *Review by commission.*—The commission may, on its own
18400 motion, within the time limit in paragraph (b), initiate a
18401 review of the decision of an appeals referee. The commission may
18402 also allow the department ~~Agency for Workforce Innovation~~ or any
18403 adversely affected party entitled to notice of the decision to
18404 appeal the decision by filing an application within the time
18405 limit in paragraph (b). An adversely affected party has the
18406 right to appeal the decision if the department's ~~Agency for~~
18407 ~~Workforce Innovation's~~ determination is not affirmed by the
18408 appeals referee. The commission may affirm, modify, or reverse
18409 the findings and conclusions of the appeals referee based on
18410 evidence previously submitted in the case or based on additional
18411 evidence taken at the direction of the commission. The
18412 commission may assume jurisdiction of or transfer to another
18413 appeals referee the proceedings on any claim pending before an
18414 appeals referee. Any proceeding in which the commission assumes
18415 jurisdiction before completion must be heard by the commission
18416 in accordance with the requirement of this subsection for
18417 proceedings before an appeals referee. When the commission
18418 denies an application to hear an appeal of an appeals referee's
18419 decision, the decision of the appeals referee is the decision of
18420 the commission for purposes of this paragraph and is subject to
18421 judicial review within the same time and manner as decisions of
18422 the commission, except that the time for initiating review runs
18423 from the date of notice of the commission's order denying the
18424 application to hear an appeal.

18425 (d) *Procedure.*—The manner that appealed claims are
18426 presented must comply with the commission's rules. Witnesses
18427 subpoenaed under this section are allowed fees at the rate



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18428 established by s. 92.142, and fees of witnesses subpoenaed on
18429 behalf of the department ~~Agency for Workforce Innovation~~ or any
18430 claimant are deemed part of the expense of administering this
18431 chapter.

18432 (e) *Judicial review.*—Orders of the commission entered under
18433 paragraph (c) are subject to review only by notice of appeal in
18434 the district court of appeal in the appellate district in which
18435 the issues involved were decided by an appeals referee.

18436 Notwithstanding chapter 120, the commission is a party
18437 respondent to every such proceeding. The department ~~Agency for~~
18438 ~~Workforce Innovation~~ may initiate judicial review of orders in
18439 the same manner and to the same extent as any other party.

18440 (5) PAYMENT OF BENEFITS.—

18441 (a) The Department of Economic Opportunity ~~Agency for~~
18442 ~~Workforce Innovation~~ shall promptly pay benefits in accordance
18443 with a determination or redetermination regardless of any appeal
18444 or pending appeal. Before payment of benefits to the claimant,
18445 however, each employer who is liable for reimbursements in lieu
18446 of contributions for payment of the benefits must be notified,
18447 at the address on file with the department ~~Agency for Workforce~~
18448 ~~Innovation~~ or its tax collection service provider, of the
18449 initial determination of the claim and must be given 10 days to
18450 respond.

18451 (b) The department ~~Agency for Workforce Innovation~~ shall
18452 promptly pay benefits, regardless of whether a determination is
18453 under appeal if the determination allowing benefits is affirmed
18454 in any amount by an appeals referee or is affirmed by the
18455 commission, or if a decision of an appeals referee allowing
18456 benefits is affirmed in any amount by the commission. In these



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18457 instances, a court may not issue an injunction, supersedeas,
18458 stay, or other writ or process suspending payment of benefits. A
18459 contributing employer that responded to the notice of claim
18460 within the time limit provided in subsection (3) may not,
18461 however, be charged with benefits paid under an erroneous
18462 determination if the decision is ultimately reversed. Benefits
18463 are not paid for any subsequent weeks of unemployment involved
18464 in a reversal.

18465 (c) The provisions of paragraph (b) relating to charging an
18466 employer liable for contributions do not apply to reimbursing
18467 employers.

18468 (6) RECOVERY AND RECOUPMENT.—

18469 (a) Any person who, by reason of her or his fraud, receives
18470 benefits under this chapter to which she or he is not entitled
18471 is liable for repaying those benefits to the Department of
18472 Economic Opportunity ~~Agency for Workforce Innovation~~ on behalf
18473 of the trust fund or, in the ~~agency's~~ discretion of the
18474 department, to have those benefits deducted from future benefits
18475 payable to her or him under this chapter. To enforce this
18476 paragraph, the department ~~agency~~ must find the existence of
18477 fraud through a redetermination or decision under this section
18478 within 2 years after the fraud was committed. Any recovery or
18479 recoupment of benefits must be effected within 5 years after the
18480 redetermination or decision.

18481 (b) Any person who, by reason other than her or his fraud,
18482 receives benefits under this chapter to which, under a
18483 redetermination or decision pursuant to this section, she or he
18484 is not entitled, is liable for repaying those benefits to the
18485 department ~~Agency for Workforce Innovation~~ on behalf of the



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18486 trust fund or, in the ~~agency's~~ discretion of the department, to
18487 have those benefits deducted from any future benefits payable to
18488 her or him under this chapter. Any recovery or recoupment of
18489 benefits must be effected within 3 years after the
18490 redetermination or decision.

18491 (c) Any person who, by reason other than fraud, receives
18492 benefits under this chapter to which she or he is not entitled
18493 as a result of an employer's failure to respond to a claim
18494 within the timeframe provided in subsection (3) is not liable
18495 for repaying those benefits to the department ~~Agency for~~
18496 ~~Workforce Innovation~~ on behalf of the trust fund or to have
18497 those benefits deducted from any future benefits payable to her
18498 or him under this chapter.

18499 (d) Recoupment from future benefits is not permitted if the
18500 benefits are received by any person without fault on the
18501 person's part and recoupment would defeat the purpose of this
18502 chapter or would be inequitable and against good conscience.

18503 (e) The department ~~Agency for Workforce Innovation~~ shall
18504 collect the repayment of benefits without interest by the
18505 deduction of benefits through a redetermination or by a civil
18506 action.

18507 (f) Notwithstanding any other provision of this chapter,
18508 any person who is determined by this state, a cooperating state
18509 agency, the United States Secretary of Labor, or a court to have
18510 received any payments under the Trade Act of 1974, as amended,
18511 to which the person was not entitled shall have those payments
18512 deducted from any regular benefits, as defined in s.

18513 443.1115(1)(e), payable to her or him under this chapter. Each
18514 such deduction may not exceed 50 percent of the amount otherwise



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18515 payable. The payments deducted shall be remitted to the agency
18516 that issued the payments under the Trade Act of 1974, as
18517 amended, for return to the United States Treasury. Except for
18518 overpayments determined by a court, a deduction may not be made
18519 under this paragraph until a determination by the state agency
18520 or the United States Secretary of Labor is final.

18521 (7) REPRESENTATION IN ADMINISTRATIVE PROCEEDINGS.—In any
18522 administrative proceeding conducted under this chapter, an
18523 employer or a claimant has the right, at his or her own expense,
18524 to be represented by counsel or by an authorized representative.
18525 Notwithstanding s. 120.62(2), the authorized representative need
18526 not be a qualified representative.

18527 (8) BILINGUAL REQUIREMENTS.—

18528 (a) The Department of Economic Opportunity ~~Agency for~~
18529 ~~Workforce Innovation~~ shall provide printed bilingual
18530 instructional and educational materials in the appropriate
18531 language in those counties in which 5 percent or more of the
18532 households in the county are classified as a single-language
18533 minority.

18534 (b) The department ~~Agency for Workforce Innovation~~ shall
18535 ensure that one-stop career centers and appeals offices located
18536 in counties subject to the requirements of paragraph (c)
18537 prominently post notices in the appropriate languages and that
18538 translators are available in those centers and offices.

18539 (c) As used in this subsection, the term "single-language
18540 minority" means households that speak the same non-English
18541 language and that do not contain an adult fluent in English. The
18542 department ~~Agency for Workforce Innovation~~ shall develop
18543 estimates of the percentages of single-language minority



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18544 households for each county by using data from the United States
18545 Bureau of the Census.

18546 Section 373. Subsection (1), paragraphs (a) and (c) of
18547 subsection (3), and subsection (4) of section 443.163, Florida
18548 Statutes, are amended to read:

18549 443.163 Electronic reporting and remitting of contributions
18550 and reimbursements.—

18551 (1) An employer may file any report and remit any
18552 contributions or reimbursements required under this chapter by
18553 electronic means. The Department of Economic Opportunity ~~Agency~~
18554 ~~for Workforce Innovation~~ or the state agency providing
18555 unemployment tax collection services shall adopt rules
18556 prescribing the format and instructions necessary for
18557 electronically filing reports and remitting contributions and
18558 reimbursements to ensure a full collection of contributions and
18559 reimbursements due. The acceptable method of transfer, the
18560 method, form, and content of the electronic means, and the
18561 method, if any, by which the employer will be provided with an
18562 acknowledgment shall be prescribed by the department ~~Agency for~~
18563 ~~Workforce Innovation~~ or its tax collection service provider.
18564 However, any employer who employed 10 or more employees in any
18565 quarter during the preceding state fiscal year must file the
18566 Employers Quarterly Reports (UCT-6) for the current calendar
18567 year and remit the contributions and reimbursements due by
18568 electronic means approved by the tax collection service
18569 provider. A person who prepared and reported for 100 or more
18570 employers in any quarter during the preceding state fiscal year
18571 must file the Employers Quarterly Reports (UCT-6) for each
18572 calendar quarter in the current calendar year, beginning with



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18573 reports due for the second calendar quarter of 2003, by
18574 electronic means approved by the tax collection service
18575 provider.

18576 (3) The tax collection service provider may waive the
18577 requirement to file an Employers Quarterly Report (UCT-6) by
18578 electronic means for employers that are unable to comply despite
18579 good faith efforts or due to circumstances beyond the employer's
18580 reasonable control.

18581 (a) As prescribed by the Department of Economic Opportunity
18582 ~~Agency for Workforce Innovation~~ or its tax collection service
18583 provider, grounds for approving the waiver include, but are not
18584 limited to, circumstances in which the employer does not:

18585 1. Currently file information or data electronically with
18586 any business or government agency; or

18587 2. Have a compatible computer that meets or exceeds the
18588 standards prescribed by the department ~~Agency for Workforce~~
18589 ~~Innovation~~ or its tax collection service provider.

18590 (c) The department ~~Agency for Workforce Innovation~~ or the
18591 state agency providing unemployment tax collection services may
18592 establish by rule the length of time a waiver is valid and may
18593 determine whether subsequent waivers will be authorized, based
18594 on this subsection.

18595 (4) As used in this section, the term "electronic means"
18596 includes, but is not limited to, electronic data interchange;
18597 electronic funds transfer; and use of the Internet, telephone,
18598 or other technology specified by the Department of Economic
18599 Opportunity ~~Agency for Workforce Innovation~~ or its tax
18600 collection service provider.

18601 Section 374. Section 443.171, Florida Statutes, is amended



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18602 to read:

18603 443.171 Department of Economic Opportunity ~~Agency for~~
18604 ~~Workforce Innovation~~ and commission; powers and duties; records
18605 and reports; proceedings; state-federal cooperation.-

18606 (1) POWERS AND DUTIES.-The Department of Economic
18607 Opportunity ~~Agency for Workforce Innovation~~ shall administer
18608 this chapter. The department ~~agency~~ may employ those persons,
18609 make expenditures, require reports, conduct investigations, and
18610 take other action necessary or suitable to administer this
18611 chapter. The department ~~Agency for Workforce Innovation~~ shall
18612 annually submit information to Workforce Florida, Inc., covering
18613 the administration and operation of this chapter during the
18614 preceding calendar year for inclusion in the strategic plan
18615 under s. 445.006 and may make recommendations for amendment to
18616 this chapter.

18617 (2) PUBLICATION OF ACTS AND RULES.-The Department of
18618 Economic Opportunity ~~Agency for Workforce Innovation~~ shall cause
18619 to be printed and distributed to the public, or otherwise
18620 distributed to the public through the Internet or similar
18621 electronic means, the text of this chapter and of the rules for
18622 administering this chapter adopted by the department ~~agency~~ or
18623 the state agency providing unemployment tax collection services
18624 and any other matter relevant and suitable. The department
18625 ~~Agency for Workforce Innovation~~ shall furnish this information
18626 to any person upon request. However, any pamphlet, rules,
18627 circulars, or reports required by this chapter may not contain
18628 any matter except the actual data necessary to complete them or
18629 the actual language of the rule, together with the proper
18630 notices.



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18631 (3) PERSONNEL.—Subject to chapter 110 and the other
18632 provisions of this chapter, the Department of Economic
18633 Opportunity Agency for Workforce Innovation may appoint, set the
18634 compensation of, and prescribe the duties and powers of
18635 employees, accountants, attorneys, experts, and other persons as
18636 necessary for the performance of the ~~agency's~~ duties of the
18637 department under this chapter. The department ~~Agency for~~
18638 ~~Workforce Innovation~~ may delegate to any person its power and
18639 authority under this chapter as necessary for the effective
18640 administration of this chapter and may bond any person handling
18641 moneys or signing checks under this chapter. The cost of these
18642 bonds must be paid from the Employment Security Administration
18643 Trust Fund.

18644 (4) EMPLOYMENT STABILIZATION.—The Department of Economic
18645 Opportunity Agency for Workforce Innovation, under the direction
18646 of Workforce Florida, Inc., shall take all appropriate steps to
18647 reduce and prevent unemployment; to encourage and assist in the
18648 adoption of practical methods of career training, retraining,
18649 and career guidance; to investigate, recommend, advise, and
18650 assist in the establishment and operation, by municipalities,
18651 counties, school districts, and the state, of reserves for
18652 public works to be used in times of business depression and
18653 unemployment; to promote the reemployment of the unemployed
18654 workers throughout the state in every other way that may be
18655 feasible; to refer any claimant entitled to extended benefits to
18656 suitable work which meets the criteria of this chapter; and, to
18657 these ends, to carry on and publish the results of
18658 investigations and research studies.

18659 (5) RECORDS AND REPORTS.—Each employing unit shall keep



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18660 true and accurate work records, containing the information
18661 required by the Department of Economic Opportunity ~~Agency for~~
18662 ~~Workforce Innovation~~ or its tax collection service provider.
18663 These records must be open to inspection and are subject to
18664 being copied by the department ~~Agency for Workforce Innovation~~
18665 or its tax collection service provider at any reasonable time
18666 and as often as necessary. The department ~~Agency for Workforce~~
18667 ~~Innovation~~ or its tax collection service provider may require
18668 from any employing unit any sworn or unsworn reports, for
18669 persons employed by the employing unit, necessary for the
18670 effective administration of this chapter. However, a state or
18671 local governmental agency performing intelligence or
18672 counterintelligence functions need not report an employee if the
18673 head of that agency determines that reporting the employee could
18674 endanger the safety of the employee or compromise an ongoing
18675 investigation or intelligence mission. Information revealing the
18676 employing unit's or individual's identity obtained from the
18677 employing unit or from any individual through the administration
18678 of this chapter, is, except to the extent necessary for the
18679 proper presentation of a claim or upon written authorization of
18680 the claimant who has a workers' compensation claim pending,
18681 confidential and exempt from s. 119.07(1). This confidential
18682 information is available only to public employees in the
18683 performance of their public duties. Any claimant, or the
18684 claimant's legal representative, at a hearing before an appeals
18685 referee or the commission must be supplied with information from
18686 these records to the extent necessary for the proper
18687 presentation of her or his claim. Any employee or member of the
18688 commission, any employee of the department ~~Agency for Workforce~~



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18689 ~~Innovation~~ or its tax collection service provider, or any other
18690 person receiving confidential information who violates this
18691 subsection commits a misdemeanor of the second degree,
18692 punishable as provided in s. 775.082 or s. 775.083. However, the
18693 department ~~Agency for Workforce Innovation~~ or its tax collection
18694 service provider may furnish to any employer copies of any
18695 report previously submitted by that employer, upon the request
18696 of the employer. The department ~~Agency for Workforce Innovation~~
18697 or its tax collection service provider may charge a reasonable
18698 fee for copies of reports, which may not exceed the actual
18699 reasonable cost of the preparation of the copies as prescribed
18700 by rules adopted by the department ~~Agency for Workforce~~
18701 ~~Innovation~~ or the state agency providing tax collection
18702 services. Fees received by the department ~~Agency for Workforce~~
18703 ~~Innovation~~ or its tax collection service provider for copies
18704 furnished under this subsection must be deposited in the
18705 Employment Security Administration Trust Fund.

18706 (6) OATHS AND WITNESSES.—In the discharge of the duties
18707 imposed by this chapter, the Department of Economic Opportunity
18708 ~~Agency for Workforce Innovation~~, its tax collection service
18709 provider, the members of the commission, and any authorized
18710 representative of any of these entities may administer oaths and
18711 affirmations, take depositions, certify to official acts, and
18712 issue subpoenas to compel the attendance of witnesses and the
18713 production of books, papers, correspondence, memoranda, and
18714 other records deemed necessary as evidence in connection with
18715 the administration of this chapter.

18716 (7) SUBPOENAS.—If a person refuses to obey a subpoena
18717 issued to that person, any court of this state within the



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18718 jurisdiction of which the inquiry is carried on, or within the
18719 jurisdiction of which the person is found, resides, or transacts
18720 business, upon application by the Department of Economic
18721 Opportunity Agency for Workforce Innovation, its tax collection
18722 service provider, the commission, or any authorized
18723 representative of any of these entities has jurisdiction to
18724 order the person to appear before the entity to produce evidence
18725 or give testimony on the matter under investigation or in
18726 question. Failure to obey the order of the court may be punished
18727 by the court as contempt. Any person who fails or refuses
18728 without just cause to appear or testify; to answer any lawful
18729 inquiry; or to produce books, papers, correspondence, memoranda,
18730 and other records within her or his control as commanded in a
18731 subpoena of the department Agency for Workforce Innovation, its
18732 tax collection service provider, the commission, or any
18733 authorized representative of any of these entities commits a
18734 misdemeanor of the second degree, punishable as provided in s.
18735 775.082 or s. 775.083. Each day that a violation continues is a
18736 separate offense.

18737 (8) PROTECTION AGAINST SELF-INCRIMINATION.—A person is not
18738 excused from appearing or testifying, or from producing books,
18739 papers, correspondence, memoranda, or other records, before the
18740 Department of Economic Opportunity Agency for Workforce
18741 Innovation, its tax collection service provider, the commission,
18742 or any authorized representative of any of these entities or as
18743 commanded in a subpoena of any of these entities in any
18744 proceeding before the department Agency for Workforce
18745 Innovation, the commission, an appeals referee, or a special
18746 deputy on the ground that the testimony or evidence, documentary



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18747 or otherwise, required of the person may incriminate her or him
18748 or subject her or him to a penalty or forfeiture. That person
18749 may not be prosecuted or subjected to any penalty or forfeiture
18750 for or on account of any transaction, matter, or thing
18751 concerning which she or he is compelled, after having claimed
18752 her or his privilege against self-incrimination, to testify or
18753 produce evidence, documentary or otherwise, except that the
18754 person testifying is not exempt from prosecution and punishment
18755 for perjury committed while testifying.

18756 (9) STATE-FEDERAL COOPERATION.—

18757 (a)1. In the administration of this chapter, the Department
18758 of Economic Opportunity ~~Agency for Workforce Innovation~~ and its
18759 tax collection service provider shall cooperate with the United
18760 States Department of Labor to the fullest extent consistent with
18761 this chapter and shall take those actions, through the adoption
18762 of appropriate rules, administrative methods, and standards,
18763 necessary to secure for this state all advantages available
18764 under the provisions of federal law relating to unemployment
18765 compensation.

18766 2. In the administration of the provisions in s. 443.1115,
18767 which are enacted to conform with the Federal-State Extended
18768 Unemployment Compensation Act of 1970, the department ~~Agency for~~
18769 ~~Workforce Innovation~~ shall take those actions necessary to
18770 ensure that those provisions are interpreted and applied to meet
18771 the requirements of the federal act as interpreted by the United
18772 States Department of Labor and to secure for this state the full
18773 reimbursement of the federal share of extended benefits paid
18774 under this chapter which is reimbursable under the federal act.

18775 3. The department ~~Agency for Workforce Innovation~~ and its



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18776 tax collection service provider shall comply with the
18777 regulations of the United States Department of Labor relating to
18778 the receipt or expenditure by this state of funds granted under
18779 federal law; shall submit the reports in the form and containing
18780 the information the United States Department of Labor requires;
18781 and shall comply with directions of the United States Department
18782 of Labor necessary to assure the correctness and verification of
18783 these reports.

18784 (b) The department ~~Agency for Workforce Innovation~~ and its
18785 tax collection service provider may cooperate with every agency
18786 of the United States charged with administration of any
18787 unemployment insurance law.

18788 (c) The department ~~Agency for Workforce Innovation~~ and its
18789 tax collection service provider shall cooperate with the
18790 agencies of other states, and shall make every proper effort
18791 within their means, to oppose and prevent any further action
18792 leading to the complete or substantial federalization of state
18793 unemployment compensation funds or state employment security
18794 programs. The department ~~Agency for Workforce Innovation~~ and its
18795 tax collection service provider may make, and may cooperate with
18796 other appropriate agencies in making, studies as to the
18797 practicability and probable cost of possible new state-
18798 administered social security programs and the relative
18799 desirability of state, rather than federal, action in that field
18800 of study.

18801 Section 375. Subsections (1) and (2) of section 443.1715,
18802 Florida Statutes, are amended to read:

18803 443.1715 Disclosure of information; confidentiality.-

18804 (1) RECORDS AND REPORTS.-Information revealing an employing



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18805 unit's or individual's identity obtained from the employing unit
18806 or any individual under the administration of this chapter, and
18807 any determination revealing that information, except to the
18808 extent necessary for the proper presentation of a claim or upon
18809 written authorization of the claimant who has a workers'
18810 compensation claim pending or is receiving compensation
18811 benefits, is confidential and exempt from s. 119.07(1) and s.
18812 24(a), Art. I of the State Constitution. This confidential
18813 information may be released only to public employees in the
18814 performance of their public duties. Except as otherwise provided
18815 by law, public employees receiving this confidential information
18816 must maintain the confidentiality of the information. Any
18817 claimant, or the claimant's legal representative, at a hearing
18818 before an appeals referee or the commission is entitled to
18819 information from these records to the extent necessary for the
18820 proper presentation of her or his claim. A person receiving
18821 confidential information who violates this subsection commits a
18822 misdemeanor of the second degree, punishable as provided in s.
18823 775.082 or s. 775.083. The Department of Economic Opportunity
18824 ~~Agency for Workforce Innovation~~ or its tax collection service
18825 provider may, however, furnish to any employer copies of any
18826 report submitted by that employer upon the request of the
18827 employer and may furnish to any claimant copies of any report
18828 submitted by that claimant upon the request of the claimant. The
18829 department ~~Agency for Workforce Innovation~~ or its tax collection
18830 service provider may charge a reasonable fee for copies of these
18831 reports as prescribed by rule, which may not exceed the actual
18832 reasonable cost of the preparation of the copies. Fees received
18833 for copies under this subsection must be deposited in the



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18834 Employment Security Administration Trust Fund.
18835 (2) DISCLOSURE OF INFORMATION.—
18836 (a) Subject to restrictions the Department of Economic
18837 Opportunity Agency for Workforce Innovation or the state agency
18838 providing unemployment tax collection services adopts by rule,
18839 information declared confidential under this section is
18840 available to any agency of this or any other state, or any
18841 federal agency, charged with the administration of any
18842 unemployment compensation law or the maintenance of the one-stop
18843 delivery system, or the Bureau of Internal Revenue of the United
18844 States Department of the Treasury, ~~the Governor's Office of~~
18845 ~~Tourism, Trade, and Economic Development,~~ or the Florida
18846 Department of Revenue. Information obtained in connection with
18847 the administration of the one-stop delivery system may be made
18848 available to persons or agencies for purposes appropriate to the
18849 operation of a public employment service or a job-preparatory or
18850 career education or training program. The department Agency for
18851 ~~Workforce Innovation~~ shall, on a quarterly basis, furnish the
18852 National Directory of New Hires with information concerning the
18853 wages and unemployment benefits paid to individuals, by the
18854 dates, in the format, and containing the information specified
18855 in the regulations of the United States Secretary of Health and
18856 Human Services. Upon request, the department Agency for
18857 ~~Workforce Innovation~~ shall furnish any agency of the United
18858 States charged with the administration of public works or
18859 assistance through public employment, and may furnish to any
18860 state agency similarly charged, the name, address, ordinary
18861 occupation, and employment status of each recipient of benefits
18862 and the recipient's rights to further benefits under this



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18863 chapter. Except as otherwise provided by law, the receiving
18864 agency must retain the confidentiality of this information as
18865 provided in this section. The tax collection service provider
18866 may request the Comptroller of the Currency of the United States
18867 to examine the correctness of any return or report of any
18868 national banking association rendered under this chapter and may
18869 in connection with that request transmit any report or return
18870 for examination to the Comptroller of the Currency of the United
18871 States as provided in s. 3305(c) of the federal Internal Revenue
18872 Code.

18873 (b) The employer or the employer's workers' compensation
18874 carrier against whom a claim for benefits under chapter 440 has
18875 been made, or a representative of either, may request from the
18876 department ~~Agency for Workforce Innovation~~ records of wages of
18877 the employee reported to the department ~~agency~~ by any employer
18878 for the quarter that includes the date of the accident that is
18879 the subject of such claim and for subsequent quarters.

18880 1. The request must be made with the authorization or
18881 consent of the employee or any employer who paid wages to the
18882 employee after the date of the accident.

18883 2. The employer or carrier shall make the request on a form
18884 prescribed by rule for such purpose by the agency. Such form
18885 shall contain a certification by the requesting party that it is
18886 a party entitled to the information requested.

18887 3. The department ~~agency~~ shall provide the most current
18888 information readily available within 15 days after receiving the
18889 request.

18890 Section 376. Section 443.181, Florida Statutes, is amended
18891 to read:



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18892 443.181 Public employment service.—
18893 (1) The one-stop delivery system established under s.
18894 445.009 is this state's public employment service as part of the
18895 national system of public employment offices under 29 U.S.C. s.
18896 49. The Department of Economic Opportunity ~~Agency for Workforce~~
18897 ~~Innovation~~, under policy direction from Workforce Florida, Inc.,
18898 shall cooperate with any official or agency of the United States
18899 having power or duties under 29 U.S.C. ss. 49-491-1 and shall
18900 perform those duties necessary to secure to this state the funds
18901 provided under federal law for the promotion and maintenance of
18902 the state's public employment service. In accordance with 29
18903 U.S.C. s. 49c, this state accepts 29 U.S.C. ss. 49-491-1. The
18904 department ~~Agency for Workforce Innovation~~ is designated the
18905 state agency responsible for cooperating with the United States
18906 Secretary of Labor under 29 U.S.C. s. 49c. The department ~~Agency~~
18907 ~~for Workforce Innovation~~ shall appoint sufficient employees to
18908 administer this section. The department ~~Agency for Workforce~~
18909 ~~Innovation~~ may cooperate with or enter into agreements with the
18910 Railroad Retirement Board for the establishment, maintenance,
18911 and use of one-stop career centers.
18912 (2) All funds received by this state under 29 U.S.C. ss.
18913 49-491-1 must be paid into the Employment Security
18914 Administration Trust Fund, and these funds are available to the
18915 Department of Economic Opportunity ~~Agency for Workforce~~
18916 ~~Innovation~~ for expenditure as provided by this chapter or by
18917 federal law. For the purpose of establishing and maintaining
18918 one-stop career centers, the department ~~Agency for Workforce~~
18919 ~~Innovation~~ may enter into agreements with the Railroad
18920 Retirement Board or any other agency of the United States



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18921 charged with the administration of an unemployment compensation
18922 law, with any political subdivision of this state, or with any
18923 private, nonprofit organization. As a part of any such
18924 agreement, the department ~~Agency for Workforce Innovation~~ may
18925 accept moneys, services, or quarters as a contribution to the
18926 Employment Security Administration Trust Fund.

18927 Section 377. Subsections (1), (2), (3), and (4) of section
18928 443.191, Florida Statutes, are amended to read:

18929 443.191 Unemployment Compensation Trust Fund; establishment
18930 and control.—

18931 (1) There is established, as a separate trust fund apart
18932 from all other public funds of this state, an Unemployment
18933 Compensation Trust Fund, which shall be administered by the
18934 Department of Economic Opportunity ~~Agency for Workforce~~
18935 ~~Innovation~~ exclusively for the purposes of this chapter. The
18936 fund shall consist of:

18937 (a) All contributions and reimbursements collected under
18938 this chapter;

18939 (b) Interest earned on any moneys in the fund;

18940 (c) Any property or securities acquired through the use of
18941 moneys belonging to the fund;

18942 (d) All earnings of these properties or securities;

18943 (e) All money credited to this state's account in the
18944 federal Unemployment Compensation Trust Fund under 42 U.S.C. s.
18945 1103; and

18946 (f) Advances on the amount in the federal Unemployment
18947 Compensation Trust Fund credited to the state under 42 U.S.C. s.
18948 1321, as requested by the Governor or the Governor's designee.
18949



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18950 Except as otherwise provided in s. 443.1313(4), all moneys in
18951 the fund shall be mingled and undivided.

18952 (2) The Chief Financial Officer is the ex officio treasurer
18953 and custodian of the fund and shall administer the fund in
18954 accordance with the directions of the Department of Economic
18955 Opportunity Agency for Workforce Innovation. All payments from
18956 the fund must be approved by the department Agency for Workforce
18957 Innovation or by an authorized agent. The Chief Financial
18958 Officer shall maintain within the fund three separate accounts:

18959 (a) A clearing account;
18960 (b) An Unemployment Compensation Trust Fund account; and
18961 (c) A benefit account.

18962

18963 All moneys payable to the fund, including moneys received from
18964 the United States as reimbursement for extended benefits paid by
18965 the Department of Economic Opportunity Agency for Workforce
18966 Innovation, must be forwarded to the Chief Financial Officer,
18967 who shall immediately deposit them in the clearing account.
18968 Refunds payable under s. 443.141 may be paid from the clearing
18969 account. After clearance, all other moneys in the clearing
18970 account must be immediately deposited with the Secretary of the
18971 Treasury of the United States to the credit of this state's
18972 account in the federal Unemployment Compensation Trust Fund
18973 notwithstanding any state law relating to the deposit,
18974 administration, release, or disbursement of moneys in the
18975 possession or custody of this state. The benefit account
18976 consists of all moneys requisitioned from this state's account
18977 in the federal Unemployment Compensation Trust Fund. Except as
18978 otherwise provided by law, moneys in the clearing and benefit



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18979 accounts may be deposited by the Chief Financial Officer, under
18980 the direction of the Department of Economic Opportunity Agency
18981 ~~for Workforce Innovation~~, in any bank or public depository in
18982 which general funds of the state are deposited, but a public
18983 deposit insurance charge or premium may not be paid out of the
18984 fund. If any warrant issued against the clearing account or the
18985 benefit account is not presented for payment within 1 year after
18986 issuance, the Chief Financial Officer must cancel the warrant
18987 and credit without restriction the amount of the warrant to the
18988 account upon which it is drawn. When the payee or person
18989 entitled to a canceled warrant requests payment of the warrant,
18990 the Chief Financial Officer, upon direction of the Department of
18991 Economic Opportunity Agency ~~for Workforce Innovation~~, must issue
18992 a new warrant, payable from the account against which the
18993 canceled warrant was drawn.

18994 (3) Moneys may only be requisitioned from the state's
18995 account in the federal Unemployment Compensation Trust Fund
18996 solely for the payment of benefits and extended benefits and for
18997 payment in accordance with rules prescribed by the Department of
18998 Economic Opportunity Agency ~~for Workforce Innovation~~, or for the
18999 repayment of advances made pursuant to 42 U.S.C. s. 1321, as
19000 authorized by the Governor or the Governor's designee, except
19001 that money credited to this state's account under 42 U.S.C. s.
19002 1103 may only be used exclusively as provided in subsection (5).
19003 The Department of Economic Opportunity Agency ~~for Workforce~~
19004 ~~Innovation~~, through the Chief Financial Officer, shall
19005 requisition from the federal Unemployment Compensation Trust
19006 Fund amounts, not exceeding the amounts credited to this state's
19007 account in the fund, as necessary for the payment of benefits



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19008 and extended benefits for a reasonable future period. Upon
19009 receipt of these amounts, the Chief Financial Officer shall
19010 deposit the moneys in the benefit account in the State Treasury
19011 and warrants for the payment of benefits and extended benefits
19012 shall be drawn upon the order of the Department of Economic
19013 Opportunity Agency for Workforce Innovation against the account.
19014 All warrants for benefits and extended benefits are payable
19015 directly to the ultimate beneficiary. Expenditures of these
19016 moneys in the benefit account and refunds from the clearing
19017 account are not subject to any law requiring specific
19018 appropriations or other formal release by state officers of
19019 money in their custody. All warrants issued for the payment of
19020 benefits and refunds must bear the signature of the Chief
19021 Financial Officer. Any balance of moneys requisitioned from this
19022 state's account in the federal Unemployment Compensation Trust
19023 Fund which remains unclaimed or unpaid in the benefit account
19024 after the period for which the moneys were requisitioned shall
19025 be deducted from estimates for, and may be used for the payment
19026 of, benefits and extended benefits during succeeding periods,
19027 or, in the discretion of the Department of Economic Opportunity
19028 Agency for Workforce Innovation, shall be redeposited with the
19029 Secretary of the Treasury of the United States, to the credit of
19030 this state's account in the federal Unemployment Compensation
19031 Trust Fund, as provided in subsection (2).

19032 (4) Subsections (1), (2), and (3), to the extent they
19033 relate to the federal Unemployment Compensation Trust Fund,
19034 apply only while the fund continues to exist and while the
19035 Secretary of the Treasury of the United States continues to
19036 maintain for this state a separate account of all funds



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19037 deposited by this state for the payment of benefits, together
19038 with this state's proportionate share of the earnings of the
19039 federal Unemployment Compensation Trust Fund, from which no
19040 other state is permitted to make withdrawals. If the federal
19041 Unemployment Compensation Trust Fund ceases to exist, or the
19042 separate account is no longer maintained, all moneys,
19043 properties, or securities belonging to this state's account in
19044 the federal Unemployment Compensation Trust Fund must be
19045 transferred to the treasurer of the Unemployment Compensation
19046 Trust Fund, who must hold, invest, transfer, sell, deposit, and
19047 release those moneys, properties, or securities in a manner
19048 approved by the Department of Economic Opportunity Agency for
19049 ~~Workforce Innovation~~ in accordance with this chapter. These
19050 moneys must, however, be invested in the following readily
19051 marketable classes of securities: bonds or other interest-
19052 bearing obligations of the United States or of the state.
19053 Further, the investment must at all times be made in a manner
19054 that allows all the assets of the fund to always be readily
19055 convertible into cash when needed for the payment of benefits.
19056 The treasurer may only dispose of securities or other properties
19057 belonging to the Unemployment Compensation Trust Fund under the
19058 direction of the Department of Economic Opportunity Agency for
19059 ~~Workforce Innovation~~.

19060 Section 378. Section 443.211, Florida Statutes, is amended
19061 to read:

19062 443.211 Employment Security Administration Trust Fund;
19063 appropriation; reimbursement.—

19064 (1) EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—There is
19065 created in the State Treasury the "Employment Security



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19066 Administration Trust Fund." All moneys deposited into this fund
19067 remain continuously available to the Department of Economic
19068 Opportunity Agency for Workforce Innovation for expenditure in
19069 accordance with this chapter and do not revert at any time and
19070 may not be transferred to any other fund. All moneys in this
19071 fund which are received from the Federal Government or any
19072 federal agency or which are appropriated by this state under ss.
19073 443.171 and 443.181, except money received under s.
19074 443.191(5)(c), must be expended solely for the purposes and in
19075 the amounts found necessary by the authorized cooperating
19076 federal agencies for the proper and efficient administration of
19077 this chapter. The fund consists of: all moneys appropriated by
19078 this state; all moneys received from the United States or any
19079 federal agency; all moneys received from any other source for
19080 the administration of this chapter; any funds collected for
19081 enhanced, specialized, or value-added labor market information
19082 services; any moneys received from any agency of the United
19083 States or any other state as compensation for services or
19084 facilities supplied to that agency; any amounts received from
19085 any surety bond or insurance policy or from other sources for
19086 losses sustained by the Employment Security Administration Trust
19087 Fund or by reason of damage to equipment or supplies purchased
19088 from moneys in the fund; and any proceeds from the sale or
19089 disposition of such equipment or supplies. All money
19090 requisitioned and deposited in this fund under s. 443.191(5)(c)
19091 remains part of the Unemployment Compensation Trust Fund and
19092 must be used only in accordance with s. 443.191(5). All moneys
19093 in this fund must be deposited, administered, and disbursed in
19094 the same manner and under the same conditions and requirements



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19095 as provided by law for other trust funds in the State Treasury.
19096 These moneys must be secured by the depository in which they are
19097 held to the same extent and in the same manner as required by
19098 the general depository law of the state, and collateral pledged
19099 must be maintained in a separate custody account. All payments
19100 from the Employment Security Administration Trust Fund must be
19101 approved by the Department of Economic Opportunity Agency for
19102 ~~Workforce Innovation~~ or by an authorized agent and must be made
19103 by the Chief Financial Officer. Any balances in this fund do not
19104 revert at any time and must remain continuously available to the
19105 Department of Economic Opportunity Agency for Workforce
19106 ~~Innovation~~ for expenditure consistent with this chapter.

19107 (2) SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND.—
19108 There is created in the State Treasury the "Special Employment
19109 Security Administration Trust Fund," into which shall be
19110 deposited or transferred all interest on contributions and
19111 reimbursements, penalties, and fines or fees collected under
19112 this chapter. Interest on contributions and reimbursements,
19113 penalties, and fines or fees deposited during any calendar
19114 quarter in the clearing account in the Unemployment Compensation
19115 Trust Fund shall, as soon as practicable after the close of that
19116 calendar quarter and upon certification of the Department of
19117 Economic Opportunity Agency for Workforce Innovation, be
19118 transferred to the Special Employment Security Administration
19119 Trust Fund. The amount certified by the Department of Economic
19120 Opportunity Agency for Workforce Innovation as required under
19121 this chapter to pay refunds of interest on contributions and
19122 reimbursements, penalties, and fines or fees collected and
19123 erroneously deposited into the clearing account in the



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19124 Unemployment Compensation Trust Fund shall, however, be withheld
19125 from this transfer. The interest and penalties certified for
19126 transfer are deemed as being erroneously deposited in the
19127 clearing account, and their transfer to the Special Employment
19128 Security Administration Trust Fund is deemed to be a refund of
19129 the erroneous deposits. All moneys in this fund shall be
19130 deposited, administered, and disbursed in the same manner and
19131 under the same requirements as provided by law for other trust
19132 funds in the State Treasury. These moneys may not be expended or
19133 be available for expenditure in any manner that would permit
19134 their substitution for, or permit a corresponding reduction in,
19135 federal funds that would, in the absence of these moneys, be
19136 available to finance expenditures for the administration of this
19137 chapter. This section does not prevent these moneys from being
19138 used as a revolving fund to cover lawful expenditures for which
19139 federal funds are requested but not yet received, subject to the
19140 charging of the expenditures against the funds when received.
19141 The moneys in this fund, with the approval of the Executive
19142 Office of the Governor, shall be used by the Department of
19143 Economic Opportunity ~~Agency for Workforce Innovation~~ for paying
19144 administrative costs that are not chargeable against funds
19145 obtained from federal sources. All moneys in the Special
19146 Employment Security Administration Trust Fund shall be
19147 continuously available to the Department of Economic Opportunity
19148 ~~Agency for Workforce Innovation~~ for expenditure in accordance
19149 with this chapter and do not revert at any time. All payments
19150 from the Special Employment Security Administration Trust Fund
19151 must be approved by the Department of Economic Opportunity
19152 ~~Agency for Workforce Innovation~~ or by an authorized agent and



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19153 shall be made by the Chief Financial Officer. The moneys in this
19154 fund are available to replace, as contemplated by subsection
19155 (3), expenditures from the Employment Security Administration
19156 Trust Fund which the United States Secretary of Labor, or other
19157 authorized federal agency or authority, finds are lost or
19158 improperly expended because of any action or contingency. The
19159 Chief Financial Officer is liable on her or his official bond
19160 for the faithful performance of her or his duties in connection
19161 with the Special Employment Security Administration Trust Fund.

19162 (3) REIMBURSEMENT OF FUND.—If any moneys received from the
19163 United States Secretary of Labor under 42 U.S.C. ss. 501-504,
19164 any unencumbered balances in the Employment Security
19165 Administration Trust Fund, any moneys granted to this state
19166 under the Wagner-Peyser Act, or any moneys made available by
19167 this state or its political subdivisions and matched by the
19168 moneys granted to this state under the Wagner-Peyser Act, are
19169 after reasonable notice and opportunity for hearing, found by
19170 the United States Secretary of Labor, because of any action or
19171 contingency, to be lost or expended for purposes other than, or
19172 in amounts in excess of, those allowed by the United States
19173 Secretary of Labor for the administration of this chapter, these
19174 moneys shall be replaced by moneys appropriated for that purpose
19175 from the General Revenue Fund to the Employment Security
19176 Administration Trust Fund for expenditure as provided in
19177 subsection (1). Upon receipt of notice of such a finding by the
19178 United States Secretary of Labor, the Department of Economic
19179 Opportunity Agency for Workforce Innovation shall promptly
19180 report the amount required for replacement to the Governor. The
19181 Governor shall, at the earliest opportunity, submit to the



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19182 Legislature a request for the appropriation of the replacement
19183 funds.

19184 (4) RESPONSIBILITY FOR TRUST FUNDS.—In connection with its
19185 duties under s. 443.181, the Department of Economic Opportunity
19186 ~~Agency for Workforce Innovation~~ is responsible for the deposit,
19187 requisition, expenditure, approval of payment, reimbursement,
19188 and reporting in regard to the trust funds established by this
19189 section.

19190 Section 379. Section 443.221, Florida Statutes, is amended
19191 to read:

19192 443.221 Reciprocal arrangements.—

19193 (1) (a) The Department of Economic Opportunity ~~Agency for~~
19194 ~~Workforce Innovation~~ or its tax collection service provider may
19195 enter into reciprocal arrangements with other states or with the
19196 Federal Government, or both, for considering services performed
19197 by an individual for a single employing unit for which services
19198 are performed by the individual in more than one state as
19199 services performed entirely within any one of the states:

19200 1. In which any part of the individual's service is
19201 performed;

19202 2. In which the individual has her or his residence; or

19203 3. In which the employing unit maintains a place of
19204 business.

19205 (b) For services to be considered as performed within a
19206 state under a reciprocal agreement, the employing unit must have
19207 an election in effect for those services, which is approved by
19208 the agency charged with the administration of such state's
19209 unemployment compensation law, under which all the services
19210 performed by the individual for the employing unit are deemed to



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19211 be performed entirely within that state.

19212 (c) The department ~~Agency for Workforce Innovation~~ shall
19213 participate in any arrangements for the payment of compensation
19214 on the basis of combining an individual's wages and employment
19215 covered under this chapter with her or his wages and employment
19216 covered under the unemployment compensation laws of other
19217 states, which are approved by the United States Secretary of
19218 Labor, in consultation with the state unemployment compensation
19219 agencies, as reasonably calculated to assure the prompt and full
19220 payment of compensation in those situations and which include
19221 provisions for:

19222 1. Applying the base period of a single state law to a
19223 claim involving the combining of an individual's wages and
19224 employment covered under two or more state unemployment
19225 compensation laws; and

19226 2. Avoiding the duplicate use of wages and employment
19227 because of the combination.

19228 (d) Contributions or reimbursements due under this chapter
19229 with respect to wages for insured work are, for the purposes of
19230 ss. 443.131, 443.1312, 443.1313, and 443.141, deemed to be paid
19231 to the fund as of the date payment was made as contributions or
19232 reimbursements therefor under another state or federal
19233 unemployment compensation law, but an arrangement may not be
19234 entered into unless it contains provisions for reimbursement to
19235 the fund of the contributions or reimbursements and the actual
19236 earnings thereon as the department ~~Agency for Workforce
19237 Innovation~~ or its tax collection service provider finds are fair
19238 and reasonable as to all affected interests.

19239 (2) The Department of Economic Opportunity ~~Agency for~~



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19240 ~~Workforce Innovation~~ or its tax collection service provider may
19241 make to other state or federal agencies and receive from these
19242 other state or federal agencies reimbursements from or to the
19243 fund, in accordance with arrangements entered into under
19244 subsection (1).

19245 (3) The Department of Economic Opportunity ~~Agency for~~
19246 ~~Workforce Innovation~~ or its tax collection service provider may
19247 enter into reciprocal arrangements with other states or the
19248 Federal Government, or both, for exchanging services,
19249 determining and enforcing payment obligations, and making
19250 available facilities and information. The department ~~Agency for~~
19251 ~~Workforce Innovation~~ or its tax collection service provider may
19252 conduct investigations, secure and transmit information, make
19253 available services and facilities, and exercise other powers
19254 provided under this chapter to facilitate the administration of
19255 any unemployment compensation or public employment service law
19256 and, in a similar manner, accept and use information, services,
19257 and facilities made available to this state by the agency
19258 charged with the administration of any other unemployment
19259 compensation or public employment service law.

19260 (4) To the extent permissible under federal law, the
19261 Department of Economic Opportunity ~~Agency for Workforce~~
19262 ~~Innovation~~ may enter into or cooperate in arrangements whereby
19263 facilities and services provided under this chapter and
19264 facilities and services provided under the unemployment
19265 compensation law of any foreign government may be used for the
19266 taking of claims and the payment of benefits under the
19267 employment security law of the state or under a similar law of
19268 that government.



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19269 Section 380. Subsection (1) of section 445.002, Florida
19270 Statutes, is amended to read:

19271 445.002 Definitions.—As used in this chapter, the term:

19272 (1) "Department Agency" means the Department of Economic
19273 Opportunity Agency ~~for Workforce Innovation~~.

19274 Section 381. Paragraph (b) of subsection (3) of section
19275 445.003, Florida Statutes, is amended to read:

19276 445.003 Implementation of the federal Workforce Investment
19277 Act of 1998.—

19278 (3) FUNDING.—

19279 (b) The administrative entity for Title I, Workforce
19280 Investment Act of 1998 funds, and Rapid Response activities,
19281 shall be the Department of Economic Opportunity Agency ~~for~~
19282 ~~Workforce Innovation~~, which shall provide direction to regional
19283 workforce boards regarding Title I programs and Rapid Response
19284 activities pursuant to the direction of Workforce Florida, Inc.

19285 Section 382. Subsection (1), paragraph (a) of subsection
19286 (3), and paragraphs (b), (c), (d), (e), and (g) of subsection
19287 (5) of section 445.004, Florida Statutes, are amended to read:

19288 445.004 Workforce Florida, Inc.; creation; purpose;
19289 membership; duties and powers.—

19290 (1) There is created a not-for-profit corporation, to be
19291 known as "Workforce Florida, Inc.," which shall be registered,
19292 incorporated, organized, and operated in compliance with chapter
19293 617, and which shall not be a unit or entity of state government
19294 and shall be exempt from chapters 120 and 287. Workforce
19295 Florida, Inc., shall apply the procurement and expenditure
19296 procedures required by federal law for the expenditure of
19297 federal funds. Workforce Florida, Inc., shall be



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19298 administratively housed within the Department of Economic
19299 Opportunity Agency for Workforce Innovation; however, Workforce
19300 Florida, Inc., shall not be subject to control, supervision, or
19301 direction by the department Agency for Workforce Innovation in
19302 any manner. The Legislature determines, however, that public
19303 policy dictates that Workforce Florida, Inc., operate in the
19304 most open and accessible manner consistent with its public
19305 purpose. To this end, the Legislature specifically declares that
19306 Workforce Florida, Inc., its board, councils, and any advisory
19307 committees or similar groups created by Workforce Florida, Inc.,
19308 are subject to the provisions of chapter 119 relating to public
19309 records, and those provisions of chapter 286 relating to public
19310 meetings.

19311 (3) (a) Workforce Florida, Inc., shall be governed by a
19312 board of directors, the number of directors to be determined by
19313 the Governor, whose membership and appointment must be
19314 consistent with Pub. L. No. 105-220, Title I, s. 111(b), ~~and~~
19315 ~~contain one member representing the licensed nonpublic~~
19316 ~~postsecondary educational institutions authorized as individual~~
19317 ~~training account providers, one member from the staffing service~~
19318 ~~industry, at least one member who is a current or former~~
19319 ~~recipient of welfare transition services as defined in s.~~
19320 ~~445.002(3) or workforce services as provided in s. 445.009(1),~~
19321 ~~and five representatives of organized labor who shall be~~
19322 ~~appointed by the Governor.~~ Members described in Pub. L. No. 105-
19323 220, Title I, s. 111(b) (1) (C) (vi) shall be nonvoting members.
19324 The importance of minority, gender, and geographic
19325 representation shall be considered when making appointments to
19326 the board. The Governor, when in attendance, shall preside at



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19327 all meetings of the board of directors.

19328 (5) Workforce Florida, Inc., shall have all the powers and
19329 authority, not explicitly prohibited by statute, necessary or
19330 convenient to carry out and effectuate the purposes as
19331 determined by statute, Pub. L. No. 105-220, and the Governor, as
19332 well as its functions, duties, and responsibilities, including,
19333 but not limited to, the following:

19334 (b) Providing oversight and policy direction to ensure that
19335 the following programs are administered by the department ~~Agency~~
19336 ~~for Workforce Innovation~~ in compliance with approved plans and
19337 under contract with Workforce Florida, Inc.:

19338 1. Programs authorized under Title I of the Workforce
19339 Investment Act of 1998, Pub. L. No. 105-220, with the exception
19340 of programs funded directly by the United States Department of
19341 Labor under Title I, s. 167.

19342 2. Programs authorized under the Wagner-Peyser Act of 1933,
19343 as amended, 29 U.S.C. ss. 49 et seq.

19344 3. Activities authorized under Title II of the Trade Act of
19345 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade
19346 Adjustment Assistance Program.

19347 4. Activities authorized under 38 U.S.C., chapter 41,
19348 including job counseling, training, and placement for veterans.

19349 5. Employment and training activities carried out under
19350 funds awarded to this state by the United States Department of
19351 Housing and Urban Development.

19352 6. Welfare transition services funded by the Temporary
19353 Assistance for Needy Families Program, created under the
19354 Personal Responsibility and Work Opportunity Reconciliation Act
19355 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,



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19356 of the Social Security Act, as amended.
19357 7. Displaced homemaker programs, provided under s. 446.50.
19358 8. The Florida Bonding Program, provided under Pub. L. No.
19359 97-300, s. 164(a)(1).
19360 9. The Food Assistance Employment and Training Program,
19361 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.
19362 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;
19363 and the Hunger Prevention Act, Pub. L. No. 100-435.
19364 10. The Quick-Response Training Program, provided under ss.
19365 288.046-288.047. Matching funds and in-kind contributions that
19366 are provided by clients of the Quick-Response Training Program
19367 shall count toward the requirements of s. 288.904
19368 ~~288.90151(5)(d)~~, pertaining to the return on investment from
19369 activities of Enterprise Florida, Inc.
19370 11. The Work Opportunity Tax Credit, provided under the Tax
19371 and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and
19372 the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.
19373 12. Offender placement services, provided under ss.
19374 944.707-944.708.
19375 (c) The department ~~agency~~ may adopt rules necessary to
19376 administer the provisions of this chapter which relate to
19377 implementing and administering the programs listed in paragraph
19378 (b) as well as rules related to eligible training providers and
19379 auditing and monitoring subrecipients of the workforce system
19380 grant funds.
19381 (d) Contracting with public and private entities as
19382 necessary to further the directives of this section. All
19383 contracts executed by Workforce Florida, Inc., must include
19384 specific performance expectations and deliverables. All



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19385 Workforce Florida, Inc., contracts, including those solicited,
19386 managed, or paid by the department ~~Agency for Workforce~~
19387 ~~Innovation~~ pursuant to s. 20.60(5)(c) ~~20.50(2)~~ are exempt from
19388 s. 112.061, but shall be governed by subsection (1).

19389 (e) Notifying the Governor, the President of the Senate,
19390 and the Speaker of the House of Representatives of noncompliance
19391 by the department ~~Agency for Workforce Innovation~~ or other
19392 agencies or obstruction of the board's efforts by such agencies.
19393 Upon such notification, the Executive Office of the Governor
19394 shall assist agencies to bring them into compliance with board
19395 objectives.

19396 (g) Establish a dispute resolution process for all
19397 memoranda of understanding or other contracts or agreements
19398 entered into between the department ~~agency~~ and regional
19399 workforce boards.

19400 Section 383. Subsection (1) of section 445.007, Florida
19401 Statutes, is amended to read:

19402 445.007 Regional workforce boards.—

19403 (1) One regional workforce board shall be appointed in each
19404 designated service delivery area and shall serve as the local
19405 workforce investment board pursuant to Pub. L. No. 105-220. The
19406 membership of the board shall be consistent with Pub. L. No.
19407 105-220, Title I, s. 117(b), ~~and contain one representative from~~
19408 ~~a nonpublic postsecondary educational institution that is an~~
19409 ~~authorized individual training account provider within the~~
19410 ~~region and confers certificates and diplomas, one representative~~
19411 ~~from a nonpublic postsecondary educational institution that is~~
19412 ~~an authorized individual training account provider within the~~
19413 ~~region and confers degrees, and three representatives of~~



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19414 ~~organized labor~~. The board shall include one nonvoting
19415 representative from a military installation if a military
19416 installation is located within the region and the appropriate
19417 military command or organization authorizes such representation.
19418 It is the intent of the Legislature that membership of a
19419 regional workforce board include persons who are current or
19420 former recipients of welfare transition assistance as defined in
19421 s. 445.002(2) ~~s. 445.002(3)~~ or workforce services as provided in
19422 s. 445.009(1) or that such persons be included as ex officio
19423 members of the board or of committees organized by the board.
19424 The importance of minority and gender representation shall be
19425 considered when making appointments to the board. The board, its
19426 committees, subcommittees, and subdivisions, and other units of
19427 the workforce system, including units that may consist in whole
19428 or in part of local governmental units, may use any method of
19429 telecommunications to conduct meetings, including establishing a
19430 quorum through telecommunications, provided that the public is
19431 given proper notice of the telecommunications meeting and
19432 reasonable access to observe and, when appropriate, participate.
19433 Regional workforce boards are subject to chapters 119 and 286
19434 and s. 24, Art. I of the State Constitution. If the regional
19435 workforce board enters into a contract with an organization or
19436 individual represented on the board of directors, the contract
19437 must be approved by a two-thirds vote of the ~~entire~~ board, a
19438 quorum having been established, and the board member who could
19439 benefit financially from the transaction must abstain from
19440 voting on the contract. A board member must disclose any such
19441 conflict in a manner that is consistent with the procedures
19442 outlined in s. 112.3143.



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19443 Section 384. Subsections (3) and (9) of section 445.009,
19444 Florida Statutes, are amended to read:

19445 445.009 One-stop delivery system.—

19446 (3) ~~Beginning October 1, 2000,~~ Regional workforce boards
19447 shall enter into a memorandum of understanding with the
19448 Department of Economic Opportunity ~~Agency for Workforce~~
19449 ~~Innovation~~ for the delivery of employment services authorized by
19450 the federal Wagner-Peyser Act. This memorandum of understanding
19451 must be performance based.

19452 (a) Unless otherwise required by federal law, at least 90
19453 percent of the Wagner-Peyser funding must go into direct
19454 customer service costs.

19455 (b) Employment services must be provided through the one-
19456 stop delivery system, under the guidance of one-stop delivery
19457 system operators. One-stop delivery system operators shall have
19458 overall authority for directing the staff of the workforce
19459 system. Personnel matters shall remain under the ultimate
19460 authority of the department ~~Agency for Workforce Innovation~~.
19461 However, the one-stop delivery system operator shall submit to
19462 the department ~~agency~~ information concerning the job performance
19463 of ~~agency~~ employees of the department who deliver employment
19464 services. The department ~~agency~~ shall consider any such
19465 information submitted by the one-stop delivery system operator
19466 in conducting performance appraisals of the employees.

19467 (c) The department ~~agency~~ shall retain fiscal
19468 responsibility and accountability for the administration of
19469 funds allocated to the state under the Wagner-Peyser Act. An
19470 ~~agency~~ employee of the department who is providing services
19471 authorized under the Wagner-Peyser Act shall be paid using



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19472 Wagner-Peyser Act funds.

19473 (9) (a) Workforce Florida, Inc., working with the department
19474 ~~Agency for Workforce Innovation~~, shall coordinate among the
19475 agencies a plan for a One-Stop Electronic Network made up of
19476 one-stop delivery system centers and other partner agencies that
19477 are operated by authorized public or private for-profit or not-
19478 for-profit agents. The plan shall identify resources within
19479 existing revenues to establish and support this electronic
19480 network for service delivery that includes Government Services
19481 Direct. If necessary, the plan shall identify additional funding
19482 needed to achieve the provisions of this subsection.

19483 (b) The network shall assure that a uniform method is used
19484 to determine eligibility for and management of services provided
19485 by agencies that conduct workforce development activities. The
19486 Department of Management Services shall develop strategies to
19487 allow access to the databases and information management systems
19488 of the following systems in order to link information in those
19489 databases with the one-stop delivery system:

19490 1. The Unemployment Compensation Program under chapter 443
19491 ~~of the Agency for Workforce Innovation~~.

19492 2. The public employment service described in s. 443.181.

19493 3. The FLORIDA System and the components related to
19494 temporary cash assistance, food assistance, and Medicaid
19495 eligibility.

19496 4. The Student Financial Assistance System of the
19497 Department of Education.

19498 5. Enrollment in the public postsecondary education system.

19499 6. Other information systems determined appropriate by
19500 Workforce Florida, Inc.



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19501 Section 385. Subsection (5) of section 445.016, Florida
19502 Statutes, is amended to read:
19503 445.016 Untried Worker Placement and Employment Incentive
19504 Act.—
19505 (5) Incentives must be paid according to the incentive
19506 schedule developed by Workforce Florida, Inc., the Department of
19507 Economic Opportunity ~~Agency for Workforce Development~~, and the
19508 Department of Children and Family Services which costs the state
19509 less per placement than the state's 12-month expenditure on a
19510 welfare recipient.
19511 Section 386. Subsection (1) of section 445.024, Florida
19512 Statutes, is amended to read:
19513 445.024 Work requirements.—
19514 (1) WORK ACTIVITIES.—The Department of Economic Opportunity
19515 ~~Agency for Workforce Innovation~~ may develop activities under
19516 each of the following categories of work activities. The
19517 following categories of work activities, based on federal law
19518 and regulations, may be used individually or in combination to
19519 satisfy the work requirements for a participant in the temporary
19520 cash assistance program:
19521 (a) Unsubsidized employment.
19522 (b) Subsidized private sector employment.
19523 (c) Subsidized public sector employment.
19524 (d) On-the-job training.
19525 (e) Community service programs.
19526 (f) Work experience.
19527 (g) Job search and job readiness assistance.
19528 (h) Vocational educational training.
19529 (i) Job skills training directly related to employment.



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19530 (j) Education directly related to employment.
19531 (k) Satisfactory attendance at a secondary school or in a
19532 course of study leading to a graduate equivalency diploma.
19533 (l) Providing child care services.
19534 Section 387. Subsection (1) of section 445.0325, Florida
19535 Statutes, is amended to read:
19536 445.0325 Welfare Transition Trust Fund.—
19537 (1) The Welfare Transition Trust Fund is created in the
19538 State Treasury, to be administered by the Department of Economic
19539 Opportunity Agency for Workforce Innovation. Funds shall be
19540 credited to the trust fund to be used for the purposes of the
19541 welfare transition program set forth in ss. 445.017-445.032.
19542 Section 388. Section 445.038, Florida Statutes, is amended
19543 to read:
19544 445.038 Digital media; job training.—Workforce Florida,
19545 Inc., through the Department of Economic Opportunity Agency for
19546 Workforce Innovation, may use funds dedicated for Incumbent
19547 Worker Training for the digital media industry. Training may be
19548 provided by public or private training providers for broadband
19549 digital media jobs listed on the targeted occupations list
19550 developed by the Workforce Estimating Conference or Workforce
19551 Florida, Inc. Programs that operate outside the normal semester
19552 time periods and coordinate the use of industry and public
19553 resources should be given priority status for funding.
19554 Section 389. Subsection (2), paragraph (b) of subsection
19555 (4), and subsection (6) of section 445.045, Florida Statutes,
19556 are amended to read:
19557 445.045 Development of an Internet-based system for
19558 information technology industry promotion and workforce



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19559 recruitment.-

19560 (2) Workforce Florida, Inc., shall coordinate with the
19561 Agency for Enterprise Information Technology and the Department
19562 of Economic Opportunity ~~Agency for Workforce Innovation~~ to
19563 ensure links, where feasible and appropriate, to existing job
19564 information websites maintained by the state and state agencies
19565 and to ensure that information technology positions offered by
19566 the state and state agencies are posted on the information
19567 technology website.

19568 (4)

19569 (b) Workforce Florida, Inc., may enter into an agreement
19570 with the Agency for Enterprise Information Technology, the
19571 Department of Economic Opportunity ~~Agency for Workforce~~
19572 ~~Innovation~~, or any other public agency with the requisite
19573 information technology expertise for the provision of design,
19574 operating, or other technological services necessary to develop
19575 and maintain the website.

19576 (6) In fulfilling its responsibilities under this section,
19577 Workforce Florida, Inc., may enlist the assistance of and act
19578 through the Department of Economic Opportunity ~~Agency for~~
19579 ~~Workforce Innovation~~. The department ~~agency~~ is authorized and
19580 directed to provide the services that Workforce Florida, Inc.,
19581 and the department ~~agency~~ consider necessary to implement this
19582 section.

19583 Section 390. Subsection (1), paragraph (b) of subsection
19584 (4), and subsection (5) of section 445.048, Florida Statutes,
19585 are amended to read:

19586 445.048 Passport to Economic Progress program.-

19587 (1) AUTHORIZATION.-Notwithstanding any law to the contrary,



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19588 Workforce Florida, Inc., in conjunction with the Department of
19589 Children and Family Services and the Department of Economic
19590 Opportunity Agency for Workforce Innovation, shall implement a
19591 Passport to Economic Progress program consistent with the
19592 provisions of this section. Workforce Florida, Inc., may
19593 designate regional workforce boards to participate in the
19594 program. Expenses for the program may come from appropriated
19595 revenues or from funds otherwise available to a regional
19596 workforce board which may be legally used for such purposes.
19597 Workforce Florida, Inc., must consult with the applicable
19598 regional workforce boards and the applicable local offices of
19599 the Department of Children and Family Services which serve the
19600 program areas and must encourage community input into the
19601 implementation process.

19602 (4) INCENTIVES TO ECONOMIC SELF-SUFFICIENCY.—

19603 (b) Workforce Florida, Inc., in cooperation with the
19604 Department of Children and Family Services and the Department of
19605 Economic Opportunity Agency for Workforce Innovation, shall
19606 offer performance-based incentive bonuses as a component of the
19607 Passport to Economic Progress program. The bonuses do not
19608 represent a program entitlement and shall be contingent on
19609 achieving specific benchmarks prescribed in the self-sufficiency
19610 plan. If the funds appropriated for this purpose are
19611 insufficient to provide this financial incentive, the board of
19612 directors of Workforce Florida, Inc., may reduce or suspend the
19613 bonuses in order not to exceed the appropriation or may direct
19614 the regional boards to use resources otherwise given to the
19615 regional workforce to pay such bonuses if such payments comply
19616 with applicable state and federal laws.



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19617 (5) EVALUATIONS AND RECOMMENDATIONS.—Workforce Florida,
19618 Inc., in conjunction with the Department of Children and Family
19619 Services, the Department of Economic Opportunity Agency for
19620 ~~Workforce Innovation~~, and the regional workforce boards, shall
19621 conduct a comprehensive evaluation of the effectiveness of the
19622 program operated under this section. Evaluations and
19623 recommendations for the program shall be submitted by Workforce
19624 Florida, Inc., as part of its annual report to the Legislature.

19625 Section 391. Subsection (2) of section 445.049, Florida
19626 Statutes, is amended to read:

19627 445.049 Digital Divide Council.—

19628 (2) DIGITAL DIVIDE COUNCIL.—The Digital Divide Council is
19629 created in the Department of Education. The council shall
19630 consist of:

19631 (a) A representative from the information technology
19632 industry in this state appointed by the Governor.

19633 (b) The executive director of the Department of Economic
19634 Opportunity, or his or her designee ~~The director of the Office~~
19635 ~~of Tourism, Trade, and Economic Development in the Executive~~
19636 ~~Office of the Governor.~~

19637 (c) The president of Workforce Florida, Inc.

19638 ~~(d) The director of the Agency for Workforce Innovation.~~

19639 (d)(e) The chair of itflorida.com, Inc.

19640 (e)(f) The Commissioner of Education.

19641 (f)(g) A representative of the information technology
19642 industry in this state appointed by the Speaker of the House of
19643 Representatives.

19644 (g)(h) A representative of the information technology
19645 industry in this state appointed by the President of the Senate.



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19646 (h)~~(i)~~ Two members of the House of Representatives, who
19647 shall be ex officio, nonvoting members of the council, appointed
19648 by the Speaker of the House of Representatives, one of whom
19649 shall be a member of the Republican Caucus and the other of whom
19650 shall be a member of the Democratic Caucus.

19651 (i)~~(j)~~ Two members of the Senate, who shall be ex officio,
19652 nonvoting members of the council, appointed by the President of
19653 the Senate, one of whom shall be a member of the Republican
19654 Caucus and the other of whom shall be a member of the Democratic
19655 Caucus.

19656 Section 392. Subsection (13) of section 445.051, Florida
19657 Statutes, is amended to read:

19658 445.051 Individual development accounts.—

19659 (13) Pursuant to policy direction by Workforce Florida,
19660 Inc., the Department of Economic Opportunity Agency for
19661 ~~Workforce Innovation~~ shall adopt such rules as are necessary to
19662 implement this act.

19663 Section 393. Section 445.056, Florida Statutes, is amended
19664 to read:

19665 445.056 Citizen Soldier Matching Grant Program.—The
19666 Department of Economic Opportunity Agency for Workforce
19667 ~~Innovation~~ shall implement the ~~establish a~~ matching grant
19668 program established by the former Agency for Workforce
19669 Innovation to award matching grants to private sector employers
19670 in this state which ~~that~~ provide wages to employees serving in
19671 the United States Armed Forces Reserves or the Florida National
19672 Guard while those employees are on federal active duty. A grant
19673 may not be provided for federal active duty served before
19674 January 1, 2005. Each grant shall be awarded to reimburse the



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19675 employer for not more than one-half of the monthly wages paid to
19676 an employee who is a resident of this state for the actual
19677 period of federal active duty. The monthly grant per employee
19678 may not exceed one-half of the difference between the amount of
19679 monthly wages paid by the employer to the employee at the level
19680 paid before the date the employee was called to federal active
19681 duty and the amount of the employee's active duty base pay,
19682 housing and variable allowances, and subsistence allowance. The
19683 Department of Economic Opportunity shall implement the plan
19684 administered by the former Agency for Workforce Innovation. The
19685 ~~agency shall develop a plan by no later than October 1, 2005,~~
19686 ~~subject to the notice, review, and objection procedures of s.~~
19687 ~~216.177, to administer the application and payment procedures~~
19688 ~~for the matching grant program. The Agency for Workforce~~
19689 ~~Innovation shall not award any matching grants prior to the~~
19690 ~~approval of the plan.~~

19691 Section 394. Section 450.261, Florida Statutes, is amended
19692 to read:

19693 450.261 Interstate Migrant Labor Commission; Florida
19694 membership.—In selecting the Florida membership of the
19695 Interstate Migrant Labor Commission, the Governor may designate
19696 the secretary of the Department of Economic Opportunity
19697 ~~Community Affairs~~ as his or her representative. The two
19698 legislative members shall be chosen from among the members of
19699 the Legislative Commission on Migrant Labor, and at least one of
19700 the two members appointed by the Governor shall be chosen from
19701 among the members of the advisory committee to that commission.

19702 Section 395. Section 446.41, Florida Statutes, is amended
19703 to read:



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19704 446.41 Legislative intent with respect to rural workforce
19705 training and development; establishment of Rural Workforce
19706 Services Program.—In order that the state may achieve its full
19707 economic and social potential, consideration must be given to
19708 rural workforce training and development to enable its rural
19709 citizens as well as urban citizens to develop their maximum
19710 capacities and participate productively in our society. It is,
19711 therefore, the policy of the state to make available those
19712 services needed to assist individuals and communities in rural
19713 areas to improve their quality of life. It is with a great sense
19714 of urgency that a Rural Workforce Services Program is
19715 established within the Department of Economic Opportunity Agency
19716 ~~for Workforce Innovation~~, under the direction of Workforce
19717 Florida, Inc., to provide equal access to all manpower training
19718 programs available to rural as well as urban areas.

19719 Section 396. Section 446.50, Florida Statutes, is amended
19720 to read:

19721 446.50 Displaced homemakers; multiservice programs; report
19722 to the Legislature; Displaced Homemaker Trust Fund created.—

19723 (1) INTENT.—It is the intent of the Legislature to require
19724 the Department of Economic Opportunity Agency ~~for Workforce~~
19725 ~~Innovation~~ to enter into contracts with, and make grants to,
19726 public and nonprofit private entities for purposes of
19727 establishing multipurpose service programs to provide necessary
19728 training, counseling, and services for displaced homemakers so
19729 that they may enjoy the independence and economic security vital
19730 to a productive life.

19731 (2) DEFINITIONS.—For the purposes of this section, the
19732 term÷



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19733 ~~(a)~~ "displaced homemaker" means an individual who:
19734 (a)1. Is 35 years of age or older;
19735 (b)2. Has worked in the home, providing unpaid household
19736 services for family members;
19737 (c)3. Is not adequately employed, as defined by rule of the
19738 agency;
19739 (d)4. Has had, or would have, difficulty in securing
19740 adequate employment; and
19741 (e)5. Has been dependent on the income of another family
19742 member but is no longer supported by such income, or has been
19743 dependent on federal assistance.

19744 ~~(b) "Agency" means the Agency for Workforce Innovation.~~

19745 (3) ~~AGENCY~~ POWERS AND DUTIES OF THE DEPARTMENT OF ECONOMIC
19746 OPPORTUNITY.-

19747 (a) The Department of Economic Opportunity ~~agency~~, under
19748 plans established by Workforce Florida, Inc., shall establish,
19749 or contract for the establishment of, programs for displaced
19750 homemakers which shall include:

19751 1. Job counseling, by professionals and peers, specifically
19752 designed for a person entering the job market after a number of
19753 years as a homemaker.

19754 2. Job training and placement services, including:

19755 a. Training programs for available jobs in the public and
19756 private sectors, taking into account the skills and job
19757 experiences of a homemaker and developed by working with public
19758 and private employers.

19759 b. Assistance in locating available employment for
19760 displaced homemakers, some of whom could be employed in existing
19761 job training and placement programs.



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19762 c. Utilization of the services of the state employment
19763 service in locating employment opportunities.

19764 3. Financial management services providing information and
19765 assistance with respect to insurance, including, but not limited
19766 to, life, health, home, and automobile insurance, and taxes,
19767 estate and probate problems, mortgages, loans, and other related
19768 financial matters.

19769 4. Educational services, including high school equivalency
19770 degree and such other courses as the department ~~agency~~
19771 determines would be of interest and benefit to displaced
19772 homemakers.

19773 5. Outreach and information services with respect to
19774 federal and state employment, education, health, and
19775 unemployment assistance programs that ~~which~~ the department
19776 ~~agency~~ determines would be of interest and benefit to displaced
19777 homemakers.

19778 (b)1. The department ~~agency~~ shall enter into contracts
19779 with, and make grants to, public and nonprofit private entities
19780 for purposes of establishing multipurpose service programs for
19781 displaced homemakers under this section. Such grants and
19782 contracts shall be awarded pursuant to chapter 287 and based on
19783 criteria established in the state plan developed pursuant to
19784 this section. The department ~~agency~~ shall designate catchment
19785 areas that ~~which~~ together, shall compose ~~comprise~~ the entire
19786 state, and, to the extent possible from revenues in the
19787 Displaced Homemaker Trust Fund, the department ~~agency~~ shall
19788 contract with, and make grants to, entities that ~~which~~ will
19789 serve entire catchment areas so that displaced homemaker service
19790 programs are available statewide. These catchment areas shall be



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19791 coterminous with the state's workforce development regions. The
19792 department agency may give priority to existing displaced
19793 homemaker programs when evaluating bid responses to the ~~agency's~~
19794 request for proposals.

19795 2. In order to receive funds under this section, and unless
19796 specifically prohibited by law from doing so, an entity that
19797 provides displaced homemaker service programs must receive at
19798 least 25 percent of its funding from one or more local,
19799 municipal, or county sources or nonprofit private sources. In-
19800 kind contributions may be evaluated by the department agency and
19801 counted as part of the required local funding.

19802 3. The department agency shall require an entity that
19803 receives funds under this section to maintain appropriate data
19804 to be compiled in an annual report to the department agency.
19805 Such data shall include, but shall not be limited to, the number
19806 of clients served, the units of services provided, designated
19807 client-specific information including intake and outcome
19808 information specific to each client, costs associated with
19809 specific services and program administration, total program
19810 revenues by source and other appropriate financial data, and
19811 client followup information at specified intervals after the
19812 placement of a displaced homemaker in a job.

19813 (c) The department agency shall consult and cooperate with
19814 the Commissioner of Education, the United States Commissioner of
19815 the Social Security Administration, and such other persons in
19816 the executive branch of the state government as the department
19817 ~~agency~~ considers appropriate to facilitate the coordination of
19818 multipurpose service programs established under this section
19819 with existing programs of a similar nature.



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19820 (d) Supervisory, technical, and administrative positions
19821 relating to programs established under this section shall, to
19822 the maximum extent practicable, be filled by displaced
19823 homemakers.

19824 (e) The department ~~agency~~ shall adopt rules establishing
19825 minimum standards necessary for entities that provide displaced
19826 homemaker service programs to receive funds ~~from the agency~~ and
19827 any other rules necessary to administer this section.

19828 (4) STATE PLAN.—

19829 (a) The Department of Economic Opportunity ~~Agency for~~
19830 ~~Workforce Innovation~~ shall develop a 3-year state plan for the
19831 displaced homemaker program which shall be updated annually. The
19832 plan must address, at a minimum, the need for programs
19833 specifically designed to serve displaced homemakers, any
19834 necessary service components for such programs in addition to
19835 those enumerated in this section, goals of the displaced
19836 homemaker program with an analysis of the extent to which those
19837 goals are being met, and recommendations for ways to address any
19838 unmet program goals. Any request for funds for program expansion
19839 must be based on the state plan.

19840 (b) Each annual update must address any changes in the
19841 components of the 3-year state plan and a report that ~~which~~ must
19842 include, but need not be limited to, the following:

19843 1. The scope of the incidence of displaced homemakers;

19844 2. A compilation and report, by program, of data submitted
19845 to the department ~~agency~~ pursuant to subparagraph 3. by funded
19846 displaced homemaker service programs;

19847 3. An identification and description of the programs in the
19848 state which ~~that~~ receive funding from the department ~~agency~~,



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19849 including funding information; and

19850 4. An assessment of the effectiveness of each displaced
19851 homemaker service program based on outcome criteria established
19852 by rule of the department ~~agency~~.

19853 (c) The 3-year state plan must be submitted to the
19854 President of the Senate, the Speaker of the House of
19855 Representatives, and the Governor on or before January 1, 2001,
19856 and annual updates of the plan must be submitted by January 1 of
19857 each subsequent year.

19858 (5) DISPLACED HOMEMAKER TRUST FUND.—

19859 (a) There is established within the State Treasury a
19860 Displaced Homemaker Trust Fund to be used by the Department of
19861 Economic Opportunity ~~agency~~ for its administration of the
19862 displaced homemaker program and to fund displaced homemaker
19863 service programs according to criteria established under this
19864 section.

19865 (b) The trust fund shall receive funds generated from an
19866 additional fee on marriage license applications and dissolution
19867 of marriage filings as specified in ss. 741.01(3) and 28.101,
19868 respectively, and may receive funds from any other public or
19869 private source.

19870 (c) Funds that are not expended by the department ~~agency~~ at
19871 the end of the budget cycle or through a supplemental budget
19872 approved by the department ~~agency~~ shall revert to the trust
19873 fund.

19874 Section 397. Section 446.52, Florida Statutes, is amended
19875 to read:

19876 446.52 Confidentiality of information.—Information about
19877 displaced homemakers who receive services under ss. 446.50 and



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19878 446.51 which is received through files, reports, inspections, or
19879 otherwise, by the Department of Economic Opportunity ~~division~~ or
19880 by its authorized employees ~~of the division~~, by persons who
19881 volunteer services, or by persons who provide services to
19882 displaced homemakers under ss. 446.50 and 446.51 through
19883 contracts with the department ~~division~~ is confidential and
19884 exempt from the provisions of s. 119.07(1). Such information may
19885 not be disclosed publicly in such a manner as to identify a
19886 displaced homemaker, unless such person or the person's legal
19887 guardian provides written consent.

19888 Section 398. Paragraph (a) of subsection (3) of section
19889 448.109, Florida Statutes, is amended to read:

19890 448.109 Notification of the state minimum wage.-

19891 (3) (a) Each year the Department of Economic Opportunity
19892 ~~Agency for Workforce Innovation~~ shall, on or before December 1,
19893 create and make available to employers a poster in English and
19894 in Spanish which reads substantially as follows:

19895

19896 NOTICE TO EMPLOYEES

19897

19898 The Florida minimum wage is \$...(amount)... per hour,
19899 with a minimum wage of at least \$...(amount)... per
19900 hour for tipped employees, in addition to tips, for
19901 January 1, ...(year)..., through December 31,
19902 ...(year)....

19903

19904 The rate of the minimum wage is recalculated yearly on
19905 September 30, based on the Consumer Price Index. Every
19906 year on January 1 the new Florida minimum wage takes



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19907 effect.

19908

19909 An employer may not retaliate against an employee for
19910 exercising his or her right to receive the minimum
19911 wage. Rights protected by the State Constitution
19912 include the right to:

19913 1. File a complaint about an employer's alleged
19914 noncompliance with lawful minimum wage requirements.

19915 2. Inform any person about an employer's alleged
19916 noncompliance with lawful minimum wage requirements.

19917 3. Inform any person of his or her potential
19918 rights under Section 24, Article X of the State
19919 Constitution and to assist him or her in asserting
19920 such rights.

19921

19922 An employee who has not received the lawful minimum
19923 wage after notifying his or her employer and giving
19924 the employer 15 days to resolve any claims for unpaid
19925 wages may bring a civil action in a court of law
19926 against an employer to recover back wages plus damages
19927 and attorney's fees.

19928

19929 An employer found liable for intentionally violating
19930 minimum wage requirements is subject to a fine of
19931 \$1,000 per violation, payable to the state.

19932

19933 The Attorney General or other official designated by
19934 the Legislature may bring a civil action to enforce
19935 the minimum wage.



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For details see Section 24, Article X of the State Constitution.

Section 399. Subsections (2), (4), and (11) of section 448.110, Florida Statutes, are amended to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(2) The purpose of this section is to provide measures appropriate for the implementation of s. 24, Art. X of the State Constitution, in accordance with authority granted to the Legislature pursuant to s. 24(f), Art. X of the State Constitution. To implement s. 24, Art. X of the State Constitution, the Department of Economic Opportunity is designated as the state Agency for Workforce Innovation.

(4) (a) Beginning September 30, 2005, and annually on September 30 thereafter, the Department of Economic Opportunity Agency for Workforce Innovation shall calculate an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. In calculating the adjusted state minimum wage, the Department of Economic Opportunity ~~agency~~ shall use the Consumer Price Index for Urban Wage Earners and Clerical Workers, not seasonally adjusted, for the South Region or a successor index as calculated by the United States Department of Labor. Each adjusted state minimum wage rate shall take effect on the following January 1, with the initial adjusted minimum wage rate to take effect on January 1, 2006.

(b) The ~~Agency for Workforce Innovation and the~~ Department of Revenue and the Department of Economic Opportunity shall



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19965 annually publish the amount of the adjusted state minimum wage
19966 and the effective date. Publication shall occur by posting the
19967 adjusted state minimum wage rate and the effective date on the
19968 Internet home pages of the Department of Economic Opportunity
19969 ~~agency~~ and the Department of Revenue by October 15 of each year.
19970 In addition, to the extent funded in the General Appropriations
19971 Act, the Department of Economic Opportunity ~~agency~~ shall provide
19972 written notice of the adjusted rate and the effective date of
19973 the adjusted state minimum wage to all employers registered in
19974 the most current unemployment compensation database. Such notice
19975 shall be mailed by November 15 of each year using the addresses
19976 included in the database. Employers are responsible for
19977 maintaining current address information in the unemployment
19978 compensation database. The Department of Economic Opportunity ~~is~~
19979 ~~agency shall~~ not be responsible for failure to provide notice
19980 due to incorrect or incomplete address information in the
19981 database. The Department of Economic Opportunity ~~agency~~ shall
19982 provide the Department of Revenue with the adjusted state
19983 minimum wage rate information and effective date in a timely
19984 manner.

19985 (11) Except for calculating the adjusted state minimum wage
19986 and publishing the initial state minimum wage and any annual
19987 adjustments thereto, the authority of the Department of Economic
19988 Opportunity ~~Agency for Workforce Innovation~~ in implementing s.
19989 24, Art. X of the State Constitution, pursuant to this section,
19990 shall be limited to that authority expressly granted by the
19991 Legislature.

19992 Section 400. Section 450.161, Florida Statutes, is amended
19993 to read:



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19994 450.161 Chapter not to affect career education of children;
19995 other exceptions.—Nothing in this chapter shall prevent minors
19996 of any age from receiving career education furnished by the
19997 United States, this state, or any county or other political
19998 subdivision of this state and duly approved by the Department of
19999 Education or other duly constituted authority, nor any
20000 apprentice indentured under a plan approved by the Department of
20001 Economic Opportunity ~~Division of Jobs and Benefits~~, or prevent
20002 the employment of any minor 14 years of age or older when such
20003 employment is authorized as an integral part of, or supplement
20004 to, such a course in career education and is authorized by
20005 regulations of the district school board of the district in
20006 which such minor is employed, provided the employment is in
20007 compliance with the provisions of ss. 450.021(4) and 450.061.
20008 Exemptions for the employment of student learners 16 to 18 years
20009 of age are provided in s. 450.061. Such an exemption shall apply
20010 when:

20011 (1) The student learner is enrolled in a youth vocational
20012 training program under a recognized state or local educational
20013 authority.

20014 (2) Such student learner is employed under a written
20015 agreement that ~~which~~ provides:

20016 (a) That the work of the student learner in the occupation
20017 declared particularly hazardous shall be incidental to the
20018 training.

20019 (b) That such work shall be intermittent and for short
20020 periods of time and under the direct and close supervision of a
20021 qualified and experienced person.

20022 (c) That safety instructions shall be given by the school



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20023 and correlated by the employer with on-the-job training.

20024 (d) That a schedule of organized and progressive work
20025 processes to be performed on the job shall have been prepared.

20026
20027 Each such written agreement shall contain the name of the
20028 student learner and shall be signed by the employer, the school
20029 coordinator and principal, and the parent or legal guardian.
20030 Copies of each agreement shall be kept on file by both the
20031 school and the employer. This exemption for the employment of
20032 student learners may be revoked in any individual situation when
20033 it is found that reasonable precautions have not been observed
20034 for the safety of minors employed thereunder. A high school
20035 graduate may be employed in an occupation in which he or she has
20036 completed training as a student learner, as provided in this
20037 section, even though he or she is not yet 18 years of age.

20038 Section 401. Paragraph (j) of subsection (1) of section
20039 450.191, Florida Statutes, is amended to read:

20040 450.191 Executive Office of the Governor; powers and
20041 duties.-

20042 (1) The Executive Office of the Governor is authorized and
20043 directed to:

20044 (j) Cooperate with the Department of Economic Opportunity
20045 ~~Agency for Workforce Innovation~~ in the recruitment and referral
20046 of migrant laborers and other persons for the planting,
20047 cultivation, and harvesting of agricultural crops in Florida.

20048 Section 402. Paragraph (e) of subsection (2) of section
20049 450.31, Florida Statutes, is amended to read:

20050 450.31 Issuance, revocation, and suspension of, and refusal
20051 to issue or renew, certificate of registration.-



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20052 (2) The department may revoke, suspend, or refuse to issue
20053 or renew any certificate of registration when it is shown that
20054 the farm labor contractor has:

20055 (e) Failed to pay unemployment compensation taxes as
20056 determined by the Department of Economic Opportunity Agency for
20057 ~~Workforce Innovation~~; or

20058 Section 403. Subsection (3) of section 468.529, Florida
20059 Statutes, is amended to read:

20060 468.529 Licensee's insurance; employment tax; benefit
20061 plans.—

20062 (3) A licensed employee leasing company shall within 30
20063 days after initiation or termination notify its workers'
20064 compensation insurance carrier, the Division of Workers'
20065 Compensation of the Department of Financial Services, and the
20066 state agency providing unemployment tax collection services
20067 under contract with the Department of Economic Opportunity
20068 ~~Agency for Workforce Innovation~~ through an interagency agreement
20069 pursuant to s. 443.1316 of both the initiation or the
20070 termination of the company's relationship with any client
20071 company.

20072 Section 404. Subsection (21) of section 489.103, Florida
20073 Statutes, is amended to read:

20074 489.103 Exemptions.—This part does not apply to:

20075 (21) The sale, delivery, assembly, or tie-down of lawn
20076 storage buildings and storage buildings not exceeding 400 square
20077 feet and bearing the insignia of approval from the department of
20078 ~~Community Affairs~~ showing compliance with the Florida Building
20079 Code.

20080 Section 405. Subsection (3) of section 489.109, Florida



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20081 Statutes, is amended to read:

20082 489.109 Fees.—

20083 (3) In addition to the fees provided in subsection (1) for
20084 application and renewal for certification and registration, all
20085 certificateholders and registrants must pay a fee of \$4 to the
20086 department at the time of application or renewal. The funds must
20087 be transferred at the end of each licensing period to the
20088 department ~~of Community Affairs~~ to fund projects relating to the
20089 building construction industry or continuing education programs
20090 offered to persons engaged in the building construction industry
20091 in Florida, to be selected by the Florida Building Commission.
20092 The board shall, at the time the funds are transferred, advise
20093 the department ~~of Community Affairs~~ on the most needed areas of
20094 research or continuing education based on significant changes in
20095 the industry's practices or on changes in the state building
20096 code or on the most common types of consumer complaints or on
20097 problems costing the state or local governmental entities
20098 substantial waste. The board's advice is not binding on the
20099 department ~~of Community Affairs~~. The department ~~of Community~~
20100 ~~Affairs~~ shall ensure the distribution of research reports and
20101 the availability of continuing education programs to all
20102 segments of the building construction industry to which they
20103 relate. The department ~~of Community Affairs~~ shall report to the
20104 board in October of each year, summarizing the allocation of the
20105 funds by institution and summarizing the new projects funded and
20106 the status of previously funded projects.

20107 Section 406. Subsection (3) of section 489.509, Florida
20108 Statutes, is amended to read:

20109 489.509 Fees.—



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20110 (3) Four dollars of each fee under subsection (1) paid to
20111 the department at the time of application or renewal shall be
20112 transferred at the end of each licensing period to the
20113 department ~~of Community Affairs~~ to fund projects relating to the
20114 building construction industry or continuing education programs
20115 offered to persons engaged in the building construction industry
20116 in Florida. The board shall, at the time the funds are
20117 transferred, advise the department ~~of Community Affairs~~ on the
20118 most needed areas of research or continuing education based on
20119 significant changes in the industry's practices or on the most
20120 common types of consumer complaints or on problems costing the
20121 state or local governmental entities substantial waste. The
20122 board's advice is not binding on the department ~~of Community~~
20123 ~~Affairs~~. The department ~~of Community Affairs~~ shall ensure the
20124 distribution of research reports and the availability of
20125 continuing education programs to all segments of the building
20126 construction industry to which they relate. The department ~~of~~
20127 ~~Community Affairs~~ shall report to the board in October of each
20128 year, summarizing the allocation of the funds by institution and
20129 summarizing the new projects funded and the status of previously
20130 funded projects.

20131 Section 407. Subsection (2) of section 497.271, Florida
20132 Statutes, is amended to read:

20133 497.271 Standards for construction and significant
20134 alteration or renovation of mausoleums and columbaria.—

20135 (2) The licensing authority shall adopt, by no later than
20136 July 1, 1999, rules establishing minimum standards for all newly
20137 constructed and significantly altered or renovated mausoleums
20138 and columbaria; however, in the case of significant alterations



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20139 or renovations to existing structures, the rules shall apply
20140 only, when physically feasible, to the newly altered or
20141 renovated portion of such structures, except as specified in
20142 subsection (4). In developing and adopting such rules, the
20143 licensing authority may define different classes of structures
20144 or construction standards, and may provide for different rules
20145 to apply to each of said classes, if the designation of classes
20146 and the application of different rules is in the public interest
20147 and is supported by findings by the licensing authority based on
20148 evidence of industry practices, economic and physical
20149 feasibility, location, or intended uses; provided, that the
20150 rules shall provide minimum standards applicable to all
20151 construction. For example, and without limiting the generality
20152 of the foregoing, the licensing authority may determine that a
20153 small single-story ground level mausoleum does not require the
20154 same level of construction standards that a large multistory
20155 mausoleum might require; or that a mausoleum located in a low-
20156 lying area subject to frequent flooding or hurricane threats
20157 might require different standards than one located on high
20158 ground in an area not subject to frequent severe weather
20159 threats. The licensing authority shall develop the rules in
20160 cooperation with, and with technical assistance from, the
20161 Florida Building Commission ~~of the Department of Community~~
20162 ~~Affairs~~, to ensure that the rules are in the proper form and
20163 content to be included as part of the Florida Building Code
20164 under part IV of chapter 553. If the Florida Building Commission
20165 advises that some of the standards proposed by the licensing
20166 authority are not appropriate for inclusion in such building
20167 codes, the licensing authority may choose to include those



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20168 standards in a distinct chapter of its rules entitled "Non-
20169 Building-Code Standards for Mausoleums" or "Additional Standards
20170 for Mausoleums," or other terminology to that effect. If the
20171 licensing authority elects to divide the standards into two or
20172 more chapters, all such rules shall be binding on licensees and
20173 others subject to the jurisdiction of the licensing authority,
20174 but only the chapter containing provisions appropriate for
20175 building codes shall be transmitted to the Florida Building
20176 Commission pursuant to subsection (3). Such rules may be in the
20177 form of standards for design and construction; methods,
20178 materials, and specifications for construction; or other
20179 mechanisms. Such rules shall encompass, at a minimum, the
20180 following standards:

20181 (a) No structure may be built or significantly altered for
20182 use for interment, entombment, or inurnment purposes unless
20183 constructed of such material and workmanship as will ensure its
20184 durability and permanence, as well as the safety, convenience,
20185 comfort, and health of the community in which it is located, as
20186 dictated and determined at the time by modern mausoleum
20187 construction and engineering science.

20188 (b) Such structure must be so arranged that the exterior of
20189 any vault, niche, or crypt may be readily examined at any time
20190 by any person authorized by law to do so.

20191 (c) Such structure must contain adequate provision for
20192 drainage and ventilation. Private or family mausoleums with all
20193 crypts bordering an exterior wall must contain pressure relief
20194 ventilation from the crypts to the outside of the mausoleum
20195 through the exterior wall or roof.

20196 (d) Such structure must be of fire-resistant construction.



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20197 Notwithstanding the requirements of s. 553.895 and chapter 633,
20198 any mausoleum or columbarium constructed of noncombustible
20199 materials, as defined in the Standard Building Code, shall not
20200 require a sprinkler system.

20201 (e) Such structure must be resistant to hurricane and other
20202 storm damage to the highest degree provided under applicable
20203 building codes for buildings of that class.

20204 (f) Suitable provisions must be made for securely and
20205 permanently sealing each crypt with durable materials after the
20206 interment or entombment of human remains, so that no effluvia or
20207 odors may escape therefrom except as provided by design and
20208 sanitary engineering standards. Panels for permanent seals must
20209 be solid and constructed of materials of sufficient weight,
20210 permanence, density, imperviousness, and strength as to ensure
20211 their durability and continued functioning. Permanent crypt
20212 sealing panels must be securely installed and set in with high
20213 quality fire-resistant, resilient, and durable materials after
20214 the interment or entombment of human remains. The outer or
20215 exposed covering of each crypt must be of a durable, permanent,
20216 fire-resistant material; however, plastic, fiberglass, and wood
20217 are not acceptable materials for such outer or exposed
20218 coverings.

20219 (g) Interior and exterior fastenings for hangers, clips,
20220 doors, and other objects must be of copper, copper-base alloy,
20221 aluminum, or stainless steel of adequate gauges, or other
20222 materials established by rule which provide equivalent or better
20223 strength and durability, and must be properly installed.

20224 Section 408. Paragraph (a) of subsection (1) of section
20225 526.144, Florida Statutes, is amended to read:



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20226 526.144 Florida Disaster Motor Fuel Supplier Program.—
20227 (1) (a) There is created the Florida Disaster Motor Fuel
20228 Supplier Program within the Division of Emergency Management
20229 ~~Department of Community Affairs~~.
20230 Section 409. Paragraph (i) of subsection (4) of section
20231 551.104, Florida Statutes, is amended to read:
20232 551.104 License to conduct slot machine gaming.—
20233 (4) As a condition of licensure and to maintain continued
20234 authority for the conduct of slot machine gaming, the slot
20235 machine licensee shall:
20236 (i) Create and file with the division a written policy for:
20237 1. Creating opportunities to purchase from vendors in this
20238 state, including minority vendors.
20239 2. Creating opportunities for employment of residents of
20240 this state, including minority residents.
20241 3. Ensuring opportunities for construction services from
20242 minority contractors.
20243 4. Ensuring that opportunities for employment are offered
20244 on an equal, nondiscriminatory basis.
20245 5. Training for employees on responsible gaming and working
20246 with a compulsive or addictive gambling prevention program to
20247 further its purposes as provided for in s. 551.118.
20248 6. The implementation of a drug-testing program that
20249 includes, but is not limited to, requiring each employee to sign
20250 an agreement that he or she understands that the slot machine
20251 facility is a drug-free workplace.
20252
20253 The slot machine licensee shall use the Internet-based job-
20254 listing system of the Department of Economic Opportunity Agency



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20255 ~~for Workforce Innovation~~ in advertising employment
20256 opportunities. Beginning in June 2007, each slot machine
20257 licensee shall provide an annual report to the division
20258 containing information indicating compliance with this paragraph
20259 in regard to minority persons.

20260 Section 410. Subsection (7) of section 553.36, Florida
20261 Statutes, is amended to read:

20262 553.36 Definitions.—The definitions contained in this
20263 section govern the construction of this part unless the context
20264 otherwise requires.

20265 (7) "Department" means the Department of Business and
20266 Professional Regulation ~~Community Affairs~~.

20267 Section 411. Section 553.382, Florida Statutes, is amended
20268 to read:

20269 553.382 Placement of certain housing.—Notwithstanding any
20270 other law or ordinance to the contrary, in order to expand the
20271 availability of affordable housing in this state, any
20272 residential manufactured building that is certified under this
20273 chapter by the department ~~of Community Affairs~~ may be placed on
20274 a mobile home lot in a mobile home park, recreational vehicle
20275 park, or mobile home condominium, cooperative, or subdivision.
20276 Any such housing unit placed on a mobile home lot is a mobile
20277 home for purposes of chapter 723 and, therefore, all rights,
20278 obligations, and duties under chapter 723 apply, including the
20279 specifics of the prospectus. However, a housing unit subject to
20280 this section may not be placed on a mobile home lot without the
20281 prior written approval of the park owner. Each housing unit
20282 subject to this section shall be taxed as a mobile home under s.
20283 320.08(11) and is subject to payments to the Florida Mobile Home



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20284 Relocation Fund under s. 723.06116.

20285 Section 412. Subsection (2) of section 553.512, Florida
20286 Statutes, is amended to read:

20287 553.512 Modifications and waivers; advisory council.—

20288 (2) The Accessibility Advisory Council shall consist of the
20289 following seven members, who shall be knowledgeable in the area
20290 of accessibility for persons with disabilities. The Secretary of
20291 Business and Professional Regulation ~~Community Affairs~~ shall
20292 appoint the following: a representative from the Advocacy Center
20293 for Persons with Disabilities, Inc.; a representative from the
20294 Division of Blind Services; a representative from the Division
20295 of Vocational Rehabilitation; a representative from a statewide
20296 organization representing the physically handicapped; a
20297 representative from the hearing impaired; a representative from
20298 the President, Florida Council of Handicapped Organizations; and
20299 a representative of the Paralyzed Veterans of America. The terms
20300 for the first three council members appointed subsequent to
20301 October 1, 1991, shall be for 4 years, the terms for the next
20302 two council members appointed shall be for 3 years, and the
20303 terms for the next two members shall be for 2 years. Thereafter,
20304 all council member appointments shall be for terms of 4 years.
20305 No council member shall serve more than two 4-year terms
20306 subsequent to October 1, 1991. Any member of the council may be
20307 replaced by the secretary upon three unexcused absences. Upon
20308 application made in the form provided, an individual waiver or
20309 modification may be granted by the commission so long as such
20310 modification or waiver is not in conflict with more stringent
20311 standards provided in another chapter.

20312 Section 413. Section 553.71, Florida Statutes, is amended



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20313 to read:

20314 553.71 Definitions.—As used in this part, the term:

20315 (1) "Commission" means the Florida Building Commission
20316 created by this part.

20317 (2) "Department" means the Department of Business and
20318 Professional Regulation ~~Community Affairs~~.

20319 (9)~~(3)~~ "State enforcement agency" means the agency of state
20320 government with authority to make inspections of buildings and
20321 to enforce the codes, as required by this part, which establish
20322 standards for design, construction, erection, alteration,
20323 repair, modification, or demolition of public or private
20324 buildings, structures, or facilities.

20325 (3)~~(4)~~ "Housing code" means any code or rule intending
20326 postconstruction regulation of structures which would include,
20327 but not be limited to: standards of maintenance, condition of
20328 facilities, condition of systems and components, living
20329 conditions, occupancy, use, and room sizes.

20330 (5) "Local enforcement agency" means an agency of local
20331 government, a local school board, a community college board of
20332 trustees, or a university board of trustees in the State
20333 University System with jurisdiction to make inspections of
20334 buildings and to enforce the codes which establish standards for
20335 design, construction, erection, alteration, repair,
20336 modification, or demolition of public or private buildings,
20337 structures, or facilities.

20338 (7)~~(6)~~ "Secretary" means the Secretary of Business and
20339 Professional Regulation ~~Community Affairs~~.

20340 (11)~~(7)~~ "Threshold building" means any building which is
20341 greater than three stories or 50 feet in height, or which has an



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20342 assembly occupancy classification as defined in the Florida
20343 Building Code which exceeds 5,000 square feet in area and an
20344 occupant content of greater than 500 persons.

20345 ~~(4)~~(8) "Load management control device" means any device
20346 installed by any electric utility or its contractors which
20347 temporarily interrupts electric service to major appliances,
20348 motors, or other electrical systems contained within the
20349 buildings or on the premises of consumers for the purpose of
20350 reducing the utility's system demand as needed in order to
20351 prevent curtailment of electric service in whole or in part to
20352 consumers and thereby maintain the quality of service to
20353 consumers, provided the device is in compliance with a program
20354 approved by the Florida Public Service Commission.

20355 ~~(8)~~(9) "Special inspector" means a licensed architect or
20356 registered engineer who is certified under chapter 471 or
20357 chapter 481 to conduct inspections of threshold buildings.

20358 ~~(6)~~(10) "Prototype building" means a building constructed
20359 in accordance with architectural or engineering plans intended
20360 for replication on various sites and which will be updated to
20361 comply with the Florida Building Code and applicable laws
20362 relating to firesafety, health and sanitation, casualty safety,
20363 and requirements for persons with disabilities which are in
20364 effect at the time a construction contract is to be awarded.

20365 ~~(10)~~(11) "Temporary" includes, but is not limited to,
20366 buildings identified by, but not designated as permanent
20367 structures on, an approved development order.

20368 Section 414. Section 553.721, Florida Statutes, is amended
20369 to read:

20370 553.721 Surcharge.—In order for the Department of Business



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20371 and Professional Regulation ~~Community Affairs~~ to administer and
20372 carry out the purposes of this part and related activities,
20373 there is hereby created a surcharge, to be assessed at the rate
20374 of 1.5 percent of the permit fees associated with enforcement of
20375 the Florida Building Code as defined by the uniform account
20376 criteria and specifically the uniform account code for building
20377 permits adopted for local government financial reporting
20378 pursuant to s. 218.32. The minimum amount collected on any
20379 permit issued shall be \$2. The unit of government responsible
20380 for collecting a permit fee pursuant to s. 125.56(4) or s.
20381 166.201 shall collect such surcharge and electronically remit
20382 the funds collected to the department on a quarterly calendar
20383 basis beginning not later than December 31, 2010, for the
20384 preceding quarter, and continuing each third month thereafter,
20385 and such unit of government shall retain 10 percent of the
20386 surcharge collected to fund the participation of building
20387 departments in the national and state building code adoption
20388 processes and to provide education related to enforcement of the
20389 Florida Building Code. All funds remitted to the department
20390 pursuant to this section shall be deposited in the Professional
20391 Regulation Trust Fund ~~Operating Trust Fund~~. Funds collected from
20392 such surcharge shall be used exclusively for the duties of the
20393 Florida Building Commission and the Department of Business and
20394 Professional Regulation ~~Community Affairs~~ under this chapter and
20395 shall not be used to fund research on techniques for mitigation
20396 of radon in existing buildings. Funds used by the department as
20397 well as funds to be transferred to the Department of Health
20398 shall be as prescribed in the annual General Appropriations Act.
20399 The department shall adopt rules governing the collection and



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20400 remittance of surcharges in accordance with chapter 120.
20401 Section 415. Subsection (1) of section 553.74, Florida
20402 Statutes, is amended to read:
20403 553.74 Florida Building Commission.—
20404 (1) The Florida Building Commission is created and ~~shall be~~
20405 located within the Department of Business and Professional
20406 Regulation ~~Community Affairs~~ for administrative purposes.
20407 Members shall be appointed by the Governor subject to
20408 confirmation by the Senate. The commission shall be composed of
20409 25 members, consisting of the following:
20410 (a) One architect registered to practice in this state and
20411 actively engaged in the profession. The American Institute of
20412 Architects, Florida Section, is encouraged to recommend a list
20413 of candidates for consideration.
20414 (b) One structural engineer registered to practice in this
20415 state and actively engaged in the profession. The Florida
20416 Engineering Society is encouraged to recommend a list of
20417 candidates for consideration.
20418 (c) One air-conditioning or mechanical contractor certified
20419 to do business in this state and actively engaged in the
20420 profession. The Florida Air Conditioning Contractors
20421 Association, the Florida Refrigeration and Air Conditioning
20422 Contractors Association, and the Mechanical Contractors
20423 Association of Florida are encouraged to recommend a list of
20424 candidates for consideration.
20425 (d) One electrical contractor certified to do business in
20426 this state and actively engaged in the profession. The Florida
20427 Electrical Contractors Association and the National Electrical
20428 Contractors Association, Florida Chapter, are encouraged to



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20429 recommend a list of candidates for consideration.

20430 (e) One member from fire protection engineering or
20431 technology who is actively engaged in the profession. The
20432 Florida Chapter of the Society of Fire Protection Engineers and
20433 the Florida Fire Marshals and Inspectors Association are
20434 encouraged to recommend a list of candidates for consideration.

20435 (f) One general contractor certified to do business in this
20436 state and actively engaged in the profession. The Associated
20437 Builders and Contractors of Florida, the Florida Associated
20438 General Contractors Council, and the Union Contractors
20439 Association are encouraged to recommend a list of candidates for
20440 consideration.

20441 (g) One plumbing contractor licensed to do business in this
20442 state and actively engaged in the profession. The Florida
20443 Association of Plumbing, Heating, and Cooling Contractors is
20444 encouraged to recommend a list of candidates for consideration.

20445 (h) One roofing or sheet metal contractor certified to do
20446 business in this state and actively engaged in the profession.
20447 The Florida Roofing, Sheet Metal, and Air Conditioning
20448 Contractors Association and the Sheet Metal and Air Conditioning
20449 Contractors National Association are encouraged to recommend a
20450 list of candidates for consideration.

20451 (i) One residential contractor licensed to do business in
20452 this state and actively engaged in the profession. The Florida
20453 Home Builders Association is encouraged to recommend a list of
20454 candidates for consideration.

20455 (j) Three members who are municipal or district codes
20456 enforcement officials, one of whom is also a fire official. The
20457 Building Officials Association of Florida and the Florida Fire



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20458 Marshals and Inspectors Association are encouraged to recommend
20459 a list of candidates for consideration.

20460 (k) One member who represents the Department of Financial
20461 Services.

20462 (l) One member who is a county codes enforcement official.
20463 The Building Officials Association of Florida is encouraged to
20464 recommend a list of candidates for consideration.

20465 (m) One member of a Florida-based organization of persons
20466 with disabilities or a nationally chartered organization of
20467 persons with disabilities with chapters in this state.

20468 (n) One member of the manufactured buildings industry who
20469 is licensed to do business in this state and is actively engaged
20470 in the industry. The Florida Manufactured Housing Association is
20471 encouraged to recommend a list of candidates for consideration.

20472 (o) One mechanical or electrical engineer registered to
20473 practice in this state and actively engaged in the profession.
20474 The Florida Engineering Society is encouraged to recommend a
20475 list of candidates for consideration.

20476 (p) One member who is a representative of a municipality or
20477 a charter county. The Florida League of Cities and the Florida
20478 Association of Counties are encouraged to recommend a list of
20479 candidates for consideration.

20480 (q) One member of the building products manufacturing
20481 industry who is authorized to do business in this state and is
20482 actively engaged in the industry. The Florida Building Material
20483 Association, the Florida Concrete and Products Association, and
20484 the Fenestration Manufacturers Association are encouraged to
20485 recommend a list of candidates for consideration.

20486 (r) One member who is a representative of the building



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20487 owners and managers industry who is actively engaged in
20488 commercial building ownership or management. The Building Owners
20489 and Managers Association is encouraged to recommend a list of
20490 candidates for consideration.

20491 (s) One member who is a representative of the insurance
20492 industry. The Florida Insurance Council is encouraged to
20493 recommend a list of candidates for consideration.

20494 (t) One member who is a representative of public education.

20495 (u) One member who is a swimming pool contractor licensed
20496 to do business in this state and actively engaged in the
20497 profession. The Florida Swimming Pool Association and the United
20498 Pool and Spa Association are encouraged to recommend a list of
20499 candidates for consideration.

20500 (v) One member who is a representative of the green
20501 building industry and who is a third-party commission agent, a
20502 Florida board member of the United States Green Building Council
20503 or Green Building Initiative, or a LEED-accredited professional.

20504 (w) One member who shall be the chair.

20505

20506 Any person serving on the commission under paragraph (c) or
20507 paragraph (h) on October 1, 2003, and who has served less than
20508 two full terms is eligible for reappointment to the commission
20509 regardless of whether he or she meets the new qualification.

20510 Section 416. Subsections (2) and (5) of section 553.841,
20511 Florida Statutes, are amended to read:

20512 553.841 Building code compliance and mitigation program.—

20513 (2) The Department of Business and Professional Regulation
20514 ~~Community Affairs~~ shall administer a program, designated as the
20515 Florida Building Code Compliance and Mitigation Program, to



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20516 develop, coordinate, and maintain education and outreach to
20517 persons required to comply with the Florida Building Code and
20518 ensure consistent education, training, and communication of the
20519 code's requirements, including, but not limited to, methods for
20520 mitigation of storm-related damage. The program shall also
20521 operate a clearinghouse through which design, construction, and
20522 building code enforcement licensees, suppliers, and consumers in
20523 this state may find others in order to exchange information
20524 relating to mitigation and facilitate repairs in the aftermath
20525 of a natural disaster.

20526 (5) Each biennium, upon receipt of funds by the Department
20527 of Business and Professional Regulation ~~Community Affairs~~ from
20528 the Construction Industry Licensing Board and the Electrical
20529 Contractors' Licensing Board provided under ss. 489.109(3) and
20530 489.509(3), the department shall determine the amount of funds
20531 available for the Florida Building Code Compliance and
20532 Mitigation Program.

20533 Section 417. Subsections (2) and (3) of section 553.896,
20534 Florida Statutes, are amended to read:

20535 553.896 Mitigation grant program guideline.—

20536 (2) Beginning with grant funds approved after July 1, 2005,
20537 the construction of new or retrofitted window or door coverings
20538 that is funded by a hazard-mitigation grant program or shelter-
20539 retrofit program must conform to design drawings that are
20540 signed, sealed, and inspected by a structural engineer who is
20541 registered in this state. Before the Division of Emergency
20542 Management ~~Department of Community Affairs~~ forwards payment to a
20543 recipient of the grant, an inspection report and attestation or
20544 a copy of the signed and sealed plans shall be provided to the



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20545 department.

20546 (3) If the construction is funded by a hazard mitigation
20547 grant or shelter retrofit program, the Division of Emergency
20548 Management ~~Department of Community Affairs~~ shall advise the
20549 county, municipality, or other entity applying for the grant
20550 that the cost or price of the project is not the sole criterion
20551 for selecting a vendor.

20552 Section 418. Section 553.901, Florida Statutes, is amended
20553 to read:

20554 553.901 Purpose of thermal efficiency code.—The Department
20555 of Business and Professional Regulation ~~Community Affairs~~ shall
20556 prepare a thermal efficiency code to provide for a statewide
20557 uniform standard for energy efficiency in the thermal design and
20558 operation of all buildings statewide, consistent with energy
20559 conservation goals, and to best provide for public safety,
20560 health, and general welfare. The Florida Building Commission
20561 shall adopt the Florida Energy Efficiency Code for Building
20562 Construction within the Florida Building Code, and shall modify,
20563 revise, update, and maintain the code to implement the
20564 provisions of this thermal efficiency code and amendments
20565 thereto, in accordance with the procedures of chapter 120. The
20566 department shall, at least triennially, determine the most cost-
20567 effective energy-saving equipment and techniques available and
20568 report its determinations to the commission, which shall update
20569 the code to incorporate such equipment and techniques. The
20570 proposed changes shall be made available for public review and
20571 comment no later than 6 months prior to code implementation. The
20572 term "cost-effective," for the purposes of this part, shall be
20573 construed to mean cost-effective to the consumer.



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20574 Section 419. Section 553.9085, Florida Statutes, is amended
20575 to read:

20576 553.9085 Energy performance disclosure for residential
20577 buildings.—The energy performance level resulting from
20578 compliance with the provisions of this part, for each new
20579 residential building, shall be disclosed at the request of the
20580 prospective purchaser. In conjunction with the normal
20581 responsibilities and duties of this part, the local building
20582 official shall require that a complete and accurate energy
20583 performance level display card be completed and certified by the
20584 builder as accurate and correct before final approval of the
20585 building for occupancy. The energy performance level display
20586 card shall be included as an addendum to each sales contract.
20587 The display card shall be uniform statewide and developed by the
20588 Department of Business and Professional Regulation ~~Community~~
20589 ~~Affairs~~. At a minimum, the display card shall list information
20590 indicating the energy performance level of the dwelling unit
20591 resulting from compliance with the code, shall be signed by the
20592 builder, and shall list general information about the energy
20593 performance level and the code.

20594 Section 420. Section 553.954, Florida Statutes, is amended
20595 to read:

20596 553.954 Adoption of standards.—The Department of Business
20597 and Professional Regulation ~~Community Affairs~~ shall adopt,
20598 modify, revise, update, and maintain the Florida Energy
20599 Conservation Standards to implement the provisions of this part
20600 and amendments thereto in accordance with the procedures of
20601 chapter 120.

20602 Section 421. Subsection (6) of section 553.955, Florida



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20603 Statutes, is amended to read:

20604 553.955 Definitions.—For purposes of this part:

20605 (6) "Department" means the Department of Business and
20606 Professional Regulation ~~Community Affairs~~.

20607 Section 422. Subsection (1) of section 553.973, Florida
20608 Statutes, is amended to read:

20609 553.973 Enforcement and penalties.—

20610 (1) The Department of Business and Professional Regulation
20611 ~~Community Affairs~~ shall investigate any complaints received
20612 concerning violations of this part and shall report the results
20613 of its investigation to the Attorney General or state attorney.
20614 The Attorney General or state attorney may institute proceedings
20615 to enjoin any person found to be violating the provisions of
20616 this part.

20617 Section 423. Section 553.992, Florida Statutes, is amended
20618 to read:

20619 553.992 Adoption of rating system.—The Department of
20620 Business and Professional Regulation ~~Community Affairs~~ shall
20621 adopt, update, and maintain a statewide uniform building energy-
20622 efficiency rating system to implement the provisions of this
20623 part and amendments thereto in accordance with the procedures of
20624 chapter 120 and shall, upon the request of any builder,
20625 designer, rater, or owner of a building, issue nonbinding
20626 interpretations, clarifications, and opinions concerning the
20627 application and use of the building energy rating system under
20628 rules that the department adopts in accordance with chapter 120.

20629 Section 424. Subsection (4) of section 553.995, Florida
20630 Statutes, is amended to read:

20631 553.995 Energy-efficiency ratings for buildings.—



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20632 (4) The department shall develop a training and
20633 certification program to certify raters. In addition to the
20634 department, ratings may be conducted by any local government or
20635 private entity, provided that the appropriate persons have
20636 completed the necessary training and have been certified by the
20637 department. The Department of Management Services shall rate
20638 state-owned or state-leased buildings, provided that the
20639 appropriate persons have completed the necessary training and
20640 have been certified by the Department of Business and
20641 Professional Regulation ~~Community Affairs~~. A state agency which
20642 has building construction regulation authority may rate its own
20643 buildings and those it is responsible for, if the appropriate
20644 persons have completed the necessary training and have been
20645 certified by the Department of Business and Professional
20646 Regulation ~~Community Affairs~~. The Department of Business and
20647 Professional Regulation ~~Community Affairs~~ may charge a fee not
20648 to exceed the costs for the training and certification of
20649 raters. The department shall by rule set the appropriate charges
20650 for raters to charge for energy ratings, not to exceed the
20651 actual costs.

20652 Section 425. Subsection (10) of section 570.71, Florida
20653 Statutes, is amended to read:

20654 570.71 Conservation easements and agreements.—

20655 (10) The department, in consultation with the Department of
20656 Environmental Protection, the water management districts, the
20657 Department of Economic Opportunity ~~Community Affairs~~, and the
20658 Florida Fish and Wildlife Conservation Commission, shall adopt
20659 rules that establish an application process, a process and
20660 criteria for setting priorities for use of funds consistent with



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20661 the purposes specified in subsection (1) and giving preference
20662 to ranch and timber lands managed using sustainable practices,
20663 an appraisal process, and a process for title review and
20664 compliance and approval of the rules by the Board of Trustees of
20665 the Internal Improvement Trust Fund.

20666 Section 426. Section 570.96, Florida Statutes, is amended
20667 to read:

20668 570.96 Agritourism.—The Department of Agriculture and
20669 Consumer Services may provide marketing advice, technical
20670 expertise, promotional support, and product development related
20671 to agritourism to assist the following in their agritourism
20672 initiatives: Enterprise Florida, Inc. ~~the Florida Commission on~~
20673 ~~Tourism~~; convention and visitor bureaus; tourist development
20674 councils; economic development organizations; and local
20675 governments. In carrying out this responsibility, the department
20676 shall focus its agritourism efforts on rural and urban
20677 communities.

20678 Section 427. Subsection (1) of section 597.006, Florida
20679 Statutes, is amended to read:

20680 597.006 Aquaculture Interagency Coordinating Council.—

20681 (1) CREATION.—The Legislature finds and declares that there
20682 is a need for interagency coordination with regard to
20683 aquaculture by the following agencies: the Department of
20684 Agriculture and Consumer Services; the Department of Economic
20685 Opportunity; ~~the Office of Tourism, Trade, and Economic~~
20686 ~~Development~~; ~~the Department of Community Affairs~~; the Department
20687 of Environmental Protection; ~~the Department of Labor and~~
20688 ~~Employment Security~~; the Fish and Wildlife Conservation
20689 Commission; the statewide consortium of universities under the



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20690 Florida Institute of Oceanography; Florida Agricultural and
20691 Mechanical University; the Institute of Food and Agricultural
20692 Sciences at the University of Florida; and the Florida Sea Grant
20693 Program. It is therefore the intent of the Legislature to hereby
20694 create an Aquaculture Interagency Coordinating Council to act as
20695 an advisory body as defined in s. 20.03(9).

20696 Section 428. Subsection (2) of section 604.006, Florida
20697 Statutes, is amended to read:

20698 604.006 Mapping and monitoring of agricultural lands.—

20699 (2) The Department of Economic Opportunity Community
20700 ~~Affairs~~ shall develop a program for mapping and monitoring the
20701 agricultural lands in the state. The department has the power to
20702 adopt rules necessary to carry out the purposes of this section,
20703 and it may contract with other agencies for the provision of
20704 necessary mapping and information services.

20705 Section 429. Paragraphs (d) and (e) of subsection (2),
20706 paragraph (a) of subsection (4), and subsection (5) of section
20707 624.5105, Florida Statutes, are amended to read:

20708 624.5105 Community contribution tax credit; authorization;
20709 limitations; eligibility and application requirements;
20710 administration; definitions; expiration.—

20711 (2) ELIGIBILITY REQUIREMENTS.—

20712 (d) The project shall be located in an area designated as
20713 an enterprise zone or a Front Porch Community ~~pursuant to s.~~
20714 ~~20.18(6)~~. Any project designed to construct or rehabilitate
20715 housing for low-income or very-low-income households as defined
20716 in s. 420.9071(19) and (28) is exempt from the area requirement
20717 of this paragraph.

20718 (e)1. If, during the first 10 business days of the state



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20719 fiscal year, eligible tax credit applications for projects that
20720 provide homeownership opportunities for low-income or very-low-
20721 income households as defined in s. 420.9071(19) and (28) are
20722 received for less than the annual tax credits available for
20723 those projects, the Department of Economic Opportunity, ~~Office~~
20724 ~~of Tourism, Trade, and Economic Development~~ shall grant tax
20725 credits for those applications and shall grant remaining tax
20726 credits on a first-come, first-served basis for any subsequent
20727 eligible applications received before the end of the state
20728 fiscal year. If, during the first 10 business days of the state
20729 fiscal year, eligible tax credit applications for projects that
20730 provide homeownership opportunities for low-income or very-low-
20731 income households as defined in s. 420.9071(19) and (28) are
20732 received for more than the annual tax credits available for
20733 those projects, the Department of Economic Opportunity, ~~office~~
20734 shall grant the tax credits for those applications as follows:
20735 a. If tax credit applications submitted for approved
20736 projects of an eligible sponsor do not exceed \$200,000 in total,
20737 the credits shall be granted in full if the tax credit
20738 applications are approved.
20739 b. If tax credit applications submitted for approved
20740 projects of an eligible sponsor exceed \$200,000 in total, the
20741 amount of tax credits granted under sub-subparagraph a. shall be
20742 subtracted from the amount of available tax credits, and the
20743 remaining credits shall be granted to each approved tax credit
20744 application on a pro rata basis.
20745 2. If, during the first 10 business days of the state
20746 fiscal year, eligible tax credit applications for projects other
20747 than those that provide homeownership opportunities for low-



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20748 income or very-low-income households as defined in s.
20749 420.9071(19) and (28) are received for less than the annual tax
20750 credits available for those projects, the Department of Economic
20751 Opportunity, ~~office~~ shall grant tax credits for those
20752 applications and shall grant remaining tax credits on a first-
20753 come, first-served basis for any subsequent eligible
20754 applications received before the end of the state fiscal year.
20755 If, during the first 10 business days of the state fiscal year,
20756 eligible tax credit applications for projects other than those
20757 that provide homeownership opportunities for low-income or very-
20758 low-income households as defined in s. 420.9071(19) and (28) are
20759 received for more than the annual tax credits available for
20760 those projects, the Department of Economic Opportunity, ~~office~~
20761 shall grant the tax credits for those applications on a pro rata
20762 basis.

20763 (4) ADMINISTRATION.—

20764 (a)1. The Department of Economic Opportunity may ~~Office of~~
20765 ~~Tourism, Trade, and Economic Development~~ is authorized to adopt
20766 ~~all~~ rules ~~necessary~~ to administer this section, including rules
20767 for the approval or disapproval of proposals by insurers.

20768 2. The decision of the director shall be in writing, and,
20769 if approved, the proposal shall state the maximum credit
20770 allowable to the insurer. A copy of the decision shall be
20771 transmitted to the executive director of the Department of
20772 Revenue, who shall apply such credit to the tax liability of the
20773 insurer.

20774 3. The Department of Economic Opportunity ~~office~~ shall
20775 monitor all projects periodically, in a manner consistent with
20776 available resources to ensure that resources are utilized in



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20777 accordance with this section; however, each project shall be
20778 reviewed no less frequently than once every 2 years.

20779 4. The Department of Economic Opportunity ~~Office of~~
20780 ~~Tourism, Trade, and Economic Development~~ shall, in consultation
20781 with ~~the Department of Community Affairs,~~ the Florida Housing
20782 Finance Corporation, and the statewide and regional housing and
20783 financial intermediaries, market the availability of the
20784 community contribution tax credit program to community-based
20785 organizations.

20786 (5) DEFINITIONS.—As used in ~~For the purpose of~~ this
20787 section, the term:

20788 (a) "Community contribution" means the grant by an insurer
20789 of any of the following items:

20790 1. Cash or other liquid assets.

20791 2. Real property.

20792 3. Goods or inventory.

20793 4. Other physical resources which are identified by the
20794 department.

20795 (b) "Director" means the director of the Department of
20796 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~
20797 ~~Development.~~

20798 (c) "Local government" means any county or incorporated
20799 municipality in the state.

20800 ~~(d) "Office" means the Office of Tourism, Trade, and~~
20801 ~~Economic Development.~~

20802 (d)-(e) "Project" means an activity as defined in s.
20803 220.03(1)(t).

20804 Section 430. Section 625.3255, Florida Statutes, is amended
20805 to read:



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20806 625.3255 Capital participation instrument.—An insurer may
20807 invest in any capital participation instrument or evidence of
20808 indebtedness issued by the Enterprise Florida, Inc., Florida
20809 ~~Black Business Investment Board~~ pursuant to the Florida Small
20810 and Minority Business Assistance Act.

20811 Section 431. Paragraph (b) of subsection (2) of section
20812 627.0628, Florida Statutes, is amended to read:

20813 627.0628 Florida Commission on Hurricane Loss Projection
20814 Methodology; public records exemption; public meetings
20815 exemption.—

20816 (2) COMMISSION CREATED.—

20817 (b) The commission shall consist of the following 11
20818 members:

20819 1. The insurance consumer advocate.

20820 2. The senior employee of the State Board of Administration
20821 responsible for operations of the Florida Hurricane Catastrophe
20822 Fund.

20823 3. The Executive Director of the Citizens Property
20824 Insurance Corporation.

20825 4. The Director of the Division of Emergency Management ~~of~~
20826 ~~the Department of Community Affairs.~~

20827 5. The actuary member of the Florida Hurricane Catastrophe
20828 Fund Advisory Council.

20829 6. An employee of the office who is an actuary responsible
20830 for property insurance rate filings and who is appointed by the
20831 director of the office.

20832 7. Five members appointed by the Chief Financial Officer,
20833 as follows:

20834 a. An actuary who is employed full time by a property and



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20835 casualty insurer that ~~which~~ was responsible for at least 1
20836 percent of the aggregate statewide direct written premium for
20837 homeowner's insurance in the calendar year preceding the
20838 member's appointment to the commission.

20839 b. An expert in insurance finance who is a full-time member
20840 of the faculty of the State University System and who has a
20841 background in actuarial science.

20842 c. An expert in statistics who is a full-time member of the
20843 faculty of the State University System and who has a background
20844 in insurance.

20845 d. An expert in computer system design who is a full-time
20846 member of the faculty of the State University System.

20847 e. An expert in meteorology who is a full-time member of
20848 the faculty of the State University System and who specializes
20849 in hurricanes.

20850 Section 432. Paragraph (b) of subsection (1) of section
20851 627.0629, Florida Statutes, is amended to read:

20852 627.0629 Residential property insurance; rate filings.—

20853 (1)

20854 (b) ~~By February 1, 2011, the Office of Insurance~~
20855 ~~Regulation, in consultation with the Department of Financial~~
20856 ~~Services and the Department of Community Affairs, shall develop~~
20857 ~~and make publicly available a proposed method for insurers to~~
20858 ~~establish discounts, credits, or other rate differentials for~~
20859 ~~hurricane mitigation measures which directly correlate to the~~
20860 ~~numerical rating assigned to a structure pursuant to the uniform~~
20861 ~~home grading scale adopted by the Financial Services Commission~~
20862 ~~pursuant to s. 215.55865, including any proposed changes to the~~
20863 ~~uniform home grading scale. By October 1, 2011, the commission~~



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20864 shall adopt rules requiring insurers to make rate filings for
20865 residential property insurance which revise insurers' discounts,
20866 credits, or other rate differentials for hurricane mitigation
20867 measures so that such rate differentials correlate directly to
20868 the uniform home grading scale. The rules may include such
20869 changes to the uniform home grading scale as the commission
20870 determines are necessary, and may specify the minimum required
20871 discounts, credits, or other rate differentials. Such rate
20872 differentials must be consistent with generally accepted
20873 actuarial principles and wind-loss mitigation studies. The rules
20874 shall allow a period of at least 2 years after the effective
20875 date of the revised mitigation discounts, credits, or other rate
20876 differentials for a property owner to obtain an inspection or
20877 otherwise qualify for the revised credit, during which time the
20878 insurer shall continue to apply the mitigation credit that was
20879 applied immediately prior to the effective date of the revised
20880 credit. Discounts, credits, and other rate differentials
20881 established for rate filings under this paragraph shall
20882 supersede, after adoption, the discounts, credits, and other
20883 rate differentials included in rate filings under paragraph (a).

20884 Section 433. Subsection (7) of section 627.3511, Florida
20885 Statutes, is amended to read:

20886 627.3511 Depopulation of Citizens Property Insurance
20887 Corporation.—

20888 (7) A minority business, which is at least 51 percent owned
20889 by minority persons as described in s. 288.703(3), desiring to
20890 operate or become licensed as a property and casualty insurer
20891 may exempt up to \$50 of the escrow requirements of the take-out
20892 bonus, as described in this section. Such minority business,



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20893 which has applied for a certificate of authority to engage in
20894 business as a property and casualty insurer, may simultaneously
20895 file the business' proposed take-out plan, as described in this
20896 section, with the corporation.

20897 Section 434. Subsection (1) of section 641.217, Florida
20898 Statutes, is amended to read:

20899 641.217 Minority recruitment and retention plans required.—

20900 (1) Any entity contracting with the Agency for Health Care
20901 Administration to provide health care services to Medicaid
20902 recipients or state employees on a prepaid or fixed-sum basis
20903 must submit to the Agency for Health Care Administration the
20904 entity's plan for recruitment and retention of health care
20905 practitioners who are minority persons ~~minorities~~ as defined in
20906 s. 288.703~~(3)~~. The plan must demonstrate an ability to recruit
20907 and retain minority persons ~~minorities~~ which shall include, but
20908 is not limited to, the following efforts:

20909 (a) Establishing and maintaining contacts with various
20910 organizations representing the interests and concerns of
20911 minority constituencies to seek advice and assistance.

20912 (b) Identifying and recruiting at colleges and universities
20913 which primarily serve minority students.

20914 (c) Reviewing and analyzing the organization's workforce as
20915 to minority representation.

20916 (d) Other factors identified by the Agency for Health Care
20917 Administration by rule.

20918 Section 435. Paragraph (b) of subsection (4) of section
20919 657.042, Florida Statutes, is amended to read:

20920 657.042 Investment powers and limitations.—A credit union
20921 may invest its funds subject to the following definitions,



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20922 restrictions, and limitations:

20923 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF
20924 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of
20925 the credit union may be invested in any of the following:

20926 (b) Any capital participation instrument or evidence of
20927 indebtedness issued by Enterprise Florida, Inc., ~~the Florida~~
20928 ~~Black Business Investment Board~~ pursuant to the Florida Small
20929 and Minority Business Assistance Act.

20930 Section 436. Paragraph (g) of subsection (4) of section
20931 658.67, Florida Statutes, is amended to read:

20932 658.67 Investment powers and limitations.—A bank may invest
20933 its funds, and a trust company may invest its corporate funds,
20934 subject to the following definitions, restrictions, and
20935 limitations:

20936 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR
20937 LESS OF CAPITAL ACCOUNTS.—

20938 (g) Up to 10 percent of the capital accounts of a bank or
20939 trust company may be invested in any capital participation
20940 instrument or evidence of indebtedness issued by Enterprise
20941 Florida, Inc., ~~the Florida Black Business Investment Board~~
20942 pursuant to the Florida Small and Minority Business Assistance
20943 Act.

20944 Section 437. Subsection (2) of section 720.403, Florida
20945 Statutes, is amended to read:

20946 720.403 Preservation of residential communities; revival of
20947 declaration of covenants.—

20948 (2) In order to preserve a residential community and the
20949 associated infrastructure and common areas for the purposes
20950 described in this section, the parcel owners in a community that



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20951 was previously subject to a declaration of covenants that has
20952 ceased to govern one or more parcels in the community may revive
20953 the declaration and the homeowners' association for the
20954 community upon approval by the parcel owners to be governed
20955 thereby as provided in this act, and upon approval of the
20956 declaration and the other governing documents for the
20957 association by the Department of Economic Opportunity Community
20958 ~~Affairs~~ in a manner consistent with this act.

20959 Section 438. Section 720.404, Florida Statutes, is amended
20960 to read:

20961 720.404 Eligible residential communities; requirements for
20962 revival of declaration.—Parcel owners in a community are
20963 eligible to seek approval from the Department of Economic
20964 Opportunity Community Affairs to revive a declaration of
20965 covenants under this act if all of the following requirements
20966 are met:

20967 (1) All parcels to be governed by the revived declaration
20968 must have been once governed by a previous declaration that has
20969 ceased to govern some or all of the parcels in the community;

20970 (2) The revived declaration must be approved in the manner
20971 provided in s. 720.405(6); and

20972 (3) The revived declaration may not contain covenants that
20973 are more restrictive on the parcel owners than the covenants
20974 contained in the previous declaration, except that the
20975 declaration may:

20976 (a) Have an effective term of longer duration than the term
20977 of the previous declaration;

20978 (b) Omit restrictions contained in the previous
20979 declaration;



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20980 (c) Govern fewer than all of the parcels governed by the
20981 previous declaration;

20982 (d) Provide for amendments to the declaration and other
20983 governing documents; and

20984 (e) Contain provisions required by this chapter for new
20985 declarations that were not contained in the previous
20986 declaration.

20987 Section 439. Subsection (1) of section 720.406, Florida
20988 Statutes, is amended to read:

20989 720.406 Department of Economic Opportunity Community
20990 ~~Affairs~~; submission; review and determination.-

20991 (1) No later than 60 days after the date the proposed
20992 revived declaration and other governing documents are approved
20993 by the affected parcel owners, the organizing committee or its
20994 designee must submit the proposed revived governing documents
20995 and supporting materials to the Department of Economic
20996 Opportunity Community ~~Community Affairs~~ to review and determine whether to
20997 approve or disapprove of the proposal to preserve the
20998 residential community. The submission to the department must
20999 include:

21000 (a) The full text of the proposed revived declaration of
21001 covenants and articles of incorporation and bylaws of the
21002 homeowners' association;

21003 (b) A verified copy of the previous declaration of
21004 covenants and other previous governing documents for the
21005 community, including any amendments thereto;

21006 (c) The legal description of each parcel to be subject to
21007 the revived declaration and other governing documents and a plat
21008 or other graphic depiction of the affected properties in the



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21009 community;

21010 (d) A verified copy of the written consents of the
21011 requisite number of the affected parcel owners approving the
21012 revived declaration and other governing documents or, if
21013 approval was obtained by a vote at a meeting of affected parcel
21014 owners, verified copies of the notice of the meeting,
21015 attendance, and voting results;

21016 (e) An affidavit by a current or former officer of the
21017 association or by a member of the organizing committee verifying
21018 that the requirements for the revived declaration set forth in
21019 s. 720.404 have been satisfied; and

21020 (f) Such other documentation that the organizing committee
21021 believes is supportive of the policy of preserving the
21022 residential community and operating, managing, and maintaining
21023 the infrastructure, aesthetic character, and common areas
21024 serving the residential community.

21025 Section 440. Subsection (4) of section 760.854, Florida
21026 Statutes, is amended to read:

21027 760.854 Center for Environmental Equity and Justice.—

21028 (4) The Center for Environmental Equity and Justice shall
21029 sponsor students to serve as interns at the Department of
21030 Health, the Department of Environmental Protection, ~~the~~
21031 ~~Department of Community Affairs,~~ and other relevant state
21032 agencies. The center may enter into a memorandum of
21033 understanding with these agencies to address environmental
21034 equity and justice issues.

21035 Section 441. Paragraph (d) of subsection (2) of section
21036 768.13, Florida Statutes, is amended to read:

21037 768.13 Good Samaritan Act; immunity from civil liability.—



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21038 (2)
21039 (d) Any person whose acts or omissions are not otherwise
21040 covered by this section and who participates in emergency
21041 response activities under the direction of or in connection with
21042 a community emergency response team, local emergency management
21043 agencies, the Division of Emergency Management ~~of the Department~~
21044 ~~of Community Affairs~~, or the Federal Emergency Management Agency
21045 is not liable for any civil damages as a result of care,
21046 treatment, or services provided gratuitously in such capacity
21047 and resulting from any act or failure to act in such capacity in
21048 providing or arranging further care, treatment, or services, if
21049 such person acts as a reasonably prudent person would have acted
21050 under the same or similar circumstances.

21051 Section 442. Section 943.03101, Florida Statutes, is
21052 amended to read:

21053 943.03101 Counter-terrorism coordination.—The Legislature
21054 finds that with respect to counter-terrorism efforts and initial
21055 responses to acts of terrorism within or affecting this state,
21056 specialized efforts of emergency management which ~~that~~ are
21057 unique to such situations are required and that these efforts
21058 intrinsically involve very close coordination of federal, state,
21059 and local law enforcement agencies with the efforts of all
21060 others involved in emergency-response efforts. In order to best
21061 provide this specialized effort ~~with respect to counter-~~
21062 ~~terrorism efforts and responses~~, the Legislature has determined
21063 that such efforts should be coordinated by and through the
21064 Department of Law Enforcement, working closely with the Division
21065 of Emergency Management and others involved in preparation
21066 against acts of terrorism in or affecting this state, and in the



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21067 initial response to such acts, in accordance with the state
21068 comprehensive emergency management plan prepared pursuant to s.
21069 252.35(2) (a).

21070 Section 443. Subsection (7) of section 943.0311, Florida
21071 Statutes, is amended to read:

21072 943.0311 Chief of Domestic Security; duties of the
21073 department with respect to domestic security.-

21074 (7) As used in this section, the term "state agency"
21075 includes the Agency for Health Care Administration, ~~the Agency~~
21076 ~~for Workforce Innovation~~, the Department of Agriculture and
21077 Consumer Services, the Department of Business and Professional
21078 Regulation, the Department of Children and Family Services, the
21079 Department of Citrus, the Department of Economic Opportunity
21080 ~~Community Affairs~~, the Department of Corrections, the Department
21081 of Education, the Department of Elderly Affairs, the Division of
21082 Emergency Management, the Department of Environmental
21083 Protection, the Department of Financial Services, the Department
21084 of Health, the Department of Highway Safety and Motor Vehicles,
21085 the Department of Juvenile Justice, the Department of Law
21086 Enforcement, the Department of Legal Affairs, the Department of
21087 Management Services, the Department of Military Affairs, the
21088 Department of Revenue, the Department of State, the Department
21089 of the Lottery, the Department of Transportation, the Department
21090 of Veterans' Affairs, the Fish and Wildlife Conservation
21091 Commission, the Parole Commission, the State Board of
21092 Administration, and the Executive Office of the Governor.

21093 Section 444. Paragraph (a) of subsection (1), paragraph (b)
21094 of subsection (2), and paragraphs (a) and (b) of subsection (4)
21095 of section 943.0313, Florida Statutes, are amended to read:



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21096 943.0313 Domestic Security Oversight Council.—The
21097 Legislature finds that there exists a need to provide executive
21098 direction and leadership with respect to terrorism prevention,
21099 preparation, protection, response, and recovery efforts by state
21100 and local agencies in this state. In recognition of this need,
21101 the Domestic Security Oversight Council is hereby created. The
21102 council shall serve as an advisory council pursuant to s.
21103 20.03(7) to provide guidance to the state's regional domestic
21104 security task forces and other domestic security working groups
21105 and to make recommendations to the Governor and the Legislature
21106 regarding the expenditure of funds and allocation of resources
21107 related to counter-terrorism and domestic security efforts.

21108 (1) MEMBERSHIP.—

21109 (a) The Domestic Security Oversight Council shall consist
21110 of the following voting members:

21111 1. The executive director of the Department of Law
21112 Enforcement.

21113 2. The director of the Division of Emergency Management
21114 ~~within the Department of Community Affairs.~~

21115 3. The Attorney General.

21116 4. The Commissioner of Agriculture.

21117 5. The State Surgeon General.

21118 6. The Commissioner of Education.

21119 7. The State Fire Marshal.

21120 8. The adjutant general of the Florida National Guard.

21121 9. The state chief information officer.

21122 10. Each sheriff or chief of police who serves as a co-
21123 chair of a regional domestic security task force pursuant to s.
21124 943.0312(1)(b).



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- 21125 11. Each of the department's special agents in charge who
21126 serve as a co-chair of a regional domestic security task force.
- 21127 12. Two representatives of the Florida Fire Chiefs
21128 Association.
- 21129 13. One representative of the Florida Police Chiefs
21130 Association.
- 21131 14. One representative of the Florida Prosecuting Attorneys
21132 Association.
- 21133 15. The chair of the Statewide Domestic Security
21134 Intelligence Committee.
- 21135 16. One representative of the Florida Hospital Association.
- 21136 17. One representative of the Emergency Medical Services
21137 Advisory Council.
- 21138 18. One representative of the Florida Emergency
21139 Preparedness Association.
- 21140 19. One representative of the Florida Seaport
21141 Transportation and Economic Development Council.
- 21142 (2) ORGANIZATION.—
- 21143 (b) The executive director of the Department of Law
21144 Enforcement shall serve as chair of the council, and the
21145 director of the Division of Emergency Management ~~within the~~
21146 ~~Department of Community Affairs~~ shall serve as vice chair of the
21147 council. In the absence of the chair, the vice chair shall serve
21148 as chair. In the absence of the vice chair, the chair may name
21149 any member of the council to perform the duties of the chair if
21150 such substitution does not extend beyond a defined meeting,
21151 duty, or period of time.
- 21152 (4) EXECUTIVE COMMITTEE.—
- 21153 (a) The council shall establish an executive committee



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21154 consisting of the following members:

21155 1. The executive director of the Department of Law
21156 Enforcement.

21157 2. The director of the Division of Emergency Management
21158 ~~within the Department of Community Affairs.~~

21159 3. The Attorney General.

21160 4. The Commissioner of Agriculture.

21161 5. The State Surgeon General.

21162 6. The Commissioner of Education.

21163 7. The State Fire Marshal.

21164 (b) The executive director of the Department of Law
21165 Enforcement shall serve as the chair of the executive committee,
21166 and the director of the Division of Emergency Management ~~within~~
21167 ~~the Department of Community Affairs~~ shall serve as the vice
21168 chair of the executive committee.

21169 Section 445. Paragraph (h) of subsection (3) of section
21170 944.801, Florida Statutes, is amended to read:

21171 944.801 Education for state prisoners.—

21172 (3) The responsibilities of the Correctional Education
21173 Program shall be to:

21174 (h) Develop a written procedure for selecting programs to
21175 add to or delete from the vocational curriculum. The procedure
21176 shall include labor market analyses that ~~which~~ demonstrate the
21177 projected demand for certain occupations and the projected
21178 supply of potential employees. In conducting these analyses, the
21179 department shall evaluate the feasibility of adding vocational
21180 education programs that ~~which~~ have been identified by the
21181 Department of Economic Opportunity, the Department of Education,
21182 ~~the Agency for Workforce Innovation~~ or a regional coordinating



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21183 council as being in undersupply in this state. The department
21184 shall periodically reevaluate the vocational education programs
21185 in major institutions to determine which of the programs support
21186 and provide relevant skills to inmates who could be assigned to
21187 a correctional work program that is operated as a Prison
21188 Industry Enhancement Program.

21189 Section 446. Paragraph (d) of subsection (3) of section
21190 945.10, Florida Statutes, is amended to read:

21191 945.10 Confidential information.—

21192 (3) Due to substantial concerns regarding institutional
21193 security and unreasonable and excessive demands on personnel and
21194 resources if an inmate or an offender has unlimited or routine
21195 access to records of the Department of Corrections, an inmate or
21196 an offender who is under the jurisdiction of the department may
21197 not have unrestricted access to the department's records or to
21198 information contained in the department's records. However,
21199 except as to another inmate's or offender's records, the
21200 department may permit limited access to its records if an inmate
21201 or an offender makes a written request and demonstrates an
21202 exceptional need for information contained in the department's
21203 records and the information is otherwise unavailable.

21204 Exceptional circumstances include, but are not limited to:

21205 (d) The requested records contain information required to
21206 process an application or claim by the inmate or offender with
21207 the Internal Revenue Service, the Social Security
21208 Administration, the Department of Economic Opportunity Agency
21209 ~~for Workforce Innovation~~, or any other similar application or
21210 claim with a state agency or federal agency.

21211 Section 447. Subsection (4) of section 985.601, Florida



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21212 Statutes, is amended to read:

21213 985.601 Administering the juvenile justice continuum.—

21214 (4) The department shall maintain continuing cooperation
21215 with the Department of Education, the Department of Children and
21216 Family Services, the Department of Economic Opportunity Agency
21217 ~~for Workforce Innovation~~, and the Department of Corrections for
21218 the purpose of participating in agreements with respect to
21219 dropout prevention and the reduction of suspensions, expulsions,
21220 and truancy; increased access to and participation in GED,
21221 vocational, and alternative education programs; and employment
21222 training and placement assistance. The cooperative agreements
21223 between the departments shall include an interdepartmental plan
21224 to cooperate in accomplishing the reduction of inappropriate
21225 transfers of children into the adult criminal justice and
21226 correctional systems.

21227 Section 448. Subsections (1) and (2) of section 1002.375,
21228 Florida Statutes, are amended to read:

21229 1002.375 Alternative credit for high school courses; pilot
21230 project.—

21231 (1) The Commissioner of Education shall implement a pilot
21232 project in up to three school districts beginning in the 2008-
21233 2009 school year which allows school districts to award
21234 alternative course credit for students enrolled in nationally or
21235 state-recognized industry certification programs, as defined by
21236 the former Agency for Workforce Innovation or the Department of
21237 Economic Opportunity, in accordance with the criteria described
21238 in s. 1003.492(2). The Commissioner of Education shall establish
21239 criteria for districts that participate in the pilot program.
21240 School districts interested in participating in the program must



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21241 submit a letter of interest by July 15, 2008, to the
21242 Commissioner of Education identifying up to five nationally or
21243 state-recognized industry certification programs, as defined by
21244 the former Agency for Workforce Innovation or the Department of
21245 Economic Opportunity, in accordance with the criteria described
21246 in s. 1003.492(2), under which the district would like to award
21247 alternative credit for the eligible courses identified in
21248 subsection (2). The Commissioner of Education shall select up to
21249 three participating school districts by July 30, 2008. The
21250 Commissioner of Education shall submit a report to the Governor,
21251 the President of the Senate, and the Speaker of the House of
21252 Representatives identifying the number of students choosing to
21253 earn alternative credit, the number of students that received
21254 alternative credit, and legislative recommendations for
21255 expanding the use of alternative credit for core academic
21256 courses required for high school graduation. The report shall be
21257 submitted by January 1, 2010.

21258 (2) For purposes of designing and implementing a successful
21259 pilot project, eligible alternative credit courses include
21260 Algebra 1a, Algebra 1b, Algebra 1, Geometry, and Biology.
21261 Alternative credits shall be awarded for courses in which a
21262 student is not enrolled, but for which the student may earn
21263 academic credit by enrolling in another course or sequence of
21264 courses required to earn a nationally or state-recognized
21265 industry certificate, as defined by the former Agency for
21266 Workforce Innovation or the Department of Economic Opportunity,
21267 in accordance with the criteria described in s. 1003.492(2), of
21268 which the majority of the standards-based content in the course
21269 description is consistent with the alternative credit course



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21270 description approved by the Department of Education.

21271 Section 449. Paragraph (b) of subsection (4) and subsection
21272 (5) of section 1002.53, Florida Statutes, are amended to read:

21273 1002.53 Voluntary Prekindergarten Education Program;
21274 eligibility and enrollment.-

21275 (4)

21276 (b) The application must be submitted on forms prescribed
21277 by the Office of Early Learning Agency for Workforce Innovation
21278 and must be accompanied by a certified copy of the child's birth
21279 certificate. The forms must include a certification, in
21280 substantially the form provided in s. 1002.71(6)(b)2., that the
21281 parent chooses the private prekindergarten provider or public
21282 school in accordance with this section and directs that payments
21283 for the program be made to the provider or school. The Office of
21284 Early Learning Agency for Workforce Innovation may authorize
21285 alternative methods for submitting proof of the child's age in
21286 lieu of a certified copy of the child's birth certificate.

21287 (5) The early learning coalition shall provide each parent
21288 enrolling a child in the Voluntary Prekindergarten Education
21289 Program with a profile of every private prekindergarten provider
21290 and public school delivering the program within the county where
21291 the child is being enrolled. The profiles shall be provided to
21292 parents in a format prescribed by the Office of Early Learning
21293 Agency for Workforce Innovation. The profiles must include, at a
21294 minimum, the following information about each provider and
21295 school:

21296 (a) The provider's or school's services, curriculum,
21297 instructor credentials, and instructor-to-student ratio; and

21298 (b) The provider's or school's kindergarten readiness rate



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21299 calculated in accordance with s. 1002.69, based upon the most
21300 recent available results of the statewide kindergarten
21301 screening.

21302 Section 450. Paragraphs (e) and (h) of subsection (3) of
21303 section 1002.55, Florida Statutes, are amended to read:

21304 1002.55 School-year prekindergarten program delivered by
21305 private prekindergarten providers.—

21306 (3) To be eligible to deliver the prekindergarten program,
21307 a private prekindergarten provider must meet each of the
21308 following requirements:

21309 (e) A private prekindergarten provider may assign a
21310 substitute instructor to temporarily replace a credentialed
21311 instructor if the credentialed instructor assigned to a
21312 prekindergarten class is absent, as long as the substitute
21313 instructor is of good moral character and has been screened
21314 before employment in accordance with level 2 background
21315 screening requirements in chapter 435. The Office of Early
21316 Learning Agency for Workforce Innovation shall adopt rules to
21317 implement this paragraph which shall include required
21318 qualifications of substitute instructors and the circumstances
21319 and time limits for which a private prekindergarten provider may
21320 assign a substitute instructor.

21321 (h) The private prekindergarten provider must register with
21322 the early learning coalition on forms prescribed by the Office
21323 of Early Learning Agency for Workforce Innovation.

21324 Section 451. Subsections (6) and (8) of section 1002.61,
21325 Florida Statutes, are amended to read:

21326 1002.61 Summer prekindergarten program delivered by public
21327 schools and private prekindergarten providers.—



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21328 (6) A public school or private prekindergarten provider may
21329 assign a substitute instructor to temporarily replace a
21330 credentialed instructor if the credentialed instructor assigned
21331 to a prekindergarten class is absent, as long as the substitute
21332 instructor is of good moral character and has been screened
21333 before employment in accordance with level 2 background
21334 screening requirements in chapter 435. This subsection does not
21335 supersede employment requirements for instructional personnel in
21336 public schools which are more stringent than the requirements of
21337 this subsection. The Office of Early Learning Agency for
21338 ~~Workforce Innovation~~ shall adopt rules to implement this
21339 subsection which shall include required qualifications of
21340 substitute instructors and the circumstances and time limits for
21341 which a public school or private prekindergarten provider may
21342 assign a substitute instructor.

21343 (8) Each public school delivering the summer
21344 prekindergarten program must also:

21345 (a) Register with the early learning coalition on forms
21346 prescribed by the Office of Early Learning Agency for ~~Workforce~~
21347 ~~Innovation~~; and

21348 (b) Deliver the Voluntary Prekindergarten Education Program
21349 in accordance with this part.

21350 Section 452. Subsections (6) and (8) of section 1002.63,
21351 Florida Statutes, are amended to read:

21352 1002.63 School-year prekindergarten program delivered by
21353 public schools.—

21354 (6) A public school prekindergarten provider may assign a
21355 substitute instructor to temporarily replace a credentialed
21356 instructor if the credentialed instructor assigned to a



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21357 prekindergarten class is absent, as long as the substitute
21358 instructor is of good moral character and has been screened
21359 before employment in accordance with level 2 background
21360 screening requirements in chapter 435. This subsection does not
21361 supersede employment requirements for instructional personnel in
21362 public schools which are more stringent than the requirements of
21363 this subsection. The Office of Early Learning Agency for
21364 ~~Workforce Innovation~~ shall adopt rules to implement this
21365 subsection which shall include required qualifications of
21366 substitute instructors and the circumstances and time limits for
21367 which a public school prekindergarten provider may assign a
21368 substitute instructor.

21369 (8) Each public school delivering the school-year
21370 prekindergarten program must:

21371 (a) Register with the early learning coalition on forms
21372 prescribed by the Office of Early Learning Agency for Workforce
21373 ~~Innovation~~; and

21374 (b) Deliver the Voluntary Prekindergarten Education Program
21375 in accordance with this part.

21376 Section 453. Subsections (1) and (3) of section 1002.67,
21377 Florida Statutes, are amended to read:

21378 1002.67 Performance standards; curricula and
21379 accountability.—

21380 (1) ~~By April 1, 2005,~~ The department shall develop and
21381 adopt performance standards for students in the Voluntary
21382 Prekindergarten Education Program. The performance standards
21383 must address the age-appropriate progress of students in the
21384 development of:

21385 (a) The capabilities, capacities, and skills required under



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21386 s. 1(b), Art. IX of the State Constitution; and
21387 (b) Emergent literacy skills, including oral communication,
21388 knowledge of print and letters, phonemic and phonological
21389 awareness, and vocabulary and comprehension development.
21390 (3) (a) Each early learning coalition shall verify that each
21391 private prekindergarten provider delivering the Voluntary
21392 Prekindergarten Education Program within the coalition's county
21393 or multicounty region complies with this part. Each district
21394 school board shall verify that each public school delivering the
21395 program within the school district complies with this part.
21396 (b) If a private prekindergarten provider or public school
21397 fails or refuses to comply with this part, or if a provider or
21398 school engages in misconduct, the Office of Early Learning
21399 ~~Agency for Workforce Innovation~~ shall require the early learning
21400 coalition to remove the provider, and the Department of
21401 Education shall require the school district to remove the
21402 school, from eligibility to deliver the Voluntary
21403 Prekindergarten Education Program and receive state funds under
21404 this part.
21405 (c)1. If the kindergarten readiness rate of a private
21406 prekindergarten provider or public school falls below the
21407 minimum rate adopted by the State Board of Education as
21408 satisfactory under s. 1002.69(6), the early learning coalition
21409 or school district, as applicable, shall require the provider or
21410 school to submit an improvement plan for approval by the
21411 coalition or school district, as applicable, and to implement
21412 the plan.
21413 2. If a private prekindergarten provider or public school
21414 fails to meet the minimum rate adopted by the State Board of



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21415 Education as satisfactory under s. 1002.69(6) for 2 consecutive
21416 years, the early learning coalition or school district, as
21417 applicable, shall place the provider or school on probation and
21418 must require the provider or school to take certain corrective
21419 actions, including the use of a curriculum approved by the
21420 department under paragraph (2)(c) or a staff development plan to
21421 strengthen instruction in language development and phonological
21422 awareness approved by the department.

21423 3. A private prekindergarten provider or public school that
21424 is placed on probation must continue the corrective actions
21425 required under subparagraph 2., including the use of a
21426 curriculum or a staff development plan to strengthen instruction
21427 in language development and phonological awareness approved by
21428 the department, until the provider or school meets the minimum
21429 rate adopted by the State Board of Education as satisfactory
21430 under s. 1002.69(6).

21431 4. If a private prekindergarten provider or public school
21432 remains on probation for 2 consecutive years and fails to meet
21433 the minimum rate adopted by the State Board of Education as
21434 satisfactory under s. 1002.69(6) and is not granted a good cause
21435 exemption by the department pursuant to s. 1002.69(7), the
21436 Office of Early Learning ~~Agency for Workforce Innovation~~ shall
21437 require the early learning coalition or the Department of
21438 Education shall require the school district to remove, as
21439 applicable, the provider or school from eligibility to deliver
21440 the Voluntary Prekindergarten Education Program and receive
21441 state funds for the program.

21442 (d) Each early learning coalition, the Office of Early
21443 Learning ~~Agency for Workforce Innovation~~, and the department



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21444 shall coordinate with the Child Care Services Program Office of
21445 the Department of Children and Family Services to minimize
21446 interagency duplication of activities for monitoring private
21447 prekindergarten providers for compliance with requirements of
21448 the Voluntary Prekindergarten Education Program under this part,
21449 the school readiness programs under s. 411.01, and the licensing
21450 of providers under ss. 402.301-402.319.

21451 Section 454. Paragraph (f) of subsection (7) of section
21452 1002.69, Florida Statutes, is amended to read:

21453 1002.69 Statewide kindergarten screening; kindergarten
21454 readiness rates.-

21455 (7)

21456 (f) The State Board of Education shall notify the Office of
21457 Early Learning Agency for Workforce Innovation of any good cause
21458 exemption granted to a private prekindergarten provider under
21459 this subsection. If a good cause exemption is granted to a
21460 private prekindergarten provider who remains on probation for 2
21461 consecutive years, the Office of Early Learning Agency for
21462 Workforce Innovation shall notify the early learning coalition
21463 of the good cause exemption and direct that the coalition,
21464 notwithstanding s. 1002.67(3)(c)4., not remove the provider from
21465 eligibility to deliver the Voluntary Prekindergarten Education
21466 Program or to receive state funds for the program, if the
21467 provider meets all other applicable requirements of this part.

21468 Section 455. Paragraph (c) of subsection (3), subsection
21469 (4), paragraph (b) of subsection (5), and subsections (6) and
21470 (7) of section 1002.71, Florida Statutes, are amended to read:

21471 1002.71 Funding; financial and attendance reporting.-

21472 (3)



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21473 (c) The initial allocation shall be based on estimated
21474 student enrollment in each coalition service area. The Office of
21475 Early Learning Agency for Workforce Innovation shall reallocate
21476 funds among the coalitions based on actual full-time equivalent
21477 student enrollment in each coalition service area.

21478 (4) Notwithstanding s. 1002.53(3) and subsection (2):

21479 (a) A child who, for any of the prekindergarten programs
21480 listed in s. 1002.53(3), has not completed more than 70 percent
21481 of the hours authorized to be reported for funding under
21482 subsection (2), or has not expended more than 70 percent of the
21483 funds authorized for the child under s. 1002.66, may withdraw
21484 from the program for good cause and reenroll in one of the
21485 programs. The total funding for a child who reenrolls in one of
21486 the programs for good cause may not exceed one full-time
21487 equivalent student. Funding for a child who withdraws and
21488 reenrolls in one of the programs for good cause shall be issued
21489 in accordance with the Office of Early Learning's agency's
21490 uniform attendance policy adopted pursuant to paragraph (6)(d).

21491 (b) A child who has not substantially completed any of the
21492 prekindergarten programs listed in s. 1002.53(3) may withdraw
21493 from the program due to an extreme hardship that is beyond the
21494 child's or parent's control, reenroll in one of the summer
21495 programs, and be reported for funding purposes as a full-time
21496 equivalent student in the summer program for which the child is
21497 reenrolled.

21498
21499 A child may reenroll only once in a prekindergarten program
21500 under this section. A child who reenrolls in a prekindergarten
21501 program under this subsection may not subsequently withdraw from



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21502 the program and reenroll. The Office of Early Learning Agency
21503 ~~for Workforce Innovation~~ shall establish criteria specifying
21504 whether a good cause exists for a child to withdraw from a
21505 program under paragraph (a), whether a child has substantially
21506 completed a program under paragraph (b), and whether an extreme
21507 hardship exists which is beyond the child's or parent's control
21508 under paragraph (b).

21509 (5)

21510 (b) The Office of Early Learning Agency ~~for Workforce~~
21511 ~~Innovation~~ shall adopt procedures for the payment of private
21512 prekindergarten providers and public schools delivering the
21513 Voluntary Prekindergarten Education Program. The procedures
21514 shall provide for the advance payment of providers and schools
21515 based upon student enrollment in the program, the certification
21516 of student attendance, and the reconciliation of advance
21517 payments in accordance with the uniform attendance policy
21518 adopted under paragraph (6) (d). The procedures shall provide for
21519 the monthly distribution of funds by the Office of Early
21520 Learning Agency ~~for Workforce Innovation~~ to the early learning
21521 coalitions for payment by the coalitions to private
21522 prekindergarten providers and public schools. The department
21523 shall transfer to the Office of Early Learning Agency ~~for~~
21524 ~~Workforce Innovation~~ at least once each quarter the funds
21525 available for payment to private prekindergarten providers and
21526 public schools in accordance with this paragraph from the funds
21527 appropriated for that purpose.

21528 (6) (a) Each parent enrolling his or her child in the
21529 Voluntary Prekindergarten Education Program must agree to comply
21530 with the attendance policy of the private prekindergarten



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21531 provider or district school board, as applicable. Upon
21532 enrollment of the child, the private prekindergarten provider or
21533 public school, as applicable, must provide the child's parent
21534 with a copy of the provider's or school district's attendance
21535 policy, as applicable.

21536 (b)1. Each private prekindergarten provider's and district
21537 school board's attendance policy must require the parent of each
21538 student in the Voluntary Prekindergarten Education Program to
21539 verify, each month, the student's attendance on the prior
21540 month's certified student attendance.

21541 2. The parent must submit the verification of the student's
21542 attendance to the private prekindergarten provider or public
21543 school on forms prescribed by the Office of Early Learning
21544 ~~Agency for Workforce Innovation~~. The forms must include, in
21545 addition to the verification of the student's attendance, a
21546 certification, in substantially the following form, that the
21547 parent continues to choose the private prekindergarten provider
21548 or public school in accordance with s. 1002.53 and directs that
21549 payments for the program be made to the provider or school:
21550

21551 VERIFICATION OF STUDENT'S ATTENDANCE
21552 AND CERTIFICATION OF PARENTAL CHOICE
21553

21554 I, ...(Name of Parent)..., swear (or affirm) that my child,
21555 ...(Name of Student)..., attended the Voluntary Prekindergarten
21556 Education Program on the days listed above and certify that I
21557 continue to choose ...(Name of Provider or School)... to deliver
21558 the program for my child and direct that program funds be paid
21559 to the provider or school for my child.



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21560 ... (Signature of Parent) ...

21561 ... (Date) ...

21562

21563 3. The private prekindergarten provider or public school
21564 must keep each original signed form for at least 2 years. Each
21565 private prekindergarten provider must permit the early learning
21566 coalition, and each public school must permit the school
21567 district, to inspect the original signed forms during normal
21568 business hours. The Office of Early Learning Agency for
21569 ~~Workforce Innovation~~ shall adopt procedures for early learning
21570 coalitions and school districts to review the original signed
21571 forms against the certified student attendance. The review
21572 procedures shall provide for the use of selective inspection
21573 techniques, including, but not limited to, random sampling. Each
21574 early learning coalition and the school districts must comply
21575 with the review procedures.

21576 (c) A private prekindergarten provider or school district,
21577 as applicable, may dismiss a student who does not comply with
21578 the provider's or district's attendance policy. A student
21579 dismissed under this paragraph is not removed from the Voluntary
21580 Prekindergarten Education Program and may continue in the
21581 program through reenrollment with another private
21582 prekindergarten provider or public school. Notwithstanding s.
21583 1002.53(6)(b), a school district is not required to provide for
21584 the admission of a student dismissed under this paragraph.

21585 (d) The Office of Early Learning Agency for ~~Workforce~~
21586 ~~Innovation~~ shall adopt, for funding purposes, a uniform
21587 attendance policy for the Voluntary Prekindergarten Education
21588 Program. The attendance policy must apply statewide and apply



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21589 equally to all private prekindergarten providers and public
21590 schools. The attendance policy must include at least the
21591 following provisions:

21592 1. ~~Beginning with the 2009-2010 fiscal year for school year~~
21593 ~~programs,~~ A student's attendance may be reported on a pro rata
21594 basis as a fractional part of a full-time equivalent student.

21595 2. At a maximum, 20 percent of the total payment made on
21596 behalf of a student to a private prekindergarten provider or a
21597 public school may be for hours a student is absent.

21598 3. A private prekindergarten provider or public school may
21599 not receive payment for absences that occur before a student's
21600 first day of attendance or after a student's last day of
21601 attendance.

21602
21603 The uniform attendance policy shall be used only for funding
21604 purposes and does not prohibit a private prekindergarten
21605 provider or public school from adopting and enforcing its
21606 attendance policy under paragraphs (a) and (c).

21607 (7) The Office of Early Learning Agency for Workforce
21608 ~~Innovation~~ shall require that administrative expenditures be
21609 kept to the minimum necessary for efficient and effective
21610 administration of the Voluntary Prekindergarten Education
21611 Program. Administrative policies and procedures shall be
21612 revised, to the maximum extent practicable, to incorporate the
21613 use of automation and electronic submission of forms, including
21614 those required for child eligibility and enrollment, provider
21615 and class registration, and monthly certification of attendance
21616 for payment. A school district may use its automated daily
21617 attendance reporting system for the purpose of transmitting



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21618 attendance records to the early learning coalition in a mutually
21619 agreed-upon format. In addition, actions shall be taken to
21620 reduce paperwork, eliminate the duplication of reports, and
21621 eliminate other duplicative activities. Beginning with the 2010-
21622 2011 fiscal year, each early learning coalition may retain and
21623 expend no more than 4.5 percent of the funds paid by the
21624 coalition to private prekindergarten providers and public
21625 schools under paragraph (5) (b). Funds retained by an early
21626 learning coalition under this subsection may be used only for
21627 administering the Voluntary Prekindergarten Education Program
21628 and may not be used for the school readiness program or other
21629 programs.

21630 Section 456. Subsection (1) of section 1002.72, Florida
21631 Statutes, is amended to read:

21632 1002.72 Records of children in the Voluntary
21633 Prekindergarten Education Program.—

21634 (1) (a) The records of a child enrolled in the Voluntary
21635 Prekindergarten Education Program held by an early learning
21636 coalition, the Office of Early Learning Agency for Workforce
21637 ~~Innovation~~, or a Voluntary Prekindergarten Education Program
21638 provider are confidential and exempt from s. 119.07(1) and s.
21639 24(a), Art. I of the State Constitution. For purposes of this
21640 section, such records include assessment data, health data,
21641 records of teacher observations, and personal identifying
21642 information of an enrolled child and his or her parent.

21643 (b) This exemption applies to the records of a child
21644 enrolled in the Voluntary Prekindergarten Education Program held
21645 by an early learning coalition, the Office of Early Learning
21646 ~~Agency for Workforce Innovation~~, or a Voluntary Prekindergarten



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21647 Education Program provider before, on, or after the effective
21648 date of this exemption.

21649 Section 457. Subsections (1) and (5) of section 1002.77,
21650 Florida Statutes, are amended to read:

21651 1002.77 Florida Early Learning Advisory Council.—

21652 (1) There is created the Florida Early Learning Advisory
21653 Council within the Office of Early Learning ~~Agency for Workforce~~
21654 ~~Innovation~~. The purpose of the advisory council is to submit
21655 recommendations to the department and the ~~Agency for Workforce~~
21656 ~~Innovation~~ on the early learning policy of this state, including
21657 recommendations relating to administration of the Voluntary
21658 Prekindergarten Education Program under this part and the school
21659 readiness programs under s. 411.01.

21660 (5) The Office of Early Learning ~~Agency for Workforce~~
21661 ~~Innovation~~ shall provide staff and administrative support for
21662 the advisory council.

21663 Section 458. Subsection (2) of section 1002.79, Florida
21664 Statutes, is amended to read:

21665 1002.79 Rulemaking authority.—

21666 (2) The Office of Early Learning ~~Agency for Workforce~~
21667 ~~Innovation~~ shall adopt rules under ss. 120.536(1) and 120.54 to
21668 administer the provisions of this part conferring duties upon
21669 the agency.

21670 Section 459. Section 1002.75, Florida Statutes, is amended
21671 to read:

21672 1002.75 Office of Early Learning ~~Agency for Workforce~~
21673 ~~Innovation~~; powers and duties; operational requirements.—

21674 (1) The Office of Early Learning ~~Agency for Workforce~~
21675 ~~Innovation~~ shall administer the operational requirements of the



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21676 Voluntary Prekindergarten Education Program at the state level.
21677 (2) The Office of Early Learning Agency for Workforce
21678 ~~Innovation~~ shall adopt procedures governing the administration
21679 of the Voluntary Prekindergarten Education Program by the early
21680 learning coalitions and school districts for:
21681 (a) Enrolling children in and determining the eligibility
21682 of children for the Voluntary Prekindergarten Education Program
21683 under s. 1002.53.
21684 (b) Providing parents with profiles of private
21685 prekindergarten providers and public schools under s. 1002.53.
21686 (c) Registering private prekindergarten providers and
21687 public schools to deliver the program under ss. 1002.55,
21688 1002.61, and 1002.63.
21689 (d) Determining the eligibility of private prekindergarten
21690 providers to deliver the program under ss. 1002.55 and 1002.61.
21691 (e) Verifying the compliance of private prekindergarten
21692 providers and public schools and removing providers or schools
21693 from eligibility to deliver the program due to noncompliance or
21694 misconduct as provided in s. 1002.67.
21695 (f) Paying private prekindergarten providers and public
21696 schools under s. 1002.71.
21697 (g) Documenting and certifying student enrollment and
21698 student attendance under s. 1002.71.
21699 (h) Reconciling advance payments in accordance with the
21700 uniform attendance policy under s. 1002.71.
21701 (i) Reenrolling students dismissed by a private
21702 prekindergarten provider or public school for noncompliance with
21703 the provider's or school district's attendance policy under s.
21704 1002.71.



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21705 (3) The Office of Early Learning ~~Agency for Workforce~~
21706 ~~Innovation~~ shall adopt, in consultation with and subject to
21707 approval by the department, procedures governing the
21708 administration of the Voluntary Prekindergarten Education
21709 Program by the early learning coalitions and school districts
21710 for:

21711 (a) Approving improvement plans of private prekindergarten
21712 providers and public schools under s. 1002.67.

21713 (b) Placing private prekindergarten providers and public
21714 schools on probation and requiring corrective actions under s.
21715 1002.67.

21716 (c) Removing a private prekindergarten provider or public
21717 school from eligibility to deliver the program due to the
21718 provider's or school's remaining on probation beyond the time
21719 permitted under s. 1002.67.

21720 (d) Enrolling children in and determining the eligibility
21721 of children for the Voluntary Prekindergarten Education Program
21722 under s. 1002.66.

21723 (e) Paying specialized instructional services providers
21724 under s. 1002.66.

21725 (4) The Office of Early Learning ~~Agency for Workforce~~
21726 ~~Innovation~~ shall also adopt procedures for the agency's
21727 distribution of funds to early learning coalitions under s.
21728 1002.71.

21729 (5) Except as provided by law, the Office of Early Learning
21730 ~~Agency for Workforce Innovation~~ may not impose requirements on a
21731 private prekindergarten provider or public school that does not
21732 deliver the Voluntary Prekindergarten Education Program or
21733 receive state funds under this part.



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21734 Section 460. Subsections (2) and (3), paragraph (c) of
21735 subsection (4), and subsection (5) of section 1003.491, Florida
21736 Statutes, are amended to read:

21737 1003.491 Florida Career and Professional Education Act.—The
21738 Florida Career and Professional Education Act is created to
21739 provide a statewide planning partnership between the business
21740 and education communities in order to attract, expand, and
21741 retain targeted, high-value industry and to sustain a strong,
21742 knowledge-based economy.

21743 (2) ~~Beginning with the 2007-2008 school year,~~ Each district
21744 school board shall develop, in collaboration with local
21745 workforce boards and postsecondary institutions approved to
21746 operate in the state, a strategic 5-year plan to address and
21747 meet local and regional workforce demands. If involvement of the
21748 local workforce board in the strategic plan development is not
21749 feasible, the local school board, with the approval of the
21750 Department of Economic Opportunity ~~Agency for Workforce~~
21751 ~~Innovation~~, shall collaborate with the most appropriate local
21752 business leadership board. Two or more school districts may
21753 collaborate in the development of the strategic plan and offer a
21754 career and professional academy as a joint venture. Such plans
21755 must describe in detail provisions for efficient transportation
21756 of students, maximum use of shared resources, and access to
21757 courses through the Florida Virtual School when appropriate.
21758 Each strategic plan shall ~~be completed no later than June 30,~~
21759 ~~2008, and shall~~ include provisions to have in place at least one
21760 operational career and professional academy, pursuant to s.
21761 1003.492, ~~no later than the beginning of the 2008-2009 school~~
21762 ~~year.~~



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21763 (3) The strategic 5-year plan developed jointly between the
21764 local school district, local workforce boards, and state-
21765 approved postsecondary institutions shall be constructed and
21766 based on:

21767 (a) Research conducted to objectively determine local and
21768 regional workforce needs for the ensuing 5 years, using labor
21769 projections of the United States Department of Labor and the
21770 Department of Economic Opportunity Agency for Workforce
21771 Innovation;

21772 (b) Strategies to develop and implement career academies
21773 based on those careers determined to be in high demand;

21774 (c) Maximum use of private sector facilities and personnel;

21775 (d) Strategies that ensure instruction by industry-
21776 certified faculty and standards and strategies to maintain
21777 current industry credentials and for recruiting and retaining
21778 faculty to meet those standards;

21779 (e) Alignment to requirements for middle school career
21780 exploration and high school redesign;

21781 (f) Provisions to ensure that courses offered through
21782 career and professional academies are academically rigorous,
21783 meet or exceed appropriate state-adopted subject area standards,
21784 result in attainment of industry certification, and, when
21785 appropriate, result in postsecondary credit;

21786 (g) Establishment of student eligibility criteria in career
21787 and professional academies which include opportunities for
21788 students who have been unsuccessful in traditional classrooms
21789 but who show aptitude to participate in academies. School boards
21790 shall address the analysis of eighth grade student achievement
21791 data to provide opportunities for students who may be deemed as



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21792 potential dropouts to participate in career and professional
21793 academies;

21794 (h) Strategies to provide sufficient space within academies
21795 to meet workforce needs and to provide access to all interested
21796 and qualified students;

21797 (i) Strategies to engage Department of Juvenile Justice
21798 students in career and professional academy training that leads
21799 to industry certification;

21800 (j) Opportunities for high school students to earn weighted
21801 or dual enrollment credit for higher-level career and technical
21802 courses;

21803 (k) Promotion of the benefits of the Gold Seal Bright
21804 Futures Scholarship;

21805 (l) Strategies to ensure the review of district pupil-
21806 progression plans and to amend such plans to include career and
21807 professional courses and to include courses that may qualify as
21808 substitute courses for core graduation requirements and those
21809 that may be counted as elective courses; and

21810 (m) Strategies to provide professional development for
21811 secondary guidance counselors on the benefits of career and
21812 professional academies.

21813 (4) The State Board of Education shall establish a process
21814 for the continual and uninterrupted review of newly proposed
21815 core secondary courses and existing courses requested to be
21816 considered as core courses to ensure that sufficient rigor and
21817 relevance is provided for workforce skills and postsecondary
21818 education and aligned to state curriculum standards. The review
21819 of newly proposed core secondary courses shall be the
21820 responsibility of a curriculum review committee whose membership



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21821 is approved by the Workforce Florida Board as described in s.
21822 445.004, and shall include:

21823 (c) Three workforce representatives recommended by the
21824 Department of Economic Opportunity Agency for Workforce
21825 Innovation.

21826 (5) The submission and review of newly proposed core
21827 courses shall be conducted electronically, and each proposed
21828 core course shall be approved or denied within 60 days. All
21829 courses approved as core courses for high school graduation
21830 purposes shall be immediately added to the Course Code
21831 Directory. Approved core courses shall also be reviewed and
21832 considered for approval for dual enrollment credit. The Board of
21833 Governors and the Commissioner of Education shall jointly
21834 recommend an annual deadline for approval of new core courses to
21835 be included for purposes of postsecondary admissions and dual
21836 enrollment credit the following academic year. The State Board
21837 of Education shall establish an appeals process in the event
21838 that a proposed course is denied which shall require a consensus
21839 ruling by the Department of Economic Opportunity Agency for
21840 Workforce Innovation and the Commissioner of Education within 15
21841 days. ~~The curriculum review committee must be established and~~
21842 ~~operational no later than September 1, 2007.~~

21843 Section 461. Subsections (2) and (3) of section 1003.492,
21844 Florida Statutes, are amended to read:

21845 1003.492 Industry-certified career education programs.—

21846 (2) The State Board of Education shall use the expertise of
21847 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ to
21848 develop and adopt rules pursuant to ss. 120.536(1) and 120.54
21849 for implementing an industry certification process. Industry



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21850 certification shall be defined by the Department of Economic
21851 Opportunity Agency for Workforce Innovation, based upon the
21852 highest available national standards for specific industry
21853 certification, to ensure student skill proficiency and to
21854 address emerging labor market and industry trends. A regional
21855 workforce board or a career and professional academy may apply
21856 to Workforce Florida, Inc., to request additions to the approved
21857 list of industry certifications based on high-demand job
21858 requirements in the regional economy. The list of industry
21859 certifications approved by Workforce Florida, Inc., and the
21860 Department of Education shall be published and updated annually
21861 by a date certain, to be included in the adopted rule.

21862 (3) The Department of Education shall collect student
21863 achievement and performance data in industry-certified career
21864 education programs and shall work with Workforce Florida, Inc.,
21865 ~~and Enterprise Florida, Inc.,~~ in the analysis of collected data.
21866 The data collection and analyses shall examine the performance
21867 of participating students over time. Performance factors shall
21868 include, but not be limited to, graduation rates, retention
21869 rates, Florida Bright Futures Scholarship awards, additional
21870 educational attainment, employment records, earnings, industry
21871 certification, and employer satisfaction. The results of this
21872 study shall be submitted to the President of the Senate and the
21873 Speaker of the House of Representatives annually by December 31.

21874 Section 462. Paragraphs (f), (j), and (k) of subsection (4)
21875 of section 1003.493, Florida Statutes, is amended to read:

21876 1003.493 Career and professional academies.—

21877 (4) Each career and professional academy must:

21878 (f) Provide instruction in careers designated as high



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21879 growth, high demand, and high pay by the local workforce
21880 development board, the chamber of commerce, or the Department of
21881 Economic Opportunity Agency for Workforce Innovation.

21882 (j) Provide opportunities for students to obtain the
21883 Florida Ready to Work Certification pursuant to s. 445.06 ~~s.~~
21884 ~~1004.99.~~

21885 (k) Include an evaluation plan developed jointly with the
21886 Department of Education and the local workforce board. The
21887 evaluation plan must include an assessment tool based on
21888 national industry standards, such as the Career Academy National
21889 Standards of Practice, and outcome measures, including, but not
21890 limited to, achievement of national industry certifications
21891 identified in the Industry Certification Funding List, pursuant
21892 to rules adopted by the State Board of Education, graduation
21893 rates, enrollment in postsecondary education, business and
21894 industry satisfaction, employment and earnings, awards of
21895 postsecondary credit and scholarships, and student achievement
21896 levels and learning gains on statewide assessments administered
21897 under s. 1008.22(3)(c). The Department of Education shall use
21898 Workforce Florida, Inc., ~~and Enterprise Florida, Inc.,~~ in
21899 identifying industry experts to participate in developing and
21900 implementing such assessments.

21901 Section 463. Subsection (3) of section 1003.575, Florida
21902 Statutes, is amended to read:

21903 1003.575 Assistive technology devices; findings;
21904 interagency agreements.—Accessibility, utilization, and
21905 coordination of appropriate assistive technology devices and
21906 services are essential as a young person with disabilities moves
21907 from early intervention to preschool, from preschool to school,



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21908 from one school to another, and from school to employment or
21909 independent living. To ensure that an assistive technology
21910 device issued to a young person as part of his or her
21911 individualized family support plan, individual support plan, or
21912 an individual education plan remains with the individual through
21913 such transitions, the following agencies shall enter into
21914 interagency agreements, as appropriate, to ensure the
21915 transaction of assistive technology devices:

21916 (3) The Voluntary Prekindergarten Education Program
21917 administered by the Department of Education and the Office of
21918 Early Learning Agency for Workforce Innovation.

21919
21920 Interagency agreements entered into pursuant to this section
21921 shall provide a framework for ensuring that young persons with
21922 disabilities and their families, educators, and employers are
21923 informed about the utilization and coordination of assistive
21924 technology devices and services that may assist in meeting
21925 transition needs, and shall establish a mechanism by which a
21926 young person or his or her parent may request that an assistive
21927 technology device remain with the young person as he or she
21928 moves through the continuum from home to school to postschool.

21929 Section 464. Subsection (4) of section 1003.4285, Florida
21930 Statutes, is amended to read:

21931 1003.4285 Standard high school diploma designations.—Each
21932 standard high school diploma shall include, as applicable:

21933 (4) A designation reflecting a Florida Ready to Work
21934 Credential in accordance with s. 445.06 ~~s. 1004.99~~.

21935 Section 465. Paragraph (c) of subsection (5) of section
21936 1004.226, Florida Statutes, is amended to read:



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21937 1004.226 The 21st Century Technology, Research, and
21938 Scholarship Enhancement Act.—

21939 (5) THE 21ST CENTURY WORLD CLASS SCHOLARS PROGRAM.—

21940 (c) The board, in consultation with senior administrators
21941 of state universities, state university foundation directors,
21942 the Department of Economic Opportunity ~~Office of Tourism, Trade,~~
21943 ~~and Economic Development~~, the board of directors of Enterprise
21944 Florida, Inc., and leading members of private industry, shall
21945 develop and recommend to the Board of Governors criteria for the
21946 21st Century World Class Scholars Program. Such criteria shall
21947 address, at a minimum, the following:

21948 1. The presence of distinguished faculty members, including
21949 whether the university has a substantial history of external
21950 funding, along with the strong potential for attracting a
21951 scholar of national or international eminence.

21952 2. The presence of academically outstanding students, along
21953 with the promise and potential for attracting additional highly
21954 qualified students.

21955 3. The presence of adequate research and scholarly support
21956 services.

21957 4. The existence of an academic environment having
21958 appropriate infrastructure, including buildings, classrooms,
21959 libraries, laboratories, and specialized equipment, that is
21960 conducive to the conduct of the highest quality of scholarship
21961 and research.

21962 5. The demonstration of concordance with Florida's
21963 strategic plan for economic development or an emphasis on one or
21964 more emerging sciences or technologies that could favorably
21965 impact the state's economic future.



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21966 Section 466. Paragraph (a) of subsection (4) of section
21967 1004.435, Florida Statutes, is amended to read:
21968 1004.435 Cancer control and research.—
21969 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
21970 CREATION; COMPOSITION.—
21971 (a) There is created within the H. Lee Moffitt Cancer
21972 Center and Research Institute, Inc., the Florida Cancer Control
21973 and Research Advisory Council. The council shall consist of 34
21974 members, which includes the chairperson, all of whom must be
21975 residents of this state. All members, except those appointed by
21976 the Speaker of the House of Representatives and the President of
21977 the Senate, must be appointed by the Governor. At least one of
21978 the members appointed by the Governor must be 60 years of age or
21979 older. One member must be a representative of the American
21980 Cancer Society; one member must be a representative of the
21981 Florida Tumor Registrars Association; one member must be a
21982 representative of the Sylvester Comprehensive Cancer Center of
21983 the University of Miami; one member must be a representative of
21984 the Department of Health; one member must be a representative of
21985 the University of Florida Shands Cancer Center; one member must
21986 be a representative of the Agency for Health Care
21987 Administration; one member must be a representative of the
21988 Florida Nurses Association; one member must be a representative
21989 of the Florida Osteopathic Medical Association; one member must
21990 be a representative of the American College of Surgeons; one
21991 member must be a representative of the School of Medicine of the
21992 University of Miami; one member must be a representative of the
21993 College of Medicine of the University of Florida; one member
21994 must be a representative of NOVA Southeastern College of



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21995 Osteopathic Medicine; one member must be a representative of the
21996 College of Medicine of the University of South Florida; one
21997 member must be a representative of the College of Public Health
21998 of the University of South Florida; one member must be a
21999 representative of the Florida Society of Clinical Oncology; one
22000 member must be a representative of the Florida Obstetric and
22001 Gynecologic Society who has had training in the specialty of
22002 gynecologic oncology; one member must be a representative of the
22003 Florida Medical Association; one member must be a member of the
22004 Florida Pediatric Society; one member must be a representative
22005 of the Florida Radiological Society; one member must be a
22006 representative of the Florida Society of Pathologists; one
22007 member must be a representative of the H. Lee Moffitt Cancer
22008 Center and Research Institute, Inc.; three members must be
22009 representatives of the general public acting as consumer
22010 advocates; one member must be a member of the House of
22011 Representatives appointed by the Speaker of the House of
22012 Representatives; one member must be a member of the Senate
22013 appointed by the President of the Senate; one member must be a
22014 representative of the Florida Dental Association; one member
22015 must be a representative of the Florida Hospital Association;
22016 one member must be a representative of the Association of
22017 Community Cancer Centers; one member shall be a representative
22018 from a statutory teaching hospital affiliated with a community-
22019 based cancer center; one member must be a representative of the
22020 Florida Association of Pediatric Tumor Programs, Inc.; one
22021 member must be a representative of the Cancer Information
22022 Service; one member must be a representative of the Florida
22023 Agricultural and Mechanical University Institute of Public



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22024 Health; and one member must be a representative of the Florida
22025 Society of Oncology Social Workers. Of the members of the
22026 council appointed by the Governor, at least 10 must be
22027 individuals who are minority persons as defined by s.
22028 288.703(3).

22029 Section 467. Paragraph (g) of subsection (1) of section
22030 1004.46, Florida Statutes, is amended to read:

22031 1004.46 Multidisciplinary Center for Affordable Housing.—

22032 (1) The Multidisciplinary Center for Affordable Housing is
22033 established within the School of Building Construction of the
22034 College of Architecture of the University of Florida with the
22035 collaboration of other related disciplines such as agriculture,
22036 business administration, engineering, law, and medicine. The
22037 center shall work in conjunction with other state universities.
22038 The Multidisciplinary Center for Affordable Housing shall:

22039 (g) Establish a research agenda and general work plan in
22040 cooperation with the Department of Economic Opportunity
22041 ~~Community Affairs~~, which is the state agency responsible for
22042 research and planning for affordable housing and for training
22043 and technical assistance for providers of affordable housing.

22044 Section 468. Subsection (3) of section 1008.39, Florida
22045 Statutes, is amended to read:

22046 1008.39 Florida Education and Training Placement
22047 Information Program.—

22048 (3) The Florida Education and Training Placement
22049 Information Program must not make public any information that
22050 could identify an individual or the individual's employer. The
22051 Department of Education must ensure that the purpose of
22052 obtaining placement information is to evaluate and improve



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22053 public programs or to conduct research for the purpose of
22054 improving services to the individuals whose social security
22055 numbers are used to identify their placement. If an agreement
22056 assures that this purpose will be served and that privacy will
22057 be protected, the Department of Education shall have access to
22058 the unemployment insurance wage reports maintained by the
22059 Department of Economic Opportunity Agency for Workforce
22060 ~~Innovation~~, the files of the Department of Children and Family
22061 Services that contain information about the distribution of
22062 public assistance, the files of the Department of Corrections
22063 that contain records of incarcerations, and the files of the
22064 Department of Business and Professional Regulation that contain
22065 the results of licensure examination.

22066 Section 469. Subsection (3) of section 1008.41, Florida
22067 Statutes, is amended to read:

22068 1008.41 Workforce education; management information
22069 system.—

22070 (3) Planning and evaluation of job-preparatory programs
22071 shall be based on standard sources of data and use standard
22072 occupational definitions and coding structures, including, but
22073 not limited to:

22074 (a) The Florida Occupational Information System;

22075 (b) The Florida Education and Training Placement
22076 Information Program;

22077 (c) The Department of Economic Opportunity Agency for
22078 ~~Workforce Innovation~~;

22079 (d) The United States Department of Labor; and

22080 (e) Other sources of data developed using statistically
22081 valid procedures.



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22082 Section 470. Subsections (2), (3), (4), (5), and (6) of
22083 section 1011.76, Florida Statutes, are amended to read:

22084 1011.76 Small School District Stabilization Program.—

22085 (2) In order to participate in this program, a school
22086 district must be located in a rural area of critical economic
22087 concern designated by the Executive Office of the Governor, and
22088 the district school board must submit a resolution to the
22089 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
22090 ~~Economic Development~~ requesting participation in the program. A
22091 rural area of critical economic concern must be a rural
22092 community, or a region composed of such, that has been adversely
22093 affected by an extraordinary economic event or a natural
22094 disaster or that presents a unique economic development concern
22095 or opportunity of regional impact. The resolution must be
22096 accompanied with documentation of the economic conditions in the
22097 community, provide information indicating the negative impact of
22098 these conditions on the school district's financial stability,
22099 and the school district must participate in a best financial
22100 management practices review to determine potential efficiencies
22101 that could be implemented to reduce program costs in the
22102 district.

22103 (3) The Department of Economic Opportunity ~~Office of~~
22104 ~~Tourism, Trade, and Economic Development~~, in consultation with
22105 the Department of Education, shall review the resolution and
22106 other information required by subsection (2) and determine
22107 whether the school district is eligible to participate in the
22108 program. Factors influencing the ~~office's~~ determination of the
22109 Department of Economic Opportunity may include, but are not
22110 limited to, reductions in the county tax roll resulting from



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22111 business closures or other causes, or a reduction in student
22112 enrollment due to business closures or impacts in the local
22113 economy.

22114 (4) ~~Effective July 1, 2000, and thereafter,~~ When the
22115 Department of Economic Opportunity ~~Office of Tourism, Trade, and~~
22116 ~~Economic Development~~ authorizes a school district to participate
22117 in the program, the Legislature may give priority to that
22118 district for a best financial management practices review in the
22119 school district, subject to approval pursuant to s. 1008.35(7),
22120 to the extent that funding is provided annually for such purpose
22121 in the General Appropriations Act. The scope of the review shall
22122 be as set forth in s. 1008.35.

22123 (5) ~~Effective July 1, 2000, and thereafter,~~ The Department
22124 of Education may award the school district a stabilization grant
22125 intended to protect the district from continued financial
22126 reductions. The amount of the grant will be determined by the
22127 Department of Education and may be equivalent to the amount of
22128 the decline in revenues projected for the next fiscal year. In
22129 addition, the Department of Economic Opportunity ~~Office of~~
22130 ~~Tourism, Trade, and Economic Development~~ may implement a rural
22131 economic development initiative to identify the economic factors
22132 that are negatively impacting the community and may consult with
22133 Enterprise Florida, Inc., in developing a plan to assist the
22134 county with its economic transition. The grant will be available
22135 to the school district for a period of up to 5 years to the
22136 extent that funding is provided for such purpose in the General
22137 Appropriations Act.

22138 (6) Based on the availability of funds, the Department of
22139 Economic Opportunity ~~Office of Tourism, Trade, and Economic~~



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22140 ~~Development~~ or the Department of Education may enter into
22141 contracts or issue grants necessary to implement the program.

22142 Section 471. Section 1012.2251, Florida Statutes, is
22143 amended to read:

22144 1012.2251 End-of-course examinations for Merit Award
22145 Program. ~~Beginning with the 2007-2008 school year,~~ School
22146 districts that participate in the Merit Award Program under s.
22147 1012.225 must be able to administer end-of-course examinations
22148 based on the Sunshine State Standards in order to measure a
22149 student's understanding and mastery of the entire course in all
22150 grade groupings and subjects for any year in which the districts
22151 participate in the program. The statewide standardized
22152 assessment, College Board Advanced Placement Examination,
22153 International Baccalaureate examination, Advanced International
22154 Certificate of Education examination, or examinations resulting
22155 in national or state industry certification recognized by the
22156 Department of Economic Opportunity Agency for Workforce
22157 ~~Innovation~~ satisfy the requirements of this section for the
22158 respective grade groupings and subjects assessed by these
22159 examinations and assessments.

22160 Section 472. Paragraph (a) of subsection (1) of section
22161 1013.37, Florida Statutes, is amended to read:

22162 1013.37 State uniform building code for public educational
22163 facilities construction.—

22164 (1) UNIFORM BUILDING CODE.—A uniform statewide building
22165 code for the planning and construction of public educational and
22166 ancillary plants by district school boards and community college
22167 district boards of trustees shall be adopted by the Florida
22168 Building Commission within the Florida Building Code, pursuant



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22169 to s. 553.73. Included in this code must be flood plain
22170 management criteria in compliance with the rules and regulations
22171 in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto
22172 which are adopted by the Federal Emergency Management Agency. It
22173 is also the responsibility of the department to develop, as a
22174 part of the uniform building code, standards relating to:

22175 (a) Prefabricated facilities or factory-built facilities
22176 that are designed to be portable, relocatable, demountable, or
22177 reconstructible; are used primarily as classrooms; and do not
22178 fall under the provisions of ss. 320.822-320.862. Such standards
22179 must permit boards to contract with the Department of Business
22180 and Professional Regulation ~~Community Affairs~~ for factory
22181 inspections by certified building code inspectors to certify
22182 conformance with applicable law and rules. The standards must
22183 comply with the requirements of s. 1013.20 for relocatable
22184 facilities intended for long-term use as classroom space, and
22185 the relocatable facilities shall be designed subject to missile
22186 impact criteria of s. 423(24)(d)(1) of the Florida Building Code
22187 when located in the windborne debris region.

22188
22189 It is not a purpose of the Florida Building Code to inhibit the
22190 use of new materials or innovative techniques; nor may it
22191 specify or prohibit materials by brand names. The code must be
22192 flexible enough to cover all phases of construction so as to
22193 afford reasonable protection for the public safety, health, and
22194 general welfare. The department may secure the service of other
22195 state agencies or such other assistance as it finds desirable in
22196 recommending to the Florida Building Commission revisions to the
22197 code.



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22198 Section 473. Subsections (1) and (2) of section 1013.372,
22199 Florida Statutes, are amended to read:

22200 1013.372 Education facilities as emergency shelters.—

22201 (1) The Department of Education shall, in consultation with
22202 boards and county and state emergency management offices,
22203 include within the standards to be developed under this
22204 subsection public shelter design criteria to be incorporated
22205 into the Florida Building Code. The new criteria must be
22206 designed to ensure that appropriate new educational facilities
22207 can serve as public shelters for emergency management purposes.
22208 A facility, or an appropriate area within a facility, for which
22209 a design contract is entered into after the effective date of
22210 the inclusion of the public shelter criteria in the code must be
22211 built in compliance with the amended code unless the facility or
22212 a part of it is exempted from using the new shelter criteria due
22213 to its location, size, or other characteristics by the
22214 applicable board with the concurrence of the applicable local
22215 emergency management agency or the Division of Emergency
22216 Management Department of Community Affairs. Any educational
22217 facility located or proposed to be located in an identified
22218 category 1, 2, or 3 evacuation zone is not subject to the
22219 requirements of this subsection. If the regional planning
22220 council region in which the county is located does not have a
22221 hurricane evacuation shelter deficit, as determined by the
22222 Division of Emergency Management Department of Community
22223 Affairs, educational facilities within the planning council
22224 region are not required to incorporate the public shelter
22225 criteria.

22226 (2) By January 31 of each even-numbered year, the Division



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22227 of Emergency Management ~~Department of Community Affairs~~ shall
22228 prepare and submit a statewide emergency shelter plan to the
22229 Governor and the Cabinet for approval. The plan must identify
22230 the general location and square footage of existing shelters, by
22231 regional planning council region, and the general location and
22232 square footage of needed shelters, by regional planning council
22233 region, during the next 5 years. The plan must identify the
22234 types of public facilities that should be constructed to comply
22235 with emergency-shelter criteria and must recommend an
22236 appropriate and available source of funding for the additional
22237 cost of constructing emergency shelters within these public
22238 facilities. After the approval of the plan, a board may not be
22239 required to build more emergency-shelter space than identified
22240 as needed in the plan, and decisions pertaining to exemptions
22241 pursuant to subsection (1) must be guided by the plan.

22242 Section 474. Subsection (4) of section 1013.74, Florida
22243 Statutes, is amended to read:

22244 1013.74 University authorization for fixed capital outlay
22245 projects.—

22246 (4) The university board of trustees shall, in consultation
22247 with local and state emergency management agencies, assess
22248 existing facilities to identify the extent to which each campus
22249 has public hurricane evacuation shelter space. The board shall
22250 submit to the Governor and the Legislature by August 1 of each
22251 year a 5-year capital improvements program that identifies new
22252 or retrofitted facilities that will incorporate enhanced
22253 hurricane resistance standards and that can be used as public
22254 hurricane evacuation shelters. Enhanced hurricane resistance
22255 standards include fixed passive protection for window and door



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22256 applications to provide mitigation protection, security
22257 protection with egress, and energy efficiencies that meet
22258 standards required in the 130-mile-per-hour wind zone areas. The
22259 board must also submit proposed facility retrofit projects to
22260 the Division of Emergency Management ~~Department of Community~~
22261 ~~Affairs~~ for assessment and inclusion in the annual report
22262 prepared in accordance with s. 252.385(3). Until a regional
22263 planning council region in which a campus is located has
22264 sufficient public hurricane evacuation shelter space, any campus
22265 building for which a design contract is entered into subsequent
22266 to July 1, 2001, and which has been identified by the board,
22267 with the concurrence of the local emergency management agency or
22268 the Division of Emergency Management ~~Department of Community~~
22269 ~~Affairs~~, to be appropriate for use as a public hurricane
22270 evacuation shelter, must be constructed in accordance with
22271 public shelter standards.

22272 Section 475. Section 20.505, Florida Statutes, is
22273 transferred, renumbered as section 20.605, Florida Statutes, and
22274 amended to read:

22275 20.605 ~~20.505~~ Administrative Trust Fund of the Department
22276 of Economic Opportunity ~~Agency for Workforce Innovation~~.

22277 (1) The Administrative Trust Fund is created within the
22278 Department of Economic Opportunity ~~Agency for Workforce~~
22279 ~~Innovation~~.

22280 (2) Funds shall be used for the purpose of supporting the
22281 administrative functions of the department ~~agency~~ as required by
22282 law, pursuant to legislative appropriation or an approved
22283 amendment to the department's ~~agency's~~ operating budget pursuant
22284 to the provisions of chapter 216.



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22285 (3) Notwithstanding the provisions of s. 216.301 and
22286 pursuant to s. 216.351, any balance in the trust fund at the end
22287 of any fiscal year shall remain in the trust fund at the end of
22288 the year and shall be available for carrying out the purposes of
22289 the trust fund.

22290 Section 476. Section 1004.99, Florida Statutes, is
22291 transferred, renumbered as section 445.06, Florida Statutes, and
22292 amended to read:

22293 445.06 ~~1004.99~~ Florida Ready to Work Certification
22294 Program.—

22295 (1) There is created the Florida Ready to Work
22296 Certification Program to enhance the workplace skills of
22297 Floridians ~~Florida's students~~ to better prepare them for
22298 successful employment in specific occupations.

22299 (2) The Florida Ready to Work Certification Program may be
22300 conducted in public middle and high schools, community colleges,
22301 technical centers, one-stop career centers, vocational
22302 rehabilitation centers, and Department of Juvenile Justice
22303 educational facilities. The program may be made available to
22304 other entities that provide job training. The Department of
22305 Economic Opportunity, in coordination with the Department of
22306 Education, shall establish institutional readiness criteria for
22307 program implementation.

22308 (3) The Florida Ready to Work Certification Program shall
22309 be composed of:

22310 (a) A comprehensive identification of workplace skills for
22311 each occupation identified for inclusion in the program by the
22312 Department of Economic Opportunity ~~Agency for Workforce~~
22313 ~~Innovation~~ and the Department of Education.



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22314 (b) A preinstructional assessment that delineates an
22315 individual's ~~the student's~~ mastery level on the specific
22316 workplace skills identified for that occupation.

22317 (c) A targeted instructional program limited to those
22318 identified workplace skills in which the individual ~~student~~ is
22319 not proficient as measured by the preinstructional assessment.
22320 Instruction must utilize a web-based program and be customized
22321 to meet identified specific needs of local employers.

22322 (d) A Florida Ready to Work Credential and portfolio
22323 awarded to individuals ~~students~~ upon successful completion of
22324 the instruction. Each portfolio must delineate the skills
22325 demonstrated by the individuals ~~student~~ as evidence of the
22326 individual's ~~student's~~ preparation for employment.

22327 (4) A Florida Ready to Work Credential shall be awarded to
22328 an individual ~~a student~~ who successfully passes assessments in
22329 Reading for Information, Applied Mathematics, and Locating
22330 Information or any other assessments of comparable rigor. Each
22331 assessment shall be scored on a scale of 3 to 7. The level of
22332 the credential each individual ~~student~~ receives is based on the
22333 following:

22334 (a) A bronze-level credential requires a minimum score of 3
22335 or above on each of the assessments.

22336 (b) A silver-level credential requires a minimum score of 4
22337 or above on each of the assessments.

22338 (c) A gold-level credential requires a minimum score of 5
22339 or above on each of the assessments.

22340 (5) The Department of Economic Opportunity ~~State Board of~~
22341 ~~Education~~, in consultation with the Department of Education
22342 ~~Agency for Workforce Innovation~~, may adopt rules pursuant to ss.



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22343 120.536(1) and 120.54 to implement the provisions of this
22344 section.
22345 Section 477. Section 14.2015, Florida Statutes, is
22346 repealed.
22347 Section 478. Section 20.18, Florida Statutes, is repealed.
22348 Section 479. Section 20.50, Florida Statutes, is repealed.
22349 Section 480. Subsection (2) of section 23.22, Florida
22350 Statutes, is repealed.
22351 Section 481. Paragraph (6) of section 165.031, Florida
22352 Statutes, is repealed.
22353 Section 482. Section 165.093, Florida Statutes, is
22354 repealed.
22355 Section 483. Sections 216.235, 216.236, 216.237, and
22356 216.238, Florida Statutes, are repealed.
22357 Section 484. Section 287.115, Florida Statutes, is
22358 repealed.
22359 Section 485. Sections 288.1221, 288.1222, 288.1223,
22360 288.1224, 288.1227, and 288.1229, Florida Statutes, are
22361 repealed.
22362 Section 486. Section 288.7011, Florida Statutes, is
22363 repealed.
22364 Section 487. Sections 288.7065, 288.707, 288.708, 288.709,
22365 288.7091, and 288.712, Florida Statutes, are repealed.
22366 Section 488. Section 288.12295, Florida Statutes, is
22367 repealed.
22368 Section 489. Section 288.90151, Florida Statutes, is
22369 repealed.
22370 Section 490. Section 288.9415, Florida Statutes, is
22371 repealed.



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22372 Section 491. Sections 409.944, 409.945, and 409.946,
22373 Florida Statutes, are repealed.

22374 Section 492. Section 943.402, Florida Statutes, is
22375 repealed.

22376 Section 493. Section 42 of chapter 2005-71, Laws of
22377 Florida, and Section 1 of chapter 2005-261, Laws of Florida, are
22378 repealed.

22379 Section 494. Section 252.363, Florida Statutes, is created
22380 to read:

22381 252.363 Tolling and extension of permits and other
22382 authorizations.—

22383 (1) (a) The declaration of a state of emergency by the
22384 Governor tolls the period remaining to exercise the rights under
22385 a permit or other authorization for the duration of the
22386 emergency declaration. Further, the emergency declaration
22387 extends the period remaining to exercise the rights under a
22388 permit or other authorization for 6 months in addition to the
22389 tolled period. This paragraph applies to the following:

22390 1. The expiration of a development order issued by a local
22391 government.

22392 2. The expiration of a building permit.

22393 3. The expiration of a permit issued by the Department of
22394 Environmental Protection or a water management district pursuant
22395 to part IV of chapter 373.

22396 4. The buildout date of a development of regional impact,
22397 including any extension of a buildout date that was previously
22398 granted pursuant to s. 380.06(19) (c).

22399 (b) Within 90 days after the termination of the emergency
22400 declaration, the holder of the permit or other authorization



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22401 shall notify the issuing authority of the intent to exercise the
22402 tolling and extension granted under paragraph (a). The notice
22403 must be in writing and identify the specific permit or other
22404 authorization qualifying for extension.

22405 (c) If the permit or other authorization for a phased
22406 construction project is extended, the commencement and
22407 completion dates for any required mitigation are extended such
22408 that the mitigation activities occur in the same timeframe
22409 relative to the phase as originally permitted.

22410 (d) This subsection does not apply to:

22411 1. A permit or other authorization for a building,
22412 improvement, or development located outside the geographic area
22413 for which the declaration of a state of emergency applies.

22414 2. A permit or other authorization under any programmatic
22415 or regional general permit issued by the Army Corps of
22416 Engineers.

22417 3. The holder of a permit or other authorization who is
22418 determined by the authorizing agency to be in significant
22419 noncompliance with the conditions of the permit or other
22420 authorization through the issuance of a warning letter or notice
22421 of violation, the initiation of formal enforcement, or an
22422 equivalent action.

22423 4. A permit or other authorization that is subject to a
22424 court order specifying an expiration date or buildout date that
22425 would be in conflict with the extensions granted in this
22426 section.

22427 (2) A permit or other authorization that is extended shall
22428 be governed by the laws, administrative rules, and ordinances in
22429 effect when the permit was issued, unless any party or the



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22430 issuing authority demonstrates that operating under those laws,
22431 administrative rules, or ordinances will create an immediate
22432 threat to the public health or safety.

22433 (3) This section does not restrict a county or municipality
22434 from requiring property to be maintained and secured in a safe
22435 and sanitary condition in compliance with applicable laws,
22436 administrative rules, or ordinances.

22437 Section 495. Subsection (6) is added to section 253.02,
22438 Florida Statutes, to read:

22439 253.02 Board of trustees; powers and duties.—

22440 (6) The board of trustees shall report to the Legislature
22441 its recommendations as to whether any existing multistate
22442 compact for mutual aid should be modified or whether the state
22443 should enter into a new multistate compact to address the
22444 impacts of the Deepwater Horizon event or potentially similar
22445 future incidents. The report shall be submitted to the
22446 Legislature by February 1, 2012, and updated annually thereafter
22447 for 5 years.

22448 Section 496. Commission on Oil Spill Response
22449 Coordination.—

22450 (1) The Board of Trustees of the Internal Improvement Trust
22451 Fund shall appoint a commission consisting of a representative
22452 of the office of each board member, a representative of each
22453 state agency that directly and materially responded to the
22454 Deepwater Horizon disaster, and the chair of the board of county
22455 commissioners of each of the following counties: Bay County,
22456 Escambia County, Franklin County, Gulf County, Okaloosa County,
22457 Santa Rosa County, Walton County, and Wakulla County. The
22458 Governor shall select the chair of the commission from among the



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22459 appointees.

22460 (2) The commission shall prepare a report for review and

22461 approval by the board of trustees which:

22462 (a) Identifies potential changes to state and federal law

22463 and regulations which will improve the oversight and monitoring

22464 of offshore drilling activities and increase response

22465 capabilities to offshore oil spills.

22466 (b) Identifies potential changes to state and federal law

22467 and regulations which will improve protections for public health

22468 and safety, occupational health and safety, and the environment

22469 and natural resources.

22470 (c) Evaluates the merits of the establishment of a federal

22471 Gulf-wide disaster relief fund.

22472 (d) Evaluates the need for a unified and uniform advocacy

22473 process for damage claims.

22474 (e) Evaluates the need for changes to interstate

22475 coordination agreements in order to reduce the potential for

22476 damage claims and lawsuits.

22477 (f) Addresses any other related issues as determined by the

22478 commission.

22479 (3) The board of trustees shall deliver the report to the

22480 Governor, the President of the Senate, the Speaker of the House

22481 of Representatives, the Secretary of Environmental Protection,

22482 and the executive director of the Department of Economic

22483 Opportunity by September 1, 2012.

22484 (4) This section expires September 30, 2012.

22485 Section 497. (1) For purposes of this section, the term

22486 "Disproportionally Affected County" means Bay County, Escambia

22487 County, Franklin County, Gulf County, Okaloosa County, Santa



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22488 Rosa County, Walton County, or Wakulla County.

22489 (2) When the Department of Economic Opportunity determines
22490 it is in the best interest of the public for reasons of
22491 facilitating economic development, growth, or new employment
22492 opportunities within a Disproportionally Affected County, the
22493 department may between July 1, 2011, and June 30, 2014, waive
22494 any or all job or wage eligibility requirements under s.
22495 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s.
22496 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089 up
22497 to the cumulative amount of \$5 million of all state incentives
22498 received per project. Prior to granting such waiver, the
22499 executive director of the department shall file with the
22500 Governor a written statement of the conditions and circumstances
22501 constituting the reason for the waiver.

22502 (3) When the Department of Economic Opportunity determines
22503 it is in the best interest of the public for reasons of
22504 facilitating economic development, growth, or new employment
22505 opportunities within a Disproportionally Affected County, the
22506 department may between July 1, 2011, and June 30, 2014, waive
22507 any or all job or wage eligibility requirements under s.
22508 288.063, s. 288.065, s. 288.0655, s. 288.0657, s. 288.0659, s.
22509 288.107, s. 288.108, s. 288.1081, s. 288.1088, or s. 288.1089
22510 for cumulative amounts in excess of \$5 million but less than \$10
22511 million of all state incentives received per project. Prior to
22512 granting such waiver, the department shall file with the
22513 Governor, the President of the Senate, and the Speaker of the
22514 House of Representatives a written statement of the conditions
22515 and circumstances constituting the reason for the waiver, and
22516 requesting written concurrence within 5 business days to the



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22517 Governor from the President of the Senate and the Speaker of the
22518 House of Representatives. Without such concurrence, the waiver
22519 shall not occur.

22520 (4) The Department of Economic Opportunity is not
22521 authorized under this paragraph to waive job and wage
22522 eligibility requirements under s. 288.063, s. 288.065, s.
22523 288.0655, s. 288.0657, s. 288.0659, s. 288.107, s. 288.108, s.
22524 288.1081, s. 288.1088, or s. 288.1089 for cumulative amounts \$10
22525 million or more in state incentives received per project.

22526 Section 498. (1) For purposes of this section, the term
22527 "Disproportionally Affected County" means Bay County, Escambia
22528 County, Franklin County, Gulf County, Okaloosa County, Santa
22529 Rosa County, Walton County, or Wakulla County.

22530 (2) There is appropriated for the 2011-2012, 2012-2013, and
22531 2013-2014 fiscal years the sum of \$10 million each year in
22532 recurring funds from the General Revenue Fund to the Department
22533 of Economic Opportunity. The Department of Economic Opportunity
22534 shall use these funds to execute a contract for \$10 million
22535 annually, for a term not to exceed three years, with the Office
22536 of Economic Development and Engagement within the University of
22537 West Florida for the charitable purpose of developing and
22538 implementing an innovative economic development program for
22539 promoting research and development, commercialization of
22540 research, economic diversification, and job creation in a
22541 Disproportionally Affected County.

22542 (3) The contract between the Department of Economic
22543 Opportunity and the Office of Economic Development and
22544 Engagement within the University of West Florida shall, at a
22545 minimum, require the Office of Economic Development and



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22546 Engagement to report quarterly to the Department of Economic
22547 Opportunity and to collaborate with educational entities,
22548 economic development organizations, local governments, and
22549 relevant state agencies to create a program framework and
22550 strategy, including specific criteria governing the expenditure
22551 of funds. The criteria for the expenditure of funds shall, at a
22552 minimum, require a funding preference for any Disproportionally
22553 Affected County and any municipality within a Disproportionally
22554 Affected County which provides for expedited permitting in order
22555 to promote research and development, commercialization of
22556 research, economic diversification, and job creation within
22557 their respective jurisdictions. The criteria for the expenditure
22558 of funds shall, at a minimum, also require a funding preference
22559 for any Disproportionally Affected County and any municipality
22560 within a Disproportionally Affected County which combines its
22561 permitting processes and expedites permitting in order to
22562 promote research and development, commercialization of research,
22563 economic diversification, and job creation within their
22564 respective jurisdictions.

22565 (4) The funds appropriated in this section shall be placed
22566 in reserve by the Executive Office of the Governor, and may be
22567 released as authorized by law or the Legislative Budget
22568 Commission.

22569 Section 499. (1) For purposes of this section, the term
22570 "Disproportionally Affected County" means Bay County, Escambia
22571 County, Franklin County, Gulf County, Okaloosa County, Santa
22572 Rosa County, Walton County, or Wakulla County.

22573 (2) Any funds received by the state from any governmental
22574 or private entity for damages caused by the Deepwater Horizon



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22575 oil spill shall be deposited into the applicable state trust
22576 funds and expended pursuant to state law or as approved by the
22577 Legislative Budget Commission.

22578 (3) Seventy-five percent of such moneys may be used for:

22579 (a) Scientific research into the impact of the oil spill on
22580 fisheries and coastal wildlife and vegetation along any
22581 Disproportionally Affected County's shoreline and the
22582 development of strategies to implement restoration measures
22583 suggested by such research;

22584 (b) Environmental restoration of coastal areas damaged by
22585 the oil spill in any Disproportionally Affected County;

22586 (c) Economic incentives directed to any Disproportionally
22587 Affected County; and

22588 (d) Initiatives to expand and diversify the economies of
22589 any Disproportionally Affected County.

22590 (4) The remaining 25 percent of such moneys may be used
22591 for:

22592 (a) Scientific research into the impact of the oil spill on
22593 fisheries and coastal wildlife and vegetation along any of the
22594 state's shoreline that is not a Disproportionally Affected
22595 County's shoreline, and the development of strategies to
22596 implement restoration measures suggested by such research;

22597 (b) Environmental restoration of coastal areas damaged by
22598 the oil spill in any county other than a Disproportionally
22599 Affected County;

22600 (c) Economic incentives directed to any county other than a
22601 Disproportionally Affected County; and

22602 (d) Initiatives to expand and diversify the economies of
22603 any county other than a Disproportionally Affected County.



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22604 (5) (a) The Department of Environmental Protection is the
22605 lead agency for expending the funds designated for environmental
22606 restoration efforts.

22607 (b) The Department of Economic Opportunity is the lead
22608 agency for expending the funds designated for economic
22609 incentives and diversification efforts.

22610 Section 500. The powers, duties, functions, records,
22611 personnel, property, pending issues and existing contracts,
22612 administrative authority, administrative rules, and unexpended
22613 balances of appropriations, allocations, and other funds of the
22614 Florida Energy and Climate Commission within the Executive
22615 Office of the Governor are transferred by a type two transfer,
22616 as defined in s. 20.06(2), Florida Statutes, to the Department
22617 of Agriculture and Consumer Services.

22618 Section 501. Subsections (3), (4), (5), and (8) and
22619 paragraph (b) of subsection (6) of section 220.192, Florida
22620 Statutes, are amended to read:

22621 220.192 Renewable energy technologies investment tax
22622 credit.—

22623 (3) CORPORATE APPLICATION PROCESS.—Any corporation wishing
22624 to obtain tax credits available under this section must submit
22625 to the Department of Agriculture and Consumer Services ~~Florida~~
22626 ~~Energy and Climate Commission~~ an application for tax credit that
22627 includes a complete description of all eligible costs for which
22628 the corporation is seeking a credit and a description of the
22629 total amount of credits sought. The Department of Agriculture
22630 and Consumer Services ~~Florida Energy and Climate Commission~~
22631 shall make a determination on the eligibility of the applicant
22632 for the credits sought and certify the determination to the



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22633 applicant and the Department of Revenue. The corporation must
22634 attach the Department of Agriculture and Consumer Services'
22635 ~~Florida Energy and Climate Commission's~~ certification to the tax
22636 return on which the credit is claimed. The Department of
22637 Agriculture and Consumer Services is ~~Florida Energy and Climate~~
22638 ~~Commission shall be~~ responsible for ensuring that the corporate
22639 income tax credits granted in each fiscal year do not exceed the
22640 limits provided for in this section. The Department of
22641 Agriculture and Consumer Services may ~~Florida Energy and Climate~~
22642 ~~Commission is authorized to~~ adopt the necessary rules,
22643 ~~guidelines,~~ and forms ~~application materials~~ for the application
22644 process.

22645 (4) TAXPAYER APPLICATION PROCESS.—To claim a credit under
22646 this section, each taxpayer must apply to the Department of
22647 Agriculture and Consumer Services ~~Florida Energy and Climate~~
22648 ~~Commission~~ for an allocation of each type of annual credit by
22649 the date established by the Department of Agriculture and
22650 Consumer Services ~~Florida Energy and Climate Commission~~. The
22651 application form adopted ~~may be established~~ by the Department of
22652 Agriculture and Consumer Services ~~Florida Energy and Climate~~
22653 ~~Commission~~. The ~~form~~ must include an affidavit from each
22654 taxpayer certifying that all information contained in the
22655 application, including all records of eligible costs claimed as
22656 the basis for the tax credit, are true and correct. Approval of
22657 the credits under this section ~~is shall be accomplished~~ on a
22658 first-come, first-served basis, based upon the date complete
22659 applications are received by the Department of Agriculture and
22660 Consumer Services ~~Florida Energy and Climate Commission~~. A
22661 taxpayer must ~~shall~~ submit only one complete application based



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22662 upon eligible costs incurred within a particular state fiscal
22663 year. Incomplete placeholder applications will not be accepted
22664 and will not secure a place in the first-come, first-served
22665 application line. If a taxpayer does not receive a tax credit
22666 allocation due to the exhaustion of the annual tax credit
22667 authorizations, then such taxpayer may reapply in the following
22668 year for those eligible costs and will have priority over other
22669 applicants for the allocation of credits.

22670 (5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

22671 (a) In addition to its existing audit and investigation
22672 authority, the Department of Revenue may perform any additional
22673 financial and technical audits and investigations, including
22674 examining the accounts, books, and records of the tax credit
22675 applicant, which are necessary to verify the eligible costs
22676 included in the tax credit return and to ensure compliance with
22677 this section. The Department of Agriculture and Consumer
22678 Services ~~Florida Energy and Climate Commission~~ shall provide
22679 technical assistance when requested by the Department of Revenue
22680 on any technical audits or examinations performed pursuant to
22681 this section.

22682 (b) It is grounds for forfeiture of previously claimed and
22683 received tax credits if the Department of Revenue determines, as
22684 a result of an audit or examination or from information received
22685 from the Department of Agriculture and Consumer Services ~~Florida~~
22686 ~~Energy and Climate Commission~~, that a taxpayer received tax
22687 credits pursuant to this section to which the taxpayer was not
22688 entitled. The taxpayer is responsible for returning forfeited
22689 tax credits to the Department of Revenue, and such funds shall
22690 be paid into the General Revenue Fund of the state.



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22691 (c) The Department of Agriculture and Consumer Services
22692 ~~Florida Energy and Climate Commission~~ may revoke or modify any
22693 written decision granting eligibility for tax credits under this
22694 section if it is discovered that the tax credit applicant
22695 submitted any false statement, representation, or certification
22696 in any application, record, report, plan, or other document
22697 filed in an attempt to receive tax credits under this section.
22698 The Department of Agriculture and Consumer Services ~~Florida~~
22699 ~~Energy and Climate Commission~~ shall immediately notify the
22700 Department of Revenue of any revoked or modified orders
22701 affecting previously granted tax credits. Additionally, the
22702 taxpayer must notify the Department of Revenue of any change in
22703 its tax credit claimed.

22704 (d) The taxpayer shall file with the Department of Revenue
22705 an amended return or such other report as the Department of
22706 Revenue prescribes by rule and shall pay any required tax and
22707 interest within 60 days after the taxpayer receives notification
22708 from the Department of Agriculture and Consumer Services ~~Florida~~
22709 ~~Energy and Climate Commission~~ that previously approved tax
22710 credits have been revoked or modified. If the revocation or
22711 modification order is contested, the taxpayer shall file an
22712 amended return or other report as provided in this paragraph
22713 within 60 days after a final order is issued after proceedings.

22714 (e) A notice of deficiency may be issued by the Department
22715 of Revenue at any time within 3 years after the taxpayer
22716 receives formal notification from the Department of Agriculture
22717 and Consumer Services ~~Florida Energy and Climate Commission~~ that
22718 previously approved tax credits have been revoked or modified.
22719 If a taxpayer fails to notify the Department of Revenue of any



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22720 changes to its tax credit claimed, a notice of deficiency may be
22721 issued at any time.

22722 (6) TRANSFERABILITY OF CREDIT.—

22723 (b) To perfect the transfer, the transferor shall provide
22724 the Department of Revenue with a written transfer statement
22725 notifying the Department of Revenue of the transferor's intent
22726 to transfer the tax credits to the transferee; the date the
22727 transfer is effective; the transferee's name, address, and
22728 federal taxpayer identification number; the tax period; and the
22729 amount of tax credits to be transferred. The Department of
22730 Revenue shall, upon receipt of a transfer statement conforming
22731 to the requirements of this section, provide the transferee with
22732 a certificate reflecting the tax credit amounts transferred. A
22733 copy of the certificate must be attached to each tax return for
22734 which the transferee seeks to apply such tax credits.

22735 (8) PUBLICATION.—The Department of Agriculture and Consumer
22736 Services ~~Florida Energy and Climate Commission~~ shall determine
22737 and publish on a regular basis the amount of available tax
22738 credits remaining in each fiscal year.

22739 Section 502. Subsection (9) of section 288.9607, Florida
22740 Statutes, is amended to read:

22741 288.9607 Guaranty of bond issues.—

22742 (9) The membership of the corporation is authorized and
22743 directed to conduct such investigation as it may deem necessary
22744 for promulgation of regulations to govern the operation of the
22745 guaranty program authorized by this section. The regulations may
22746 include such other additional provisions, restrictions, and
22747 conditions as the corporation, after its investigation referred
22748 to in this subsection, shall determine to be proper to achieve



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22749 the most effective utilization of the guaranty program. This may
22750 include, without limitation, a detailing of the remedies that
22751 must be exhausted by bondholders, a trustee acting on their
22752 behalf, or other credit provided before calling upon the
22753 corporation to perform under its guaranty agreement and the
22754 subrogation of other rights of the corporation with reference to
22755 the capital project and its operation or the financing in the
22756 event the corporation makes payment pursuant to the applicable
22757 guaranty agreement. The regulations promulgated by the
22758 corporation to govern the operation of the guaranty program may
22759 contain specific provisions with respect to the rights of the
22760 corporation to enter, take over, and manage all financed
22761 properties upon default. These regulations shall be submitted by
22762 the corporation to the Department of Agriculture and Consumer
22763 Services ~~Florida Energy and Climate Commission~~ for approval.

22764 Section 503. Subsection (5) of section 366.82, Florida
22765 Statutes, is amended to read:

22766 366.82 Definition; goals; plans; programs; annual reports;
22767 energy audits.—

22768 (5) The Department of Agriculture and Consumer Services
22769 ~~Florida Energy and Climate Commission~~ shall be a party in the
22770 proceedings to adopt goals and shall file with the commission
22771 comments on the proposed goals, including, but not limited to:

22772 (a) An evaluation of utility load forecasts, including an
22773 assessment of alternative supply-side and demand-side resource
22774 options.

22775 (b) An analysis of various policy options that can be
22776 implemented to achieve a least-cost strategy, including
22777 nonutility programs targeted at reducing and controlling the per



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22778 capita use of electricity in the state.

22779 (c) An analysis of the impact of state and local building
22780 codes and appliance efficiency standards on the need for
22781 utility-sponsored conservation and energy efficiency measures
22782 and programs.

22783 Section 504. Subsection (3) of section 366.92, Florida
22784 Statutes, is amended to read:

22785 366.92 Florida renewable energy policy.—

22786 (3) The commission shall adopt rules for a renewable
22787 portfolio standard requiring each provider to supply renewable
22788 energy to its customers directly, by procuring, or through
22789 renewable energy credits. In developing the RPS rule, the
22790 commission shall consult the Department of Environmental
22791 Protection and the Department of Agriculture and Consumer
22792 Services ~~Florida Energy and Climate Commission~~. The rule shall
22793 not be implemented until ratified by the Legislature. The
22794 commission shall present a draft rule for legislative
22795 consideration by February 1, 2009.

22796 (a) In developing the rule, the commission shall evaluate
22797 the current and forecasted levelized cost in cents per kilowatt
22798 hour through 2020 and current and forecasted installed capacity
22799 in kilowatts for each renewable energy generation method through
22800 2020.

22801 (b) The commission's rule:

22802 1. Shall include methods of managing the cost of compliance
22803 with the renewable portfolio standard, whether through direct
22804 supply or procurement of renewable power or through the purchase
22805 of renewable energy credits. The commission shall have
22806 rulemaking authority for providing annual cost recovery and



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22807 incentive-based adjustments to authorized rates of return on
22808 common equity to providers to incentivize renewable energy.
22809 Notwithstanding s. 366.91(3) and (4), upon the ratification of
22810 the rules developed pursuant to this subsection, the commission
22811 may approve projects and power sales agreements with renewable
22812 power producers and the sale of renewable energy credits needed
22813 to comply with the renewable portfolio standard. In the event of
22814 any conflict, this subparagraph shall supersede s. 366.91(3) and
22815 (4). However, nothing in this section shall alter the obligation
22816 of each public utility to continuously offer a purchase contract
22817 to producers of renewable energy.

22818 2. Shall provide for appropriate compliance measures and
22819 the conditions under which noncompliance shall be excused due to
22820 a determination by the commission that the supply of renewable
22821 energy or renewable energy credits was not adequate to satisfy
22822 the demand for such energy or that the cost of securing
22823 renewable energy or renewable energy credits was cost
22824 prohibitive.

22825 3. May provide added weight to energy provided by wind and
22826 solar photovoltaic over other forms of renewable energy, whether
22827 directly supplied or procured or indirectly obtained through the
22828 purchase of renewable energy credits.

22829 4. Shall determine an appropriate period of time for which
22830 renewable energy credits may be used for purposes of compliance
22831 with the renewable portfolio standard.

22832 5. Shall provide for monitoring of compliance with and
22833 enforcement of the requirements of this section.

22834 6. Shall ensure that energy credited toward compliance with
22835 the requirements of this section is not credited toward any



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22836 other purpose.

22837 7. Shall include procedures to track and account for
22838 renewable energy credits, including ownership of renewable
22839 energy credits that are derived from a customer-owned renewable
22840 energy facility as a result of any action by a customer of an
22841 electric power supplier that is independent of a program
22842 sponsored by the electric power supplier.

22843 8. Shall provide for the conditions and options for the
22844 repeal or alteration of the rule in the event that new
22845 provisions of federal law supplant or conflict with the rule.

22846 (c) Beginning on April 1 of the year following final
22847 adoption of the commission's renewable portfolio standard rule,
22848 each provider shall submit a report to the commission describing
22849 the steps that have been taken in the previous year and the
22850 steps that will be taken in the future to add renewable energy
22851 to the provider's energy supply portfolio. The report shall
22852 state whether the provider was in compliance with the renewable
22853 portfolio standard during the previous year and how it will
22854 comply with the renewable portfolio standard in the upcoming
22855 year.

22856 Section 505. Section 377.6015, Florida Statutes, is amended
22857 to read:

22858 377.6015 Department of Agriculture and Consumer Services;
22859 powers and duties ~~Florida Energy and Climate Commission.-~~

22860 ~~(1) The Florida Energy and Climate Commission is created~~
22861 ~~within the Executive Office of the Governor. The commission~~
22862 ~~shall be comprised of nine members appointed by the Governor,~~
22863 ~~the Commissioner of Agriculture, and the Chief Financial~~
22864 ~~Officer.~~



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22865 ~~(a) The Governor shall appoint one member from three~~
22866 ~~persons nominated by the Florida Public Service Commission~~
22867 ~~Nominating Council, created in s. 350.031, to each of seven~~
22868 ~~seats on the commission. The Commissioner of Agriculture shall~~
22869 ~~appoint one member from three persons nominated by the council~~
22870 ~~to one seat on the commission. The Chief Financial Officer shall~~
22871 ~~appoint one member from three persons nominated by the council~~
22872 ~~to one seat on the commission.~~

22873 ~~1. The council shall submit the recommendations to the~~
22874 ~~Governor, the Commissioner of Agriculture, and the Chief~~
22875 ~~Financial Officer by September 1 of those years in which the~~
22876 ~~terms are to begin the following October or within 60 days after~~
22877 ~~a vacancy occurs for any reason other than the expiration of the~~
22878 ~~term. The Governor, the Commissioner of Agriculture, and the~~
22879 ~~Chief Financial Officer may proffer names of persons to be~~
22880 ~~considered for nomination by the council.~~

22881 ~~2. The Governor, the Commissioner of Agriculture, and the~~
22882 ~~Chief Financial Officer shall fill a vacancy occurring on the~~
22883 ~~commission by appointment of one of the applicants nominated by~~
22884 ~~the council only after a background investigation of such~~
22885 ~~applicant has been conducted by the Department of Law~~
22886 ~~Enforcement.~~

22887 ~~3. Members shall be appointed to 3-year terms; however, in~~
22888 ~~order to establish staggered terms, for the initial~~
22889 ~~appointments, the Governor shall appoint four members to 3-year~~
22890 ~~terms, two members to 2-year terms, and one member to a 1-year~~
22891 ~~term, and the Commissioner of Agriculture and the Chief~~
22892 ~~Financial Officer shall each appoint one member to a 3-year term~~
22893 ~~and shall appoint a successor when that appointee's term expires~~



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22894 ~~in the same manner as the original appointment.~~

22895 ~~4. The Governor shall select from the membership of the~~
22896 ~~commission one person to serve as chair.~~

22897 ~~5. A vacancy on the commission shall be filled for the~~
22898 ~~unexpired portion of the term in the same manner as the original~~
22899 ~~appointment.~~

22900 ~~6. If the Governor, the Commissioner of Agriculture, or the~~
22901 ~~Chief Financial Officer has not made an appointment within 30~~
22902 ~~consecutive calendar days after the receipt of the~~
22903 ~~recommendations, the council shall initiate, in accordance with~~
22904 ~~this section, the nominating process within 30 days.~~

22905 ~~7. Each appointment to the commission shall be subject to~~
22906 ~~confirmation by the Senate during the next regular session after~~
22907 ~~the vacancy occurs. If the Senate refuses to confirm or fails to~~
22908 ~~consider the appointment of the Governor, the Commissioner of~~
22909 ~~Agriculture, or the Chief Financial Officer, the council shall~~
22910 ~~initiate, in accordance with this section, the nominating~~
22911 ~~process within 30 days.~~

22912 ~~8. The Governor or the Governor's successor may recall an~~
22913 ~~appointee.~~

22914 ~~9. Notwithstanding subparagraph 7. and for the initial~~
22915 ~~appointments to the commission only, each initial appointment to~~
22916 ~~the commission is subject to confirmation by the Senate by the~~
22917 ~~2010 Regular Session. If the Senate refuses to confirm or fails~~
22918 ~~to consider an appointment made by the Governor, the~~
22919 ~~Commissioner of Agriculture, or the Chief Financial Officer, the~~
22920 ~~council shall initiate, in accordance with this section, the~~
22921 ~~nominating process within 30 days after the Senate's refusal to~~
22922 ~~confirm or failure to consider such appointment. This~~



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22923 ~~subparagraph expires July 1, 2010.~~

22924 ~~(b) Members must meet the following qualifications and~~
22925 ~~restrictions:~~

22926 ~~1. A member must be an expert in one or more of the~~
22927 ~~following fields: energy, natural resource conservation,~~
22928 ~~economics, engineering, finance, law, transportation and land~~
22929 ~~use, consumer protection, state energy policy, or another field~~
22930 ~~substantially related to the duties and functions of the~~
22931 ~~commission. The commission shall fairly represent the fields~~
22932 ~~specified in this subparagraph.~~

22933 ~~2. Each member shall, at the time of appointment and at~~
22934 ~~each commission meeting during his or her term of office,~~
22935 ~~disclose:~~

22936 ~~a. Whether he or she has any financial interest, other than~~
22937 ~~ownership of shares in a mutual fund, in any business entity~~
22938 ~~that, directly or indirectly, owns or controls, or is an~~
22939 ~~affiliate or subsidiary of, any business entity that may be~~
22940 ~~affected by the policy recommendations developed by the~~
22941 ~~commission.~~

22942 ~~b. Whether he or she is employed by or is engaged in any~~
22943 ~~business activity with any business entity that, directly or~~
22944 ~~indirectly, owns or controls, or is an affiliate or subsidiary~~
22945 ~~of, any business entity that may be affected by the policy~~
22946 ~~recommendations developed by the commission.~~

22947 ~~(c) The chair may designate the following ex officio,~~
22948 ~~nonvoting members to provide information and advice to the~~
22949 ~~commission at the request of the chair:~~

22950 ~~1. The chair of the Florida Public Service Commission, or~~
22951 ~~his or her designee.~~



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- 22952 ~~2. The Public Counsel, or his or her designee.~~
- 22953 ~~3. A representative of the Department of Agriculture and~~
- 22954 ~~Consumer Services.~~
- 22955 ~~4. A representative of the Department of Financial~~
- 22956 ~~Services.~~
- 22957 ~~5. A representative of the Department of Environmental~~
- 22958 ~~Protection.~~
- 22959 ~~6. A representative of the Department of Community Affairs.~~
- 22960 ~~7. A representative of the Board of Governors of the State~~
- 22961 ~~University System.~~
- 22962 ~~8. A representative of the Department of Transportation.~~
- 22963 ~~(2) Members shall serve without compensation but are~~
- 22964 ~~entitled to reimbursement for per diem and travel expenses as~~
- 22965 ~~provided in s. 112.061.~~
- 22966 ~~(3) Meetings of the commission may be held in various~~
- 22967 ~~locations around the state and at the call of the chair;~~
- 22968 ~~however, the commission must meet at least six times each year.~~
- 22969 ~~(1)-(4) The department ~~commission~~ may:~~
- 22970 (a) Employ staff and counsel as needed in the performance
- 22971 of its duties.
- 22972 (b) Prosecute and defend legal actions in its own name.
- 22973 (c) Form advisory groups consisting of members of the
- 22974 public to provide information on specific issues.
- 22975 ~~(2)-(5) The department ~~commission~~ shall:~~
- 22976 (a) Administer the Florida Renewable Energy and Energy-
- 22977 Efficient Technologies Grants Program pursuant to s. 377.804 to
- 22978 assure a robust grant portfolio.
- 22979 (b) Develop policy for requiring grantees to provide
- 22980 royalty-sharing or licensing agreements with state government



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22981 for commercialized products developed under a state grant.
22982 (c) Administer the Florida Green Government Grants Act
22983 pursuant to s. 377.808 and set annual priorities for grants.
22984 (d) Administer the information gathering and reporting
22985 functions pursuant to ss. 377.601-377.608.
22986 ~~(c) Administer petroleum planning and emergency contingency~~
22987 ~~planning pursuant to ss. 377.701, 377.703, and 377.704.~~
22988 (e) ~~(f)~~ Represent Florida in the Southern States Energy
22989 Compact pursuant to ss. 377.71-377.712.
22990 ~~(g) Complete the annual assessment of the efficacy of~~
22991 ~~Florida's Energy and Climate Change Action Plan, upon completion~~
22992 ~~by the Governor's Action Team on Energy and Climate Change~~
22993 ~~pursuant to the Governor's Executive Order 2007-128, and provide~~
22994 ~~specific recommendations to the Governor and the Legislature~~
22995 ~~each year to improve results.~~
22996 (f) ~~(h)~~ Administer the provisions of the Florida Energy and
22997 Climate Protection Act pursuant to ss. 377.801-377.807 ~~377.801-~~
22998 ~~377.806.~~
22999 (g) ~~(i)~~ Advocate for energy and climate change issues and
23000 provide educational outreach and technical assistance in
23001 cooperation with the state's academic institutions.
23002 (h) ~~(j)~~ Be a party in the proceedings to adopt goals and
23003 submit comments to the Public Service Commission pursuant to s.
23004 366.82.
23005 (i) ~~(k)~~ Adopt rules pursuant to chapter 120 in order to
23006 implement all powers and duties described in this section.
23007 Section 506. Subsection (1) and paragraphs (a) and (b) of
23008 subsection (2) of section 377.602, Florida Statutes, are amended
23009 to read:



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23010 377.602 Definitions.—As used in ss. 377.601-377.608:
23011 (1) “Department” ~~“Commission”~~ means the Department of
23012 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23013 ~~Commission~~.
23014 (2) “Energy resources” includes, but shall not be limited
23015 to:
23016 (a) Energy converted from solar radiation, wind, hydraulic
23017 potential, tidal movements, biomass, geothermal sources, and
23018 other energy resources the department ~~commission~~ determines to
23019 be important to the production or supply of energy.
23020 (b) Propane, butane, motor gasoline, kerosene, home heating
23021 oil, diesel fuel, other middle distillates, aviation gasoline,
23022 kerosene-type jet fuel, naphtha-type jet fuel, residual fuels,
23023 crude oil, and other petroleum products and hydrocarbons as may
23024 be determined by the department ~~commission~~ to be of importance.
23025 Section 507. Section 377.603, Florida Statutes, is amended
23026 to read:
23027 377.603 Energy data collection; powers and duties of the
23028 department ~~commission~~.—
23029 (1) The department ~~commission~~ may collect data on the
23030 extraction, production, importation, exportation, refinement,
23031 transportation, transmission, conversion, storage, sale, or
23032 reserves of energy resources in this state in an efficient and
23033 expeditious manner.
23034 (2) The department ~~commission~~ may prepare periodic reports
23035 of energy data it collects.
23036 (3) The department ~~commission~~ may adopt and promulgate such
23037 rules and regulations as are necessary to carry out the
23038 provisions of ss. 377.601-377.608. Such rules shall be pursuant



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23039 to chapter 120.

23040 (4) The department ~~commission~~ shall maintain internal
23041 validation procedures to assure the accuracy of information
23042 received.

23043 Section 508. Section 377.604, Florida Statutes, is amended
23044 to read:

23045 377.604 Required reports.—Every person who produces,
23046 imports, exports, refines, transports, transmits, converts,
23047 stores, sells, or holds known reserves of any form of energy
23048 resources used as fuel shall report to the department
23049 ~~commission~~, at the request of and in a manner prescribed by the
23050 department ~~commission~~, on forms provided by the department
23051 ~~commission~~. Such forms shall be designed in such a manner as to
23052 indicate:

23053 (1) The identity of the person or persons making the
23054 report.

23055 (2) The quantity of energy resources extracted, produced,
23056 imported, exported, refined, transported, transmitted,
23057 converted, stored, or sold except at retail.

23058 (3) The quantity of energy resources known to be held in
23059 reserve in the state.

23060 (4) The identity of each refinery from which petroleum
23061 products have normally been obtained and the type and quantity
23062 of products secured from that refinery for sale or resale in
23063 this state.

23064 (5) Any other information which the department ~~commission~~
23065 deems proper pursuant to the intent of ss. 377.601-377.608.

23066 Section 509. Section 377.605, Florida Statutes, is amended
23067 to read:



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23068 377.605 Use of existing information.—The department
23069 ~~commission~~ may utilize to the fullest extent possible any
23070 existing energy information already prepared for state or
23071 federal agencies. Every state, county, and municipal agency
23072 shall cooperate with the department ~~commission~~ and shall submit
23073 any information on energy to the department ~~commission~~ upon
23074 request.

23075 Section 510. Section 377.606, Florida Statutes, is amended
23076 to read:

23077 377.606 Records of the department ~~commission~~; limits of
23078 confidentiality.—The information or records of individual
23079 persons, as defined in this section, obtained by the department
23080 ~~commission~~ as a result of a report, investigation, or
23081 verification required by the department ~~commission~~ shall be open
23082 to the public, except such information the disclosure of which
23083 would be likely to cause substantial harm to the competitive
23084 position of the person providing such information and which is
23085 requested to be held confidential by the person providing such
23086 information. Such proprietary information is confidential and
23087 exempt from the provisions of s. 119.07(1). Information reported
23088 by entities other than the department ~~commission~~ in documents or
23089 reports open to public inspection shall under no circumstances
23090 be classified as confidential by the department ~~commission~~.
23091 Divulgence of proprietary information as is requested to be held
23092 confidential, except upon order of a court of competent
23093 jurisdiction or except to an officer of the state entitled to
23094 receive the same in his or her official capacity, shall be a
23095 misdemeanor of the second degree, punishable as provided in ss.
23096 775.082 and 775.083. ~~Nothing in~~ This section does not ~~shall be~~



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23097 ~~enacted to~~ prohibit the publication or divulgence by other
23098 means of data so classified as to prevent identification of
23099 particular accounts or reports made to the department ~~commission~~
23100 in compliance with s. 377.603 or to prohibit the disclosure of
23101 such information to properly qualified legislative committees.
23102 The department ~~commission~~ shall establish a system which permits
23103 reasonable access to information developed.

23104 Section 511. Section 377.608, Florida Statutes, is amended
23105 to read:

23106 377.608 Prosecution of cases by state attorney.—The state
23107 attorney shall prosecute all cases certified to him or her for
23108 prosecution by the department ~~commission~~ immediately upon
23109 receipt of the evidence transmitted by the department
23110 ~~commission~~, or as soon thereafter as practicable.

23111 Section 512. Subsections (1), (2), and (3) of section
23112 377.701, Florida Statutes, are amended to read:

23113 377.701 Petroleum allocation.—

23114 (1) The Division of Emergency Management ~~Florida Energy and~~
23115 ~~Climate Commission~~ shall assume the state's role in petroleum
23116 allocation and conservation, including the development of a fair
23117 and equitable petroleum plan. The Division of Emergency
23118 Management ~~commission~~ shall constitute the responsible state
23119 agency for performing the functions of any federal program
23120 delegated to the state, which relates to petroleum supply,
23121 demand, and allocation.

23122 (2) The Division of Emergency Management ~~commission~~ shall,
23123 in addition to assuming the duties and responsibilities provided
23124 by subsection (1), perform the following:

23125 (a) In projecting available supplies of petroleum,



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23126 coordinate with the Department of Revenue to secure information
23127 necessary to assure the sufficiency and accuracy of data
23128 submitted by persons affected by any federal fuel allocation
23129 program.

23130 (b) Require such periodic reports from public and private
23131 sources as may be necessary to the fulfillment of its
23132 responsibilities under this act. Such reports may include:
23133 petroleum use; all sales, including end-user sales, except
23134 retail gasoline and retail fuel oil sales; inventories; expected
23135 supplies and allocations; and petroleum conservation measures.

23136 (c) In cooperation with the Department of Revenue and other
23137 relevant state agencies, provide for long-range studies
23138 regarding the usage of petroleum in the state in order to:

23139 1. Comprehend the consumption of petroleum resources.
23140 2. Predict future petroleum demands in relation to
23141 available resources.

23142 3. Report the results of such studies to the Legislature.

23143 (3) For the purpose of determining accuracy of data, all
23144 state agencies shall timely provide the Division of Emergency
23145 Management ~~commission~~ with petroleum-use information in a format
23146 suitable to the needs of the allocation program.

23147 Section 513. Section 377.703, Florida Statutes, is amended
23148 to read:

23149 377.703 Additional functions of the Department of
23150 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23151 ~~Commission~~.—

23152 (1) LEGISLATIVE INTENT.—Recognizing that energy supply and
23153 demand questions have become a major area of concern to the
23154 state which must be dealt with by effective and well-coordinated



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23155 state action, it is the intent of the Legislature to promote the
23156 efficient, effective, and economical management of energy
23157 problems, centralize energy coordination responsibilities,
23158 pinpoint responsibility for conducting energy programs, and
23159 ensure the accountability of state agencies for the
23160 implementation of s. 377.601(2), the state energy policy. It is
23161 the specific intent of the Legislature that nothing in this act
23162 shall in any way change the powers, duties, and responsibilities
23163 assigned by the Florida Electrical Power Plant Siting Act, part
23164 II of chapter 403, or the powers, duties, and responsibilities
23165 of the Florida Public Service Commission.

23166 (2) ~~FLORIDA ENERGY AND CLIMATE COMMISSION~~; DUTIES.—The
23167 department ~~commission~~ shall perform the following functions,
23168 unless as otherwise provided, consistent with the development of
23169 a state energy policy:

23170 (a) The Division of Emergency Management is responsible for
23171 the ~~commission shall assume the responsibility for~~ development
23172 of an energy emergency contingency plan to respond to serious
23173 shortages of primary and secondary energy sources. Upon a
23174 finding by the Governor, implementation of any emergency program
23175 shall be upon order of the Governor that a particular kind or
23176 type of fuel is, or that the occurrence of an event which is
23177 reasonably expected within 30 days will make the fuel, in short
23178 supply. The Division of Emergency Management ~~commission~~ shall
23179 then respond by instituting the appropriate measures of the
23180 contingency plan to meet the given emergency or energy shortage.
23181 The Governor may utilize the provisions of s. 252.36(5) to carry
23182 out any emergency actions required by a serious shortage of
23183 energy sources.



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23184 (b) The department ~~commission shall be~~ responsible for
23185 performing or coordinating the functions of any federal energy
23186 programs delegated to the state, including energy supply,
23187 demand, conservation, or allocation.

23188 (c) The department ~~commission~~ shall analyze present and
23189 proposed federal energy programs and make recommendations
23190 regarding those programs to the Governor and the Legislature.

23191 (d) The department ~~commission~~ shall coordinate efforts to
23192 seek federal support or other support for state energy
23193 activities, including energy conservation, research, or
23194 development, and is ~~shall be~~ responsible for the coordination of
23195 multiagency energy conservation programs and plans.

23196 (e) The department ~~commission~~ shall analyze energy data
23197 collected and prepare long-range forecasts of energy supply and
23198 demand in coordination with the Florida Public Service
23199 Commission, which is responsible ~~shall have responsibility~~ for
23200 electricity and natural gas forecasts. To this end, the
23201 forecasts shall contain:

23202 1. An analysis of the relationship of state economic growth
23203 and development to energy supply and demand, including the
23204 constraints to economic growth resulting from energy supply
23205 constraints.

23206 2. Plans for the development of renewable energy resources
23207 and reduction in dependence on depletable energy resources,
23208 particularly oil and natural gas, and an analysis of the extent
23209 to which renewable energy sources are being utilized in the
23210 state.

23211 3. Consideration of alternative scenarios of statewide
23212 energy supply and demand for 5, 10, and 20 years to identify



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23213 strategies for long-range action, including identification of
23214 potential social, economic, and environmental effects.

23215 4. An assessment of the state's energy resources, including
23216 examination of the availability of commercially developable and
23217 imported fuels, and an analysis of anticipated effects on the
23218 state's environment and social services resulting from energy
23219 resource development activities or from energy supply
23220 constraints, or both.

23221 (f) The department ~~commission~~ shall submit an annual report
23222 to the Governor and the Legislature reflecting its activities
23223 and making recommendations of policies for improvement of the
23224 state's response to energy supply and demand and its effect on
23225 the health, safety, and welfare of the people of Florida. The
23226 report shall include a report from the Florida Public Service
23227 Commission on electricity and natural gas and information on
23228 energy conservation programs conducted and underway in the past
23229 year and shall include recommendations for energy conservation
23230 programs for the state, including, but not limited to, the
23231 following factors:

23232 1. Formulation of specific recommendations for improvement
23233 in the efficiency of energy utilization in governmental,
23234 residential, commercial, industrial, and transportation sectors.

23235 2. Collection and dissemination of information relating to
23236 energy conservation.

23237 3. Development and conduct of educational and training
23238 programs relating to energy conservation.

23239 4. An analysis of the ways in which state agencies are
23240 seeking to implement s. 377.601(2), the state energy policy, and
23241 recommendations for better fulfilling this policy.



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23242 (g) The department ~~commission~~ has authority to adopt
23243 rules pursuant to ss. 120.536(1) and 120.54 to implement the
23244 provisions of this act.

23245 (h) The department ~~commission~~ shall promote the development
23246 and use of renewable energy resources, in conformance with the
23247 provisions of chapter 187 and s. 377.601, by:

23248 1. Establishing goals and strategies for increasing the use
23249 of solar energy in this state.

23250 2. Aiding and promoting the commercialization of solar
23251 energy technology, in cooperation with the Florida Solar Energy
23252 Center, Enterprise Florida, Inc., and any other federal, state,
23253 or local governmental agency which may seek to promote research,
23254 development, and demonstration of solar energy equipment and
23255 technology.

23256 3. Identifying barriers to greater use of solar energy
23257 systems in this state, and developing specific recommendations
23258 for overcoming identified barriers, with findings and
23259 recommendations to be submitted annually in the report to the
23260 Governor and Legislature required under paragraph (f).

23261 4. In cooperation with the Department of Environmental
23262 Protection, the Department of Transportation, the Department of
23263 Community Affairs, Enterprise Florida, Inc., the Florida Solar
23264 Energy Center, and the Florida Solar Energy Industries
23265 Association, investigating opportunities, pursuant to the
23266 National Energy Policy Act of 1992, the Housing and Community
23267 Development Act of 1992, and any subsequent federal legislation,
23268 for solar electric vehicles and other solar energy
23269 manufacturing, distribution, installation, and financing efforts
23270 which will enhance this state's position as the leader in solar



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23271 energy research, development, and use.

23272 5. Undertaking other initiatives to advance the development
23273 and use of renewable energy resources in this state.

23274
23275 In the exercise of its responsibilities under this paragraph,
23276 the department ~~commission~~ shall seek the assistance of the solar
23277 energy industry in this state and other interested parties and
23278 is authorized to enter into contracts, retain professional
23279 consulting services, and expend funds appropriated by the
23280 Legislature for such purposes.

23281 (i) The department ~~commission~~ shall promote energy
23282 conservation in all energy use sectors throughout the state and
23283 shall constitute the state agency primarily responsible for this
23284 function. ~~To this end,~~ The Department of Management Services, in
23285 consultation with the department, ~~commission~~ shall coordinate
23286 the energy conservation programs of all state agencies and
23287 review and comment on the energy conservation programs of all
23288 state agencies.

23289 (j) The department ~~commission~~ shall serve as the state
23290 clearinghouse for indexing and gathering all information related
23291 to energy programs in state universities, in private
23292 universities, in federal, state, and local government agencies,
23293 and in private industry and shall prepare and distribute such
23294 information in any manner necessary to inform and advise the
23295 citizens of the state of such programs and activities. This
23296 shall include developing and maintaining a current index and
23297 profile of all research activities, which shall be identified by
23298 energy area and may include a summary of the project, the amount
23299 and sources of funding, anticipated completion dates, or, in



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23300 case of completed research, conclusions, recommendations, and
23301 applicability to state government and private sector functions.
23302 The department ~~commission~~ shall coordinate, promote, and respond
23303 to efforts by all sectors of the economy to seek financial
23304 support for energy activities. The department ~~commission~~ shall
23305 provide information to consumers regarding the anticipated
23306 energy-use and energy-saving characteristics of products and
23307 services in coordination with any federal, state, or local
23308 governmental agencies as may provide such information to
23309 consumers.

23310 (k) The department ~~commission~~ shall coordinate energy-
23311 related programs of state government, including, but not limited
23312 to, the programs provided in this section. To this end, the
23313 department ~~commission~~ shall:

23314 1. Provide assistance to other state agencies, counties,
23315 municipalities, and regional planning agencies to further and
23316 promote their energy planning activities.

23317 2. Require, in cooperation with the Department of
23318 Management Services, all state agencies to operate state-owned
23319 and state-leased buildings in accordance with energy
23320 conservation standards as adopted by the Department of
23321 Management Services. Every 3 months, the Department of
23322 Management Services shall furnish the department ~~commission~~ data
23323 on agencies' energy consumption and emissions of greenhouse
23324 gases in a format prescribed by the department ~~commission~~.

23325 3. Promote the development and use of renewable energy
23326 resources, energy efficiency technologies, and conservation
23327 measures.

23328 4. Promote the recovery of energy from wastes, including,



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23329 but not limited to, the use of waste heat, the use of
23330 agricultural products as a source of energy, and recycling of
23331 manufactured products. Such promotion shall be conducted in
23332 conjunction with, and after consultation with, the Department of
23333 Environmental Protection and the Florida Public Service
23334 Commission where electrical generation or natural gas is
23335 involved, and any other relevant federal, state, or local
23336 governmental agency having responsibility for resource recovery
23337 programs.

23338 (1) The department ~~commission~~ shall develop, coordinate,
23339 and promote a comprehensive research plan for state programs.
23340 Such plan shall be consistent with state energy policy and shall
23341 be updated on a biennial basis.

23342 (m) In recognition of the devastation to the economy of
23343 this state and the dangers to the health and welfare of
23344 residents of this state caused by severe hurricanes, and the
23345 potential for such impacts caused by other natural disasters,
23346 the Division of Emergency Management ~~commission~~ shall include in
23347 its energy emergency contingency plan and provide to the Florida
23348 Building Commission for inclusion in the Florida Energy
23349 Efficiency Code for Building Construction specific provisions to
23350 facilitate the use of cost-effective solar energy technologies
23351 as emergency remedial and preventive measures for providing
23352 electric power, street lighting, and water heating service in
23353 the event of electric power outages.

23354 (3) The Department of Environmental Protection is
23355 ~~commission~~ shall be responsible for the administration of the
23356 Coastal Energy Impact Program provided for and described in Pub.
23357 L. No. 94-370, 16 U.S.C. s. 1456a.



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23358 Section 514. Paragraph (h) of subsection (5) of section
23359 377.711, Florida Statutes, is amended to read:

23360 377.711 Florida party to Southern States Energy Compact.—
23361 The Southern States Energy Compact is enacted into law and
23362 entered into by the state as a party, and is of full force and
23363 effect between the state and any other states joining therein in
23364 accordance with the terms of the compact, which compact is
23365 substantially as follows:

23366 (5) POWERS.—The board shall have the power to:

23367 (h) Recommend such changes in, or amendments or additions
23368 to, the laws, codes, rules, regulations, administrative
23369 procedures and practices, or ordinances of the party states in
23370 any of the fields of its interest and competence as in its
23371 judgment may be appropriate. Any such recommendation shall be
23372 made, in the case of Florida, through the Department of
23373 Agriculture and Consumer Services ~~Commerce~~.

23374 Section 515. Section 377.801, Florida Statutes, is amended
23375 to read:

23376 377.801 Short title.—Sections 377.801-377.807 ~~377.801-~~
23377 ~~377.806~~ may be cited as the "Florida Energy and Climate
23378 Protection Act."

23379 Section 516. Section 377.803, Florida Statutes, is amended
23380 to read:

23381 377.803 Definitions.—As used in ss. 377.801-377.807
23382 ~~377.801-377.806~~, the term:

23383 (1) "Act" means the Florida Energy and Climate Protection
23384 Act.

23385 (2) "Department" ~~"Commission"~~ means the Department of
23386 Agriculture and Consumer Services ~~Florida Energy and Climate~~



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23387 ~~Commission.~~

23388 (3) "Person" means an individual, partnership, joint
23389 venture, private or public corporation, association, firm,
23390 public service company, or any other public or private entity.

23391 (4) "Renewable energy" means electrical, mechanical, or
23392 thermal energy produced from a method that uses one or more of
23393 the following fuels or energy sources: hydrogen, biomass, as
23394 defined in s. 366.91, solar energy, geothermal energy, wind
23395 energy, ocean energy, waste heat, or hydroelectric power.

23396 (5) "Renewable energy technology" means any technology that
23397 generates or utilizes a renewable energy resource.

23398 (6) "Solar energy system" means equipment that provides for
23399 the collection and use of incident solar energy for water
23400 heating, space heating or cooling, or other applications that
23401 would normally require a conventional source of energy such as
23402 petroleum products, natural gas, or electricity that performs
23403 primarily with solar energy. In other systems in which solar
23404 energy is used in a supplemental way, only those components that
23405 collect and transfer solar energy shall be included in this
23406 definition.

23407 (7) "Solar photovoltaic system" means a device that
23408 converts incident sunlight into electrical current.

23409 (8) "Solar thermal system" means a device that traps heat
23410 from incident sunlight in order to heat water.

23411 Section 517. Subsection (1), paragraph (f) of subsection
23412 (2), and subsections (3) through (6) of section 377.804, Florida
23413 Statutes, are amended to read:

23414 377.804 Renewable Energy and Energy-Efficient Technologies
23415 Grants Program.—



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23416 (1) The Renewable Energy and Energy-Efficient Technologies
23417 Grants Program is established within the department ~~commission~~
23418 to provide renewable energy matching grants for demonstration,
23419 commercialization, research, and development projects relating
23420 to renewable energy technologies and innovative technologies
23421 that significantly increase energy efficiency for vehicles and
23422 commercial buildings.

23423 (2) Matching grants for projects described in subsection
23424 (1) may be made to any of the following:

23425 (f) Other qualified persons, as determined by the
23426 department ~~commission~~.

23427 (3) The department ~~commission~~ may adopt rules pursuant to
23428 ss. 120.536(1) and 120.54 to provide for application
23429 requirements, provide for ranking of applications, and
23430 administer the awarding of grants under this program.

23431 (4) Factors the department ~~commission~~ shall consider in
23432 awarding grants include, but are not limited to:

23433 (a) The availability of matching funds or other in-kind
23434 contributions applied to the total project from an applicant.
23435 The department ~~commission~~ shall give greater preference to
23436 projects that provide such matching funds or other in-kind
23437 contributions.

23438 (b) The degree to which the project stimulates in-state
23439 capital investment and economic development in metropolitan and
23440 rural areas, including the creation of jobs and the future
23441 development of a commercial market for renewable energy
23442 technologies.

23443 (c) The extent to which the proposed project has been
23444 demonstrated to be technically feasible based on pilot project



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23445 demonstrations, laboratory testing, scientific modeling, or
23446 engineering or chemical theory that supports the proposal.

23447 (d) The degree to which the project incorporates an
23448 innovative new technology or an innovative application of an
23449 existing technology.

23450 (e) The degree to which a project generates thermal,
23451 mechanical, or electrical energy by means of a renewable energy
23452 resource that has substantial long-term production potential.

23453 (f) The degree to which a project demonstrates efficient
23454 use of energy and material resources.

23455 (g) The degree to which the project fosters overall
23456 understanding and appreciation of renewable energy technologies.

23457 (h) The ability to administer a complete project.

23458 (i) Project duration and timeline for expenditures.

23459 (j) The geographic area in which the project is to be
23460 conducted in relation to other projects.

23461 (k) The degree of public visibility and interaction.

23462 (5) The department ~~commission~~ shall solicit the expertise
23463 of state agencies, Enterprise Florida, Inc., and state
23464 universities, and may solicit the expertise of other public and
23465 private entities it deems appropriate, in evaluating project
23466 proposals. State agencies shall cooperate with the department
23467 ~~commission~~ and provide such assistance as requested.

23468 ~~(6) The commission shall coordinate and actively consult~~
23469 ~~with the Department of Agriculture and Consumer Services during~~
23470 ~~the review and approval process of grants relating to bioenergy~~
23471 ~~projects for renewable energy technology.~~ Factors for
23472 consideration in awarding grants relating to bioenergy projects
23473 may include, but are not limited to, the degree to which:



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23474 (a) The project stimulates in-state capital investment and
23475 economic development in metropolitan and rural areas, including
23476 the creation of jobs and the future development of a commercial
23477 market for bioenergy.

23478 (b) The project produces bioenergy from Florida-grown crops
23479 or biomass.

23480 (c) The project demonstrates efficient use of energy and
23481 material resources.

23482 (d) The project fosters overall understanding and
23483 appreciation of bioenergy technologies.

23484 (e) Matching funds and in-kind contributions from an
23485 applicant are available.

23486 (f) The project duration and the timeline for expenditures
23487 are acceptable.

23488 (g) The project has a reasonable assurance of enhancing the
23489 value of agricultural products or will expand agribusiness in
23490 the state.

23491 (h) Preliminary market and feasibility research has been
23492 conducted by the applicant or others and shows there is a
23493 reasonable assurance of a potential market.

23494 Section 518. Subsections (1), (6), and (7) of section
23495 377.806, Florida Statutes, are amended to read:

23496 377.806 Solar Energy System Incentives Program.—

23497 (1) PURPOSE.—The Solar Energy System Incentives Program is
23498 established within the Department of Agriculture and Consumer
23499 Services ~~commission~~ to provide financial incentives for the
23500 purchase and installation of solar energy systems. Any resident
23501 of the state who purchases and installs a new solar energy
23502 system of 2 kilowatts or larger for a solar photovoltaic system,



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23503 a solar energy system that provides at least 50 percent of a
23504 building's hot water consumption for a solar thermal system, or
23505 a solar thermal pool heater, from July 1, 2006, through June 30,
23506 2010, is eligible for a rebate on a portion of the purchase
23507 price of that solar energy system.

23508 (6) REBATE AVAILABILITY.—The department ~~commission~~ shall
23509 determine and publish on a regular basis the amount of rebate
23510 funds remaining in each fiscal year. The total dollar amount of
23511 all rebates issued is subject to the total amount of
23512 appropriations in any fiscal year for this program. If funds are
23513 insufficient during the current fiscal year, any requests for
23514 rebates received during that fiscal year may be processed during
23515 the following fiscal year. Requests for rebates received in a
23516 fiscal year that are processed during the following fiscal year
23517 shall be given priority over requests for rebates received
23518 during the following fiscal year.

23519 (7) RULES.—The department ~~commission~~ shall adopt rules
23520 pursuant to ss. 120.536(1) and 120.54 to develop rebate
23521 applications and administer the issuance of rebates.

23522 Section 519. Section 377.807, Florida Statutes, is amended
23523 to read:

23524 377.807 Energy-efficient appliance rebate program.—

23525 (1) The department ~~Florida Energy and Climate~~
23526 ~~Commission is authorized to~~ develop and administer a consumer
23527 rebate program for residential energy-efficient appliances,
23528 consistent with 42 U.S.C. s. 15821 and any federal agency
23529 guidance or regulations issued in furtherance of federal law.

23530 (2) The department ~~commission~~ may adopt rules pursuant to
23531 ss. 120.536(1) and 120.54 designating eligible appliances,



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23532 rebate amounts, and the administration of the issuance of
23533 rebates. The rules shall be consistent with 42 U.S.C. s. 15821
23534 and any subsequent implementing federal regulations or guidance.

23535 (3) The department may ~~commission is authorized to~~ enter
23536 into contracts or memoranda of agreement with other agencies of
23537 the state, public-private partnerships, or other arrangements
23538 such that the most efficient means of administering consumer
23539 rebates can be achieved.

23540 Section 520. Subsections (2) through (5) of section
23541 377.808, Florida Statutes, are amended to read:

23542 377.808 Florida Green Government Grants Act.—

23543 (2) The department ~~Florida Energy and Climate Commission~~
23544 shall use funds specifically appropriated to award grants under
23545 this section to assist local governments, including
23546 municipalities, counties, and school districts, in the
23547 development and implementation of programs that achieve green
23548 standards. Green standards shall be determined by the department
23549 ~~commission~~ and shall provide for cost-efficient solutions,
23550 reducing greenhouse gas emissions, improving quality of life,
23551 and strengthening the state's economy.

23552 (3) The department ~~commission~~ shall adopt rules pursuant to
23553 chapter 120 to administer the grants provided for in this
23554 section. In accordance with the rules adopted by the department
23555 ~~commission~~ under this section, the department ~~commission~~ may
23556 provide grants from funds specifically appropriated for this
23557 purpose to local governments for the costs of achieving green
23558 standards, including necessary administrative expenses. The
23559 rules of the department ~~commission~~ shall:

23560 (a) Designate one or more suitable green government



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23561 standards frameworks from which local governments may develop a
23562 greening government initiative and from which projects may be
23563 eligible for funding pursuant to this section.

23564 (b) Require that projects that plan, design, construct,
23565 upgrade, or replace facilities reduce greenhouse gas emissions
23566 and be cost-effective, environmentally sound, permittable, and
23567 implementable.

23568 (c) Require local governments to match state funds with
23569 direct project cost sharing or in-kind services.

23570 (d) Provide for a scale of matching requirements for local
23571 governments on the basis of population in order to assist rural
23572 and undeveloped areas of the state with any financial burden of
23573 addressing climate change impacts.

23574 (e) Require grant applications to be submitted on
23575 appropriate forms developed and adopted by the department
23576 ~~commission~~ with appropriate supporting documentation and require
23577 records to be maintained.

23578 (f) Establish a system to determine the relative priority
23579 of grant applications. The system shall consider greenhouse gas
23580 reductions, energy savings and efficiencies, and proven
23581 technologies.

23582 (g) Establish requirements for competitive procurement of
23583 engineering and construction services, materials, and equipment.

23584 (h) Provide for termination of grants when program
23585 requirements are not met.

23586 (4) Each local government is limited to not more than two
23587 grant applications during each application period announced by
23588 the department ~~commission~~. However, a local government may not
23589 have more than three active projects expending grant funds



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23590 during any state fiscal year.

23591 (5) The department ~~commission~~ shall perform an adequate
23592 overview of each grant, which may include technical review, site
23593 inspections, disbursement approvals, and auditing to
23594 successfully implement this section.

23595 Section 521. Subsections (3) and (6) of section 403.44,
23596 Florida Statutes, are amended to read:

23597 403.44 Florida Climate Protection Act.—

23598 (3) The department may adopt rules for a cap-and-trade
23599 regulatory program to reduce greenhouse gas emissions from major
23600 emitters. When developing the rules, the department shall
23601 consult with the Department of Agriculture and Consumer Services
23602 ~~Florida Energy and Climate Commission~~ and the Florida Public
23603 Service Commission and may consult with the Governor's Action
23604 Team for Energy and Climate Change. The department shall not
23605 adopt rules until after January 1, 2010. The rules shall not
23606 become effective until ratified by the Legislature.

23607 (6) Recognizing that the international, national, and
23608 neighboring state policies and the science of climate change
23609 will evolve, prior to submitting the proposed rules to the
23610 Legislature for consideration, the department shall submit the
23611 proposed rules to the Department of Agriculture and Consumer
23612 Services ~~Florida Energy and Climate Commission~~, which shall
23613 review the proposed rules and submit a report to the Governor,
23614 the President of the Senate, the Speaker of the House of
23615 Representatives, and the department. The report shall address:

23616 (a) The overall cost-effectiveness of the proposed cap-and-
23617 trade system in combination with other policies and measures in
23618 meeting statewide targets.



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23619 (b) The administrative burden to the state of implementing,
23620 monitoring, and enforcing the program.

23621 (c) The administrative burden on entities covered under the
23622 cap.

23623 (d) The impacts on electricity prices for consumers.

23624 (e) The specific benefits to the state's economy for early
23625 adoption of a cap-and-trade system for greenhouse gases in the
23626 context of federal climate change legislation and the
23627 development of new international compacts.

23628 (f) The specific benefits to the state's economy associated
23629 with the creation and sale of emissions offsets from economic
23630 sectors outside of the emissions cap.

23631 (g) The potential effects on leakage if economic activity
23632 relocates out of the state.

23633 (h) The effectiveness of the combination of measures in
23634 meeting identified targets.

23635 (i) The economic implications for near-term periods of
23636 short-term and long-term targets specified in the overall
23637 policy.

23638 (j) The overall costs and benefits of a cap-and-trade
23639 system to the economy of the state.

23640 (k) The impacts on low-income consumers that result from
23641 energy price increases.

23642 (l) The consistency of the program with other state and
23643 possible federal efforts.

23644 (m) The evaluation of the conditions under which the state
23645 should consider linking its trading system to the systems of
23646 other states or other countries and how that might be affected
23647 by the potential inclusion in the rule of a safety valve.



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23648 (n) The timing and changes in the external environment,
23649 such as proposals by other states or implementation of a federal
23650 program that would spur reevaluation of the Florida program.

23651 (o) The conditions and options for eliminating the Florida
23652 program if a federal program were to supplant it.

23653 (p) The need for a regular reevaluation of the progress of
23654 other emitting regions of the country and of the world, and
23655 whether other regions are abating emissions in a commensurate
23656 manner.

23657 (q) The desirability of and possibilities of broadening the
23658 scope of the state's cap-and-trade system at a later date to
23659 include more emitting activities as well as sinks in Florida,
23660 the conditions that would need to be met to do so, and how the
23661 program would encourage these conditions to be met, including
23662 developing monitoring and measuring techniques for land use
23663 emissions and sinks, regulating sources upstream, and other
23664 considerations.

23665 Section 522. Section 526.207, Florida Statutes, is amended
23666 to read:

23667 526.207 Studies and reports.—

23668 (1) The Department of Agriculture and Consumer Services
23669 ~~Florida Energy and Climate Commission~~ shall conduct a study to
23670 evaluate and recommend the life-cycle greenhouse gas emissions
23671 associated with all renewable fuels, including, but not limited
23672 to, biodiesel, renewable diesel, biobutanol, and ethanol derived
23673 from any source. In addition, the department ~~commission~~ shall
23674 evaluate and recommend a requirement that all renewable fuels
23675 introduced into commerce in the state, as a result of the
23676 renewable fuel standard, shall reduce the life-cycle greenhouse



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23677 gas emissions by an average percentage. The department
23678 ~~commission~~ may also evaluate and recommend any benefits
23679 associated with the creation, banking, transfer, and sale of
23680 credits among fuel refiners, blenders, and importers.

23681 (2) The Department of Agriculture and Consumer Services
23682 ~~Florida Energy and Climate Commission~~ shall submit a report
23683 containing specific recommendations to the President of the
23684 Senate and the Speaker of the House of Representatives no later
23685 than December 31, 2010.

23686 Section 523. Subsection (3) of section 570.954, Florida
23687 Statutes, is amended to read:

23688 570.954 Farm-to-fuel initiative.-

23689 ~~(3) The department shall coordinate with and solicit the~~
23690 ~~expertise of the state energy office within the Department of~~
23691 ~~Environmental Protection when developing and implementing this~~
23692 ~~initiative.~~

23693 Section 524. Section 570.074, Florida Statutes, is amended
23694 to read:

23695 570.074 Department of Agriculture and Consumer Services;
23696 energy and water policy coordination.-The commissioner may
23697 create an Office of Energy and Water Coordination under the
23698 supervision of a senior manager exempt under s. 110.205 in the
23699 Senior Management Service. The commissioner may designate the
23700 bureaus and positions in the various organizational divisions of
23701 the department that report to this office relating to any matter
23702 over which the department has jurisdiction in matters relating
23703 to energy and water policy affecting agriculture, application of
23704 such policies, and coordination of such matters with state and
23705 federal agencies.



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23706 Section 525. Sections 1 and 2 of chapter 2010-282, Laws of
23707 Florida, are amended to read:

23708 Section 1. (1) As provided in this section and section 2, a
23709 portion of the total amount appropriated in this act shall be
23710 used ~~utilized~~ by the Department of Agriculture and Consumer
23711 Services ~~Florida Energy and Climate Commission~~ to pay rebates to
23712 eligible applicants who submit an application pursuant to the
23713 Florida ENERGY STAR Residential HVAC Rebate Program administered
23714 by the department ~~commission~~, as approved by the United States
23715 Department of Energy. An applicant is eligible for a rebate
23716 under this section if:

23717 (a) A complete application is submitted to the department
23718 ~~commission~~ on or before November 30, 2010.

23719 (b) The central air conditioner, air source heat pump, or
23720 geothermal heat pump system replacement for which the applicant
23721 is seeking a rebate was purchased from or contracted for
23722 purchase with a Florida-licensed contractor after August 29,
23723 2010, but before September 15, 2010, and fully installed prior
23724 to submission of the application for a rebate.

23725 (c) The department ~~commission~~ determines that the
23726 application complies with this section and any existing
23727 agreement with the United States Department of Energy governing
23728 the Florida ENERGY STAR Residential HVAC Rebate Program.

23729 (d) The applicant provides the following information to the
23730 department ~~commission~~ on or before November 30, 2010:

23731 1.a. A copy of the sales receipt indicating a date of
23732 purchase after August 29, 2010, but before September 15, 2010,
23733 with the make and model number identified and circled along with
23734 the name and address of the Florida-licensed contractor who



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23735 installed the system; or

23736 b. A copy of the contract for the purchase and installation
23737 of the system indicating a contract date after August 29, 2010,
23738 but before September 15, 2010, and a copy of the sales receipt
23739 indicating a date of purchase after August 29, 2010, but on or
23740 before November 30, 2010, with the make and model number
23741 identified and circled along with the name and address of the
23742 Florida-licensed contractor who installed the system.

23743 2. A copy of the mechanical building permit issued by the
23744 county or municipality and pulled by the Florida-licensed
23745 contractor who installed the system for the residence.

23746 3. A copy of the Air Distribution System Test Report
23747 results from a Florida-certified Class 1 energy gauge rater, a
23748 Florida-licensed mechanical contractor, or a recognized test and
23749 balance agent. The results from the test must indicate the home
23750 has no more than 15 percent leakage to the outside as measured
23751 by 0.10 Qn.out or less.

23752 4. A copy of the summary of the Manual J program completed
23753 for the residence to indicate that the proper methodology for
23754 sizing the new system was completed.

23755 (2) The Department of Agriculture and Consumer Services
23756 ~~Florida Energy and Climate Commission~~ shall pay a \$1,500 rebate
23757 to each consumer who submits an application pursuant to the
23758 Florida ENERGY STAR Residential HVAC Rebate Program if the
23759 application is approved by the department ~~commission~~ in
23760 accordance with this act. The department ~~commission~~ shall pay
23761 all rebates authorized in this section prior to paying any
23762 rebates authorized in section 2.

23763 Section 2. Notwithstanding s. 377.806(6), Florida Statutes,



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23764 the Department of Agriculture and Consumer Services ~~Florida~~
23765 ~~Energy and Climate Commission~~ shall utilize up to \$28,902,623,
23766 less any amount in excess of \$2,467,244 used to pay rebates
23767 pursuant to section 1, to pay a percentage of each unpaid and
23768 approved rebate application submitted pursuant to the Solar
23769 Energy System Incentives Program established in s. 377.806,
23770 Florida Statutes. An applicant is eligible for a rebate under
23771 this section if the application submitted complies with s.
23772 377.806, Florida Statutes. The percentage of each approved
23773 rebate to be paid shall be derived by dividing the remaining
23774 appropriation by the total dollar value of the backlog of final
23775 approved solar rebates, pursuant to the authorized limits
23776 provided in s. 377.806, Florida Statutes.

23777 Section 526. Subsections (5), (11), (12), and (13) of
23778 section 1004.648, Florida Statutes, are amended to read:

23779 1004.648 Florida Energy Systems Consortium.—

23780 (5) The director, whose office is ~~shall be~~ located at the
23781 University of Florida, shall report to the Department of
23782 Agriculture and Consumer Services ~~Florida Energy and Climate~~
23783 ~~Commission created pursuant to s. 377.6015.~~

23784 (11) The oversight board, in consultation with the
23785 Department of Agriculture and Consumer Services ~~Florida Energy~~
23786 ~~and Climate Commission~~, shall ensure that the consortium:

23787 (a) Maintains accurate records of any funds received by the
23788 consortium.

23789 (b) Meets financial and technical performance expectations,
23790 which may include external technical reviews as required.

23791 (12) The steering committee shall consist of the university
23792 representatives included in the Centers of Excellence proposals



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23793 for the Florida Energy Systems Consortium and the Center of
23794 Excellence in Ocean Energy Technology-Phase II which were
23795 reviewed during the 2007-2008 fiscal year by the Florida
23796 Technology, Research, and Scholarship Board created in s.
23797 1004.226(4); a university representative appointed by the
23798 President of Florida International University; and a
23799 representative of the Department of Agriculture and Consumer
23800 Services Florida Energy and Climate Commission. The steering
23801 committee is shall be responsible for establishing and ensuring
23802 the success of the consortium's mission under subsection (9).

23803 (13) By November 1 of each year, the consortium shall
23804 submit an annual report to the Governor, the President of the
23805 Senate, the Speaker of the House of Representatives, and the
23806 Department of Agriculture and Consumer Services Florida Energy
23807 and Climate Commission regarding its activities, including, but
23808 not limited to, education and research related to, and the
23809 development and deployment of, alternative energy technologies.

23810 Section 527. For the 2011-2012 fiscal year only,
23811 notwithstanding s. 216.181(2)(b), Florida Statutes, the
23812 Department of Agriculture may submit an amendment to the
23813 Legislative Budget Commission for increased budget authority for
23814 a fixed capital outlay appropriation for federal energy grants.
23815 Any such amendment is subject to the review and notice
23816 procedures provided in s. 216.177, Florida Statutes.

23817 Section 528. This act shall take effect July 1, 2011.

23818
23819 ===== T I T L E A M E N D M E N T =====

23820 And the title is amended as follows:

23821 Delete everything before the enacting clause



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23822 and insert:

23823 A bill to be entitled
23824 An act relating to governmental reorganization;
23825 transferring the functions and trust funds of the
23826 Agency for Workforce Innovation to other agencies;
23827 transferring the Office of Early Learning to the
23828 Department of Education; transferring the Office of
23829 Unemployment Compensation to the Department of
23830 Economic Opportunity; transferring the Unemployment
23831 Appeals Commission to the Department of Economic
23832 Opportunity; transferring the Office of Workforce
23833 Services to the Department of Economic Opportunity;
23834 requiring the Auditor General to conduct an audit of
23835 the Office of Early Learning; transferring the
23836 functions and trust funds of the Department of
23837 Community Affairs to other agencies; transferring the
23838 Florida Housing Finance Corporation to the Department
23839 of Economic Opportunity; transferring the Division of
23840 Housing and Community Development to the Department of
23841 Economic Opportunity; transferring the Division of
23842 Community Planning to the Department of Economic
23843 Opportunity; transferring the Division of Emergency
23844 Management to the Executive Office of the Governor;
23845 transferring the Florida Building Commission to the
23846 Department of Business and Professional Regulation;
23847 transferring the responsibilities under the Florida
23848 Communities Trust to the Department of Environmental
23849 Protection; transferring the responsibilities under
23850 the Stan Mayfield Working Waterfronts Program to the



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23851 Department of Environmental Protection; transferring
23852 functions and trust funds of the Office of Tourism,
23853 Trade, and Economic Development in the Executive
23854 Office of the Governor to the Department of Economic
23855 Opportunity; transferring the Ready to Work program to
23856 the Department of Education; providing legislative
23857 intent with respect to the transfer of programs and
23858 administrative responsibilities; providing for a
23859 transition period; providing for coordination between
23860 the Agency for Workforce Innovation, the Department of
23861 Community Affairs, the Department of Education, and
23862 the Office of Tourism, Trade, and Economic Development
23863 and other state agencies to implement the transition;
23864 requiring that the Governor appoint a representative
23865 to coordinate the transition plan; requiring that the
23866 Governor submit information and obtain waivers as
23867 required by federal law; authorizing the Governor to
23868 transfer funds and positions between agencies upon
23869 approval from the Legislative Budget Commission to
23870 implement the act; directing the nonprofit entities to
23871 enter into a plan for merger; transitioning the
23872 Florida Tourism Marketing Corporation d/b/a VISIT
23873 Florida to Enterprise Florida, Inc.; providing
23874 legislative intent with respect to the merger of
23875 Enterprise Florida, Inc., the Florida Sports
23876 Foundation Incorporated, and the Florida Black
23877 Business Investment Board, Inc., into, and the
23878 transition of the Florida Tourism Industry Marketing
23879 Corporation d/b/a VISIT Florida to, Enterprise



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23880 Florida, Inc.; providing for a transition period;
23881 requiring that the Governor appoint a representative
23882 to coordinate the transition plan; providing for the
23883 transfer of any funds held in trust by the entities to
23884 be transferred to Enterprise Florida, Inc., to be used
23885 for the funds' original purposes; requiring that the
23886 Governor submit information and obtain waivers as
23887 required by federal law; requiring the Department of
23888 Economic Opportunity to submit a business plan by
23889 September 1, 2011; specifying report details;
23890 requiring the Department of Economic Opportunity to
23891 submit a report on streamlining economic development
23892 and workforce functions by January 1, 2012; requiring
23893 a review of the Department of Economic Opportunity by
23894 July 1, 2016; specifying the details of the review;
23895 providing a directive to the Division of Statutory
23896 Revision to assist substantive committees to prepare
23897 conforming legislation; creating s. 14.2016, F.S.;
23898 establishing the Division of Emergency Management as a
23899 separate budget entity within the Executive Office of
23900 the Governor; providing for the director of the
23901 division to serve at the pleasure of the Governor;
23902 amending s. 20.15, F.S.; establishing the Office of
23903 Early Learning as a separate budget entity within the
23904 Department of Education; providing for the office to
23905 administer the school readiness system and the
23906 Voluntary Prekindergarten Education Program; providing
23907 for the director of the office to serve at the
23908 pleasure of the Governor; creating s. 20.60, F.S.;



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23909 creating the Department of Economic Opportunity as a
23910 new department of state government; providing for the
23911 executive director of the Department of Economic
23912 Opportunity to be appointed by the Governor and
23913 confirmed by the Senate; establishing divisions of the
23914 Department of Economic Opportunity and specifying
23915 their responsibilities; providing for the Department
23916 of Economic Opportunity to serve as the designated
23917 agency for the purposes of federal workforce
23918 development grants; authorizing the Department of
23919 Economic Opportunity to contract for training for
23920 employees of administrative entities and case managers
23921 of contracted providers; specifying that the
23922 Unemployment Appeals Commission is not subject to
23923 control, supervision, or direction from the Department
23924 of Economic Opportunity; specifying the
23925 responsibilities of the executive director of the
23926 Department of Economic Opportunity; requiring an
23927 annual report on the business climate and economic
23928 development in the state; requiring the Department of
23929 Economic Opportunity to establish annual performance
23930 standards for public-private partnerships; providing
23931 for the Department of Economic Opportunity to have an
23932 official seal; providing for the Department of
23933 Economic Opportunity to administer the role of state
23934 government with respect to laws relating to housing;
23935 amending s. 14.32, F.S.; specifying powers and
23936 responsibilities of the Chief Inspector General in the
23937 Executive Office of the Governor with respect to



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23938 public-private partnerships; amending s. 201.15, F.S;
23939 revising the distribution of excise taxes on
23940 documents; providing for specified distributions of
23941 funds to the State Economic Enhancement and
23942 Development Trust Fund in the Department of Economic
23943 Opportunity; amending s. 215.559, F.S.; providing for
23944 the Hurricane Loss Mitigation Program to be housed
23945 within the Division of Emergency Management; extending
23946 the repeal date of the program; deleting an obsolete
23947 provision relating to the use of funds for programs to
23948 retrofit certain existing hurricane shelters; creating
23949 s. 288.005, F.S.; defining the terms "economic
23950 benefits," "department," and "executive director";
23951 amending s. 288.061, F.S.; providing for the
23952 Department of Economic Opportunity and Enterprise
23953 Florida, Inc., to review applications for state
23954 economic development incentives; reducing the review
23955 and approval period to 10 business days; authorizing
23956 the Department of Economic Opportunity to enter into
23957 an agreement with an applicant relating to all
23958 incentives offered by the state; amending s. 288.095,
23959 F.S.; providing for the Department of Economic
23960 Opportunity to approve applications for certification
23961 or requests for participation in certain economic
23962 development programs; amending s. 288.1081, F.S.;
23963 providing for the Economic Gardening Business Loan
23964 Pilot Program to be administered by the Department of
23965 Economic Opportunity; amending s. 288.1082, F.S.;
23966 providing for the Economic Gardening Technical



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23967 Assistance Pilot Program to be administered by the
23968 Department of Economic Opportunity; amending s.
23969 288.901, F.S.; creating Enterprise Florida, Inc., as a
23970 nonprofit corporation; specifying that Enterprise
23971 Florida, Inc., is subject to the provisions of chs.
23972 119 and 286, F.S.; specifying that the board of
23973 directors of Enterprise Florida, Inc., is subject to
23974 certain requirements in ch. 112, F.S.; specifying the
23975 purposes of Enterprise Florida, Inc.; creating the
23976 board of directors for Enterprise Florida, Inc.;
23977 naming the Governor as chair of the board of
23978 directors; specifying appointment procedures, terms of
23979 office, selecting a vice chairperson, filling
23980 vacancies, and removing board members; providing for
23981 the appointment of at-large members to the board of
23982 directors; specifying terms; allowing the at-large
23983 members to make contributions to Enterprise Florida,
23984 Inc.; specifying ex officio, nonvoting members of the
23985 board of directors; specifying that members of the
23986 board of directors serve without compensation, but are
23987 entitled to reimbursement for all reasonable,
23988 necessary, and actual expenses as determined by the
23989 board of directors; amending s. 288.9015, F.S.;
23990 specifying the powers of Enterprise Florida, Inc., and
23991 the board of directors; authorizing liberal
23992 construction of the statutory powers of Enterprise
23993 Florida, Inc.; prohibiting Enterprise Florida, Inc.,
23994 from pledging the full faith and credit of the state;
23995 allowing Enterprise Florida, Inc., to indemnify,



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23996 purchase, and maintain insurance on its board members,
23997 officers, and employees; amending s. 288.903, F.S.;
23998 specifying the duties of Enterprise Florida, Inc.;
23999 amending s. 288.904, F.S.; providing for legislative
24000 appropriations; requiring a private match equal to at
24001 least 100 percent of the appropriation of public
24002 funds; specifying potential sources of private
24003 funding; requiring a one-to-one match for private to
24004 public contributions for marketing and advertising
24005 activities; directing the board of directors to
24006 develop annual budgets; providing for Enterprise
24007 Florida, Inc., to enter into an agreement with the
24008 Department of Economic Opportunity; requiring
24009 performance measures; requiring review of the
24010 activities of Enterprise Florida, Inc., as a return on
24011 the public's financial investment; amending s.
24012 288.905, F.S.; directing the board of directors of
24013 Enterprise Florida, Inc., to hire a president, who
24014 serves at the pleasure of the Governor; specifying
24015 that the president also be known as the "Secretary of
24016 Commerce"; defining the president's role and
24017 responsibilities; forbidding an employee of Enterprise
24018 Florida, Inc., from earning more than the Governor,
24019 but providing for the granting of performance-based
24020 incentive payments to employees which may increase
24021 their total compensation in excess of the Governor's;
24022 amending s. 288.906, F.S.; requiring Enterprise
24023 Florida, Inc., to prepare an annual report by December
24024 1 of each year; specifying the content of the annual



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24025 report; creating s. 288.907, F.S.; requiring
24026 Enterprise Florida, Inc., to create an annual
24027 incentives report; specifying the required components
24028 of the report; creating s. 288.912, F.S.; requiring
24029 that certain counties and municipalities annually
24030 provide to the partnership an overview of certain
24031 local economic development activities; creating s.
24032 288.92, F.S.; authorizing Enterprise Florida, Inc., to
24033 create divisions; requiring certain divisions;
24034 providing for hiring of staff; creating s. 288.923,
24035 F.S.; creating the Division of Tourism Marketing;
24036 providing definitions; requiring Enterprise Florida,
24037 Inc., to contract with the Florida Tourism Industry
24038 Marketing Corporation; specifying the division's
24039 responsibilities and duties, including a 4-year
24040 marketing plan; requiring an annual report; amending
24041 s. 288.1226, F.S.; establishing the Florida Tourism
24042 Marketing Corporation as a direct-support organization
24043 of Enterprise Florida, Inc.; establishing the
24044 membership of the board of directors of the
24045 corporation; establishing the membership of the board
24046 of directors of the corporation; making changes to
24047 conform to the act; amending s. 409.942, F.S.;
24048 deleting requirements that Workforce Florida, Inc.,
24049 establish an electronic transfer benefit program;
24050 amending s. 411.0102, F.S.; requiring each
24051 participating early learning coalition board to
24052 develop a plan for the use of child care purchasing
24053 pool funds; amending ss. 11.40, 11.45, 14.20195,



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24054 15.182, 16.615, 17.61, 20.181, 39.001, 45.031, 69.041,
24055 112.63, 112.665, 112.3135, 119.071, 120.54, 120.80,
24056 125.045, 159.803, 159.8081, 159.8083, 159.809,
24057 161.142, 161.54, 163.3164, 166.021, 171.204, 175.021,
24058 186.504, 186.505, 189.403, 189.412, 189.413, 189.425,
24059 189.427, 189.4034, 190.009, 190.047, 191.009, 191.015,
24060 202.037, 212.08, 212.096, 212.097, 212.098, 212.20,
24061 213.053, 215.5588, 216.136, 216.292, 216.231, 218.32,
24062 218.37, 218.64, 220.03, 220.181, 220.182, 220.183,
24063 220.1895, 220.1896, 220.1899, 220.191, 222.15, 250.06,
24064 252.34, 252.35, 252.355, 252.371, 252.373, 252.55,
24065 252.60, 252.61, 252.82, 252.83, 252.85, 252.86,
24066 252.87, 252.88, 252.936, 252.937, 252.943, 252.946,
24067 255.042, 255.099, 258.004, 259.035, 259.105, 260.0142,
24068 267.0625, 272.11, 282.34, 282.709, 287.0931, 287.0943,
24069 287.09451, 287.0947, 288.012, 288.017, 288.018,
24070 288.019, 288.021, 288.0251, 288.035, 288.037, 288.041,
24071 288.047, 288.063, 288.065, 288.0655, 288.0656,
24072 288.06561, 288.0657, 288.0658, 288.0659, 288.075,
24073 288.1045, 288.106, 288.107, 288.108, 288.1083,
24074 288.1088, 288.1089, 288.109, 288.1095, 288.1162,
24075 288.11621, 288.1168, 288.1169, 288.1171, 288.1175,
24076 288.122, 288.12265, 288.124, 288.1251, 288.1252,
24077 288.1253, 288.1254, 288.7015, 288.703, 288.705,
24078 288.706, 288.7094, 288.7102, 288.714, 288.773,
24079 288.774, 288.776, 288.7771, 288.816, 288.809,
24080 288.8175, 288.826, 288.95155, 288.955, 288.9604,
24081 288.9605, 288.9606, 288.9624, 288.9625, 288.975,
24082 288.980, 288.984, 288.9913, 288.9914, 288.9916,



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24083 288.9917, 288.9918, 288.9919, 288.9920, 288.9921,
24084 290.004, 290.0055, 290.0056, 290.0058, 290.0065,
24085 290.0066, 290.00710, 290.0072, 290.00725, 290.0073,
24086 290.0074, 290.0077, 290.014, 290.4042, 290.043,
24087 290.044, 290.046, 290.047, 290.048, 290.0491, 290.053,
24088 290.06561, 310.0015, 311.09, 311.105, 327.803, 311.11,
24089 311.115, 311.22, 320.08058, 320.63, 331.3051,
24090 331.3081, 332.115, 333.065, 339.135, 339.175, 342.201,
24091 369.303, 369.318, 369.321, 369.322, 369.323, 369.324,
24092 373.199, 373.4149, 373.453, 375.021, 376.60, 376.86,
24093 377.809, 378.411, 379.2291, 380.031, 380.06, 380.061,
24094 380.0677, 380.285, 380.503, 380.504, 380.5115,
24095 381.0054, 381.0086, 381.0303, 381.7354, 383.14,
24096 393.067, 395.1055, 395.1056, 397.321, 397.801, 400.23,
24097 400.497, 400.506, 400.605, 400.935, 400.967, 401.245,
24098 402.281, 402.45, 402.56, 403.0752, 403.42, 403.507,
24099 403.508, 403.524, 403.526, 403.527, 403.757, 403.7032,
24100 403.941, 403.9411, 403.973, 404.056, 404.0617,
24101 409.017, 409.1451, 409.2576, 409.508, 409.509,
24102 410.502, 411.01, 411.0101, 411.01013, 411.01014,
24103 411.01015, 411.0103, 411.0104, 411.0105, 411.0106,
24104 411.011, 411.226, 411.227, 414.24, 414.40, 414.295,
24105 414.411, 418.12, 420.0003, 420.0004, 420.0005,
24106 420.101, 420.111, 420.36, 420.424, 420.503, 420.504,
24107 420.506, 420.5095, 420.602, 402.609, 420.622, 420.631,
24108 420.635, 421.001, 422.001, 423.001, 427.012, 429.41,
24109 429.907, 429.929, 440.12, 440.15, 440.45, 422.001,
24110 473.3065, 440.381, 443.012, 443.036, 443.041, 443.051,
24111 443.071, 443.091, 443.101, 443.111, 443.1113,



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24112 443.1115, 443.1116, 443.1215, 443.1216, 443.1217,
24113 443.131, 443.1312, 443.1313, 443.1315, 443.1316,
24114 443.1317, 443.141, 443.151, 443.163, 443.171,
24115 443.1715, 443.181, 443.191, 443.211, 443.221, 445.002,
24116 445.003, 445.004, 445.007, 445.009, 445.016, 445.024,
24117 445.0325, 445.038, 445.045, 445.048, 445.049, 445.051,
24118 445.056, 450.261, 446.41, 446.50, 446.52, 448.109,
24119 448.110, 450.161, 450.191, 450.31, 468.529, 489.103,
24120 489.109, 489.509, 497.271, 526.144, 551.104, 553.36,
24121 553.382, 553.512, 553.71, 553.721, 553.74, 553.841,
24122 553.896, 553.901, 553.9085, 553.954, 553.955, 553.973,
24123 553.992, 553.995, 570.71, 570.96, 597.006, 604.006,
24124 624.5105, 625.3255, 627.0628, 627.0629, 627.3511,
24125 641.217, 657.042, 658.67, 720.403, 720.404, 720.406,
24126 760.854, 768.13, 943.03101, 943.0311, 943.0313,
24127 944.801, 945.10, 985.601, 1002.375, 1002.53, 1002.55,
24128 1002.61, 1002.63, 1002.67, 1002.69, 1002.71, 1002.72,
24129 1002.77, 1002.79, 1002.75, 1003.491, 1003.492,
24130 1003.493, 1003.575, 1003.4285, 1004.226, 1004.435,
24131 1004.46, 1008.39, 1008.41, 1011.76, 1012.2251,
24132 1013.37, 1013.372, and 1013.74, F.S.; conforming
24133 provisions to changes made by the act; conforming
24134 cross-references; deleting obsolete provisions;
24135 amending s. 288.012, F.S.; creating the state protocol
24136 officer; amending s. 411.01, F.S.; providing that the
24137 Department of Education provides preservation of
24138 parental choice; amending s. 1002.67, F.S.; providing
24139 for private prekindergarten providers or public
24140 schools that are on probation to use a staff



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24141 development plan to strengthen instruction in language
24142 development and phonological awareness approved by the
24143 department; transferring, renumbering, and amending
24144 ss. 20.505 and 1004.99, F.S.; conforming provisions to
24145 changes made by the act; repealing s. 14.2015, F.S.,
24146 relating to the creation of the Office of Tourism,
24147 Trade, and Economic Development; repealing s. 20.18,
24148 F.S., relating to the creation of the Department of
24149 Community Affairs; repealing s. 20.50, F.S., relating
24150 to the creation of the Agency for Workforce
24151 Innovation; repealing 23.22(2), F.S., to conform a
24152 cross-reference; repealing 165.031(6), F.S., which
24153 includes the Department of Community Affairs in a
24154 definition; repealing 165.093, F.S., relating to the
24155 directing of all state and local agencies to cooperate
24156 in administering ch. 165, F.S.; repealing ss. 216.235,
24157 216.236, 216.237, and 216.238, F.S., relating to the
24158 Innovation Investment Program, the selection of review
24159 boards to evaluate innovative investment projects, the
24160 appointment of the State Innovation Committee and
24161 approval of such projects, the funding, recordkeeping,
24162 and reporting for such projects, the establishment by
24163 state agencies of internal innovations funds, and the
24164 adoption of rules by the Department of Management
24165 Services for the program; repealing s. 287.115, F.S.,
24166 relating to a requirement for the Chief Financial
24167 Officer to submit a report on contractual service
24168 contracts disallowed; repealing ss. 288.1221,
24169 288.1222, 288.1223, 288.1224, 288.1227, and 288.1229,



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24170 F.S., relating to the Florida Commission on Tourism
24171 and the Florida Tourism Industry Marketing
24172 Corporation; repealing s. 184 288.7011, F.S., relating
24173 to contracts between the Office of Tourism, Trade, and
24174 Economic Development and a certain nonprofit statewide
24175 development corporation; repealing ss. 288.7065,
24176 288.707, 288.708, 288.709, 288.7091, and 288.712,
24177 F.S., relating to the Black Business Investment Board;
24178 repealing s. 288.12295, F.S., relating to a public-
24179 records exemption for donors for a direct-support
24180 organization on promotion and development of sports-
24181 related industries and amateur athletics; repealing s.
24182 288.90151, F.S., relating to return on investment from
24183 activities of Enterprise Florida, Inc.; repealing s.
24184 288.9415, F.S., relating to Enterprise Florida, Inc.,
24185 and international trade grants; repealing ss. 409.944,
24186 409.945, and 409.946, F.S., relating to the Inner City
24187 Redevelopment Assistance Grants Program, eligibility
24188 criteria for the program, and the membership of the
24189 Inner City Redevelopment Review Panel; repealing s.
24190 943.402, F.S., relating to transfer of the criminal
24191 justice program of the Department of Community Affairs
24192 to the Department of Law Enforcement; repealing s. 42,
24193 ch. 2005-71, and s. 1, ch. 2005-261, Laws of Florida,
24194 relating to the authorization for funding certain
24195 dredging projects, to delete obsolete provisions;
24196 amending s. 220.191, F.S.; waiving the requirement
24197 that a facility located in a Disproportionally
24198 Affected County be in a high-impact sector in order to



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24199 qualify for the capital investment tax credit;
24200 amending s. 288.106, F.S.; creating a process for the
24201 Department of Economic Opportunity to waive wage or
24202 local financial support eligibility requirements;
24203 providing a special incentive under the tax refund
24204 program for a limited time for a qualified target
24205 industry business that relocates from another state to
24206 a Disproportionally Affected County; creating s.
24207 252.363, F.S.; tolling and extending the expiration
24208 dates of certain building permits or other
24209 authorizations following the declaration of a state of
24210 emergency by the Governor; providing exceptions;
24211 providing for the laws, administrative rules, and
24212 ordinances in effect when the permit was issued to
24213 apply to activities described in a permit or other
24214 authorization; providing an exception; amending s.
24215 253.02, F.S.; requiring the Board of Trustees of the
24216 Internal Improvement Trust Fund to recommend to the
24217 Legislature whether existing multistate compacts for
24218 mutual aid should be modified or if a new multistate
24219 compact is necessary to address the Deepwater Horizon
24220 event or similar future incidents; requiring that the
24221 Board of Trustees of the Internal Improvement Trust
24222 Fund appoint members to the Commission on Oil Spill
24223 Response Coordination; providing for the designation
24224 of the chair of the commission by the Governor;
24225 requiring the commission to prepare a report for
24226 review and approval by the board of trustees;
24227 specifying the subject matter of the report; providing



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24228 for future expiration; defining the term
24229 "Disproportionally Affected County"; creating a
24230 process for the Department of Economic Opportunity to
24231 waive any or all job or wage eligibility requirements
24232 under certain circumstances when in the best interest
24233 of the public; defining the term "Disproportionally
24234 Affected County"; providing an appropriation to the
24235 Department of Economic Opportunity to contract with
24236 the Office of Economic Development and Engagement
24237 within the University of West Florida in order to
24238 develop and implement an economic development program
24239 for a Disproportionally Affected County; specifying a
24240 preference for a Disproportionally Affected County or
24241 municipalities within a Disproportionally Affected
24242 County which provide for expedited or combined
24243 permitting for certain purposes; providing for the
24244 appropriation to be placed in reserve by the Executive
24245 Office of the Governor for release as authorized by
24246 law or the Legislative Budget Commission; defining the
24247 term "Disproportionally Affected County"; providing
24248 for the deposit of funds received by entities involved
24249 in the Deepwater Horizon oil spill into applicable
24250 state trust funds; specifying permissible uses of such
24251 funds; designating the Department of Environmental
24252 Protection as the lead agency for expending funds for
24253 environmental restoration; designating the Department
24254 of Economic Opportunity as the lead agency for funds
24255 designated for economic incentives and diversification
24256 efforts; providing for a type two transfer of the



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24257 Florida Energy and Climate Commission within the
24258 Executive Office of the Governor to the Department of
24259 Agriculture and Consumer Services; amending ss.
24260 220.192, 288.9607, 366.82, 366.92, 377.6015, 377.602,
24261 377.603, 377.604, 377.605, 377.606, 377.608, F.S.;
24262 eliminating the Florida Energy and Climate Commission
24263 and transferring its duties to the Department of
24264 Agriculture and Consumer Services; conforming
24265 provisions to changes made by the act; amending s.
24266 377.701; transferring the duties of petroleum
24267 allocation from the Florida Energy and Climate
24268 Commission to the Division of Emergency Management;
24269 amending s. 377.703; conforming provisions to changes
24270 made by the act; transferring energy emergency
24271 contingency plans to the Division of Emergency
24272 Management; providing that the Department of
24273 Management Services shall coordinate the energy
24274 conservation programs of all state agencies;
24275 transferring administration of the Coastal Energy
24276 Impact Program to the Department of Environmental
24277 Protection; amending ss. 377.711, 377.801, 377.803,
24278 377.804, 377.806, 377.807, 377.808, 403.44, 526.207,
24279 570.954, and 1004.648, F.S; conforming provisions to
24280 changes made by the act; amending s. 570.074, F.S.;
24281 providing for the creation of the Office of Energy and
24282 Water within the Department of Agriculture and
24283 Consumer Services; amending chapter 2010-282, Laws of
24284 Florida; conforming provisions to changes made by the
24285 act; authorizing the Department of Agriculture and



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24286 Consumer Services to submit a budget amendment for a
24287 fixed capital outlay appropriation for federal energy
24288 grants; providing an effective date.